

INTRODUCTION

David Lewis^a, Sissel C. Trygstad^b and
Wim Vandekerckhove^c

^a*Middlesex University, UK*

^b*Fafo, Norway*

^c*EDHEC Business School, France*

Over the past few decades, an increasing number of countries have introduced legal provisions granting employees a statutory right to blow the whistle (International Bar Association et al., 2022). In 2021, the European Union adopted the Whistleblower Protection Directive (Directive (EU) 2019/1937), which establishes common minimum standards for the protection of individuals who report breaches of EU law. Significantly, the Council of Europe has urged its 47 Member States to adhere to the principles set out in the Directive (Council of Europe, 2024). However, while there is no International Labour Organisation Convention or Recommendation on whistleblowing, there are United Nations Resolutions addressing the issue, but these largely focus on anti-corruption measures (United Nations Conference of the States Parties to the United Nations Convention against Corruption, 2023). More generally, the International Organization for Standardization has published guidelines for *establishing, implementing and maintaining an effective whistleblowing management system* (International Organization for Standardization, 2021).

These developments have emerged in response to numerous examples demonstrating the risks associated with whistleblowing. Prior to the adoption of the EU Directive, it was widely acknowledged that whistleblower protection across the EU was fragmented and that employees who spoke out were often inadequately shielded from retaliation. Stories of workers who choose voice over silence when witnessing or uncovering wrongdoing, and the personal and professional costs they pay, have inspired a wide range of films, books and media coverage (MacCarthy, 2020).

Whistleblowing and Freedom of Expression in Working Life
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One of the earliest portrayals of a modern whistleblower can be found in Henrik Ibsen's (1882) play *An Enemy of the People*. Here Dr. Stockmann finds himself in a whistleblower position when he discovers that the town's new public baths, its main source of income, are contaminated. His efforts to expose the truth lead to a bitter conflict with both the authorities and the local bourgeoisie. In this play, Ibsen explores the tension between truth and vested interests, illustrating how whistleblowing activates power dynamics and societal forces that challenge the individual's right to think and act against established truths. The fact that freedom of speech extends beyond working life is also illustrated in Chapter 2. This discusses whistleblowing as a revolutionary and liberating practice and reminds us that sometimes it can be a life and death issue.

In this book, we and our nine co-authors examine whistleblowing as a phenomenon and how the right to blow the whistle is regulated across various national contexts. Our main focus is working life, and we are particularly interested in the factors that influence how different countries design and implement their whistleblower protection laws. The book's geographical scope is diverse. While most contributions focus on comparisons between European countries, the volume also includes data from the United States and Australia, and one chapter explores how whistleblowing unfolds in Burkina Faso. The authors approach whistleblowing from a range of academic perspectives, including labour law, political science and sociology. The contributions also operate at different levels of analysis and employ a variety of methodological approaches, such as comparative institutional mapping, legal analysis, qualitative interviews and surveys.

PATTERNS OF WHISTLEBLOWING: VOICE, SILENCE AND LOYALTY

In any organisation, situations, events or practices that are questionable or problematic will inevitably arise. This means that employees may find themselves in a whistleblower position while managers may become potential recipients of reports concerning such issues. Three key questions arise: i) what do those who uncover or observe wrongdoing do about the situation? ii) how do those who receive such reports handle the information disclosed? iii) what happens to the disclosers and recipients of the concerns and others affected by the whistleblowing process?

Over the past decades, numerous books and scholarly articles have addressed these and related questions from various disciplinary perspectives. A widely used definition in whistleblowing research is as follows:

The disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action. (Near & Miceli, 1985, p. 4)

A distinction is commonly made between internal and external whistleblowing. Internal whistleblowing refers to reporting within the organisation to

someone with the authority to take action while external whistleblowing involves reporting outside of the organisation. A public disclosure is whistleblowing to the public and/or the media. As Vandekerckhove (2010) has pointed out, there is an intermediate step between internal reporting and public disclosure – namely, reporting to societal authorities or oversight bodies, such as regulatory agencies.

Research shows that when workers blow the whistle externally, they have often first attempted to report the issue internally (Bosua et al., 2014, p. 252; Near & Miceli, 2016; Vandekerckhove & Phillips, 2019). This suggests that external whistleblowing is frequently a last resort, taken when internal mechanisms fail or are perceived as ineffective.

There are many reasons why whistleblowing is important. Fasterling (2014) argues that whistleblowing involves two distinct dimensions:

One is centered on guaranteeing the individual right of the discloser, with particular regard to the whistleblower's freedom of expression, and the other towards a more effective prevention and detection of violation of the law and danger to health and safety. (p. 331)

Thus, whistleblowing is closely linked to freedom of expression and can be justified as a democratic right. Being able to speak out about workplace issues without fear of reprisal is now recognized as both a human and labour right (Fasterling, 2014; Trygstad & Ødegård, 2022). Moreover, whistleblowing is connected to well-being. Employees who report wrongdoing may help improve the welfare of colleagues exposed to serious and harmful conditions (Fasterling, 2014). For service recipients, whistleblowing can highlight inadequate care or abuse. For customers, it may lead to the withdrawal of dangerous products or the cessation of harmful production processes. Whistleblowing is also related to organisational efficiency. Reports of embezzlement, theft, waste, or poor-quality products and services can contribute to improved profitability and quality (Miceli et al., 2012). Despite these potential benefits, whistleblowing can be risky.

So, what do whistleblowers actually do? The short answer is: it varies. Drawing on a range of cross-national and cross-organisational studies, Jane Olsen (2014) has sought to systematise whistleblowing behaviour. She found that approximately half of those who had experienced or observed wrongdoing chose to report it. Thus, her findings suggest that roughly equal proportions of individuals opt for 'voice' or 'silence' as their strategy. Similar results have been observed in Norway, where the proportion of employees who report wrongdoing has remained remarkably stable over a 10-year period (Trygstad & Ødegård, 2022).

The strategies chosen by workers who uncover or witness misconduct can be illustrated through Albert O. Hirschman's concepts of *exit*, *voice* and *loyalty*. According to Hirschman, the choice between exit and voice can be explained by the individual's level of loyalty to the organisation (Hirschman, 1970, p. 77). An employee with low organisational loyalty may choose exit – leaving the organisation either because they do not believe whistleblowing will be effective or because they do not wish to remain part of an organisation engaged in

questionable practices. Conversely, a loyal employee may choose voice, reporting the misconduct to someone with the authority to act.

In this context, it is noteworthy that [Near & Miceli \(2016\)](#), in their summary of nearly three decades of research, found that whistleblowers tend to be older employees with long tenure and higher education. They are typically familiar with internal reporting channels and feel a sense of responsibility to report wrongdoing ([Near & Miceli, 2016](#), p. 111). Length of service might also be associated with the building of trust and the perception of psychological safety. Conversely, it can be argued that those who are new to an organisation may be inclined to raise concerns about inefficient working methods or dubious ethical practices that they observe.

Whether loyalty actually leads to whistleblowing is, however, not straightforward, as loyalty is a multidimensional concept. The perception of loyalty can be directed towards the employer and organisation, to colleagues or other stakeholders such as professions, users/customers and society generally ([Arvidson & Axelsson, 2014](#); [Lewis, 2011](#); [Skivenes & Trygstad, 2010](#)). The loyalty ties a potential whistleblower has to individuals with power and influence within the organisation may therefore be decisive. If the employee is loyal to those responsible for the wrongdoing, he/she may choose silence – either by ignoring or downplaying the issue, or by refraining from reporting owing to personal interest in the continuation of the practice, or simply as a result of uncertainty about how to act. Choosing voice may place the employee in a vulnerable or high-risk position.

STANDING UP FOR A CAUSE

Research indicates that the decision to blow the whistle is correlated with the perceived severity of the wrongdoing. Employees who report misconduct often believe that management will appreciate their disclosure, as it enables errors to be corrected or practices to be improved ([Near & Miceli, 2016](#), p. 111). At the same time, there are numerous examples of whistleblowers challenging individuals in positions of power within the organisation ([Brickley, 2003](#)). These may include employers or managers or even a collective of colleagues. These actors may have a vested interest in ensuring that the misconduct is neither stopped nor results in consequences for those responsible. A common strategy in such cases is to silence or discredit the whistleblower.

If the wrongdoing is serious, top management may also have strong incentives to prevent the information from reaching the public, in order to protect the organisation's reputation and legitimacy. ([Nyrrerod, 2025](#)). In some organisations, there may also be disagreement about whether a particular issue constitutes misconduct or whether the employee had the right to report it.

As previously discussed, the purpose of whistleblower protection laws, both at national and international level, is to encourage employees to choose 'voice' when they witness or uncover wrongdoing. However, for such legal provisions to be effective, they must offer genuine safeguards against retaliation. Retaliation

may be overt or subtle, immediate or delayed (Lewis, 2022). It can take many forms including dismissal, relocation, bullying and boycotting and often has long-term consequences (Kenny & Fotaki, 2021). Moreover, other contextual factors within the organisation or country may also influence the effectiveness of whistleblower protections.

MANAGERIAL PREROGATIVE AND POWER ASYMMETRY

The relationship between employer and employee is inherently characterised by a power imbalance. Entering into an employment relationship entails accepting the employer's right to organise and direct the work and the organisation. This means that employees relinquish a certain degree of autonomy (Svalund, 2003). However, the extent of this relinquishment varies across countries and labour market models, depending on whether the power balance is labour-oriented or employer-oriented (Gallie, 2007; Visser, 2009).

Legal provisions granting employees the right to blow the whistle can be seen as an attempt to reduce this asymmetry and, in doing so, to limit the managerial prerogative. In this context, Walter Korpi's (1978, p. 35) definition of power resources is relevant: 'the properties of an actor that provide the ability to reward or punish another actor.' The stronger the employer is relative to the employee, the more power resources they can deploy, and vice versa.

The regulation and practice of managerial authority vary across countries. Mitchell (2014) has noted that in the EU, Nordic trade unions tend to prioritise negotiation, British and German unions focus on lobbying while Italian and French unions are more inclined to demonstrate. While this is a simplification, the Nordic countries are indeed characterised by high collective agreement coverage and high union density. This gives trade unions both power and legitimacy, and there is a long-standing tradition of collective voice in these countries. Institutional arrangements are in place to balance the inherently unequal relationship between labour and capital (Korpi, 1978, p. 35; Visser, 2009). Furthermore, elected employee representatives at the enterprise or organizational level aim to protect their members against unfair treatment, and multiple channels exist for employee participation, influence and voice (Trygstad et al., 2018). These arrangements appear to foster trust between employees and employers at the national, sectoral and organisational levels (Dølvik et al., 2014). Norway and Denmark are examples of such countries.

Elsewhere, collective agreement coverage and union density are significantly lower. This affects the legitimacy of trade unions in the eyes of employers and public authorities. The employer–employee relationship is often more unbalanced and employer-oriented (Visser, 2009). Moreover, the absence of local union representatives may leave employees without protection against unfair treatment and place whistleblowers in a more vulnerable position. In many countries employment protection is weak, making whistleblowers particularly vulnerable. In such contexts, robust whistleblower protection laws are especially

important, as they can shield employees from sanctions before, during and after a disclosure.

However, as Fasterling (2014) argues, weak labour rights may also limit the effectiveness of whistleblower laws:

If the employer can terminate employment contracts for any reason, absent any legal presumption that would shift the burden of evidence to the employer, it will become even more complicated for the whistleblower to prove that the termination of the employment was predominantly motivated by his or her disclosure. (Fasterling, 2014, p. 336)

It is therefore relevant to consider other institutional arrangements that may influence the climate for whistleblowing, arrangements that can either facilitate or complicate the institutionalisation of whistleblower protections that offer real safeguards. As several contributors to this volume demonstrate, for employees to report wrongdoing, they must have trust in the practical effectiveness of whistleblower provisions.

BETWEEN INSTITUTIONS, REGULATION AND PRACTICE

This book explores, among other things, the strength of legal protections for whistleblowers and the potential impact of the EU Whistleblowing Directive on workers who find themselves in whistleblower positions. The Directive can, in many ways, be seen as a watershed moment in Europe (Abazi, 2020). While it is still too early to assess its full consequences –much will depend on how its transpositions are implemented across different countries– it has already sparked considerable interest among social scientists. The Directive is discussed in five chapters of this volume, each with a distinct thematic and methodological approach. Together, these chapters underscore the importance of both legal design and institutional credibility in fostering a whistleblower-friendly environment. However, we begin from a different standpoint, both geographically and thematically.

Chapter 2 reconceptualises whistleblowing not as a procedural safeguard within liberal democracies but as a radical act of resistance against systems of surveillance, exploitation and authoritarian control. Drawing on the critical theories of Michel Foucault, Antonio Gramsci and Frantz Fanon, Nkosana Sithole kaMiya frames whistleblowing as a dialectical struggle between freedom and power, particularly within neoliberal and post-colonial contexts. kaMiya advocates a reframing of whistleblowing as a collective, transnational act of democratic renewal. The chapter calls for solidarity frameworks that protect whistleblowers and challenge the complicity of state and corporate actors in suppressing dissent.

The diversity of perspectives in this volume is perhaps best illustrated by the contrast between Chapter 2 and Chapter 3. While kaMiya focuses on whistleblowing as a deeply political and emancipatory act, Vandekerckhove and Loyens in Chapter 3 explain how whistleblowing is institutionalised differently

across liberal and coordinated market economies in seven countries on three continents. Using Hall and Soskice's (2001) 'Varieties of Capitalism' (VoC) framework, the authors examine how whistleblower protection is operationalised and how institutional arrangements, particularly the degree of centralisation and civil society engagement, shape the effectiveness and transformative potential of whistleblowing regimes. They argue that while institutionalisation is necessary for effective protection, it may also neutralise whistleblowing's transformative potential by reinforcing existing institutional structures. Their analysis offers a valuable framework for understanding how national contexts shape whistleblowing systems and provide practical insights for policymakers and advocates.

The importance of institutional arrangements is also highlighted in Chapter 4, where Trygstad, Ødegård and Engelstad examine the role of managers in creating whistleblower-friendly environments within organisations across different employment regimes. While Vandekerckhove and Loyens adopt a macro-institutional lens, Trygstad, Ødegård and Engelstad focus on the organisational level. Drawing on survey data from England, Ireland, Denmark and Norway, they explore how managers perceive and respond to whistleblowing. Although institutional structures such as collective agreements and formal procedures appear to support whistleblower protection, the authors find that these do not necessarily influence managerial attitudes. Their chapter underscores the importance of both institutional context and employment regimes in shaping whistleblowing outcomes.

Chapter 5 marks a shift in focus towards the EU Directive. Lewis explores how EU Member States have incorporated trade unions into their national frameworks when transposing the Directive, which came into force in 2021. The Directive adopts a three-tiered model of disclosure, internal, external, and public, creating multiple entry points for trade union involvement. By reviewing national legislation across the EU, Lewis identifies significant variation in how trade unions are integrated. While some countries, such as Sweden and the Netherlands, explicitly recognise unions in whistleblowing procedures, others offer only minimal or symbolic roles. The analysis also highlights best practices from non-EU countries like Norway and New Zealand, where unions are more actively involved in shaping and monitoring whistleblowing frameworks. In line with Trygstad et al. in Chapter 4, Lewis emphasises the importance of institutional arrangements such as collective bargaining and social dialogue in improving procedural fairness.

In Chapter 6, Munkholm and Ødegård compare how Denmark and Norway have approached the transposition of the EU Whistleblowing Directive (Directive 2019/1937), highlighting the legal, institutional and stakeholder dynamics in each country. Despite their similar labour market models and legal traditions, the two countries differ significantly in their whistleblower protection frameworks. Denmark had no general whistleblowing legislation prior to the Directive and introduced a new Whistleblower Act in 2021. Norway, by contrast, has had whistleblower protections embedded in its Working Environment Act since 2007 but has yet to fully implement the Directive. The chapter

analyses public consultation responses in both countries, focusing on how stakeholders, particularly employers and trade unions, assessed the need for the legislation and its scope. The chapter explores broader tensions between managerial prerogative and employee freedom of speech. It concludes that while both countries aim to protect whistleblowers, their approaches reflect differing legal traditions, stakeholder influence and interpretations of the Directive's purpose.

The transposition of the EU Directive is also addressed in Chapter 7. By focusing on how Ireland, Belgium and the Netherlands have transposed the sanctions aspect of the Directive, Verbraeken reveals significant divergence in the nature, scope and severity of sanctions across the three jurisdictions. While all the countries under consideration have implemented penalties for the core infringements outlined in the Directive, they differ in legal frameworks, enforcement mechanisms and the authorities responsible for imposing sanctions. Notably, all three have gone beyond the Directive by introducing penalties for failing to establish internal reporting channels, despite this not being explicitly required. A key concern raised in this volume is the practical effectiveness of legal sanctions. In many cases, whistleblowers themselves must initiate legal proceedings, an often burdensome and discouraging process. Verbraeken concludes that while legal sanctions are essential, their actual impact depends heavily on enforcement practices, judicial discretion and the broader institutional and cultural context in which whistleblowing takes place.

There are clear parallels between Chapters 6 and 7, both of which examine the implementation of the EU Whistleblower Directive, albeit from distinct perspectives. Together, these chapters highlight that legal frameworks, when combined with institutional arrangements, political will and organisational culture, are crucial in shaping effective whistleblower protection.

Chapters 8 and 9 also adopt a comparative lens, focusing on the transposition of the Directive in Southern Europe. In Chapter 8, Rizzo contrasts the Italian and French approaches, noting that France has exceeded the Directive's minimum standards while Italy has imposed restrictive conditions on external reporting and introduced weak enforcement mechanisms. Italy's whistleblowing framework has evolved from a fragmented, public-sector-focused system to a more comprehensive regime. However, the new legislation places significant limitations on access to external reporting channels and introduces sanctions that are often ineffective in practice. These shortcomings may contravene the Directive's non-regression clause, which prohibits Member States from lowering existing levels of protection. In contrast, the French approach aligns more closely with the spirit of the Directive. It allows whistleblowers to choose freely between internal and external reporting channels and imposes strong sanctions, including imprisonment for retaliatory actions. Rizzo argues that Italy's transposition undermines the Directive's objectives by subordinating external reporting and failing to ensure effective deterrence against retaliation. The chapter calls for urgent reforms to align Italy's framework with EU standards and to uphold whistleblower protection as a cornerstone of democratic accountability and anti-corruption efforts.

In Chapter 9, Fernández-González offers a comparative analysis of Italy and Spain, combining legal review with insights from interviews with 15 whistleblowers. The chapter identifies several key disincentives to reporting, including fear of retaliation, lack of anonymity, absence of independent reporting channels and potential legal liability. Cultural norms such as *omertà* (code of silence) and workplace mobbing further discourage whistleblowing. Conversely, motivations to report include strong ethical convictions, a commitment to public service and the presence of secure and trusted reporting mechanisms. While both countries have introduced compliance programmes and legal protections, neither provides financial or psychological support to whistleblowers, and both fall short in fully addressing the risks they face. In line with other contributors to this volume, Fernández-González concludes that while legal frameworks are indispensable, they must be accompanied by cultural change, institutional trust, and comprehensive support systems to ensure that whistleblowing is both safe and effective.

At this juncture, we must acknowledge that there are several important issues that we have been unable to explore in detail in this book. For example, we have not examined whistleblowing in Asian or Latin–American contexts, discussed technological or digital aspects of reporting processes or explained how intersectionality and diversity might influence the whistleblowing experience. It is also appropriate to draw the attention of readers to the existence of three specialist organisations operating in the field with which the authors are very familiar. Members of the International Whistleblowing Research Network have been exchanging information and meeting at conferences since it was established in 2009. Those who are in need of practical advice and assistance might contact the Whistleblowing International Network. Since 2018 this global body has been ‘connecting and strengthening civil society organisations that defend and support whistleblowers’. Most recently, the European Whistleblowing Institute was established in 2022 and focuses mainly on education, research and policy advice.

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