

# Press Release

## Protection for Whistleblowers

Never dismiss an employee because they blow the whistle. The law protects employees in this position. Always take legal advice first!

Claire Bell, Actons' Employment Law specialist says:

“In a recent case against Abbey National the Court of Appeal looked at the law in this field – the Public Interest Disclosure Act. The court said that the Act protected ex-employees as well as current employees and the ex-employee concerned could bring a claim under the Act. Employers should consider setting up a system whereby an employee with a concern such as over another employee engaging in bribery or price fixing or breach of health and safety law has some means of raising the matter internally, for example with the company secretary or a senior director direct, rather than with their boss who may be implicated in the problem. This can help the company concerned manage the issue appropriately, but if the employee chooses to notify the authorities then their legal position may be protected by the 1998 Act.”

If you have any disputes with employees or may be proposing to sack a member of staff it is wise to seek legal advice first.

For further information on Employment issues, please contact Claire Bell on **0115 9 100 200** or email [enquiries@actons.co.uk](mailto:enquiries@actons.co.uk)

**Ends July 2006**

Notes

1. The case is Woodward v Abbey National plc (No 1) [\[2006\] EWCA Civ 822](#)  
The case held that the [Public Interest Disclosure Act 1998](#) extended to a claim against a

former employer alleging detriment suffered after termination of a claimant's employment.

2. The claimant made a complaint under [s 48 \(1A\) of the Employment Rights Act 1996](#) that, after her employment had ended, she had suffered a detriment contrary to s 47B(1) on the ground that she had made a protected disclosure during her employment with the respondent employer. At a preliminary hearing an employment tribunal held that it had no jurisdiction to hear the claim as the alleged detriment had occurred after the termination of her employment. The Employment Appeal Tribunal upheld the decision but the Court of Appeal overturned it.

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