"All that is needed for evil to prosper is for people of good will to do nothing"—Edmund Burke

The Whistle

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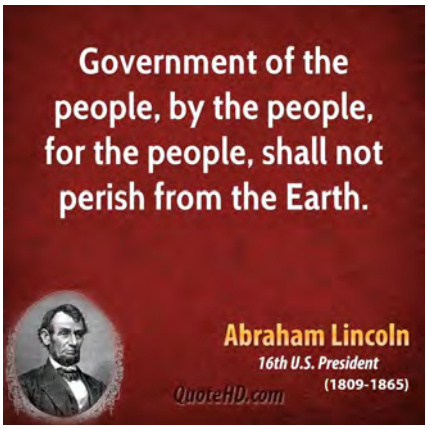
Of the people, for the people: always a work in progress

Cynthia Kardell



THE WORDS of Abraham Lincoln honouring the soldiers who sacrificed their lives so that "government of the people, by the people, for the people, shall not perish from the Earth" still resonate today much as they did in 1863, and even though Lincoln initially had no intention of ending slavery where it existed, which is inconceivable today. It took him well until his second term to get that job done. We still marvel wondering how on earth that could be in a democracy, without fully grasping that that is but one example of democracy's most enduring qualities. Democracy is a living system of government that can only really prosper by being reinvented again and again to meet the challenges of its time. It will always be a work in progress. The circumstances change, but the driving ethos does not. It's complicated. It can be tedious, even really threatening. This is when you need to dig deep to ensure that those who claim to act for the People remain servants of the People, particularly when they stand accused of punishing those who have exposed their chicanery. It's an attitude of mind that history says will serve us well when our elected representatives would be our masters, if they could.

The challenge is to capitalise on any opportunity for reinvention when it comes knocking, as I think it did on May 21 when a third of all voters resolutely turned away from doing business as usual. They were voting against the two-party, footie match bovver boy parody that plays out endlessly on our airwaves and social media. It was swept away by a slew of mostly inner-city independents, more Greens, and an opposition eager to ride the wave of delivering a different way of doing government with ethics, accountability and equality, the bread and butter of whistleblowing, squarely in their sights.

On election night Labor hit the ground running, committing to the Uluru Statement from the Heart in full. Two weeks on, the new government was working across parliament with the independent MPs, the Greens and remarkably the new opposition: to deliver on its commitment to the Uluru Statement from the Heart, a federal integrity commission with teeth by year's end, fully implementing all 55 recommendations of the "Respect at Work" report by the Australian Human Rights Commission and a 43% reduction in greenhouse gas emissions below 2005 levels by 2030.

Australian House of Representatives

The new government has only a slender majority in the House of Representatives with 77 seats, like the Coalition government before it. But with only 26 senators out of 76 in the senate and a record number of new fellow travellers on the crossbench, it remains to be seen whether these early moves are any more than froth and bubble when it comes to using the more ambitious policies of the independent MPs and the Greens to do more than simply wedge the opposition. This could be by (say) ratcheting up its climate ambitions as it works to phase out coal and bring down oil and gas prices, using its time to signal a real change in the way it does government by bringing a bill for a federal integrity commission to parliament with a list of co-sponsors as long as your arm, and doing more than condemning the manner in which the former government prosecuted Witness K's lawyer Bernard Collaery.

As Shadow Attorney-General, Mark Dreyfus did step up his criticism of the Morrison government's persecution of Bernard Collaery in the lead-up to the election, telling the Australian Bar Association on 2 May it was "a stark double standard that is inimical to the rule of law." Crikey says "his comments about the government's continued prosecution and harassment of Collaery were scathing, with Dreyfus singling out the conduct of the Commonwealth's representatives in the trial, which has been marked by delays, vexatious disputation, attempts to thwart Collaery's efforts to secure legal representation, and a rejection of the requirement that the Commonwealth be a model litigant — so much so that three judges have separately criticised the legal representatives of Christian Porter and Michaelia Cash." But

> "while he would not comment on the substance of the charges, he (said) the very manner in which the government has sought to conduct the prosecution appears to me to be an affront to the rule of law. There have been some 50 preliminary hearings to date, with well over $4 million spent by the Commonwealth alone, and still there is no trial date for Mr Collaery. The Morrison government has also sought to have the trial conducted in secrecy but was rebuffed last year by the ACT Court of Appeal, which held that the trial should be held predominantly in open court to avoid damaging public confidence in the administration of justice. The Commonwealth has now appealed that decision to the High Court."

Just days after the election Dreyfus asked for an urgent briefing on the prosecution of Collaery, which has been set down for trial, largely in a closed court, from 24 October. Dreyfus still refuses to be drawn, but if the

conduct of the trial is all there is to his concerns, then this government will fail in its promise to do government differently. It will fail the biggest test of democracy since federation, because while Collaery and Dreyfus are "of the People" and both claim to act "for the People," Dreyfus is only obliged to put Collaery's best interests ahead of his own, whether party-political or not. It is not some esoteric argument, about which opinions might differ. It is about whether continuing the prosecution can be reconciled with our national interests and standing as a nation.

I say, no, it can't. Neither Dreyfus nor his party is the final arbiter of the nation's best interests: that privilege lies with the parliament, taken as a whole. I am not saying anything new here. We all know the government requires a majority in both houses to pass its bills into law, but it is not simply a process or a numbers game. It is an expression of the People's will and particularly so in the Senate, where the government of the day rarely has a majority. It's the Senate that most closely represents the will of the People taken as a whole. We should be more alert to the possibilities that already exist in order to grow our democracy.

Mark Dreyfus would do well to heed the words of another US president, Jimmy Carter. Carter was speaking to Nils Melzer, UN Rapporteur on Torture, about the Wikileaks revelations. He may as well have been speaking about Witness K's and his lawyer Bernard Collaery's revelations in saying, contrary to other presidents, that "they just made public what was the truth. Most often, the revelation of truth, even if it's unpleasant, is beneficial. […] I think that, almost invariably, the secrecy is designed to conceal improper activities." And so it is with the prosecution of Witness K and Bernard Collaery.

It's here at the interface between domestic and international politics that centuries-old conventions rub up against a push for accountability and transparency in real time. It's here that the right to keep secrets designed to conceal improper activities is being tested by those who say there's no need for secrecy if you rule out acting criminally. It's here where our international standing as a nation is formed and it's here that whistleblowers have stepped into the breach, doing the job governments won't do.

Questions have swirled around as to whether bugging the Dili cabinet room was legal, but it seems it doesn't matter. In a recent ruling against Bernard Collaery's application for piles of documents, including from the overseas spy agency ASIS, Justice David Mossop ruled it was unnecessary for the government to prove that the "bugging" was legal, and that Collaery didn't need the documents as the question didn't arise. In other words, it's legal until it's proven illegal, but it can't be proven illegal because it's a secret, so it's legal.

When bugging is legal, check your bed.

It's the sort of thing American author Joseph Heller satirizes in his 1961 book *Catch 22.* Or to use a more recent lens online, JuiceMedia, where Australian historian and writer Giordano Nanni parodies what he calls "Government shitfuckery and the most pressing issues of our time." It seems crazy when taken together with the whistleblowing laws, that encourage ASIS operatives to disclose wrongdoing in the public's interest. But that's because it is crazy.

What gives the game away is that the protection of our national security is often driven by political as much as security considerations. Our governments do reveal secret security information when it suits them. Recently ASIO quietly dropped off a copy of a draft security agreement between the Solomon Islands and China to a complicit media. We don't know how it came by a copy or who made the drop. You see it's the lure of secrets shared that keeps the complicit safe: but if you're not one of the favoured few, it's still a crime you can go to gaol for. These incidents, and there have been many, show we've been prepared to cut our politicians and their agents a lot of slack for doing the sort of thing that Bernard Collaery stands accused of. The difference is that he is not one of the chosen few. He shouldn't be under threat of gaol for it.

The government, not Witness K or Bernard Collaery, trashed Australia's good name as a global citizen. It was Witness K with his lawyer Bernard Collaery who tried to make good with our neighbour. Not the government. It fought tooth and nail in The Hague and lost. And then they boasted about the outcome as if they were always going to do it: before spending well over $4 million trying to punish the two men using legal processes. What you might not have appreciated is that Witness K and Collaery were working for us, the People. So, what are we doing about it, and for the next Collaery and the one after that?

The former government protests it was only ever protecting our national interests. But if you were asked whether lying, cheating and thieving from Timor-Leste was a good idea, would you say yes, if you could get away with it in secret, without them or anyone else knowing? Because that is what they did. I've no doubt it thought it was smart, sexy and terribly daring to take Timor-Leste negotiators for the suckers they thought they were. In fact, it was grubby, nasty and criminal in every sense of the word, even though the letter of the law left it open to an interpretation based on a contrived legal meaning, in anticipation of being accused of having damaged our standing as a nation. You see it's not a question of legality. The two major political parties have made sure of that. It's a deeply moral and philosophical question for the People, like all the big questions that underpin who we think we are as a people and a nation.

That is, we don't steal. It's a crime. Stealing is not in our national interest. It's a tragedy that it even needs to be said, but it does. The only way to learn from what is done criminally in our name is to use it to develop a blueprint for the future. Then, start doing it. That blueprint could look something like this.

Whistleblowers would have the legal standing to raise a claim on behalf of the People with a member of the Senate. The senator would raise the issue by motion in the Senate. The Senate to use its extensive powers to inquire into and determine the true facts, as to for example, whether the conduct complained of had or would, if pursued, damage our national security interests and standing as a nation and global citizen, based on moral and philosophical considerations, not just its apparent legality. The issue would return to the Senate for debate, and its resolution once the full facts and circumstances were known. The Senate would deliver its opinion, together with notice of any arrangements to be considered by the government. The government would respond in the lower house within a certain timeframe. Members would exercise a conscience vote. The whistleblower would be publicly thanked and would retain their employment whether or not the claim was validated. In the latter situation, it would be seen as a preventative strategy. Over time, we'd develop the precedents to frame the People's expectations in all our dealings with other nations.

Now let's do it.

Cynthia Kardell is president of Whistleblowers Australia.

Disinformation and whistleblowing

Brian Martin

In the late 1950s and early 1960s, the German drug company Grünenthal marketed a morning-sickness drug. Some doctors reported that women on the drug were suffering side effects such as peripheral neuritis, but Grünenthal ignored or tried to silence them. Then researchers reported that some of the children of mothers who had taken the drug were seriously deformed. The drug was taken off the market, but Grünenthal resisted paying compensation.

This is the story of thalidomide, a famous case of pharmaceutical company malfeasance. It occurred before the term "whistleblower" became well known, but we can still ask, should any of the players in the story have this label?

Suppose one of Grünenthal's scientists or doctors or executives had spoken out about the potential hazard from thalidomide. This would be a traditional example of whistleblowing. But no one from inside the company spoke out. The exposures about health hazards came from outsiders.

What about doctors who reported side effects in their patients? Should they be called whistleblowers? Perhaps in a general sense. They were reporting problems to someone in authority. But if doctors reporting problems with thalidomide are called whistleblowers, does this mean that any doctor who reports a side effect from any drug is a whistleblower?

We usually think of whistleblowing as involving some risk. But what if the only risk is that a report will be ignored, with no consequences for the person making the report?

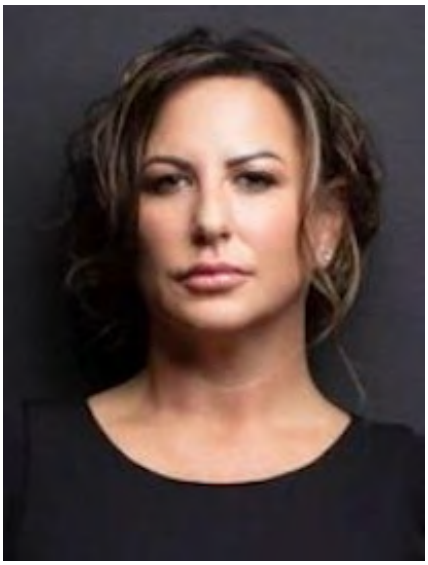
Covid whistleblowing

These questions are stimulated by a new report titled *The critical role that whistleblowers play in countering COVID-19 disinformation.*

There are some clear cases. Most famous is the Chinese doctor Li Wenliang who in December 2019 noticed similarities between what we now call Covid-19 and the infectious disease SARS, and warned doctors to wear protective gear and later went public with his concerns. Chinese officials reprimanded him but, following his death in February 2020 and a public outcry, the government lauded him for his efforts.

The report doesn't mention Li Wenliang but does tell about workers who raised issues of concern, for example Brook Jackson who reported safety and quality-control issues at Covid vaccine trial sites run by the Ventavia Research Group in Texas. At the beginning of the pandemic, many individuals around the world raised the alarm about the coronavirus. According to the report, "Whistleblowers who made external or public disclosures were either silenced or fired."

This is the traditional way of thinking about whistleblowing. However, much of the report deals with claims about misinformation, disinformation and conspiracy theories. This is where I have problems. To try to explain my reservations, I'll first address the idea of disinformation and then look at the controversy over nuclear power. There is a connection with Covid-19! Then I'll examine ideas about conspiracy theories. My view is that talking about disinformation is tricky and often inappropriate when dealing with disputes between experts, and that care is needed when referring to conspiracy theories.



Brook Jackson

Disinformation

Let's start with the term "disinformation." The prime example is war propaganda, in which militaries promote claims they know are false in order to gain an advantage. The enemy is accused of committing atrocities, which then justifies our side's attacks.

Often, it's not easy to get to the bottom of what's really happening. In the lead-up to the US-led invasion of Iraq in 2003, the most common justification was that Saddam Hussein had or was acquiring weapons of mass destruction. As it turned out, there were no WMDs and the claims about them were dodgy the whole time. Were the WMD claims intentionally false? If so,

they could be called disinformation. Were they sincere but mistaken? Then they should be called misinformation.

Australia's most famous whistleblower, Andrew Wilkie, was an analyst in the Office of National Assessments. Shortly before the invasion, Wilkie resigned from ONA and went public questioning the government's rationale for joining the assault. Wilkie was definitely a whistleblower, in the conventional sense. He was an insider and challenged questionable claims.

But what about the hundreds of thousands of Australians who protested against the invasion? Many of them questioned the WMD claims, and many were well informed. These informed protesters were trying to counter what they believed was disinformation. But we don't call them whistleblowers.

Whistleblowers don't have to be right. They raise concerns and expect that authorities will investigate. However, as soon as we start talking about disinformation, there is an assumption that the truth is known. After all, if the truth is uncertain, how can we be sure a claim is disinformation rather than valid information?

Nuclear power

In what is called a scientific controversy, there are claims and counterclaims, including disagreements between scientists. In this context, to say that someone's claim is disinformation or misinformation is to take a side in the controversy.

Consider a controversy from decades ago: nuclear reactor safety. In the 1960s and 1970s, nuclear power was widely touted as the energy source of the future: clean, safe and inexpensive. It was backed by nearly all nuclear experts. Opposition to the burgeoning nuclear industry came from activists, most of whom had no nuclear expertise. Among nuclear scientists and engineers, support for nuclear power was the orthodox position; to disagree was to dissent. (The wider public controversy wasn't just about technical issues such as reactor safety. It also involved issues of economics, Aboriginal land rights, proliferation of nuclear weapons, energy alternatives and vulnerability to terrorists.)

General Electric was one of the most important manufacturers of nuclear power plants, in an industry that seemed on the ascendant. In 1976, three engineers who worked in GE's nuclear reactor division — Dale Bridenbaugh, Richard Hubbard and Gregory Minor — broke ranks. They went public with their concerns about nuclear safety, challenging the otherwise nearly universal endorsement of nuclear power by professionals in the area. They were condemned by the industry and praised by opponents. And they were called whistleblowers.

Let me emphasise the key point here. There was a controversy over nuclear power involving both experts and public campaigners. Those few experts from within the industry who went public with doubts about the orthodox position were called whistleblowers. It doesn't mean they were necessarily right. It does refer to their challenge to the dominant view.

Covid-19

Fast forward to the 2020s and controversies over Covid-19. The dominant view is that Covid is a serious threat to the lives of millions warranting lockdowns, masks and rapid development of vaccines. The view of most medical authorities and governments is that nonpatentable drugs, including hydroxychloroquine and ivermectin, are ineffective or dangerous, and that Covid vaccines are safe. In this context, who, if anyone, is a whistleblower?

You might imagine, by analogy with the nuclear-power controversy, that scientists and doctors who question the orthodoxy would be the ones called whistleblowers. But no, at least not according to many of the examples in the report that, it seems to me, label views about Covid contrary to those of government and health authorities as misinformation or disinformation. The whistleblowers, in this picture, are those who support the orthodox position and call out those who question it.

Imagine going back to 1976 and claiming that any criticism of nuclear power was disinformation. The three GE engineers would be condemned as deceivers, and those who exposed their deceit would be called whistleblowers.

There is nothing new about there being contrary views about a topic, whether nuclear power or Covid. Each side in the controversy treats its views as the truth and rejects the views of the other side as wrong, self-interested, deceptive and dangerous. Whenever there is a major public debate, we can expect this sort of disagreement, with completely different perspectives, each supported ardently, with opponents portrayed as scheming or deluded.

Questioning orthodoxy

Because the report adopts the orthodox position and treats many of those who espouse any other position as purveying misinformation or disinformation, it takes sides. This can cause problems when examining the difficulties in speaking out because it misses those who speak out from the *other* side.


Rick Bright

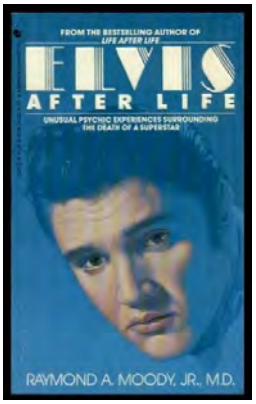
One of the extended case studies in the report involves Dr Rick Bright, who was director of the Biomedical Advanced Research and Development Authority in the US. Bright was concerned by President Donald Trump's endorsement of hydroxychloroquine (HCQ) as a treatment for Covid. Bright went through the usual processes of making reports to superiors, which were ignored. He then provided internal emails to journalists and was punitively transferred. He made a formal whistleblower complaint, testified to Congress and eventually resigned. With support from the Office of Special Counsel (a US agency that handles whistleblower complaints), Congress and the media, and support from "an experienced whistleblower attorney," he obtained "a

settlement agreement that offered him relief and he was able to recover his career." His warnings were influential in the government's withdrawal of access to HCQ for treating Covid.

Fine and good. But is it necessary to refer to the view that HCQ is a cure for Covid as "disinformation"? Without evidence that those who believe in the value of HCQ are anything but sincere, at worst their view might be called misinformation. Furthermore, there are scientists who argue the merits of HCQ less as a cure for Covid than as a preventive, and it's possible to cite many studies about the benefits and safety of HCQ. These can be contested, of course. The dispute over the value of HCQ in relation to Covid is a typical scientific controversy. Bright challenged the Trump administration's promotion of HCQ and came up against resistance from superiors, so it's reasonable to call him a whistleblower. But what about doctors and scientists who call for studies or the use of HCQ and are silenced? Should they also be called whistleblowers?

Conspiracy theories

The report gives this definition of conspiracy theories: "Intentionally false information about the ultimate causes of social and political events and circumstances with claims of secret plots of two or more powerful actor[s]." I've read a fair bit about conspiracy theories. The problem with this definition is the part about them being intentionally false. If someone claims there's a conspiracy, how do you determine whether they believe it? If two people support the same theory about 9/11, and one knows it's false but the other believes it, does that mean it's a conspiracy theory for one of them but not for the other?



More generally, because a conspiracy theory is a claim about the reasons for something, presumably the sensible thing is to investigate to see whether the claim is correct, rather than presuming in advance it is wrong just because it is called a conspiracy theory. Which conspiracy theory do you believe about 9/11: that the attacks were coordinated by al Qaeda, by the US government or by Elvis? If you don't believe there was a conspiracy, it means those aeroplanes just accidentally crashed into the World Trade Towers.

The same problem about determining what people really believe is at the core of the distinction between misinformation and disinformation. If you believe masks don't help reduce the chance of getting Covid, is that misinformation, but if you know masks do help but say they don't, is that disinformation? What about when authorities change their advice about masks, as they did in 2020? Does that mean that disinformation suddenly becomes correct information?

The report refers to the so-called "Disinformation Dozen," a label applied by the Center for Countering Digital Hate (CCDH) to twelve people providing information about vaccines that supposedly composed two-thirds of "anti-vaccine content circulating on social media." CCDH never provided any justification for referring to disinformation, namely that the individuals didn't believe in what they were saying. CCDH said that Facebook and other platforms weren't doing enough to remove misinformation about Covid. CCDH's claims were widely reported at the time, but it turned out its claims didn't stand up to scrutiny. Concerning the central point that twelve people were responsible for 73% of online vaccine misinformation, Facebook itself stated that "There isn't any evidence to support this claim." Does this mean that CCDH's statements about the "Disinformation Dozen" are themselves misinformation, or even disinformation?

The primary author of the report is Samantha Feinstein, staff attorney and director of the international program at the Government Accountability Project. GAP is the most well-known whistleblower support organisation in the US, with a long impressive record.

GOVERNMENT ACCOUNTABILITY PROJECT

But we can also read that the report is part of a wider project titled *Whistling at the fake: the crucial role of whistleblowers in countering disinformation.* The project is "a multidisciplinary research project funded by NATO's Public Diplomacy Division." Militaries are experts at disinformation, both to counter enemy propaganda and to create their own, and they are also good at keeping secrets, especially hiding their own wrongdoing. NATO has vast resources for disinformation.

Whistling at the Fake

According to *Whistling at the fake* (https://www.whistlingatthefake.com), "the project aims at increasing knowledge, awareness, and understanding amongst citizens on methods of identifying false information, and providing a set of practical suggestions individuals may be able to use when countering disinformation, propaganda, and other hostile information activities more broadly." Call me perverse, but I would really like to see some practical suggestions for identifying and countering NATO's own disinformation.

NATO OTAN

Brian Martin is editor of *The Whistle.*

Whistleblowers beware

Adam Hughes Henry
Pearls & Irritations, 31 May 2022

INDIVIDUALS who come forward to report unethical and illegal behaviours in their professions and workplaces face a fateful decision. While books, articles and movies are inspired by courageous truth tellers who do not stay silent, who refuse to turn a blind eye or acquiesce to corrupt forces, the personal and professional costs they will experience stay with them for the rest of their lives.

Few people can ever appreciate the awful stress and pressure whistleblowers face. There is also the real possibility that despite coming forward, or bravely telling the truth, little might be done to remedy the issue. If action is taken, it might be done grudgingly with resentments.

The possibilities of being professionally ostracized, marginalized, and/or disciplined are common outcomes. When subordinates stand up against the powerful, particularly government organizations, corporations and powerful individuals to report concerns about wrongdoing or bad behaviour, they can expect no parades. Their honesty and integrity will not be rewarded. Even if their complaints are found to have legitimate merit and lead to serious investigations, it is the political embarrassment caused that inspires recriminations. Despite all the legislation, the workplace guidelines, the charters of professional practice, most organisations still reserve for themselves the right to deal with dirty laundry internally, quietly, and often secretly. There are numerous reasons not to come forward as a whistleblower, not least the toll the whole process will take on one's life.

Institutions, governments, politicians and the professions have an interest in avoiding public scrutiny and outside investigations of their operations. It might be argued that they should recognize a greater interest in having zero tolerance for illegal and unethical behaviours, but there are other concerns. Despite endless guidelines within almost all professions outlining codes of conduct, expectations, and complaint processes, this is not a genuine desire for ethical behaviour. They merely outline the internal processes by which organisations deal with complaints. There is also an inherent desire to limit damage and embarrassment. Bureaucracies prefer to operate with secrecy in times of crisis, therefore, these investigations are almost always tightly controlled. The ability to "handle" a complaint strategically, even a serious one, is enhanced by an internal process that ultimately favours the interests of the organization not the individual.

ASIS AUSTRALIAN SECRET INTELLIGENCE SERVICE

In the ongoing saga of Bernard Collaery and Witness K, the veil of "national security" is used to manipulate the legal process through secrecy and endless hearings. Due to the courage of Witness K, we are now aware that in 2004 the Australian Secret Intelligence Service (ASIS) bugged the offices of the Timor-Leste government to help Australia gain advantages in oil and gas negotiations.

Witness K first raised his concerns directly to the Inspector General of Intelligence and Security. Witness K, and Collaery, who acted as his legal representative, have been subjected to ongoing government persecution since 2013. In 2018, "conspiracy" charges were laid against both men. Was this because they had really done something wrong, or was it because the embarrassing revelations of the ASIS bugging voided the original 50/50 oil and gas split between Timor-Leste and Australia? The official use of ASIS to bug the offices of a friendly government (Timor Leste) during oil and gas negotiations, is though, apparently fine. Witness K has accepted minor punishment, but the endless persecution of Collaery continues unabated.

Major David McBride, a military lawyer who served in Afghanistan, had concerns about serious Australian Defence Force war crimes and took this information to the Inspector General of Defence. Unsatisfied, he contacted members of parliament, and eventually the Australian Broadcasting Commission (ABC) in 2017. In 2018, McBride was charged. Like Witness K and Collaery, "national security" has been used to veil the prosecution in secrecy. The Brereton Report, conducted over four years, found that in 23 separate incidents, the Australian special forces allegedly murdered 39 Afghans. This report highlights that McBride's concerns about atrocities were justified, but he continues to be prosecuted.

In South Australia, Richard Boyle is facing years in prison for making public legitimate concerns about unethical behaviour within the Australian Tax Office (ATO). Concerned by aggressive ATO debt collection practices, he contacted the Inspector General of Taxation in 2017. In 2018, he went public with information about the ATO's aggressive debt recovery operations. The debt recovery style used by the ATO at that time, and since abandoned, made repeated use of garnishee notices. Many people subjected to this regime were "simply broken" by the experience. Strangely, in all these cases the journalists and media outlets which reported the revelations do not face similar ongoing attention.

In each case outlined, the public interest is clear. Australians should have the highest expectations about the behaviour of their government and institutions. It cannot be that in raising legitimate concerns whistleblowers are expediently crushed by the state, not because their concerns are ill informed, but because public awareness is politically embarrassing. In short, we are not meant to know.

What happens when a person goes through the proper processes in alerting authorities to their concerns about wrongdoing? What then happens when a person is forced to go beyond the official limits to report wrongdoing? The answer is remarkably consistent:

they are severely punished. As shown in the cases of Witness K, Collaery, McBride or Boyle, the punishment will take many years. Even if the remaining prosecutions are eventually abandoned, the years of hearings, or allegations, of smearing, destroy lives, families and careers.

It is clear that existing whistleblower protections are not only woefully inadequate, but they also fail utterly to protect the wellbeing of individuals who raise legitimate concerns, particularly if these revelations embarrass the Australian state. All citizens should be gravely concerned by the fact that the full legal powers of the state are being so blatantly used to punish whistleblowers. Win or lose, government prosecution has a chilling impact on our democracy and the public interest. Despite alerting us all to serious wrongdoing, who will want to be the next Witness K, Collaery, McBride or Boyle?

This erosion of our democratic rights concerns many Australians. It's certainly why I am currently working as researcher for Alliance Against Political Prosecutions (AAPP). If you are also concerned about the issues raised in the article, please support AAPP here https://aapp.ipan.org.au/ and sign the petition https://chng.it/ydggcy294f

Adam Hughes Henry is an honorary lecturer, School of Culture, History and Language, Australian National University.

Diagnosing retaliation

Mark Worth,
Whistleblower Network News
15 April 2022

YOU'RE A whistleblower. You haven't been fired or demoted, but you feel pressure and awkwardness at work. How can you be sure this is actually retaliation? Even a bigger question: are you aware that these subtle forms of retaliation can lead to serious or even grave psychological problems requiring professional help?

Jackie Garrick, founder of the nonprofit organization Whistleblowers of America, is working to ensure the psychological costs of reporting misconduct within a workplace are fully measured and properly remedied. Garrick is ideally suited for such a task. She herself alleged misconduct while working at the US Department of Defense on mental health and disability programs for military veterans.

In a groundbreaking study based on in-depth interviews with 72 former whistleblowers, Garrick found remarkable correlations between retaliation sufferers and people with other psychological difficulties.

"Retaliatory tactics can result in workplace traumatic stress, which causes moral injury to the whistleblower and can lead to post-traumatic stress disorder, depression, substance abuse and even suicide," Garrick wrote in the article "Whistleblower Retaliation Checklist." The study was co-authored by another former whistleblower, Martina Buck, and published in *Crisis, Stress, and Human Resilience: An International Journal*.

Using the checklist, Garrick and Buck grouped retaliation into nine categories: gaslighting, mobbing, marginalization, shunning, devaluation, double-binding, blacklisting, counter-accusations, and emotional and physical violence.

Interviews with victimized employees revealed the widespread use of these vengeful tactics: 78 percent of people said they were marginalized, 76 percent faced counter-accusations, 60 percent said they were mobbed, and 60 percent were devalued, including receiving lower performance ratings and being denied promotions.

The checklist, Garrick and Buck wrote, can "give insight into the psychosocial impacts of life after whistleblowing and the need for a new mental health paradigm to emerge." The checklist takes into consideration the symptoms of PTSD, depression and suicidal tendencies, which they said also reflect feelings of discouragement, hopelessness, unfairness and failure.

"What might seem like little things can add up. Micro-aggressions at work can add up and make people become over-sensitive, like PTSD," Garrick told *WNN*. Garrick said subtle behaviors by managers and colleagues, such as eye-rolling and checking the clock and interrupting during conversations, "send messages and enable other mobbing techniques." This can lead to stalking, defacing personal property, doxing, cyber-mobbing and violence.

"How the micro-aggressions fit together can become a systematic pattern," Garrick said, adding that suicide is fourth most-common cause of death among working-age adults in the US.

Garrick and Buck say further distress is caused by drawn-out court cases and other procedures undertaken by victimized employees in hopes of getting their jobs back and being compensated for damages.

"Because these cases can take years to adjudicate and decades to recover from," they wrote, "whistleblowers are often left confused by these complex processes and overwhelmed by the legal system while searching for vindication, institutional reform, and restorative justice."

Many people they interviewed said they did not know the status of their case or were waiting for responses. Several said they had spent thousands of dollars on attorneys, and only a few said their cases were finalized or settled. Fourteen of the 72 people interviewed said they felt hopeless, with no way to make themselves whole or to stop the wrongdoing.

"The need for justice can be viewed through the lens of trauma survivors who need some form of restoration, correction, explanation/apology, offender punishment or other forms of accountability before they can experience post-traumatic growth," Garrick and Buck wrote.

More research is needed, they said, "so that clinicians can properly engage these patients and help them restore their sense of hope, justice, and future by dealing with their trauma and clearly identifying their pain and suffering."

"In this way," Garrick and Buck concluded, "whistleblowers can return to employment, find justice, continue to contribute their expertise, and remain productive members of society. Otherwise, they, and by extension their co-workers and their families, become a new class of trauma victims."

The whistleblowers who lose everything and why we owe them a deep debt

Marjorie Jobson
Mail & Guardian, 23 May 2022

In 2006 I participated in the Ethical Leadership conference, which I learned had grown out of Nelson Mandela's recognition that our deeply traumatised society needed an "RDP of the soul." (RDP is South Africa's Reconstruction and Development Programme, a national policy framework set up after the end of apartheid.)

I recognise that children are born with an innate sense of right and wrong, of what is just and unjust — an innate sense of morality that directs how we are human. The circumstances of life affect this innate sense of morality of individuals, resulting in the need for ethics to be learned and taught in the context of understanding that people are geared for goodness and that it is possible to encourage the formation of South African citizens of good moral character who can serve society as agents of transformation in the places they have influence.

Those who take on responsibilities of leadership are imperfect and will face serious ethical challenges that will require them to make decisions based on fairness and ethical guidelines, rather than on personal, political and financial considerations. Ethical actions must be characterised by respect for others, respect for differences, being trustworthy, being morally aware and demonstrating the behaviour expected of them, with a goal of making the world a more just and decent place.

It has been my privilege to work with whistleblowers, people who have demonstrated immense courage and the conviction of their beliefs in standing for the truth irrespective of the cost. Sadly, they have suffered immense harm in refusing to go along with the unethical practices they have witnessed.

Among the whistleblowers is a man who has served our country for 14 years in the development sector as a project manager with extensive experience of monitoring and evaluation. He is the recipient of more than one Service Excellence Award.

But after blowing the whistle his family have had to give up their home. Their car was repossessed. Their oldest daughter made an attempt to take her own life. The second daughter is a gymnast with provincial colours who was due to compete nationally and stood a chance of being selected to represent our country. The family have had to set themselves up in an informal settlement far from where the children were attending school, so the children have been uprooted from their social environment and their friends, resulting in the major stress of coping with many losses. There is no income for the daughter to sustain her passion for gymnastics. The family now live far from the gymnastics club where she trained every day. The father travels far every day to volunteer his services in project management.

This man has the rare distinction of having been dismissed from his senior appointment twice in the course of his employment, both times for blowing the whistle. He has also served in various capacities as a labour activist in leadership positions in the National Union of Public Servants and Allied Workers. Under his leadership, the union advanced the law by setting a new precedent through a successful case that was heard in the constitutional court in respect of ensuring transparency in the performance of our public services.

One of the most harmful realities in labour practice is the Protected Disclosures Act requires an employee to first report knowledge of wrongdoing to the employer. In the majority of instances, the wrongdoing is either committed by or is tolerated by the employer, who simply turns a blind eye, most often because there is collusion among the senior management in the wrongdoing and so the disclosure of this critical information becomes a victim of unethical management. Often this is for purposes of political expediency.

Although there is no redress in sight for the family, they have remained committed to the practice of always doing the right thing and of modelling authentic ethical leadership. This is the leadership that should be recognised, honoured and rewarded.

These kinds of people are the sources of genuine moral renewal in our country but their torment and struggle continue while interminable and costly legal processes carry on at a snail's pace.

Our country owes the still unacknowledged leadership exhibited by these active agents of moral transformation a debt of deep gratitude.

Marjorie Jobson is the national director of the Khulumani Support Group.

Whistleblowers, journalists and the need for protection

Godwin Onyeacholem
Premium Times, 24 May 2022

IT'S GRATIFYING to note that the transformation in journalism practice has witnessed increased collaboration between whistleblowers and journalists working across continents to expose corruption. While civil society must work to have a robust protection law for whistleblowers, we should not ignore the fact that journalists also deserve full protection to enable them to do their jobs effectively.

Working in the sticky terrain of whistleblowing in the last five years of the introduction of the whistleblowing policy by the Nigerian government has been expectedly daunting for no less a reason than the fact that it is an engagement that seeks a complete turnaround in the way the people are used to behaving.

A mission to invert an inbred tradition that celebrates silence and consent in the face of wrongdoing is bound to

be met with some narrow-minded resistance, no matter how feeble. In weak states like Nigeria where corruption thrives mostly through wanton abetment, such resistance is sometimes shown brazenly, either through open rebuffs in the process of promoting whistleblowing as a viable anti-corruption tool, or frequently manifesting in the daring perpetuation of harsh retaliation against gutsy workers who blow the whistle.

Much of the opposition is often issuing from government offices where a good number of workers seem not interested in engaging accountability mechanisms such as the Freedom of information (FOI) and public procurement laws, not to mention whistleblowing, which many people are yet to appreciate as a right and a natural extension of the right to freedom of expression and freedom of conscience.

Despite these drawbacks, the African Centre for Media and Information Literacy (AFRICMIL), the only civil society outfit operating on the whistleblowing policy turf, with the collaboration of the Presidential Initiative on Continuous Audit (PICA), the unit in the Federal Ministry of Finance, Budget and National Planning managing the policy, has been making inroads in its advocacy for the cultural acceptance of whistleblowing as a vital mechanism for reducing corruption and checking wrongdoing. A programme of institutionalisation of this mechanism across all sectors of the economy, through a slew of activities, is at the core of the advocacy.

However, for meaningful success in the fight against corruption through the whistleblowing system, protection is important not only for whistleblowers but also for journalists. Both groups are dedicated to holding power to account and working towards the same goal of public good by bringing up the facts. To that extent they are inseparable! Therefore, at no time should the partnership between whistleblowers and journalists be more formidable than in this era of intense state repression, a time when dark forces have launched a systematic winding down of the civic space and there is the deliberate suffocation of a fully functional independent media.

At this critical time when information is proving much harder to get, only whistleblowers can manoeuvre comfortably and supply the information journalists need. But for the collaboration to yield the desired result, journalists must appreciate the dangers that whistleblowers face before and after releasing information. That is why journalists should be concerned about the security of whistleblowers. Journalists have a bounden duty to see that whistleblowers are protected.

But unfortunately, it's common to find some victimised whistleblowers lamenting the failure of the media to help push their stories. They always complain of having a hard time getting journalists to be interested in the wrongdoing they disclose. In the end, they are often caught saying they regret blowing the whistle and vowing never to encourage anyone to report fraud or any wrongdoing.

According to Wim Vandekerckhove, a professor of business ethics at the University of Greenwich, findings from the World Online Whistleblowing Survey conducted by Professor A. J. Brown, one of Australia's foremost scholars in transparency and governance, showed that those who had been whistleblowers were the least likely group to believe whistleblowing to the media is a good idea. Of the whistleblowers who took part in the study, 13 per cent (more than double that of the other groups and the general population) considered that the whistle should never have been blown to the media, suggesting that many whistleblowers have had bad experiences when going to the media, or found the route to be ineffective. This is one of the setbacks in whistleblowing activism.

For carrying out a lawful act that ordinarily ought to be rewarded, whistleblowers are losing livelihoods, facing threats in varying forms or being denied promotion and salary, while those responsible for their plights are never punished for their conduct. All the big men and women who unleashed punishment on whistleblowers that AFRICMIL has worked with were never punished. They are either still in office or have served out their terms and retired gracefully.

It's gratifying to note that the transformation in journalism practice has witnessed increased collaboration between whistleblowers and journalists working across continents to expose corruption. While the civil society must work to have a robust protection law for whistleblowers, they should not ignore the fact that journalists also deserve full protection to enable them to do their jobs effectively.

On its part, AFRICMIL is keen on working with journalists for better protection for whistleblowers, while also very much available to join hands with relevant stakeholders to ensure a safe working environment for journalists, in the firm belief that an enhanced partnership between the two is one of the surest ways of cracking the solid edifice of corruption that has made Nigeria a cauldron of misery.

Godwin Onyeacholem works with the African Centre for Media and Information Literacy.

Why are so many big tech whistleblowers women?

Francine Berman
and Jennifer Lundquist
The Conversation, 6 June 2022

A NUMBER of high-profile whistleblowers in the technology industry have stepped into the spotlight in the past few years. For the most part, they have been revealing corporate practices that thwart the public interest: Frances Haugen exposed personal data exploitation at Meta, Timnit Gebru and Rebecca Rivers challenged Google on ethics and AI issues, and Janneke Parrish raised concerns about a discriminatory work culture at Apple, among others.

Many of these whistleblowers are women — far more, it appears, than the proportion of women working in the tech industry. This raises the question of whether women are more likely to be whistleblowers in the tech field. The short answer is: "It's complicated."

For many, whistleblowing is a last resort to get society to address problems that can't be resolved within an organization, or at least by the whistleblower. It speaks to the organizational status, power and resources of the whistleblower; the openness, communication and values of the organization in which they work; and to their passion, frustration and commitment to the issue they want to see addressed. Are whistleblowers more focused on the public interest? More virtuous? Less influential in their organizations? Are these possible explanations for why so many women are blowing the whistle on big tech?

To investigate these questions, we, a computer scientist and a sociologist, explored the nature of big tech whistleblowing, the influence of gender, and the implications for technology's role in society. What we found was both complex and intriguing.

Narrative of virtue

Whistleblowing is a difficult phenomenon to study because its public manifestation is only the tip of the iceberg. Most whistleblowing is confidential or anonymous. On the surface, the notion of female whistleblowers fits with the prevailing narrative that women are somehow more altruistic, focused on the public interest or morally virtuous than men.

Consider an argument made by the New York State Woman Suffrage Association around giving U.S. women the right to vote in the 1920s: "Women are, by nature and training, housekeepers. Let them have a hand in the city's housekeeping, even if they introduce an occasional house-cleaning." In other words, giving women the power of the vote would help "clean up" the mess that men had made.

Timnit Gebru

More recently, a similar argument was used in the move to all-women traffic enforcement in some Latin American cities under the assumption that female police officers are more impervious to bribes. Indeed, the United Nations has recently identified women's global empowerment as key to reducing corruption and inequality in its world development goals.

There is data showing that women, more so than men, are associated with lower levels of corruption in government and business. For example, studies show that the higher the share of female elected officials in governments around the world, the lower the corruption. While this trend in part reflects the tendency of less corrupt governments to more often elect women, additional studies show a direct causal effect of electing female leaders and, in turn, reducing corruption.

Experimental studies and attitudinal surveys also show that women are more ethical in business dealings than their male counterparts, and one study using data on actual firm-level dealings confirms that businesses led by women are directly associated with a lower incidence of bribery. Much of this likely comes down to the socialization of men and women into different gender roles in society.

Hints, but no hard data

Although women may be acculturated to behave more ethically, this leaves open the question of whether they really are more likely to be whistleblowers. The full data on who reports wrongdoing is elusive, but scholars try to address the question by asking people about their whistleblowing orientation in surveys and in vignettes. In these studies, the gender effect is inconclusive.

However, women appear more willing than men to report wrongdoing when they can do so confidentially. This may be related to the fact that female whistleblowers may face higher rates of reprisal than male whistleblowers.

In the technology field, there is an additional factor at play. Women are under-represented both in numbers and in organizational power. The "Big Five" in tech — Google, Meta, Apple, Amazon and Microsoft — are still largely white and male.

Women currently represent about 25% of their technology workforce and about 30% of their executive leadership. Women are prevalent enough now to avoid being tokens but often don't have the insider status and resources to effect change. They also lack the power that sometimes corrupts, referred to as the corruption opportunity gap.

Frances Haugen

In the public interest

Marginalized people often lack a sense of belonging and inclusion in organizations. The silver lining to this exclusion is that those people may feel less obligated to toe the line when they see wrongdoing. Given all of this, it is likely that some combination of gender socialization and female outsider status in big tech creates a situation where women appear to be the prevalent whistleblowers.

It may be that whistleblowing in tech is the result of a perfect storm between

the field's gender and public interest problems. Clear and conclusive data does not exist, and without concrete evidence the jury is out. But the prevalence of female whistleblowers in big tech is emblematic of both of these deficiencies, and the efforts of these whistleblowers are often aimed at boosting diversity and reducing the harm big tech causes society.

More so than any other corporate sector, tech pervades people's lives. Big tech creates the tools people use every day, defines the information the public consumes, collects data on its users' thoughts and behavior, and plays a major role in determining whether privacy, safety, security and welfare are supported or undermined.

And yet, the complexity, proprietary intellectual property protections and ubiquity of digital technologies make it hard for the public to gauge the personal risks and societal impact of technology. Today's corporate cultural firewalls make it difficult to understand the choices that go into developing the products and services that so dominate people's lives.

Of all areas within society in need of transparency and a greater focus on the public interest, we believe the most urgent priority is big tech. This makes the courage and the commitment of today's whistleblowers all the more important.

Best defence: the whistleblower's bill of rights

Mark Worth
Whistleblower Network News
30 March 2022

IN YOUR day-to-day life, try to think of a situation when you had to prove what you said is true. Or when you had to prove you said something for the right reason. Or when you had to prove you were speaking with the right person. Or when you had to prove that the public should care about what you said.

Chances are, this has rarely if ever happened to you. You probably can't imagine anyone actually being in such a situation — having to prove what they said and justify the reason.

Take it a step further. Imagine you were punished because you couldn't successfully pass all of these tests.

If this sounds a bit strange, it should. But in the world of whistleblower protection, these tests are commonplace and widely accepted — even by many whistleblower advocates.

Bizarre as this might seem when compared to your daily life, most of the 50-some whistleblower laws in effect around the world require people to pass one or all of these tests. If they can't pass them, they can be fired or suspended from their job, sued in civil court, or even criminally prosecuted and jailed. And there's almost nothing they can do about it. They can lose their career or worse. Their victimizers simply walk away.

The widely held perception that a whistleblower should have to prove their allegations and be a person of sterling character has infused whistleblower laws with standards and expectations that hardly anyone can meet. It may sound very proper and logical on paper: if an employee wants to "go against the grain" and expose crime or corruption being committed within their company or organization, they'd better be right and be doing it for the right reasons. In real life, this burden is nearly impossible to overcome.

Ironically, while trying to *protect* speech, most whistleblower laws *regulate* speech. Not only do people lose their free speech rights, they are punished for trying to exercise them.

The results have been disastrous. People are being persecuted for reporting crimes. And the criminals not only get away with retaliating against witnesses, they often evade prosecution for the crimes reported by the witnesses. It's a total perversion of our criminal justice system being enabled by whistleblower laws themselves.

How whistleblower laws protect the retaliators

Most of the world's whistleblower laws — from South Africa to Sweden, and from Peru to Pakistan — contain onerous restrictions on free speech that usually result in witnesses being denied whistleblower status and being retaliated against with impunity.

As you read these restrictions, think about how they would interfere with your daily life and stifle what you are allowed say:

- People must have a "reasonable belief" that what they are saying is true. Proving this is impossible, in large part because "reasonable belief" has yet to be adequately or consistently defined by any law or legal standard.
- What people say must be in the "public interest." The relevance of this test has never been adequately demonstrated. Proving it is impossible, in large part because "public interest" has yet to be adequately or consistently defined by any law or legal standard.
- People must be saying things in "good faith." The relevance of this test has never been adequately demonstrated. Proving it is impossible, in large part because "good faith" has yet to be adequately defined or consistently by any law or legal standard.
- People first should report misconduct within their workplace, via so-called "internal channels." This concept not only restricts free-speech rights, it is an invitation to intimidate witnesses, destroy evidence and cover up crimes.

Again, rather than protecting speech, these provisions restrict it. They control what you say, why you say it, and to whom you are permitted to say it. Nearly every whistleblower protection law therefore reaches the opposite: they establish rules and a framework that

enable retaliation by placing impossible burdens on citizens.

It's little wonder that so few people win their retaliation cases. Only 21 percent of people in 37 countries have prevailed in cases judged on their merits, according to "Are Whistleblower Laws Working?", a 2021 study by the International Bar Association and the Government Accountability Project.

Right now, countries around the world are passing new whistleblower laws that contain many or most of these harmful restrictions. At least eight new laws have been passed in Europe in the past year, and at least 15 more are being developed to comply with new EU rules. Rather than making speech more free, these laws are making it less free.

The Whistleblower's Bill of Rights: automatic protection

Whistleblower protection is a new field. Many mistakes have been made as lawmakers and public officials have searched for the best ways to shield employees from retaliation. These growing pains have been felt by the wrong people. The people feeling the pain are not crooks and criminals, but the people who are doing the right thing by turning them in.

Since these laws rarely function properly in real-life situations, the best solution is to make whistleblower protection automatic. This should be enshrined in a Whistleblower's Bill of Rights, which would fundamentally change a broken system that very likely has done more harm than good.

According to the Bill of Rights, taking or threatening any harmful action against any employee who reports anything to anyone about any type of misconduct would be illegal. The people who commit retaliation — which is akin to witness intimidation — would be punished.

Any harmful actions taken against an employee would be immediately revoked, without the need for the victim to go to court. Retaliation victims promptly would be compensated for all damages, material and otherwise, and these damages would be tripled if the reprisals are egregious or sustained.

Under the Bill of Rights, people would not be required to "apply" for "whistleblower protection" or "status." People would be automatically protected, by virtue of their inherent free speech rights. They would not have prove what they said is true, that they said it for the right reasons, and that the public should care about it.

No one is required to pass such tests in their day-to-day lives. Certainly, when we rely on citizens to report crimes that otherwise would remain concealed, we cannot stand in their way from doing the right thing.

Mark Worth is a whistleblower advocate, investigative journalist, public interest activist, author, and publisher. He is the Executive Director of the European Center for Whistleblower Rights.

Germany's corporate whistleblowers stuck in legal nowhere land

Olaf Storbeck
Financial Times, 21 May 2022

THREE YEARS after EU directive, activists say legislation aimed at boosting safeguards should go further.


Justice minister Marco Buschmann in the Bundestag

When Brigitte Heinisch filed a criminal complaint against her employer in late 2004, she did not just flag allegedly dire conditions at a care home for the elderly in Berlin. In the legal saga that followed, she also exposed the precarious status of whistleblowers in Europe's biggest economy.

Heinisch, then 43, was fired within weeks. In a multiyear series of court cases, German judges upheld that decision, arguing Heinisch had violated the "duty of allegiance" that she was required to show her employer under German law.

After the country's constitutional court declined even to look at the case, Heinisch turned to the European Court of Human Rights. In a landmark decision in 2011, the Strasbourg judges quashed the German verdicts, ruling the dismissal was a violation of Heinisch's freedom of expression.

Yet in the decade since, little if anything has improved.

Whistleblowers in Germany still find themselves in a legal nowhere land defined by the vagaries of case law and the decisions of individual judges. "Whistleblowers are protecting the long-term success of companies and the integrity of government actions, but often put their professional life on the line," said Fabio De Masi, a former MP turned white-collar crime specialist.

"No other democratic country offers as little protection to whistleblowers as Germany does," said Hartmut Bäumer, head of Transparency International in Germany and a former employment judge.

Facing a treaty infringement procedure by the EU for delayed implementation of its 2019 whistleblower directive, justice minister Marco Buschmann last month presented a first draft of whistleblower protection legislation that he hopes to get through parliament later this year.


Hartmut Bäumer

While Annegret Falter, chair of the Berlin-based lobby group Whistleblower Network, called the draft an "important step into the right direction", it still falls short of what activists deem necessary and lags far behind US

rules, which offer whistleblowers financial incentives. Non-profit organisation Transparency International called it a "fiasco."

According to the draft, which has been seen by the *Financial Times,* all companies with 50 or more employees would be obliged to have an internal contact point for whistleblowers while the government would set up its own contact points for employees who want to report potential misconduct. Under the new rules, whistleblowers can decide which contact point they prefer and will in some cases be granted legal immunity if they report problems to the media.

The penalising of whistleblowers will also be formally outlawed. More importantly, the burden of proof will be reversed: employers will have to demonstrate that actions taken against a whistleblower do not constitute retaliation.

"This will become highly relevant in real life," said Simone Kämpfer, a partner at Freshfields Bruckhaus Deringer, who is in charge of the law firm's white-collar defence group in Germany. "Even changing the internal tasks of an employee can be seen as retaliation."

Companies that penalise whistleblowers can expect fines of up to €1m under the proposed new rules, she added.

The reforms — which have the support of the governing coalition but are not likely to be signed into law until later this year — mark an attempt to break with some of the country's long-held views about work.

According to Bäumer, Germany's approach to labour relations is informed by a paternalistic and collectivist culture where employers and employees are seen as members of the same community, with workers having a legal obligation of loyalty to their employers. In that context, reporting misconduct to external bodies can be seen as a betrayal.

The country's dark 20th-century history has also shaped public views of whistleblowers. Nazi and later east German authorities actively encouraged citizens to report "insubordinate" behaviour. Whistleblowers who flag problems in good faith can be seen as snitches and telltales. "Better whistleblower protection really requires overcoming some German cultural traditions," said Bäumer.

Desiree Fixler, former head of sustainability at asset manager DWS, who accused her employer of overstating its green credentials and was fired in 2021, said: "Today, the German system — the regulators, corporate boards and the courts — is set up largely to protect the status quo, the corporate elite." She added that her employment tribunal in Frankfurt was "farcical".

"The judge walked in and announced a verdict without hearing the case — no testimony, no witnesses, no fair trial." Her lesson from that was that "you have to internationalise the matter, evidence-based, with the press or with other government authorities, like the US", she said. "The German system will try and silence you otherwise."

For now, the power lies with employers if corruption, fraud or any other kind of misconduct is reported. "Almost all whistleblowers who became known lost their job and faced a catastrophe — even if their concerns were totally merited," said Bäumer.

Brigitte Heinisch

While the draft whistleblower protection law should address some of the most glaring gaps, activists are far from satisfied. A major concern is that public sector employees will still face major hurdles.

As Falter pointed out, it would remain illegal to report misconduct either linked to the work of intelligence agencies or related to classified public documents. "The government is protecting itself against those whistleblowers who are most important for society," she said.

Another serious shortcoming is that there would be no obligation to investigate anonymous whistleblower complaints, Transparency International has warned. And whistleblowers who flag misconduct that is not criminal would also not be protected.

The new law, furthermore, stops short of offering whistleblowers financial rewards, an approach that has uncovered widespread misconduct in the US. Last year, a former Deutsche Bank employee was paid almost $200mn as a reward for flagging the rigging of the Libor benchmark interest rate.

Yet campaigners in Germany are not calling for their country to follow the US in this regard. "Incentives for whistleblowers can create the risk of denunciation," said Falter, adding that rewards for reporting individuals "are at odds with decency". Transparency International's Bäumer also argued against financial incentives, calling instead for a fund financed by industry to compensate whistleblowers who lose their jobs.

Heinisch — who, in a settlement with her employer, eventually received €90,000 in severance pay — told the *Financial Times* she did not believe the new law would make a big difference. "The German system is just abject," she said. "I would not advise anyone to become a whistleblower in Germany."

Apple whistleblower Ashley Gjøvik: "My life is a goddamn nightmare now"

Lucy Burton
The Telegraph (UK), 17 April 2022

BLOWING THE WHISTLE on one of the most powerful companies in the world does not come without consequences.

Ashley Gjøvik, the former Apple employee, has spent the last year documenting and publicly speaking out against potential safety concerns, allegations of bullying and surveillance of employees at the iPhone maker. Gjøvik thinks a lot, however, about whether the saga has been worth it.

"I think about this all the time because my life is such a goddamn nightmare now," the 35-year-old says from her home in California.

"Should I have done this? The answer is always wholeheartedly yes, because it was all based on safety." Gjøvik's initial complaint in March 2020 accused the Cupertino-based company of chemical exposure at her office.

While she doesn't regret her decision, Gjøvik admits that becoming an enemy of Apple has made her life far more difficult.

As senior engineering program manager, she was earning the equivalent of almost £300,000 a year and enjoying lavish company parties before being fired from Apple last September for allegedly leaking confidential information.

Not only has she lost her job, but also close friends who worked with her at the tech giant. She now battles regular online harassment and admits to feeling paranoid about dark cars driving around her neighbourhood with tinted windows. One of the latest messages in her inbox reads: "if Steve Jobs was still around he would pull you out by your hair and force you to turn tricks on the corner because that's the only talent you have".

Yet she laughs often. Despite the difficulties and mental battles each day, she is studying public international law and human rights at Santa Clara University and her passion for calling Silicon Valley to account hasn't waned.

"We need to reassess how we treat these companies. Every day that goes by they become more powerful, we become more dependent on them. We need to see more whistleblowers, we need to see more people coming out," she argues.

"It's harder for people like me who were in a senior position [to speak out]. I was very embedded with executives and strategic decisions and I was paid a lot of money, so much money, I cry about that a lot. Last year I made $386,000, I believe."

Gjøvik is known as the most outspoken out of a group of Apple staff to break from the company's culture of secrecy and complain about its workplace policies last year. As well as supposed environmental health and safety issues, she has spoken about privacy concerns and alleged that Apple pressured her into revealing details of sexual harassment she says she had experienced.

Most of the others shared their stories anonymously in a campaign that became known as #AppleToo, dragging the tech giant into a growing wave of employee activism that had already started to take hold across Silicon Valley. At Google, for instance, more than 20,000 staff held a walkout against forced arbitration agreements and alleged payouts related to sexual harassment in 2018.

Ashley Gjøvik

While Gjøvik thinks the industry needs more whistleblowers to come forward, she admits that doing what she did isn't necessarily a good idea — and says that trauma therapy is vital for anyone who publicly blows the whistle, not something to be taken lightly. In fact, Gjøvik isn't sure she'd advise doing this at all.

"I do not recommend blowing the whistle," she says in a burst of laughter. "We talked about the online stuff, but there's also the ostracisation. I lost a huge social circle. Because Apple's so secretive, pretty much all your friends are co-workers.

"Also, just coming forward, everyone's questioning your integrity, your ethics, your honesty, your sanity, everything. Constantly, you're under the microscope. It's hard and I'm lucky in a sense that the only one impacted beyond me directly is the dog. If people have family, if they have a spouse that will also be under that microscope."

She urges anyone working in big tech who wants to call their company to account to tread with care and consider the downsides first.

"When I say I would not recommend, that doesn't mean I'm saying don't do it. I just would never go around and say everyone should be a whistleblower — it's a nightmare. I was in a position where I had a lot of insider knowledge and documents that were meaningful. If you're going to come forward, you need to do a risk benefit analysis.

"With whistleblowing you can't just think about today, tomorrow, or the next month. You have to think, what does that whole path look like? What do you want to achieve?" she adds.

"If you just have a stack of documents you want to get out, you can do that anonymously, potentially. But maybe you need the credibility of someone authenticating it.

"It really does need to be checklists and spreadsheets, to see if it's worth it. The more we have people coming forward who can make a difference, it helps run the waters a little bit."

Gjøvik has a number of cases open against Apple. If some are successful, she could receive various remedies including reinstatement, which would mean that Apple has to rehire her in the same role or a similar one.

Surely a return would be unbelievably awkward? "I would do it," she says, bursting into laughter again. "I was on the fence, but the more I think about your question — how do we get more whistleblowers — I would suck it up, I would walk in smiling, cooperative, friendly, willing to do a good job.

"We say [it is] 'chilling' when companies do sh---y stuff, that it chills, but I feel like if I could walk back into Apple that would warm. People would think 'maybe I can speak up, look at that'. I would take one for the team."

Gjøvik was never planning to go into big tech, let alone become a whistleblower. She had studied literature and wanted to do a masters in fine arts and poetry when she met someone at a job

fair who convinced her to work in tech, as she was good with computers.

In 2015 she joined Apple, a brand she says she respected — and admits she still sort of does — because it "led the way in having customer friendly computers". There is irony in the fact that, despite her battles, Gjøvik is currently using an Apple Mac.

"I'm trying to switch but I sit on [rival] computers and I think this is a piece of c---, so I keep going back," she confesses, although she has managed to part ways with her iPhone.

"Me fighting them, I feel like more of a mother being like 'you're better than this, we both know'. They're not going anywhere. You've got to work with them to make them better. I still love my Mac, when I look at it I debate with myself [and think] 'you know you shouldn't be' [using it]."

Apple declined to comment.

Risks of tuning out company whistleblowers: ignorance is not bliss

Robert Anello
Forbes, 15 June 2022

THE RECENT SHUTDOWN of the Abbott Nutrition plant in Sturgis, Michigan highlights an all too familiar problem that companies and their counsel need to address: the consequences of ignoring internal whistleblowers. An Abbott Nutrition employee alleges that he repeatedly voiced his concerns about quality control failures and food safety violations directly to company management "over an extended period" of time with no response. The company maintains that no complaints were filed with the company while the employee was at Abbott. After the employee left Abbott in 2020, however, the employee sent a report to the FDA in October 2021 — but this letter went ignored. The FDA is now the target of public criticism, as is Abbott Nutrition, and at least two class action lawsuits have been brought against the company by parents, alleging their children have become ill as a result of contaminated infant formula products. The ultimate outcome of the Abbott Nutrition matter remains to be seen. As experience has demonstrated, however, deliberately ignoring whistleblowers can have serious financial ramifications in the form of shareholder suits and increased financial penalties from regulators, the Department of Justice, and the courts.

Historically, cases like Enron, Madoff, and Wells Fargo show how criminal activity often is detected and reported with surprising precision but, even when reported to regulators as well as to the C-suite, can go unaddressed and ultimately result in the downfall of a business and jail time for the executives. Although regulators who miss the cue generally suffer little more than embarrassment, recent cases, including USAA Bank and Wells Fargo, demonstrate that courts and regulatory agencies are levying more severe penalties for companies that ignore violations brought to the company's attention by internal whistleblower complaints. Conversely, the Department of Justice and agencies do take the company's efforts to investigate and remedy reported violations into consideration when deciding how to assess penalties or whether to bring charges against a company at all. Because, however, under many regulatory schemes, a whistleblower's first report must be internal, company counsel is in a unique position to stem the problem before the storm.

Historical failures

The allegations in the news about Abbott Nutrition are a stark reminder that whistleblower complaints often are ignored until much too late. In 2001, Enron executive Sherron Watkins warned upper management about fraudulent accounting practices five months before the company became the subject of a major congressional investigation. Enron Corporation would become the largest bankruptcy in U.S. history, resulting in combined prison sentences of over 20 years for Enron's former CEO, former Chief Accounting Officer, and its founder and chairman, Kenneth Lay — the man to whom Sherron Watkins brought her initial concerns.

Similarly, the 2008 discovery of the Bernard Madoff Ponzi scheme was well past due. As early as 1992, the SEC received six substantive complaints "that raised significant red flags concerning Madoff's hedge fund operations." The SEC later admitted that these red flags should have uncovered Madoff's investment scheme that resulted in the loss of billions of dollars for the clients of his firm, and a 150 year prison sentence for Madoff, who died in prison last year. One very persistent analyst, Harry Markopolos, attempted to blow the whistle to the SEC in 2000 with no luck. Madoff's firm itself also reportedly received at least two internal reports from "anonymous" employee whistleblowers raising concerns about the operation.

Legal consequences of ignoring a whistleblower

Ignoring a whistleblower's complaints can make the severity of a criminal, civil, or regulatory penalty much worse. In 2014, five years after Bernard Madoff was sentenced to 150 years in prison, J.P. Morgan Chase Bank was criminally charged and ordered to pay $1.7 billion as a consequence of its failure to investigate and raise concerns with the bank's anti-money laundering department even though bank managers had "developed their own suspicions about Madoff" over many years. The DOJ noted that J.P. Morgan risk personnel wrote emails to JPMC U.K. executives raising the possibility that Madoff was running a Ponzi scheme, but ultimately failed to alert the appropriate U.S. entities.

In 2019, Walmart was charged with violating the Foreign Corrupt Practices Act for "failing to operate a sufficient anti-corruption compliance program for more than a decade," adding that the corporation allowed violations to occur "even in the face of red flags and corruption allegations." Some of those "red flags" included Walmart employees writing letters and emails to Walmart executives expressing their concerns. One employee had received

"a wink and a nod" from another employee when inquiring about whether a real estate transaction would violate the FCPA. Another employee noted that Walmart employees in India were making "improper payments to government officials." The DOJ asserted that Walmart executives were aware of these complaints but did not conduct an inquiry at that time.

In February 2020, Wells Fargo reached a $3 billion settlement with the Department of Justice, SEC, and other regulatory agencies for its unlawful sales practices that spanned more than 15 years. In reaching a decision, the DOJ announced that it had taken into account the fact that top bank leaders had "knowledge of the conduct" as early as 2002, after groups of employees sent letters to bank management for several years, outlining their concerns about the bank's sales practices. The DOJ noted that "senior leadership failed to take sufficient action" and "refused to alter the sales model" to prevent the unlawful practices even after they were aware of the conduct.

More recently, a USAA Bank employee's internal complaints regarding its numerous banking law violations apparently went unheard for nearly six years before finally reaching the doors of federal regulators in March 2020. FinCEN levied $140 million in fines against the bank for violations of the Bank Secrecy Act and anti-money laundering laws after the corporation knew, but ignored, the existence of violations. FinCEN considered "management's complicity in, condoning or enabling of, or knowledge of the conduct underlying the violations" noting that "for some time, Bank management explicitly acknowledged a monitoring gap" and "had knowledge of the violations" yet failed to "quickly and effectively remediate the identified deficiencies."

Mitigating the risks

Because some states, such as New York, require those who seek to take advantage of whistleblower protection laws to report violations within the company before reporting to the government, an internal complaint may just be the whistleblower's first step before going to an outside agency. This heads up — assuming it makes its way to the company's counsel — is an opportunity to seize the day. In criminal investigations, the DOJ will weigh all the factors in determining whether to charge a corporation with a crime, including "the pervasiveness of wrongdoing," "the corporation's timely and voluntary disclosure of wrongdoing," and "the corporation's remedial actions, including, but not limited to, any efforts to implement an adequate and effective corporate compliance program." (§ 9-28.300 of the Principles of Federal Prosecution of Business Organizations). Where necessary, companies must consider reporting what they learn to the government. In a recent speech, Attorney General Merrick B. Garland reiterated that "to be eligible for any cooperation credit, companies must provide the Justice Department with all non-privileged information about individuals involved in or responsible for the misconduct at issue."

In FCPA matters, the DOJ gives corporations credit for voluntary self-disclosure, full cooperation with an investigation, and timely and appropriate remediation. (§ 9-47.120 of the FCPA Corporate Enforcement Policy). The SEC also considers the company's efforts in "self-policing" prior to the discovery of a violation, "self-reporting" a violation when it is discovered, and remediation. Conversely, sitting on one's hands not only results in more severe criminal and regulatory consequences but can potentially result in billions of dollars of liability from a slew of class action and derivative lawsuits, unwanted public scrutiny, and unintended market impacts. Walmart shareholders brought a derivative suit against the board after the DOJ announced a formal investigation into its FCPA violations and, although the suit ultimately was unsuccessful, it resulted in costly legal defense fees and public criticism. In December, Tesla saw its shares fall as much as 6.4% when the SEC announced it had launched an investigation after Tesla's former quality control manager, Steven Henkes, blew the whistle about fire safety risks associated with Tesla's solar panels. Henkes claims he was terminated for raising his concerns internally.

Although history demonstrates that no real consequences befall government agencies who fail to act in response to whistleblower reports, the negative business and regulatory consequences for companies that deliberately ignore whistleblower complaints are real in both financial and reputational terms. A company also risks losing any leniency with the government it might have otherwise had if it had taken the whistleblower's complaint seriously at the outset. Company counsel is on the front lines in taking preventative steps to avoid such outcomes by implementing and enforcing an internal review procedure for complaints and, if a violation is discovered, ensuring the company takes meaningful action to address it.

Sloane Lewis, an associate at the firm, assisted in the preparation of this blog.

Anti-Corruption Alert, a secure platform for public servants willing to blow the whistle

Antonella Napolitano
TechPresident, 6 June 2022

IN 2010, PIERGIORGIO PENZO had only been the director of Ipab, a public hospice in Chioggia near Venice, for less than a year, when he discovered irregularities in the hire and management of social workers in his institute. He reported the issue to the board and then to the authorities, which led to an (ongoing) investigation on a mismanagement of more than 800,000 euros. The board of the hospice, though, first tried to make him resign and when he refused, ended up demoting him to deputy director.

Mr. Penzo is only one of many cases of workers in the public sector that try to denounce episodes of corruption every year in Italy; in many cases, the punishment falls on the whistleblower.


Piergiorgio Penzo

"The most likely way to learn about corruption in public administration is if somebody in the know denounces it, and that somebody is usually working inside the administration," says Davide Del Monte, a project officer at the Italian chapter of Transparency International, speaking a few days after the launch of Anticorruption Alert (ALAC), a platform aimed at securely collecting information on corruption and mismanagement from whistleblowers in both the public and private sectors. The project is co-funded by the Prevention of and Fight against Crime Programme of the European Union

ALAC uses GlobaLeaks, an open-source software specifically designed to protect the identity of the whistleblower and the receiver when they exchange confidential material. The software, designed by the non-profit Hermes Center for Transparency and Digital Human Rights, is currently being used by about 20 organizations all over the world, ranging from Hungary to Tunisia.

Helping whistleblowers every step of the way

"We don't give legal support to whistleblowers but we help them every step of the way," explains Del Monte during our Skype interview.

The work of ALAC involves four stages.

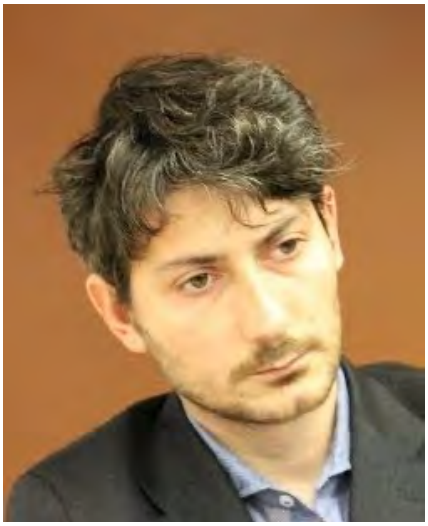
In the first one, TI staff ask the whistleblower if she has reported the issue to the "anti-corruption officer": according to a 2012 law, every public administration needs to appoint one of their employees in charge of anti-corruption matters; duties include being the point of contact for people willing to report mismanagement or malpractice in the office.

In many cases, public servants do not even know that their office has one, explains Del Monte, while acknowledging that this measure is often problematic, as the officer is not an external figure and has no special legal protection.

If the anti-corruption officer in question was contacted but hasn't followed up on the report, or is suspected to be part of the problem, the next step is to contact the National Anti-Corruption Authority (ANAC) for further investigation.

If nothing happens after a couple of weeks, ALAC helps the whistleblower raise the issue with the local public authority in charge.

If all else fails, the last and final resort is to contact the media. Del Monte tells me that he hopes they won't need to get to that point: "We want issues to be solved and even try to prevent them from happening, if we can."


Davide Del Monte

In order to substantiate the claims, the potential whistleblower has to fill a structured form that TI staff crafted very carefully. About 30 questions delve deeply into the actions of the alleged corrupt behavior, on the amount of the mismanagement and on the actions already taken by the whistleblower, in order to assist TI more effectively with assessing the level of danger for the person filing the complaint.

"As TI Italy has a small staff and the potential for reports is high, we needed to raise the quality of reports," Fabio Pietrosanti tells me. He is the president of Hermes Center and one of the creators of GlobaLeaks platform. The whole process is also an educational one, he adds, as every stage is clearly explained to the whistleblower and TI facilitates contact with authorities.

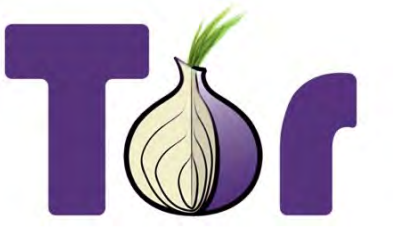

Fabio Pietrosanti

The preparatory work for the platform took Transparency International Italy and Hermes Center about 18 months and the development is still ongoing, he reveals during our Skype interview. The platform will also allow TI to collect data on whistleblowers' reports, in order to map corruption in a more effective way.

This project might also turn out to be a pilot that may be adopted by other Transparency International chapters that currently have anti-corruption help desks that rely only on hotlines, a system that works but is difficult to manage, says the TI officer. "Our Greek chapter launched one that was flooded by reports of all kinds, making it impossible to provide a proper response and weakening the whole process," he recalls.

The innovation of the platform lies in the process and in the technology: the GlobaLeaks platform allows the whistleblower to contact Transparency International (and to continue the conversation in later stages) in a safe way. But the only way to have complete anonymity, the site warns, is to use Tor. Besides a direct link to download the Tor Bundle, though, there is no further explanation on how to use the browser and what are common mistakes to avoid when using the software, however.

Furthermore, does the average Italian civil servant know what Tor is and how to use it? The answer is predictably negative, but this is one of the issues that will be addressed in later stages of development, already in progress, both Del Monte and Pietrosanti tell me.



At the moment the ALAC homepage detects if Tor is being used and in some key points of the process, potential leakers are advised to use the browser Tor in order to protect their identity.

A technological gap, and a cultural one

In the past two years, the GlobaLeaks project has been gaining more and more attention and recognition. It is currently funded by a number of organizations, including Hivos and Open Technology Fund.

Developing a platform like ALAC posed new challenges for the developers as well as for the Transparency International staff: "We were faced with a serious issue of scalability as we were considering the potential number of reports coming from the whole Italian administration," said Pietrosanti, who also spoke at PDF Italia, last month in Rome.

He adds that a whole community of actors is needed to create an ecosystem that truly helps whistleblowers to come forward. That is why Transparency International is also asking for pro bono assistance from lawyers to help with cases, psychologists in order to assess the potential consequences for those involved, and journalists to shed light on the most explosive cases.

There is also a cultural gap to overcome, as "whistleblowing" is not a common word for the Italian public.

"It may sound silly, but the fact that there is not a proper Italian translation of the word prevents it from becoming part of the public debate, even if corruption is indeed very widespread in the public administration," Francesca Businarolo tells me. She is a member of the Italian Parliament and belongs to the Five Star Movement.

Last year, Businarolo presented a bill aimed at protecting whistleblowers, that was also supported by Transparency International. The proposal, though, is buried in the Justice Commission, she tells me.

Whistleblowing is both a political and cultural issue, she explains: part of the problem is rooted in how the Italian Parliament currently works; but there is also a perception of whistleblowing as something far from the Italian context and not crucial in the fight against corruption, a major issue in Italy and in Europe. According to the European Union's first report on corruption, released in February 2014, damages amount to roughly 120 billion euros, about equal to the amount of the EU's shared budget.

"As much as I would prefer otherwise, I think we would need a major media case, to set an example," says Del Monte by the end of our interview.

In less than six weeks, his organization will be publishing the 2014 Corruption Perceptions Index, which makes the news every year since it increasingly paints an accurate picture of how corruption spreads. In 2013, Del Monte's native Italy came 69th out of 175 countries.

Dealing with verbal/electronic threats

The Tech Workers Handbook

Verbal aggression/verbal harassment

A WHISTLEBLOWER should be prepared to deal with verbal aggression and/or verbal harassment from individuals who do not agree with their whistleblowing actions. These individuals may deliberately use verbiage that might hurt, shame, or scare the whistleblower. These actions could also potentially cause emotional or psychological harm.

Should the aggressor attack the whistleblower's character, credibility, or even your competence, the whistleblower should ignore the jabs. Do not lose your cool. Do not let the aggressor push you out of your character. If the whistleblower knows the aggressor, the whistleblower should attempt to resolve the actions as quickly and calmly as possible by having a non-aggressive conversation with the aggressor. Remain calm and grounded. The whistleblower should not retaliate or become aggressive; instead, try to reason with the aggressor to stop the harassing behavior.

Do not get into a verbal altercation with the aggressor. Instead, the whistleblower should take note of the aggressor's words and accompanying actions. Document the encounter: note the date, time, location, and as much of the verbiage as you can remember. Should these actions take place in or near the workplace, escalate the incident to your supervisor and the office's security department. Request that a report be generated. Get a copy of the report for your personal record-keeping.

If the aggressor is someone unknown to the whistleblower, take special note of the aggressor's physical characteristics, verbiage, and actions. If possible, the whistleblower should try to prevent the verbal blows from escalating by simply ignoring the aggressor. Remove yourself from the situation if you can. If it is impossible to walk away, keep as much distance between you and the aggressor as possible and call for help. Seek help from bystanders (who will later become witnesses if you opt to file a formal report).

Should the verbal attacks veer into Title VII protected classes (race, color, religion, sex, national origin, familial status, or handicap), the whistleblower should take the actions indicated above *and* immediately contact the department's Equal Employment Opportunity (EEO) Office to report the discriminatory statements. The whistleblower should keep potential legal action to his/herself and allow the EEO Office to handle any future or impending actions.

This is a brief extract from the Tech Worker Handbook, available at https://techworkerhandbook.org

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Postal address PO Box U129, Wollongong NSW 2500
Website http://www.whistleblowers.org.au/
Facebook https://www.facebook.com/Whistleblowers-Australia-Inc-172621456093012/

Members of the national committee
http://www.bmartin.cc/dissent/contacts/au_wba/committee.html

Previous issues of *The Whistle*
https://www.bmartin.cc/dissent/contacts/au_wba/whistle.html

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WBA conference and AGM

WBA's annual conference is scheduled for Saturday 19 November and the annual general meeting for Sunday the 20th. Due to Covid-related uncertainties, it is currently undecided whether these events will be held in person or online. Details will be provided in the October *Whistle* and sent to members via email before then.

One issue we may wish to discuss is the future of WBA. When the group was set up in the 1990s, there wasn't much information about whistleblowing that was easily available. WBA provided support for whistleblowers who had no one else to turn to. Things are different today. There is a vast amount of information available online, and there are numerous media stories about whistleblowing. WBA can still provide support, but it is no longer alone in its efforts on behalf of whistleblowers.

Have the professionals taken over, or is there still a role for those with personal experience to play? Will there be a younger generation of whistleblower supporters and campaigners? Are issues and angles being neglected? What can WBA do?

Whistleblowers Australia membership

Membership of WBA involves an annual fee of $25, payable to Whistleblowers Australia. Membership includes an annual subscription to *The Whistle*, and members receive discounts to seminars, invitations to briefings/ discussion groups, plus input into policy and submissions.

To subscribe to *The Whistle* but not join WBA, the annual subscription fee is $25.

The activities of Whistleblowers Australia depend entirely on voluntary work by members and supporters. We value your ideas, time, expertise and involvement. Whistleblowers Australia is funded almost entirely from membership fees, donations and bequests.

Renewing members can make your payment in one of these ways.

1. Pay Whistleblowers Australia Inc by online deposit to NAB Coolum Beach BSB 084 620 Account Number 69841 4626. Use your surname/membership as the reference.

2. Post a cheque made out to Whistleblowers Australia Inc with your name to the Secretary, WBA, PO Box 458 Sydney Markets, Sydney, NSW 2129

3. Pay by credit card using PayPal to account name wba@whistleblowers.org.au. Use your surname/membership as the reference.

New members: http://www.bmartin.cc/dissent/contacts/au_wba/membership.html