1. In page 5, line 19, to delete “not later than the end of the period of 5 years” and substitute “not later than the end of the period of 3 years”.

—An tAire Caiteachais Phoiblí agus Athchóirithe, Seán Fleming.

2. In page 6, to delete line 5 and substitute the following:

“employee” has the meaning given by section 1 of the Unfair Dismissals Act 1977 and includes an individual who is deemed to be an employee by virtue of subsection (2)(a)*;”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[*This is a reference to the subsection proposed to be inserted by Amendment 7.]

3. In page 6, to delete lines 6 to 19 and substitute the following:

“employer”, in relation to a worker, means, subject to subsection (2)(c)—

(a) in the case of an individual who is a worker by virtue of paragraph (a)* of the definition of that term, the person with whom the worker entered into, or for whom the worker works or worked under, the contract of employment,

(b) in the case of an individual who is a worker by virtue of paragraph (b)* of the definition of that term, the person with whom the worker entered into, or works or worked under, the contract,

(c) in the case of an individual who is a worker by virtue of paragraph (c) of the definition of that term—

(i) the person for whom the worker works or worked, or

(ii) the person by whom the individual is or was introduced or supplied to do the work,

or

(d) in the case of an individual who is a worker by virtue of paragraph (d) of the
definition of that term, the person who provides or provided the work experience or training;”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

[*This is a reference to the paragraphs proposed to be inserted by Amendment 4.*]

4. In page 7, to delete lines 21 to 30 and substitute the following:

“(a) is an employee,

(b) entered into or works or worked under any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertook to do or perform (whether personally or otherwise) any work or services for another party to the contract for the purposes of that party’s business.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

5. In page 7, lines 25 to 27, to delete all words from and including “whose” in line 25 down to and including “individual” in line 27.

—Mary Lou McDonald.

6. In page 8, line 3, after “and” to insert “includes an individual who is deemed to be a worker by virtue of subsection (2)(b) and”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

7. In page 8, to delete lines 5 to 17 and substitute the following:

“(2) For the purposes of this Act—

(a) an individual who is or was—

(i) a member of an Garda Síochána, or

(ii) a civil servant (within the meaning of the Civil Service Regulation Act 1956),

is deemed to be an employee,

(b) an individual who is or was a member of the Permanent Defence Force (within the meaning of the Defence Act 1954) or the Reserve Defence Force (within the meaning of that Act) is deemed to be a worker;

(c) “employer”—

(i) in relation to a member of the Garda Síochána (other than the Commissioner of the Garda Síochána), means the Commissioner of the Garda Síochána;

(ii) in relation to a civil servant (within the meaning aforesaid), has the meaning given by section 2A(2) of the Unfair Dismissals Act 1977;

(iii) in relation to a member of the Permanent Defence Force or the Reserve Defence Force (both within the meaning aforesaid), means the Minister for Defence.”.
8. In page 8, line 25, after “information” to insert “(whether before or after the date of the passing of this Act)”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

9. In page 8, lines 25 and 26, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

10. In page 9, between lines 2 and 3, to insert the following:

“(c) that a person has failed, is failing or is likely to fail to comply with a non-statutory obligation, such as that arising from a professional code or workplace code of practice or recognised international standard, where such obligation is intended to uphold human rights, or other rights of citizens,”.

—Mary Lou McDonald.

11. In page 9, to delete lines 27 and 28.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

12. In page 9, line 30, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

13. In page 10, line 5, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

14. In page 10, lines 9 to 11, to delete all words from and including “, and” in line 9 down to and including “true” in line 11.

—Mary Lou McDonald.

15. In page 10, line 26, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

16. In page 10, line 31, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

17. In page 10, line 32, after “advice” to insert “(including advice relating to the operation of this Act)”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

18. In page 10, line 32, to delete “barrister,” and substitute “barrister or”.

—Mary Lou McDonald.

19. In page 10, line 32, to delete “solicitor or trade union official” and substitute the following:

“solicitor, trade union official or official of an excepted body (within the meaning of section 6 of the Trade Union Act 1941)”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.
20. In page 10, line 32, to delete “or trade union official”.

—Mary Lou McDonald.

21. In page 10, between lines 32 and 33, to insert the following:

“Disclosures to other authorised persons

10. A disclosure is made in accordance with this section if it is made by the worker in the course of obtaining advice from a trade union official or other suitably qualified individual who gives advice on legal issues and legal rights as part of their public advocacy role.”.

—Mary Lou McDonald.

22. In page 10, to delete lines 34 and 35 and substitute the following:

“10. (1) A disclosure is made in the manner specified in this section if it is made otherwise than in the manner specified in sections 6 to 9 and—”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

23. In page 10, to delete line 36, and in page 11, to delete line 1.

—Mary Lou McDonald.

24. In page 11, line 9, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

25. In page 11, line 13, to delete “under” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

26. In page 11, line 16, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

27. In page 11, line 17, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

28. In page 14, lines 34 and 35, to delete “shall take all reasonable steps to avoid disclosing” and substitute “shall not disclose”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

29. In page 15, between lines 1 and 2, to insert the following:

“(a) the person to whom the protected disclosure was made or referred shows that he or she took all reasonable steps to avoid disclosing any such information.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

30. In page 15, to delete lines 2 to 4 and substitute the following:

“(a) the person to whom the protected disclosure was made or referred has
ascertained, by way of express permission by the person making the protected
disclosure, that she or he does not object, in particular if the person to whom such
disclosure is made reasonably believes that this is necessary for the purpose of
the effective investigation and rectification of the relevant wrongdoing
cconcerned.”

—Mary Lou McDonald.


—Mary Lou McDonald.

32. In page 15, line 34, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

33. In page 15, line 35, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

34. In page 16, line 1, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

35. In page 16, line 6, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

36. In page 16, line 15, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

37. In page 16, line 16, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

38. In page 18, line 3, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

39. In page 18, line 4, to delete “in accordance with” and substitute “in the manner specified in”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

40. In page 18, to delete lines 11 to 16 and substitute the following:

“102A. (1) Where a disclosure relating to the Garda Síochána is disclosed to the
Ombudsman Commission as a prescribed person under section 7 of the
Protected Disclosures Act 2014 in respect of disclosures so relating, it
may, if it appears to it desirable in the public interest to do so,
investigate the disclosure, even if the worker (within the meaning of
that Act) making the disclosure is a member of the Garda Síochána.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

41. In page 18, to delete lines 11 to 16 and substitute the following:

“102A. (1) The Ombudsman Commission is prescribed under section 7 of the
Protected Disclosures Act 2014 in respect of disclosures relating to the
Garda Síochána, and it shall, if it appears to be desirable in the public interest to do so, investigate any disclosure so relating that is made to it, even if the worker (within the meaning of that Act) making the disclosure is a member of the Garda Síochána).”

—Seán Fleming.

42. In page 19, to delete lines 9 to 13 and substitute the following:

“Internal procedures for protected disclosures made by workers employed by public bodies

21. (1) Every public body shall establish and maintain procedures for the making of protected disclosures by workers who are or were employed by the public body and for dealing with such disclosures.

(2) The public body shall provide to workers employed by the body written information relating to the procedures established and maintained under subsection (1).

(3) The Minister may issue guidance for the purpose of assisting public bodies in the performance of their functions under subsection (1) and may from time to time revise or re-issue it.

(4) Public bodies shall have regard to any guidance issued under subsection (3) in the performance of their functions under subsection (1).”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

43. In page 19, to delete lines 9 to 13 and substitute the following:

“Public bodies internal procedures for protected disclosures by employees and volunteers

21. (1) Every public body shall establish and maintain procedures for dealing with protected disclosures made by workers who are or were employed by the public body, and comparable procedures for dealing with disclosures made by “volunteers” who work or who did work for the public body on a voluntary unpaid basis, appropriate to their non-employment status.

(2) The public body shall provide to workers employed by the body, and to any voluntary unpaid workers, written information relating to the procedures established and maintained under subsection (1).”.

—Mary Lou McDonald.

44. In page 19, between lines 13 and 14, to insert the following:

“Annual report

22. (1) Every public body shall prepare and publish not later than 30 June in each year a report in relation to the immediately preceding year in a form which does not enable the identification of the persons involved containing information relating to the
matters specified in subsection (2).

(2) Those matters are—

(a) the number of protected disclosures made to the public body,

(b) the action (if any) taken in response to those protected disclosures, and

(c) such other information relating to those protected disclosures and the action taken as may be requested by the Minister from time to time.”.

—An tAire Caiteachais Phoiblí agus Athchóirithe.

45. In page 19, between lines 13 and 14, to insert the following:

“Accountability with regards to the application of legislation by all public bodies

22. Not less than two years and every 12 months thereafter following the commencement of this Act, all public bodies shall prepare and submit to the Minister a report relevant to the Act including but not limited to—

(a) guidelines developed,

(b) training conducted with employees,

(c) data collected on the number of disclosures, detected or alleged wrongdoing contained therein and type of action taken in response to disclosures made to the public body pursuant to this legislation and the action taken,

(d) any other information as shall be requested by the Minister.”.

—Mary Lou McDonald.

46. In page 24, line 18, after “parties” to insert “within 60 days of receiving the complaint”.

—Seán Fleming.

47. In page 29, line 6, after “Court” to insert “following approval by both Houses of the Oireachtas”.

—Seán Fleming.

48. In page 29, to delete lines 13 and 14 and substitute the following:

“(3) The Taoiseach may remove the Disclosures Recipient from office, but only after a decision of both Houses of the Oireachtas.”.

—Seán Fleming.

49. In page 30, line 10, after “year.” to insert the following:

“The details of such report shall be published in such manner as would not in any way identify a person who has made a protected disclosure.”.

—Seán Fleming.