EXPLANATORY MEMORANDUM TO

THE PUBLIC INTEREST DISCLOSURE (PRESCRIBED PERSONS) (AMENDMENT No.2) ORDER (NORTHERN IRELAND) 2010

S.R. 2010 No. 399

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Employment and Learning to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by Article 67F of the Employment Rights (Northern Ireland) Order 1996 and is subject to the negative resolution procedure before the Assembly.

2. Purpose

2.1. This Statutory Rule amends the Schedule to the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 1999 ("the 1999 Order"), which was recently updated by S.R. 2010 No. 361, by adding the Northern Ireland Human Rights Commission (NIHRC) to the list of prescribed bodies.

3. Background

3.1. The Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1998 gives protection to "whistleblowers" who raise concerns, by making a protected disclosure about dangerous or illegal activity that they are aware of in the workplace. Such protection is provided against any consequent victimisation or dismissal, and is contingent on the whistleblower having acted in a responsible way in dealing with his/her concerns. Disclosures are protected if made to a person or body which has been prescribed by "the 1999 Order". The list of Prescribed Persons/Bodies and the description of matters for which they are listed has recently been reviewed and updated.

4. Consultation

4.1. The NIHRC recently wrote to the Department requesting inclusion in the Order. The Assembly Employment and Learning Committee also sought the inclusion of the NIHRC in the Order. The Department considered these representations and agreed to the NIHRCs inclusion.

5. Equality Impact

5.1. An Equality Impact Assessment is not necessary as there is no impact, direct or indirect, on any of the Section 75 groups.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

7. Financial Implications

7.1. There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. This legislation complies with Section 24 of the Northern Ireland Act 1998 (Community Law, Convention Rights etc.)

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. The Order applies to Northern Ireland only. The corresponding Great Britain Statutory Instrument is The Public Interest Disclosure (Prescribed Persons) Order 1999.

11. Additional Information

11.1. Not applicable