

Bullied after Blowing the Whistle: An Integrative Literature Review

Chamari L. Edirisinghe , Karawita Arachchige Akalanka Nuwan Thilakarathna 

Institute of Human Resource Advancement, University of Colombo, Colombo, Sri Lanka
Email: chamariedirisinghe@ihra.cmb.ac.lk

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Abstract

Whistle-blowing and bullying at work appear widely in research literature in a variety of disciplines. This paper intends to give directions for future researchers by connecting the two academic fields of whistle-blowing and bullying at work together. This article also discusses bullying at work as a repercussion of whistle-blowing from a Sri Lankan legal perspective. The paper explains empirical research on the connection between whistle-blowing and bullying at work, and elaborates the extent to which Sri Lankan legal system could be utilized to protect those from getting bullied for blowing the whistle. Empirical research has documented the link between whistle-blowing and bullying at work. However, the review also found that a concise definition for whistle-blowing and bullying at work place was not available in the literature. Also, from a legal perspective while the existing legal regime in Sri Lanka may offer some form of protection for the whistle-blowers under the Witnesses protection scheme, it is insufficient to protect whistle-blowers from bullying at workplace. Implications for practice are as follows: first, to provide clear examples of organizational wrongdoing which considered under whistle-blowing and second, to strengthen existing legal framework in Sri Lanka which can be utilized to safeguard the whistle-blowers from possible retaliation of bullying at work. Future studies on bullying at work are encouraged to be aware of the link to potential previous whistle-blowing. This paper provides valuable information for researchers and practitioners in the field of workplace behavior in general and in the field of management and legal in particular.

Keywords

Whistle-Blowing, Bullying at Work, Bullying after Whistle-Blowing, Sri Lankan Legal Perspective

1. Introduction

“Whenever there was a conflict between the public good and what benefited the company, the social media giant would choose its own interests” (Horwitz, 2021). Frances Haugen is a former product manager of Facebook who worked for nearly two years on the civic misinformation team at the social network. Before leaving Facebook in May, Ms. Haugen has used the documents she amassed to expose how much Facebook knew about the harms that it was causing and provided the evidence to lawmakers, regulators and the news media. During her interview with the wall street journal, she emphasized that Facebook repeatedly put its own interests first rather than the public’s interest. Accordingly, she has filed a whistle-blower complaint with the Securities and Exchange Commission, accusing Facebook of misleading investors with public statements that did not match its internal actions.

The concept of whistle-blowing has a history which runs for more than three decades. The concept emerged in the early 1970s. However, during 1980s academic researchers became more aware and focused on this concept (Ahmad, 2011). Whistle-blowing as a concept has been highly tested in fields of psychology, organizational behaviour, culture, business ethics, organizational theory, accounting, and auditing fields (Ahmad, 2011). One of the most highly cited definition for the whistle-blowing is provided by Near and Miceli (1985: p. 4), where they define whistle-blowing as “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”.

Whistle-blowing occurs when an individual witnesses some kind of a wrongdoing and reports it. Those who tend to inform of the organizational wrongdoing may be an individual or group of individuals who are internal or external to the organization (Ayers & Kaplan, 2005; Einarsen et al., 2011). Organizational wrongdoing is illegal or unethical acts carried out or supported by the organization itself, by the top leaders of the organization (e.g. CEO) (Miethe, 1999; Zavyalova et al., 2012). Reporting of such concerns may terminate the organizational wrongdoing. However, whistle-blowers can also backfire (Einarsen et al., 2011) in terms of retaliation (Alleyne et al., 2018) or workplace bullying (Bjørkelo et al., 2008; Einarsen et al., 2011).

Retaliation can be defined as “taking adverse action against an employee for opposing an unlawful employment practice or participating in any investigation, proceeding, or hearing related to such a practice” (Cortina & Magley, 2003: p. 248). Retaliation can come as; stoppage of pay increase, unfair performance evaluation, peers refusing to support, forceful transfers and even it can lead to stoppage of employment (dismissal) (Curits, 2006). Retaliation may come as short-term or long-term consequences (Einarsen et al., 2011). However, workplace bullying is a more long-term phenomenon, which can be defined as “harassing, offending, or socially excluding someone or negatively affecting someone’s work” (Einarsen et al., 2011: p. 22).

Two research field; whistle-blowing and workplace bullying are coexisted for the last two decades since workplace bullying is considered as one of the major downsides and negative consequence that the whistle-blowers face after blowing the whistle (Einarsen et al., 2011). In year 2018, the Association of Fraud Examiners found the 40% of the organizational fraudulent activities are reported by the whistle-blowers (as cited in Latan, Chiappetta Jabbour, & Lopes de Sousa Jabbour, 2021). However, whistle-blowers had twice as high risk of being faced to workplace bullying than other employees in the organization (Bjørkelo & Matthiesen, 2011). This article aims to review definitions and concepts related to the whistle-blowing and workplace bullying in order to give a comprehensive view of workplace bullying after whistle-blowing from theoretical perspective and from Sri Lankan Legal Perspective.

2. Whistle-Blowing

Whistle-blowing can be considered as a complex phenomenon since due to the combined reasons of organization loyalty and individual's moral and social obligations. The term whistle-blowing comes from the practice of an English term where the policemen blew the whistle in order to stop of the certain action which they observe it as a crime (Dasgupta & Kesharwani, 2010). Whistle-blowing has a history which runs more than three decades which emerged in the early 1970s. In 1980s the discussion of whistle-blowing started among academic researchers in the fields of psychology, organizational behaviour, culture, business ethics, accounting, and auditing (Ahmad, 2011). Today whistle-blowing is considered in more practical context where majority of the companies are introduced and encouraged whistle-blowing policies, procedures and practices as way of eradicating and stoppage of organizational wrongdoing.

Previous literature defines whistle-blowing in different ways. Some scholars see whistleblowing as an act where the interest over public overrides the interest over an organization when an organization is involved in harmful activities (Nader et al., 1972 as cited by Tsahuridu & Vandekerckhove, 2008). According to Batson (1983), whistle-blowing is a desire which is within one organism that aim to increase the welfare of another. **Table 1** presents some of the definitions related to the whistle-blowing.

Boatright (2000: p. 109) in his book "Ethics and the conduct of business" suggests that whistle-blowing is a "voluntary release of non-public information". He also uses five conditions to elaborate that phrase. The first condition is similar to Brenkert (2010); whistle-blower can either be a former or a current member or not necessarily be a current member. The second condition is that whistle-blowing might occur within the organization or outside the organization. The third condition is that whistle-blowing should be a deliberate act where the person should not blow the whistle by accident. Fourth condition is that the object of whistle-blowing should be substantial and final condition is that by reporting the whistle-blower should believe that the reported person is capable and has the ability to do something to correct the wrongdoing.

Table 1. Definitions of Whistle-blowing.

Author	Term	Definitions
Near and Miceli (1985: p. 4)	Whistle-blowing	“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.”
Graham (1986: p. 27)	External reporting (whistleblowing)	“A dissident never experiences the disillusioning discovery that the organization sanctions what she or he perceives as wrongdoing, for instance, then the decision point where internal criticism escalates into external reporting” known as whistle-blowing.
Trevino and Victor (1992: p. 39)	Peer reporting as a type of whistle-blowing	“Peer reporting occurs when group members go outside their group to report a member’s misconduct.”
Jubb (1999: p. 78)	Whistleblowing	The “deliberate non-obligatory act of disclosure, about non-trivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing”
Bouville (2008: p. 579).	Whistle-blowing	“Whistle-blowing is the act, for an employee (or former employee), of disclosing what he believes to be unethical or illegal behavior to higher management (internal whistle-blowing) or to an external authority or the public (external whistle-blowing).”
Kumar and Santoro (2017: p. 1)	Whistleblowing	“whistleblowing as the act of disclosing information from a public or private organization with the purpose of revealing cases of professional misconduct, or the violation of democratic procedures, that are of immediate or even potential danger to the public interest.”

Source: Author’s Developed.

Individual who observer organisational wrongdoing is not the same as when she/he detect and emergency, and she/he has sufficient time to reach decision in the former situation (Chen, 2019). Accordingly, previous studies developed whistle-blowing decision process from different perspectives; prosocial organisational behavior, ethical behavior, social information processing, and collection theory (Chen, 2019). Somers and Casal (1994), view whistle-blowing as a process which consisted of three elements; firstly, a rational component based on the perceived costs and benefit to the individual of reporting wrongdoing (Near & Miceli, 1985; Somers & Casal, 1994) secondly a prosocial component involving perceived responsibility to others (Graham, 1986; Somers & Casal, 1994) and thirdly a loyalty component reflecting the level of commitment to one’s organisation (Somers & Casal, 1994). According to Miceli, Near, Rehg, & Scotter, (2012), whistle-blowing process consists of four (04) decisions made by the whistle-blower and the organization. Under the first step the whistle-blower must decide whether the decision is wrongful (Miceli et al., 2012). Based on this decision, the whistle-blower decides to take action. The third step is to take the decision whether to continue with the wrongful action. In the final step, the organization decides whether and how to respond to the whistle-blower Therefore, it is possible to view the whistle-blowing as also a process which consists of three elements.

Accordingly, there has been a debate in the literature what is to be considered as the whistle-blowing. For example, some scorers were considered used both

internal and external aspect when defining the whistle-blowing (e.g. [Near & Miceli, 1985](#)), but some were only considered external reporting as whistle-blowing (e.g. [Jubb, 1999](#)). Furthermore, most of the previous literature considered only employees as whistle-blowers (e.g. [Chiu, 2003](#); [MacNab & Worthley, 2008](#); [Park & Blenkinsopp, 2009](#)). However recent literature argued that considering only employees as whistle-blowers not a valid argument since individuals who are external to the organization (e.g. investors, customers, suppliers) may also identify organizational wrongdoings and have the power to report such wrongdoings ([Culiberg & Mihelič, 2017](#)).

Therefore, considering previous literature we defined whistle-blowing as “deliberate non-obligatory act of disclosure,” ([Jubb, 1999: p. 78](#)), by stakeholders of the organization (e.g. employees, shareholders, customers) ([Culiberg & Mihelič, 2017](#); [Near & Miceli, 1985](#)) “about non-trivial illegality or other wrongdoing whether actual, suspected or anticipated which implicates and is under the control of that organization” ([Jubb, 1999: p. 78](#)), “to persons or organisations that may be able to effect action” ([Near & Miceli, 1985: p. 4](#)).

3. Bullying

During the 1990s the concept of workplace bullying is called as “mobbing” ([Leymann, 1990](#)). According to [Leymann \(1990\)](#) mobbing is a hostile action which is offensive. However, if the actions are systematic and repeated for the long period it’s negative effects are started to manifest ([Leymann, 1990](#); [Timucin, Yildirim, & Yildirim, 2007](#)). The term mobbing was originated from the English term “mob” and the term of “mobbing” used in the European countries such as Ireland, Britain, and Australia ([Einarsen et al., 2011](#)). French-speaking countries referred the phenomenon as “harassment” and English-speaking countries used the term “bullying” ([Einarsen et al., 2011](#)).

There are only few minor differences in three terms; mobbing, harassment, and bullying ([Zapf & Einarsen, 2005](#)). The term bullying is used to describe the perpetrator who acts aggressively in most situations and probably towards more than one target ([Einarsen et al., 2011](#)). However, the term “is more attuned to the experiences of targets who are systematically exposed to harassment by one or more perpetrators and who may, over time, become severely victimised by this treatment” ([Einarsen et al., 2011: p. 5](#)). Furthermore, [Leymann \(1996\)](#) stated that the choice of use the term mobbing is an individual preference whereas the choice of use the term bullying was a conscious decision. It seems that concepts are focus on two different but the interrelated sides of the same phenomenon ([Einarsen et al., 2011](#)).

Over the past decades the bullying definitions become clear since several scholars define the concept of bullying by adding new characteristics such as frequency of negative behaviours, the duration of bullying, power balance between parties, and the content of bullying behaviour. [Table 2](#) presents some of the definitions used in previous literature to describe the concept of bullying.

Table 2. Definitions of bullying.

Author	Term	Definitions
Leymann (1990: p. 120)	Mobbing	“Hostile and unethical communication which is directed in a systematic way by one or a number of persons mainly toward one individual. There are also cases where such mobbing is mutual until one of the participants becomes the underdog. These actions take place often (almost every day) and over a long period (at least for six months) and, because of this frequency and duration, result in considerable psychic, psychosomatic and social misery”.
Lyons, Tivey, & Ball (1995).	Bullying at work	“Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable which undermines their self-confidence and which may cause them to suffer stress”.
Leymann (1996: p. 168)	Mobbing	“A social interaction through which one individual (seldom more) is attacked by one or more (seldom more than four) individuals almost on a daily basis and for periods of many months, bringing the person into an almost helpless position with potentially high risk of expulsion”.
Zapf (1999: p. 73).	Mobbing at work	“Harassing, bullying, offending, socially excluding someone or assigning offending work tasks to someone in the course of which the person confronted ends up in an inferior position”
Quine (2001: p. 74).	Workplace bullying	“Workplace bullying refers to a process in which the victim is subjected to a series of systematic stigmatizing attacks from a fellow worker or workers which encroach on his or her civil rights”
Salin (2001: p. 436)	Bullying	“Repeated and persistent negative acts that are directed towards one or several individuals, and which create a hostile work environment. In bullying the targeted person has difficulties defending himself; it is therefore not a conflict between parties of equal strength”.
Smith, Mahdavi, Carvalho, Fisher, Russell, & Tippett, (2008: p. 376).	Cyberbullying	“An aggressive, intentional act carried out by a group or individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself”
Einarsen et al. (2011: p. 22).	Bullying at work	“Harassing, offending, or socially excluding someone or negatively affecting someone’s work. In order for the label bullying (or mobbing) to be applied to a particular activity, interaction, or process, the bullying behavior has to occur repeatedly and regularly (e.g., weekly) and over a period of time (e.g., about six months). Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts. A conflict cannot be called bullying if the incident is an isolated event or if two parties of approximately equal strength are in conflict.
Farley, Coyne, Axtell, & Sprigg, (2016: p. 299).	Workplace cyberbullying	“A situation where over time, an individual is repeatedly subjected to perceived negative acts conducted through technology (e.g. phone, email, web sites, social media) which are related to their work context”.
Paul & Kee, (2020: p. 24).	Workplace bullying	“Repeated manners directed at one or more employees that cause embarrassment, violation, and suffering, and that may affect job accomplishment such that the negative actions could steer to a hostile working environment. Furthermore, the bullying behavior ought to place victims in an inferior standpoint where defending themselves turn out to be difficult. However, such conduct includes bullying, public humiliation, intimidation, unpleasant name-calling, demeaning of one’s opinion, social exclusion, and annoying physical contact”.

Source: Authors developed.

Bullying at Work

The concept of bullying at work had been discussed in 1976 by the American psychiatrist Carroll M. Brodsky in an intriguing book entitled *The Harassed Worker* (cited by Einarsen et al., 2011). However, this concept was not largely interest until early 1990s (e.g. Leymann, 1990; Lyons, Tivey, & Ball, 1995). Several characteristics can be seen in the concept of bullying at work. Workplace bullying is a repeated action, it is directed against one or more employees, it is an unwanted behaviour done by the victim, the actions may conduct deliberately or unconsciously (Einarsen & Raknes, 1997). However, it is clearly affect for humiliation, offence, and also distress (Einarsen & Raknes, 1997). Also it may negatively effect on performance of the employees and create unpleasant work environment (Einarsen & Raknes, 1997). All above mention characteristics indicates that bullying at work is a situation where it related to the negative, aggressive, and hostile behaviour that is mainly carried out in a psychological nature (Einarsen et al., 2011). Furthermore, it is directed systematically at one or more individual or colleague or subordinate lead to a stigmatization and victimization of the recipient(s) (Björkqvist et al., 1994; Leymann, 1996).

Early research seen the concept of bullying at work from target or victim's perspective (e.g. Leymann, 1996). In victim's view, it was identified as a subset of social stressors at work (Einarsen et al., 2011). Bullying at work, however, target at a particular individual where they are experience several negative health consequences (Einarsen et al., 2011) and loss of control over their own situations (Zapf & Einarsen, 2005). In contrast to the victim's view, perpetrator's view, a perpetrator can frequently harass other individuals (Einarsen et al., 2011).

Repeated and enduring aggressive behaviour are two other features where the previous scholars used to describe the bullying at work (Einarsen et al., 2011; Zapf et al., 1996). Where the scholars were described that, bullying at work is not a single and/or isolated event (Einarsen et al., 2011; Zapf et al., 1996). That is about the behaviours which are conducted by an individual's repeatedly and persistently towards one or more employees (Einarsen et al., 2011; Zapf et al., 1996).

The duration of workplace bullying is another factor that the previous scholars used to describe the concept. According to Einarsen et al. (2011), majority of the individuals who were targeted for bullying at work exposure time is greater than 12 months. However, Einarsen and Skogstad's Norwegian study (1996) reported the duration as 18 months and Irish nationwide study reported 3.4 years as duration for bullying at work (O'Moore, 2000). Accordingly, operational definition of workplace bulling considered 6 months as duration (Leymann, 1996), where the single negative act itself is impossible to decide whether it is a bullying at work or not.

Negative and unwanted types of behaviours are considered as bullying at work, for example, persistent insulation, persistent criticism, psychical abuse, social exclusion, and isolation (Einarsen, 2000). These behaviours are "used with the aim or at least the effect of persistently humiliating, intimidating, frightening

or punishing the victim” (Einarsen, 2000: p. 8). Many of the acts where the individuals are considered for bullying at work are not actually relevant (Leymann, 1996). Since it is required to have frequency and the persistent which is directed towards same individual which result to generate stream social source of stress (Zapf et al., 1996) causing severe harm (Mikkelsen & Einarsen, 2002).

Another characteristic that most of the scholars used to describe the workplace bullying is the imbalance of the power between parties (e.g. Einarsen et al., 2011; Leymann, 1996; Zapf et al., 1996). Formal power structure in an organization may result to create power imbalance between individuals in the organization (Einarsen et al., 2011). For example, many of the research findings indicate that supervisor or manager subject’s subordinates to highly aggressive behaviour (Rayner et al., 2002). In some cases, group of individuals bullies a single individual who is unable to defend him/herself against this group of opponents (Einarsen et al., 2011). Therefore, bullying at work may arise as a result of exploitation of power by an individual or group of individuals and taking the advantage over power deficit that the other party is experience.

Accordingly, based on the above discussed characteristics of bullying at work, we define bullying at work as, an escalating process carried out in a psychological nature (Einarsen et al., 2011) which harassing, offending, or socially excluding someone or negatively affecting someone’s work repeatedly and regularly (e.g., weekly) and over a period of time (e.g., about six months) (Einarsen et al., 2011), where an individual becomes the target of systematic negative social acts which results to experience several negative health consequences (Einarsen et al., 2011) and loss of control over their own situations (Zapf & Einarsen, 2005). Bullying at work is an endemic organizational pathology which may occur in any level of organisation (i.e. subordinates, peers, supervisor, Alcantara, Claudio, & Gabriel, 2017). Therefore, it is important for the organisations to have periodic and accurate prognosis to prevent its emergence and maintain a healthy and productive organizational environment (Alcantara, Claudio, & Gabriel, 2017).

Bullying at work after whistleblowing

Both the internal and external whistle-blowers are experience several cost as well as benefits for voicing out against organizational wrongdoing. For example, wide recognition and personal fame can be considered as benefits of whistle-blowing (Einarsen et al., 2011). However, harsh punishments or retaliation which is persisting in a long term nature is a common type of cost that the whistle-blowers experience as a result of blowing the whistle (Einarsen et al., 2011). Not only that that but also, whistle-blowers suffer from emotional strain, personal problems, and career disruption due to whistle-blowing (Cortina & Magley, 2003). Some of the negative consequences such as demotion, deterioration, removal of responsibilities, which arise due to the whistle-blowing is similar to the distinction reported in workplace bullying literature (Tehrani, 1996). Furthermore, Miceli et al. (2008) stated that most of the whistle-blowers experience retaliation which arise as repeated incidents.

Whistle-blowing can arise in response to the individual misconduct and/or

organizational wrongdoing (Miethe, 1999). Individual misconducts are carried out by single employees and organizational wrongdoings are conducted by organization itself or its senior managers or perpetrators (Miethe, 1999). However, what is interesting in the previous literature is that individuals who blow the whistle against the organizational wrongdoing are experience more retaliation than the whistle-blowers of individual wrongdoing (Miethe, 1999). Furthermore, Near and Miceli (1996) stated that, whistle-blowers who access external channels experience more retaliation than the whistle-blowers who access internal channels in relation to the whistle-blowing. Also as per the results of meta-analytic study conducted by Mesmer-Magnus and Viswesvaran (2005), there is a high probability that older employees were at a high risk of being exposed to the retaliation than younger ones.

Accordingly, based on the previous literature negative consequences which arise in a form of long term nature can be considered as workplace bullying and short-term whistle-blower retaliation is known as harassment (Einarsen et al., 2011). However retaliatory acts may consider in to workplace bullying only if the arise in a related and are continued over a long period of time and that the whistle-blower unable to defend themselves (Bjørkelo et al., 2008; Einarsen et al., 2011; Nielsen & Einarsen, 2008).

According to Einarsen et al., (2011) the modest association between whistle-blowing and workplace bullying can be seen as a paradox since workplace bullying is probably one of the major downsides of whistle-blowing. Miceli, Near, and Dworkin (2008) suggest three theoretical explanations as to why whistle-blowing proceeds to workplace bullying against the person has who voiced his/her concerns. They are minority influence theory, social power theory, and resource dependence theory. These primary theoretical perspectives are used to predict retaliation concerns and power relationships among the social actors (i.e. whistle-blower, wrongdoer, and recipient) involved (Miceli et al., 2008). Based on the Moscovici's (1976) minority influence theory, whistle-blowing literature argued that group members who takes up a position not held by the majority (e.g. whistle-blowers) are more influential if they appear, credible, confident, competent, and objective (e.g., Miceli & Near, 1992; Miceli et al., 2008). Based on French and Raven's (1959) theory of social power, whistle-blowing literature argues that, if a whistle-blower possesses more bases of power (i.e. expert power or referent power) they are more powerful than the others (e.g., Miceli & Near, 1992; Miceli et al., 2008). Further Based on Pfeffer and Salancik's (1978) theory of resource dependency, whistle-blowing literature argues that whistle-blowers are relatively powerful when compared to others if the organization depends on them and if the organization does not depend on continuation of the wrongdoing or of the wrongdoer (e.g., Miceli & Near, 1992; Miceli et al., 2008; Near & Miceli, 1987).

Bullying at work as a repercussion of whistleblowing: A Sri Lankan legal perspective

When one considers the legal system in Sri Lanka, there is no law which could

be utilized to protect those from getting bullied for blowing the whistle, whereby they report about wrongdoings to parties which are not intended to be informed by the corporation or establishment in question. While the freedom of expression is guaranteed under the 1978 Constitution of the country, where Article 14 guarantees freedom of speech and expression including publication, the judiciary has not considered whether freedom of expression can be utilized to protect the whistleblowers from retaliation, such as workplace bullying. However, in some other jurisdictions, such as Indonesia, the question whether whistleblowing can be considered as a part of freedom of expression has been answered in the affirmative (Shariff, 2009).

In the context of bullying *per se* irrespective of the fact whether such occurs as a result of blowing the whistle on a wrongdoing or not, the existing legal regime lacks in vigor to protect those who get bullied in the workplace unless such can be categorized as sexual harassment which is defined as, “whoever, by assault or use of criminal force, sexually harasses another person, or by the use of words or actions, causes sexual annoyance or harassment to such other person commits the offence of sexual harassment” according to the amended section 345 of the Sri Lankan Penal Code, which was brought about by the Penal Code (Amendment) Act No 22 of 1995. With this provision, it would become possible to find a perpetrator guilty for sexual harassment at the workplace as provided under the explanation to the above section. However, when it comes to protecting those who are bullied against blowing the whistle, this provision would not be sufficient to provide them with adequate protection if it cannot be proved that such bullying amounts to sexual harassment at the workplace.

In the event where bullying occurs as a discrimination against an employee based on grounds such as race, religion, gender or any other similar incident, an individual may have a fundamental rights claim against the perpetrator, subject to the limitations imposed upon by the 1978 Constitution on the enjoyment and vindication of such rights by the individuals, which when read literally is limited to breaches of fundamental rights through executive or administrative actions where a litigant has to file the petition with the Supreme Court within one month from the occurrence of such incident. Therefore, Article 12 of the Constitution which deals with non-discrimination and right to equality could be utilized in a limited manner when it comes to protecting those from the adverse effects of workplace bullying which may result from whistleblowing.

The most important piece of legislation which could be utilized for the protection of those being bullied due to blowing the whistle can be found in the provisions of Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015. In the second reading of this Bill, the relevant minister stated that, a whistle-blower is a person who is not connected with the victim or the witness; he could be a public-spirited person who could come forward to throw some light on a possible crime having taken place. No person who has provided information regarding the commission of an offence, infringement of fundamental

rights or human rights in such person's employment environment, shall be harassed, subjected to suffering, loss or damage, or any adverse change in conditions of employment. This is something praiseworthy for having been included (Parliament, 2015). Section 6 (b) of this statute provides that as a result of disclosing information (or even in an instance of whistleblowing) that the person who tendered such information should not be subjected to any form of harassment, which is capable of being utilized for protecting those from being bullied as a result of blowing the whistle. *The Right to Information Act No 12 of 2016* also provides some ample protection for being ill-treated at the workplace for disclosing information where the person so disclosing has the power to do so. Section 40 of the Act provides that, "no officer or employee of a public authority shall be subjected to any punishment, disciplinary or otherwise, for releasing or disclosing any information which is permitted to be released or disclosed under this Act."

When considered as a whole, the Sri Lankan legal system lacks a coherent legal mechanism for the protection of whistleblowers from being bullied in the workplace since both the concepts are not well protected under the law. Firstly, as explained above bullying *per se* may not be prosecuted unless it comes under the definition of sexual harassment at the workplace, or such could be prevented under the notion of fundamental rights, which is also of limited application. When it comes to protecting the whistleblowers from possible harm, while both the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015 and *The Right to Information Act No 12 of 2016* does provide the Judiciary with ample opportunity of using a purposive interpretation to utilize the said legislations to protect whistleblowers from adverse effects including bullying at the workplace, such is still to be witnessed since the Judiciary has not been presented with an instance for applying the law in such a manner.

4. Conclusion

The prime purpose of this paper is to present directions for future researchers and to bring the two academic fields of whistle-blowing and bullying at work together. To achieve this, by drawing from the previous literature, this research has documented the link between whistle-blowing and bullying at work. Previous literature was identified whistle-blowing as an effective way of stopping organizational wrongdoing. However, still it has shown bullying at work as a negative consequence after whistle-blowing. Further to that, the researchers were documented bullying at work as a repercussion of whistleblowing from a Sri Lankan legal perspective. It was found out that even though the existing legal regime in Sri Lanka may offer some form of protection for the whistle-blowers under the Witnesses protection scheme, it is insufficient to protect whistle-blowers from bullying at workplace. Therefore, it is important to improve the public awareness about bullying at work that can follow whistle-blowing and strengthen the legal regime in Sri Lanka to safeguard the whistle-blowers from

bullying at workplace.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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