

## Unless workers are encouraged to speak up, we will continue to see people turning a blind eye to wrongdoing in the workplace

*The barrage of revelations about Jimmy Savile raises broader questions about a pervasive willingness to turn a blind eye to misdeeds committed in the workplace. [Cathy James](#), chief executive of a whistleblowing charity, argues that unless workers are encouraged to speak up, the culture of silence within the British workplace looks set to continue.*



No-one can fail to be shocked by the revelations about the once revered Sir Jimmy Savile. How did he get away with abusing vulnerable young people for over four decades? Where were the whistleblowers? Surely if there were witnesses to the abuse of young girls, they would speak up?

Sadly the truth is all too familiar. As with other scandals and disasters in recent times, people did know about his appalling behaviour and were prepared to turn a blind eye. Some can legitimately say that they had only heard rumour and conjecture – they only had a suspicion. Others will say they did speak up and were ignored. It is right to say that we need an inquiry and that if the evidence of victims or witnesses was ignored then those in a position to do something should be held accountable. But how do we move on from the damaging perception that to speak up is futile, that there is an all pervading culture of silence operating in British workplaces.

If anything good is to come from the affair then it should be that more is done to encourage workers to speak up. We must ensure that those in a position to question malpractice, wrongdoing or unacceptable risk are able to raise their concern so that the damage is prevented. Workers are often the first to see that something is wrong and yet may risk their livelihoods in raising the issue and often work under obligations of secrecy. How do they, and we as a society, ensure that corporate cultures of silence, in which dissent is crushed, are challenged? How do we ensure that those who speak truth to power are protected and that the law that attempts to achieve this will work in practice?

These issues are what prompted the founders of Public Concern at Work to set up a charitable legal advice centre that would help individuals to challenge wrongdoing and malpractice in the workplace in order to protect the public interest and prevent damage. In

the 19 years since, Public Concern at Work has advised over 14,000 whistleblowers. Some 40% of our clients are able to challenge wrongdoing without reprisal, but that means there is much work to be done to ensure that better outcomes are achieved for the remainder. Some will have come to us at a very late stage when the relationships within the workplace are too damaged to recover and many face an incredibly difficult battle in order to prevail. It is simply not acceptable that in order to challenge wrongdoing at work we have to somehow become a hero, willing to sacrifice everything in order to protect the public interest. Rather it should be seen as part and parcel of our everyday working lives and organisations should see whistleblowers as their eyes and ears. Those that do will reap benefits – research shows that those organisations who live and breathe a speak up culture are viewed as having

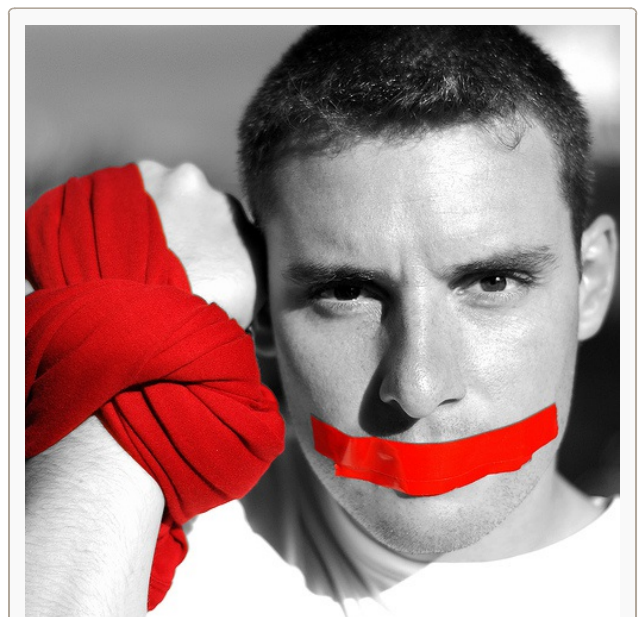


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[organisational integrity](#), and are seen to be more ethical.

A good starting point would be for the government to take a lead on the issue and to undertake a thorough review of the legal protection available for whistleblowers. While the UK does have a whistleblower protection law in the form of the Public Interest Disclosure Act 1998 (PIDA), it is little known outside specialist employment law circles [1] and is currently showing signs of strain. After almost 13 years on the statute books, PIDA is failing to keep up with other employment protection legislation and particularly the law that challenges discrimination. We at Public Concern at Work are calling for the government to review the legislation as a matter of urgency but (the irony!) we are not being listened to. Instead, on the back of the 'red tape challenge', the law is being amended so as to include an additional barrier for whistleblowers, without looking at its overall reach and scope [2]. The law is in danger of becoming a cardboard shield, and we must ensure that the law encourages workers to speak up and deters organisations from treating whistleblowers badly.

We should not forget that PIDA was drafted in the mid 90's in response to a series of disasters, including the Clapham rail crash, Piper Alpha explosion, the sinking of the Zeebrugge ferry and the collapse of banking giant BCCI. In all those cases, it was discovered that staff had information which could have averted disasters if it had been acted upon. As with more recent scandals and disasters in our [hospitals](#) and [care homes](#), [police forces](#), [banks](#) and even in the [media](#) the message is depressingly similar – whistleblowers had been ignored and could have acted as an early warning system if they had been listened to. We must promote the fact that whistleblowers are an essential safety net for the public interest – they deserve better protection and more attention from government.

[1] A YouGov survey commissioned by PCaW in 2011, found that despite 85% of working adult respondents saying that they would raise a concern about possible corruption, danger or serious malpractice at work with their employer, 77% of all adult respondents did not know or thought that there was no law to protect whistleblowers.

[2] See clause 14 Enterprise and Regulatory Reform Bill and PCaW's evidence to the Parliamentary Scrutiny Committee  
(<http://www.publications.parliament.uk/pa/cm201213/cmpublic/enterprise/memo/err03.htm>)

*Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our comments policy before posting.*

### **About the author**

**Cathy James** has been Chief Executive of Public Concern at Work since May 2011 and before that was the charity's Legal Director, heading up the charity's advice line and corporate advice work. Cathy is a UK qualified solicitor and before working at Public Concern at Work was a litigation partner in a large London law firm.

**Public Concern at Work**, the whistleblowing charity, is an independent body set up in 1993. It provides free, confidential advice to those concerned about malpractice or wrongdoing in the workplace. It also provides consultancy services to organisations helping to audit, review and host their whistleblowing arrangements. The charity was instrumental in getting the whistleblowing legislation, the Public Interest Disclosure Act 1998, on the statute books and drafted the BSI Code of Practice on Whistleblowing Arrangements. For more information please visit [www.pcaw.org.uk](http://www.pcaw.org.uk) or call 0203 117 2520

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