



## **Exploring the Culture of Whistleblowing and the Fear of Reprisal in the Federal Public Sector**

### **Executive Summary**

#### **Prepared for the Office of the Public Sector Integrity Commissioner**

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March 2022

This public opinion research report presents the results of a set of nine online focus groups conducted with Government of Canada public sector employees. The focus groups took place between March 3 and 10, 2022.

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## Executive Summary

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) commissioned Phoenix Strategic Perspectives (Phoenix SPI) to conduct qualitative public opinion research (POR) to explore the culture of whistleblowing and the fear of reprisal in the federal public sector.

### 1. Research purpose and objectives

The purpose of this qualitative research was to provide PSIC with a clearer understanding of public servants' views on whistleblowing and reprisal. The objectives of this research were to: explore attitudes towards the reporting of wrongdoing within the federal public sector; identify the factors participants would consider when deciding whether to report wrongdoing; explore concerns related to the reporting of wrongdoing, including the fear of reprisal; assess participants' awareness and knowledge of PSIC; and learn more about how best ways to communicate information about the federal whistleblowing regime.

### 2. Methodology

Nine virtual focus group sessions were conducted between March 3-10, 2022, with federal government employees. Five groups were conducted with non-management employees and four groups with executives and managers (EX and EX minus 1). Participants were drawn from a mix of federal departments and agencies and represented a mix of job functions and regions of the country.

### 3. Limitations and Use of the Research Results

This research was qualitative. Qualitative research is designed to reveal a rich range of opinions and interpretations rather than to measure what percentage of the target population holds a given opinion. As such, the results indicate federal public servants' views about the issues explored, but they cannot be generalized to the full population. With the foregoing in mind, the results of this research will be used by PSIC to inform communications strategies and products used to educate public servants about the federal whistleblowing regime.

### 4. Key Findings and Recommendations

#### *Top-of-mind considerations about whistleblowing in the public service most often related to possible reprisals and negative repercussions.*

Participants collectively identified a variety of considerations that come to mind as public servants when they think about whistleblowing in the public service. The possibility of potential reprisals for whistleblowing, however, was the most commonly identified consideration, with participants using expressions including 'retaliation', 'retribution', and 'negative consequences'; sometimes these expressions were preceded by the phrase 'fear of ...'. The potential repercussions of whistleblowing were also frequently identified by participants. Examples included a negative impact on the physical or psychological well-being of the whistleblower, lack of support or back-up, the whistleblower acquiring a reputation as a 'troublemaker', diminished trust and division among co-workers, as well as damage to the image or reputation of the public service.

When it came to their own attitude towards whistleblowing in the public service, there was a widespread perception that whistleblowers are brave individuals who are not adequately supported nor protected when making a disclosure. Underscoring this impression was a sense of cynicism, scepticism, and disillusionment regarding the process of reporting wrongdoing and the likely outcome. There was an almost equally widespread attitude that whistleblowers should be encouraged and supported, and that claims of wrongdoing should be investigated when reported by public servants. At the same time, participants emphasized that potential whistleblowers need to understand what they are facing in terms of the disclosure process and procedures, with many describing the process of investigating wrongdoing as long, arduous, stressful, and uncertain as to the outcome.

*Participants said their attitude towards whistleblowing in the public service has changed over time. In addition, there was a widespread impression among participants that things have changed concerning whistleblowing over the course of their own career in the federal public service.*

Many participants said their attitude towards whistleblowing in the public service has changed over time. In describing how their attitude has changed, participants described themselves as having ‘become less naïve’, ‘more pessimistic’, ‘more cynical’, ‘more jaded’, ‘less bright eyed’, and ‘more disillusioned’ about the process of reporting wrongdoing. Some described themselves as having become ‘more reluctant’, ‘more cautious’, and ‘more sceptical’ about reporting a wrongdoing, or more likely to consider whether something is worth reporting given the negative impact this could have on their career.

Not only did many participants report changes in their attitude toward whistleblowing, they also felt that things have changed concerning whistleblowing over the course of their own career in the federal public service. Specifically, there is much more awareness-raising and education, as well as official measures or procedures in place to support and facilitate whistleblowing. That said, many held the view that such changes amount to ‘virtue signalling’ or ‘window dressing’ as opposed to constituting real cultural change in the acceptability of whistleblowing in the workplace environment.

*Participants identified a range of factors or considerations which would encourage or motivate them to report wrongdoing, sufficient evidence or certainty of wrongdoing, the perceived severity of the wrongdoing, and trust in one’s manager (among employees).*

Factors or considerations which would encourage or motivate participants to report wrongdoing tended to fall into three categories: factors relating to the nature of the wrongdoing, factors related to procedures for reporting wrongdoing, and factors related to the work environment or culture. Factors related to the nature of the wrongdoing included having definite proof or certainty of wrongdoing, the perceived severity of the supposed wrongdoing, and whether there were other witnesses to support or corroborate the claim. Factors related to the processes and procedures of reporting a wrongdoing included guaranteed anonymity to protect against possible reprisals and negative repercussions in the workplace, trust or confidence in the process of investigation, and evidence that wrongdoers found guilty are punished for wrongdoing. Factors related to the work environment included a work culture that supports and encourages whistleblowing and, among employees, trust or confidence that their manager would support and guide them if approached about potential wrongdoing.

***Fear of reprisals is the most frequently identified concern or apprehension about reporting a wrongdoing that may have been committed within the federal public sector. Not only is fear of reprisals the top concern associated with reporting a wrongdoing, it is also a real concern according to nearly all participants.***

Participants identified a variety of concerns about reporting a wrongdoing, but the most frequently identified concern, by far, was fear of reprisals. Indeed, this concern was identified by participants in every group. Concerns identified less frequently included *negative repercussions in the work environment, negative impact on one's mental and/or physical health and personal life, the impression that nothing will change if one reports wrongdoing*, the time and effort that needs to be invested in the reporting of wrongdoing, and doubt/lack of certainty that a wrongdoing has occurred, among others.

Nearly all participants said that fear of reprisals for reporting a wrongdoing is a real concern, and one that cannot be eliminated altogether as a concern when reporting wrongdoing. Even before being asked about this explicitly, the issue of reprisals had been raised and discussed in all groups. Routinely identified examples of types of reprisals included impeded career progression and poor evaluations, being taken off projects or not assigned to special projects, being assigned less challenging work or an increased workload, having one's work increasingly scrutinized, having one's reputation tarnished by being labelled as untrustworthy, and being shunned by other employees.

***Awareness of PSIC and the role it plays when it comes to reporting wrongdoing and reprisals in the federal public service is limited.***

Just over half the participants indicated that they were unaware of the Office of the Public Sector Integrity Commissioner of Canada prior to being contacted for this study. Managers were only slightly more likely to be aware of PSIC than non-managers. Those aware of PSIC's existence had limited knowledge of its role when it comes to reporting wrongdoing and reprisals in the federal public service. In fact, most said they did not know what PSIC's role was in this regard. Those who could identify a role spoke generally about PSIC being a third-party, independent, arm's length organization that investigates cases of wrongdoing. When asked how they would describe their own level of knowledge of existing reporting mechanisms for protected disclosure and reprisal protection, most participants described it as low or limited. Those who described their level of knowledge as 'moderate' or 'good' were all managers, and their characterization was based on experience or involvement with existing reporting procedures.

***Most participants, including most managers, said they do not have the information and resources they need to deal with issues of whistleblowing and protection from reprisals.***

When it came to how PSIC could better communicate about the regime in place for dealing with whistleblowing, the focus was on a more personal approach. This included humanizing the process by focusing on storytelling (i.e., showing someone going through the process and addressing their potential concerns, fears and apprehensions with empathy); trying to instill confidence in the procedures/process, especially regarding protection of confidentiality and fear of reprisals; and having messaging delivered by the Commissioner so public servants feel they are being addressed directly, in a personal manner by the person at the head of PSIC. When it came to how to convey that reprisals are taken seriously, participants most often suggested that PSIC focus its messaging on the Agency's track record by emphasizing positive outcomes, success stories, and consequences faced by wrongdoers.

*Participants offered many suggestions when it comes whistleblowing and reprisal for PSIC's consideration. They are presented here in the form of recommendations or considerations for PSIC, with the understanding that some, or many, of these may already have been implemented or considered by PSIC.*

- Changes to work culture were often mentioned by participants as being needed to encourage reporting of wrongdoing and address fear of reprisals. While changes to the federal public service work culture clearly fall outside the mandate of PSIC, participants did offer targeted suggestions, some of which could potentially be addressed by PSIC and may serve to facilitate change to work culture. These include:
  - *Training related to whistleblowing/reporting wrongdoing.* PSIC could develop a training module that deals specifically with the roles and responsibilities of managers and employees related to reporting wrongdoing.
  - *Reward, acknowledge, recognize whistleblowers.* To raise awareness of whistleblowing and normalize it as an acceptable part of work culture, PSIC might consider the role of champions (i.e., having a small number of whistleblowing champions in selected departments and agencies who can serve as a focal point and information resource for public servants).
- To address concerns related to anonymity when reporting a wrongdoing, some participants suggested an external, independent organization for investigating issues of wrongdoing in the federal public service. This suggestion points to a lack of awareness of PSIC and reinforces the need to raise the profile of PSIC among federal public servants. In addition to the suggestions above regarding work culture, both of which can be expected to promote the Agency and increase understanding of whistleblowing, PSIC could reach federal public servants through departmental intranets or infozones. Communications could focus on sharing information on how confidentiality is maintained during the reporting process, and how whistleblowers are protected from reprisals. These communiqués could be delivered at regular intervals (e.g., quarterly) or in conjunction with other issues (e.g., privacy protection, harassment and discrimination, diversity and inclusion) that receive focus throughout the year.
- When it comes to how PSIC could better communicate about the regime in place for dealing with whistleblowing, participants suggested that the focus be less procedural and more humanized in terms of content and delivery. PSIC could consider using more storytelling to convey information to public servants. This could include showcasing success stories or showing someone going through the process with a focus on addressing their potential concerns and fears.

This is not intended as an exhaustive list of suggestions for PSIC. Instead, the focus is on a small number of suggestions related to key conclusions from the research, which include: the need for a shift in work culture to encourage reporting of wrongdoing; public servants fear reprisals because they do not trust that the reporting process will guarantee their anonymity; and public servants want to see success stories and information that focuses on the human impact of reporting to increase trust in the system.

## 5. Contract Value

The contract value was \$68,108.59 (including applicable tax).

## 6. Statement of Political Neutrality

I hereby certify as a Senior Officer of Phoenix Strategic Perspectives that the deliverables fully comply with the Government of Canada political neutrality requirements outlined in the *Communications Policy* of the Government of Canada and Procedures for Planning and Contracting Public Opinion Research. Specifically, the deliverables do not contain any reference to electoral voting intentions, political party preferences, standings with the electorate, or ratings of the performance of a political party or its leader.



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