

Protected Disclosures Policy – Updated September 2025

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Introduction

The Dublin Port Company (DPC) is committed to the highest possible standards of openness, probity and accountability. DPC has put in place a wide range of rules, regulations, procedures and codes of practice to deliver on its commitments and to deter malpractice, abuse and/or wrongdoing.

Malpractice, abuse or wrongdoing will not be tolerated within DPC or in any activities related to the Company. DPC encourages members of the DPC community who have bona fide concerns about certain wrongdoings known as “relevant wrongdoings” (outlined below) to come forward and voice those concerns, without fear of penalisation.

This Policy has been introduced by DPC to enable individuals to raise bona fide concerns about relevant wrongdoings at an early stage and in the appropriate manner, without fear of victimisation, subsequent discrimination or disadvantage. The Policy is intended to enable individuals to raise genuine concerns about relevant wrongdoings through the appropriate channels.

This Policy does not address all possible situations that may arise but is intended to provide guidance on the procedure in raising a disclosure about a relevant wrongdoing.

This Policy was introduced in line with legislation under the Protected Disclosures Act 2014 (the “legislation”) and amended in accordance with the Protected Disclosures (Amendment) Act 2022.

Who does the policy apply to?

This Disclosure Policy applies to workers of DPC and the Board of Directors (the “Board”), all of whom are expected to use this Policy as appropriate. The term ‘worker’ also includes trustees/board members, contractors (whether the contract is expressed or implied), agency workers, CE Participants, interns, those on training schemes/placement, and job applicants. A full list of all those deemed to be workers as reproduced from section 4 of the Protected Disclosures (Amendment) Act 2022 is attached at appendix 3.

What is a protected disclosure?

A “protected disclosure” means a disclosure of “relevant information” made by a “worker” in the manner specified in the Act. The relevant information must, in the reasonable belief of the worker, tend to show one or more relevant wrongdoings and have come to the attention of the worker in a work-related context.

This Policy is designed to allow the “worker” to disclose a relevant wrongdoing through an appropriate channel, which the person making the disclosure reasonably believes shows evidence of a relevant wrongdoing and which came to the attention of the worker in a work-related context (a “protected disclosure”).

These requirements are explained in more detail below.

WHAT IS RELEVANT INFORMATION?

Relevant information is information which in the “reasonable belief” of the worker tends to show one or more relevant wrongdoings and it came to the attention of the worker in a work-related context. The information should disclose facts about someone or something, rather than a general allegation that is not founded on any facts.

Workers should not investigate allegations of wrongdoing. The Designated Person is responsible for the appropriate follow up of all reports.

WHAT IS REASONABLE BELIEF?

The worker's belief must be based on reasonable grounds but it is not a requirement that the worker is ultimately correct. Workers are not expected to prove the truth of an allegation.

No disciplinary or other action will be taken against a worker who reasonably believes the information they have reported tends to show a wrongdoing even if the concern raised turns out to be unfounded.

The motivation of the worker in making a report is irrelevant as to whether or not it is a protected disclosure. The worker will be protected if they reasonably believe when making the report that the information disclosed tended to show a relevant wrongdoing.

Relevant wrongdoing

Relevant wrongdoings which fall within the scope of this policy are defined by the legislation as one or more of the following wrongdoings which has been committed or is likely to be committed:

- an offence, has been, is being or is likely to be committed
- that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health or safety of any person has been, is or is likely to be endangered
- that the environment has, is being or is likely to be damaged
- that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has, is or is likely to occur
- that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement or
- that information tending to show any matter outlined above has or is likely to be concealed or destroyed.
- An act or omission or a 'breach' of a range of EU laws that are prescribed in the EU Whistleblowing Directive

This Policy does not cover personal grievances or matters that relate to a worker's terms and conditions of employment. Nor does it cover a disclosure where the worker knowingly conveys false, misleading, frivolous or vexatious information as these disclosures do not fall within the Act. If it transpires that a worker makes a disclosure, which they know to be false or do not believe to be true, Dublin Port Company reserves the right to take disciplinary or other appropriate action.

Legal Advisors are excluded from the protections of the Act in situations where information comes to their attention while providing legal advice. Where a claim to legal professional privilege could be maintained in respect of such information, the legal advisor will not be able to gain the protections of the 2014 and 2022 Acts.

A matter is not a relevant wrongdoing if it is a matter which it is the function of the worker or the worker's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer.

Disclosure process

How to make a disclosure

As a first step, disclosures should be raised with your EMT Function Manager. However, should you not wish to use this route, for example given the seriousness and sensitivity of the issues involved, you can either approach one of the designated Internal Confidential Recipients (contact details to be found at the end of this document) or utilise the services of an Independent

Confidential Recipient which we have engaged for this purpose.

They will provide assistance to employees in understanding their options in bringing their disclosures forward. Details of how to contact the Independent Confidential Recipient service are noted at the end of this document.

Disclosures can be made orally or in writing directly to any of the parties noted above. Protected disclosures made should set out the individual background and history of the concern (giving relevant dates where possible) and the reasons why the individual making the disclosure is particularly concerned about the situation. As may be appreciated, a written disclosure is preferred to a verbal disclosure as there is less scope for misunderstandings arising.

The recipient of a disclosure under this guidance and any other person to whom the disclosure is referred in the performance of that person's duties, will take all reasonable steps to avoid disclosing to another person any information that might identify the person who made the disclosure.

In line with the legislation, we will acknowledge receipt of a concern raised under this policy in writing within (7) seven days.

Upon receiving a disclosure internally, or through the independent confidential recipient service, the internal recipient of a disclosure will undertake an initial evaluation following which they will advise the discloser as to whether in their view the concern raised qualifies as a protected disclosure.

Concerns raised by a worker who is not an employee should be reported through the Independent Confidential Recipient.

Appeal regarding initial evaluations

Should the discloser not accept the decision of the internal confidential recipient regarding the classification of the disclosure made, they may appeal this decision to an alternate confidential recipient as listed in Appendix 2. An appeal hearing will be communicated to the discloser. The rules of natural justice will apply to all such appeals.

Appeals against the decision of the recipient of the disclosure must be lodged in writing within two weeks of the date on which the original decision was communicated.

Actions following a Disclosure

Having received a disclosure which has been classified as a protected disclosure, DPC will assess the disclosure to decide what next steps to take.

If, on foot of the initial assessment, we conclude that there are grounds for concern that cannot be dealt with at this point, we will investigate the matter fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure. Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. Likewise, if urgent action is required (for example to remove a health and safety hazard), this action will be taken. It is important to us that you feel assured that a disclosure made by you under this policy is taken seriously and that you are kept informed of steps being taken by us in response to your disclosure. In this regard we undertake to communicate with you as follows:

- As noted above, we will acknowledge receipt of your disclosure in writing within 7 days and arrange a follow-up meeting as required.

- We will inform you of how we propose to investigate the matter
- We will inform you of the likely time scales regarding each of the steps being taken but, in any event, we commit to dealing with the matter as quickly as practicable.

However, it is important to note that where there is a need for confidentiality relating to any other individual mentioned in your concern and any legal considerations this may prevent us from giving you specific details of an investigation or outcomes reached.

In line with the requirements of the Protected Disclosures (Amendment Act) 2022, we will provide feedback or updates on how the matter is being dealt with in a reasonable period, not more than 3 months after the acknowledgement of receipt of the report.

This could be extended to six months if the nature or complexity of the concerns raised justifies it. We will update you in writing on this extension. Further feedback at three monthly intervals will be provided until the procedure relating to the matter concerned is closed.

DPC will take all reasonable steps to treat protected disclosures made through the Disclosure Policy in a confidential and sensitive manner. The identity of the individual making the disclosure (i.e. the discloser) will be protected save for exceptional circumstances e.g. where it is necessary in the public interest or required by law. It is recognised that in some circumstances, the investigation process undertaken may at some stage have to reveal the source of the information and the individual making the disclosure may be requested to make a statement as part of the evidence required. Should such a situation arise, we will ensure that the worker is informed that their identity may be disclosed and the basis for that happening

Appeals of investigations

Appeals, against the findings or decision of an investigation, will be allowed where they are provided for within the terms of the specific policy and procedure under which the case was heard or the investigation took place.

We are aware that a person who becomes the subject of an investigation arising out of a disclosure made under this Policy may find this personally challenging. Pending the outcome of any such investigation, DPC Support (e.g., Employee Assistance Programme, HR Liaison, etc.) will remain available and, in all cases, DPC will endeavour to have any investigation conducted as speedily as the circumstances permit.

Anonymous Concerns Raised by a Discloser

Anonymous disclosures will be considered by DPC. In considering anonymous disclosures, DPC will take into account factors such as:

- The seriousness of the issues raised
- The credibility of the disclosure
- The likelihood of being able to investigate and confirm the allegation (using alternative sources if possible) and
- The requirements of fairness with reference to any individual named in the disclosure.

However, anonymous disclosures are much less powerful and far less capable of being addressed as it is difficult to investigate a matter and to corroborate facts. This Policy encourages an individual to put their name to disclosures made where possible.

Workers should note, however, that important elements of these Procedures (e.g. keeping the discloser informed and protecting a discloser from penalisation) may be difficult or impossible to

apply unless the worker is prepared to identify themselves. Please note that the redress measures noted in the Protected Disclosures (Amendment) Act, 2022, do not cover anonymous disclosures unless the identity of the anonymous discloser subsequently becomes known.

External Disclosures

The aim of this Policy is to provide an avenue within this workplace to deal with concerns or disclosures in regard to wrongdoing. We are confident that issues can be dealt with “in house” and we strongly encourage workers to report such concerns internally, be that to us directly or through the Independent Confidential Recipient service.

We acknowledge that there may be circumstances where an employee wants to make a disclosure externally. The Protected Disclosures (Amendment) Act 2022 provides for a number of avenues in this regard.

It is important to note however that while you need only have a reasonable belief as to wrongdoing to make a disclosure internally, if you are considering an external disclosure, different and potentially more onerous obligations apply depending on to whom the disclosure is made.

While protected disclosures may relate to the conduct of workers of DPC, they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law may protect an individual if they raise the matter with the third party directly. However, DPC encourages workers to report such concerns internally first under this Policy.

Protection from penalisation

Individuals who make a disclosure which is classified as a protected disclosure under this Policy will not be at risk of losing their job/position or suffer any form of penalisation as a result. Individuals will be protected even if the matter is found to be mistaken, provided they believe on reasonable grounds that the information disclosed is accurate.

A worker cannot be penalised for making a protected disclosure. Examples of possible penalisation can be found in Amendment of section 3 of the Protected Disclosures (Amendment) Act 2022 which can be found [here](#).

While DPC welcomes the submission of all genuine disclosures, it will nevertheless view very seriously any false, malicious, frivolous or vexatious allegations that are made under this Policy. DPC will regard such allegations as a serious offence which could result in disciplinary action.

DPC will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect individuals who make disclosures which are classified as protected disclosures under this Policy.

Any individual who believes they have been the subject of penalisation as a consequence of raising a Protected Disclosure should make a complaint, in writing, to the Chief People Officer in the first instance. The complaint should make reference to the Protected Disclosure previously raised, the form the alleged penalisation has taken and the reasons for their belief that there is a link between the two events. The Chief People Officer will arrange for an investigation to take place adhering to the rules of natural justice and the findings of the investigation will be communicated in writing to the individual concerned.

Appeals regarding investigations into claims of penalisation

If the worker is not satisfied with any aspect of the investigation or findings they may appeal to an appropriate person, listed in Appendix 2, but not involved in the original case.

This should be done in writing within 10 working days of receipt of the findings, clearly stating the reasons for the appeal.

Records

Records associated with protected disclosures, including the outcome, shall be retained in accordance with DPC's Records Retention Policy. All such records shall be maintained in a confidential and secure environment within Human Resources.

Annual Report

The Audit Committee will include relevant details of, and updates on, protected disclosures in their reports to the Board.

The Board will make an annual report to the Minister for Public Expenditure, NDP Delivery and Reform as requested in legislation. This report will not enable the identification of persons involved to be revealed. It will however include the number of protected disclosures made, the action (if any taken) in response and other such information and action taken as may be requested by the Minister.

Training

DPC will communicate to all persons within the scope of this Policy regarding the avenues open to them under this Policy. New workers will be made aware of this Policy through induction training or otherwise as appropriate.

This Policy will be available on DPC's website. DPC will ensure that the Internal Confidential Recipients receive appropriate training to deal with the Disclosure Policy, procedures and issues that might arise as a result thereof.

Policy Updates

This Policy can be updated by DPC at any time in its sole discretion. At all times legislation will take precedence, where relevant, over the provisions made in this policy.

APPENDIX 1- ADVICE FOR WORKERS MAKING A DISCLOSURE

DPC acknowledges the difficult choice a worker may have to make to make a disclosure. As the issues that prompt disclosures are likely to be complex, how the worker proceeds will vary from situation to situation. The following advice is recommended if a worker wishes to make a disclosure:

- Make any disclosures promptly, as timely disclosure can be verified or investigated with less difficulty;
- Focus on the issues and proceed in a tactful manner to avoid unnecessary personal antagonism which might distract attention from solving the problem;
- Be accurate in his/her observations and claims and keep formal records documenting relevant events.
- Workers may also wish to seek independent legal advice through their trade union or legal advisor. Workers should note that the Protected Disclosures Act 2014 (Amended 2022) provides that all these disclosures are protected.

APPENDIX 2- CONTACT DETAILS FOR THE CONFIDENTIAL RECIPIENTS

The contact details for the Internal Confidential Recipients for Dublin Port are:

Nicola McCarthy – Chief People Officer
Tel: +353 86 819 9273
Email: nmccarthy@dublinport.ie

Mr Michael Lennon – Company Secretary:
Tel: +353 (0) 1 8876053
Email: mlennon@dublinport.ie

The contact details for the Independent Confidential Recipients:

The Independent Confidential Recipient for Dublin Port Company can be contacted 24 hours per day, 7 days per week. This service is provided by Resolve Ireland.

Email: DublinPortConfidentialRecipient@protecteddisclosure.ie
Phone: 01-2964146
Postal Address: Dublin Port Independent Confidential Recipient, 11b Ashleigh Retail Centre, Castleknock Village, Dublin 15, D15 VHT4
File Online: www.protecteddisclosure.ie User Name – DublinPort, password – DublinPort2017

APPENDIX 3 – DEFINITION OF A WORKER

A 'worker' means an individual working in the private or public sector who acquired information on relevant wrongdoings in a work-related context and includes—

1. an individual who is or was an employee,
2. an individual who 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,
3. an individual who works or worked for a person in circumstances in which—
 - (i) the individual is introduced or supplied to do the work by a third person, and
 - (ii) the terms on which the individual is engaged to do the work are or were in practice substantially determined not by the individual but by the person for whom the individual works or worked, by the third person or by both of them,
4. an individual who is or was provided with work experience pursuant to a training course or programme or with training for employment (or with both) otherwise than under a contract of employment,
5. an individual who is or was a shareholder of an undertaking,
6. an individual who is or was a member of the administrative, management or supervisory body of an undertaking, including non-executive members,
7. an individual who is or was a volunteer,
8. an individual who acquires information on a relevant wrongdoing during a recruitment process,
9. an individual who acquires information on a relevant wrongdoing during pre-contractual negotiations (other than a recruitment process referred to in paragraph (8) above)