

Alberta Review of PIDA: CFEWI Introductory Remarks

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4 February 2021

Mr Chair, I'd like to thank the committee for the opportunity to present and I hope that you will find this information useful.

Why should the people of Alberta want its government to protect whistleblowers?

Because whistleblowers are the single most effective source for organizational leaders to learn about errors and wrongdoing that threaten the public interest. This conclusion has been confirmed year after year by multiple research studies.

No organization is immune, and in a public service that includes 27,000 employees and consumes a budget of about \$1billion per week, there are almost certainly some serious problems brewing today that could dominate the headlines in a year or so – unless they are spotted soon and nipped in the bud. Whistleblowers provide by far the most effective way of doing this, acting a kind of firewall, to protect both the public and the government from incompetence or corruption within the bureaucracy.

Conversely, silencing and crushing whistleblowers simply ensures that senior leaders will be kept in the dark until its too late – and also drives concerned employees to the media in desperation, since they can see no other way of getting the problems dealt with.

What are whistleblowers really like?

They are typically portrayed in a very negative light by those seeking to discredit them, but research demonstrates that these frequently-heard slurs against whistleblowers are usually false.

In reality, they are typically among your best employees: dependable high performers, who uncover problems by doing their job properly, and feel duty bound to report them. The vast majority report up through the chain of command, giving the organization every chance to respond, and are shocked at the coverup and reprisals that often follow. They are trying to protect the organization, not cause harm or embarrassment, and they are not looking for trouble or publicity. Only a tiny handful (1-2%) ever approach the media, even when all else has failed.

The consequences that they face often go far beyond just losing their job: many suffer devastating, life-changing reprisals designed to isolate them, bar them from their chosen profession, ruin them financially, undermine their mental health, and even destroy their families and friendships.

Do we know how to protect the public by protecting whistleblowers? Absolutely!

Given the proven value of whistleblower protection, its not surprising that it is now recognized internationally as an essential component of responsible governance, and best practice in this field is being defined ever more precisely and applied more widely. Two excellent authorities are: 1) the

Government Accountability Project in Washington DC, which has been the leading NGO in this field for more than four decades -- and 2) the European Union which has recently issued a comprehensive directive instructing all member countries to implement strong whistleblower protections.

We have drawn upon this body of knowledge to examine all of Canada's provincial laws and we've set out these essential best practices under the following five categories:

1. **Freedom to blow the whistle:** Anyone should be able to raise a concern about anything that may threaten the public interest, without barriers, hazards and uncertainties that could inhibit them.
2. **Preventing reprisals** of any sort by ensuring consequences for those who threaten, attempt, orchestrate or enable reprisals, or simply fail in their duty to protect those who raise concerns.
3. **Redress for reprisals** when these occur, ensure that complete remedies can be obtained; readily and in a timely manner, to make the person whole again.
4. **Protection of the public:** ensure that disclosures are subject to thorough, independent, competent and timely investigation; that appropriate and timely corrective action is taken to protect the public; and that the public is informed of the process, findings and actions taken.
5. **Evidence of effectiveness:** ensure that suitable information is collected and made readily available, demonstrating how well the system is working and also providing the basis for routine monitoring and subsequent improvement cycles – like we are engaged in right now.

How well are we doing in Canada and Alberta?

By the end of this year 62 countries will have national whistleblower protection laws. All the modern democracies that we typically compare ourselves with have well-designed, effective laws – but not Canada. We have one of the worst national whistleblower laws found anywhere. Regrettably, the provinces have generally followed the lead of the federal government.

You will see listed in our slide deck some of the shortcomings we find in the Alberta law and we have also provided separately an in-depth assessment of the Act.

Overall this law not fit for what you want it to accomplish. It falls short in most categories of the criteria, and some of these shortcomings are particularly serious – any one of them would render the entire system ineffective. And when we turn from what's on paper to what's happening in practice, we see the precisely the consequences one would expect. There's substantial evidence that whistleblowers are indeed suffering reprisals, and the track record, in terms of uncovering and fixing serious wrongdoing, is almost non-existent – just one case in 7 years.

Conclusion

I'll end by stressing that we are here not just to criticize but to help. We bring to bear considerable expertise, and we can help you create a law that will protect the citizens of Alberta by protecting whistleblowers. By doing so you can make Alberta the leading jurisdiction in Canada and a beacon for others to follow.