

A whistleblower's trials and tribulations



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Recent media concern with truth in government is shining new light on whistleblowing, one of the more controversial aspects of our organisational and political life. In novels and films, whistleblowers are often celebrated as heroes. Occasionally, they gain similar status in real life. More often they are reviled as disloyal and neurotic. Whistleblowers usually face a long and hostile struggle. Their careers rarely escape damage. Only the strongest and bravest can cope with the role.

Whistleblowing occurs when employees expose activity in their employing organisations which they believe is unethical or illegal. It is an honest disclosure, in the public interest, of information about serious wrongdoing. Its aim is to force investigation and remedy. Sometimes it involves issues of huge importance. There is no more famous whistleblower than Mordechai Vanunu who simply told the truth in 1986 about Israel's nuclear program. For telling the world that Israel's nuclear stockpile was vastly larger than had been admitted, Vanunu was kidnapped in Rome and spent eighteen years in jail, much of it in solitary confinement. The Challenger explosion in the United States killed seven astronauts. An engineer had pleaded for the launch to be delayed because the rocket was not safe. He later testified publicly to that effect. He was sacked. A subsequent inquiry completely vindicated him but his career was ruined. In Australia, twenty-six people died at a Sydney private hospital that practised 'deep-sleep therapy' for more than twenty years. Several whistleblowers ruined their careers by speaking publicly about the dangers of the practice. For years they were ignored by the hospital, by government departments and by professional medical associations. Some were harassed. Others were ostracised. Eventually, a Royal Commission denounced the practice and found the hospital guilty of gross negligence. The Commission ultimately cost the community more than \$13 million dollars.

These are dramatic examples, but at more mundane levels it is equally clear that whistleblowers speak out at their peril. An Australian study in the 1990s revealed that twenty per cent were dismissed; fourteen per cent were demoted; fourteen per cent were transferred to another location; and forty-three per cent were pressured to resign. Their health is almost always damaged. They are often seriously abused and victimised inside organisations. Those who eventually resign almost always do so with significant health problems. They routinely suffer serious financial loss.

It is no surprise then to find that most Australian workers are reluctant to spill the beans on dodgy practices at work. A 2004 Ernst & Young report for the Australian Compliance Institute finds that sixty per cent of employees have no workplace whistleblower program but feel that there should

be one. Yet the same survey describes most employees as afraid to 'blow the whistle' even where specific programs exist. They do not believe promises of anonymity — and they fear reprisals.

What does all this tell us about the health of our organisations? President of Whistleblowers Australia, Jean Lennane, likens the problem to domestic violence or school-bullying. While analysis of victims is important, she says, prevention or reduction will not be achieved without intense scrutiny of the perpetrators. Typically, organisational responses are orchestrated and powerful. 'Crushing' is the most common description used by whistleblowers. Management often protects the dubious activity while attacking the whistleblower. This classic response strongly suggests that the alleged behaviour is endemic and acceptable to the organisation. Moreover, the strength of reaction often indicates the extent of the problem. Frequently, whistleblowers will speak out on an issue that they think is local to their own work area. Only after some time does it become apparent that the problem extends throughout the organisation. In some cases, improper practices are maintained because a calculation has been made that the cost of any eventual lawsuit will be less than the cost of product recall or rectifying the problem. This has been revealed in occupational health and safety cases over many years. Once this cynical approach has been adopted, 'groupthink' will spread and maintain it throughout the organisation.

Any employer has a moral and legal obligation to acknowledge and respond positively to a whistleblower's allegations, especially where they are sincerely made. This means that proper inquiries should focus on whether assertions are true, rather than on attacking the person who has made them. There are many authorities for that view. The Chairman of the Australian Competition and Consumer Commission recently described whistleblowers as 'a vital force in exposing cartels' which 'meet in secret to fix prices and rig contract bids.' The New South Wales Ombudsman has applauded the whistleblower as 'a good citizen deserving of our thanks' who 'should wear the badge with pride'. Sadly, the badge that they are given more often than not reads: 'rat'. For proof of that we need look no further than Australia's own recent national security whistleblowers. Two in particular have been subject to a vicious, co-ordinated assault on their character and stability because they were bold enough to expand the version of events put to the public by their political masters.

Whistleblowers have often been compared to the canary used for decades in the coalmines as an indicator of toxic gases, so allowing miners to escape before they proved fatal. They alert us when things are going wrong. It is high time we stopped accusing the dead canary of mutiny, malice or madness — and focused instead on making the mine safe. ■

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