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Research the whistleblowers want - and what they need

Brian Martin
University of Wollongong, bmartin@uow.edu.au

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Abstract

The topic of this chapter is research helpful to whistleblowers. I begin by outlining my experiences as a whistleblower adviser and describing some of the insights this role provides. Then I discuss what whistleblowers really need: practical skills and insights into the ways organizations and society operate. Next is an outline of the ways that research can help whistleblowers. Finally, I list a variety of research areas that I think are highly relevant to whistleblowers. These offer a research agenda oriented to those on the front line.

Research that whistleblowers want - and what they need

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Brian Martin

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Introduction

In 2011, I received this email:

I am a whistleblower who has been forced into the state industrial commission to fight for a workers' compensation claim that was denied in February 2010. I represented myself after having legal representation who dropped my case in the review stage as they believed I didn't have a chance of winning. ... Can you suggest any type of help?

Then there was this one:

As a whistleblower being put through the wringer, and this has occurred over a long period of time now, I think you can appreciate the nature and lack of information contained in this email. ... I'm scared. If I may, I'm a professional investigator of over 20 years experience. I'm amazed, though probably shouldn't be, that I've tabled evidence that is being ignored, including by national and international bodies. Though as I'm sure you appreciate, ain't I coppin' it as a result? ...

And this one:

I am a former nurse, and I am contacting you in the hope that you will be able to give me advice regarding some whistle blowing that I have undertaken. ... I have decided to write a book about my experiences and am writing to you in the hope that you could advise me or give me the name of a lawyer who would be able to advise me as to the scope, boundaries and limitations of what can be published.[1]

These are samples of the dozens of unsolicited queries about whistleblowing and dissent I receive each year from individuals previously unknown to me. I try to provide helpful information and advice. It would be especially good if this information and advice were based on research. Unfortunately, there is not all that much research directly targeted at what whistleblowers want and need to know.

The topic of this chapter is research helpful to whistleblowers. I begin by outlining my experiences as a whistleblower adviser and describing some of the insights this role provides. Then I discuss what whistleblowers really need: practical skills and insights into the ways organizations and society operate. Next is an outline of the ways that research can help whistleblowers. Finally, I list a variety of research areas that I think are highly relevant to whistleblowers. These offer a research agenda oriented to those on the front line.[2]

Insights from Advising Whistleblowers

A lot of what I cover in this chapter derives from my experiences advising whistleblowers, so it will be useful to describe the context. I'm a long-standing office bearer in Whistleblowers Australia (WBA), a volunteer national group that provides information, advice and contacts for whistleblowers. WBA was set up in 1991 and developed a profile for its advocacy and support (Martin 2004). Those who know about WBA pass the word to others, and that leads to people contacting me.

Another reason why people contact me is my website, which contains a large number of articles and other documents about dissent and whistleblowing. Some people having trouble at work start searching the web for information and come across my site. Increasingly, enquirers say they are reading my book *The Whistleblower's Handbook,* free online (Martin 1999).

Having talked to whistleblowers regularly for 20 years, and researching the topic of dissent for a decade before that, I've heard from people from a wide range of occupations and circumstances. There are lots of public servants (government employees), teachers, police and military personnel. Because I'm an academic, a lot of academic and student enquirers are referred to me. There are also people working in private companies, churches, Aboriginal organizations and even women's groups. No sort of group seems to be exempt from problems.

Despite this enormous diversity of occupations, and an associated diversity of political and personal viewpoints, there is a remarkable similarity in the experiences reported. The common denominator is speaking out or doing something threatening to a powerful individual or group. Reprisals are standard, and follow a fairly routine pattern of escalation. Another thing strikingly predictable is the failure of official channels. At least 90% of enquirers have already blown the whistle and suffered reprisals. Many of them have gone to some external agency like an ombudsman or an anti-corruption commission. Some have approached half a dozen different agencies. In case after case, they report receiving little or no assistance, or at least not enough.

I am well aware that those who contact me are not typical. After all, if an agency provided ample protection and support to people, they wouldn't be contacting me. So there is a systematic bias in the sample of people from which I draw generalizations.

There is no obvious way to compensate for this bias. Suffice it to say that there are a lot of people who believe they are suffering reprisals at work and who are seeking information and support.

Although the sorts of people who contact me are not a representative sample of people who speak out at work, they do seem representative of those who contact WBA and other such organizations. I've talked to others in WBA who receive enquiries and their experiences are much the same as mine. When I read accounts by and about whistleblowers from the media and from researchers, everything is compatible with what I've observed (e.g., De Maria 1999; Glazer and Glazer 1989; Hunt 1995, 1998).

The people who contact me are not necessarily ones with high profile cases. When cases are reported in the media, they seldom involve people I've talked to, and often no one in WBA has talked to them. A few international cases come my way, especially because within WBA I'm the contact for international liaison. So far as I can tell, the dynamics of cases seem much the same in different countries, though the risks and reprisals are much more serious in some countries.

Over time, there have been some changes. Decades ago, most contact was by telephone or the post. WBA's branch in the state of New South Wales held weekly 'caring and sharing' meetings, and week after week new people would show up: face-to-face contact was an important feature of whistleblower support. When any of us received a call or a letter, we posted out a packet of leaflets and articles.

With the rise of email and the web in the 1990s, this pattern gradually changed. Today, the majority of contact is initially via email: it is obvious that people are scouring the web to learn about whistleblowing, sometimes reading lots of material, and then contacting us if they have specific queries. Sometimes I do not even know what country an email enquirer is living in, especially when they are cautious about giving out personal information. The web has internationalized the provision of information for whistleblowers, though only to the extent of availability of material in relevant languages. With the uptake of email and the web, there has been less demand for face-to-face meetings which, in New South Wales, are now held on an ad hoc basis rather than every week.

Another noticeable change over the past couple of decades concerns the respectability of being called a whistleblower. In the 1990s, it was common for callers to say they did not want to be called whistleblowers: they considered it a derogatory term. They would say, 'I was just doing my job'. However, media coverage and whistleblower legislation seems to have increased the status of being a whistleblower, so that now the term seems as often to be a badge of honour as an unwelcome label.

Some callers remain anonymous and give only a few details about their situation. Others launch into an exhaustive (and exhausting) blow-by-blow account of their experiences (see Alford 2001). Some who make contact by email remain anonymous; others send huge files giving enough material for a book. Gradually, through hearing stories and reading reams of documents, a sense emerges about what seems to be a genuine, or at least typical, case of whistleblowing, in which there seems to be some unfairness or other problem involved, and the person who raised concerns about it is

being unfairly treated. Through studying some cases in depth, their complexity becomes apparent, as well as the core issues.

With this background of study and experience, it becomes possible to sense whether a caller has a genuine case. In WBA, our policy is not to try to judge whether someone is 'really' a whistleblower, because the process of assessing someone's case can be a further experience of invalidation and humiliation, adding to the trauma they have already experienced. Nevertheless, it is often quite apparent that some cases do not fit the standard picture.

At the boundary with whistleblowing lies a host of people with a spectrum of related issues and concerns, and many of these people contact anyone who will listen.

- People who have been bullied at work. Some are bullied as a reprisal for speaking out (Martin and Peña 2012), but others are bullied for other reasons, for example for being a member of a minority group or just a convenient target for their harasser. They might be considered whistleblowers in a very general sense when they speak out about their treatment.
- People in family disputes, for example fathers bitter about child access arrangements following divorce.
- People with personal grievances. They might not get along with a co-worker, or get into disputes with their boss, or believe they are being unfairly treated. In many such cases, it is plausible to suspect that the person with the grievance may be the source of the problem.
- People sued for defamation or threatened with legal action. Some of them spoke out about some problem - they best fit the usual description of whistleblowers - but others were expressing their views about an individual, a business, or whatever, and someone is trying to shut them up.
- People who believe they are under surveillance or the target of a conspiracy. Some of these individuals seem to be deluded, for example when they believe government agencies are beaming radiation at them to control their thoughts, even though there is no good reason why the government would have the slightest interest in their activities.

These are some of the prime categories of people presenting with problems in what might be called the penumbra of whistleblowing: only occasionally do their situations fit conventional definitions of whistleblowing, yet there are some commonalities between their experiences and problems and those of whistleblowers.[3] One implication is that research on whistleblowing should be coordinated with research on problems people raise that do not fit into the formal category of whistleblowing.

Gaining insights about whistleblowing by talking to whistleblowers has both weaknesses and strengths. Some obvious weaknesses are that the sample is unrepresentative and is biased towards serious cases in which formal processes have not resolved the matter, many of the cases are unverified, only one side of the story is heard and that the sample is dominated by people who are vocal whereas other serious problems may go unheard. Another problem is that whistleblowing in the private sector is under-represented, perhaps because formal protection is minimal, so those who speak out seldom have procedural grounds for contesting adverse actions and therefore do not seek outside assistance. Fortunately, some of these weaknesses can be addressed by studying survey and other research that gives a feel

for typical patterns (Brown 2008; Miceli *et al.* 2008) and allows the anecdotal cases to be put in context, often as falling at the extreme end of the spectrum.

The advantage of talking to whistleblowers is the fact that it allows one to acquire a vivid feeling for the incredibly powerful adverse effects of reprisals, for the interminable and complex nature of most cases, and for the tortuousness of official channels and the ways they fall short for all too many whistleblowers. One of the most valuable insights from talking to many whistleblowers is a strong sense of the usual things that happen, which seem remarkably similar and mostly independent of occupation or circumstances. These advantages provide a useful basis for commenting on research that is or would be useful to whistleblowers.[4]

One of the most common refrains is that whistleblowers want protection and justice. A very large number of them are desperately searching for validation, which they hope to achieve by finding a champion - such as a lawyer or a crusading agency - that will fix the problem they spoke out about and restore their reputation and their position. At the same time, their stories and available research suggest that this is a forlorn hope: very few whistleblowers who have suffered serious reprisals receive formal vindication and fewer still are restored to their previous jobs and careers. Even less likely is that the problems they spoke out about are fixed and wrongdoers subject to any significant penalties. My conclusion is that whistleblowers know what they want but what they want is often not achievable, and hence what they really need, in the face of an unyielding reality, is something else.

What do Whistleblowers Really Need?

My assumption is that in dealing with problems in organizations and society, those who want to bring about change need skills. Relying on internal procedures or an outside agency is uncertain at best, especially when top figures in an organization are part of the problem. Workers, when they speak out about such problems, seldom bring about significant organizational change. About the most they can hope for is some protection against reprisals, or perhaps a generous compensation payment. There are exceptions, but not as many as most people imagine, because quite a few of the rare cases of whistleblowers who make a difference are trumpeted in the media. Just because a few whistleblowers win the compensation lottery does not mean the lottery provides good odds.

As has often been remarked, many whistleblowers are conscientious workers who believe the system works. That is why they speak out when they see a problem: they believe that managers will agree to look into the problem and, if it is confirmed, take steps to address it. So they are shocked to the core when they come under attack.

There is another sort of worker whose experiences are much different but seldom receives much attention: the shrewd, strategic worker who understands how the organization works, realises the risks in speaking out and hence proceeds in a different way. Such a worker is akin to an activist in a social movement, working strategically to bring about change rather than assuming that revealing a problem is sufficient to cause it to be fixed.[5]

Collecting Information

A standard piece of advice for whistleblowers is to collect lots of information about the problem. This sounds straightforward, and in some aspects it is, as for instance saving documents and emails. It might also involve soliciting signed statements, sending messages that confirm interpretations, listening in on conversations and, in some cases, making covert recordings.

Part of being effective in collecting information is knowing what is useful and what is not.[6] It involves knowing whether to use formal information-gathering methods such as accessing personal files held by the organization or using freedom-of-information requests. Another dimension is being trusted by co-workers who have their own special access to information and are willing to pass on some of it.

Writing Accounts

Having lots of information is a good start, but to make an effective case, it is nearly always valuable to be able to develop a succinct summary of the issues. When approaching potential supporters or outlets - whether co-workers, outside agencies, journalists or social media - it is vital to be able to describe the issues in a persuasive way. Too many whistleblowers rely on long-winded verbal accounts of their experiences that confuse and exhaust rather than inform listeners. Too many provide piles of documents without providing a convenient summary or even a sequence of events.

The skills involved here are ones of extracting central issues - namely ones that inform and resonate with others - and mustering evidence and arguments in a way that is understandable to the audience. This usually requires some capacity to see a situation as others might, namely to step back from the intensely personal and emotional close-up view.[7] Incidentally, writing about one's case can be therapeutic (Pennebaker 1997). An alternative or supplement to writing one's own story is finding someone who is willing to do it.

Understanding Organizational Dynamics

As well as collecting information about the problem, it is valuable to learn how the organization works: who has connections, what networks exist, what practices are standard, how people get things done, what sort of measures are taken against those who challenge the status quo (Bolman and Deal 2000; Schrijvers 2004). It is helpful to find experienced workers who can provide stories of what has happened in the past.

Building Support

It is vital to find potential allies to help bring about change. This might involve gently raising issues and, without giving away too much, find out who might be sympathetic to a change effort. Sometimes allies are internal, such as co-workers or union officials; sometimes they are external, such as activist groups or journalists. The point is to find allies and make a common cause. Five people taking action is far more effective than acting alone, and 50 people acting is, in many organizations, the beginning of a mass movement.

Sociologist Deena Weinstein (1979) has likened bureaucracies - the standard organizational form, especially for large organizations - to authoritarian states.[8] In an authoritarian state, there is little or no freedom of speech, no free elections, no independent opposition parties and sometimes no freedom of assembly. These same features apply in bureaucracies. People can speak to each other in private, but speaking out critical of management is a likely road to dismissal. Top bureaucrats are not elected; there are seldom opposition movements. The implication is that a whistleblower in an organization is analogous to a lone dissident in a repressive state: the most likely scenario is reprisals, such as arrest, without having any noticeable effect on the power of the state or its policies.

Authoritarian states can be challenged, most effectively by people power, namely mass action without using violence (Ackerman and DuVall 2000). The analogy in an organization is gaining widespread support for change and then taking collective action, for example simply not obeying policies, working to rule and calling in sick. An individual taking such action has little chance of survival but with enough participation the power is enormous. There are guides to building support against repressive regimes (Sharp 2010; War Resisters' International 2009), but nothing well known for building support within an organization.

Unions and professional associations can provide a collective voice against management and potentially can be valuable allies for whistleblowers. Informal feedback on the role of unions and professional associations gives a mixed picture: in some cases they are outstanding advocates for whistleblowers, but in other instances provide no assistance or, even worse, help the other side.

Generating Publicity

In many cases, publicity is a whistleblower's most powerful tool.[9] Publicity takes the issue out of the closed circle of perpetrators and bystanders, appealing to others who have no personal stake in it. Outsiders, if anything, have a stake in exposing and dealing with corruption and hazards to the public. Publicity holds the potential of bringing in powerful outside forces to challenge perpetrators. It can also encourage others on the inside to break ranks.

However, few whistleblowers know much about generating publicity. To be effective, they need to know how the mass media operate: what sorts of information and angles are most likely to interest journalists, how to approach and interact with journalists; how to manage an ongoing relationship, what to expect after media coverage, and how to use media coverage in ongoing struggles.

There are some traps for whistleblowers, including journalists more interested in sensationalism than balanced reporting, journalists who break implied confidentiality, and editors who decide to attack the whistleblower. Learning about the risks, and weighing them against opportunities, is important for being effective in using the media.

Whistleblowers no longer need to be reliant on mass media for publicity: they can make their own by setting up websites, making contributions to blogs and sending

out emails and tweets. There is an entire skill set in using social media for impact, getting out information, winning allies and putting opponents on the back foot.

As well as the open use of media for publicity, it is also possible to do this while remaining anonymous. It is possible to be an anonymous informant to a journalist, to leak documents either to a journalist or an online site like WikiLeaks, and to anonymously set up websites and send emails. Special skills are needed for such an operation, including making sure documents and revelations reveal no traces of one's identity, performing all significant activities offsite so that checks on a work computer or email address reveal nothing, and using methods to hide one's electronic identity.[10]

In pre-Internet days, there were cases in which dissident employees produced newsletters commenting on workplace activities, exposing problematical actions or policies. This involved writing the text, laying it out in newsletter format, printing it and distributing it to co-workers - all anonymously. This sort of undercover commentator role is now possible in a more direct electronic fashion, by using websites and anonymous remailers, but with the proviso that electronic methods of tracking down individuals are now more sophisticated. There is a evolutionary path from *samizdat* - dissident writing in the former Soviet Union, often copied by hand or typed - to current-day distribution of information unwelcome to managers. This indicates again the parallels between bureaucracies and authoritarian states: challengers need to know how to dissent and survive.

Self-Understanding

Organizational activists, to be effective, need to understand themselves: their goals, capacities, strengths and vulnerabilities. It is surprising how many whistleblowers have not thought through their goals: when I ask them, they may be nonplussed or express an entirely unrealistic hope of getting their job back and having justice done for all the wrongdoers. Figuring out sensible goals involves understanding one's own place in the world and realistically assessing what can be done.

Whistleblowers need to know what they are good at, so they can deploy their strengths. They also need to know their own weaknesses and vulnerabilities. It is not wise to launch a court process that could take years when financial or emotional weaknesses will undermine the effort later on. Self-understanding includes knowing one's social skills; a related form of understanding involves figuring out what others think and are likely to do. Mounting a publicity campaign, for example, depends on judging what will be effective in convincing others. Knowing whether one has a sterling reputation or is seen as self-centered and self-interested can help in planning campaigns.

Self-understanding is difficult to develop even for those who live uncomplicated lives. A worker who challenges the status quo and suffers reprisals is typically subject to all sorts of reactions that have seldom been experienced before, often undermining the worker's previous self-image and making self-understanding more difficult. Obtaining sensitive feedback from counsellors or wise friends - and, even better, other whistleblowers - can help in developing a better sense of one's own capacities, thoughts and behaviors.

I have described six areas in which people can develop skills that will better enable them to bring about organizational change with a lower risk of suffering reprisals. These can be used to stimulate ideas about research helpful to whistleblowers. But first it will be useful to outline avenues by which research can help whistleblowers.

How Research Can Benefit Whistleblowers

Research of various sorts can benefit whistleblowers, most obviously research directly on whistleblowing, but also research that gives insights into the operation of organizations or into how to develop skills. Here I will describe several avenues by which research can benefit whistleblowers.

It is important to point out that whistleblowing research is not necessarily designed to assist whistleblowers. It often has wider goals, such as challenging patterns of corruption, improving the functioning of organizations or avoiding public health disasters. Whistleblowing is often seen as a means to alert society to problems that need addressing: protecting or validating whistleblowers then becomes a means to an end, rather than the end itself. Because my focus here is on whistleblowers and their travails, I look at ways research can benefit them, while acknowledging that in many cases wider goals can and should take precedence.

Indirect Effect 1

Whistleblowing research can have an impact on policy relevant to whistleblowers, most obviously on whistleblower laws, and also on related laws and policies on access to information, compensation for unfair dismissal, and media shield laws, as well as internal organization policies. Whistleblower researchers seem far more likely to have an impact on laws and policies than whistleblowers themselves. For example, in Australia, quite a few state governments introduced whistleblower laws without any consultation with whistleblower groups.

Researchers are more likely to be consulted or have their findings taken into account because they have higher status, as credentialed experts, and are seen as more independent. It is reasonable to presume that whistleblowing research is more likely to have an impact on laws and policies when it involves government agencies as stakeholders or co-investigators, when it has a high profile (including media coverage) and when it resonates with the orientations and ethos of policy makers. It is possible that sometimes research will provide a justification for a policy that was desired anyway, but even in such cases the research may affect policy in small ways: policy makers, to use research to justify their actions, may adopt some elements of the research agenda.

Indirect Effect 2

Whistleblowing research occasionally gains a public profile, sometimes due to effective promotion and sometimes due to enterprising journalists. Publicly visible whistleblowing research can have effects on several audiences. Policy makers are more likely to be aware of it and possibly take it into account; members of the public are more likely to be aware of whistleblowing and think it is worthwhile; potential

whistleblowers may be emboldened; and whistleblowers may gain some credibility. Most of this assumes the research is supportive of whistleblowing.

There is far more media coverage of individual whistleblowers than there is of whistleblowing research. Nevertheless, publicity about whistleblowing research gives extra credibility to whistleblowing via the status of research and of the researchers. Researchers are commonly seen as independent and respectable, based on their achievements: if they are taking whistleblowing seriously, this implies others should too.

Indirect Effect 3

When research findings are popularized, for example described in media stories, some readers may learn from them. For example, if researchers say that laws are too weak, potential whistleblowers may decide to rely less on legal protection, and perhaps not blow the whistle at all. If researchers say many workers are afraid to report on wrongdoing, potential whistleblowers may gain a new appreciation of what is going on at their workplaces.

Popularization of research findings can occur in many ways, for example through media releases, media stories, websites, blogs and word of mouth. The key process here is that someone explains the findings in a way that is accessible and understandable to the general public.

Direct Effect

It is possible for whistleblowers to read research papers and in this way be influenced by their research content. No one has studied how often this happens, but it is probably only rarely.

Most research, including whistleblowing research, is written for peers, namely other researchers, and is seldom appealing to others. There is a tension for researchers in writing: which audiences are more important? Writing in typical academic style has the best prospect of gaining scholarly recognition, but it reduces accessibility to others. Writing popular articles, for example for newspapers and blogs, gets the message out to wider audiences but potentially at the expense of scholarly credibility. Doing both means more work.

Information for Whistleblowers

No one seems to have studied how workers go searching for information about whistleblowing. Based on anecdotal evidence, it is plausible to assume that two routes are common: searching the web and obtaining links from others. Some just stick 'whistleblowing' into a search engine and proceed until they find something useful. Others, who have told co-workers, family or friends about their difficulties, receive from one of them some suggested links. Another likely route is seeing stories in the media. Other routes to information are probably less common, such as seeing posters, receiving leaflets, attending talks and attending classes.

Also little studied is what sort of information whistleblowers find most useful. It is plausible that important factors are accessibility - especially free online access - readability, practical orientation and content relevant to understanding and strategic choice and, even better, the possibility of personal support and advice. Most research papers do not rate highly by these criteria: they are most commonly only available through subscription databases or academic libraries, are not written for a general readership, are oriented to research findings rather than practical purposes, and do not look at strategic choice. Few researchers offer to provide advice to individuals. If this assessment is correct, it suggests research is more likely to benefit whistleblowers indirectly than directly.

Possible Risks

I have been assuming that whistleblowing research is always advantageous to whistleblowers, but in some cases it is possible that harm may be greater than benefits. Some research projects require a fair bit of time and input from whistleblowers, for example extensive interviewing or provision of documents. If there is no benefit to whistleblowers - as may be true with some student projects - then time is wasted: any research project has opportunity costs. On the other hand, whistleblowers might appreciate that others are interested in their stories.

A potential disadvantage is that attention is diverted from important issues to less significant ones. Another risk is that whistleblowers might think that research is going to help them directly and promptly, whereas the benefits are modest, indirect and diffuse.

In some cases, research may put whistleblowers at risk, for example by revealing their identity to employers or prosecutors. This is most likely to occur when whistleblowing itself is most dangerous, for example when it involves the military or organized crime or occurs in a repressive regime.

To my knowledge, no one has studied or even commented on the hazards of whistleblowing research for whistleblowers, which suggests the risks are probably small, with time wasting being the most likely problem. Even so, the risks should be taken seriously because even just one or two negative experiences can poison opportunities for subsequent researchers.

Research Topics for Whistleblowers

Putting 'whistleblowing' into Google Scholar gives an indication of the sorts of research available and what is most highly cited, which includes whistleblower laws, surveys of workers, organizational climate, conditions favouring whistleblowing, benefits, predictors, definitions, impacts, models and policies. It would be valuable for someone to do a review of the field, giving an assessment of the research done so far.

My interest here is slightly different, being less about what researchers think is worth studying and more about what sorts of research would be useful to whistleblowers. Because this topic has received so little systematic attention, my aim is to stimulate thinking rather than reach definitive conclusions. Here, I list a range of potential

research topics that I think would be useful to whistleblowers, focusing on content that seems to have been neglected by researchers so far. For findings to be useful to whistleblowers, in most cases they would need to be written in a readable fashion and made freely available, either directly by the researchers or indirectly via popularizations.

Psychology of Attackers

Whistleblowers need to understand the psychology of others around them, especially those who initiate reprisals, who join mobbing attacks and who sit passively as observers. What do whistleblower opponents think? How do they justify their behavior?

Many whistleblowers say, afterwards, 'I was naive'. By this they mean they had no idea that bosses and co-workers would respond in the unsympathetic, harsh and unrelenting way they did. Researchers have spent more time looking at the psychology of whistleblowers than at the psychology of managers and co-workers confronted by whistleblowing.

The most useful study along these lines is Robert Jackall's book *Moral Mazes* (1988). Jackall gained access to corporations as an anthropologist, observing the mores of organizational culture. He witnessed the treatment of two individuals who tried to challenge official policy - and captured the thinking of those on the 'other side'. More investigation along these lines would be immensely valuable to whistleblowers.[11] Potentially relevant is the study of the psychology of managers who are perceived as abusive (Crawshaw 2007).

Anti-Ostracism Skills

Whistleblowers are often ostracized: formerly friendly co-workers turn away. Walking through the office and having lunch can become traumatic rites. Ordinary collegial relationships become problematical. Many whistleblowers do not understand why this is happening. Even when they do, they usually find it very difficult to live with.

There is some research on ostracism (Williams 2001), but not much is oriented to strategies to deal with it. Simple insights would aid survival.

I know one individual who, even after he had made a formal complaint about bias in hiring, implicating a small clique, was able to continue cordial interactions with his erstwhile colleagues. By doing this, he was able to collect valuable information for his further efforts. Significantly, he was an anthropologist, perhaps suggesting that skills in interacting with an alien and potentially hostile culture may be useful.

Winning over Bystanders

Whistleblowers usually have little hope of convincing their opponents, especially when the opponents have a personal stake in corrupt or dangerous practices. However, there is hope to win over those with less invested in such practices - those who are commonly called bystanders. Co-workers may support the whistleblower in

principle but be afraid to become involved because they might suffer reprisals. Other co-workers are just too busy with their jobs to become involved. Some avoid any sort of conflict.

Some whistleblowers are able to win over bystanders, through personal skills or perhaps by good luck. Relevant skills include knowing who is most likely to be sympathetic, how to approach individuals and figuring out the potential role of each individual. There is a large amount of research on persuasion (Cialdini 1984; Rushkoff 2000) but little on how persuasive techniques can be selected, adapted and learned by whistleblowers.

Assessing Threats

Many whistleblowers suffer reprisals, a process that is well documented. What is not so well studied is the seriousness of threats, whether explicit or perceived. A threat - such as of being reprimanded, dismissed, sued or assaulted - can itself be a reprisal, but there is also the question of the actual risk that a threat will be realized. For example, a potential whistleblower or a bystander might be worried that saying anything will jeopardize promotion prospects. Is this a genuine fear? A boss might threaten dismissal or legal action. Is the risk serious or is the threat a bluff or even just idle chatter in a moment of annoyance?

The seriousness of threats depends sensitively on the circumstances, including the psychology of the person making an explicit threat. Even so, facts and figures can help to assess risk. For example, it would be useful to know how often employees are threatened with being sued and how many legal actions are actually initiated.

Exemplary Stories

Stories about individual whistleblowers are a mainstay in writing in the field, especially more popular genres. Stories are highly educational: they vividly portray scenarios with which readers or viewers can empathize and sometimes identify. Stories help validate a whistleblower's experience which is otherwise inexplicable to others and sometimes to the whistleblower.

However, there is a systematic bias in the stories available. They are mostly about dramatic cases, in which the stakes are high and the whistleblower righteous (and right). Prominent stories are biased towards outcomes that vindicate the whistleblower, even when wrongdoers sometimes escape justice. This is apparent in Hollywood treatments such as *Serpico, Karen Silkwood, The Insider, Erin Brockevich* and *The Whistleblower,* and highly publicized cases such as Sharron Watkins of Enron.

Researchers could do more to supplement the stories available with ones that are more typical of whistleblower experiences. These could be hypothetical, using survey data to compose a series of exemplary stories, or chosen from actual cases as typifying common but neglected trajectories. Especially important in stories are the lessons based on what was done along the way and how things might have been done better, based on information about successes and failures.

Enforcing Whistleblower Laws

Many whistleblower laws look good on paper but are less satisfactory in practice. Researchers have examined the laws in some depth but have devoted less attention to enforcement. This might involve studies of how discretion is exercised by authorities, how courts interpret laws, how employers are able to avoid or nullify the intent of the laws, and how advocates can push along reluctant or overloaded agencies. (Vaughn (2012) provides the best treatment of these issues yet available.)

Challenging Disincentives to Speaking Out

Defamation law, official secrets acts, corporate nondisclosure rules, privacy laws and nondisclosure clauses in legal settlements are some of the formal means that can discourage employees from speaking out, because they are afraid they might be hit with legal sanctions and even criminal prosecution. Research is needed on dealing with these disincentives. One solution is to reform the rules, for example to change draconian defamation laws, but this is usually a long-term prospect requiring political rather than research skills. Another option is to improve understanding of how these disincentives can operate, the likelihood that they will actually be used and the ways they can be sidestepped or challenged. For example, if employees understand that publicity about their claims is likely to reduce the risk that they will be met with a defamation action or some other charge, they can modify their plans accordingly (Gray and Martin 2006). Likewise, if employers know that employees might respond to threats by seeking publicity, they might adopt a different stance. If researchers show the damaging effects of disincentives for speaking out, this can help discredit these methods and encourage more employees to challenge them.

Choice Criteria

In pragmatic terms, whistleblowers need to know what to do. A few always know exactly what they should or must do, but many agonize over their choices. Whistleblower advisers often spell out the sorts of choices available, sometimes expanding awareness of options. But even knowing about a variety of options, there is still the question of making a decision.

Research would be useful to whistleblowers if it articulated or clarified the criteria that are most likely to aid whistleblowers in choosing options that advance their goals - assuming they have accurately understood their own goals. Some possible criteria might relate to effectiveness in bringing about change, short-term versus long-term gains, and surviving in the job versus creating a new career.

Emotional Survival

It is well known that many whistleblowers suffer extreme stress, sometimes leading to psychological problems that may continue for years afterwards (Lennane 1993). Being able to endure stress, or even thrive on it, is a valuable attribute or skill in such circumstances. There is a body of writing about emotional resilience that is relevant (Maddi and Khoshaba 2005). More research on the specific skills for resilience against reprisals in the workplace would be highly valuable to whistleblowers.

Families and Friends

Whistleblowers greatly benefit from having family members, friends, co-workers, counsellors and others who are available to listen and offer guidance and support. Researchers and writers often look at whistleblowing from the point of view of whistleblowers but only infrequently from the point of view of families, friends and other potential supporters. Insights for these supporters would be valuable, for example on understanding what whistleblowers are going through and how they are likely to respond, on interventions that are most likely to be useful, and on the advantages and risks of becoming more directly involved in the struggle. Many of these insights for supporters can be taken directly from counselling practice, but others may need to be developed to apply specifically to the situation of whistleblowers.

Degradation Rituals

A degradation ritual or degradation ceremony is a process by which authorities take action to lower a person's status (Garfinkel 1956). Formal rituals include reprimands, investigations and referring people to psychiatrists. Informal rituals include tirades from the boss and condemnations at staff meetings. Degradation rituals are regularly used against whistleblowers, sending a signal to any witnesses about the unacceptability of the target and the target's actions.

Degradation rituals are intended to shame targets, and many targets are indeed shamed: they feel humiliated. Such rituals are powerful tools of control. There is a fair bit of research on degradation rituals (Thérèse and Martin 2010), but hardly any on how to resist. Some options are to refuse to participate (for example by walking out of meetings, if necessary by claiming illness), to describe and expose what is happening thus reducing the ritual's power, and developing psychological defences that reduce the power of the ritual to cause shame.

What Processes Work?

Whistleblowers need information about which laws, agencies and other official processes actually work, or when they are most likely to. Specifics provide the most telling evidence, such as that 74 out of 75 appeals to a court by whistleblowers were unsuccessful (Devine 2004: 85) or that 10 out of 15 approaches to an agency resulted in an investigation. These sorts of figures help whistleblowers to make more informed judgements about their course of action. (They are still subject to over-optimism, often based on a whistleblower's assumption that 'my case is different, because I know I'm right,' not grasping that previous whistleblowers felt exactly the same way.[12]) This sort of specific information is highly useful to whistleblowers to whom it directly applies, but not all that useful to others.

Next most useful are generalizations about avenues, agencies or laws, such as that hotlines hardly ever work or that the *False Claims Act* is the most promising avenue for having an impact. An excellent example of this sort of information is *The Whistleblower's Survival Guide* (Devine 1997; see also Devine and Maassarani 2011), about half of which contains commentary about specific US laws and agencies. This

sort of information is useful to many whistleblowers in the US, though it gradually gets out of date and has limited value in other countries.

Of more general value is information on the signs of effective processes, agencies and laws, namely the sorts of things to look for when deciding whether to pursue or accept mediation, whether to use internal grievance procedures, which external agencies to approach or which legal mechanisms to use. Potentially useful signs might be outcomes of previous cases,[13] openness about outcomes, prompt responses to queries, and favourable comment from whistleblower advisers. Researchers could, for example, correlate various signs with actual outcomes in order to generate a guide to choosing the most promising options.

Dealing with the Media

Publicity is often a powerful tool for whistleblowers, yet few of them know much about how the media operate. Some whistleblowers learn through their own interactions with journalists and editors, but this can be restricted to particular circumstances.

Whistleblowers need to know whether it is worthwhile contacting journalists in the first place and, if so, which ones and how to go about it. Therefore, it would be useful to study how journalists and editors respond to whistleblowers and to their stories, including assessments of different ways of making contact with journalists, providing information and framing their stories.

Changing Organizational Cultures

Blowing the whistle is one way to try to bring about a change in actions and policies. Another approach is to try to change the culture in an organization, so that problems are less likely to arise and addressing them is more accepted. An example is introducing into a hospital a system for routinely reporting adverse incidents, without fault being attributed to those who make reports (Freestone *et al.* 2006). The result of bedding down such a system is a culture of openness and learning from mistakes, replacing the more common culture of hiding mistakes. With such a system, the need for whistleblowing is greatly reduced.

The question then is, how can such a change be brought about? Organizational researchers have examined changes processes extensively, but usually from the point of view of high performance rather than addressing the sorts of issues that confront whistleblowers. The sort of research that would most help potential whistleblowers would say, in effect, rather than speaking out immediately, here are some options for bringing about change in the longer term, and here is some information about how an individual can determine whether such change is possible and, if so, how to contribute to it.

How to Leak

Leaking is the unauthorized disclosure of information. It can be a method of whistleblowing, typically without the leaker's identity being revealed. Arguably, anonymous whistleblowing via leaking is often more effective than revealing one's

identity in making disclosures: a leaker is far less likely to suffer reprisals, is able to remain in the job and continue to collect information and leak it, and normally contacts outside groups that are likely to have an impact. Leaking is most commonly done to the media or action groups, such as environmental campaigners, which are more likely to take the information to receptive audiences, including the general public, whereas the audience for open disclosures is most commonly bosses, human resources staff and outside agencies such as ombudsmen.

There are disadvantages to anonymous leaking. One is that leakers do not carry the moral authority of an open whistleblower. Another is that witch-hunts for leakers can cause fear in a workplace and sometimes lead to reprisals against innocent parties.

The phenomenon of WikiLeaks has triggered a huge media interest, but this should not obscure the reality that leaking has been occurring for decades and that most leaking will continue to be by traditional methods of passing documents to individual journalists or activists. There is only a little research on leaking (Flynn 2006) and a limited amount of writing about how to do it effectively (Hager and Burton 1999: 240-247; POGO 2002: 9-16). This area is wide open for investigation.

Citizen Action against Corruption

Most research on corruption looks at what can be done by governments and corporations. The potential role of citizens has been neglected. Yet there is evidence that citizen action, through forms of non-violent action or people power such as rallies, mass petitions, coordinated symbolic actions and committees to monitor projects, can have a major effect (Beyerle 2011, 2014; Beyerle and Hassan 2009).

Whistleblowers can play an important role in assisting citizen movements against corruption, by providing information directly to campaigners and by making principled public stands that inspire opposition to corrupt practices. However, there is little research on citizen action against corruption and none focusing on the most useful contributions by whistleblowers as part of such action. There are many possible topics to investigate, such as how to organize a citizens' group, how to maintain momentum, how to interact with official agencies and how to follow up on promised reforms. Research on the connection between whistleblowing and citizen action against corruption can usefully draw on research from three areas: whistleblowing, non-violent action and corruption.

Conclusion

Apparently there are no studies specifically investigating what sorts of research projects are most useful to whistleblowers. In this absence, I have presented preliminary ideas drawing on my experience hearing from and advising whistleblowers, in conjunction with recommendations from other whistleblower advisers. Whistleblowers often initially seek advice on specific steps in taking legal or other formal action, but in practice this is usually late in the process, after they have suffered reprisals. To use a health/disease analogy, whistleblowers are seeking a cure or palliative care for an auto-immune disease that has afflicted them, namely an organization that has turned against its own antibodies - whistleblowers being analogous to antibodies fighting organizational pathology. After the auto-immune

reaction has begun, it is extremely difficult to bring the organization back to health. Far better is prevention, which can be by the antibodies - the whistleblowers - being much more informed and strategically savvy against both the organizational disease and the auto-immune reprisals.

Research is seldom directly useful to whistleblowers: research papers and books are usually oriented to other researchers, not to actual or potential whistleblowers. However, research can have an indirect effect via popularizations and via impacts on policy and practice and on public attitudes. Furthermore, whistleblowers are not the only beneficiaries from whistleblowing research, which can be used to inform policy and to foster healthier organizational cultures. It is not sensible to orient all whistleblowing research to whistleblowers. Still, the emphasis is tilted too far in the other direction, towards formal procedures to deal with disclosures, with little research that can give guidance to whistleblowers and, more generally, organizational activists.

I have outlined a series of possible research areas that I think would help workers increase their understanding and improve their skills for surviving and bringing about change and surviving in the face of opposition. The common feature of these research areas is that they do not rely on agencies, laws or management initiatives: they are oriented to practical knowledge and skills. An empowered workforce, along with an empowered citizenry, is a potent challenge to corruption and, more widely, to other organizational pathologies such as bullying and disregard of the public interest.

When I receive an email or phone call from a whistleblower, I would like to be able to refer them to practical, accessible advice. And I would like to know there is solid research backing up that advice.

Acknowledgements

Endnotes

1. These extracts from emails have been edited, including the removal and altering of identifying information.

2. I sent a draft of this chapter to several whistleblower advisers for comment. Two of them provided comments: Jeff Ruch, executive director of Public Employees for Environmental Responsibility, a US organization; and Guido Strack, of Whistleblower-Network Germany. Their comments are given in footnotes below.

3. **Guido Strack comments:** Up to here I can completely confirm your statements from my experience answering the hotline of Whistleblower-Network Germany. I had always thought that getting so many enquiries far from the classical definition of whistleblowing was due to the fact that there is no German equivalent to the word whistleblowing; we use the English language word, although not many Germans know it. Yet you confirm that this phenomenon occurs also where the word whistleblowing is more widely known.

Jeff Ruch comments

(Jeff Ruch is Executive Director of Public Employees for Environmental Responsibility (PEER), an important US private non-profit watchdog organization that 'protects the government employees who protect our environment'. He provided the following comments in response to a draft of this chapter, saying they illustrate the perspective of 'an advocate rather than a researcher'.)

A. On social acceptance of whistleblowing, we are seeing a greater social expectation that there *should* be whistleblowers. So, when a particularly horrendous scandal involving a long-standing abuse finally surfaces, our media ask, 'Where were the whistleblowers? Why didn't someone report this years ago?'

B. The vast majority of people we see at PEER are not facing reprisal for blowing the whistle; they face retaliation for simply doing their jobs too well or on a sensitive subject. This is often the case with scientists, who in many cases have been doing research on a subject for years if not decades. Suddenly, due to a shift in political winds or an outside circumstance (such as an environmental lawsuit citing the scientist's data), these specialists through no conscious act are transformed from Golden Boy to Public Enemy #1. I think some attention should be paid to folks treated like whistleblowers but who, on the basis of the content of their information, are merely institutionally inconvenient.

C. In addition to the mindset of bureaucratic retaliation, some note should be taken of organization tolerance or promotion of such behavior. When retaliators are protecting the agency or its agenda, as is often the case, they are then promoted. Conversely, retaliators rarely suffer negative career consequence, regardless of the outcome of the whistleblower's 'case'. Thus, it may be far too narrow to look at a retaliator's mindset outside the context of the organizational power dynamics which, in my view, are the driving force behind organized actions to quash dissent.

D. In our experience, people take career risks in order to accomplish change, either stopping what they perceive to be a bad thing or bringing about or rescuing a good result. In many instances, these conscientious folks would willingly sacrifice their career to produce the change they seek, because they see it as transcending them. The motivation of the whistleblower in seeking the social or environmental benefit deserves more attention. In that same vein, whistleblower litigation (which we do a fair amount) is of limited benefit. Even if the whistleblower 'wins' and is restored, the judicial forum can only redress the personnel injury and has no power to address the underlying dysfunction that triggered blowing the whistle in the first place. In some instances, the winner is restored to an even more hostile and screwed up situation.

E. Finally, to follow that train of thought, our organization is rooted in how much change for the good can be accomplished by harnessing the insights of these inside experts. In our experience, a lot of the progress we see comes only because someone sought outside help to turn the internal course of events. Our website is full of examples. Since PEER is completely 'intake-driven', every legal victory is rooted in an employee activist.

P.S. If you visit our website, you will note that we counsel a 'deliver the message and not the messenger' approach, embodied by the underwear we sell (boxer shorts with an Undercover Activist legend across the rear and our log on the leg). The guidance document we provide intakes is called *The Art of Anonymous Activism* (POGO, 2002). This approach allows the activist to concentrate on bringing about change and living to tell the tale.

[5.](#) **Guido Strack comments:** Why don't you call this a superhero? What you describe in the following sections seems to expect people to have a combination of skills that few have and even fewer can acquire when they are already in a whistleblowing and reprisal situation.

[6.](#) **Guido Strack comments**: Often you only know too late. And as different future contacts might ask for different pieces of information, it is better to collect anything you can get hold of that could possibly be useful. Then comes the task of assembling and sorting information in a way so you can find specific items when you need them.

[7.](#) **Guido Strack comments:** Which again is a very hard task. And don't forget a good summary presents what readers want to know and what they are able to digest, so normally you will need several different summaries depending on the person you want to contact, with different lengths for initial and for later more intense contact.

[8.](#) **Guido Strack comments**: Most people recognise the realities of authoritarian states, whereas in the case of bureaucracies, outsiders and even some insiders believe that they are what they claim to be - following the rule of law and rational arguments - while in reality they just follow personal influence and power rules.

[9.](#) **Guido Strack comments:** I am quite sceptical. To be effective, publicity needs to attract attention by others who are powerful enough to achieve change - but attention is a very limited and precious resource that nobody wants to waste. Whistleblowers and their messages are competing with many experienced and well respected players who know how to win the attention of others and who are able to offer something in exchange. So why should a whistleblower win?

[10.](#) **Guido Strack comments**: The more specific a case is, the more difficult it will be for a whistleblower to pass the message without identifying their identity by its content. Statistics show that nearly all whistleblowers report internally first: for them, the possibility of anonymity is almost gone. But can they be blamed for giving internal means a chance first?

[11.](#) In 1999, I applied for a research grant to study how managers and employees and whistleblowers responded to key decision points in whistleblowing stories, with a research design aimed at overcoming some of the obstacles Jackall faced in gaining access to organizations: see http://www.bmartin.cc/others/ARC/ARC2000.pdf. The application was unsuccessful.

[12.](#) **Guido Strack comments**: This is a key problem also with bystanders. Everybody believes the system is working until there is no other choice than accepting that it doesn't. So how should a whistleblower convince others who have

not gone through a change of perspective and do not want to hear that the system is flawed?

13. **Guido Strack comments:** This would be an important message also for businesses wanting to install whistleblower hotlines - provided they want them to be used.

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