

# WHISTLEBLOWING POLICY

## 1. Introduction

The Protected Disclosure Acts 2014 (the “Act”) formalizes the protection afforded to the staff and employees of Dublin Maccabi Trust (the “Trust”) if they make disclosures in accordance with the Act. Such disclosures have been known as ‘Whistleblowing’ and in line with best practice, the Trust has adopted this policy to enable concerns to be raised confidentially inside and if necessary, outside the Trust about fraud, corruption, malpractice, health and safety or unethical conduct.

## 2. Purpose

The Trust takes malpractice seriously. The Whistleblowing Policy is designed to allow all involved to act professionally and with propriety to preserve the confidentiality of the person raising the concern as far as possible and to ensure that concerns raised can be properly investigated and resolved within the Trust.

## 3. What is a Whistleblower?

A whistleblower is a person who raises a concern with their employer, regulator, the Gardaí or the media about serious wrongdoing in their organization. The misconduct can be a violation of the law or internal rules/ regulations.

## 4. Who can use the Whistleblowing Procedure?

All staff and employees whether permanent or fixed term with the Company may take action against suspected malpractice using the Whistleblowing Policy. To qualify for protection under Irish Legislation, the reporting of the offence must be reasonable and be done in good faith. The legislation provides that staff and employees who make disclosures in good faith will be protected from civil liability and from penalization or threats of prosecution at work.

In general, the statutory protections are as follows;

- The person making a protected disclosure is protected from civil liability;
- The person making a protected disclosure has a right of action in tort;
- Where the person making a disclosure is an employee, their employer may not penalize him/her for making the disclosure as an employee;
- An employer may be prosecuted for penalizing an employee.

## 5. What should I do if I have Concerns?

If you have reasonable grounds for believing that malpractice is happening, you should contact the Chairman/ Secretary immediately and explain your concern. The Chairman/ Secretary will listen carefully to the concern, taking full notes, as appropriate, to record an oral concern. The Chairman/ Secretary will decide if the complaint should be investigated. If the complaint is rejected there will be a right to appeal the decision to other Trustees.

## 6. Who is responsible for investigating the Complaint?

The Chairman/ Secretary will then investigate the complaint. In appropriate circumstances, he/ she may choose to appoint someone else to investigate the matter. Depending on the nature of the complaint, external auditors may be the appropriate body to conduct the investigation. If it is thought appropriate, consideration will be given to involve the Gardaí.

The Chairman/ Secretary will be responsible for the investigation, will acknowledge receipt of your concern, in writing, within three working days and will keep you informed at fortnightly intervals of the progress of the investigation and the eventual outcome, as far as possible. Any correspondence will be sent to your home address and not via the Company internal mail.

#### **7. Dismissal of a Whistleblower**

If the Trust dismisses a whistleblower, the employee/ staff member may have a right to complain to a rights commissioner. The employee may also have protection under the Unfair Dismissals Act 1997-2007 or a claim of wrongful dismissal under common law. Some legislation such as the Prevention of Corruption (Amendment) Act 2010 also provides for the appointment of a rights commissioner with the power to declare that the employer takes a specified course of action e.g. reinstatement or re-engagement or to pay the employee/ staff member compensation up to a maximum of two years' remuneration. Additionally, under the Criminal Justice Act 2011, the penalization of employees/ staff members constitutes an offence in itself and is punishable on summary conviction or on indictment by a fine and/ or imprisonment.

To fill the gaps in current legislation, the Irish government enacted the Protected Disclosures Act 2014. This Act ensures the protection of workers in all economic sectors (private and public) against reprisals, where they disclose information relating to wrongdoing in the workplace.

#### **8. Malicious Accusations**

If you use the Whistleblowing procedure knowingly to make false or malicious accusations, you will be committing a disciplinary offence. Willful misuse of this Procedure could constitute an act of gross misconduct and may lead to dismissal.

#### **9. Changes to this Procedure**

The Trust will review the Company Whistleblowing Procedure annually and make any necessary changes as agreed by the Trustees.