

## **Whistleblowing – Frequently Asked Questions**

### **What is whistleblowing?**

“Whistleblowing” describes a situation in which an employee identifies malpractice in their workplace and takes steps to escalate the issue. This escalation may be within their employer (some employers identify a person to approach), or to a prescribed public authority. The Commission is prescribed, in respect of its licenceholders.

### **Are whistleblowers protected?**

The Isle of Man has provisions under the Employment Act 2006 to protect whistleblowers. A [guide to whistleblowing](#) from the Department of Economic Development describes what type of disclosure qualifies for protection (in terms of what issues are covered and matters such as acting in good faith).

### **How can I get advice on the Employment Act 2006?**

The Commission cannot advise on the Employment Act 2006. The [guide to whistleblowing](#) from the Department of Economic Development advises:

“In the United Kingdom, an independent organisation, Public Concern at Work (PCAW) provides guidance and training to employers on whistleblowing and can also advise persons who are unsure as to whether or how to raise a concern about workplace wrongdoing. (Whilst IOM legislation on protected disclosures is similar to UK provisions it should be noted that the prescribed regulators in the IOM (see Appendix 1) differ to those which are prescribed in the UK and there are other important differences between UK and IOM employment law). The website of PCAW is [www.pcaw.co.uk](http://www.pcaw.co.uk).”

### **Should I first raise my concerns at my workplace?**

We strongly encourage workers to blow the whistle internally in the first instance. Hopefully your employer will have whistleblowing procedures in the workplace and will address the issue promptly and effectively.

However, it is appropriate to come to the Commission if you work for a licenceholder and:

- you have disclosed an issue internally and are concerned about the response that you receive (or if there does not seem to be any response); or
- you feel unable to talk to anyone within your employer.

### **Who should I contact in the Commission?**

You can ring us on 689300 during office hours. The Deputy Directors of our supervisory teams are:

- Andrew Kermode (for banks)
- Bernice Oates (for CSPs and TSPs)
- Claire Whitelegg and Hazel Gawne (for funds and investment business)

If the person you want to speak to is not there, you can leave a message on voicemail, or speak to Paul de Weerd (risk and compliance).

If you prefer to e-mail us, please write to [fsc@gov.im](mailto:fsc@gov.im). Our postal address is P O Box 58, Finch Hill House, Bucks Road, Douglas, IM99 1DT.

**Will my call be tape recorded?**

The Commission does not tape its phones.

**Do you need to know my name?**

We obviously cannot insist that you give us your name, but it would be helpful to have your name and a method to contact you away from your workplace.

**Could my identity become known to my employer?**

We appreciate that whistleblowing is a difficult thing to do. We will treat your call sensitively and will do our best to protect your identity, if you wish.

However, we cannot guarantee confidentiality. It may be that we could not pursue our enquiries without the source of information becoming apparent, or that disclosure of identity becomes unavoidable in law.

If that is the case, we will do our best to make sure that you are told first.

**What information do you need?**

Any evidence in support of your call is helpful.