

Section A		
Institution: Middlesex University		
Unit of Assessment: 17 Business and Management		
Title of case study: Improving the protection of whistleblowers		
Period when the underpinning research was undertaken: From 1995 onwards		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title)	Period(s) employed by submitting HEI
Dave Lewis	Professor of Employment Law	1972-

the employer to protect a person's identity, and the presence of an independent person or organisation to receive information about concerns staff wished to raise; aspects of good practice equally applicable to both public and private sectors.

Further research into institutional frameworks for protecting whistleblowers and responding to their concerns, explored the roles that trade unions might adopt in order to improve responsiveness in the whistleblowing process [2]. This research demonstrated a key role for trade unions in negotiating whistleblowing procedures, advising and representing their members, and raising collective concerns on behalf of the workforce, as well as in ensuring that proven wrongdoing was rectified and whistleblowers did not suffer retaliation. Research from the employee perspective studied the motivation to whistleblow and the impacts on the whistleblower. Findings identified key factors influencing the decision to whistleblow, especially morality and emotion, and the demonstrable effect of perceived negative consequences on the intention to whistleblow. Study of the costs on whistleblowers in terms of their jobs, economic security, physical health and mental well-being, demonstrated negative health effects, and the implications of this for whistleblower protection [3].

(2) Whistleblowing legislation and enforcement

Following initial research from 2001 into the position of whistleblowing in relation to employment and discrimination law within the UK, Lewis pioneered comparative research into statutory provisions for whistleblowing and their effect in Australia, the US and UK (2004), developed further through studies in South Africa (with Uys, 2007) and Norway (with Trygstad, 2009). This research demonstrated how national legislation on disclosure reflected different labour relations systems and democratic values, and

[5] Lewis, D (2019) Labour market enforcement in the 21st century: should whistleblowers have a greater role? *Industrial Relations Journal*, 50(3):256-276. <https://doi.org/10.1111/irj.12251>

[6] Lewis, D. (2020) “The EU Directive on the protection of whistleblowers: a missed opportunity to establish international best practices”. *EJournal of Comparative and International Labour Studies* 9(1): 1-25. http://ejcls.adapt.it/index.php/ejcls_adapt/issue/view/73.

Funding:

- (1) £43,778 from the DHSS (Quantitative research for the ‘Freedom to Speak Up’ independent review of whistleblowing in the NHS, 2014).
- (2) £14,750 from the UK Nursing and Midwifery Council (Analysis of responses submitted by nurses, midwives and health visitors to the Francis review of whistleblowing in the NHS, 2015).
- (3) 10,000 Euros under the PECK 11 scheme from the Council of Europe mission to Kosovo (drafting whistleblowing legislation, 2018).
- (4) 10,000 Euros under the AEK-MKD scheme for the Council of Europe project on introducing whistleblowing legislation in North Macedonia, 2020.

4. Details of the impact

Lewis’ research has raised the public profile of the significance of whistleblowing, highlighting the public interest in encouraging whistleblowing and showing that this interest cannot be adequately protected by general employment measures. Dissemination and review of specialist findings via the *International Whistleblowing Research Network* (IWRN) hosted by Lewis at Middlesex since 2008, has contributed to a new public profile for whistleblowing. The growing IWRN comprised of over 200 researchers, practitioners and policy makers from across the world has encouraged networking and dissemination of research and good practice including via regular conferences (Sarajevo, 2015; Oslo, 2017; Utrecht, 2019). In 2011a. (doi:10.1111/j.1474-6658.2011.00717.x) ... 15 (1) 26 (2) 138 (3) 38 (4) 33 (5) 100 (6) 100 (7) 100 (8) 150 (9) 57 (10) 54 (11) 54 (12) 41 (13) 44 (14) 100 (15) 39 (16) 36 (17) 100 (18) 100 (19) 36 (20) 100 (21) 100 (22) 100 (23) 100 (24) 100 (25) 100 (26) 100 (27) 100 (28) 100 (29) 100 (30)

concerns; principle 8 on investigations; principle 10 on training; principle 11 on support; and principle 19 on primary care [5.5]. For principle 20, on enhancement of legal protection, Lewis advised the report author directly on the failure of the law to protect against discrimination against whistleblowers at the point of hiring. UCL Partners subsequently commissioned Lewis to deliver training workshops (2016-2017) on the implications of the FTSU review, which encouraged human resource practitioners to base their own tailored approaches on underpinning principles and evidence. The principles of the Francis review not only shaped major changes in whistleblowing report culture in the NHS (notably principles 7,8,10,11) - the UK's largest employer of 1.2m staff - but have been widely drawn on by other organisations across the public and private sectors [5.3]. A subsequent study of published procedures used by the FTSE top 100 firms showed how these principles have been widely applied in these companies [5.6].

In 2016, in response to growing public controversy over the provision of a safe environment for whistleblowing in the Garda Síochána, Lewis was contracted by the Irish Policing Authority to review their policy and procedures for the making of protected disclosures. The review's recommendations identified changes to ensure compliance with the 2014 Protected Disclosures Act regarding who could make a protected disclosure, how to make a protected disclosure, the role of the protected disclosures manager, and employee safeguards. Following consultation on the review, in November 2016 the Irish Policy Authority published a *Report of the policing authority on the Garda Síochána protected disclosures policy*. This set out 17 recommendations and led to the Garda's introduction of an amended policy to cover its 15,000 workforce in 2017 [5.7].

As part of work to embed an overall shift of employment culture internationally, since 2015, Lewis has served as a member of the British Standards Institute working party preparing an international standard on whistleblowing. This ISO standard will be the international benchmark for all whistleblowing policies and is expected to be agreed in 2021.

Reshaping legislation internationally to protect whistleblowers

The whistleblowing model Lewis first proposed in 1995 in relation to the UK of protecting whistleblowers via employment protection rights, has since informed the conceptualisation and drafting of legislation and policy internationally, particularly as countries have recognised the value of whistleblowing legislation in fighting corruption. In 2016 a three-day UNODC anti-corruption mission to Liberia aimed at training judges and senior civil servants across 12 West African countries, engaged Lewis as a whistleblowing expert. The resulting *Monrovia Statement on Whistle-blower and Witness Protection in West Africa* [5.8], jointly drafted by Lewis, was adopted by all participants to facilitate the establishment of effective whistleblower and witness protection systems within these 12 nation states. In Japan, Lewis provided evidence based on his empirical research and expertise on international best practice to a national committee in 2019, as part of an impact review of their 2005 Whistleblower Protection Act. In Australia, Lewis was adviser on the Griffith University's *Whistle while you work* project, funded by the Australian Research Council Linkage scheme, as well as recent legislation providing whistleblowing rights under

