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Blow the whistle, if you dare

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If you knew your boss was doing something unethical, would you tell someone more senior? Let's be honest. It's a safe bet that most of the people reading this have witnessed unethical behaviour where they work. Someone using company supplies for personal profit, perhaps, or someone working on a private project on company time.

It's an even safer bet that these dubious activities went unreported. Why? Because as anyone who has ever blown the whistle on the boss can tell you — it's career suicide. Sure, you may have right on your side. You might even have some form of legal protection. But you will be ostracized all the same, and probably forced out of your job.

Which is why it's no mystery that the civil servants who knew what was going on in the sponsorship program did not speak up. They knew instinctively that reporting on someone who has the power to make your life miserable carries considerable risk.

Just look at some of the precedents: Joanna Gualtieri was a lawyer working in the Department of Foreign Affairs when she reported that funds were being misspent on lavish diplomatic lifestyles. Instead of being rewarded for uncovering this breach of public trust, she was made to feel unwelcome in the department and finally went on unpaid leave.

Jon Grant, former chairman of Canada Lands Co., went public with his concerns about political meddling by then-minister Alfonso Gagliano in the affairs of the Crown corporation. The result: Mr. Gagliano was given a plum patronage appointment as ambassador to Denmark.

The case of David Kelly in the United Kingdom is one of the worst examples. The government scientist told a BBC radio reporter he was concerned that the government was exaggerating Iraq's preparedness to use weapons of mass destruction. His bosses responded by leaking his identity to the media, putting extreme pressure on the scientist, who then committed suicide.

Which brings us to the whistle-blower-protection legislation that Prime Minister Paul Martin is now promising.

The Liberals' record in this area is not good. Such legislation was promised as far back as the 1993 election, but has never materialized. Several opposition MPs took matters into their own hands and introduced a private members bill called the Whistle-blowers Human Rights Act. The Liberal government killed it in 2003 by refusing to vote in favour. In delivering the coup de grâce, Tony Tirabassi, parliamentary secretary for the president of the Treasury Board, said: "We are not convinced that legislative measures are necessary to address the issue of employee protection when whistle-blowing in the federal public service." With the sponsorship scandal, Liberal attitudes have suddenly shifted.

Let's give Paul Martin the benefit of the doubt, and agree that he is serious about addressing this problem. Is legislation the way to do it? Here, the evidence from other jurisdictions is clear: Legislation alone does not work.

Britain has had legislation designed to protect whistle-blowers in both the public and private sectors since 1999. It didn't help Dr. Kelly. The United States passed its Whistle-blower Protection Act in 1989. Yet last year, when former ambassador Joseph Wilson went public with his doubts that Iraq had ever tried to buy uranium from Niger, a claim U.S. President George W. Bush made in a State of the Union address, the punishment was swift and personal. Someone high up in the government outed Mr. Wilson's wife as a CIA officer, putting her and the people she dealt with in considerable danger.

The law did not protect these employees from superiors bent on retaliation. So what is needed? Nothing less than an overhaul of the bureaucratic and corporate culture, so that unethical behaviour is no longer tolerated and individuals are held accountable for their own actions.

The good news is that there are people who have been studying the problem, and are ready with advice for Mr. Martin.

Alison Dempsey of the Chumir Ethics Foundation in Calgary, who ran a series of workshops on whistle-blowing last year, says that the place to start is in the schools, making sure that students are taught ethics along with mathematics, literature and all their other required courses. Another idea is that performance reviews weigh how an employee exercises judgment and not just how much they contribute to the bottom line.

Legislation is an admission that unethical behaviour will continue. It is an attempt to treat the symptoms rather than the disease. It is only one of the tools we need to fight corruption.

It is too early to say whether Mr. Martin will tackle the greater challenge. What can be said is that without a cultural shift, public servants will still keep mum in the face of public fraud. And employees in both the public and private sector will turn a blind eye to what the boss is doing.

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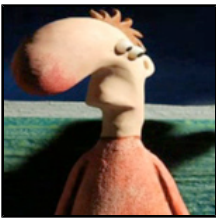
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