



Checklist: Can I make a protected disclosure?

This checklist will help you if you are thinking about making a protected disclosure about serious wrongdoing in your workplace, or wondering about how to make a disclosure.

It is intended to identify things you should think about before making a decision about what to do. For more information, check out the Ombudsman's [Guide to Making a Protected Disclosure](#).

Do I meet the basics?

- I am someone who is, or has been :
 - employed by the organisation in which the serious wrongdoing has occurred;
 - contracted or seconded to that organisation;
 - involved in the management of that organisation (for example, on the Board);
 - volunteering for that organisation;
 - working as a 'homeworker' for that organisation;¹ or
 - a member of the Armed Forces (where the organisation is the New Zealand Defence force).

- I believe that there is, or has been, **serious wrongdoing** in that organisation, being either:
 - an offence;
 - a serious risk to public health or safety, or the health or safety of any individual, or to the environment;

¹ Within the meaning of section 5 of the Employment Relations Act

- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial;
- an unlawful, corrupt or irregular use of public funds or resources; or
- conduct by a public sector employee (or someone performing a public sector function or power) which is either:
 - oppressive;
 - unlawfully discriminatory;
 - grossly negligent; or
 - gross mismanagement.
- I do not intend to disclose the information in bad faith.³
- I disclose information in accordance with the [Protected Disclosures \(Protection of Whistleblowers\) Act](#).

You can [contact the Ombudsman](#) for information and guidance, or to confirm that these requirements are met.

Who do I make my protected disclosure to?

1. Can I disclose within my organisation?

- If there are **internal workplace procedures**, I have checked them and identified who I should make my disclosure to (public sector organisations must publish internal procedures for protected disclosures).
- I can also choose to disclose to the **head of my workplace** at any time.
- If I don't feel comfortable disclosing it to my workplace, I can make my disclosure **outside of the workplace (to an 'appropriate authority')** at any time.

There are many 'appropriate authorities' that disclosures can be made to. In addition to the Ombudsman these include the Police, the Serious Fraud Office, the Health and Disability Commissioner, the Auditor-General and the Independent Police Conduct Authority. A list of appropriate authorities and the types of disclosures they might deal with may be found [here](#).

Are you confused about where to go, or do you want to make an anonymous disclosure? [Contact the Ombudsman](#) for information and guidance.

³ Section 9.

I've made my protected disclosure, and now I'm worried because the organisation that I made it to:

- Says my disclosure is **not about serious wrongdoing**
- Says my disclosure is **not protected**
- Has told me **I will need to be identified**
- Has **breached my confidentiality** and told people that I have made a disclosure
- Says I have **breached my employment contract** or office policy by making a disclosure
- Is **refusing to investigate** my disclosure
- Has treated me badly** because I have spoken up

The Ombudsman can provide confidential advice throughout the process of making a protected disclosure.

If you're concerned about how your protected disclosure is being handled, or you just need further information and guidance, you can contact the Ombudsman. Your enquiries will be treated in confidence, and dealt with by our specialist staff.

Our contact details are as follows:

The Ombudsman
PO Box 10152
Wellington 6143
Phone: 0800 802 602
Email: info@ombudsman.parliament.nz
Web: www.ombudsman.parliament.nz