
STATES OF JERSEY



THE INTRODUCTION OF PUBLIC INTEREST DISCLOSURE LEGISLATION IN JERSEY

Presented to the States on 30th June 2025
by the Minister for Social Security

STATES GREFFE

REPORT

The introduction of Public Interest Disclosure Legislation in Jersey

Response of the Minister for Social Security to the Report and Recommendations of the Employment Forum

Introduction

In June 2025 the Employment Forum presented its report and recommendations on the introduction of statutory Public Interest Disclosure legislation in Jersey to the Minister for Social Security. A link to the report is here: [Employment Forum report and recommendation on the introduction of a public interest disclosure law in Jersey.pdf](#)

Public interest disclosures are more commonly and colloquially known as acts of whistleblowing. In this report these terms are used interchangeably. Legislation in other jurisdictions typically involves describing the types of activity for which there is protection for a whistleblower, and the process by which such disclosures can be made. The Forum's report and recommendations covered the following main areas:

- The types of activity in Jersey which would lead to protection under statutory public interest disclosure legislation
- Exceptions to the provision of protection for making a public interest disclosure
- Remedies where an act of whistleblowing leads to detrimental action taken against a person making a disclosure
- The categories of those to be protected when making a public interest disclosure
- To whom a disclosure should or may be made

The Forum also made recommendations in relation to the scope of advice available to those who make a public interest disclosure; the extension of the jurisdiction of the Jersey Employment and Discrimination Tribunal, including the specific remedies available to the Tribunal and the power to make Orders to preserve the anonymity of whistleblowers in appropriate cases.

Ministerial response to the Forum's report and recommendations

The Minister is grateful to the Forum for its thorough consideration of the issues involved in providing for a statutory public interest disclosure regime in Jersey.

The Minister agrees with the Forum that such a regime should be introduced in Jersey. As the Forum's report makes clear, it is vital that employees can have the confidence to make disclosures where they see wrongdoing and equally vital that employers maintain high ethical and behavioural standards, both for themselves and their employees, in the conduct of business.

The Minister is in broad agreement with the detailed recommendations of the Forum, in terms of the scope of protected activity; the remedies available when a whistleblower suffers a detriment for an act of whistleblowing; the exceptions to the protection available – in other words, circumstances where the protections will not apply, or will apply subject to other conditions - and the advice available to employees who may be considering blowing the whistle or have already done so.

The Minister accepts the Forum's recommendation in relation to the scope of those to be protected for an act of whistleblowing. The Minister considers that an incremental approach to the scope is the most appropriate for Jersey, beginning with the first four categories set out in Recommendation 9 of the Forum's report,

- i. Direct employees of A
- ii. Employees of an agency/entity providing services to A
- iii. Officers of the States of Jersey Police
- iv. Officeholders in Crown employment

Following the successful introduction of protection to these groups, the Minister encourages future Ministers to consider the expansion of protection to the other groups suggested by the Forum, namely

- v. Partners of A where A is a Limited Liability Partnership
- vi. Non-Executive Directors of A where A is a Jersey-incorporated entity, such as a company
- vii. Trustees of A where A is a charity

The scope of Recommendation 11 (the list of those prescribed persons to whom a protected disclosure may be made) will be the subject of further consideration by the Minister. It will be important to ensure that the various routes for making a protected disclosure are clearly set out in legislation.

The Minister agrees that dismissal of an employee for making a protected disclosure should be regarded as an automatically unfair dismissal and, along with the other remedies available, should be a Day 1 employment right.

In terms of appropriate financial remedies for acts of whistleblowing going forward, the Minister strongly supports the view that those proposed by the Forum should not represent a final approach but an initial one. The Minister agrees that compensation should, ultimately, be set at significantly enhanced levels which reflect an employee's potential or actual employment prospects – and the effects on an employee's physical and mental well-being – for an act of whistleblowing. This is particularly relevant in a jurisdiction the size of Jersey.

Next steps

The Minister will request law drafting to give effect to the Forum's recommendations and the Minister's decisions in relation to them. Once law drafting is complete, the Minister will circulate the draft legislation for wider consideration before inviting the States to debate the Proposition which she will bring to the Assembly.