

Bulletin 110

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## WHISTLE BLOWING

Employers are increasingly likely to face whistle blowing claims following a decision in the Court of Appeal earlier this month in the case of Babula –v- Waltham Forest College.

This was a case where a college lecturer resigned following complaints that a work colleague had incited racial hatred at another college or that he had been involved in terrorism. He argued that the reason for his dismissal was that he had referred facts to his employer which he believed constituted a criminal offence and his employer had failed to report it.

The Court of Appeal held that so long as the disclosure was made in good faith and that the employee reasonably believed that the information he was disclosing met the criteria laid down by the whistle blowing legislation, then it did not matter if that belief was based on an incorrect legal assumption.

### Practical Tip

Before dismissing any employee, employers need to ensure that the employee has not made a disclosure about any information which could constitute a form of malpractice. Whistle blowing claims may increasingly be used by employees with less than 12 months service in order to obtain tribunal jurisdiction, and obtain increased compensation which can include monies for injury to feelings.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact a member of the Employment Team on 0151 600 3000. If you no longer wish to receive the bulletin please let us know by return email.

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