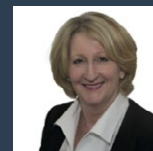


# Making whistleblowing work for society.



# Foreword

Mary Robinson MP, Chair All Party Parliamentary Group for Whistleblowing



Mary Robinson

The All Party Parliamentary Group (APPG) for Whistleblowing was launched in July 2018 with the aim to put whistleblowing at the top of the agenda. Whistleblowers remain the vital element of a transparent society without whose voice many more unethical activities and crimes would remain unknown, with far reaching impacts on our society and communities. Whistleblowers can help us develop policy that protects all of our citizens and they should be treasured. Unfortunately, these individuals are vulnerable to retaliation from both colleagues and employers. Whilst there are laws in place to protect them, the overwhelming evidence is that they have failed to address the principal issues. The Public Interest Disclosure Act 1998 has demonstrated fundamental inadequacies to the practical application of the legislation by failing to include a statutory responsibility to address the whistleblowing concerns or employers who retaliate.

The APPG on Whistleblowing was set up with the objective to provide much stronger and more comprehensive protection for whistleblowers. Our promise is to work to identify where the law fails to protect whistleblowers and, work with industry experts, whistleblowers, regulators and businesses, to recommend positive, effective and practical proposals for change. We are not only aiming to change the current legislation but also the culture and perception of whistleblowers through the work of this APPG.

This report helpfully examines how whistleblowers fare at Employment Tribunals. In 1998, with the implementation of the Public Interest Disclosure Act through the Employment Rights Act, Employment Tribunals became the de facto bearers of justice for whistleblowers. Today, we question whether that is indeed the most appropriate institutional arrangement to, on the one hand redress and deter reprisals against whistleblowers, and on the other hand address the wrongdoing that whistleblowers raise concerns about.

The research, carried out by the research team from the University of Greenwich, looks at how Tribunals have handled whistleblowing cases between 2015 and 2018 in England and Wales. The research identifies a number of areas where the current institutional arrangements fail to provide what our society deserves. Quickly resolving whistleblowing cases is key to effectiveness, yet it takes increasingly longer for whistleblowers to get redress. Further, the process continues to be hampered by inadequate legal support. We have identified that even where Tribunals uphold disclosures as having been made in the public interest, this recognition does not always result in a finding in favour of the whistleblowers' claim. Even worse, where a Tribunal upholds the public interest disclosure claim, the actual wrongdoing is never, or rarely investigated allowing serious crimes to continue for many years causing untold damage to society.

The APPG has concluded, using the evidence available that it is time for a root and branch reform of the legislation setting out a 10 point plan including the introduction of a body capable of tackling and challenging wrong-doing. This office will be tasked with the review of PIDA and the development of legislation that addresses the substantive issues to ensure that protecting those who speak up and wrong-doing is addressed at the earliest opportunity. This body will also need to review international best practice and look to make best practice our practice. The APPG calls for new whistleblowing legislation with an Office of the Whistleblower as the bearer of its implementation.

# Executive summary

## Are Employment Tribunals the right institution to handle whistleblowing cases? This report aims to open the debate by examining the evidence.

A research team from the University of Greenwich analysed Employment Tribunal judgements in England and Wales, for cases that included a Public Interest Disclosure claim, between 2015 and 2018. A total of 603 cases were included in the analysis. Included in the study were only those cases that went to at least preliminary hearing. Cases that were withdrawn before preliminary hearing were discounted.

The research was funded by the University of Greenwich, British Academy and the Leverhulme Trust.

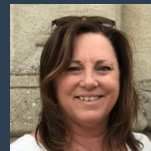
### Key findings are that:

- 1. Whistleblowing cases have a low success rate.** Only 12% of whistleblowers whose cases go to preliminary hearing at Employment Tribunals in England and Wales are successful.
- 2. Whistleblowers suffer more and longer than before.** In 2018, nearly 40% of whistleblowers report going on sick leave, an increase of 15% since 2015. Whistleblowers also take longer than before to go to Tribunal. In 2018, nearly half of them took longer than two years, and more than one in five took longer than three years. Post Covid this is likely to almost double because of the backlog with Employment Tribunals now booking new hearings from February 2022.
- 3. Legal support matters for whistleblowers but less whistleblowers than before have access to legal representation.** Whistleblowers are getting less expert support at Employment Tribunal than ever before. More whistleblowers self-represent than get legal representation. In contrast, employers secure more expert legal representation than ever before.
- 4. There is an important gender dimension for whistleblowers.** Compared to male whistleblowers, female whistleblowers are:
  - more likely to report health issues
  - less likely to have legal representation
  - even when the judge upholds the protected disclosures, they are less likely to see their unfair dismissal claim upheld
- 5. Whistleblowing cases commonly include a discrimination claim, yet those are the least successful whistleblowing cases.**

These findings support the urgent establishment of the Office of the Whistleblower, as a centre of expertise, mandated to make interventions that increase access to justice.

# Introduction

Georgina Halford-Hall, CEO *WhistleblowersUK*



Georgina  
Halford-Hall

**Whistleblowers are the vital element of a transparent society, these are the people who demonstrate integrity and commitment to their organisation and the public. They should be the best friend of the CEO as they are the first line of defence against crime, corruption and cover up.**

There is rarely a day when whistleblowing is not in the press, however what often makes the story newsworthy is the treatment of the whistleblower and the impact of the failure to act on disclosures to the public at an early stage. The global pandemic provides the ultimate example of the value of whistleblowers as the key to avoiding or averting a catastrophe. Dr Li Wenliang's alert could have prevented hundreds of thousands of deaths and a global economic downturn estimated to value close to £5trillion.

This report forensically investigates and exposes the whistleblower experience and the barriers preventing effective reporting of wrongdoing or the investigation of concerns under existing legislation. In doing so the report shines a light on the immediate and ongoing detriment to those who speak out, making the case for the introduction of an Office of the Whistleblower as an imperative to improving the effectiveness and life of whistleblowers. The Office of the Whistleblower is the future of whistleblowing.

The Public Interest Disclosure Act (PIDA) was introduced in 1998 as a private members bill into the Employment Rights Act. At the time it was a radical addition to worker protection. Over the twenty-one years there have been too few successful cases despite attempts to improve it through several amendments. None of these amendments have improved the outcome for the whistleblower or improved the likelihood of the concern or wrongdoing being investigated.

Existing legislation neglects the very reason that people speak up because it fails to address the issues. As a result, we have seen a constant stream of criminal behaviour, seemingly avoid scrutiny. In 2018 over 30% of allegations included a crime: fraud, price fixing, health and safety and child sexual abuse. This number increases year on year, possibly because public awareness has increased. However, there is no evidence that any of these cases have been referred to the Crown Prosecution Service. PIDA makes no allowance for the investigation of crimes. Compounding this anomaly is the failure by the regulators to align to the legislation or compulsion to report back to the whistleblower. The absence of proof of wrongdoing frequently results in a failure to meet the threshold to succeed in bringing an automatic unfair dismissal case.

For those who do speak up, their future can be bleak. They face many obstacles and repeated detriment, not least navigating overly complicated legislation. The prospects of winning are low with only 12% of whistleblowers bringing a successful case against their employers for the detriment they suffer, including the prospect of never working again in their chosen profession. This is a chilling factor to many would-be whistleblowers. Hidden are the substantial numbers who change jobs or withdraw claims before they reach a judgement. It can also be demonstrated that PIDA has done nothing to ensure that concerns and wrongdoing are acted upon and the public protected. Further hidden costs include the health and wellbeing of whistleblowers and their families who face in excess of two years in full time litigation with the prospect of limitless costs. For many, especially the low paid, disproportionately women and BAME who are litigants in person for whom the cost of legal representation is beyond their means. For those fortunate enough to belong to a trade union there is still uncertainty, anecdotally we at WhistleblowersUK, hear repeated reports of conflicts of interests and abandonment. The impact of the inequality in arms manifests in even lower success rates for these groups.

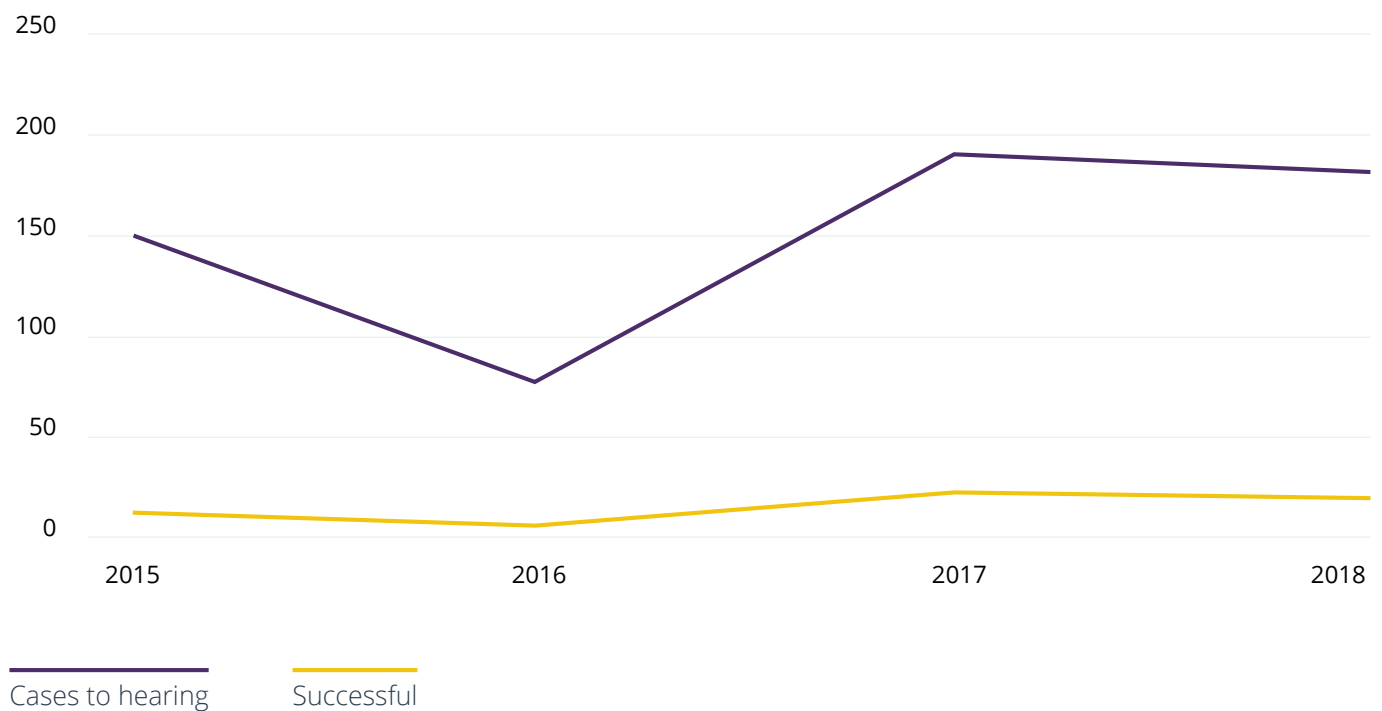
The introduction of the Office of the Whistleblower with a statutory duty to focus on wrongdoing and protect the whistleblower from retaliation or backlash is a 21st century necessity. In 2020, PIDA is the equivalent of having teeth extracted without aesthetic. PIDA set the scene for reform but now, as we emerge into a post-covid world, never has it been more important to ensure that people can speak up. It is time to recognise legislative shortcomings and set the course for a comprehensive overhaul that will take the personal risk out of whistleblowing, addressing the underlying inequalities and cultural issues.

# Public Interest Disclosure cases at Employment Tribunal

The number of whistleblowing cases that are heard at an Employment Tribunal varies year on year (see Figure 1). In 2016 there were less than 100 cases but in the other years there are between 150 and 200 cases with a public interest disclosure claim, that went to preliminary hearing or beyond. In order to appreciate the effect of the abolition of the ET fees in 2017, we suggest comparing 2015 with 2018. In 2015 a total of 151 cases with a whistleblowing claim go to preliminary hearing or beyond. In 2018 that is 182 (methodology and full tables are provided in the appendix).

We can also see that the number of successful cases remains nearly constant at 12%.

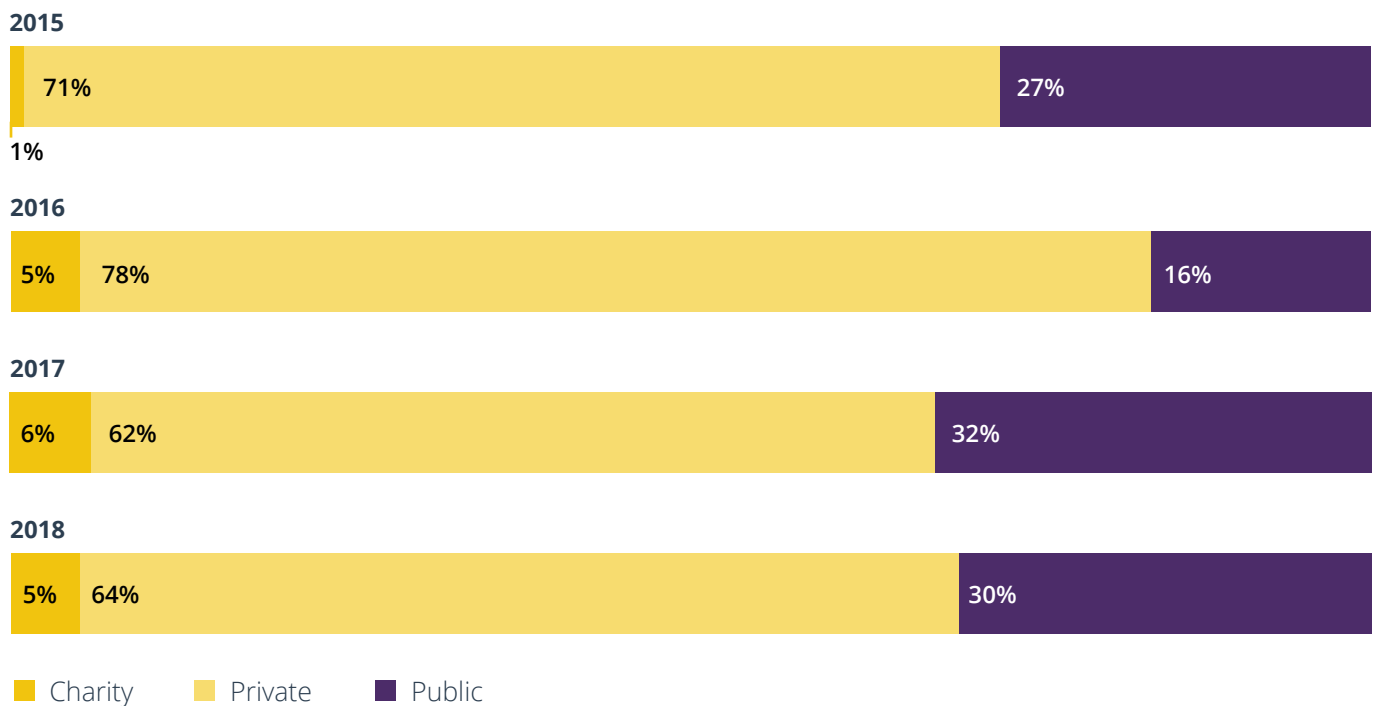
**Fig 1. Number of whistleblowing cases at ET (preliminary hearing or beyond) and successful cases, per year.**





Whistleblowing happens in all types of organisations, in all sizes and across all sectors. But which sector is most problematic for whistleblowers? **Figure 2** shows a slight increase in whistleblowing cases from the public sector and charities, and a slight decrease from the private sector. The vast majority of whistleblowing cases at ET occur in the private sector. This is not surprising, as we estimate that of the UK workforce, 81.3% work in the private sector, 16.1% work in the public sector, and 2.6% in the third sector (based on 2018 data from Office of National Statistics and the Civil Society Almanac NCVO). However, although private sector whistleblowing cases account for the highest number of whistleblowing cases at ET, there are disproportionately more from the public sector and from charities than from the private sector. This disproportionate number of cases arising from the public sector has always existed, this research has identified that it is increasing.

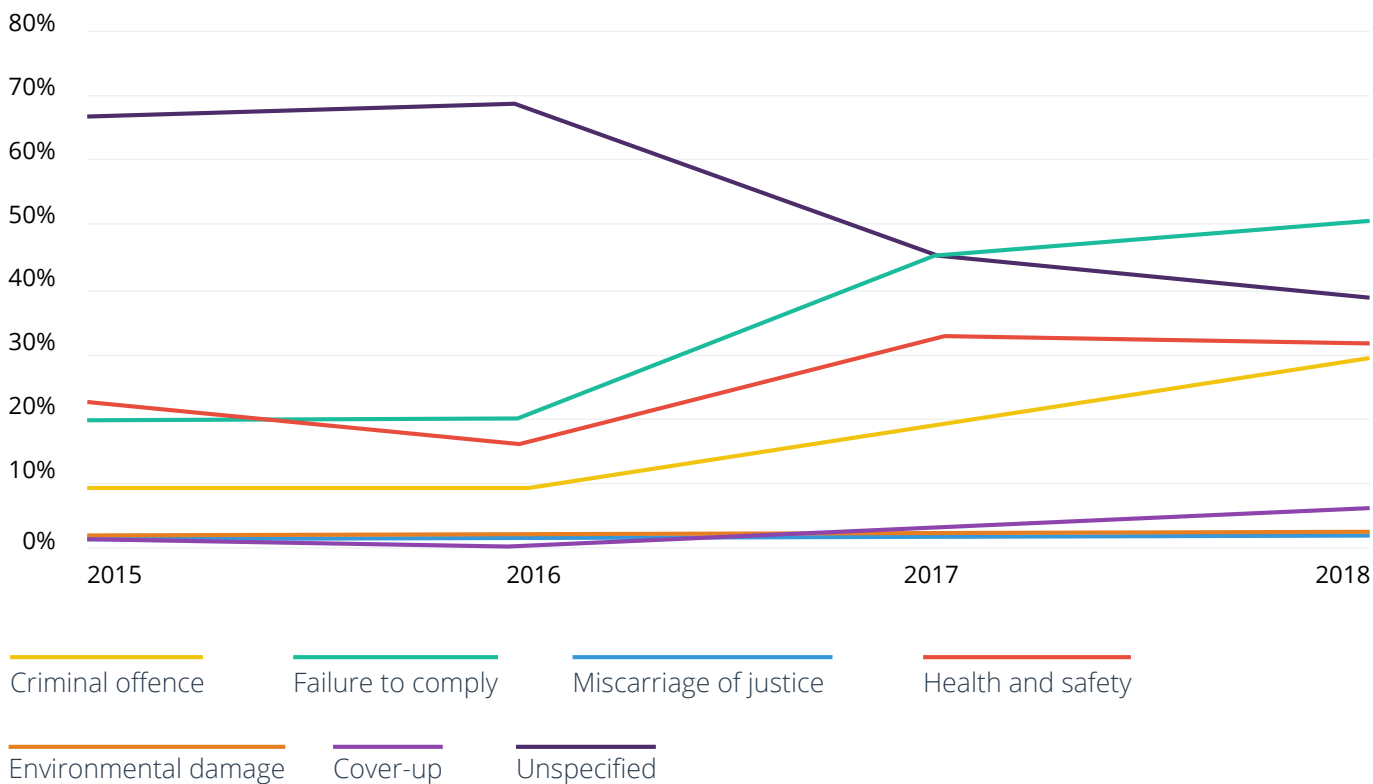
**Fig 2. Whistleblowing cases per sector and per year.**



The Public Interest Disclosure Act does not give a definition of whistleblowing or specific wrongdoing for which somebody can make a protected disclosure. It does however provide a non-exhaustive list, which includes broad headings or definitions: criminal offence, failure to comply with a legal obligation, miscarriage of justice, danger to health and safety of individuals, environmental damage, or destroying evidence of wrongdoing.

Figure 3 shows how wrongdoing is specified in the ET judgments. We see that the largest increase is in criminal offences and failure to comply with statutory obligation. Note that criminal offences have become almost as important whistleblower concerns as danger to the health and safety of individuals.

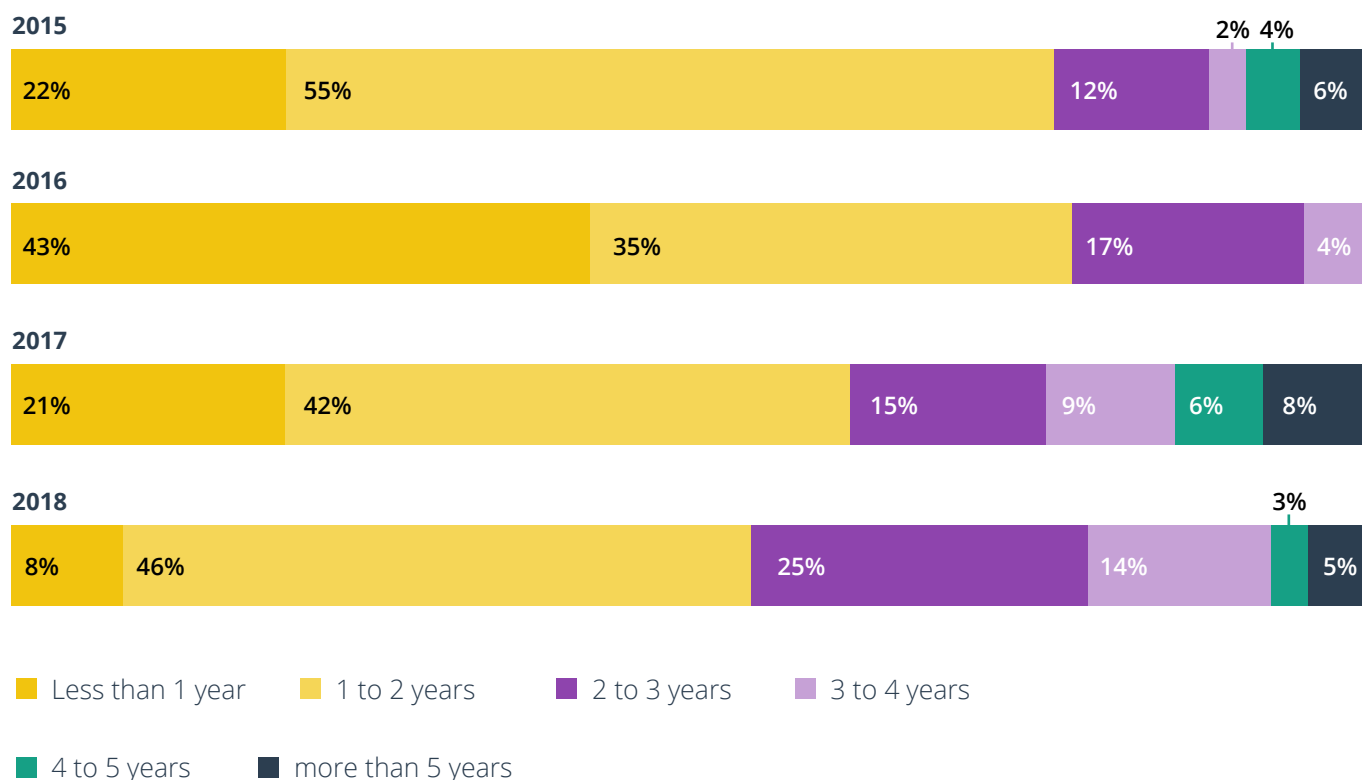
**Fig 3. PIDA types of wrongdoing specified in ET judgments, per year.**



# Whistleblowers at Employment Tribunal

Whistleblowers have high expectations when they go to ET. Typically, they have raised their concern (protected disclosure) a number of times, initially with their employer and also externally. ACAS early conciliation has not resolved the case. Figure 4 gives us an idea of the length of that process, measured from the moment they first raised their concern with their employer to the actual hearing at ET.

**Fig 4. Time between first raising of concern and hearing at ET, per year.**



From the data we can see an overall lengthening of the time it takes for whistleblowers to get to an ET hearing. The proportion of cases that take between 2 to 4 years has increased, whilst the proportion of whistleblowers that experience a short process (less than one year) has decreased.

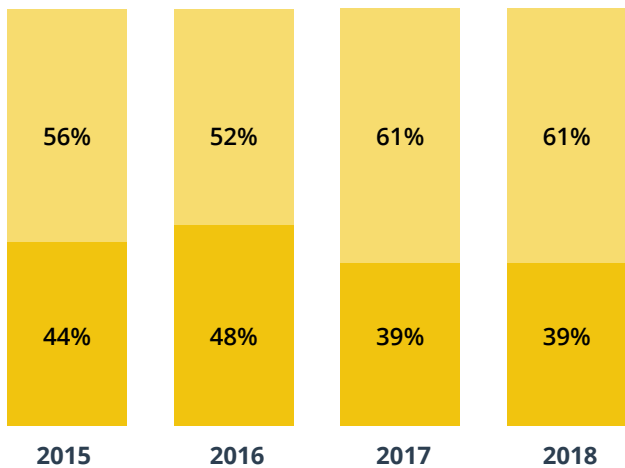
Figure 4 depicts how long it takes between first making a protected disclosure and getting a judgment from an ET. Whistleblowers have high expectations of an ET, which includes an assessment of the concerns that they have raised. Previous research has found that many whistleblowers are frustrated that at the end of the Tribunal the original concern has still not been addressed [see the 2019 report of this APPG]. The data of our current study suggests whistleblowers experience longer processes. This increases the likelihood of continuing harm to the public.



The length of time that it takes to take a case through the ET process varies depending on the availability of the Tribunal and the number of days allotted to hear the case by the court. Other factors include the number of Preliminary Hearings and resolving disputes. This can continue through to the remedy hearing and beyond. Longer processing time reduces access to justice for whistleblowers.

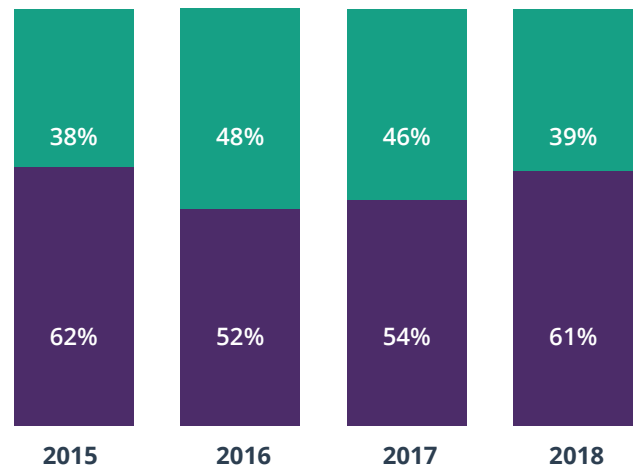
Figure 5 shows that in 2018 almost 40% of whistleblowers at ET had less than two years in their job. The trend seems to be slightly downwards.

**Fig 5. Tenure of whistleblower, per year.**



■ Less than 2 years   ■ 2 years of more

**Fig 6. Gender of whistleblower, per year.**

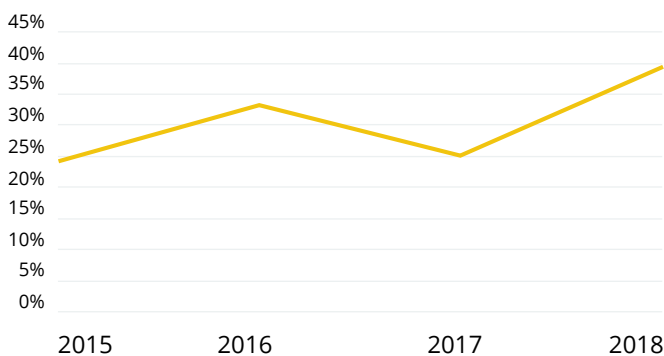


■ Man   ■ Woman

Based on Labour Force Survey data, we estimate the workforce is composed of 53% men and 47% women (these are the only categories the LFS uses). In our data, shown in Figure 6, we see that 2016 and 2017 closely approached that distribution, but 2015 and 2018 suggest a bias towards men. The implication is that it seems more likely that male whistleblowers will get their case to a hearing at ET than female whistleblowers.

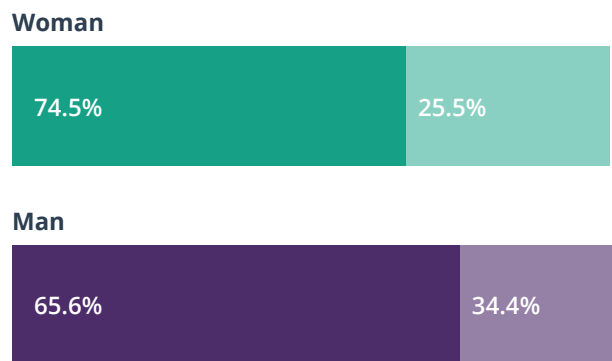
The lengthy process can take its toll on those who speak up in the workplace. Of the whistleblowers at ET, many indicate they are or have been on sick leave. Figure 7 shows an overall increase from 24% in 2015 to 39% in 2018. There could be a number of different reasons for that (e.g. the whistleblowing process is 'dragged out', see Figure 4), but whatever the reasons, there is a clear indication that the emotional burden and stress on whistleblowers is increasing. Moreover, more female whistleblowers than men report sick leave (see Figure 8). This might indicate a further gender bias on whistleblowers.

**Fig 7. Whistleblower health issues, per year.**



— Sick leave

**Fig 8. Whistleblower health issues, by gender.**



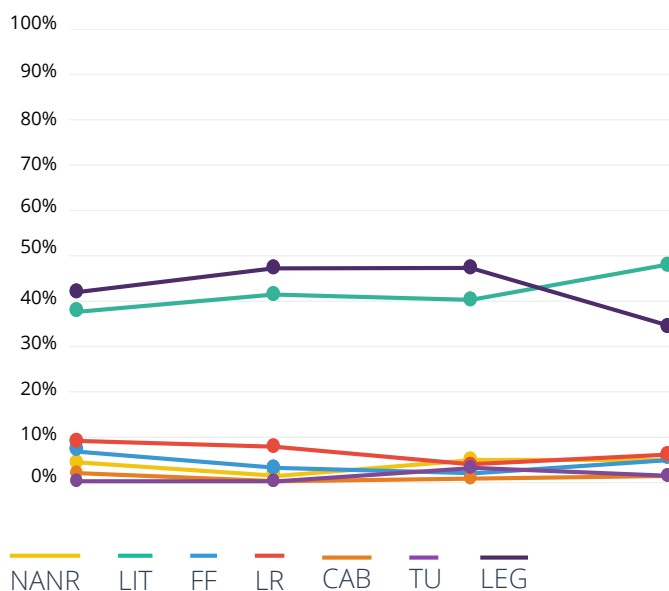
■ Not mentioned   ■ Sick leave  
 ■ Not mentioned   ■ Sick leave

# Representation, gender and outcomes

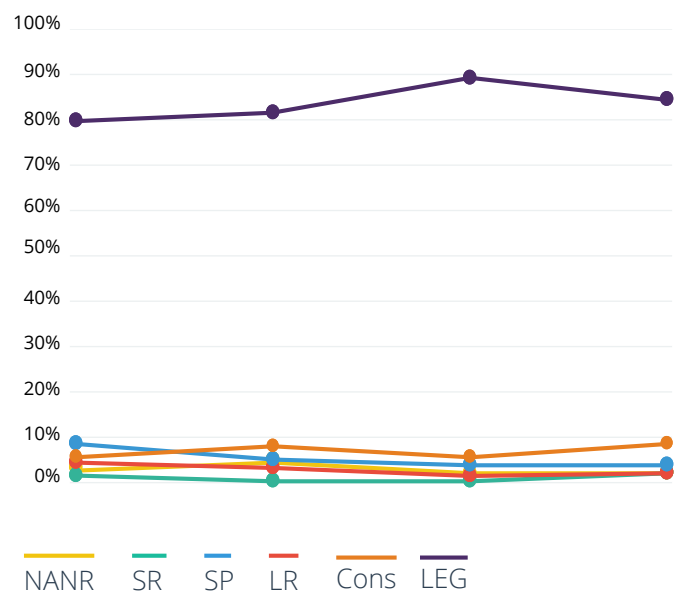
It will not come as a surprise that employers tend to have comprehensive legal representation consisting of large teams of highly accomplished lawyers, leading to an immediate imbalance of power. Our findings suggest that this is worsening, that it has an impact on the outcomes for whistleblowers, and that there is a gendered dimension to claimant representation.

Figures 9 and 10 show how between 2015 and 2018 whistleblowers and employers have been represented at ET hearings, respectively. We can see that employers almost always use legal representation. In the exceptional cases where that is not so, non-practising legal consultants have become more important than senior managers. Hence, employers hire external experts to represent them at ET. The picture for whistleblowers is very different, the data shows that in 2018 almost half of them were litigants in person (LIT), representing themselves. While only one in three have legal representation.

**Fig 9. Whistleblower representation, per year.**



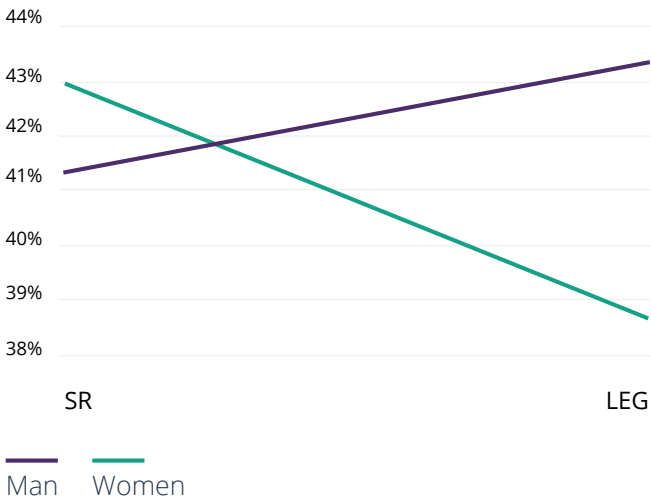
**Fig 10. Employer representation, per year.**



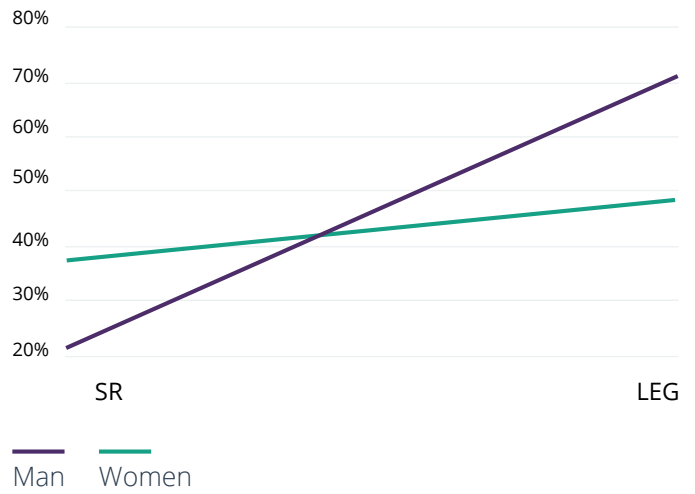
NANR= not attended, not represented; LIT= litigant in person (self-represented); FF= family or friends; LR= lay representation; CAB=Citizen's Advice Bureau; TU= trade union representation; LEG= legal representation; SR = self-represented; SP= senior person (employer); Cons= consultant

Delving into the data, we see a gender dimension emerging. Figure 11 shows that female whistleblowers are much less likely than male whistleblowers to have legal representation at ET, and slightly more likely to self-represent as LIT's.

**Fig 11. Whistleblower self-rep vs legal rep, by gender.**



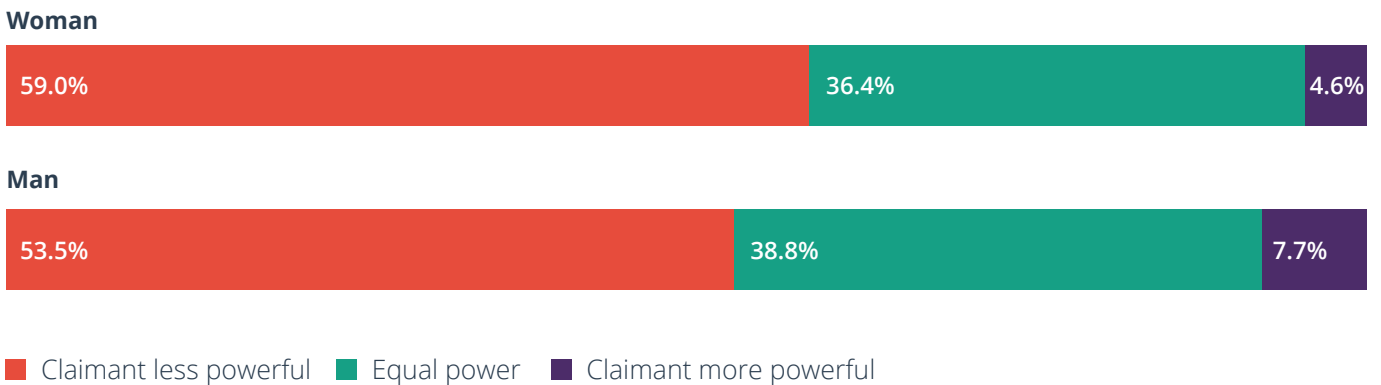
**Fig 12. Whistleblower self-rep vs legal rep, by gender (successful whistleblowing claim only).**



If we look only at the whistleblowing cases that were successful at ET, we see that both men and women are more successful if they have legal representation compared to when they represent themselves. Figure 12 shows this effect is greater for male whistleblowers than for female whistleblowers.

The discrepancy in representation between claimant and defendant is often called the 'equality of arms' dimension. Figure 13 shows the gender dimension in terms of (in)equality of arms. More so than male whistleblowers, female whistleblowers tend to have less expert representation than the employer.

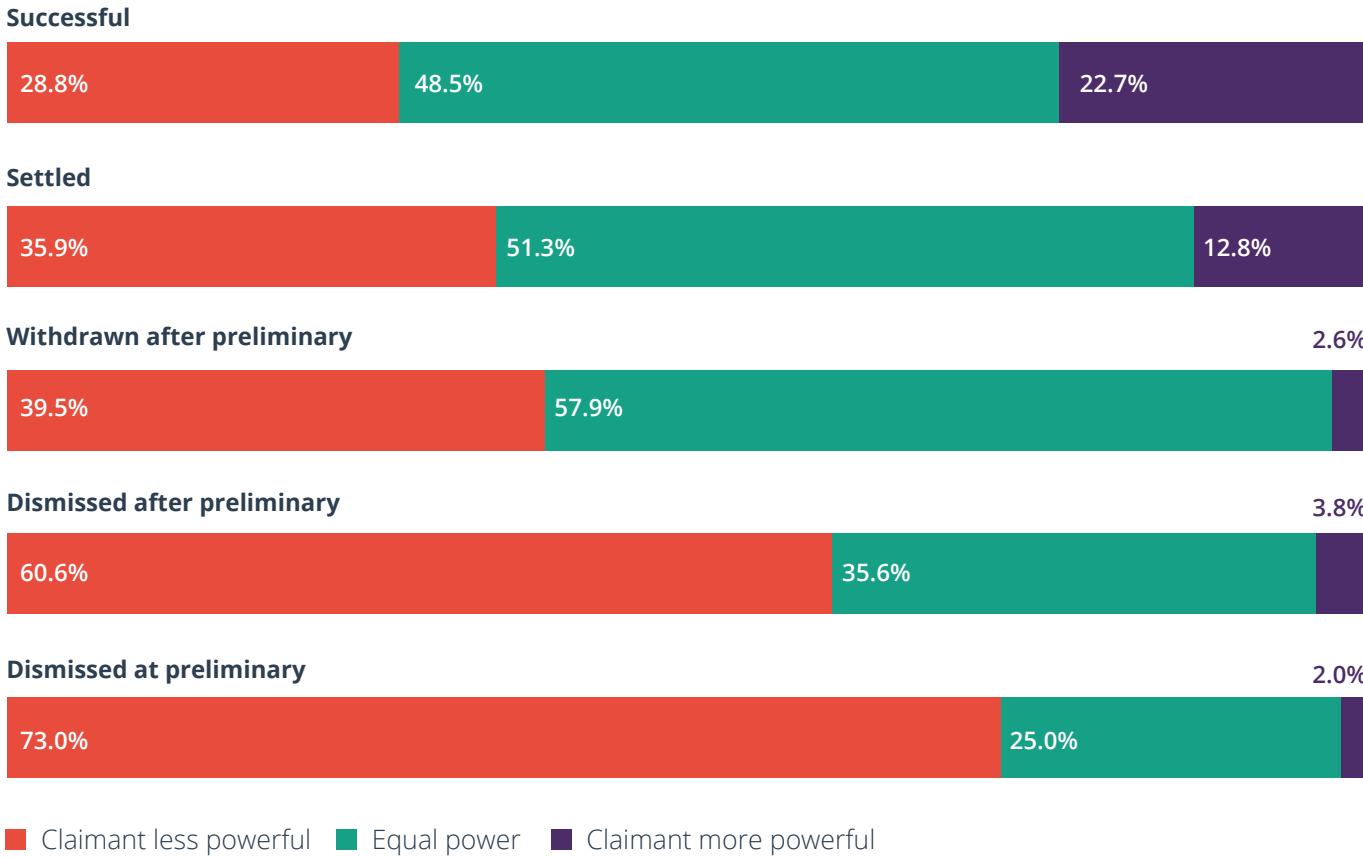
**Fig 13. Equality of arms, by gender.**



The balance of power in the parties' representation – equality of arms – really matters at ET. In Figure 14 we can see how the balance of power is for whistleblowers. If the whistleblower has less representation power, their claim is much more likely to be dismissed at preliminary and far less likely to be successful. Taking typical forms of representation into account (see **Figures 9 and 10**), the self-representing whistleblower is much less likely to win.

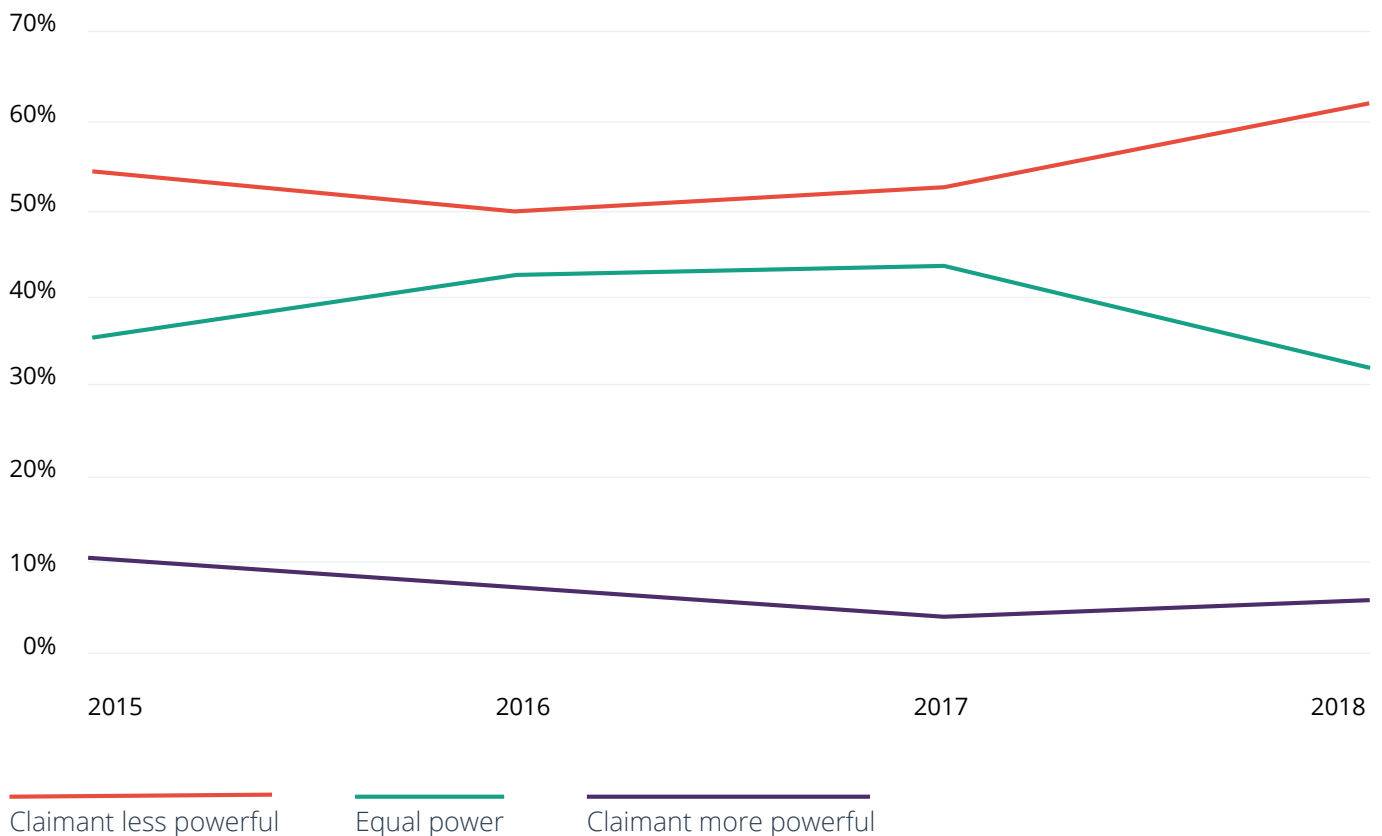
It is therefore alarming that self-representation seems to be on the increase for whistleblowers (cf. Figure 9). The implication is that we see more whistleblowers without expert support and advice facing employers who almost always hire experts to handle ET proceedings.

**Fig 14. Outcome of whistleblower claims at ET, per equality of arms.**



Our data also suggests that bringing more balance requires urgent intervention. **Figure 15** shows that claimant representation is getting weaker compared to that of employers. There were fewer cases in 2018 where the claimant had equal representation power than the defendant, and more than three out of five whistleblowers at ET hearing have weaker representation power than the employer. However good the ET judges' intentions to even out this imbalance might be, these findings suggest more needs to be done to make whistleblowing cases more balanced. Given that this legislation has been used to hear whistleblowing cases for 21 years and has failed to develop the mechanisms to address inequality of arms now is the time to consider the potential benefits of an Office of the Whistleblower.

**Fig 15. Equality of arms, per year.**



# A closer look at the claims brought in whistleblowing cases heard at Employment Tribunals

Whistleblower journeys can be a long process of repeatedly raising a concern, suffering detriment and not seeing the wrongdoing addressed. Whistleblowers continue to seek redress, yet Employment Tribunals are rarely the place where they find it. An ET judgement in favour of the whistleblower will not address the wrongdoing, nor can it undo the retaliation. In some cases, as **Figure 16** shows, whistleblowers win the whistleblowing claim but not their unfair dismissal claim. The implication is that the ET judgment acknowledges there has been a legitimate disclosure about wrongdoing that was harming the public interest but fails to accept that there is a link with the dismissal of the whistleblower.

Moreover, we also see a gendered effect here (**Figure 16**). ET judges tell nearly 25% of female whistleblowers that their whistleblowing was legitimate, but that their dismissal was not unfair.

**Fig 16. Outcome of unfair dismissal claim, by gender, in cases with successful public interest disclosure claim.**

## Man



## Woman



■ Dismissed after prelim ■ Withdrawn after prelim ■ Successful ■ Unresolved

Whistleblowing cases most often include other employment related claims. We coded a large number of these claims and presented our findings here in a grouped way. The groups we looked at were:

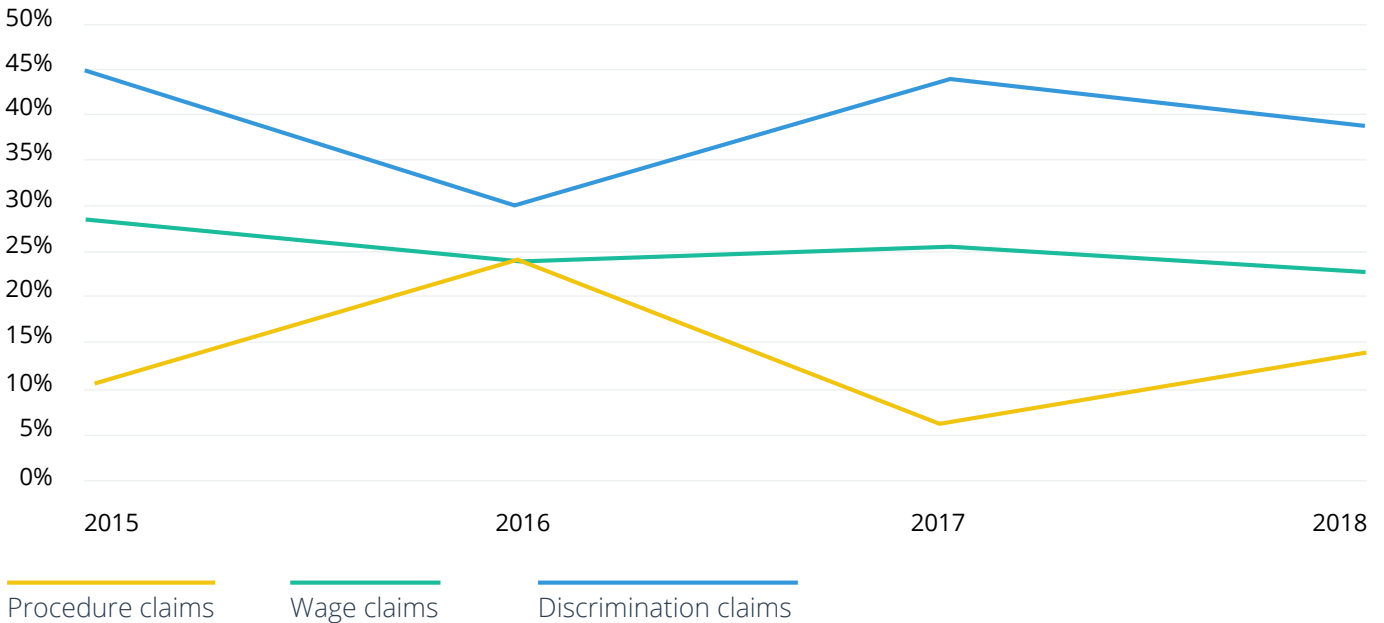
- claims related to *procedures*: failure to be accompanied at grievance or disciplinary, failure to provide written reason for dismissal, failure to provide written pay statement, failure to consult before transfer, detriment for trade union membership, detriment for acting on health & safety regulation or exercising statutory right;
- claims related to *wages*: failure to pay national minimum wage, unauthorised deductions, failure to pay wages or redundancy pay, equal pay issue;
- claims related to *discrimination* based on: disability, age, sex, race, religion/belief, sexual orientation, maternity status;
- claims related to *non-standard forms of employment*, or NSFE claims: less favourable treatment for being part time, fixed term, flexible working, temporary, or agency worker. We found that, in whistleblowing cases that went to preliminary hearing or beyond between 2015 and 2018, only in 7 cases was a NSFE claim made. None of these whistleblowing cases were successful.



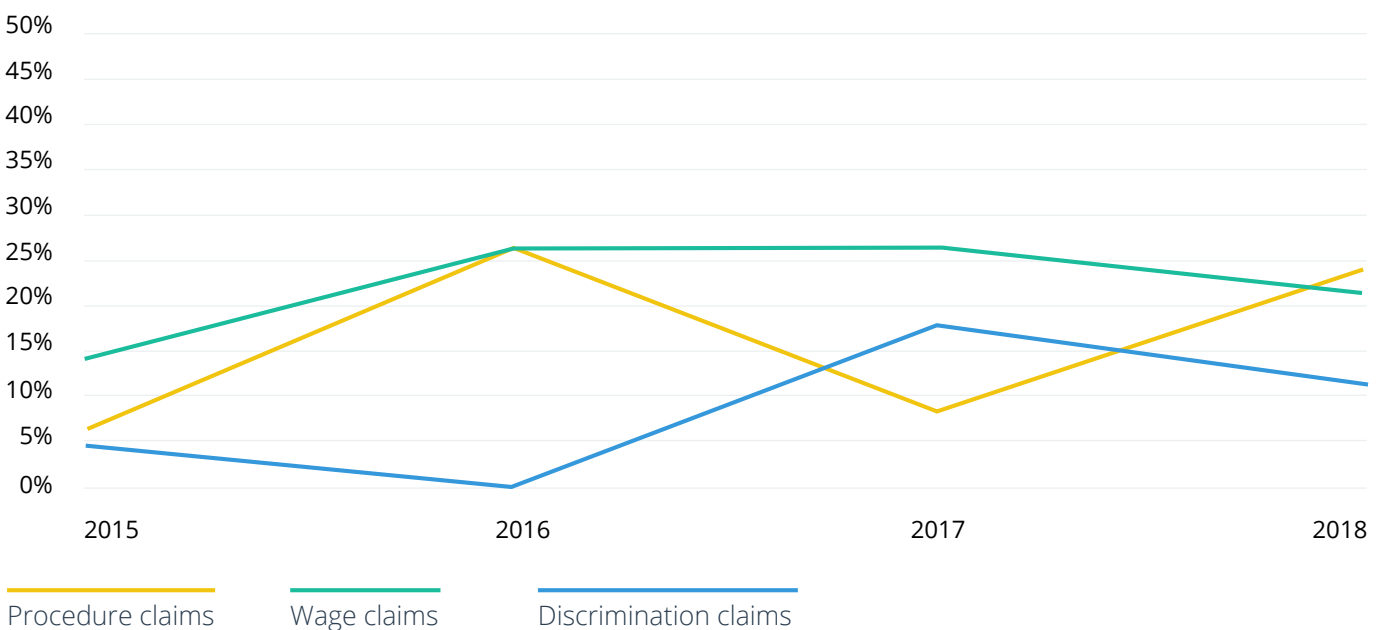
Figure 17 shows how often whistleblower cases include procedural, wage related, and discrimination claims. Note that sometimes whistleblowing cases combine public interest disclosure claims with all three other types of claims. But it is clear that public interest disclosure claims are hardly ever the only claim in a whistleblowing case at ET, and most often they also include a discrimination claim.

Figure 18 shows that, whilst discrimination is an element in whistleblowing cases more often than claims related to procedure and wages, these are least likely to be successful whistleblowing cases at ET.

**Fig 17. Other type of claims made in whistleblowing cases, by year.**



**Fig 18. Success rate for whistleblowing claims made in combination with other types of claims, per year.**



# Conclusion

**This research has found a low success rate for whistleblowing cases heard at ET in England and Wales. It has also found that whistleblowers suffer more and longer than before, and that there is an important gender dimension for whistleblowers. Legal support matters for whistleblowers but less whistleblowers than before have access to legal representation.**

The findings in this report highlight the need for improved access to justice for whistleblowers. It is necessary to reconsider the institutional embedding of whistleblowing legislation, more precisely how an independent Office of the Whistleblower could improve access to justice for all concerned including upholding the public interest, ensuring that wrongdoing is addressed.

The evidence supporting this conclusion is the historically low success rate of those cases heard at employment tribunal. The low success rate is compounded by the more holistic negative outcomes for whistleblowers including discrimination, damage to their health and wellbeing, employability and financial independence. There is a real imperative to review the way in which inequality of arms impacts these outcomes in a system that was originally designed to provide swift and easy access to justice. Increasingly however, it seems this system is dominated by David v Goliath cases in which the employer has large skilled teams of legal advisors and the whistleblower is alone.

# Appendix 1 – Method

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For this project we collected copies of the Employment Tribunal cases that went to preliminary hearing or beyond between 2015 and 2018 inclusive.

The records of Employment Tribunals are held at a central archive in Bury St Edmunds, England which has a basic electronic database of all claims in England and Wales. We searched the archive for all cases in 2015 and 2016 that claimed whistleblowing. We separated out cases that were withdrawn before preliminary and included in the sample only cases that went to preliminary hearing or beyond.

In 2017 the Ministry of Justice placed all Employment Tribunal record online, so for 2017 and 2018 the Ministry of Justice online database was searched and cases that went to preliminary hearing or beyond were collected.

To carry out our analysis we created a codebook, based initially on the coding used in the Survey of Employment Tribunal Applications and expanded to include variables specific to whistleblowing. Prior to the coding of the data, an interrater reliability was established of 97%.

After coding, the data was cleaned (e.g. deleting duplications) and analysed using SPSS, using cross-tabulation. In some cases, we converted variables into dummy-variables and in other instances we collapsed variables.

The research was led and authored by Dr Laura William and Dr Wim Vandekerckhove, Centre for Research on Employment and Work – CREW, University of Greenwich.

Dr William and Dr Vandekerckhove acknowledge the assistance of Arron Phillips and Dave Smith in the coding of the data.

The research was funded by the British Academy, the Leverhulme Trust, and the University of Greenwich.

# Appendix 2 – Tables

## Full sample

Year	Frequency
2015	151
2016	79
2017	191
2018	182
<b>Total</b>	<b>603</b>

## Gender \* Year Crosstabulation

			2015	2016	2017	2018	Total
Gender	Men	Count	92	41	101	110	344
		% within Year	62.2%	51.9%	53.7%	60.8%	57.7%
	Women	Count	56	38	87	71	252
		% within Year	37.8%	48.1%	46.3%	39.2%	42.3%
Total	Count	148	79	188	181	596	
	% within Year	100.0%	100.0%	100.0%	100.0%	100.0%	

## Sector \* Year Crosstabulation

			2015	2016	2017	2018	Total
Sector	Public	Count	41	13	60	55	169
		% within Year	27.3%	16.5%	31.7%	30.2%	28.2%
	Private	Count	107	62	118	117	404
		% within Year	71.3%	78.5%	62.4%	64.3%	67.3%
	Charity	Count	2	4	11	10	27
		% within Year	1.3%	5.1%	5.8%	5.5%	4.5%
Total	Count	150	79	189	182	600	
	% within Year	100.0%	100.0%	100.0%	100.0%	100.0%	

# Appendix 2 – Tables

## Outcome whistleblowing claim \* Year Crosstabulation

			2015	2016	2017	2018	Total
Outcome whistleblowing claim	Dismissed at preliminary	Count	33	23	29	32	117
		% within Year	21.9%	29.1%	15.2%	17.6%	19.4%
	Dismissed after preliminary	Count	70	29	104	110	313
		% within Year	46.4%	36.7%	54.5%	60.4%	51.9%
	Withdrawn after preliminary	Count	21	13	13	4	51
		% within Year	13.9%	16.5%	6.8%	2.2%	8.5%
	Settled	Count	13	4	20	13	50
		% within Year	8.6%	5.1%	10.5%	7.1%	8.3%
	Successful	Count	14	10	25	23	72
		% within Year	9.3%	12.7%	13.1%	12.6%	11.9%
Total		Count	151	79	191	182	603
		% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

## Length of Process \* Year Crosstabulation

			2015	2016	2017	2018	Total	
Length of Process	Less than 1 year	Count	11	10	21	8	50	
		% within Year	21.6%	43.5%	20.8%	7.8%	18.1%	
	1 to 2 years	Count	28	8	42	47	125	
		% within Year	54.9%	34.8%	41.6%	46.1%	45.1%	
	2 to 3 years	Count	6	4	15	25	50	
		% within Year	11.8%	17.4%	14.9%	24.5%	18.1%	
	3 to 4 years	Count	1	1	9	14	25	
		% within Year	2.0%	4.3%	8.9%	13.7%	9.0%	
	4 to 5 years	Count	2	0	6	3	11	
		% within Year	3.9%	0.0%	5.9%	2.9%	4.0%	
	More than 5 years	Count	3	0	8	5	16	
		% within Year	5.9%	0.0%	7.9%	4.9%	5.8%	
	Total		Count	51	23	101	102	277
			% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

# Appendix 2 – Tables

## Tenure claimant \* Year Crosstabulation

			2015	2016	2017	2018	Total
Tenure claimant	Less than 2 years	Count	24	13	36	38	111
		% within Year	44.4%	48.1%	39.1%	38.8%	41.0%
	2 years or more	Count	30	14	56	60	160
		% within Gender	55.6%	51.9%	60.9%	61.2%	59.0%
Total	Count	54	27	92	98	271	
	% within Year	100.0%	100.0%	100.0%	100.0%	100.0%	

## Sick Leave \* Year Crosstabulation

			2015	2016	2017	2018	Total
Sick Leave	No / not mentioned	Count	44	14	143	62	263
		% within Year	75.9%	66.7%	74.9%	60.8%	70.7%
	Yes	Count	14	7	48	40	109
		% within Gender	24.1%	33.3%	25.1%	39.2%	29.3%
Total	Count	58	21	191	102	372	
	% within Year	100.0%	100.0%	100.0%	100.0%	100.0%	

## Sick Leave \* Gender Crosstabulation

			Man	Woman	Total
Sick Leave	No / not mentioned	Count	155	105	260
		% within Gender	74.5%	65.6%	70.7%
	Yes	Count	53	55	108
		% within Gender	25.5%	34.4%	29.3%
Total	Count	208	160	368	
	% within Gender	100.0%	100.0%	100.0%	



# Appendix 2 – Tables

## Claimant representation \* Year Crosstabulation

			2015	2016	2017	2018	Total
Claimant representation	NANR	Count	5	1	8	9	23
		% within Year	4.2%	1.5%	4.6%	5.1%	4.3%
	LIT	Count	44	28	69	84	225
		% within Year	37.3%	41.2%	39.9%	47.7%	42.1%
	FF	Count	8	2	3	9	22
		% within Year	6.8%	2.9%	1.7%	5.1%	4.1%
	LR	Count	10	5	6	10	31
		% within Year	8.5%	7.4%	3.5%	5.7%	5.8%
	CAB	Count	2	0	1	2	5
		% within Year	1.7%	0.0%	0.6%	1.1%	0.9%
	TU	Count	0	0	5	2	7
		% within Year	0.0%	0.0%	2.9%	1.1%	1.3%
	LEG	Count	49	32	81	60	222
		% within Year	41.5%	47.1%	46.8%	34.1%	41.5%
Total		Count	118	68	173	176	535
		% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

## Gender \* Claimant representation Crosstabulation

			NANR	SR	FF	LR	CAB	TU	LEG	Total
Gender	Man	% within Gender	14	129	12	15	3	4	135	312
		Count	4.5%	41.3%	3.8%	4.8%	1.0%	1.3%	43.3%	100.0%
	Woman	% within Gender	9	93	10	16	2	3	84	217
		Count	4.1%	42.9%	4.6%	7.4%	0.9%	1.4%	38.7%	100.0%
Total		% within Gender	23	222	22	31	5	7	219	529
		% within Year	4.3%	42.0%	4.2%	5.9%	0.9%	1.3%	41.4%	100.0%

# Appendix 2 – Tables

## Whistleblowing claim successful only: Gender \* Claimant representation Crosstabulation

			NANR	SR	FF	LR	CAB	TU	LEG	Total
Gender	Man	% within Gender	1	8	0	1	0	1	27	38
		Count	2.6%	21.1%	0.0%	2.6%	0.0%	2.6%	71.1%	100.0%
	Woman	% within Gender	0	10	1	1	1	1	13	27
		Count	0.0%	37.0%	3.7%	3.7%	3.7%	3.7%	48.1%	100.0%
Total		% within Gender	1	18	1	2	1	2	40	65
		% within Year	1.5%	27.7%	1.5%	3.1%	1.5%	3.1%	61.5%	100.0%

## Employer representation \* Year Crosstabulation

			2015	2016	2017	2018	Total
Employer representation	NANR	Count	3	3	3	3	12
		% within Year	2.5%	4.3%	1.7%	1.7%	2.2%
	SR	Count	1	0	0	3	4
		% within Year	0.8%	0.0%	0.0%	1.7%	0.7%
	LR	Count	5	2	2	3	12
		% within Year	4.1%	2.9%	1.2%	1.7%	2.2%
	SP	Count	10	3	6	6	25
		% within Year	8.3%	4.3%	3.5%	3.4%	4.6%
	Cons	Count	6	5	9	14	34
		% within Year	5.0%	7.2%	5.2%	7.9%	6.3%
	LEG	Count	96	56	153	148	453
		% within Year	79.3%	81.2%	88.4%	83.6%	83.9%
Total		Count	121	69	173	177	540
		% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

# Appendix 2 – Tables

## Equality of Arms \* Year Crosstabulation

			2015	2016	2017	2018	Total
EQA	Claimant less powerful	Count	64	34	91	109	298
		% within Year	54.2%	50.0%	52.6%	61.9%	55.7%
	Equality of arms	Count	42	29	75	57	203
		% within Year	35.6%	42.6%	43.4%	32.4%	37.9%
	Claimant more powerful	Count	12	5	7	10	34
		% within Year	10.2%	7.4%	4.0%	5.7%	6.4%
Total		Count	118	68	173	176	535
		% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

## Equality of Arms \* Outcome whistleblowing Crosstabulation

			Dismissed at prelim	Dismissed after prelim	Withdrawn after prelim	Successful	Settled	Total
EQA	Claimant less powerful	Count	73	177	15	19	14	298
		% within EQA	24.5%	59.4%	5.0%	6.4%	4.7%	100.0%
	Equality of arms	Count	25	104	22	32	20	203
		% within EQA	12.3%	51.2%	10.8%	15.8%	9.9%	100.0%
	Claimant more powerful	Count	2	11	1	15	5	34
		% within EQA	5.9%	32.4%	2.9%	44.1%	14.7%	100.0%
Total		Count	100	292	38	66	39	535
		% within EQA	18.7%	54.6%	7.1%	12.3%	7.3%	100.0%

## Equality of Arms \* Gender Crosstabulation

			Man	Woman	Total
EQA	Claimant less powerful	Count	167	128	295
		% within Gender	53.5%	59.0%	55.8%
	Equality of arms	Count	121	79	200
		% within Gender	38.8%	36.4%	37.8%
	Claimant more powerful	Count	24	10	34
		% within Gender	7.7%	4.6%	6.4%
Total		Count	312	217	529
		% within Gender	100.0%	100.0%	100.0%

# Appendix 2 – Tables

## Whistleblowing claim successful only: Gender \* Outcome unfair dismissal Crosstabulation

			Dismissed after prelim	Withdrawn after prelim	Successful	Unresolved at end of year	Total
EQA	Man	Count	3	0	35	0	38
		% within Gender	7.9%	0.0%	92.1%	0.0%	100.0%
	Woman	Count	6	1	19	2	28
		% within Gender	21.4%	3.6%	67.9%	7.1%	100.0%
Total		Count	9	1	54	2	66
		% within Gender	13.6%	1.5%	81.8%	3.0%	100.0%

## Discrimination Claim \* Year Crosstabulation

			2015	2016	2017	2018	Total
Discrimination Claim	No	Count	83	55	107	111	356
		% within Year	55.0%	69.6%	56.0%	61.0%	59.0%
	Yes	Count	68	24	84	71	247
		% within Year	45.0%	30.4%	44.0%	39.0%	41.0%
Total		Count	151	79	191	182	603
		% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

## Outcome Discrimination Claim\* Year Crosstabulation

			2015	2016	2017	2018	Total
Discrimination Outcome	Not successful	Count	65	24	69	63	221
		% within Year	95.6%	100.0%	82.1%	88.7%	89.5%
	Successful	Count	3	0	15	8	26
		% within Year	4.4%	0.0%	17.9%	11.3%	10.5%
Total		Count	68	24	84	71	247
		% within Year	100.0%	100.0%	100.0%	100.0%	100.0%

**July 2020**

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