



How the UK's Public Interest Disclosure Act Fails to Protect Whistleblowers from Retaliation

- 1) Despite its sterling international reputation, the Public Interest Disclosure Act (PIDA) **minimally protects whistleblowers from reprisals**. It contains no provisions to stop managers or co-workers from retaliating against whistleblowers. Rather, the law serves to invite retaliation.
- 2) With few legal protections to shield them, **whistleblowers routinely suffer all manner of retaliation** – ranging from being fired and transferred, to ostracised and locked out of their offices, to facing trumped-up allegations and being ordered to take psychological tests.
- 3) PIDA **contains only 37 percent of international standards** for whistleblower protection legislation – giving the law a grade of *F-minus-minus*. The law ranks especially poorly in terms of protection from retaliation, remedies and relief, administration, and engagement of whistleblowers.

- 4) PIDA **includes no civil or criminal penalties** for those who retaliate against whistleblowers. Employers can fire, demote, harass, transfer and otherwise punish whistleblowers with almost complete impunity.
- 5) Employment Tribunals **cannot order employers to stop retaliating** against whistleblowers.
- 6) Many whistleblowers are **pressured into signing gag orders** in settlement agreements that seek to forbid them from discussing their cases with the public.
- 7) Typical Employment Tribunal **cases can take 20 months** to conclude, from the point retaliation commences to when a ruling is reached. Average compensation is about £20,000.
- 8) Employment Tribunals **do not consistently treat whistleblowers fairly or objectively**. Judges have the authority to deny claims or cut compensation by scrutinising whistleblowers' work record and allowing employers to engage in character assassination.
- 9) Employees face **high legal and financial barriers** when filing a claim with an Employment Tribunal. Though hiring a lawyer is not required, employees without legal representation fair worse than those with a lawyer.
- 10) Employment Tribunals can – and routinely do – use **criteria not designed for whistleblower cases**, and that pre-date PIDA by as much as 21 years. These criteria, which are not widely known or understood by the public, put whistleblowers at a disadvantage in terms of rulings and compensation.

**from: “Protecting Whistleblowers in the UK: A New Blueprint,”
Thomson Reuters Foundation and Blueprint for Free Speech, 2016;
[http://www.trust.org/publications/i/?id=7161e13d-2755-4e76-9ee7-
fff02f6584db](http://www.trust.org/publications/i/?id=7161e13d-2755-4e76-9ee7-fff02f6584db)**