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Blowing the Whistle on the Union: How Successful Is It?

Wim Vandekerckhove and Cathy James*

1. Introduction

Whistleblowing – understood as workers raising a concern about wrongdoing in their workplace to persons or organizations that may be able to effect action¹ – has been most extensively studied with a focus on the whistleblower. Mesmer-Magnus and Viswesvaran² and Miceli, Near and Dworkin³ offer valuable reviews of that research.

We can read the conclusions in their reviews as a call for research focussing on recipients – those persons or organizations whistleblowers raise their concern with, hoping they can effect action to stop the wrongdoing. They suggest such research could be more productive in identifying routes for more successful whistleblowing. Whilst most campaigning has focused on protecting whistleblowers – making it safe

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¹ This definition is based on J. P. Near, M. P. Miceli, *Organizational Dissidence: The Case of Whistle-blowing*, in *Journal of Business Ethics*, 1985, vol. 4, n. 1, 1-16, but uses “workers” rather than “organization members” for reasons argued by D. Lewis, A. J. Brown and R. Moberly, *What is Whistleblowing, Why Is It Important, How Should It Be Researched*, in *International Whistleblowing Research Handbook*, Edward Elgar, Cheltenham, forthcoming.

² J. R. Mesmer-Magnus, C. Viswesvaran, *Whistleblowing in Organizations: An Examination of Correlates of Whistleblowing Intentions, Actions, and Retaliation*, in *Journal of Business Ethics*, 2005, vol. 62, n. 3, 277-297.

³ M. P. Miceli, J. P. Near, and T. M. Dworkin, *Whistle-blowing in Organizations*, Routledge, New York, 2008.

for people to raise a concern, Near and Miceli⁴ point out that it is just as important to make whistleblowing more effective, which they define as “the extent to which the questionable or wrongful practice (or omission) is terminated at least partly because of whistle-blowing and within a reasonable time frame”⁵. Vandekerckhove, Brown and Tsahuridu⁶ combine these to define successful whistleblowing as raising a concern that results in “managerial responsiveness to the primary concerns aired by the whistleblower about wrongdoing; and managerial ability or willingness to refrain from, or protect the whistleblower against, retaliation or reprisals for having aired those concerns”. In other words, successful whistleblowing is both safe and effective.

In research, one obvious but often neglected type of organisation that may be able to effect action to stop wrongdoing – or recipient where whistleblowers can raise their concern – is a trade union.

Vandekerckhove⁷ found that, with the exception of the Netherlands and Canada, trade unions have not been at the forefront of campaigning for better whistleblower protection. Nevertheless, Lewis⁸ and Vandekerckhove⁹ have argued that trade unions have a positive role to play in developing and implementing internal whistleblowing procedures. Vandekerckhove and Lewis¹⁰ list involving trade unions as a key element in their framework for reviewing guidelines on whistleblowing policies, but found only the guidelines from the British Standard Institute¹¹ advise organisations to consult with trade unions. Skivenes and Trygstad¹² have used both the high unionisation rate in Norway as well as the fact that

⁴ J. P. Near, M. P. Miceli, *Effective-Whistleblowing*. *Academy of Management Review*, 1995, vol. 20, No. 3, 679-708.

⁵ Near and Miceli, 1995, *op. cit.*, 861.

⁶ W. Vandekerckhove, A. J. Brown, E. E. Tsahuridu, *Researching “Hearer” and “Protector” Courage: Exploring Managerial Responses to Whistleblowing*, in *International Whistleblowing Research Handbook*, Edward Elgar, Cheltenham, forthcoming.

⁷ W. Vandekerckhove, *Whistleblowing and Organizational Social Responsibility. A Global Assessment*, Ashgate, Aldershot, 2006.

⁸ D. Lewis, *The Contents of Whistleblowing/Confidential Reporting Procedures in the UK. Some Lessons from Empirical Research*, in *Employee Relations*, 2006, vol. 28, n. 1, 76-86.

⁹ Vandekerckhove, 2006, *op. cit.*

¹⁰ W. Vandekerckhove, D. Lewis, *The Content of Whistleblowing Procedures: A Critical Review of Recent Official Guidelines*, in *Journal of Business Ethics*, 2012, vol. 108, n. 2, 253-264.

¹¹ British Standards Institute, *PAS 1998:2008 Whistleblowing Arrangements. Code of Practice*, British Standards Institute, London, 2008.

¹² M. Skivenes, S. C. Trygstad, *When Whistle-blowing Works: The Norwegian Case*, in *Human Relations*, 2010, vol. 63, n. 7, 1071-1097.

trade union involvement is firmly institutionalised in Norway, to explain the high level of successful whistleblowing in their survey in Norway. Lewis¹³ reviews a number of surveys with organisations from different industries in the UK on the involvement of trade unions in developing and implementing whistleblowing policies. Lewis submits that trade unions “have always had an important role as a watchdog and have supported members who ‘speak up’”¹⁴. Hence, for Lewis, trade unions are not only keen to be involved but internal whistleblowing procedures are also likely to be more influential if trade unions have been involved in developing them and have their support. In the NHS, 99% of 154 surveyed NHS Trusts stated a union was consulted about introducing a whistleblowing procedure¹⁵. Out of 600 surveyed colleges and universities, 546 (91%) had an internal whistleblowing procedure, and 468 (78%) indicated that a union was consulted about its introduction¹⁶. A survey by the Industrial Relations Services¹⁷ with 57 public sector organisations and 57 private sector organisations, showed that in the public sector 63% of those that had a whistleblowing procedure had involved a trade union when developing the policy. For the private sector organisations this was 22%, which according to Lewis reflects the fact that public sector organisations are more likely to recognise trade unions than organisations in the private sector¹⁸.

This paper analyses data from the Public Concern at Work advice line in the UK, to answer the following research questions with regards to blowing the whistle to a trade union:

Who raises a concern about organisational wrongdoing with trade unions?
How effective is raising a concern with a trade union in terms of successful whistleblowing?

The paper is structured as follows. The next two sections further conceptually clarify the research questions. In the first of these sections we explain that since we are researching whistleblowing to a specific recipient – i.e. trade unions – it is important to specify the position of this

¹³ Lewis, 2006 *op. cit.*

¹⁴ Lewis, 2006, *op. cit.*, 78.

¹⁵ D. Lewis, C. Ellis, A. Kyprianou, *A Survey of Confidential Reporting/Whistleblowing Procedures in National Health Service Trusts*, Centre for Legal Research Middlesex University, London, 2003.

¹⁶ D. Lewis, C. Ellis, A. Kyprianou, *Whistleblowing at Work: The Results of A Survey of Procedures in Further and Higher Education*, in *Education & the Law*, 2001, vol. 13, n. 3, 215-225.

¹⁷ IRS, *Industrial Relations Services Employment Review*, n. 685, 1999.

¹⁸ Lewis, 2006, *op. cit.*

recipient vis-à-vis the organisation: is it an internal or external recipient? In other words, we answer the question whether trade unions are best perceived as internal or as external recipients for whistleblowing. The second clarifying section points out why it is not straightforward that blowing the whistle to a trade union would result in more successful whistleblowing, and thus makes the case for the relevance of this paper. The paper proceeds to describe the data collection for this research, and then offers findings and discussion for each of the two research questions. Finally, we offer some conclusions and stipulate some further research needs based on the limitations of our data.

2. Raising a Concern with a Trade Union: Internal or External?

Most of the time we learn about whistleblowers when their stories are published in newspapers, blogs, or radio and tv. However, research shows that whistleblowing is a process that almost always starts with a worker raising a concern inside their organisation, and most whistleblowers never proceed beyond the internal phase. For example, research in Australia showed that 90% of those who had blown the whistle had only done so inside their organisation, 7% had done so to an external agency only after they had raised their concern inside their organisation, and only 3% had blown the whistle immediately to an external agency or the media¹⁹.

Vandekerckhove²⁰, abstracting from current legislative developments in the UK and Australia, posits a 3-tiered model of whistleblowing legislation that further distinguishes two levels of external whistleblowing.

The 3-tiered model describes a balanced approach to the public disclosure of information about organisational wrongdoing and the organisational interests in keeping such information out of the public realm. In its first tier, which is internal, the information does not leave the organisation. In the second tier, the whistle is blown to an agent acting on behalf of the wider society. This second tier would include regulators or other prescribed persons, including the police. What distinguishes these from wider disclosures is that information given to them may not reach the wider public. In this regard, members of Parliament are not necessarily

¹⁹ A. J. Brown (ed.), *Whistleblowing in the Australian Public Sector: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations*, ANU E Press, Canberra, 2008.

²⁰ W. Vandekerckhove, *European Whistleblower Protection: Tiers or Tears?*, in *A Global Approach to Public Interest Disclosure*, Edward Elgar, Cheltenham, 2010, 15-35.

second tier recipients. In most representative democracies they have the powers to control the executive government (ministers and those appointed by government i.e. regulators) but often do this in a way which involves their communications to be in the public domain.

This second tier will only be accessed when first tier whistleblowing is unsuccessful, or in other words, when the organisation fails to correct the wrongdoing for which it carries responsibility, or fails to deal adequately with the concern being raised and the person raising it. Hence, the second tier is an external one, but the public would not know the whistle had been blown to that recipient. Still, this second tier recipient would investigate and take action in relation to the wrongdoing. The possibility of blowing the whistle to a second tier recipient thus serves as a deterrent to the organization.

The third tier also consists of external recipients, but here the information and allegation the whistleblower makes may become known to the general public, for example, via the media. Within the 3-tiered model, third tier recipients function as watchdogs over second tier recipients should these not take action. In short, the principle of the 3-tiered model is not that organisations become directly accountable to the wider society for their practices, but that they are held accountable for dealing adequately with concerns being raised with them and the persons raising them.

In an analysis of European whistleblowing legislation using the framework of the 3-tiered model, Vandekerckhove²¹ notes that the second tier can show quite some diversity in terms of operationalisation. An example is the whistleblower protection for Flemish civil servants in the federal state of Belgium. This legislation (from 2005) stipulates that civil servants can raise concerns with their head of department or with the internal auditor of the Flemish Community – both being considered first tier recipients. Civil servants can also go on to raise their concern with the Ombudsman who reports to parliament. The Ombudsman can grant protection, investigate, and advise the relevant minister on action to be taken. Here, the Ombudsman is a second tier recipient, external to the Flemish Civil Service, acting on behalf of the wider society and their interest in good governance, but the whistleblower's information is not known to the public, at least not immediately. The Flemish Ombudsman provides some description of the whistleblowing concerns it has received in its annual report to parliament, which is a public document.

²¹ *Ibid.*

Another example is the Romanian 2004 whistleblower protection law. It covers civil servants, and stipulates that if a whistleblower is being investigated by his or her organisation for disciplinary reasons he or she has the right to demand that the press or a union representative be present at the disciplinary meeting.

So where do trade unions fit with this framework? We submit that raising a concern with a trade union can also be seen as a possible second tier recipient. Trade unions have a collective concern. From a classic antagonistic perspective of labour versus capital, they unify workers across organisations in their pursuit to be protected from capitalist exploitation. Thus from this point of view trade unions are external to any employing organisation.

However, where trade union representatives have consultative or even decision-making powers they have an undeniable presence inside the organisation. Nevertheless, trade union representatives can trigger industry wide campaigns or pressure when issues are not resolved internally – i.e. when the wellbeing of workers as well as organisational viability are not being safeguarded.

Hence trade unions are external recipients that do not necessarily make all the information they possess on an issue public. In this sense, trade unions are second tier recipients. Their uniqueness as second tier recipient lies in their potential to support workers in making their whistleblowing successful at any of the three tiers.

3. Trade Unions and Successful Whistleblowing

From the limited research available on trade unions and whistleblowing cited in the introduction of this paper, we would expect whistleblowing to trade unions to be more successful than other routes because of the unique position of trade unions in being able to support their members. In fact, a union may even help a non-member in order to demonstrate their value and recruit new members. Boroff and Lewin write that “unions attempt to secure economic rents for their members [and] at the same time individuals may join unions in order to secure such rents”²². However, it remains more likely that non-members will simply not raise their concern with a union at all.

²² K. E. Boroff, D. Lewin, *Loyalty, Voice and Intent to Exit a Union Firm: A Conceptual and Empirical Analysis*, in *Industrial and Labor Relations Review*, 1997, vol. 50, n. 1, 50-63. Citation at 54 et seq.

The implication of what Boroff and Lewin write for whistleblowing is that trade unions might be very good at supporting the whistleblower in negotiating a “good deal”: either a good severance payment or remaining at work. Still, for unions to attend to individual whistleblowers might already stretch the notion of what it is that unions do. Addison and Belfield²³ argue that rather than collective voice, it is individual voice that lowers the risk of workers quitting, i.e. individual rights are more valuable than collective representation. The task and value of trade union involvement according to Frieze and Jennings²⁴ is precisely the protection of whistleblowing workers. Lewis offers an analysis of how perceiving reprisals against whistleblowers as workplace discrimination could leverage union action to protect whistleblowers²⁵.

This could, however, jeopardize the other component of successful whistleblowing. More precisely, trade union support for whistleblowers might imply that less attention is given to the concern the whistleblower tried to raise in the first place, resulting in unsuccessful whistleblowing in terms of correcting the malpractice.

4. Methodology

The data used for this paper was collected from 1,000 cases in the Public Concern at Work (PCaW) advice line database. The PCaW advice line was set up in 1993 to help workers who wanted to raise or had raised a concern in their workplace or to external recipients. Since 1993, PCaW has advised over 14,000 whistleblowers. Individuals can call the PCaW advice line free of charge. PCaW advisers ask about the nature of the concern, how serious it is, whether it is on-going, why a caller is trying to raise the concern, who they have raised it with and how it has been received by colleagues or managers. This is in addition to seeking information about the structure of the employing organisation and the nature of the caller’s working relationships. PCaW also advises on the

²³ J. T. Addison and C. R. Belfield, *Union Voice*, in *IZA Discussion Paper Series*, 2003, n. 862.

²⁴ J. Frieze, and K. Jennings, *A Trade Union Perspective on Whistleblowing*, in *Whistleblowing at Work*, Transaction Publishers, New Jersey, 2001, 114-127.

²⁵ D. Lewis, *Providing Rights for Whistleblowers: Would an Anti-discrimination Model Be More Effective?*, in *Industrial Law Journal*, 2005, vol. 34, n. 3, 239-252.

Public Interest Disclosure Act 1998 (PIDA)²⁶, the law that protects whistleblowers in the UK.

Each time an individual contacts the PCaW advice line, advisers take notes on the nature of the concern and the unique situation of the whistleblower. This helps PCaW to give further advice when the whistleblower calls back. These notes are then entered on case files in the PCaW database. Thus, for each caller, PCaW has an advisor's narrative of their whistleblowing journey.

For a larger research project we did a content analysis of 1,000 of these narratives, ranging between August 2009 and December 2010, to avoid using case files from on-going cases²⁷. We only included entries where the contact with the whistleblower was by phone. We excluded entries where the call for advice came from those other than the whistleblower. We further excluded entries where there was no information on the type of wrongdoing or type of organisation the whistleblower was working for.

The coding method was developed by the first author in collaboration with a number of staff from PCaW (including the second author of this paper). For confidentiality reasons, a PCaW staff member coded the narratives. Between March and July 2012, the first author and the PCaW staff member independently coded the same 90 narratives (these were cleared by PCaW from any identifying content for reasons of confidentiality in relation to the users of the advice line). The two researchers first coded 20 and then 30 narratives to develop the code book. A further 10 narratives were double-coded at three subsequent instances to gain a shared understanding of the coding categories and to ensure consistency. At each instance differences in coding would be discussed and clarified. The PCaW researcher would then go back and recode the narratives already entered into the research database. A shared understanding was reached after the third session. A final double coding of 10 random narratives at the end of July 2012 revealed no differences.

Data entry by the PCaW researcher was finalised at the end of October 2012. The researcher from the University of Greenwich then analysed the data using SPSS. All variables were treated as nominal.

It is important to point out that this data was secondary data. The narratives were written by PCaW advisers for the purpose of giving

²⁶ The relevant provisions are now located in Part IVA of *the Employment Rights Act 1996* (as amended).

²⁷ For more on this project and an overview of the data, see *Whistleblowing – The Inside Story*, Public Concern at Work and University of Greenwich, London, 2003.

advice, not for research purposes. The implication is that not every case included data for all variables.

In 868 of the 1,000 cases we analysed from the PCaW advice line, a concern was actually raised and in 132 cases an intention to raise a concern was expressed. The top five industries from the data were: care, with 134 cases (15.4%); health, with 131 cases (15.1%); education, with 96 cases (11.1%); and charities, with 80 cases (9.2%).

One of the variables we coded was who whistleblowers had raised their concern with. Possible values were: with the wrongdoer, line manager, higher manager, union representative, specialist channel (audit, compliance, hotline), regulator, independent bodies (police, MP, NGO), grievance, media, unknown.

For the purposes of this paper, these recipients were recoded into internal (wrongdoer, line manager, higher manager, specialist channel, grievance), external (regulator, independent bodies, media), and union. Cases where this variable was “unknown” were excluded from the dataset used for this paper.

Following an emerging stream within whistleblowing research that has been gathering data on the multiple recipients whistleblowers raise a concern with we coded the sequence of recipients whistleblowers had contacted²⁸. The narratives in the PCaW database made this relatively easy. We coded the first four times a whistleblower had raised their concern. This resulted in the sample presented in table 1.

²⁸ M. Donkin, R. Smith, A. J. Brown, *How Do Officials Report? Internal and External Whistleblowing*, in *Whistleblowing in the Australian Public Sector: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations*, ANU E Press, Canberra, 2008, 83-108.

S. Dreyfus, and A. J. Brown, *Traitors, troublemakers or trailblazers? Preliminary analysis from the World Online Whistleblowing Survey on public attitudes to whistleblowing*, Paper presented at the International Whistleblowing Research Network Conference, London, July 2013.

See also Vandekerckhove, Brown, and Tsahuridu, *op. cit.*

Table No. 1 – Internal/External/Union Characteristics of the Sample

	Internal	External	Union
Attempt1 (n=849)	777 (91%)	57 (7%)	15 (2%)
Attempt2 (n=477)	350 (73%)	108 (23%)	19 (4%)
Attempt3 (n=140)	84 (60%)	50 (36%)	6 (4%)
Attempt4 (n=21)	10 (47.6%)	10 (47.6%)	1 (4.8%)

Source: Author's Own Elaboration

5. Findings and Discussion

Who raises a concern about organisational wrongdoing with trade unions? From the 849 cases in our sample, a concern was raised 1,487 times. In only 41 instances (2.7%) was a concern raised with a trade union. When broken down sequentially, we find that 15 out of 849 people (1.8%) raised a concern with a union in their first attempt, 19 out of 477 (4%) raised their concern with a union in their second attempt, 6 out of 140 (4.3%) at their third attempt, and 1 out of 21 (4.8%) at the fourth attempt. One limitation of our data is that it does not include whether or not a whistleblower was a union member.

Table No. 2 shows the breakdown in occupational level of those who raise a concern to the union. Tables No. 3-6 show in which industries people raised concerns to the union.

Table No. 2 – Raising with Union per Occupational Level

Occ. level	% to union at 1 st attempt	% to union at 2 nd attempt	% to union at 3 rd attempt	% to union at 4 th attempt
unskilled	1.8	3.2	-	-
skilled	1.3	3.9	5.3	-
admin	4.6	2.6	-	-
professional	-	5	4.7	-
management	2.5	2.9	3.6	20
executive	-	-	-	-

Source: Author's Own Elaboration

As we would expect, no one in an executive position raised their concern with a union. There are however workers in managerial positions raising a concern with a union. This is obviously because this category includes managers at any level below executives. Earlier analysis of this data has shown that managers are also more likely than other occupational levels to be dismissed when raising a concern²⁹. This can explain why this category is represented in our findings at all four attempts. Again, it must be noted that our data did not include whether or not whistleblowers were member of a union.

The most likely occupational level to raise their concern with a union at the first attempt is the administrative worker. However, they are the least likely group to raise concern with a union in a second attempt, and none do so at third attempt. Overall, unskilled workers are the least likely to raise a concern with a union, with none of them raising concern to a union at their third attempt. This is despite unskilled workers still making up 7.1% and administrative workers making up 6.4% of those who raise a concern a third time. A possible explanation is that these whistleblowers were not union members.

Table No. 3 – Raising with Union per Industry at First Attempt

Industry	N	% of union	% industry	% total cases
health	4	26.7	3.1	0.5
local govern	4	26.7	6.7	0.5
care	2	13.3	1.5	0.2
finance	2	13.3	3.7	0.2
transport	2	13.3	7.7	0.2
manufacturing	1	6.7	3.6	0.1
Total 1st attempt	15	100	1,8	1.8

Source: Author's Own Elaboration

²⁹ *Whistleblowing - The Inside Story, op. cit.*

Table No. 4 – Raising with Union per Industry at Second Attempt

Industry	n	% of union	% industry	% total cases
health	7	36.8	9.5	1.5
education	4	21.1	7.3	0.8
finance	2	10.5	6.5	0.4
central govnm	1	5.3	33.3	0.2
local govnm	1	5.3	2.8	0.2
retail	1	5.3	6.7	0.2
transport	1	5.3	8.3	0.2
quango	1	5.3	25	0.2
leisure/hosp	1	5.3	10	0.2
Total 2nd attempt	19	100.2	4	4

Source: Author's Own Elaboration

Table No. 5 – Raising with Union per Industry at Third Attempt

Industry	n	% of union	% industry	% total cases
charities	1	16.7	10	0.7
finance	1	16.7	12.5	0.7
central govnm	1	1.7	50	0.7
local govnm	1	16.7	9.1	0.7
health	1	16.7	4.3	0.7
other	1	16.7	7.7	0.7
Total 3rd attempt	6	100.2	4.3	4.3

Source: Author's Own Elaboration

Table No. 6 – Raising with Union per Industry at Fourth Attempt

Industry	n	% of union	% industry	% total cases
care	1	100	14.3	4.8
Total 4th attempt	1	100	14.3	4.8

Source: Author's Own Elaboration

We can see from the sequential breakdown that overall, trade unions are not the favourite recipient for workers who want to raise a concern about wrongdoing in their organisation. It is also clear that those who do raise their concern with a trade union raise it with others before turning to the union (1.8% at first attempt, climbing to 4% at second, 4.3% at third, and 4.8% at fourth attempt). A possible explanation is that workers turn to a union (as one of other possible external recipients) because of the negative reactions they receive from people in their organisation when raising a concern internally³⁰. Hence this finding suggests that union members are like other whistleblowers: they raise their concern first with line managers in the hope that it will be resolved speedily, informally, and satisfactorily.

Where industries are concerned, we do not see a reflection of the top-5 overall in the findings. Transport (7.7% to union) and local governments (6.7% to unions) are the two industries where more than the other industries, whistleblowers raise their concern with the union straightaway. Central government (33.3%), quangos (25%), leisure and hospitality industry (10%), and the health sector (9.5%) stand out as industries where people raise their concern with a union at second attempt (hence after raising with someone else first) or third attempt (respectively 50% and 4.3%) more than the other industries.

Without peaking anywhere, workers in financial services organisations remain a constant throughout the whistleblowing process. They make up 13.3%, 10.5%, and 16.7% of those who raise their concern with a union at respectively first, second, and third attempt.

There might be several explanations for our finding that industry ratios of whistleblowing to the union do not reflect overall industry ratios. One explanation might be that unions are better organised in specific industry sectors (e.g. transport). Or they might enjoy stronger unionisation (e.g. central and local governments). Another possible explanation is that the issues workers raise are at the core of the business the organisations they work for, and that this is why they get fierce reactions “driving” them to the union. Near and Miceli provided theoretical backing³¹ for such a hypothesis where they predict that the closer to the core business of an organisation the concern is, the less likely it is internal whistleblowing will be successful.

³⁰ J. P. Near, M. P. Miceli, *Whistle-blowing: Myth and Reality*, in *Journal of Management*, 1996, vol. 22, n. 3, 507-526.

³¹ Near and Miceli, 1995, *op. cit.*

In order to test this hypothesis, we look at the type of wrongdoing about which concerns are raised with the union (Tables No. 7-10) and whether there is a relation between type of wrongdoing and industry (table No. 11).

Table No. 7 – Raising with Union per Type of Wrongdoing at First Attempt

Type of wrongdoing	n	% of union	% wrongdoing	% total cases
financial	5	33.3	3.4	0.6
ethical	3	20	2	0.4
patient safety	1	6.7	1.3	0.1
environment	1	6.7	14.3	0.1
public safety	1	6.7	1.1	0.1
abuse in care	1	6.7	1.6	0.1
multiple	1	6.7	1.3	0.1
other	2	13.3	4.4	0.2
Total 1st attempt	15	100.1	1.8	1.8

Source: Author's Own Elaboration

Table No. 8 – Raising with Union per Type of Wrongdoing at Second Attempt

Type of wrongdoing	n	% of union	% wrongdoing	% total cases
work safety	7	36.8	9	1.5
consum. & comp.	2	10.5	25	0.4
financial	2	10.5	2.6	0.4
ethical	2	10.5	2.5	0.4
multiple	2	10.5	3.8	0.4
patient safety	1	5.3	2.2	0.1
public safety	1	5.3	1.9	0.2
abuse in care	1	5.3	2.5	0.2

other	1	5.3	3.8	0.2
Total 2nd attempt	19	100	4	4

Source: Author's Own Elaboration

Table No. 9 – Raising with Union per Type of Wrongdoing at Third Attempt

Type of wrongdoing	n	% of union	% wrongdoing	% total cases
public safety	2	33.3	12.5	1.4
financial	1	16.7	4.8	0.7
work safety	1	16.7	3.6	0.7
ethical	1	16.7	5.6	0.7
multiple	1	16.7	5.6	0.7
Total 3rd attempt	6	100.1	4.3	4.3

Source: Author's Own Elaboration

Table No. 10 – Raising with Union per Type of Wrongdoing at Fourth Attempt

Type of wrongdoing	n	% of union	% wrongdoing	% total cases
multiple	1	100	33.3	4.8
Total 4th attempt	1	100	33.3	4.8

Source: Author's Own Elaboration

Table No. 11 – Industry per Type of Wrongdoing for Concerns Raised with Union

Type of wrongdoing	n	% of concerns to union	Industry
financial	8	19.5	Financial services (2), education (2), local government, health, manufacturing, transport
work safety	8	19.5	Health (2), central government, retail, transport, quango, leisure/hospitality, other
ethical	6	14.6	Local government (2), central government, care, health, education
multiple	5	12.2	Health (4), care
public safety	4	9.7	Transport, health, charity, local government
patient safety	2	4.9	Health (2)
abuse in care	2	4.9	Care , health
Consum. & comp.	2	4.9	Financial services (2)
environment	1	2.4	Financial services
other	3	7.3	Local government (2), education
Total	41	99.9	

Source: Author's Own Elaboration

Financial wrongdoing is particularly critical if it occurs in financial institutions because it is directly linked to their core business of conducting monetary transactions. However, if it happens in other industries, it is also quite likely to be of strategic importance to the survival of the organisation. Hence, following Near and Miceli³² people who raise a concern about financial wrongdoing are more likely to experience reprisals. This might explain why financial wrongdoing in various industries tops the list of concerns raised to a union. The findings

³² *Ibid.*

on concerns about public safety, patient safety, and abuse in care can be explained in a similar way, confirming Near and Miceli.

However, the bulk of concerns about financial wrongdoing are, when they are raised with a union, raised at the first attempt, more than other types of wrongdoing (3.4% compared to 1.8% overall, see table 6). A possible explanation for this is that people who want to raise a concern about financial wrongdoing trust no one else.

This would also explain why a concern about environmental wrongdoing in the financial services sector would be raised to a union. Such issues are hardly core business to financial services, hence a more plausible explanation would be a lack of trust that internal whistleblowing would be successful.

Another salient feature in these findings is that while some concerns relate to issues which could be considered core trade union issues, like workplace safety, other issues seem much more remote from the experience and expertise of trade union representatives. An example of this is the concern about environmental malpractice raised to a union, representing 14% of this type of concerns (table No. 7). Another example is the concerns about “consumer, competition and regulation”, where 25% of this type of concern was raised with a union (table No. 8). These findings provide more ground for our suggested explanation that a lack of trust in successful internal whistleblowing is a reason why workers raise their concern with a union.

How effective is raising a concern with a trade union in terms of successful whistleblowing?

We defined successful whistleblowing as the situation where raising a concern results in both the whistleblower remaining free from reprisals (safe) as well as action being taken to investigate and correct the alleged wrongdoing (effective)³³. The discussion of our findings offered some grounds to argue that workers raise their concern with a union because they see no viable alternative recipient that is safe or effective.

We will now present and discuss findings on how safe and effective raising a concern to a union is. Tables No. 12-15 present our findings on actual responses from managers and co-workers. Absolute numbers are slightly lower because cases where responses were expected rather than actually experienced are not included. Also, findings for third and fourth attempt are not shown here because of low absolute numbers.

³³ *Ibid.*

Table No. 12 – Actual Responses from Management after Raising Concern (First Attempt)

	Internal	External	Union	
No difference	441	37	13	491
	62.20%	72.50%	92.90%	63.40%
Informal (closer monitoring, verbal har.)	58	3	0	61
	8.20%	5.90%	0.00%	7.90%
Blocking resources (info, means, training, hours)	44	0	0	44
	6.20%	0.00%	0.00%	5.70%
Formal (relocation, demotion, reassign job)	82	8	1	91
	11.60%	15.70%	7.10%	11.80%
Dismissed	63	3	0	66
	8.90%	5.90%	0.00%	8.50%
Support	21	0	0	21
	3.00%	0.00%	0.00%	2.70%
Total	709	51	14	774
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

Table No. 13 – Actual Responses from Management after Raising Concern (Second Attempt)

	Internal	External	Union	
No difference	190	54	17	261
	59.00%	62.10%	94.40%	61.10%
Informal (closer monitoring, verbal harr)	16	3	0	19
	5.00%	3.40%	0.00%	4.40%
Blocking resources (info, means, training, hours)	23	3	0	26
	7.10%	3.40%	0.00%	6.10%
Formal (relocation, demotion, reassign job)	47	17	1	65
	14.60%	19.50%	5.60%	15.20%
Dismissed	40	9	0	49
	12.40%	10.30%	0.00%	11.50%
Support	6	1	0	7
	1.90%	1.10%	0.00%	1.60%
Total	322	87	18	427
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

Table No. 14 – Actual Responses from Co-workers after Raising Concern (First Attempt)

	Internal	External	Union	
No difference	535	45	12	592
	75.50%	88.20%	85.70%	76.50%
Informal (ostracized, bullied)	105	0	1	106
	14.80%	0.00%	7.10%	13.70%
Formal (grievance or other accusation)	62	6	1	69
	8.70%	11.80%	7.10%	8.90%
Both formal and informal	1	0	0	1
	0.10%	0.00%	0.00%	0.10%
Support	6	0	0	6
	0.80%	0.00%	0.00%	0.80%
Total	709	51	14	774
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

Table No. 15 – Actual Responses from Co-workers after Raising Concern (Second Attempt)

	Internal	External	Union	
No difference	254	74	18	346
	78.90%	85.10%	100.00%	81.00%
Informal (ostracized, bullied)	29	5	0	34
	9.00%	5.70%	0.00%	8.00%
Formal (grievance or other accusation)	35	7	0	42
	10.90%	8.00%	0.00%	9.80%
Both formal and informal	1	0	0	1
	0.30%	0.00%	0.00%	0.20%
Support	3	1	0	4
	0.90%	1.10%	0.00%	0.90%
Total	322	87	18	427
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

These findings show clear patterns supporting the suggestion that it is safer to raise a concern with a union than it is to other recipients. At both attempts, raising a concern results in more responses from management than from co-workers, regardless of who the concern is raised with (“no difference” is higher for co-worker responses than for managers – 63.4% vs 76.5% at first attempt, 61.1% vs 81.0% at second attempt). Just looking at the “no difference” group, it is always higher when raising to a union than it is when raising a concern internally, and also always higher than when raising a concern to another external recipient (except for responses from co-workers at first attempt).

If there is any response when raising concern to a union, it tends to be a formal reprisal. Although whistleblowers never report that they received support from managers or co-workers when raising their concern to a union, it is striking that no one who raised a concern to a union was dismissed after doing so. In the UK, victimizing a worker on the grounds of trade union activities is separately outlawed under legislation. What our findings suggest is that raising a concern with a union is regarded as a trade union activity and hence puts extra legal and industrial relations pressures on management.

Tables No. 16-18 present our findings on actions taken with regard to the wrongdoing after raising a concern to a union. Findings for the fourth attempt to raise a concern are not shown because absolute numbers were very low.

Table No. 16 – Action Taken with Regard to the Wrongdoing after Raising Concern (Second Attempt)

	Internal	External	Union	
Nothing is done	634	35	13	682
	81.60%	61.40%	86.70%	80.30%
Investigating (no expectations)	62	2	2	66
	8.00%	3.50%	13.30%	7.80%
Investigating (good expectations)	49	18	0	67
	6.30%	31.60%	0.00%	7.90%
Stopped	32	2	0	34
	4.10%	3.50%	0.00%	4.00%
Total	777	57	15	849
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

Table No. 17 – Action Taken with Regard to the Wrongdoing after Raising Concern (Second Attempt)

	Internal	External	Union	
Nothing is done	286	65	17	368
	81.70%	60.20%	89.50%	77.10%
Investigating (no expectations)	31	7	1	39
	8.90%	6.50%	5.30%	8.20%
Investigating (good expectations)	20	32	0	52
	5.70%	29.60%	0.00%	10.90%
Stopped	13	4	1	18
	3.70%	3.70%	5.30%	3.80%
Total	350	108	19	477
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

Table No. 18 – Action Taken with Regard to the Wrongdoing after Raising Concern (Second attempt)

	Internal	External	Union	
Nothing is done	67	31	6	104
	79.80%	62.00%	100.00%	74.30%
Investigating (no expectations)	9	2	0	11
	10.70%	4.00%	0.00%	7.90%
Investigating (good expectations)	6	16	0	22
	7.10%	32.00%	0.00%	15.70%
Stopped	2	1	0	3
	2.40%	2.00%	0.00%	2.10%
Total	84	50	6	140
	100.00%	100.00%	100.00%	100.00%

Source: Author's Own Elaboration

These findings show clear patterns suggesting that raising a concern to a union is not effective, i.e. it does not “effect action”³⁴ towards investigating or correcting the wrongdoing. A first salient finding is that most of the whistleblowing, regardless of whether the recipient is internal or external, is simply ignored. The second salient finding is that raising a concern to an external recipient is the most effective, at least in terms of the alleged wrongdoing being investigated in a serious way. The third salient finding however – and for this paper the important one – is that a union is the least effective recipient, even less than raising a concern to an internal one. Even when this results in an investigation, the whistleblower does not perceive this as credible.

We offer two possible explanations for this. First, even though unions can be institutionalised in organisations through their representatives, they lack power to signal concerns about wrongdoing to executives. It is likely that this lack of power results from the perception executives have of unions as antagonists or “trouble makers”. It might also be that the executives being contacted are involved in the wrongdoing themselves. A second possible explanation is that unions are not particularly interested in

³⁴ Near and Miceli, 1985, *op. cit.*

the concern itself. Since they are clearly successful in making whistleblowing “safe” for the whistleblower, correcting the wrongdoing is not their first priority.

There is consensus that the main motive of a whistleblower is to get someone to take action to correct³⁵. Other motives – relating to safeguarding one’s professional position or outlook – emerge as the whistleblowing process lengthens and the whistleblower is met with reprisals. The implication of this is that whistleblowers who have raised a concern with a union, and because of that have better prospects in terms of fighting off reprisals, would still be eager to get someone to take action to correct the wrongdoing. Hence the expectation is that they would continue to raise their concern with other recipients after raising to the union. Table No. 19 shows where whistleblowers go on to raise their concern with another recipient after they have gone to a union. Table No. 20 shows the number of whistleblowers who proceed to raise with another recipient in general compared to the ones who do so after raising their concern to a union.

Table No. 19 – Recipients after Unions (All Attempts)

Recipient after union	n	%
line manager	2	22.2
higher manager	4	44.4
grievance specialist channel	1	11.1
independent body	1	11.1
Total	9	99.9

Source: Author’s Own Elaboration

³⁵ J. B. Dozier, M. P. Miceli, *Potential Predictors of Whistle-Blowing – A Pro-Social Behavior Perspective*, in *Academy of Management Review*, 1985, vol. 10, 823-836.

M. P. Miceli, J. P. Near, *Blowing the Whistle: The Organizational and Legal Implications for Companies and Employees*, Lexington Books, New York, 1992.

Table No. 20 – Whistleblowers Raising a Concern Further (After Union Compared to Overall)

	After raising to union (%)	Regardless who raised with (%)
Went on after first attempt	6 (40%)	477 (56.2%)
Went on after second attempt	3 (15.7%)	140 (29.3%)
Went on after third attempt	-	21 (15%)

Source: Author's Own Elaboration

We caution the reader for the low absolute numbers for this finding but still discuss what these suggest. Of those who continue to raise a concern after they have done so to a union, most raise their concern with higher management (table 19). However, this is not different from those who raised with other recipients than a union. Most (3 out of 4) of those who raised with higher management after going to a union did so at their second attempt (raising with a union at the first attempt). Across the sample, higher management is the most used recipient for concerns raised at second attempt (33%)³⁶.

From table 20 we can see that workers who raise a concern to a union are less likely than others to continue raising their concern with other recipients. A possible explanation is that whistleblowers are so disappointed with the organisational response they received earlier (or lack of such a response) that they lose hope about getting the wrongdoing corrected and take satisfaction in not suffering from reprisals. The upshot of this is that it is disappointing that unions do not seem able to support a whistleblower in getting the wrongdoing corrected. However, this is merely a possible explanation - we cannot interrogate the data further.

³⁶ See *Whistleblowing - The Inside Story*, *op. cit.*

6. Conclusions

This paper used data from a whistleblowers' advice line to research whistleblowing to unions. After establishing that unions, despite being recognised by management or having a presence and power inside organisations are best perceived as external recipients, we went on to hypothesise that they unions are likely to focus on protecting whistleblowers rather than action to stop the wrongdoing.

Our findings show that trade unions are not the first choice recipient for workers who want to raise a concern about wrongdoing. Workers tend to raise a concern with other recipients first, if they raise their concern at all with a union.

We also found that industry ratios of whistleblowing to a union did not reflect the industry ratios of whistleblowing in general. Partly this was because some concerns (like workplace safety) can be considered core trade union issues. However, other types of concern that were raised with a union (like environmental or consumer issues) are so removed from the often cited traditional union issues, that a more likely explanation for our findings is that workers raise their concern with a union because they lack trust in successful internal whistleblowing.

We then looked into how successful – i.e. safe and effective – whistleblowing to a union was. Our findings showed that it is safer for whistleblowers to raise a concern with a union than it is to other recipients. However, our findings also showed that raising a concern with a union is less effective than using other external or internal recipients. Unions showed to be the least effective recipient, even in terms of the trust whistleblowers had in the quality of the investigation after they had raised their concern with a union.

Finally, we also found that workers who had raised a concern with a union were less likely than others to continue raising their concern to other recipients – even though the wrongdoing was not stopped.

Hence our findings confirm our main hypothesis. Unions are clearly successful in making whistleblowing safe for the whistleblower, but effecting action to correct the wrongdoing seems to remain a lower priority.

There are some limitations to this research that warrant further research to confirm or bring nuance to our findings. First, our data set consisted of people who had called Public Concern at Work for advice on whistleblowing. These tend to be people who experience or expect to experience difficulties when raising a concern. The implication is that there might be a number of whistleblowers who raised their concern

immediately with a union and never felt the need to call the PCaW advice line. These people would not be included in our data set.

A second limitation relates to the sequence in which people raise their concern to different recipients. We were able to code this sequence from the narratives the advisors had compiled when whistleblowers made subsequent calls to the PCaW advice line. Where whistleblowers went on to raise their concern with someone after they called PCaW but then did not call PCaW back after doing so, this would not have been captured in our data. It is possible that this distorted our findings on the number of whistleblowers who go on to raise their concern after they had raised it with the union.

The third limitation is that our data did not include whether or not a whistleblower was a member of a union. Hence we are unable to compare union members with non-members on how they use unions as recipients for the concern they want to raise.

Our findings are relevant to union leaders who want to strengthen union activity because they show the potential further contributions unions can make to a fair workplace and society. The limitations, however, call for further research into the issue. Such research would benefit from using different data – i.e. not from an advice line. Both qualitative and quantitative research collecting data from union awareness about and activity on whistleblowing would be needed.

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