



# Whistleblowing during the Covid-19 pandemic

Canadian Club of Rome  
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# Key Messages

1. Whistleblowing is an essential tool for combatting wrongdoing within organizations.
2. It is virtually unused in Canada.
3. The consequences during the Covid-19 pandemic have been (predictably) disastrous.
4. We need to raise our game – and you can help!

What is Whistleblowing?

# Becoming A Whistleblower



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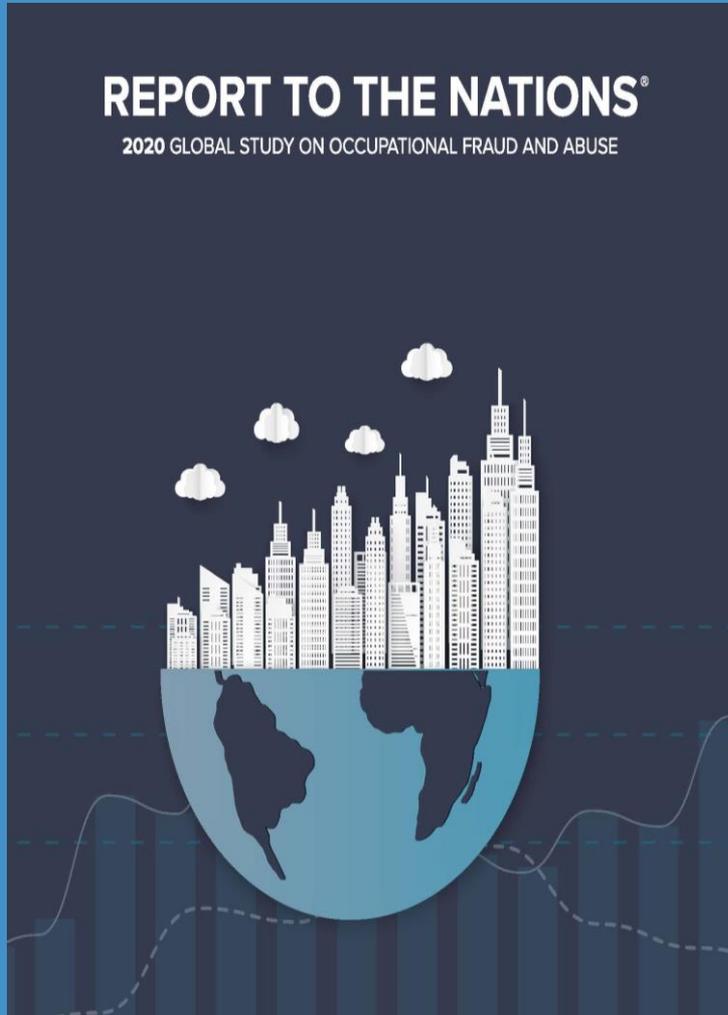
# Consequences of Reprisals

- Loss of job, reputation, career, livelihood
- Loss of family home, security
- Break-up of family – due to stress, fear, resentment, alienation
- Mental injuries: PTSD-like symptoms (chronic depression, insomnia, flashbacks, panic-attacks...)

**Typical trajectory: top IT specialist ends up selling phones in Apple store**

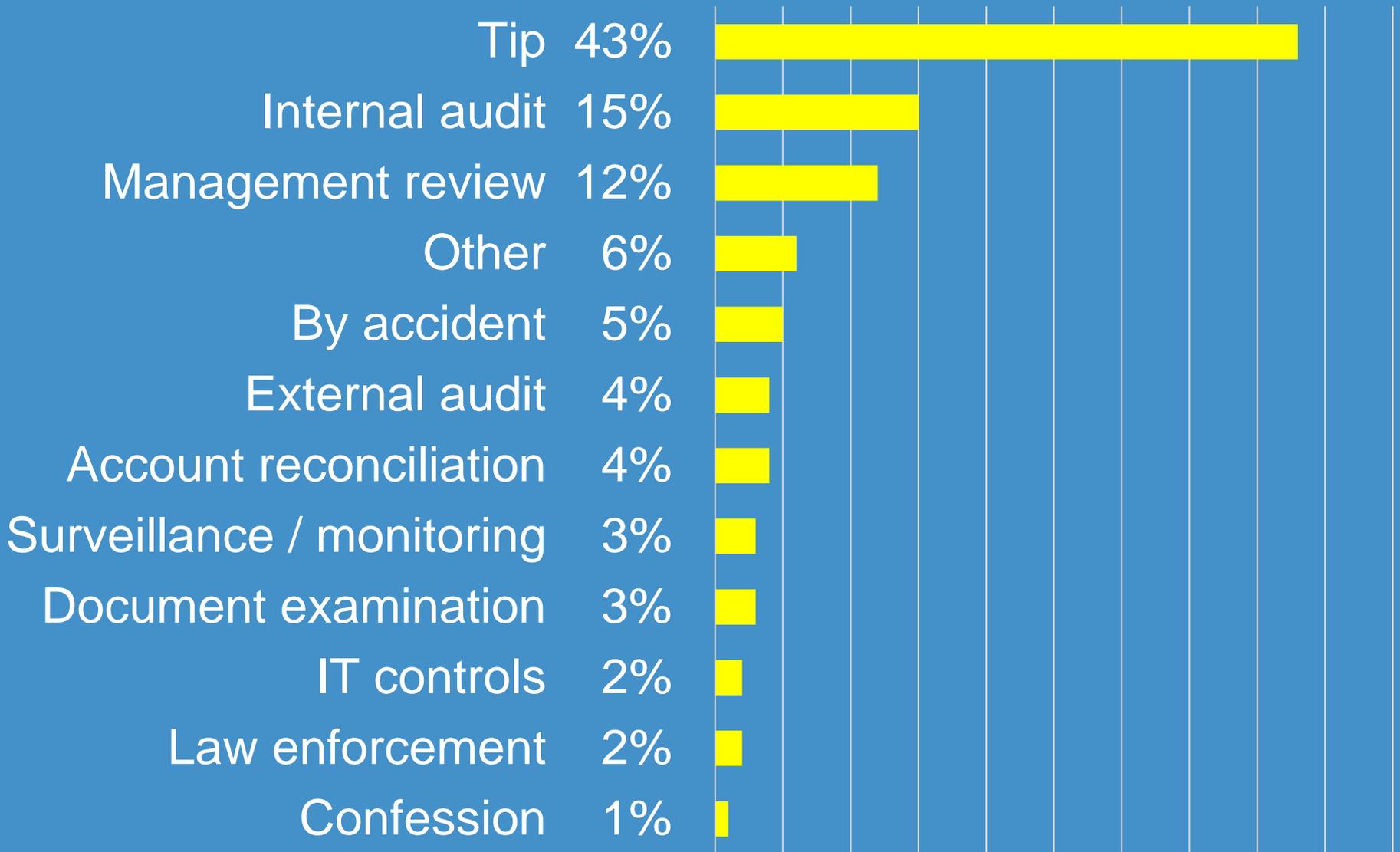
# Why is Whistleblowing Important?

# Some Relevant Research



- Association of Certified Fraud Examiners
- Report to the Nations 2020
- Biennial since 2002
- 2,500 members surveyed

# How Is Fraud Discovered?



# Whistleblowing in Canada

# Federal Whistleblowing System

- Federal law (PSDPA) – came in force 2007
  - Riddled with loopholes
- First Commissioner retired in disgrace
- After 13 years of operation:
  - Not a single whistleblower has been protected
  - Only one has completed the Tribunal process
- 5-year review conducted in 2017
  - Recommended sweeping changes
  - None implemented

# International Trends

Creation of national whistleblowing laws:

- 1978 – 1 nation (USA)
- 1998 – 2 nations (USA, UK)
- 2020 – 64 nations have national laws

Also

- 95 nations have sectoral laws
- 159 nations have something (out of 195)

# GAP Review of National Laws

Assessment against 20-point criteria

## Score (0-20)

## Jurisdictions

18

Australia, EU (Directive)

14-16

USA, Serbia, Ireland, Cayman Islands, Guyana, Kosovo, Namibia, New Zealand

...

0

Canada

# Where Does Canada Stand?

- Known internationally as the 'Titanic' of whistleblower protection
- Bucking international trends
- The subject of perplexity abroad
- No appetite for change at federal level

# Consequences in a Pandemic

# Some Covid-19 Vulnerabilities

- Long Term Care (LTC) nursing homes
- Meat packing plants
- Distribution of relief funds

# Historical Problems: Nursing Homes

- Highly profitable industry (\$ billions)
- Persistent reports of inadequate care, elder abuse...
- Nurse Wettlaufer's crimes → public inquiry
  - Report July 2019 – 91 recommendations
- Oversight – inadequate and in decline
  - e.g. Inspections of Ontario's 629 homes fell from hundreds in previous years to just 9 in 2019

# Covid-19 in Nursing Homes

- Severity of problems slow to emerge: not fully understood till Army report
- 82% of Covid-19 deaths in Canada were in LTCs – housing 1% of population
- Death rates in for-profit homes in Ontario are 4x higher than in city-run homes
- LTC deaths in Canada >6,000:
- LTC deaths in Australia: 29

# Historical Problems: Meat Packing

XL Foods meat packing plant, Alberta

- e-coli outbreak in 2012
- Problems known to employees, unions, CFIA inspectors, management...
- No-one managed to blow the whistle
- Tainted meat was first detected by US authorities at the border!
- Largest food recall in Canadian history

# Covid-19 in Meat Packing Plants

Cargill plant → largest Covid-19 outbreak in Canada (1,200 cases)

- Almost half of workforce affected (921)
- Reopened after 2 weeks

JBL plant → 276 cases  
(formerly XL Foods)

# Covid-19 Financial Fraud

- Who can say?

# Some Whistleblower Experiences in Other Countries

# China

About 8 doctors were summoned by police for sharing concerns about the virus.

- Li Wenliang (Wuhan Central Hospital)
  - Reprimanded and forced to retract his warnings. Later died of the disease.
- Dr. Ai Fen (Wuhan Central Hospital)
  - Supervisors tried to silence her. Later she disappeared.

# USA

Rick Bright, Former Director of BARDA

- January – warned about the virus
- 20 April – reassigned to another agency
- 5 May – filed whistleblower complaint
- 8 May – OSC recommended reinstatement
- 14 May – Testified to Congress

What Needs To Be Done

# Other Countries' Experience

Typical pathway to whistleblower protection:

1. Scandals and disasters
2. Whistleblowers revealed after the fact
3. Public awareness, sustained outrage
4. Irresistible pressure on politicians
5. Suitable laws already proposed

# How you can help

- Discuss with your friends and colleagues – raise awareness
- Learn more and stay informed (CFEWI website, CFE newsletter)
- Arrange presentations to other influential groups
- Donate to CFEWI – to expand our hotline



# For More Information

Centre for Free Expression, Ryerson,  
Whistleblowing Initiative (CFEWI)

<http://cfe.ryerson.ca/cfewi>

- Analysis of federal legislation (PSDPA)
- Criteria for evaluating whistleblowing
- List of prominent Canadian whistleblowers
- Articles and guidance
- (Analysis of provincial legislation – coming)

## CSA Group Whistleblowing Guideline

# Some Resources (with hyperlinks)

- [CFE Whistleblowing Initiative website](#)
- [A list of prominent Canadian whistleblowers](#)
- [The whistleblower's ordeal](#)
- [How wrongdoers operate](#)
- [What's wrong with the PSDPA \(federal law\)](#)
- [Evaluation criteria for whistleblowing](#)
- [Don't Shoot the Messenger – panel discussion](#)

Questions?