STATES OF JERSEY

DRAFT PROTECTED DISCLOSURE (PROTECTION OF WHISTLEBLOWERS) (JERSEY) LAW 202-: REPORT

Presented to the States on 16th March 2026
by the Minister for Social Security

STATES GREFFE

REPORT

Introduction

On 18 June 2025 the Jersey Employment Forum published its Report and Recommendations on the introduction of a statutory Public Interest Disclosure Regime in Jersey[1]. The Forum was tasked with the project following the agreement in June 2023 of the States Assembly to the introduction of whistleblowing legislation[2]. The Minister for Social Security accepted the Forum's recommendations and requested law drafting to give effect to those recommendations[3].

The Minister has presented the draft Whistleblowing Law as a Report to the States Assembly, to enable interested parties to consider the draft Law in advance of any decision by the new Government to progress the draft Law.

Background

As the Forum pointed out in its Report, statutory whistleblowing protections are in force in many jurisdictions. Closer to home – in the Common Travel Area – the UK, the Republic of Ireland and the Isle of Man have varying degrees of statutory protection for whistleblowers. Guernsey has none.

There also appears, as the Forum identified, to be an increasing appetite internationally for effective protections to be provided for employees who blow the whistle, and a core set of principles by which such protections are defined and legislated for.

The intention of the Minister is to create for Jersey a straightforward and uncomplicated statutory whistleblowing process as a first step. The annex to this Written Report describes in more detail the proposed end-to-end process, including an explanation of the main statutory provisions. The outgoing Minister welcomes feedback on the draft Law and the proposed definitions and processes. This is not a formal consultation exercise, but the Minister wishes to give interested parties the opportunity to comment on the draft Law. If they wish, they are welcome to do so at **whistleblowinglaw@gov.je**

Any comments will be collated over the next few months for review by the incoming Minister in July. The draft law is designed as a starting point, creating the necessary roles and functions needed in any whistleblowing legal process.

Whistleblowing protection in some jurisdictions extends beyond what is proposed here. The consultation period provides an opportunity for stakeholders to put forward any additional measures that they consider should be included at this stage, or areas where they would like to see development in future years. At this stage, the annex includes details of one additional area that is not covered in the current draft Law, but which could be added.

[1] Employment Forum report and recommendation on the introduction of a public interest disclosure law in Jersey.pdf
[2] States Assembly | P.47/2023 Amd.
[3] R-107-2025.pdf

In due course guidance will be published on the operation of the new Law, should it be agreed to by the States Assembly, for the benefit of employees and employers.

The draft Law contains within it a flowchart, which sets out the process by which employees, employers, statutory bodies and receivers of protected disclosures can assess whether a whistleblowing complaint complies with the whistleblowing legislation.

Importantly, the draft Law does not require an employer, an organisation or a statutory body to maintain a whistleblowing policy. The Minister considers that the most appropriate approach is for organisations to develop internal processes for the receipt and resolution of whistleblowing complaints, which best reflect the principles of good employment relations, and for those processes to work in tandem with the statutory scheme provided for in this draft Law. Some statutory bodies in Jersey already operate internal whistleblowing policies. The Forum's Report sets out some examples in more detail.

Financial and staffing implications

The introduction of this draft Law may lead to an increase in the number of complaints to the Tribunal of breaches of it, but the overall effect is likely to be negligible. Otherwise, there are no financial or staffing implications arising from this Report.

Children's Rights Impact Assessment and ECHR review

A Children's Rights Impact Assessment screening exercise and a human rights review have been completed. Neither give rise to any issues in the current version of the draft Law.

Re-issue Note

This report has been re-issued to include the Appendix of the Draft Law.

Annex – The proposed whistleblowing process explained

Introduction

This draft Law creates statutory legal protection for individuals who blow the whistle and suffer retaliation in some form as a result. The protection also extends to people who help whistleblowers and those who express an intention to become a whistleblower. To create a workable Law, a number of terms are given a specific meaning within the Law. Each of these terms is explained below.

Whistleblowing can occur in many different situations. The draft Law does not cover all of them. It is mainly concerned with the protection of employees, although the protection does extend to other people who are associated with an employee. The scope of the Law is also explained below. It will cover employees in both the private and public sectors.

"Wrongdoing" -What can someone blow the whistle about?

Article 2 of the draft Law sets out the definition of the types of "wrongdoing" about which a whistleblower can make a protected disclosure (the more formal term for blowing the whistle).

The activities listed include the commission of a criminal offence, a failure to comply with the law (which could be a breach of health and safety or data protection legislation), and environmental damage. The draft Law does not extend to internal employment disputes and grievances, for which separate processes and remedies are already available in the Employment Law.

The draft Law also says that it does not matter whether the wrongdoing takes place in or outside Jersey – a whistleblower can be covered in either case.

There is no time limit to blowing the whistle on wrongdoing. The wrongdoing may have happened in the past, be happening now, or be planned.

The draft Law contains a Regulation-making power for the States to expand or amend the criteria of "wrongdoing".

"Discloser" - Who can be a whistleblower under the law?

Article 3 of the draft Law sets out in a table the types of people who can be a whistleblower. The draft Law uses the terms "**discloser**" to describe the whistleblower and "**subject**" to describe the individual or body whose wrongdoing the disclosure is about.

A discloser can be:

- An employee blowing the whistle on their employer
- Police officers are not included as employees under the Jersey Employment Law, but they will be able to claim protection as a whistleblower under this Law in respect of their work for the States of Jersey Police

- A worker blowing the whistle in respect of a person or body that the worker is working for, or providing a service to, under a contract between the worker's employer and that person or body. For example, a cleaner is employed by a cleaning company. The cleaning company has a contract to clean the offices of X Ltd. The cleaner can blow the whistle if they know or suspect there has been wrongdoing by X Ltd.

The draft Law contains a Regulation-making power for the States to expand or amend the list of those who can be a whistleblower.

"Protected disclosure" - What does an individual have to do to start the process of blowing the whistle?

The draft Law introduces the term "**protected disclosure**" to describe the act of whistleblowing. Article 3 of the draft Law explains how, and in what circumstances, a protected disclosure can be made. The draft Law sets out what must be included in a protected disclosure and to whom it must be made.

The person or body that receives the protected disclosure is called a **"receiver".**

The protected disclosure must include:

(i) details of the subject (the body or organisation complained of);
(ii) details of the wrongdoing;
(iii) the grounds for the discloser's reasonable belief that there is, has been, or might be that wrongdoing;
(iv) the grounds for the discloser's reasonable belief that disclosure is in the public interest; and
(v) confirmation that the discloser has not made the disclosure for financial gain.

The protected disclosure must first be made to one of the following receivers:

1) the subject, in respect of whom the disclosure is made;
2) an elected States Member (in their capacity other than as a Minister);
3) Comptroller and Auditor General;
4) Office of the Financial Services Ombudsman;
5) Jersey Financial Services Commission;
6) Health and Social Care Commission;
7) Commissioner for Children and Young People;
8) Information Commission;
9) Commissioner for Standards;
10) Jersey Charity Commissioner.

If the subject of the disclosure is one of the people or bodies included in this list, then the draft Law also provides for a disclosure to be made to an alternative person or body. The details of those alternatives are set out in Schedule 2 of the draft Law.

If one of the alternative persons or bodies has a responsibility under legislation for the wrongdoing to which the protected disclosure relates, that alternative person or body can be the receiver of the disclosure.

The draft Law provides for the possibility of making a subsequent protected disclosure to the media. A claim for protection under this Law for making a protected disclosure to the media will impose a higher bar on the discloser. In addition to satisfying the normal criteria the discloser must first have made a substantially similar disclosure to either the subject or another entity set out in Schedule 2.

What must a receiver do with a protected disclosure?

Article 4 of the draft Law sets out the duties of a receiver. These are:

(1) The receiver must provide written notice to the discloser of the date the protected disclosure was received.
(2) If the protected disclosure is made orally, the written notice must include a summary of the receiver's understanding of the protected disclosure.
(3) A receiver must take reasonable steps to keep confidential information that might identify the discloser.
(4) But, paragraph (3) does not apply if the receiver has reasonable grounds to believe that the identifying information is essential for the effective investigation of the protected disclosure under paragraph (5).
(5) The receiver must take reasonable steps to investigate a protected disclosure.
(6) Having investigated the protected disclosure, the receiver must –
   (a) decide to act to try to resolve the issues raised by the protected disclosure, provide the discloser with written notice of that decision and indicate the form any action will take; or
   (b) decide that no action is required and provide the discloser with written notice of the reasons for that decision.
(7) The receiver must take all actions within a reasonable period after receiving a disclosure.

The receiver may decide to pass the disclosure on to another person or body who will then become the receiver. They must have the consent of the discloser before they do this. They must also consult the person to whom they propose to refer the protected disclosure, before they do so.

The draft Law does not contain a penalty if the receiver fails to investigate or to take any other action.

Who is protected under the draft Law?

Five groups of individuals are protected under the draft Law. These individuals are someone who:

(i) has made a protected disclosure;

(ii) has expressed an intention to make a protected disclosure;

(iii) has encouraged another person to make a protected disclosure; or

(iv) has given information in support of, or relating to, a protected disclosure;

(v) is suspected or believed to be in any of the above groups

Protection extends beyond the discloser themselves and includes people who are considering becoming a discloser and those that encourage a discloser or provide information to a discloser.

Article 3 of the draft Law also makes it clear that a disclosure made as a protected disclosure is to be treated as such unless and until it is proved not to be.

What protections does the draft Law provide to employees?

Employees in the protected groups are protected from unfair dismissal and redundancy in retaliation by an employer. An employee of the subject also has the right not to be treated less favourably compared to other employees. These are day one rights – they will protect employees from the first day of employment.

These rights are available to police officers who have the same rights as other employees under this law.

An employee will be able to take a complaint to the Employment and Discrimination Tribunal if their rights under the draft Law have been breached. The remedies available to the Tribunal are explained below – they largely mirror those already set out in employment and discrimination legislation.

Are protections available for others affected by the consequences of whistleblowing?

There are circumstances in which a person who is not an employee or a police officer is able to make a claim for being treated less favourably by the subject of the protected disclosure. The strength of a claim will always depend on the individual facts of a case. An example may assist:

Person A is an employee of Company X and makes a protected disclosure about X's activities. A can make a claim to the Tribunal if X subjects A to retaliatory action or less favourable treatment for making the disclosure.

Separately, Person B is a friend of A and helps or encourages A to make a protected disclosure. B is not an employee of X. X operates a leisure centre, and B uses the facilities provided by X. As a result of the help B gives to A to blow the whistle against X, X bars B from the leisure centre.

B may have a claim against X under Article 6 for treating them less favourably, if they can satisfy the Tribunal that barring them from the leisure centre was on the ground that they either encouraged A to blow the whistle, or they have given information in support of A's disclosure.

Who could be a respondent in a Tribunal claim?

The subject of the disclosure could be named as a respondent in a Tribunal claim. Someone acting on the subject's behalf, with their authority, could also be named as a respondent.

The subject employer can be liable for the actions of an employee who retaliates in some way against a discloser, unless they can show that they took all reasonable steps to prevent less favourable treatment of the discloser.

If the claim relates to a worker employed by company A which is providing services under a contract to company B, a claim for unfair dismissal can be made against company A if the worker blows the whistle on Company B and is sacked or made redundant by Company A as a result.

Possible extension of protection – a worked example

In the current draft Law, a ***worker*** *is an employee of company Y who provides services to another company (Company X) under some form of contract. The worker can make a protected disclosure against Company X.*

The worker is protected from unfair dismissal by Company Y. The worker is also protected from retaliation by Company X.

The law could be extended to include protection for the worker if they experience retaliation (but not dismissal) from their employer Y as a result of an act of whistleblowing.

If you have views on this or any other aspect of the draft law, please take the opportunity to email ***whistleblowinglaw@gov.je*** *with your comments.*

What are the remedies available for a successful claim?

Article 9 of the draft Law sets out the remedies available to a complainant who is successful before the Tribunal in a claim under Article 6 for less favourable treatment. Remedies can take the form of compensation for financial loss and for hurt and distress.

Article 9 sets out that compensation for financial loss is a maximum of £30,000. Compensation for hurt and distress is also a maximum of £30,000. The maximum combined award cannot be more than £30,000.

Article 9 of the draft Law contains a Regulation-making power for the States to change or remove any limits on compensation that may be awarded by the Tribunal.

Article 10 of the draft Law says that if a respondent does not comply with an Order of the Tribunal to take steps to prevent or reduce any adverse effects on a complainant, then the Tribunal may increase the amounts of compensation it has awarded, subject to the overall maximum of £30,000.

Article 11 of the draft Law provides that dismissal or redundancy in retaliation for an act of whistleblowing is **automatically unfair**. This means that the qualifying period of 12 months for an ordinary unfair dismissal claim does not apply. Protection from automatic unfair dismissal is a Day 1 employment right.

Employment legislation sets out the levels of compensation which are payable in cases of unfair dismissal and other breaches of the Employment Law. A link to the legislation is here: Employment (Awards) (Jersey) Order 2009

Finally, Article 12 makes it clear that a clause in an employment contract, which purports to prevent the employee from being able to make a protected disclosure, is unenforceable.

Jersey

DRAFT PROTECTED DISCLOSURE (PROTECTION OF WHISTLEBLOWERS) (JERSEY) LAW 202-

Contents

Article

Jersey

DRAFT PROTECTED DISCLOSURE (PROTECTION OF WHISTLEBLOWERS) (JERSEY) LAW 202-

A LAW to promote the public interest by protecting those who disclose wrongdoing in accordance with this Law, those who have expressed an intention to disclose wrongdoing in accordance with this Law, those who have encouraged another to make such a disclosure, or those who have given information in support of, or relating to, such a disclosure.

Adopted by the States	*[date to be inserted]*
Sanctioned by Order of His Majesty in Council	*[date to be inserted]*
Registered by the Royal Court	*[date to be inserted]*
Coming into force	*[date to be inserted]*

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation and overview

(1) In this Law –

"discloser" has the meaning given in Article 3(2);

"employee" has the meaning given in Article 1A ("employer" and "employee") of the Employment Law;

"employer" has the meaning given in Article 1A ("employer" and "employee") of the Employment Law;

"Employment Law" means the Employment (Jersey) Law 2003;

"Minister" means the Minister for Social Security;

"police officer" means a member of the States of Jersey Police Force;

"protected disclosure" means a disclosure made in compliance with Article 3;

"receiver" means a person described in Article 3(3);

"subject" has the meaning given in Article 3(2);

"Tribunal" means the Jersey Employment and Discrimination Tribunal established by Article 81 of the Employment Law;

"worker" means an individual employed by another person (the "provider") to do work for or provide a service to a person under a contract or other arrangement made between the provider and the person;

"wrongdoing" is defined in Article 2.

(2) The flowchart in Schedule 1 gives an overview of how this Law operates to protect individuals but is only a guide to the general scheme and effect of this Law.

2 Meaning of wrongdoing and connected phrases

(1) In this Law, "wrongdoing" means an act or a course of conduct that –

(a) is an offence;

(b) fails to comply with the law (for example, a breach of an obligation under an enactment relating to health and safety or data protection);

(c) damages the environment;

(d) causes a risk to the maintenance of law;

(e) deliberately conceals anything described in sub-paragraphs (a) to (d); or

(f) expresses an intention to act contrary to the law.

(2) It does not matter whether the wrongdoing occurs in Jersey or elsewhere.

(3) The States may by Regulations amend paragraph (1) to change the acts or courses of conduct that constitute wrongdoing.

(4) In paragraph (1)(d), "maintenance of law" includes the prevention, investigation and detection of offences and the right to a fair trial.

(5) In this Law, wrongdoing "in or by" the subject of a protected disclosure includes wrongdoing by –

(a) an employee of the subject in the course of their employment with the subject;

(b) a worker in doing their work for, or providing their services to, the subject;

(c) a person acting on the authority (express or implied) of the subject; and

(d) a person in managing the subject.

3 Making a protected disclosure

(1) This Article describes how to make a disclosure under this Law (a "protected disclosure").

(2) A protected disclosure may only be made by an individual listed in column 1 of the table (a "discloser") in respect of a person listed in the same row in column 2 of the table (the "subject") –

Column 1	**Column 2**
Discloser	**Subject**
Employee	The discloser's employer
Worker	The person for whom the discloser works or provides a service (other than the discloser's employer)

Column 1	Column 2
Discloser	**Subject**
Police officer	States of Jersey Police Force

(3) A protected disclosure must be made to –

(a) the subject in respect of whom the disclosure is made;

(b) another entity determined in accordance with Schedule 2; or

(c) the media.

(4) But a discloser may make a protected disclosure to the media only if –

(a) they have previously made a substantially similar protected disclosure to a receiver described in paragraph (3)(a) or (b); and

(b) in all the circumstances of the case, it is reasonable for the discloser to make the disclosure.

(5) A protected disclosure must –

(a) set out –

(i) details of the subject;

(ii) the grounds for the discloser's reasonable belief that there is, has been or might be wrongdoing in or by the subject;

(iii) details of that wrongdoing;

(iv) the grounds for the discloser's reasonable belief that disclosure is in the public interest; and

(v) a confirmation that the discloser has not made the disclosure for financial gain.

(6) A disclosure that purports to be a protected disclosure is to be treated as a protected disclosure until the contrary is proved.

(7) The States may by Regulations –

(a) amend the table in paragraph (2);

(b) amend Schedule 2 –

(i) to change the entities listed in paragraph 1; or

(ii) to change the persons listed in columns 1 (subject) and 2 (other entity) of the table in paragraph 2.

4 Duties of receivers of protected disclosures

(1) The receiver must provide written notice to the discloser of the date the protected disclosure was received.

(2) If the protected disclosure is made orally, the notice must include a summary of the receiver's understanding of the protected disclosure.

(3) A receiver must take reasonable steps to keep confidential information that might identify the discloser.

(4) But, paragraph (3) does not apply if the receiver has reasonable grounds to believe that revealing the identifying information is essential for the effective investigation of the protected disclosure under paragraph (5).

(5) The receiver must take reasonable steps to investigate a protected disclosure.

(6) Having investigated the protected disclosure, the receiver must –

(a) decide to act to try to resolve the issues raised by the protected disclosure, provide the discloser with written notice of that decision and indicate the form any action will take; or

(b) decide that no action is required and provide the discloser with written notice of the reasons for that decision.

(7) The receiver must take all actions under this Article within a reasonable period after receiving a disclosure.

(8) The States may by Regulations make any supplementary provision that it considers appropriate in relation to the duties of receivers under this Article.

5 Referral of protected disclosure to another

(1) A receiver that is a subject in respect of whom the protected disclosure is made, or that is the media may refer the protected disclosure to another entity determined in accordance with Schedule 2, if it considers it appropriate in all the circumstances.

(2) A receiver that is an entity determined in accordance with Schedule 2 may, if it considers it appropriate in all the circumstances, refer a protected disclosure to –

(a) the subject in respect of whom the protected disclosure is made; or

(b) another entity determined in accordance with Schedule 2.

(3) The receiver must, before making a referral under paragraph (1) or (2) –

(a) obtain the discloser's consent; and

(b) consult the person to whom the receiver intends referring the protected disclosure.

(4) If the subject or an entity receives a referral under paragraph (1) or (2), it becomes the receiver of the disclosure under this Law and the entity who made the referral is no longer the receiver.

6 Right not to be treated less favourably etc.

(1) The persons listed in paragraph (2) must not treat, or threaten to treat, an individual less favourably than other individuals in the same or substantially similar circumstances on the grounds listed in paragraph (3).

(2) The persons are –

(a) the subject in respect of whom the protected disclosure is made;

(b) an agent of the subject, acting with the subject's authority;

(c) if the individual is an employee of the subject or a police officer, an associate of the individual, in the course of that associate's employment or work.

(3) The grounds are –

(a) that the individual–

(i) has made a protected disclosure;

(ii) has expressed an intention to make a protected disclosure;

(iii) has encouraged another person to make a protected disclosure; or

(iv) has given information in support of, or relating to, a protected disclosure; or

(b) a belief or suspicion that the individual has done anything described in sub-paragraph (a).

(4) If an individual is treated, or threatened to be treated, less favourably by an associate or agent as described in paragraphs (1) and (2)(b) or (c), that associate or agent's act is treated as the act of the subject.

(5) For the purposes of paragraph (4), it is immaterial whether the act is done with the knowledge or approval of the subject.

(6) In court or Tribunal proceedings against a subject for an act alleged to have been done by an associate of the individual in breach of paragraphs (1) and (2)(c), the subject is not liable if the subject shows that they took all reasonable steps to prevent the associate –

(a) from doing that act; or

(b) from doing any act of that description.

(7) An associate of the individual or an agent of the subject is not liable under paragraphs (1) and (2)(b) or (c) for an act that treats, or threatens to treat, an individual less favourably if –

(a) the associate or agent does that act in reliance on a statement by the subject that doing it does not breach this Law; and

(b) it is reasonable for the associate or agent to rely on the statement.

(8) Paragraph (7) does not prevent the subject from being liable under paragraph (4).

(9) In this Article, "associate" means, in relation to an individual who is –

(a) an employee of the subject, another employee of the subject; or

(b) a police officer, another police officer.

7 Complaint to Tribunal

(1) An individual may complain to the Tribunal that they have been treated, or threatened to be treated, less favourably than others in breach of this Law.

(2) The Tribunal has jurisdiction to determine a complaint under paragraph (1).

8 Deadlines for complaints

(1) The Tribunal must not consider a complaint under Article 7 unless it is presented –

(a) within 8 weeks after the end of the date of the act to which the complaint relates; or

(b) within a further period that the Tribunal considers reasonable if it is satisfied that it was not reasonably practicable for the complaint to be presented no later than that period of 8 weeks.

(2) For the purposes of paragraph (1) –

(a) if an act extends over a period, the "date of the act" means the last day of that period;

(b) if an act is part of a series of similar acts, the "date of the act" means the date of the last of them; and

(c) a deliberate failure to act must be treated as done when it was decided on.

(3) For the purposes of paragraph (2)(c), in the absence of evidence establishing the contrary, a respondent is taken to decide not to act –

(a) when the respondent does an act inconsistent with doing the failed act; or

(b) if the respondent has done no such inconsistent act, when the period expires within which they might reasonably have been expected to do the failed act if it was to be done.

9 Remedies

(1) If the Tribunal finds a complaint under Article 7 is well-founded, it may do 1 or more of the following in relation to the act to which the complaint relates –

(a) declare the rights of the complainant and the respondent;

(b) order the respondent to pay to the complainant compensation for financial loss, and hurt and distress;

(c) recommend that the respondent take, within a specified period, action appearing to the Tribunal to be practicable for the purpose of preventing or reducing the adverse effect on the complainant.

(2) The amount of compensation that may be ordered under paragraph (1)(b) for –

(a) financial loss must not exceed £30,000; and

(b) hurt and distress must not exceed £30,000.

(3) But the total amount of compensation ordered under paragraph (2)(a) and (b) must not exceed £30,000.

(4) If there is more than 1 respondent, the Tribunal may order that the payment of compensation be apportioned in amounts that it considers just and equitable.

(5) The Minister must review the compensation that the Tribunal may order under paragraph (2) or (3) –

(a) not later than 3 years after the date on which this Law comes into force; and

(b) subsequently, not later than 3 years after the date of each previous review.

(6) The Minister may by Order specify the following –

(a) the matters that the Tribunal may take into consideration in determining amounts of compensation that may be ordered under paragraph (1)(b), including having regard to any award made in an employment dispute to which Article 86 (jurisdiction in respect of individual employment disputes) of the Employment Law applies and that was founded on the same facts as those in respect of which compensation is being sought under this Law;

(b) the circumstances in which the Tribunal may add interest to amounts of compensation, and the rates of interest that may be applied;

(c) the circumstances in which the Tribunal may award costs and their amount.

(7) The States may by Regulations amend paragraph (2) or (3) to change or remove any limits on compensation that may be ordered by the Tribunal.

10 Enforcement of recommendations of Tribunal

(1) If, without reasonable justification, a respondent does not comply with a recommendation made under Article 9(1)(c), the Tribunal may, if it thinks it just and equitable to do so –

(a) increase the amounts of compensation ordered under Article 9(1)(b) to be paid to the complainant, subject to any limits specified under that Article; or

(b) make an order under Article 9(1)(b) if an order has not already been made.

(2) A recommendation made by the Tribunal under Article 9(1)(c) is not an order of the Tribunal to which Article 93(3) (enforcement) of the Employment Law applies.

11 Dismissal or redundancy in retaliation is automatically unfair

(1) This Article describes situations in which an employee is taken to have been unfairly dismissed for the purposes of Part 7 of the Employment Law.

(2) The first situation is if the reason, or main reason, for the dismissal was that the employee –

(i) has made a protected disclosure;

(ii) has expressed an intention to make a protected disclosure;

(iii) has encouraged another person to make a protected disclosure; or

(iv) has given information in support of, or relating to, a protected disclosure.

(3) The second situation is if –

(a) the reason, or main reason, for the dismissal is by reason of redundancy;

(b) the circumstances constituting the redundancy applied equally to 1 or more other employees in the same undertaking who held positions similar to that held by the employee and who have not been dismissed by the employer; and

(c) the reason, or main reason, for which the employee was selected for dismissal was that the employee –

(i) has made a protected disclosure;

(ii) has expressed an intention to make a protected disclosure;

(iii) has encouraged another person to make a protected disclosure; or

(iv) has given information in support of, or relating to, a protected disclosure.

12 No contracting out of this Law

A provision in an agreement is void in so far as it purports to exclude the rights and obligations under this Law.

13 Consequential amendments

Schedule 3 contains consequential amendments.

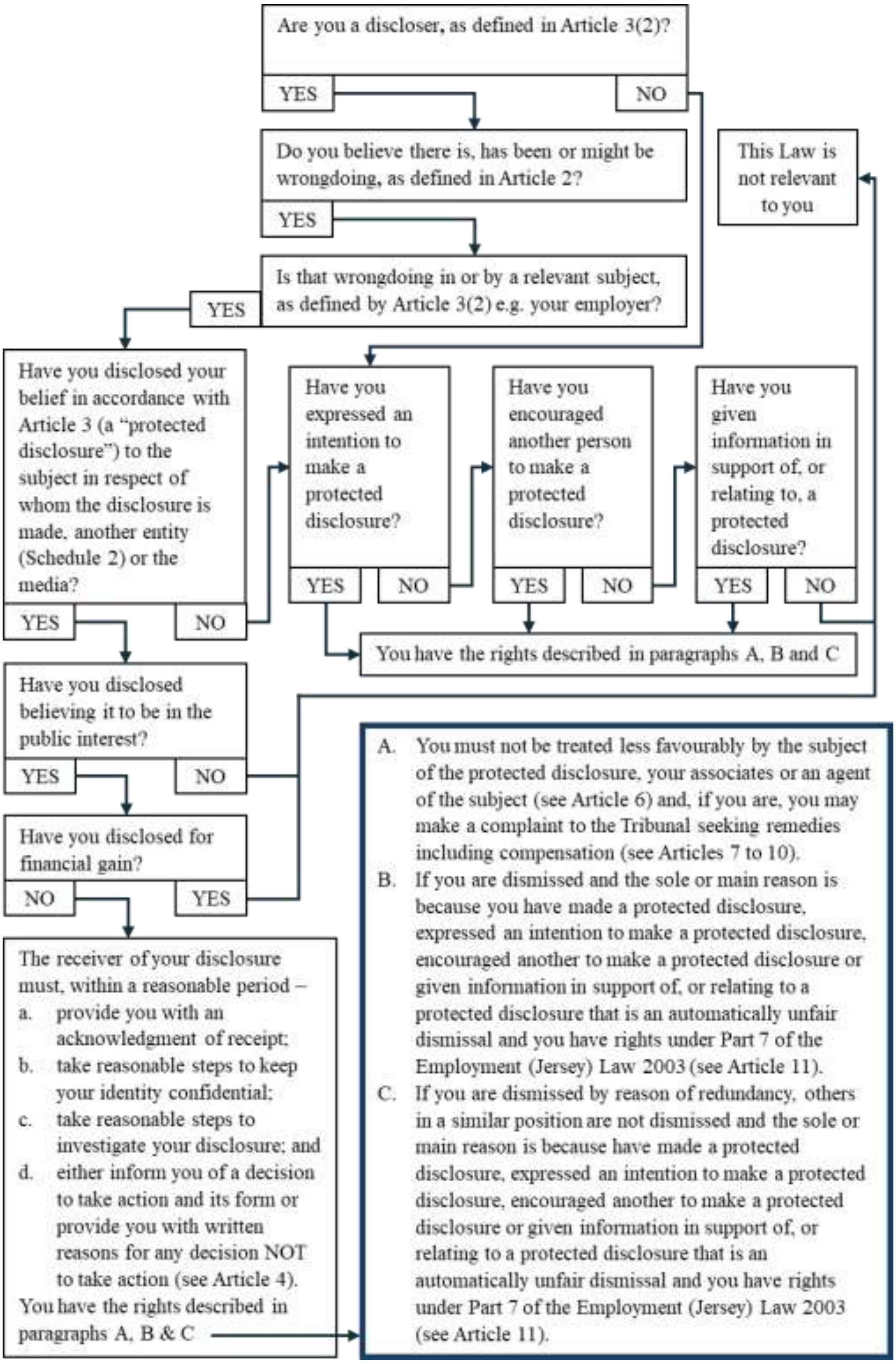
14 Citation and commencement

This Law may be cited as the Protected Disclosure (Protection of Whistleblowers) (Jersey) Law 202- and comes into force on a day to be specified by the Minister by Order.

SCHEDULE 1

(Article 1)

SCHEME OF THE LAW



SCHEDULE 2

(Article 3)

OTHER ENTITIES AS RECEIVERS

1 Other entities as receivers of protected disclosure

A discloser may make a protected disclosure to the following entities –

(a) a Connétable, Deputy or Senator of the States Assembly (in their capacity other than as a Minister);

(b) Comptroller and Auditor General;

(c) Office of the Financial Services Ombudsman;

(d) Jersey Financial Services Commission;

(e) Health and Social Care Commission;

(f) Commissioner for Children and Young People;

(g) Information Commission;

(h) Commissioner for Standards;

(i) Jersey Charity Commissioner.

2 Receiver if subject is listed in paragraph 1

If the subject is listed in column 1 of the following table, a discloser may make a protected disclosure to 1 of the entities listed in the same row of column 2 of the table –

Column 1	**Column 2**
Subject	**Other entity**
A Connétable, Deputy or Senator of the States Assembly	Commissioner for Standards
Comptroller and Auditor General	Chief Minister Chair of the Public Accounts Committee
Office of the Financial Services Ombudsman	Minister for Sustainable Economic Development Chair of the Economic and International Affairs Scrutiny Panel
Jersey Financial Services Commission	Minister for External Relations Chair of the Economic and International Affairs Scrutiny Panel
Health and Social Care Commission	Minister for the Environment

Column 1	**Column 2**
Subject	**Other entity**
	Chair of the Health and Social Security Scrutiny Panel
Commissioner for Children and Young People	Minister for Children and Families Chair of the Children, Education and Home Affairs Scrutiny Panel
Information Commissioner	Minister for Sustainable Economic Development Chair of the Economic and International Affairs Scrutiny Panel
Commissioner for Standards	Chief Minister Chair of the Corporate Affairs Scrutiny Panel
Jersey Charity Commissioner	Minister for External Relations Chair of the Economic and International Affairs Scrutiny Panel

3 Wrongdoing is the subject matter for which another entity has responsibility

If a subject listed in column 1 of the table in paragraph 2 has responsibility under an enactment for the subject matter of the wrongdoing to which a protected disclosure relates, a discloser may make a protected disclosure to that person.

4 Wrongdoing in the administration of a parish

If a protected disclosure relates to wrongdoing in the administration of a parish, a discloser may make a protected disclosure to the Connétable of that parish or a Deputy for a constituency that consists of, or includes, all or part of that parish.

SCHEDULE 3

(Article 13)

CONSEQUENTIAL AMENDMENTS

1 Employment Law amended

(1) This paragraph amends the Employment Law.

(2) In Article 1 (interpretation and application), in paragraph (1) after the definition "wages" there is inserted –

"Protected Disclosure Law" means the Protected Disclosure (Protection of Whistleblowers) (Jersey) Law 202-.

(3) In Article 81 (establishment of the Tribunal) –

(a) after paragraph (2)(c) there is inserted –

(d) the Protected Disclosure Law.

(b) in paragraph (3), for "or the Employment Relations (Jersey) Law 2007" there is substituted ", the Employment Relations (Jersey) Law 2007 or the Protected Disclosure Law".

(4) In Article 84 (declaration of interests, etc.), in the following places, for "application or reference" there is substituted "application, reference or complaint" –

(a) paragraph (1), in the 2 places it appears;

(b) paragraph (3).

(5) In Article 91 (conduct of hearings) –

(a) after paragraph (4)(b) there is inserted –

(ba) for the making of complaints under the Protected Disclosure Law;

(b) in paragraph (4)(f), after clause (ii) there is inserted –

(iii) complaints brought under the Protected Disclosure Law;

(c) in paragraph 4(g), after "the Discrimination Law" there is inserted "or the Protected Disclosure Law";

(d) in paragraph 4(h), after "the Discrimination Law" there is inserted "or the Protected Disclosure Law".

2 Jersey Advisory and Conciliation (Jersey) Law 2003 amended

In Article 3 (general duty to promote improvement of employment relations and the resolution of employment disputes) of the Jersey Advisory and Conciliation (Jersey) Law 2003, after sub-paragraph (c) there is inserted –

(d) to assist employers and employees in their understanding of the Protected Disclosure (Protection of Whistleblowers) (Jersey) Law 202-.