

<p>Institution: Middlesex University</p>
<p>Unit of Assessment: 19 Business and Management Studies</p>
<p>Title of case study: Alternative Forms of Employee Voice</p>
<p>1. Summary of the impact Employee relations in Britain have undergone fundamental change in the last three decades. Research by Lewis, Upchurch, Croucher and other colleagues has tracked these changes identifying the decline of collective bargaining and the rise of alternative forms of employee voice. The impact of this programme of research has been evident in influencing the evolution of wider public debate on issues of employee voice and shaping the development of policy frameworks and specific policy initiatives in the UK and abroad, particularly concerning whistleblowing. Impact has been apparent through influencing the development of employment culture and the respective practices of employers, unions, and human resources/industrial relations practitioners.</p> <p>2. Underpinning research Since the 1990s, research in the Middlesex University Business School has examined the fundamental changes in employee relations in the UK and other advanced industrial economies. This has charted the significant decline in the level of collective bargaining and the consequent ‘representation gap’ for employee voice (Lewis, 1995; Upchurch et al, 2008; Croucher et al, 2012). Research findings have demonstrated the inter-relationship between the widespread decline in collective voice mechanisms across many national employment systems and the development of alternative forms of employee voice and means of expressing dissent.</p> <p>A particular focus of this research has been on employee whistleblowing, which emerged out of the work of Lewis and James in the early 1990s on employee participation in health and safety and the rights of workplace representatives. The seminal article by Lewis on job security for UK whistleblowers published in <i>Modern Law Review</i> (1995), led to Public Concern at Work commissioning empirical research, led by Lewis, to establish the state of play of whistleblowing procedures in English and Welsh local authorities. Subsequent empirical research funded in part by the Employers Organisation for Local Government and the Nuffield Foundation examined public sector whistleblowing procedures covering more than 2.75 million people in schools, universities, local authorities and the health service. Since 2002, publications in a range of peer-reviewed employment law and employee relations journals (e.g. Lewis 2006) have examined the impact of whistleblowing procedures. In response to a changing whistleblowing climate in the private sector, two surveys of FTSE top 250 companies were funded, by the British Academy and Sai Global respectively in 2007 and 2010. These studies led (jointly with Vandekerckhove) to a critical review of international official guidelines on the contents of whistleblowing procedures in 2011. Findings have informed the international debate on what principles should be recommended to employers in devising appropriate whistleblowing arrangements.</p> <p>A second major stream of this research has focused upon the development of new forms of employee representation and workplace practices by Upchurch and colleagues (Danford et al. 2003; Upchurch et al 2008). An extensive cross-sectoral quantitative and qualitative survey demonstrated how corporate instability in the private sector, triggered by take-overs and mergers, had altered significantly the locus of decision-making power in organisations with regard to workplace practices. Further analysis examined alternative voice mechanisms in both unionised and non-unionised environments. While management were often described as good in providing information, they were also described as poor in allowing employees to influence or change decision-making. This was especially the case in ‘high performance workplaces’ such as those in the aerospace industry, and in non-union partnership workplaces, where individual performance regimes overrode mechanisms of effective employee voice. Further work by Upchurch investigated sustainable work practices at British Airways (Upchurch, 2010). This research, based on interviews conducted with BA cabin crew staff, found that BA’s attempts to shift from a business strategy based on quality service to international clients, to one of low cost operator was associated with attacks on pay and conditions, changes to work organisation and a strict regime of employee control (Upchurch, 2010).</p>

These streams of research have shown that alternative mechanisms for employee voice do provide a certain level of protection for individuals raising concerns in workplaces within the European context. However individual voice mechanisms, such as those which are used by whistleblowers, have not grown to compensate for the decline in collective practices but rather have declined with them (Croucher et al, 2012). Further ESRC funding has allowed Upchurch, Croucher, Cotton and Castellino to widen the scope of inquiry to examine employee voice 'beyond labour regulation', through active engagement with policy makers both in the UK and abroad.

3. References to the research

Lewis, David (1995) 'Whistleblowing and job security'. *Modern Law Review*. Volume 58, Number 2 pages 208- 221

DOI: 10.1111/j.1468-2230.1995.tb02004.x

Danford, Andy, Richardson, Mike and Upchurch, Martin (2003) *New Unions, New Workplaces: a study of union resilience in the restructured workplace*, London: Routledge 194 pp ISBN 0-415-26061-2

Lewis, David (2006) 'The contents of whistleblowing/confidential reporting procedures in the UK: some lessons from empirical research'. *Employee Relations*. Vol.28 No.1 pages 76-86

DOI 10.1 1108/01425450610633073

Upchurch, Martin, A. Danford, S. Tailby and M. Richardson (2008) *The Realities of Partnership at Work*, London: Palgrave Macmillan/ESRC 208pp

Upchurch, Martin (2010) Creating a Sustainable Work Environment in British Airways: implications of the 2010 Cabin Crew Dispute, Middlesex University/UNITE

https://eprints.mdx.ac.uk/6144/1/Upchurch-Creating_a_Sustainable_Work_Environment_in_British_AirwaysFINAL.pdf

Croucher, Richard and Wood, Geoffrey and Brewster, Chris and Brookes, Michael (2012) 'Employee turnover, HRM and institutional contexts'. *Economic and Industrial Democracy*. ISSN 0143-831X; vol. 33 no. 4 605-620

DOI: 10.1177/0143831x11424768

All journal articles have been published in highly regarded, peer-reviewed journals. Book and report publications were peer-reviewed and published in high quality series. Many of the outputs are based on competitively funded research projects, awarded after rigorous peer review.

4. Details of the impact

The impacts of this programme of research have been evident in influencing the evolution of wider public debate on issues of employee voice, and shaping the development of policy frameworks and particular policy initiatives in the UK and abroad, as well as employment practices. Beneficiaries have included policy makers, human resource practitioners, businesses, unions and ultimately employees.

The impact of scholarly research on whistleblowing has been evident in specific lines of policy thinking, as well as the wider policy climate, among politicians, academic and practising lawyers, employers, trade unions and voluntary organisations (1). These impacts have been incremental and cumulative. The 1995 *Modern Law Review* article, standing alone at the time as an academic study on the subject, influenced the decision to make protection for whistleblowers a UK employment right. This approach has been subsequently adopted in many countries, and the EU, through recognition of a need for whistleblowing procedures as an anti-corruption tool.

Findings of this empirical research have contributed to wider *public debate* over the last decade that effective whistleblowing arrangements are vital both to private and public interests, following health and safety disasters and the exposure of financial scandals. Subsequent to the presentation of written and oral evidence by Lewis and Homewood to the Committee on Standards in Public Life in 1997, research findings have influenced the development of the UK *policy environment*, contributing to a process of reform and innovation which resulted in the production of a Publicly

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Available Specification Code of Practice on Whistleblowing in 2008 (BSI). In developing policy frameworks further, Lewis has acted as a part-time academic expert to provide policy advice to the National Audit Office on the development of whistleblowing arrangements (2), devising a checklist of good practice principles and using these to evaluate the current whistleblowing policies of government departments.

Policy impacts have also been evident internationally. In 2009, Lewis was invited to provide oral evidence to the committee reviewing the impact of the Japanese Whistleblower Protection Act 2005. In a similar context of public policy review and formulation, he provided oral and written evidence to the Budgetary Control Committee of the EU Parliament (18/5/11) on the need for EU measures to protect whistleblowers along the lines of anti-discrimination Directives already in place, influencing the production of amended guidance on whistleblowing within the EU's own institutions (3). In 2012 Lewis was appointed as a member of Transparency International's committee of experts charged with formulating principles on which national whistleblowing laws should be based and was an invited expert at the Council of Europe's consultation with stakeholders on whistleblowing in 2013 (4).

Research findings on whistleblowing have contributed to a shift in *employment culture and practice* with a wide range of organisations adopting good practice (5). Impacts have been both directly upon the behaviour of human resources/industrial relations practitioners, and as a result of this, upon employees and workforces. Processes through which research findings have been incorporated into practice include commercial organisations, which have directly made use of Middlesex data in promoting consultancy packages promoting improved corporate governance and integrity (e.g. see the websites of Sai Global and Expolink), and commercial training for senior human resource and legal practitioners run by Lexis Nexis (2009 & 2012) which have called on Lewis to present his findings and outline practice implications (6). The reach of this impact was further extended in 2012 when Lewis was commissioned to produce a detailed guide to good practice by Xpert HR (2012).

The impacts of research into new forms of employee representation and the development of sustainable work practices have been evident in influencing wider public debate and the development of union strategies and employers' practices. The research undertaken into new ways of working in high performance and workplace partnership led to the publication of six reports by employers and unions in case studies, including Prudential Insurance, Bristol and West Building Society, Rolls Royce and British Aerospace. This was further progressed through an examination of industrial relations and sustainable work practices at British Airways (BA) during the 2010/2011 cabin crew dispute. This work became influential in the resolution of this dispute and the wider public debate over the issues it raised. The critique developed by Upchurch and others of BA's practices was endorsed by the British Universities Industrial Relations Association which took the (then) unprecedented step of writing to the national press to express concerns at the future sustainability of BA as a result of its deteriorating industrial relations. Following this, the union Unite commissioned Upchurch to examine issues of employee voice and the work environment. The resulting report (Upchurch, 2010) was widely publicised by Unite and other unions both in the UK and abroad (e.g. the International Transport Workers' Federation) and informed their campaigns.

This research impacted on a range of stakeholders central to resolving the BA cabin dispute and wider public debate arising from it. These impacts included:

- *Informing BA share holders:* The Upchurch report was formally presented to the top five investors in BA and used by Unite to influence other investors and board members (7).
- *Influencing the political debate:* The report was the basis for a Parliamentary Early Day Motion (EDM) raised by Jim Sheridan MP, which received the support of 115 MPs from the Labour Party, Conservative Party, Liberal Democrats, Scottish National Party and SDLP in the House of Commons. The summary and introduction to this EDM, cited the Upchurch report (8).
- *Shaping public perceptions of the dispute:* The research received widespread comment in both the national and trade press, including the *Guardian*, the *Independent* (29/5/10), the *Daily Mirror* (4/6/10) and *Travel Weekly*, prompting debate about the strategy pursued in the dispute by the Chief Executive Willy Walsh (9). A video produced by Upchurch received over 1200 downloads on YouTube (10).
- *Shaping the strategy of Unite and other unions:* the Unite union recognised this report as an

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important contributing factor in improving and stabilising industrial relations at BA and the restoration of a negotiating relationship with the cabin crew's union (7). The international impact was enhanced through ESRC funded work considering aspects of global labour regulation, which led to collaborative work with the major Global Union Federations. This resulted in the publication by Croucher and Cotton of *Global Unions, Global Business: Global Union Federations and International Business* (Libri, 2011) and further commissioned work on employee voice from the International Labour Organisation.

5. Sources to corroborate the impact

- (1) Lead adviser to Australian Federal Government (factual statement provided)
- (2) Audit Manager, National Audit Office (factual statement provided)
- (3) Resulting EU amended guidance on whistleblowing within its own institutions can be found at: http://europa.eu/rapid/press-release_IP-12-1326_en.htm
- (4) Whistleblower Programme Coordinator; Transparency International (factual statement provided)
- (5) Member of the Whistleblowing Commission/Editor of Industrial Relations Law Reports (factual statement provided)
- (6) Chief Executive, Public Concern at Work (factual statement provided)
- (7) Evidence of the use of research by the Unite Union can be found at: http://archive.unitetheunion.org/campaigns/ba_united_we_stand/unite_press_releases/independent_report_uncovers_ba.aspx
- (8) Early Day Motion in the House of Commons on the BA Sustainability Report: <http://www.parliament.uk/edm/2010-12/165>
- (9) Discussion of the BA Sustainability Report in the national and trade press: https://www.google.co.uk/search?q=BA+sustainability+Martin+Upchurch&rlz=1C1GGGE_en-gbGB399&oq=BA+sustainability+Martin+Upchurch&aqs=chrome..69i57.10263j0j8&sourceid=chrome&espv=210&es_sm=93&ie=UTF-8#es_sm=93&espv=210&q=Martin+Upchurch+British+Airways
- (10) Video produced in relation to the BA dispute: <http://www.youtube.com/watch?v=IVeIMFlvn0I>