

Whistle-blower alleges illegal

# Whistleblowers seek protection Plea by victimisation claim

## Whistleblowers in 'toxic environment'

### An era of whistleblower may go to court

#### Whistleblower case laws on whistle Qld 'at'

##### Bank whistle-blower now out

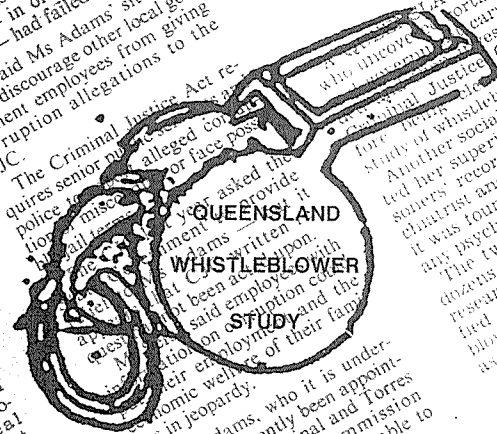
###### Death threat 'whistle'

###### Whistleblowers 'punished'

###### Whistleblower tells inquiry of th

###### Whistleblower is out in the c

THE UNIVERSITY OF QUEENSLAND  
DEPARTMENT OF SOCIAL WORK  
AND SOCIAL POLICY  
DR WILLIAM DE MARIA



## UNSHIELDING THE SHADOW CULTURE

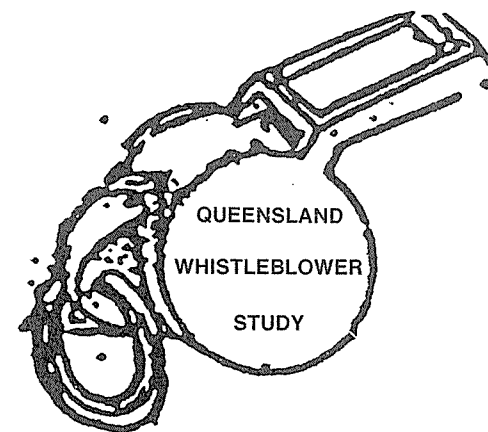
Whistleblower Demographics  
Occupational Profiles  
Wrongoing Analysis  
Evaluation of Government Responses

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THE UNIVERSITY OF QUEENSLAND  
Department of Social Work and Social Policy

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## UNSHIELDING THE SHADOW CULTURE

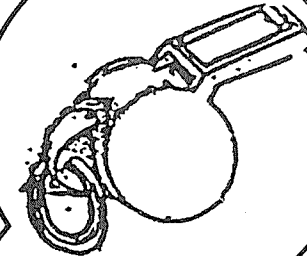
RESULT RELEASE ONE  
APRIL 1994

**Whistleblower Demographics  
Occupational Profiles  
Wrongdoing Analysis  
Evaluation of Government Responses**

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## Acknowledgments

This research report, like all good whistleblower activity, is a joint effort of a number of inspired and committed people. Tony Keyes, the senior research assistant did a great job. Tracie Peil and Cyrelle Jan were in the original research team. I am indebted to the three of them for helping me with the numerous tasks this project called for. Tony and Cyrelle diligently kept the research project alive while I was overseas. In separate ways they continue to offer their experience and commitment to the dissent movement, which is greatly appreciated. Maree Petane and Michael O'Neil did some marvellous interviewing work for us, particularly with the whistleblower hotline. Dr Tony Baglioni, the Social Science Group Statistician at the University of Queensland persevered with my silly questions and helped enormously with the management of the data. A well decided grant from the University of Queensland put feet on the dream. This was followed up by generous and continuing support from my department and the Queensland Justices of the Peace and Community Legal Association. Dr Jean Lennane, a whistleblower herself, and the current President of *Whistleblowers Australia*, supported the project morally and financially. Thelma Birt continues to help in softly spoken ways. The *Whistleblower Action Group (Qld) Inc* [WAG] needs special mention for its continuing support of the study. WAG stands to rise as a new and potent force for social justice in Queensland. It is hoped that this study will assist that crucial process. The whistleblower and their families - to them I extend hope that this study will recognise their issue and their social responsibility, and put force behind the slogan "leave the messenger alone!". Finally, to those in the public sector who polish and groom their careers and never speak out, all I can say is ... read on!



## Speaking the Unspeakable

"I felt they were all delaying and 'passing the buck' ... The Regional Director tried on more than one occasion, to dismiss me wrongly, and the Union had me reinstated... They then sacked me on the excuse that I was temporary." [221]

"The ... Commission\* said [they] knew the Director-General of the Department of [...] was lying, but [they] couldn't take him on." [166]

"The ... Commission's\* Inquiry offered [me] protection ... [I gave] in camera evidence [of inmate abuse]... Later when the heat was on [I] called it in, but no protection was forthcoming. He [...] said ring me, [I] did, but he never ever called back. He sent a letter asking [for] evidence of victimisation." [180]

"I went to the ... Union\*. They told me to 'drop it'. [Alleged wrongdoer] used to have a position in the union." [197]

"I rang the Director of Nursing at home [about] Dr ... [who was] drunk on call ... She said, 'He's usually easy to handle when he is drunk.'" [207]

"When I made my allegations to ...\* at the ... Shire Council\* he said I "needed counselling to be able to get on with the men". [209]

*\*Readers, we know you can hardly comprehend these statements. In trying to present the true researched picture we are constrained, as are many whistleblowers in our sample, by the insidiously silencing defamation laws that operate in Queensland. These laws clearly serve the interests of those who would cover up the wrongdoing message and destroy the messenger.*

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## Introduction

Between February 1993-March 1994 a sophisticated location strategy was put in place to encourage current and ex-Queensland public servants who had made public interest disclosures on alleged workplace wrongdoing in the 1990-1993 period, to come forward and participate in a research study being conducted at the University of Queensland. This involved newspaper advertisements (see page 3), press releases, advertisements in union journals, and bills posted in public places.

The overwhelming response to this invitation was increased when the study conducted Australia's first 008 whistleblower phone-in, in March 1993. After meticulous screening (with sample rejection rates running as high as 30%) respondents had administered to them a 99 item questionnaire, referred to as **Schedule A**. This questionnaire was very detailed, and through a mixture of closed (70%) and open questions (30%), original knowledge was obtained in the following areas:

- (i) **demographics**; age, sex, qualifications, relationships, home and work locations.
- (ii) **work values**; including values shifts caused by whistleblowers experiences.
- (iii) **occupational**; current position, duties, career moves, evaluation of work place decision making.
- (iv) **wrongdoing**; details.
- (v) **correction process**; description/evaluation of response from superiors, external agencies and media.
- (vi) **response expectation**; of superiors, external agencies and media.
- (vii) **self-evaluation**; whistleblowing impact on departmental operations.
- (viii) **official reprisals**; details.
- (ix) **unofficial reprisals**; details.
- (x) **household income**; effect of whistleblowing.
- (xi) **personal well-being**; effect of whistleblowing.
- (xii) **partners**; effect of disclosures on relationship.
- (xiii) **children**; effects of whistleblowing.
- (xvi) **future chances of whistleblowing**; effect of previous PIDs.
- (xvii) **style of future whistleblowing**; effects of previous and current PIDs.
- (xviii) **respondent advice** to would-be whistleblowers.
- (xix) **respondent advice** about improvements in departmental procedures.
- (xx) **respondents' views** about whistleblower support, before, during and after PID.

**N.B.** PID means **Public Interest Disclosures**.

Over 100 whistleblowers are in the sample for **Schedule A**. To meet a release deadline this report analyses the results when the sample reached 83, with respect to items (i), (iii), (iv) and (v). Future reports will work on the total sample.

Finally, a note on the sample. The only people who could get into our study were current or ex-bureaucrats who had dissented in the public interest. We achieved sample purity by setting up a contact filter, administered to all prospective respondents at the initial interview. This filter had ten elements to it:

1. **Self-Initiated:** The disclosure process must be by the whistleblower. This rules out reporting processes initiated on behalf of whistleblowers, such as a union taking over a matter from one of its members who remains anonymous. The members' disclosure to the union could qualify as a whistleblowing act. That act usually finishes at the point of union intervention. After that the act is best understood as union advocacy or representation, but not whistleblowing.
2. **Free-Will:** This self-initiated process must be done as a **free act** of conscience. This rules out situations whereby people are directed by superiors, committees of inquiry and courts to disclose information that they would not have normally disclosed without pressure.
3. **Direct Perception:** The subject or content of disclosure must have been **directly perceived** by the whistleblower. This rules out disclosure processes governed by hearsay. We expect that whistleblowers will have first hand, initiate, primary knowledge of matters that they judge as wrong.
4. **Direct Connection:** In addition to a direct perception of wrongdoing, there must also be a **direct connection** between the disclosure act and the role through which the knowledge of wrongdoing was obtained. This is a particularly pertinent provision when dealing with public servant whistleblowers. In a nutshell the content of their disclosures must be obtained through their public sector roles.
5. **Retroaction:** Whistleblowing draws attention to their past and present wrongdoing. It is not a future focused process. It is not an act of whistleblowing, in other words, to call attention to a service that is needed or an act that should be done unless these matters can be traced back to a previous commitment enshrined in law or policy.
6. **Genuine Belief:** The whistleblower must be driven by a **genuine belief** that what has been perceived breaches some standard, custom, or moral convention that is codified in law, regulation or common practice. This is not to say that the whistleblower's observations have to be correct. Only that he or she must, at the time of disclosure, believe that they are.
7. **Substantive Wrongdoing:** The disclosure must point to a **substantive wrongdoing**. Executive over-rule of a committee decision to curtail a waiting room in pink clearly lacks substance (unless it is indicative or part of a deeper malaise). What constitutes substantive wrongdoing is a difficult if not sometimes impossible question to answer. In a nutshell we think substantive wrongdoing insults significant values. The test may be, if it is worth hiding it is worth disclosing.
8. **Open Revelation:** The disclosure of wrongdoing must be **open** (as distinct from public). Wrongdoing must not be construed as private knowledge. It must be disclosed through an act of communication to a second party with an action auspice (see point 9). In other words, the whistleblower must communicate, not ruminate. Additionally, this communication to a second party must be done in such a way that the second party obtains a workable understanding of the wrongdoing. It is a workable understanding in the sense that if the second party fails to act it will not be for lack of information from the whistleblower.
9. **Action Auspice:** The whistleblower must communicate with a second party that has an **official brief to investigate the complaint and right the wrong** (or at least have a corrective role to play). A disclosure to a priest, spouse or stranger does not therefore constitute an act of whistleblowing.
10. **Motivation:** The total, primary, or predominant reason in making a disclosure is that the disclosure is in the public interest. This excludes disclosures to even a score, obtain an advantage (informants seeking prosecutorial immunity), or those seeking a personal redress (e.g. promotions appeal).

In organising these ten elements together we come up with a clumsily worded working definition of whistleblowing:

The whistleblower is a concerned citizen, totally, or predominantly motivated by notions of public interest, who initiates of her or his own free will, an open disclosure about significant wrongdoing directly perceived in a particular occupational role, to a person or agency capable of investigating the complaint and facilitating the correction of wrongdoing.



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## WHISTLEBLOWERS!

HAVE YOU COME ACROSS SOMETHING AT WORK THAT YOU DON'T THINK IS RIGHT?

For example:

- taxpayers money being wasted
- do you claim to be victimised because of your gender, sexual preference, colour, personal values?
- are accountability arrangements at work breaking down and giving certain people too much unanswerable power?

If you are:

- a Queensland State or Local Government employee (including commissions and authorities)

And if you have:

- Complained to a superior about some wrong-doing
- Complained to an external investigator (police, CJC, Ombudsman, politician, PSMC)
- Gone to the media, or some other public forum

THEN PLEASE CONTACT US.

We have no authority to further investigate your complaint. Rather we want to know about the process you were in: how it started, what impact you have made, what retribution has occurred.

## NON-WHISTLEBLOWERS!

We would also like to talk to you if you have seen official wrong-doing but have not reported it. We are interested to know why you did not act.

For example, were you prevented from reporting the wrong doing because:

- your job was not secure.
- you had no faith in the internal/external complaints mechanisms.
- you fear harassment, or reprisals for doing so.
- of the lack of support.

THEN PLEASE CONTACT US.

If you help us by coming forward, you will be contributing to a better understanding of the whole whistleblower process, which will allow the research team to make accurate findings about avenues currently available to whistleblowers and to recommend the development of appropriate protection and support.

Remember it is all confidential. Many people have come forward so far and their privacy has been respected. You control how much information you give to us. There is also a whistleblowers support movement that you may like to join.

If you decide to help us you can contact Tony Keyes, the senior research assistant with the whistleblower project, by phone or in writing at any time. Tony is a solicitor with a good deal of experience in dealing with confidential source of information. Tony can be contacted on (07) 365-1846 or leave a message on (07) 365-2634 or (07) 365-1253.

Dr William De Maria (Principal Researcher)  
QUEENSLAND WHISTLEBLOWER PROJECT

### Release Timetable

In conjunction with the Whistleblower Action Group (Qld) Inc the research results from the Queensland Whistleblower Study will be provisionally released according to the following timetable.

|                              |  |                |
|------------------------------|--|----------------|
| <b>Result Release Two:</b>   | Value Profiles of Whistleblowers<br>Value Shifts<br>Reprisals<br>Effects on Personal Well-being  | June 1994      |
| <b>Result Release Three:</b> | Whistleblowing and The Law   | August 1994    |
| <b>Result Release Four:</b>  | Impact of Whistleblowing on Work Place<br>Operations (self-evaluation)<br>Impact of Whistleblowing on Household Income<br>Impact of Whistleblowing on Future<br>Opportunities to Disclose. | September 1994 |
| <b>Result Release Five:</b>  | Family Impact Study  | December 1994  |
| <b>Result Release Six:</b>   | Non-Whistleblower Study  | March 1995     |

### Whistleblower Demographics

| Gender | No.  | %  |
|--------|------|----|
|        | n=83 |    |
| Female | 31   | 37 |
| Male   | 52   | 63 |

#### Discussion

We don't know yet why twice as many males than females in our sample made public interest disclosures (PIDs). Future research specifically geared to the issue of low female participation rates will have to be done to get this answer. The non-random nature of the sample is an insufficient explanation for this over-show of male whistleblowers. Local and overseas research also points to a preponderance of male whistleblowers. Jos, Tompkins and Hays' sample comprised 78% male,<sup>1</sup> Lennane's sample was 71% male.<sup>2</sup> It would be very productive if future research was geared to questions such as:

- (i) Are low female participation rates a function of gender stereotyping whereby females still find it hard to assert themselves in the work place?
- (ii) Are the low rates related to the lower job status of women in the sense that to disclose one must first have access to information of the type normally circulating in the higher echelons of the bureaucracy? Are women denied this information more than men by virtue of the lower places they occupy in the workplace?
- (iii) Can the low female participation rate be explained by the existence of more domestic pressure on females from their spouses to keep quiet?
- (iv) Are women more likely to weigh the dire consequences of public disclosures than their male counterparts?

| Age                                  | No.  | %  |
|--------------------------------------|------|----|
|                                      | n=83 |    |
| 20-29                                | 10   | 12 |
| 30-39                                | 29   | 35 |
| 40-49                                | 32   | 38 |
| 50-59                                | 10   | 12 |
| 60+                                  | 1    | 1  |
| N/A *                                | 1    | 1  |
| Mean Age = 40                        |      |    |
| No answer given or variable missing. |      |    |

#### Discussion

Again the results here provide more questions than answers:

- (i) Do the lower participation rates for the 20-29 year group suggest that this group has already been rendered "uncritical functionaries"?<sup>3</sup>
- (ii) Or, is work place loyalty to be found more readily in the 20-29 year group? Overseas research points strongly to the strong careerist ambitions found in this group, which would make them less likely to blow the whistle.<sup>4</sup>
- (iii) Why do the high participation rates coincide with the age group (30-49) which usually contain those reaching the power peak of their career?



- (iv) Are the lower participation rates for the 50-59 year groups a reflection of the group's absorption of corporate values, or contrarily a reflection of a "don't care I'm at the end of my career" attitude?

#### Gender - Age Correlation

| Age   | Female<br>n=31 | Male<br>n=52 |
|-------|----------------|--------------|
| 20-29 | 7              | 3            |
| 30-39 | 11             | 18           |
| 40-49 | 12             | 20           |
| 50-59 | 1              | 9            |
| 60+   | 0              | 1            |
| N/A   | 0              | 1            |

#### Discussion

The gender-age correlation is highly suggestive. A hazy view of a trend with respect to young and older women is seen. Twice as many females as males disclosed in the 20-29 year group. Further down the age scale women are in a very low (1:9) ratio with men in the 50-59 year group.

These empirically weak trends actually make theoretical sense if the gradual empowerment of women in the work force becomes our focus. One would expect to see the impact of this empowerment occurring in the younger age group first. Older women, in other words, socialised into a marginal presence in the work place, may not be able to access (psychologically and structurally) the newer position of equal co-participation as easily as their younger female counterparts. If this is the case it would constitute a massive barrier to older women blowing the whistle.

#### Education - Qualification

|                              | No.<br>n=122 |
|------------------------------|--------------|
| Higher degree                | 10           |
| Bachelor degree              | 36           |
| Diploma/Associate diploma    | 18           |
| Certificate                  | 32           |
| Nil                          | 8            |
| Other                        | 8            |
| N/A                          | 10           |
| Multiple responses permitted |              |

#### Education - Number of Qualifications

|                              | No.   | %  |
|------------------------------|-------|----|
|                              | n=111 |    |
| One                          | 73    | 66 |
| Two                          | 30    | 17 |
| Three or more                | 8     | 7  |
| Multiple responses permitted |       |    |

#### Discussion

The education data suggests that the whistleblower sample was well educated. Intriguing questions about the relationship between education and disclosure come forth for attention:

- If whistleblowers come from the better educated sections of the work force, does this mean they are more socially aware and better developed, ethically speaking? Have the whistleblowers gone through a professional education or family socialisation which instils a framework into their practice which provides the ethical grounding for their speakout roles? The ethical framework issue will be more thoughtfully considered in **Result Release Two** when the whole question of work values is examined. It probably just needs a quick mention here that the intuitive judgement of the research team, after spending hundreds of hours with whistleblowers and their families, is that the whistleblowers are highly ethical people.<sup>5</sup>
- Could it also be the case that the whistleblower's degree of education is a determining factor in his or her ability to discern whether a particular act is against the public interest. For example one of the sample members is a qualified building inspector. Only his specialised knowledge allowed him to determine that a violation of the shire's building code was liable to be a detriment to the public. So maybe a factor in the qualifications of the sample is an ability to collect and interpret information, and to discern between valid and invalid knowledge?

#### Relationships

|                        | No.  | %  |
|------------------------|------|----|
|                        | n=83 |    |
| Single                 | 10   | 12 |
| Stable - no children   | 20   | 20 |
| Stable - with children | 51   | 61 |
| Separated/divorced     | 2    | 2  |

#### Discussion

By far the most dominant statistics here is the **high (81%)** number of whistleblowers in stable relationships at the time of disclosure. This by itself of course is no indication of the quality of these relationships. What inferences can be drawn from this stability data?

- Is one of the threshold conditions that separate whistleblowers from non-whistleblowers the existence of a stable relationship which provides emotional support?
- If so, is this realised through a strong dynamic whereby some whistleblowers experience reprisals as attacks also on their partners (or the lifestyle established by the partnership) and their children? For example, case 188 in our sample is an ex-Shire Clerk who disclosed conflicts of interest and sick leave fraud by current and previous shire counsellors when asked what was the worst thing to happen to him unofficially, as a result of his disclosures he said it was being physically threatened. He said it was the worst thing "... because it ... put my family at risk". In these

instances maybe the whistleblower's fight is a fight for the well-being of his/her relationship?

- (iii) Because there is a strong family context for most of the whistleblowers, one wonders if there is not another dynamic operating here whereby whistleblower-as-parents feels responsible to enshrine work values in order that they be passed onto their children?

These issues are considered in detail in **Result Release Five**.

| <u>Home Location</u>  | No.  | %  |
|-----------------------|------|----|
|                       | n=83 |    |
| Brisbane metropolitan | 33   | 40 |
| Outside Brisbane      | 50   | 60 |

| <u>Work Location</u>  | No.  | %  |
|-----------------------|------|----|
|                       | n=83 |    |
| Brisbane metropolitan | 37   | 45 |
| Outside Brisbane      | 45   | 54 |
| N/A                   | 1    | 1  |

## Occupational Profiles

| <u>Employment Sector</u> (at time of interview) | No.  | %  |
|---|------|----|
|   | n=83 |    |
| Queensland public sector*                       | 60   | 72 |
| Private sector                                  | 5    | 6  |
| Commonwealth public service                     | 1    | 1  |
| Self employed                                   | 1    | 1  |
| Unemployed                                      | 15   | 18 |
| N/A   | 1    | 1  |

\* Includes State Authorities, Commissions, Universities, and local government.

### Discussion

It should also be emphasised that the preponderance of whistleblowers in the Queensland Public Sector is simply a reflection of sampling requirements. As already mentioned, only Queensland public sector employees (who blew the whistle after 1990) were invited to participate in the study. The data here does reveal that most whistleblowers in the sample who were not made unemployed through their disclosures remained within the Queensland public sector.

| <u>Employment Status</u> (at time of interview) | No.  | %  |
|---|------|----|
|   | n=83 |    |
| Employed  | 67   | 81 |
| Unemployed                                      | 15   | 18 |
| N/A   | 1    | 1  |

### Discussion

The employment status figures here will be misleading if they are taken beyond their meaning. This data is snap-frozen in the sense that it was only relevant on the day of interview. Through our continuing association with sample members through the Whistleblowers Action Group (Qld) Inc, we know that if we re-asked this question now, the sample would reveal a higher whistleblower-connected unemployment rate.

### Work Site (at time of disclosure)

The occupational profile data relevant to the time of disclosure is quite revealing. All of the sample made disclosures while they were employed in their particular public sector units in which the alleged wrongdoing was occurring. This indicates that the "disclose and perish" scenario was the farthest things from many of their minds. At that time, employed, working diligently and ambitiously, they did not consider themselves whistleblowers. Rather they saw themselves as disclosing within a context of duty, to a management structure that would be grateful and even reward their responsibility. As we will see this was often not to be the case.

|   | No.  | %  |
|---|------|----|
|   | n=83 |    |
| Old Corrective Services Commission  | 15   | 18 |
| Health Dept (Hospitals 12; Admin, Para-medical 3)   | 15   | 18 |
| Universities  | 12   | 14 |
| Dept of Education (Schools 5; Admin 2)  | 7    | 8  |
| Police Service  | 6    | 7  |
| Local Government Councils●  | 5    | 6  |
| Dept of Employment, Vocational Education, Training and Industrial Relations (DEVETIR) (TAFE 3; Other 2) | 5    | 6  |
| Qld Rail  | 3    | 4  |
| Dept of Family Services & Aboriginal & Islander Affairs   | 3    | 4  |
| Dept of Justice   | 2    | 3  |
| Dept of Primary Industries  | 2    | 3  |
| Dept of Minerals & Energy   | 1    | 1  |
| Dept of Environment & Heritage  | 1    | 1  |
| Premier's Department  | 1    | 1  |
| Emergency Services  | 1    | 1  |
| Dept of Transport (other)   | 1    | 1  |
| Dept of Administrative Services   | 1    | 1  |
| N/A■  | 2    | 3  |

These obviously refer to Queensland public sector units.

● Includes Brisbane City Council.

■ Respondent chose not to identify work site.

### Discussion

These figures relate to public sector units that the whistleblower was in when she/he made their PIDs. Because of the non-random nature of the sampling it would be wrong to read the facts here as showing those departments with a "dirty record", i.e. high levels of wrongdoing. It may be that more Corrective Service Commission staff or ex-staff who had blown the whistle, heard about the study than say staff in the Premier's Department. It should be noted that these figures simply record action taken by whistleblowers, not action taken by investigative authorities. In other words we don't know what proportion of disclosures were confirmed and acted upon and what proportion were rejected or ignored.

Having said that, commonsense tells us that when 50% of all sample grievances were against 3 departments (Queensland Corrective Services Commission, Queensland Department of Health and Universities), we are entitled to probe further about what's happening in these public authorities.

### Occupation (at time of disclosure)

|  | No.  |
|--|------|
|  | n=83 |
| Laboratory: Managers/Attendant   | 3    |
| Librarian  | 2    |
| Technical Officer/Plant Operator                                       | 2    |
| Police   | 5    |
| Shire Clerk  | 1    |
| Engineer   | 3    |
| Animal Controller  | 1    |
| Ecologist  | 1    |
| Receptionist   | 1    |
| Sales Person   | 1    |
| Accountant   | 1    |
| Alderman   | 1    |
| Administrators (Staff Trainer, Program - Policy Development, Research) | 21   |
| Prison Officer   | 7    |
| Social Worker/Counsellor   | 3    |
| Teacher  | 5    |
| Dental Technician  | 1    |
| Park Ranger  | 1    |
| Clerk of Court   | 1    |
| Warden (Residential College)   | 1    |
| Train Driver   | 1    |
| Lecturer/Tutor   | 6    |
| Radiographer   | 1    |
| Occupational Therapist   | 1    |
| Nurse (includes 1 Director of Nursing)                                 | 11   |
| Building Inspector   | 1    |

### Discussion

The occupational profile of the whistleblowers, along with the previously mentioned educational profile, reveal a talented component of the public sector work force; a component with established credentials in a wide range of disciplines.

### Start Year in Public Sector Unit (where wrongdoing observed)

|           | No. | %  |
|-----------|-----|----|
| 1951-1955 | 1   | 1  |
| 1956-1960 | 0   | 0  |
| 1961-1965 | 1   | 1  |
| 1966-1970 | 3   | 4  |
| 1971-1975 | 7   | 8  |
| 1976-1980 | 14  | 17 |
| 1981-1985 | 9   | 11 |
| 1986-1990 | 40  | 48 |
| 1991-1993 | 8   | 10 |

### Discussion

It is recalled that a sampling requirement called for the whistleblower to be a current or a recently finished (i.e. from 1990) member of the Queensland Public sector (which, as noted includes Authorities, Commissions and Universities). Another sampling requirement stipulated that the PID had to have occurred in the 1990+ period. While this stipulation maximised the respondents' recall of events, and probably led to the cluster of start years in the 1986-1990 period, it depressed the data about pre-1990 disclosures. I might add, as the

next table illustrates, we did not rigidly enforce this stipulation. As the study progressed and we became familiar with some pre-1990 whistleblowers, it became harder to distinguish between public sector wrongdoing in the "Bjelke-Peterson era" and the "Goss era". Thus an original rationale of using 1990 as an era-benchmark was no longer justifiable. (The Bjelke-Peterson era ended in December 1989). Therefore we allowed a small number of pre-1990 whistleblowers into the sample. About 87% of the sample however made disclosures in the 1990-1993 period.

| <u>Disclosure Year</u> | No. | %  |
|------------------------|-----|----|
| 1990-1993              | 72  | 87 |
| 1979-1989              | 7   | 8  |
| N/A                    | 4   | 5  |

| <u>Time Between Start and Disclosure</u> | No. | %  |
|--|-----|----|
| 1 year or less                           | 13  | 16 |
| 2-3 years                                | 25  | 30 |
| 4-5 years                                | 11  | 13 |
| 6-10 years                               | 8   | 10 |
| 11-15 years                              | 10  | 12 |
| 16+ years                                | 12  | 14 |
| N/A                                      | 4   | 5  |

### Discussion

From this table we see that about 60% of all PIDs occurred in the first 5 years of employment, with the peak period between 2-3 employment years (30%). This allows us to pose the following question:

- (i) Are whistleblowers more likely to be drawn from the ranks of initiates to the public sector work place culture? Having said that the rider should be added that based on the age and career statistics, whistleblowers are experienced members of the workplace.
- (ii) If the "initiate theory" holds water, is the explanation for (i) because the work culture (specifically the sometimes ambiguous practices which are ethically borderline) is yet to be absorbed into the worker's values? Certainly the low disclosure rates for workers who have been in departments for say 10-20 years adds support to the above observations.
- (iii) Are workers more likely to make PIDs soon after they arrive in departments if they have come from a work place that operated on higher ethical standards?
- (iv) Do workers tend to reach an "ethical peak" at the 5 years mark, beyond which they are less likely to make PIDs?
- (v) Or is it the case that public sector wrongdoing is so common that it would be highly unlikely for a whistleblower not to come across a corrupt practice within the first 5 years of employment, that she or he feels warrants disclosure.

### Career Moves (aggregate)

This section deals with the whistleblowers career. We asked the sample to tell us about career moves. The first move is the move **into** the departments. All other moves are subsequent to that, and occurred **within** the departments about which they made disclosures. We then asked them to evaluate whether these moves were upwards, sideways or downwards.

|           | 1st Move<br>n=63 | 2nd Move<br>n=56 | 3rd Move<br>n=30 | 4th Move<br>n=16 | 5th Move<br>n=9 | 6th Move<br>n=9 | 7th Move<br>n=5 | 8th Move<br>n=4 |
|-----------|------------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|-----------------|
| Upwards   | 51%              | 64%              | 63%              | 50%              | 56%             | 56%             | 100%            | 25%             |
| Sideways  | 43%              | 30%              | 20%              | 13%              | 22%             | 22%             | 0%              | 50%             |
| Downwards | 6%               | 5%               | 17%              | 38%              | 22%             | 22%             | 0%              | 25%             |

### Discussion

The information in this section has been collected into aggregate form in this table. Sixty-three of our sample answered the question. The response rate for every move is noted. For example for "Move 2" we have "n=56". This means 56 respondents had at least two moves. By the time we get to the end, only 4 had 8 moves in their departments.

Generally speaking around half of all job moves were rated as career improvements. Up until the second move very few changes were rated as demotions. But after the 2nd move this demotion factor increases from 17% (3rd move) to 38% (4th move). By now however we are dealing with small numbers (n=16). Further research will be necessary to see if this rising demotion factor correlates with the timing of disclosure activity.

### Career Moves (specific)

This table goes into more detail about the whistleblowers' career moves. These moves are analysed in turn with respect to the direction of each new career step taken.

| <u>First Move</u>      | No.<br>n=63     | %     |
|------------------------|-----------------|-------|
| Upwards                | 32              | 51    |
| Sideways               | 27              | 43    |
| Downwards              | 4               | 6     |
| <br><u>Second Move</u> | <br>No.<br>n=56 | <br>% |
| Upwards                | 36              | 64    |
| Sideways               | 17              | 30    |
| Downwards              | 3               | 5     |

Third Move

|           | <u>No.</u><br>n=30 | <u>%</u> |
|-----------|--------------------|----------|
| Upwards   | 19                 | 63       |
| Sideways  | 6                  | 20       |
| Downwards | 5                  | 17       |

Fourth Move

|           | <u>No.</u><br>n=16 | <u>%</u> |
|-----------|--------------------|----------|
| Upwards   | 8                  | 50       |
| Sideways  | 2                  | 13       |
| Downwards | 6                  | 38       |

Fifth Move

|           | <u>No.</u><br>n=9 | <u>%</u> |
|-----------|-------------------|----------|
| Upwards   | 5                 | 56       |
| Sideways  | 2                 | 22       |
| Downwards | 2                 | 1        |

Sixth Move

|           | <u>No.</u><br>n=9 | <u>%</u> |
|-----------|-------------------|----------|
| Upwards   | 4                 | 44       |
| Sideways  | 2                 | 22       |
| Downwards | 3                 | 33       |

Seventh Move

|           | <u>No.</u><br>n=5 | <u>%</u> |
|-----------|-------------------|----------|
| Upwards   | 5                 | 100      |
| Sideways  | 0                 | 0        |
| Downwards | 0                 | 0        |

Eighth Move

|           | <u>No.</u><br>n=4 | <u>%</u> |
|-----------|-------------------|----------|
| Upwards   | 1                 | 25       |
| Sideways  | 2                 | 50       |
| Downwards | 1                 | 25       |

Known Impact of Whistleblowing on Career

When we consider unemployment, sideways shifts, and demotion together, we find that **70%** of the sample claim an adverse effect on their careers.

|   | <u>No.</u> | <u>%</u> |
|---|------------|----------|
| Career went sideways because of whistleblowing  | 25         | 30       |
| No relationship between career & whistleblowing | 20         | 24       |
| Unemployed because of whistleblowing            | 18         | 22       |
| Demoted because of whistleblowing               | 15         | 18       |
| Promoted because of whistleblowing              | 2          | 2        |
| Other   | 1          | 1        |
| N/A   | 2          | 2        |

Discussion

This is the first data that informs us about reprisals. It only focuses on reprisals affecting career. We don't intend to go into reprisals much in this report. It is revisited more thoroughly in **Result Release Two**.

Here we see that 22% of the sample believe that they became unemployed as a direct result of their whistleblowing activity. This is a slightly larger percentage than those who were unemployed at interview time (18%). We suspect that 3 unemployed whistleblowers had found new employment between disclosure and interview. Another 30% claim that their careers went sideways as a result of their disclosure activity. Finally, 18% claim that they were demoted as a result of their whistleblowing.

Because of the small time frame (1990-1993) a number of sample members still have situations which are in a state of flux. In other words impact of whistleblowing on career is a continuing thing. I speak specifically here of the slow attrition strategies of some public sector units, whereby it takes time before the whistleblower is forced to leave. We know from our continuing involvement with sample members through the Whistleblowers Action Group that they are reporting more adverse effects on career as time goes by, so the "snap-frozen" profile regarding "known impact" should be treated as the bare minimum.

Case 180 is an example of this. We interviewed the respondent after she made certain disclosures about alleged psychiatric abuses to the Human Rights and Equal Opportunities Commission. She said, "I'm stuffed, nothing official just yet but I expect to be disciplined ... [There is a] potential loss of job and no chance of re-employment to the public sector."

Department of Origin for Whistleblowers Made Unemployed Through Their PIDs

The following table cross-tabulates the department of origin with those who ticked "unemployed".

|                                      | <u>No.</u> |
|--------------------------------------|------------|
| Corrective Services Commission       | 6          |
| Health Dept (Head Office & Regional) | 3          |
| Dept of Local Government & Housing   | 2          |
| Dept of Education (schools)          | 1          |
| Dept of Environment & Heritage       | 1          |
| Hospitals                            | 1          |
| Dept of Minerals & Energy            | 1          |
| Emergency Services                   | 1          |
| Dept of Primary Industry             | 1          |
| Rail                                 | 1          |
| <b>Total</b>                         | <b>18</b>  |

Discussion

The first point that needs to be made is that this table involves low numbers; so conclusions can only have a limited status. Secondly, it should not be concluded that the public sector units at the top of this table are the harshest with respect to impacting on whistleblowers careers. Public sector units have a range of strategies available to them, and these strategies change over time. For example one department was able to close down a whole unit of public administration in which whistleblowers worked. Other departments did not have this option at that particular time. We also need to remind

ourselves that in research terms this sub sample is small. In human suffering terms it is high.

### General Evaluation of Unit Decision Making

|   | No.  | %  |
|---|------|----|
|   | n=83 |    |
| Authoritarian   | 50   | 60 |
| Outwardly consultative (autocratic in reality)          | 24   | 29 |
| Benevolent but autocratic                               | 3    | 4  |
| Other   | 3    | 4  |
| Consultative  | 2    | 2  |
| Participative (all decisions arrived at democratically) | 0    | 0  |
| N/A   | 1    | 1  |

### Discussion

It should come as no surprise that a bureaucratic structure that can inflict adverse career effects on 70% of our sample would be viewed by them as authoritarian (60%). Another sizeable proportion of the sample (29%) said their departmental decision making was outwardly consultative but inwardly autocratic. We tend to think that pretence is the only difference between an "authoritarian" department and an "outwardly consultative" one. In the former, the whistleblower employed understood from this administrative philosophy at large that workplace democracy was completely out of the question in his or her public sector unit. With the latter, the whistleblower-employee was exposed to a conflict between administrative philosophy (pro-consultation) and administrative style (authoritarian practice). Often this conflict was exposed for the whistleblower during the process of internal disclosure.

This leads to a question that needs more attention. Do "outwardly consultative" departments; those that celebrate a democratic style in decision making and espouse new managerialist attitudes to grievance procedures etc, play a cruel joke on their whistleblower-employees by coaxing disclosures from them and then not giving the disclosure of the whistleblower the attention that was promised?

Together these statistics provide a prima facie indictment on units of public administration in Queensland. **Eight-nine percent** of the whistleblower sample claimed that decision making in their departments, was, at disclosure time, autocratic, centrally dominated, and dismissive of participatory decision making.

Some note of caution is issued here. The question that raised this data was non-specific in the sense it asked "[How] did you find the decision making in your department? We are not completely sure whether this was interpreted as "How did you find the decision making in your department before, during or after you made your PID? One of the principle interviewers was re-checked on this point and her view was that respondents tended to appraise their work units holistically. That is they offered a general view of departmental decision making based on their total employment experiences. If this view can be backed up by subsequent research it points to a particularly brave group of people; those who disclosed in public sector units, knowing that there units were authoritarian. I am inclined however to treat the experience of the whistleblower after they disclosed as being primary in instructing their views on decision making style. The bureaucratic response to the disclosure in other words allowed the whistleblower to see through the pretence of workplace democracy and fair play. Again at this stage we can only offer personal views until further research is conducted.

### SPECIFIC EVALUATIONS OF UNIT DECISION MAKING

Through cross-tabulation we were able to specify how each of the public sector units that employed whistleblowers in the study rated on the decision making scale (n=81).

| Department  | Decision Making Style |          |          |           |          |          |
|---|-----------------------|----------|----------|-----------|----------|----------|
|   | A                     | B        | C        | D         | E        | F        |
| Dept of Administrative Services                           |                       |          |          |           |          | 1        |
| Qld Corrective Services Commission (custodial facilities) | 7                     |          |          | 2         |          |          |
| Qld Corrective Services (community corrections)           | 2                     |          |          | 3         |          |          |
| Qld Corrective Services Commission (other)                | 1                     |          |          |           |          |          |
| Dept Education (schools)                                  | 5                     |          | 1        | 1         |          |          |
| DEVETIR (TAFE Colleges)                                   | 3                     |          |          | 1         |          |          |
| DEVETIR (other)   | 1                     |          |          |           |          |          |
| Dept Environment & Heritage                               | 1                     |          |          |           |          |          |
| Dept Family Services and Aboriginal and Islander Affairs  | 1                     | 1        |          | 1         |          |          |
| Dept Health   | 10                    | 1        |          | 3         | 1        |          |
| Dept of Justice   | 2                     |          |          |           |          |          |
| Premier's Department                                      |                       |          |          | 1         |          |          |
| Local Government Councils                                 | 2                     |          |          | 3         |          |          |
| Dept Minerals & Energy                                    | 1                     |          |          |           |          |          |
| Qld Police Service  | 5                     |          |          | 1         |          |          |
| Qld Emergency Services                                    |                       |          |          | 1         |          |          |
| Dept Primary Industries                                   |                       | 1        |          | 1         |          |          |
| Qld Rail  | 2                     |          |          | 1         |          |          |
| Dept of Transport   | 1                     |          |          |           |          |          |
| University of Queensland                                  | 2                     |          | 1        | 1         | 2        |          |
| University of Southern Queensland                         | 1                     |          |          | 2         |          |          |
| James Cook University                                     | 1                     |          |          |           |          |          |
| Other University  | 2                     |          |          |           |          |          |
| <b>TOTAL</b>  | <b>50</b>             | <b>3</b> | <b>2</b> | <b>22</b> | <b>3</b> | <b>1</b> |

#### Key: Decision Making Style

A : Authoritarian  
B : Benevolent - autocratic  
C : Consultative

D : Outwardly consultative (autocratic in reality)  
E : Other  
F : No answer.

### Wrongdoing Observed

The sample was asked to detail, in a way which gave them scope to elaborate, the wrongdoing they observed that prompted the disclosures. **In total, 299 separate acts of alleged wrongdoing were reported.** The percentage of each sub-class of wrongdoing as a proportion of total wrongdoing is registered in the percentage column at the end of each sub-class.

| <u>Breach of Law/Failure to Enforce Law</u>                 | No.       | %         |
|---|-----------|-----------|
|   | n = 299   |           |
| Non-compliance with statute, rule, policy or lawful order   | 22        |           |
| Failure to enforce law or lawful policy                     | 11        |           |
| Other crimes  | 10        |           |
| Theft (including misappropriation)                          | 8         |           |
| Sexual misconduct (other than sex discrimination)           | 7         |           |
| Official concealment of wrongdoing                          | 6         |           |
| Sex discrimination  | 5         |           |
| Assaults on inmates, clients, students                      | 5         |           |
| Other "official misconduct" ( <u>Criminal Justice Act</u> ) | 4         |           |
| Race discrimination   | 3         |           |
| Fabrication of evidence (including perjury)                 | 3         |           |
| <b>Sub Total</b>  | <b>84</b> | <b>28</b> |

| <u>Working Conditions</u>   | No.       | %         |
|---|-----------|-----------|
| Authoritarian management practices                                    | 15        |           |
| Overworking of staff, unsatisfactory conditions, inadequate resources | 13        |           |
| Unsafe work practices   | 9         |           |
| Delay or obstruction of work place reforms                            | 3         |           |
| <b>Sub Total</b>  | <b>40</b> | <b>13</b> |

| <u>Personnel Matters</u>             | No.       | %         |
|--------------------------------------|-----------|-----------|
| Nepotistic staff appointments        | 13        |           |
| Improper recruitment practices-other | 12        |           |
| Abuse of position for personal gain  | 9         |           |
| Time sheet fraud                     | 7         |           |
| Improper staff training              | 1         |           |
| <b>Sub Total</b>                     | <b>42</b> | <b>14</b> |

| <u>Administration, Service Quality</u>  | No.       | %         |
|---|-----------|-----------|
| Maladministration (includes failure to maintain records, unaccountable management practices, etc) | 33        |           |
| Misuse/waste of public money (includes financial mismanagement)                                   | 27        |           |
| Deterioration in quality of service delivery (includes reduced spending)                          | 10        |           |
| Other policy wrongdoings  | 10        |           |
| <b>Sub Total</b>  | <b>80</b> | <b>27</b> |

| <u>Research and Information</u>                                 | No.       | %        |
|---|-----------|----------|
| Academic fraud (includes research falsification and plagiarism) | 4         |          |
| Misrepresentation in official reports and statements            | 4         |          |
| Other unethical conduct   | 18        |          |
| <b>Sub Total</b>  | <b>26</b> | <b>9</b> |

| <u>Whistleblowing Victimisation</u> | No.       | %        |
|-------------------------------------|-----------|----------|
| <b>Sub Total</b>                    | <b>18</b> | <b>6</b> |

| <u>Other</u>     | No.      | %        |
|------------------|----------|----------|
| <b>Sub Total</b> | <b>9</b> | <b>3</b> |

|                         |            |            |
|-------------------------|------------|------------|
| <b>Total Wrongdoing</b> | <b>299</b> | <b>100</b> |
|-------------------------|------------|------------|

### Discussion

The sample declared **299** separate alleged wrongdoings. Numerically speaking the 3 most common were:

|  | No. | %  |
|--|-----|----|
| 1) <b>Maladministration (including unaccountable management practices)</b> | 33  | 11 |
| 2) <b>Misuse or waste of public money</b>                                  | 27  | 9  |
| 3) <b>Non-compliance with statute, rule, policy or order</b>               | 22  | 7  |

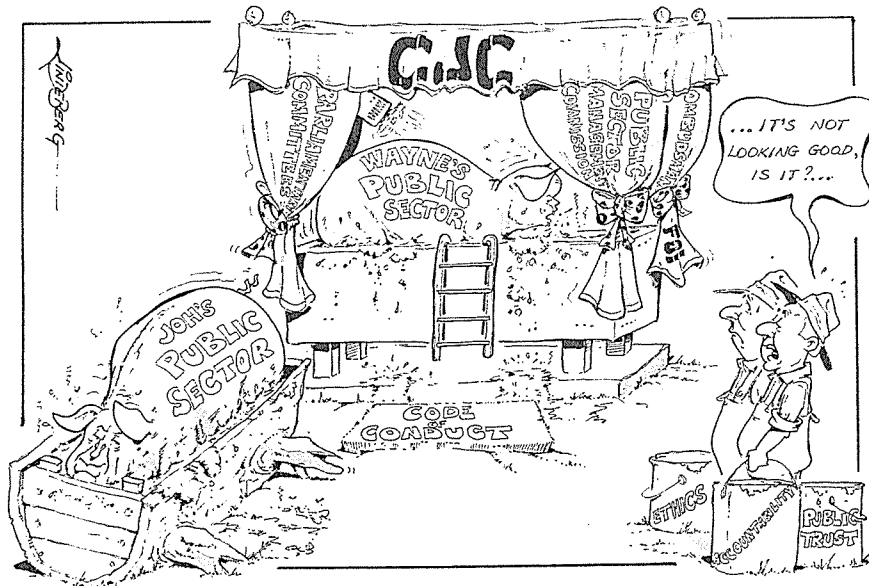
The truthfulness of the wrongdoing complaints was an irrelevant issue to the research project. This may seem like a strange statement to make, however the aim of the study was to elicit from bona fide whistleblowers information about their total disclosure experience. The aim was not to judge the bona fide of their complaints. Once we were secure in the knowledge that we had a firm sample of genuine whistleblowers, we proceeded to accept their version for research purposes.

A consequence of this is that we are obviously not in the position to determine the merits of the allegations put. However it should be noted that we were furnished with serious allegations such as; **sexual misconduct, theft, sexual and racial discrimination, assaults, official concealment of wrongdoing, and academic fraud.**

A different point, but one that needs to be made because it was not covered in this study comes from the recent American literature. The United States Merit Systems Protection Board found that certain types of wrongdoing were more likely to be reported than other types. For example, only 35% of the observers of "Use of an official position for personal benefit" reported it. Low reporting figures were also registered from "Stealing Federal Property" (37%) and "Waste caused by unnecessary or deficient goods or services". Higher reporting figures came from public health and safety risks (78%), and "accepting bribes or kickbacks (78%).<sup>6</sup> The Merit Systems Protection Board were unable to shed any light on this difference.

This does raise the issue for us as to whether wrongdoing reporting in our sample was also subject to preference. Such a question can only be answered when we understand a prior

point: what determines the perception of wrongdoing? This is a very complex issue which we will try to explore in **Result Release Two**.



## Evaluation of Official Responses

In this section we examine what the whistleblowers thought of the internal, external and public outlets for their disclosures. We have categorised these outlets together, although technically speaking media outlets are not "official" in the same sense as departmental and external agency processes are. They are however official in the sense that they are formal processes available to the whistleblower. Internal outlets are those investigative processes inside the public sector units. The word "superior" as used in this section, does not necessarily refer to someone above the whistleblower in the work hierarchy. It could mean an officer with an investigative brief who may be on the same level as the whistleblower. The important point to remember is that "internal outlets" and "superior" refer to processes within the work structure of which the whistleblower is a member. An "external outlet" is an investigative agency outside the public sector unit in which the whistleblower worked, such as the Public Sector Management Commission. Public outlets refer to a range of non-governmental strategies. In this report our focus is limited to media outlets.

The attitudinal and effectiveness evaluations of the official responses to wrongdoing is based on a logic recently reformulated by American researchers.<sup>7</sup> Two forms of justice are conceptualised; procedural justice (e.g. fair proceeding) and distributive justice (e.g. proper outcomes).<sup>8</sup>

The researchers say:

It seems sensible to hypothesise that the greatest level of satisfaction would occur when both types of justice are seen to be high. From the whistleblower's perspective, satisfaction with the system would occur when the whistleblowing procedures followed seemed to be administered fairly. Satisfaction with the outcome would be greatest when the organisation terminated the wrongdoing, corrected the situation and did not retaliate against the whistleblower.<sup>9</sup>

Our study was able to measure these satisfaction levels on an agency by agency basis. Before proceeding with that data, we present information on the disclosure options taken by the sample.

### Direction of Disclosure

|                         | No. | %   |
|-------------------------|-----|-----|
| Went to superior        | 74  | 54  |
| Went to external agency | 48  | 35  |
| Went public             | 16  | 12  |
| Total disclosures       | 138 | 100 |

### Discussion

A total of 138 disclosures are dealt with here. These patterned out in a descending order of popularity. Disclosure to a superior was the most popular, followed by disclosure to an external agent, and then disclosure to a media outlet.



**Disclosure Menu**

No. 7

1 Level Disclosures

|                  |    |    |
|------------------|----|----|
| A) Internal Only | 29 | 35 |
| B) External Only | 7  | 8  |
| C) Public Only   | 1  | 1  |

2 Level Disclosure

|                      |    |    |
|----------------------|----|----|
| A) Internal-External | 31 | 37 |
| B) Internal-Public   | 4  | 5  |
| C) External-Public   | 1  | 1  |

3 Level Disclosure (Internal-External-Public)

10 12

**Total**

83 100

Discussion

We can understand the direction of disclosure patterns better when we consider the disclosure menu. We note that the two most common disclosure strategies were **Internal Only (35%)** and **Internal-External (37%)**. This data indicates that whistleblowers start off as system-sympathetic people, who readily define themselves as disclosing simply within the course of doing their duty. They entertained high hope of the capacity of the system to correct its own wrongdoing when such was brought to managements' attention by dutiful employees. They are not, in other words, malcontents. At least they were not so inclined at the outset of their disclosure process.

It should be noted that whistleblowers not only used external mechanisms (e.g. PSMC grievance procedures) for the sole purpose of pursuing wrongdoing. In a small number of cases they also used these mechanisms because as they managed their disclosures internally they started to face reprisals which impacted on their careers. They approached external agencies in order to clear their name and protect their career. For example case 190 applied to the Human Rights and Equal Opportunities Commission because of the harassment that followed the disclosure.

Only 12% of the sample used the three point disclosure strategy, internal-external-public. These were a unique group and deserve further study. Somehow they pushed beyond the investigative frame of reference of their superiors and the external authorities, to a more public airing of the wrongdoing. On occasions they went public in parallel to their matter being determined by an external authority.

**INTERNAL RESPONSES**

This section deals with the experiences of the sample when they took their allegations of wrongdoing to work place superiors. **There were a total of 369 responses here.** This section is divided into 4 parts; correct procedural responses from superiors, obstructive response from superior, counter response to obstruction, and reprisals.

Correct Procedural Response from SuperiorsNumber of  
Responses %

|  |              |
|--|--------------|
| Superior investigated or referred matter to internal investigators/audit | 19           |
| Wrongdoing substantiated, corrective action taken by superior            | 18           |
| Internal grievance procedure used  | 15           |
| Superior referred matter to higher level in organisation                 | 10           |
| Wrongdoing not substantiated through lack of evidence                    | 10           |
| Whistleblower told to get more evidence or put it in writing             | 9            |
| Superior referred matter to external investigator                        | 7            |
| Whistleblower protected from victimisation                               | 1            |
| <b>Sub Total</b>   | <b>89 24</b> |

Discussion

Only about a quarter of all superiors' responses to the disclosures were judged by the whistleblowers as procedurally correct in the sense that the superior acted properly in some way to deal with the allegations. Most of this "action" however was referral in nature, with the supervisor moving the allegation along to a higher level in the organisation, a specialist investigative agent or section, or directly to an external agency like the Criminal Justice Commission (CJC).

It is noteworthy that only 5% of all superiors' responses entailed the substantiation of the disclosure and the taking of correction action. It should be emphasised that "corrective action" did not usually imply sweeping changes to management procedures.

Obstructive Response from Superiors

By far the most common response of the sample to the question "what happened when you took the matter to your superior?" was **"a superior obstructed the complaint"**. As the reader can see from the table below this took several forms. The two most popular were: inaction (in its various guises) and reprisals. There were 169 responses in this data field. These responses are rank ordered.

|   | Number of<br>Responses | %         |
|---|------------------------|-----------|
| Superior took no action or gave no response                         | 56                     |           |
| Whistleblower credibility/occupational stability threatened         | 25                     |           |
| Superiors promised action which was then not taken                  | 17                     |           |
| Wrongdoing substantiated but covered up by superior                 | 14                     |           |
| Superior "passed the buck"  | 13                     |           |
| Whistleblower personally threatened by superior or alleged offender | 8                      |           |
| Other types of obstruction  | 7                      |           |
| Wrongdoing substantiated, but corrective action not taken           | 7                      |           |
| Superior alerted alleged offender                                   | 5                      |           |
| Whistleblower threatened with legal action                          | 5                      |           |
| Witnesses silenced, evidence destroyed                              | 4                      |           |
| Whistleblower ordered or "advised" not to further report wrongdoing | 3                      |           |
| Whistleblower threatened with dismissal                             | 3                      |           |
| Whistleblower threatened with external investigation                | 2                      |           |
| <b>Sub Total</b>  | <b>169</b>             | <b>46</b> |

### Discussion

The most common form of obstruction was for the superior to do nothing. Two of the most popular reasons given by whistleblowers for superior inaction were: the negative effect the disclosure would have on the superior's career, and the fact that the whistleblower hit the 'old boy network'. For example when a whistleblower took evidence of the existence of an allegedly corrupt service provider to his superior, no action was taken because the Area Manager "didn't want to jeopardise his career" [238]. Sometimes the whistleblower was not able to fully understand the unresponsiveness of the hierarchy as they were confronted by a wall of silence and platitude. When a disclosure about gross senior level mismanagement and favouritism was made to a Chancellor and Vice-Chancellor at a university in Queensland, the whistleblower was heard in silence but no action was taken [168].

Another source of inaction was the fear of public criticism. One whistleblower said: "I had many meetings with the Deputy Principal and Principal regarding violence and safety issues in [the] school. No action was taken. [The] Principal didn't listen to me, [he] didn't want to know [225]." The Principal's inaction we were told was based on his fear of making himself, the school, department, and Minister for Education look bad.

Inaction was also sourced to the non-caring attitude of superiors to the welfare of certain classes of people. In one case the whistleblower had been contacted by a prisoner at the ... Correctional Facility saying that he had heard that he [the prisoner] was going to be killed. The whistleblower contacted a superior who said he would be in ... in 4 days and would look into it [233]. The whistleblower commented that the prisoner could be dead by then. This advice made no impact on the superior.

Another popular strategy involved attacks on the whistleblowers' credibility. When one of our sample complained to her Principal about overwork (extra duties, unscheduled playground supervision, extra curricula sports supervision) she was attacked personally and the teachers who supported her were called whingers [163].

\* Sorry reader, those defamation laws again!

Other strategies designed to obstruct or silence the whistleblower, included threats to occupational stability, through a range of punitive strategies, which included poor performance reviews, and the unwarranted exposure of the whistleblower to redundancy. One of the worst cases offered to the study came from a whistleblower in the community corrections field. The allegations ranged from drug dealing to false documentation and victimisation. When the allegations were put internally the whistleblower said: "[My superior] accused [me] of being a trouble maker ... he threatened ... legal [action] ... he wrote lies in his report, taking no notice of my information [222]."

The categories here reveal some very heavy reactions by superiors including: alerting alleged offenders, intimidating witnesses, and destroying evidence. For example, it was put to us that a university's student's written complaint of serious sexual assault was deliberately destroyed [171].

### Whistleblowers Counter-Response to Superiors' Obstruction

|   | Number of<br>Responses | %         |
|---|------------------------|-----------|
| Dissatisfaction with immediate superior's response prompted higher level disclosure | 38                     |           |
| Disclosure direct to higher level because immediate superior was alleged offender   | 9                      |           |
| <b>Sub Total</b>  | <b>47</b>              | <b>13</b> |

### Discussion

Some grim statistics are uncovered under this heading. Thirty-eight respondents (numerically the most powerful statistic in the whole section here) were so dissatisfied with the responses of their immediate superiors that they went higher in their public sector units. Also a number of our respondents went higher because their superiors were implicated in the alleged wrongdoing that they were reporting, or were in a close relationship with the alleged wrongdoing. For example, one of our cases involved the alleged theft by a senior administrator of money parents had sent to a school for a proposed outing. The whistleblower felt blocked from reporting the matter to his Principal because of the close relationship between the senior administrator and the Principal [236]. A slightly different angle is offered by case 197. On receiving the whistleblower's disclosure about a senior manager, it is alleged that the Chief Executive Officer of one of the largest hospitals in Brisbane put two internal investigators onto the case. One of the investigating officers was a friend of the senior manager who was alleged to have done the wrongdoing. We were advised that the investigation focused more on the whistleblower than the senior manager.

The recent American report (see above) also came up with some interesting figures here. They found that the likelihood of employees blowing the whistle was the least when the superior was, or was suspected of being, the wrongdoer. For example if a contractor or vendor was found to be corrupt, 92% of employees said they would report. However when the superior was known to be corrupt, only 69% would report.<sup>10</sup>

**Immediate Reprisals Taken by Superiors**

|  | Number of Responses | %         |
|--|---------------------|-----------|
| Moved sideways   | 7                   |           |
| Reprimanded  | 7                   |           |
| Retrenched: contract not renewed   | 6                   |           |
| Physically/occupationally isolated   | 6                   |           |
| Dismissed  | 5                   |           |
| Demoted  | 3                   |           |
| Suspended or given leave pending outcome of investigation  | 3                   |           |
| Whistleblower resigned "voluntarily"/forced to leave   | 3                   |           |
| Other reprisals (e.g. discredited motives for revealing information; attacked credibility of disclosure) | 12                  |           |
| <b>Sub Total</b>   | <b>52</b>           | <b>14</b> |

**Discussion**

What we are talking about here is not the full gamut of reprisals but immediate reprisals suffered as a result of reporting wrongdoing to their superiors. The range of responses was such that we had difficulty categorising them. This accounts for a relatively large "other" group. We will go into the reprisal issue in greater depth in **Result Release Two**.

**Other Action by Superiors**

|                  |           |          |
|------------------|-----------|----------|
| <b>Sub Total</b> | <b>12</b> | <b>3</b> |
|------------------|-----------|----------|

**Total Internal Responses**

369 100%

**Attitude of Superiors to Whistleblowers' Disclosures**

|                    | Immediate Superior<br>n=54 |    | A Senior Officer<br>n=64 |    | Another Senior Officer<br>n=41 |    | Another Senior Officer<br>n=26 |    |
|--------------------|----------------------------|----|--------------------------|----|--------------------------------|----|--------------------------------|----|
|                    | No.                        | %  | No.                      | %  | No.                            | %  | No.                            | %  |
| Very concerned     | 15                         | 28 | 15                       | 23 | 13                             | 38 | 5                              | 19 |
| Fairly concerned   | 9                          | 17 | 18                       | 28 | 7                              | 17 | 5                              | 19 |
| Fairly unconcerned | 6                          | 11 | 13                       | 20 | 6                              | 15 | 6                              | 23 |
| Very unconcerned   | 24                         | 44 | 18                       | 28 | 15                             | 37 | 10                             | 38 |

**Effectiveness of Superiors in Dealing with Disclosures**

|                    | Immediate Superior<br>n=54 |    | A Senior Officer<br>n=64 |    | Another Senior Officer<br>n=40 |    | Another Senior Officer<br>n=24 |    |
|--------------------|----------------------------|----|--------------------------|----|--------------------------------|----|--------------------------------|----|
|                    | No.                        | %  | No.                      | %  | No.                            | %  | No.                            | %  |
| Very effective     | 3                          | 6  | 5                        | 8  | 3                              | 8  | 2                              | 8  |
| Fairly effective   | 6                          | 11 | 10                       | 16 | 9                              | 23 | 3                              | 13 |
| Fairly ineffective | 7                          | 13 | 13                       | 20 | 3                              | 8  | 4                              | 17 |
| Very ineffective   | 38                         | 70 | 36                       | 56 | 25                             | 63 | 15                             | 63 |

**Discussion**

Superiors mentioned in these tables do not necessarily refer to people in ascending order above the whistleblowers. Normally they are people in positions of authority who are able to officially receive and act on disclosures of wrongdoing (e.g. internal auditors, persona managers, equal opportunity officers etc).

We asked the whistleblowers to evaluate both the attitude and effectiveness of their superiors when approached with the disclosures. This allowed us to compare the difference between what is said at the outset of laying a complaint and what is eventually done. One whistleblower said: "Since they [her superiors] vocally expressed enthusiasm for my new suggestions for improving the workplace I thought they would follow them up." [221] The results indicate that this was not the only whistleblower who experienced a bureaucratic double play between the justice they were promised and the final result.

It should be a matter of some concern that almost half of the whistleblowers' immediate superior were evaluated as "very unconcerned" when disclosures were presented to them. It is also of concern that in terms of reception of the disclosures, it doesn't really get better for the whistleblowers when they go up the chain of command.

The gap between how the whistleblowers' disclosures were originally received by superiors and how effective those officers were in managing the disclosures is depressingly high. The sample judged superiors across the board as making minuscule impacts on the correction of wrongdoing. Eighty-three percent of the sample rated their immediate superior as "ineffective".

This table also tells us, that irrespective of where the whistleblower went in her or his public sector unit, the level of ineffectiveness remained fairly constant. The system-wide message from this is that a culture of obstruction and indifference operates right out to the borders of the organisation.

### Expectations of Whistleblowers When Matters Taken to Superiors

When we examined the whistleblowers expectations about the internal investigation of their allegations, we find that they did not entertain bizarre and unrealistic hopes. Rather they expected what they were entitled to expect; the taking of "corrective action" (46%) and a "proper investigation" (23%).

|                      | No<br>n = 136 * | %  |
|----------------------|-----------------|----|
| Corrective action    | 62              | 45 |
| Proper investigation | 31              | 23 |
| Other                | 14              | 10 |
| Moral support        | 11              | 8  |
| No action            | 9               | 7  |
| Reprisals            | 5               | 4  |
| Cover up             | 4               | 3  |

\* Multiple choices permissible

### Discussion

An interesting feature of this table is the low number (5) of whistleblowers who expected reprisals when they took the wrongdoing allegations to their superiors. This indicates two things. First this is a particularly brave sub-group because they disclosed knowing that reprisals would follow. Secondly, the low numbers indicate a widespread view among the sample that their public sector units would behave honourably. When we compare this to a previous table (Reprisals Taken by Superiors), which was an assessment after the whistleblowing occurred, we find that in 52 instances reprisals were taken against the whistleblowers by their superiors.

### EXTERNAL RESPONSES

This section deals with the experiences of the sample when they took their allegations of wrongdoing to external agencies.

#### External Agencies that Whistleblowers Disclosed to

Number of  
Disclosures

|   |    |
|---|----|
| Anti-Discrimination Commission/Human Rights & Equal Opportunity Commission (AD/HREOC)           | 5  |
| Auditor-General (Qld) (AG)  | 3  |
| Cabinet Minister (Qld)  | 9  |
| Criminal Justice Commission (CJC)   | 22 |
| Electoral and Administrative Review Commission (EARC)   | 4  |
| Member of Legislative Assembly (Qld) (includes Opposition spokespersons/shadow Ministers) (MLA) | 11 |
| Ombudsman (Parliamentary Commissioner for Administrative Investigations) (Ombud)                | 8  |
| Police  | 2  |
| Premier (of the day)  | 8  |
| Public Sector Management Commission (PSMC)  | 13 |
| Union   | 17 |
| <b>Other:</b>   | 16 |
| Commission of Inquiry   |    |
| Courts  |    |
| DEVETIR, Division of Workers Compensation/Workers Compensation Board                            |    |
| DEVETIR, Division of Workplace Health and Safety  |    |
| Department of Housing, Local Government and Planning  |    |
| Federal Parliament, Committee, or Member of Federal Parliament                                  |    |
| Industrial Relations Commission (Qld or Commonwealth)   |    |
| Parliamentary Committee for Criminal Justice (PCJC)   |    |
| Parliamentary Committee for Electoral and Administrative Review (PEARC)                         |    |
| Professional Associations   |    |
| Queensland Parliamentary Committee  |    |

### Responses from External Agencies About Disclosures

|   | No.        | %          |
|---|------------|------------|
| (n = 146)   |            |            |
| <b>Lack of Response</b>   |            |            |
| Agency took no action   | 37         | 25         |
| <b>Negative Response</b>  |            |            |
| Agency investigation did not proceed (alleged lack of jurisdiction)                               | 16         | 11         |
| Agency investigation did not proceed (lack of political will)                                     | 11         | 7          |
| Agency investigation did not proceed ("no substantial wrongdoing")                                | 2          | 1          |
| Wrongdoing not substantiated (alleged lack of evidence)   | 6          | 4          |
| Wrongdoing substantiated - corrective action not taken  | 6          | 4          |
| Wrongdoing substantiated but covered up   | 3          | 2          |
| Agency refused to give whistleblower protection   | 4          | 3          |
| Whistleblower "neutralised"   | 4          | 3          |
| Agency investigation or finding of wrongdoing frustrated  | 7          | 5          |
| <b>Referral</b>   |            |            |
| Agency referred matter to prosecution authority   | 1          | 0.6        |
| Agency referred matter to expert or specialist authority  | 10         | 7          |
| Agency referred matter back to whistleblowers agency  | 11         | 8          |
| Agency referred matter back to whistleblower  | 2          | 1          |
| Agency took reprisals against whistleblower   | 1          | 0.6        |
| <b>Positive Response</b>  |            |            |
| Agency offered whistleblower protection   | 1          | 0.6        |
| Wrongdoing substantiated (corrective action taken, including support/protection of whistleblower) | 11         | 8          |
| <b>Other agency response</b>  |            |            |
|   | 13         | 9          |
| <b>Total</b>  | <b>146</b> | <b>100</b> |
| [Agency investigation current at interview date]  | 13]        |            |
| [N/A]   | 6]         |            |

### Discussion

The study recorded 146 responses by external agencies. This does not include matters current at interview time (13). When we scan these responses for unequivocally positive reactions, we find only twelve; "Wrongdoing substantiated and corrective action taken" (11), and "whistleblower offered protection" (1). This means that only 8% of the sample, when asked "what happened when you went external with the matter", reported a response that was positive, definitive, and led to 'corrective action' been taken.

Sixteen percent of agency action constituted referral to somewhere else. In the whistleblowers world "referral" is usually a synonym for passing the buck. In another publication I have referred to this as "dead end processing".<sup>11</sup> An example of this is found in case 233. The whistleblower said he had evidence of ... mismanagement which he believed could have resulted in "loss of life and unnecessary [public danger]". After getting nowhere internally he contacted the Minister for ... through the Minister's personal secretary. Ten minutes later a senior officer in the Queensland ... called to tell the whistleblower that he was "finished". The whistleblower approached the Secretary of the Union who assisted in the preparation of a related submission to the Public Sector Management Commission (PSMC), but this had no effect. He then went to the PSMC to be told that it was "not their portfolio". He then went to the Public Sector Equity

\* Sorry reader, those defamation laws again!

Commissioner to be told it was "not their area". He then went to the local member who told him that the Minister had "rapped on his [the member's] knuckles" and that the member would not see him again. He then attempted to see the Director-General of the Department of ... to be told that the Director-General was "too busy" to see him. His solicitor could not help, he said, because of the "unique legislation". He then approached the Chair of the Government Committee on ... on several occasions. The Chair, the whistleblower said, was afraid for his own position and had been warned off by the Minister. He then approached the CJC who contacted the Minister in order to clear the way for the whistleblower to be interviewed for a position. The Minister refused the request.

Another example is offered in case 195. The whistleblower eventually went external with a series of alleged wrongdoings which included, "gross incompetence and mismanagement, loss and waste bordering on dishonesty, theft, inconsistencies in staff placements and promotions ... ordered to act against relevant laws". She approached the Auditor General who said that they would look into the matter. After a while she reapproached the Auditor General for a progress report and was told that regulations prevented them confirming with her the results of their findings. She then approached her union, they gave early assistance in defending disciplinary charges brought against her, but they took no further action. She then approached the CJC who told her that they were very busy, and that they had received many disclosures from people in her agency, and that most were found to be resisting agency reforms. Her local member was sympathetic but took no action. Finally, an Opposition MLA promised to act but didn't.

While the relevance of some of these contacts may be disputed, the picture as a whole is one of bureaucratic obstruction. The fields of action of external agencies are often so narrow that whistleblowers' call for assistance can be easily defeated. I also suspect that the "no jurisdiction" argument is frequently trotted out to respond to people deemed "trouble makers".

Another aspect of dead-end processing concerns the high evidentiary standards required by external agencies. This standard is often unable to be met by whistleblowers. They are put into a forensic David and Goliath contest with a huge department, fully resourced for rebuttal. The whistleblower is often told that his or her case "lacks substance", or the official investigation "failed to prove ...". The sub-text of these messages is that the external agency was no match for the department intent on hiding evidence, intimidating witnesses and vilifying the whistleblower.

Case 160 illustrates this point. The whistleblower, a serving policeman, disclosed on a number of wrongdoings including; stealing, perjury, unlawful assaults, misappropriation of police property and racial and sexual harassment. The police officer approached the CJC. After some consideration the CJC referred part of the complaint back to the Police Department (hence exposing the whistleblower to more persecution). Generally the CJC felt that there was insufficient evidence to proceed. The whistleblower, needless to say, was critical of this process. He expected results, immediate action, and a more personal approach.

\* Sorry reader, those defamation laws again!

Dead-end processing also occurs when the external agency fails to muster the will to investigate or prosecute because the alleged perpetrator is powerful and well connected. Eleven of our sample claim this as the reason why their disclosures got nowhere. In case 166 the whistleblower was told by a very senior person in the ... Commission that he was aware that the Director-General of the Department of [...] was lying, but "they couldn't take him on". In case 194 a ... supervisor at a major correctional facility was reported by the whistleblower for failing to recognise the security concerns of ... staff and for racist behaviour directed at the Aboriginal ... The whistleblower approached the ... Union with these allegations. They told her that they were aware of the ... supervisor. The whistleblower said [the Union] "... did not appear to be very interested in the situation".

#### Attitude of External Agencies to Whistleblowers' Disclosures

|                    | Police<br>n=2   | CJC<br>n=22    | EARC<br>n=4          | PSMC<br>n=13 | Ombud.<br>n=10 | MLA<br>n=11   |
|--------------------|-----------------|----------------|----------------------|--------------|----------------|---------------|
| Very concerned     | 1               | 5              | 1                    | 1            | 1              | 3             |
| Fairly concerned   | 0               | 8              | 1                    | 6            | 6              | 5             |
| Fairly unconcerned | 1               | 6              | 1                    | 3            | 2              | 2             |
| Very unconcerned   | 0               | 3              | 1                    | 3            | 1              | 1             |
|                    | Minister<br>n=9 | Premier<br>n=8 | ADC/<br>HREOC<br>n=5 | AG<br>n=3    | Union<br>n=17  | Other<br>n=16 |
| Very concerned     | 2               | 1              | 1                    | 1            | 6              | 7             |
| Fairly concerned   | 2               | 0              | 3                    | 1            | 6              | 5             |
| Fairly unconcerned | 1               | 3              | 1                    | 1            | 5              | 2             |
| Very unconcerned   | 4               | 4              | 0                    | 0            | 0              | 2             |

#### Effectiveness of External Agencies in Dealing with Disclosures

|                    | Police<br>n=2   | CJC<br>n=22    | EARC<br>n=4          | PSMC<br>n=13 | Ombud.<br>n=8 | MLA<br>n=11   |
|--------------------|-----------------|----------------|----------------------|--------------|---------------|---------------|
| Very effective     | 1               | 0              | 0                    | 0            | 0             | 1             |
| Fairly effective   | 0               | 4              | 1                    | 0            | 1             | 1             |
| Fairly ineffective | 0               | 3              | 0                    | 1            | 1             | 2             |
| Very ineffective   | 1               | 15             | 3                    | 12           | 6             | 7             |
|                    | Minister<br>n=9 | Premier<br>n=8 | ADC/<br>HREOC<br>n=4 | AG<br>n=3    | Union<br>n=16 | Other<br>n=15 |
| Very effective     | 0               | 1              | 0                    | 1            | 1             | 5             |
| Fairly effective   | 1               | 0              | 1                    | 1            | 2             | 3             |
| Fairly ineffective | 2               | 0              | 1                    | 0            | 3             | 0             |
| Very ineffective   | 6               | 7              | 2                    | 1            | 10            | 7             |

#### Discussion

The two previous table tabulates the data on attitude and effectiveness of external agencies. The presentation of these two parameters (attitude and effectiveness) allows us to "measure" the reception the whistleblower got when he or she first presented their disclosure to the agency. It then allows us to "measure" the "result" of the whistleblower-agency contact from the whistleblowers' points of view. The juxtaposition of the parameters indicates that agencies are presenting themselves to whistleblowers in false ways, different to how they perform on the cases before them.

We can illustrate this by following through on the Public Sector Management Commission (the external agency that got the worst report from the sample). Thirteen whistleblowers in our sample took their disclosures to the PSMC. Just over 50% rated the "attitude" of the PSMC as concerned. However 92% of the sub-sample thought the PSMC was very ineffective in dealing with their issues. Admittedly the numbers here are small, but not so small to constitute an absolute defence by the PSMC. While the numbers are small, the trend across the sample is unequivocal - agencies promote their corporate images quite easily by expressing concern to the whistleblowers, but when it comes to doing something, and when that something involves money, time and will, agencies let the whistleblower down time and time again.

#### General Effectiveness of External Agencies in Dealing with Disclosures\*

|             | External Agencies |    |
|-------------|-------------------|----|
|             | No.<br>n=115      | %  |
| Effective   | 25                | 22 |
| Ineffective | 90                | 78 |

#### Discussion

This table amalgamates the evaluations for all external agencies approached by the sample. **Seventy-eight percent** of all approaches to these agencies were judged as ineffective.

### Expectations of Whistleblowers When Matters Taken to External Agencies

The following table on expectations indicate that the whistleblowers did not entertain outlandish expectations of the external agencies. In fact they expected no more than was promised in agency publicity: proper investigation and corrective action.

|                      | No.<br>n=91 | %  |
|----------------------|-------------|----|
| Corrective action    | 37          | 41 |
| Proper investigation | 30          | 33 |
| No action            | 4           | 4  |
| Cover up             | 2           | 2  |
| Moral support        | 7           | 8  |
| Reprisals            | 2           | 2  |
| Other                | 9           | 10 |

#### Discussion

It is interesting to compare the expectations of whistleblowers when they took their matters to external agencies with the expectations they entertained when they referred their complaints to their superiors within their public sector units.

Again the same trend appears; unmet expectations. Seventy-four percent of the sample expected a proper investigation to happen and for corrective action to be taken by the external agencies. Seventy-eight percent of the sample evaluated the external agencies as ineffective in dealing with their disclosures.

In spite of the fact that in 52 instances, reprisals had already been initiated by superiors, the sample, on the whole, did not expect any reprisals when they went external. That may be because external agencies are usually not in a position to exercise reprisal on them in their public sector units.

### MEDIA RESPONSES

Whistleblowers will sometimes use the media to present their issues, and the media will sometimes use the whistleblower.

#### Media Outlets that Whistleblowers Disclosed to

Sun Herald (Brisbane)  
Business Queensland  
Courier Mail/Sunday Mail  
Gold Coast Bulletin  
The Australian  
Queensland Times (Ipswich)  
Sun/Sunday Sun (Brisbane)  
Other local print  
Channel 2  
7.30 Report  
Channel 7  
Channel 9  
Channel 0 / Channel 10  
Hinch Program  
Talkback radio

#### Media Responses to Whistleblowers' Allegations

|   | No.<br>n=31 | %  |
|---|-------------|----|
| Outlet did not run story                          | 10          | 32 |
| Outlet prevented from running story by injunction | 1           | 3  |
| Outlet ran story to satisfaction of whistleblower | 15          | 48 |
| Outlet ran story with inaccuracies                | 1           | 3  |
| Other   | 3           | 10 |
| N/A   | 1           | 3  |

#### Discussion

Only 16 of the sample took their allegations to the media, and some went on more than one occasion (n=31). A third of all attempts by whistleblowers to secure publicity for their disclosures resulted in failure. We need to recall that the profile we have built up of the whistleblower in this study is one of a diligent worker with a strong public interest ethic. Their use of the media comes through desperation and frustration in trying to get the wrongdoing corrected internally or through the authorised external agencies. Given this context of rejection, when the media door slams shut it makes a much louder noise.

On a number of occasions we were advised by the public outlet sub-sample, that the contact journalist expressed a great deal of interest in the story; some even going so far as to guarantee exposure. This often did not eventuate, with stories stopped within the media hierarchy. While there are many strategically defensible reasons why media executives block stories, we cannot avoid the lessons of history in mustering together some of the ideological motives for information suppression by the media. The politicization of the Queensland public sector during the Bjelke-Peterson era extended very clearly to the media.<sup>12</sup> The media shamefully stayed away in droves from government criticism, preferring instead to use its resources to report trivia and augment the personality cult of political leaders.

The contact between the media and the current Queensland government appears to be a tragic replay of this history. From experience with the media during the life of the project, and from what our sub-sample who went public told us, the media is fettered, intimidated, and lazy. Only rarely will it bravely commit resources for investigative as opposed to reporting, journalism.<sup>15</sup> We have repeatedly asked the media to "take the game to the government". In other words to allow the community to see its elected and non-elected officials responding to matters of deep public concern raised in the study.

"Taking the game to the government" usually means for the media, contacting a Ministerial private secretary, or journalists in the government's formidable media units, or a slick public relations consultant. It then means the media quiescently accepting the numerous strategies that elected and non-elected officials use to avoid public scrutiny. This acceptance is virtually guaranteed because of the old boy network of journalists on government payrolls and journalists in the media outlets. Well used avoidance strategies such as: "The Minister is unavailable ..."; "I'll get back to you..."; "This is a matter for X Department"; "I can't comment until I've read the report"; "As a public servant I can't comment"; "This matter is sub-judice"; "For reasons of patient confidentiality, I can't comment", are often uncritically accepted. When the media accepts these avoidance strategies they defile democracy.

Of course there are journalists who are exceptions to this picture, as there are specific media programs which try and live up to their public interest obligations. There are also other reasons that contribute to the death of investigative journalism in Queensland outside the matters that I have just raised. The defamation laws (mentioned on the Acknowledgment page), the strangled freedom of information statute, and the readiness by Departments and Ministers to use legal intimidation, immediately come to mind. We have one notable case in the sample where the media disclosure was quashed by what I would say was a too easily sought, and a too easily offered court injunction.

Having said that, only 15 of the 31 approaches to the media were regarded by the whistleblowers as having been run to their satisfaction. This does not necessarily mean that the media were effective in dealing with the matters that were subject to disclosure as many whistleblowers indicated that there was no follow-up action after media exposure of their case (see Effectiveness of Media in Dealing with Disclosure).

#### Attitude of Media to Whistleblowers' Disclosures

|                    | Print | Radio | TV  |
|--------------------|-------|-------|-----|
|                    | No.   | No.   | No. |
| Very concerned     | 16    | 2     | 8   |
| Fairly concerned   | 1     | 0     | 1   |
| Fairly unconcerned | 0     | 0     | 1   |
| Very unconcerned   | 0     | 0     | 0   |

#### Discussion

The media scored high as a "concerned" public outlet for the whistleblowers' allegations. This is not surprising given the innate newsworthiness of these disclosures. Our experience

with the sample indicates however that this concern is not reflected in the final expose. This may be because of the rigid technological, contexts in which the media operates. If the disclosure lacks a ready visual theme, TV will often "over visualise" to the detriment of the facts. Similarly radio and print media demands such narrow sound and script bites that either the whistleblowers feel constrained (as in live talk-back radio) or the story is so reduced that often the main issues are lost or distorted. It may also be the result of the media's construction of a limited audience attention span or an exaggerated view of the unquenchable demand for "entertainment". Finally, the point needs to be made that the popularity of the print medium maybe due to the whistleblowers' perception that their story will receive a fuller coverage through that outlet. These insights are substantiated when we look at the media effectiveness table which follows where the print medium scored the highest.

#### Effectiveness of Media in Dealing with Disclosures

|                    | Print | Radio | TV  |
|--------------------|-------|-------|-----|
|                    | No.   | No.   | No. |
| Very effective     | 6     | 0     | 0   |
| Fairly effective   | 4     | 0     | 2   |
| Fairly ineffective | 4     | 2     | 1   |
| Very ineffective   | 4     | 1     | 5   |

#### Discussion

Like the evaluation for the internal and external agencies, media effectiveness is judged lower than media concern. Some of the reduction in effectiveness is caused by events outside their control. For example in case 185 the whistleblower arranged with the producer of the Hinch Show to return to the workplace with a hidden camera and wired for sound. Officialdom got wind of this and successfully sought an injunction to prevent the airing of the program.

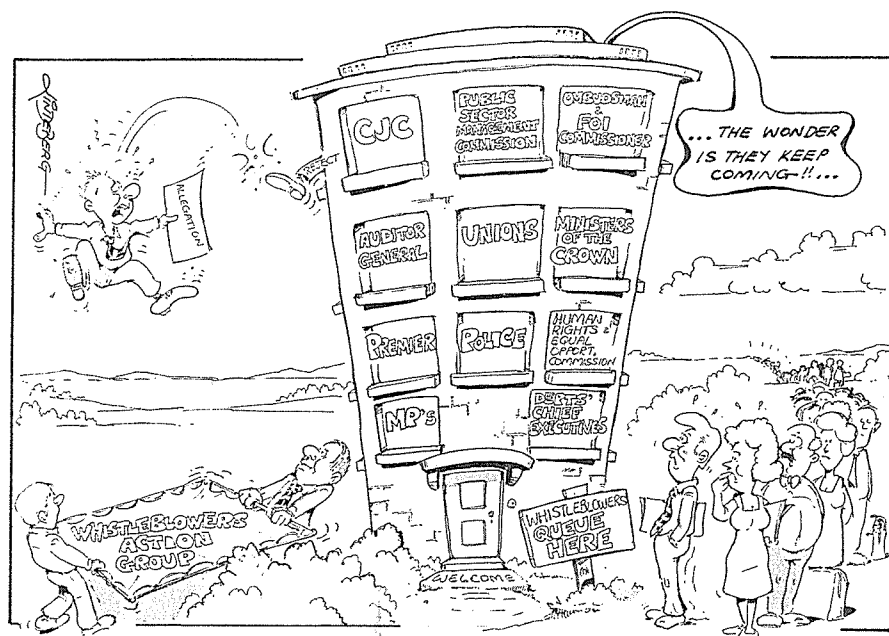
#### Expectations of Whistleblowers When Matters Taken to Media

|                                  | No<br>n=31 | %  |
|----------------------------------|------------|----|
| Public exposure                  | 13         | 42 |
| Force action by authorities      | 9          | 29 |
| Other                            | 4          | 13 |
| Balanced sensitive reporting     | 3          | 10 |
| Encourage others to come forward | 1          | 3  |
| Harassment                       | 1          | 3  |



### Discussion

It is interesting that in nearly half of the instances for going to the media, the expectation was to publicly expose the wrongdoing. A number also wanted to force action from authorities by going public. As the study shows this expectation was unmet as it did not force (positive) action from the authorities.



### Summary

Men crying uncontrollably when they talk about their whistleblowing, a woman tucking her children to sleep wondering whether the pain that her whistleblowing dumped on her life would be eased if she put a bullet through their heads and then took her own life. A father, out of work and out of life, cradling his baby as he answered my questions, tears rolling down cheeks that had long grown used to the watery expression of misery. A whistleblower attending his son's wedding, guilt ridden that he missed the boy growing into manhood as he wrote his next defence, pondered his next move, negotiated with the next solicitor. These are the images that ghost their way through the Queensland Whistleblower Study.

These people, these Australians with impeccable ethical standards, must capture our sympathy - but more than that, they must capture our anger. The men and women who came forward to talk (sometimes for the first time) about their whistleblowing experiences, had pushed against the windows of public sector accountability; windows usually closed, stuck fast with rusty hinges. We should be angry at what the whistleblowers allowed us to see inside. But more than that; we should be angry that work place democracy - the right of everyone in the public sector to speak out against wrongdoing - is not thriving, is not strong. In fact democracy is on a life support system - it is nearly dead, propped up by the illusions woven by ignorant and power-obsessed politicians and senior bureaucrats. To paraphrase Mr Justice Hope, there are some matters which should be beyond the reach of politicians and bureaucrats. The slow death of democracy in the public sector work place must surely be one of these matters.

In every era a movement comes along, into whose hands is thrust the sacred implements of democracy. At the turn of the century it was the union movement. This movement is now played out; exhausted after doing so much good, it has now joined the inner sanctum of power. Whistleblowing, the new work place dissent movement, could be on the verge of an historical call to protect democracy and further its fragile mission. When the bureaucracy's walls are rebuilt in glass, allowing complete and unfettered accountability; when our children can see the unfurled flag of dissent flying above the melee of power politics, then we will know that the mission is complete.

This research study only has you on the threshold of a story that has long struggled for recognition. In the next 12 months we expect to publish 5 more reports (see Release Timetable).

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10. *Whistleblowing in the Federal Government*, op. cit., p.11.
11. De Maria, W., *The Welfare Whistleblower: In Praise of Difficult People*, Paper presented at National Conference of Australian Association of Social Workers, Newcastle, September 1993.
12. B. Grundy, "Who Sets the News Agenda: The Turkeys or the Chooks?" in S. Prasser, R. Wear and J. Nethercote (eds) *Corruption and Reform: The Fitzgerald Vision* (University of Queensland Press, Brisbane, 1990), p.27.
13. Phil Hammond's investigative report of the death of Cherie Powell is a good example of this. Phil Hammond is the medical reporter for *The Courier-Mail*. In his article "Why did Cherie have to die?" (*Courier-Mail*, 2 April 1994, p.4). Hammond tells an all too familiar story of medical neglect and indifference. Hammond got whistleblower type resistance when he tried to obtain official replies to the allegations.