

KEEPING IN TOUCH

THE NEWSLETTER OF RICHARD GROGAN & ASSOCIATES SOLICITORS

Protected Disclosure Dismissals

It is worth remembering the case of *Dougan and Clarke –v- Lifeline Ambulance Limited* unreported Circuit Court being a decision of Comerford J where Judge Comerford considered what circumstances would amount to a substantial ground for a Court to conclude that a dismissal had resulted wholly or mainly from making a protected disclosure.

“The Court concluded that such factors would necessarily include the temporal proximity between the making of the protected disclosure and the dismissal, whether any animosity arose between the parties as a result of the protected disclosure prior to dismissal, whether fair procedures of natural justice were afforded to the complainant in the dismissal procedures adopted by the respondent, whether any such apparent fair procedures of natural justice were real or merely window dressing and whether the complainant was treated in a less favourable manner to comparative employees who had not made protected disclosures”.

There is a belief by some employees that simply making a protected disclosure therefore means that they are immune from any action by an employer. This is incorrect. We are simply pointing this out at this stage for the purposes of clarification as some employees take these cases up entirely incorrectly as to what the Protected Disclosure Act is there to do.