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Rat or hero? How HR should view staff who blow the whistle

BY UYEN VU

YEARS LATER, whistle-blower and federal civil servant Joanna Gualtieri would still remember the immense comfort she found in the words of an employee assistance program co-ordinator.

At the time, Gualtieri was feeling like a pariah for having raised a ruckus within the Foreign Affairs department where she worked. Gualtieri was in charge of departmental properties abroad: embassies and diplomatic residences. When she discovered excessive spending — properties that sat empty because diplomatic staff preferred other accommodation — Gualtieri felt she was simply doing her job by calling to attention this misuse of funds.

Her superiors weren't receptive to her concerns. She said she was harassed, ridiculed, and felt her job was threatened.

That's why when she heard the words of support from the EAP staffer, she thought they were "just lovely." They were exactly what she wanted to hear.

"She said something like, 'I want to see you get strong again and go out in a bang, perhaps



BLOWING THE WHISTLE: Federal public sector employees demand more protection for workers who want to go public about wrongdoings like those committed by Privacy Commissioner George Radwanski.

with a lawsuit, rather than having them crush you."

But the support would later dissipate. A few years after this conversation, when Gualtieri tried to contact this EAP person

again while requesting an unpaid leave, "she had already become very distant, very cautious. She had understood not to support me in anyway."

Gualtieri, now on extended

leave, spent six years seeking, unsuccessfully, audiences all the way up, from the assistant deputy minister through to then-Foreign

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Exposing wrongdoing shouldn't end a career

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Affairs Minister Lloyd Axworthy.

All that time, Gualtieri couldn't recall any other instance of support or aid from HR.

It wouldn't be fair to single out HR for not getting involved, she added. "I cannot emphasize enough that there was an unspoken understanding within the department at the time that you just toed the line."

Whistle-blowers and would-be whistle-blowers know too well the dire consequences that befall them for speaking up. The recent scandal around the apparent suicide of British scientist David Kelly illustrates the intolerable pressure individuals are under for breaking rank, even when it's the right thing to do.

They're discredited among their peers, passed over for promotions, pushed out of their jobs. For example, former privacy commissioner George Radwanski, before he was brought down by a Parliamentary standing committee's investigation into excessive spending, had promised to end the career of the "rat" who blew the whistle on him.

In an unprecedented move, his staff donned sunglasses, face masks and held a demonstration to call for laws to protect whistle-blowers from retaliation. Had there been such legislation, surmised the head of the standing committee, the overspending would have been uncovered a year earlier.

So where were human resources managers and profession-

these whistle-blowers need one?

To be fair, said Cornelius von Baeyer, principal of Ottawa-based Workplace Ethics Consultancy, the most egregious instances of shoddy ethics — the ones run by crooks, to put it bluntly — occur in less than one per cent of workplaces in Canada.

And in such workplaces, even if HR wanted to get involved and appoint ethical people to the right positions, would the organization allow it to happen?

"Maybe not," he said. "And as the Enron example shows, like hires like. And whenever someone comes in, organizations like this give them so much money and quickly force them to conform to the operating code that employees either leave very quickly or join the bad guys."

But by and large, organizations that do strive to run an ethical business should encourage whistle-blowers, said Larry Colero, principal consultant at Vancouver-based Crossroads Programs. He doesn't mean employees who drop off anonymous brown envelopes at newsrooms — no organizations would want that to happen.

"But if we're talking about employees who try to bring attention to a wrongdoing and need to go above their boss' head to do so, then these internal whistle-blowers should be encouraged."

Neil Zambik was getting uneasy with all those sponsored fishing trips some senior managers kept taking. He had nothing against fishing trips as such. When the mar-

plars — Zambik thought things had gone too far.

It wasn't just the amount of time these senior managers spent essentially living it up while claiming they were doing work, although four or five yearly fishing trips that went from Thursday to Sunday certainly added up. It was the close relationships they were forming with the suppliers, said Zambik, at the time director of people development and communications, and now consultant at People Insights in Surrey, B.C.

"I thought we had to put this under control, because people were using these relationships for personal gains. And I always thought the role of HR was to be a watchdog for this kind of thing."

As director of personnel at the time, Zambik went to the company president and proposed a code of ethics.

With approval from the top, Zambik drafted up a document and passed it around to employees to make sure that they recognized the reflection of the company culture. A few staffers pointed out potential problems, such as stating "being profitable" as a value. For if that's the case, employees asked, would "being

whistle-blowing cases by setting up a Public Service Integrity Office in 2001 (For an excerpt of the Integrity Officer's speech on whistle-blowing, see "Encouraging whistle-blowers" page 4).

Federal civil servants now have somewhere to turn if they want to report any instance of law-breaking, misuse of public funds, gross mismanagement or practices dangerous to the health and safety of Canadians and the environment.

At Shell Canada, an ombudsman was brought in four years ago to handle workers' concerns regarding policies, practices and anything else employees want to get off their chests.

The impetus was yearly employee surveys that showed some people had concern about "a supervisor who had a lot of external contact with suppliers and who was misusing those relationships for personal gains," said Tim Bancroft, general manager of human resources and public affairs until last month.

"And people didn't want to raise those concerns because they feared a formal investigation would cause damage to them personally, to their peers and their workgroup."

"If we're talking about employees who try to bring attention to a wrongdoing and need to go above their boss' head to do so, then these internal whistle-blowers should be encouraged."



Neil Zambik

"A lot of the times, when companies get into these big scandals, it's because they start out with something small. And I believe that HR has to be prepared to stand up and fight those things."

noted and better compensated for being ruthless or for being ethical?

The second is the organization's ethos, Colero said. "Is the organization's culture one of candour, openness and constructive dissent, or one of obsequiousness and misplaced loyalty?"

The third element that HR has to set in place is a system of controls, which would include such measures as direct supervision and enforcement of rules.

But by and large, people are afraid of sticking their neck out, because most whistle-blowers one hears of are punished severely. HR may have to accept that lack of trust and put in place confidential mechanisms, he said.

"If people only have recourse to go to their boss or an internal department like HR, they're encouraged by the system to blow the whistle outside the organization," said Colero.

employees are treated so snobbily? For all the rhetoric around HR's mandate of ensuring a respectful, productive and engaged workplace culture, are HR departments stepping up to "own" the issue? Where's HR's much-vaunted anti-harassment policy when

document kept going back for re-profitable" trump honesty? The

It took a year, but once done, the code of ethics was passed around to staff, suppliers and other stakeholders. "If you send it all over, you've got all kinds of eyes looking at you. The stakeholders can help you," said Zambik.

Armed with the document, Zambik went on to make himself unpopular by stamping out the fishing trips. He would later use the code of ethics to confront the president himself when he saw an individual treated with disrespect.

"I was getting quite angry at our president, and I challenged him on it. And knowing that I had the values to back me up helped. And he accepted that, and we fixed the problem," said Zambik.

Increasingly, Canadian organizations are setting up programs and mechanisms to welcome internal whistle-blowing from employees. A code of ethics, as Zambik found, lays the foundation for ethical training and corrective measures to take place.

Others are setting up internal disclosure mechanisms — hotlines or ombuds offices where employees can go with concerns.

In Ottawa, the federal government employer responded to

Zambik, HR managers who want to run an ethical workplace have to decide whether they'll stake their jobs on morals.

That was how Zambik eventually left the company.

When it was bought over by another oil company, Zambik discovered "the new company wasn't operating along the same ethical guidelines that I could live with." When he wanted to take out his employees for lunch, he was told by the new senior management to write down suppliers' names in the expense form if he wanted to claim the lunch.

"I can't do that. If I have to buy employees lunch out of my own pocket, that's what I would do. A lot of the times, when companies get into these big scandals, it's because they start out with something small. I don't think people start out saying, 'We're going to cook the books and hide things.' But they do a little bit here, and if no one noticed, they'll do a bit there."

"And I believe that HR has to be prepared to stand up and fight those things."

What about you...

Would exposing wrongdoing be a career-ender in your organization?

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A reporting relationship that goes high enough that the ombudsman can do something about the wrongdoing is a key element in any good ombuds office, consultants say. At Shell Canada, the ombudsman is a contractor who reports directly to the president. He's also retired and financially independent, said Bancroft, so "he has no interest in making friends with management."

About 100 workers have turned to the ombudsman. The bulk of issues raised have to do with regular workplace issues like interpersonal conflicts and career management concerns, Bancroft said.

That these types of conversations come to the ombudsman instead of the HR department, Bancroft conceded, may indicate a certain lack of confidence in HR.

"But HR is part of management. So it's certainly not seen as an independent part of the company. Its job is to see that the company's interests are furthered. The more avenues you have, the better the company will be. Anything to have issues solved so we can get on with productive work, I think the company should support."

In Larry Colero's view, there are three key elements of an ethical workplace under HR's purview. The first is incentives and deterrents. Are people pro-

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