

Employment E-Brief No. 107

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£477,000 COMPENSATION PAYABLE TO WHISTLE BLOWER

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The Prison Service has recently been ordered to pay an employee who was unfairly dismissed following a protective disclosure the sum of £477,000. The vast majority of which is future loss of income and pension rights.

The employee had reported incidents of prisoner bullying and thereafter claimed that she had been treated badly.

The Tribunal found that the employer had deliberately revealed her name and had thereafter failed to protect her from the consequences of the disclosure of her name. The employer had failed to accept that the employee was genuine and honest in her disclosures and was at risk as a result of making them.

This is one of the largest awards to come out of the Tribunals for a while and does serve as a stark warning to employers as to the need to deal with whistle blowing issues very carefully. Unlike normal unfair dismissal, the compensation cap does not apply to whistle blowing. The rules on whistle blowing are complex and when faced with such a case legal advice ought to be obtained as early as possible.

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