Whistleblowing in the Australian Public Sector

**First Report of the
Australian Research Council Linkage Project**

*Whistling While They Work:
Enhancing the Theory and Practice of Internal Witness
Management in Public Sector Organisations*

Draft Report

October 2007

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Internal Witness Management in Public Sector Organisations*

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October 2007

Acknowledgements

Comments on the draft report

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SUMMARY

Introduction

- This report presents results from empirical research into whistleblowing in Australian public sector agencies through the Australian Research Council-funded Linkage Project, *Whistling While They Work.*

- The research has been conducted since 2005 and remains ongoing. The major part of the research involves a survey of 7,663 public officials from 118 public agencies, from the Commonwealth, NSW, Queensland and Western Australian Governments.

- The major ongoing research involves further quantitative and qualitative research into how whistleblowing is managed in 15 case study agencies.

- The study is the largest study of its kind ever undertaken in Australia, and one of the largest per capita ever undertaken in the world.

- Whistleblowing is defined as the 'disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action'. It includes internal whistleblowing, regulatory whistleblowing and public whistleblowing.

The Incidence & Significance of Whistleblowing

- In the two years prior to the major survey, 71.4% of respondents had directly observed at least one of a wide range of nominated examples of wrongdoing in their organisation.

- 61.1% of respondents rated at least one form of wrongdoing as at least 'somewhat serious'.

- 28% of all respondents formally reported the wrongdoing.

- 20% of all respondents were estimated to have reported outside their organisational role (as whistleblowers).

- 12% of all respondents reported 'public interest' wrongdoing, such as corruption, defective administrative, or waste, as opposed to personnel and workplace grievances.

- 28.5% of all respondents who observed wrongdoing they considered 'very' or 'extremely serious' did <u>not</u> report it or otherwise act on it.

Who Blows the Whistle, Who Doesn't and Why?

- Whistleblowers shared most of the same attitudes to their organisation, job and management as non-reporters

- Whistleblowers were slightly more likely to be female and have spent longer in their organisations

- There is little in the findings to support a view of whistleblowers as disgruntled and embittered employees, driven to report by perverse personal characteristics.

- The decision to blow the whistle was most likely influenced by perceptions of the seriousness of the wrongdoing, and belief that whistleblowing would serve some good purpose. Whether or not they would be supported or protected was a lesser issue.

- The main reasons given by respondents who did not report wrongdoing, was that nothing would be done about it, and that the management of their agency would not protect them from reprisals (especially when the wrongdoers were managers).

How Do Officials Report? Internal & External Whistleblowing

- 97.1% of public interest whistleblowers reported internally in their agency in the first instance

- Only 2.9% of whistleblowers reported to an external agency or the media in the first instance

- 90.3% of public interest whistleblowing ended internally within the agency

- Only 9.7% of whistleblowing involved an external agency or the media at any stage, e.g. investigations by watchdog agencies after internal investigation.

- Internal whistleblowing reflected the strong preference of the vast majority of officials, and aligned with high levels of organisational citizenship behaviour

- External whistleblowing also aligned with high levels of organisational citizenship behaviour

- Internal whistleblowing reflected strong trust in management. It also increases the obligation on agencies to manage whistleblowing well, and protect whistleblowers.

Outcomes of Whistleblowing: Good and Bad

- 63% of whistleblowers believe their disclosure was investigated.

- 56% of public interest whistleblowers whose reports were investigated, indicated the investigation resulted in improved outcomes.

- Whistleblowers were most likely to be satisfied with the handling of their disclosure if they were kept informed and the investigation resulted in improved outcomes

- 78% of public interest whistleblowers said they were treated either well or the same by management and co-workers in their organisation, as a result of reporting

- 22% of whistleblowers said they were treated badly by management and/or co-workers (4% treated badly by co-workers only, 13% treated badly by management only, 5% treated badly by management and co-workers)

- 48% of casehandlers and managers (case study agencies) surveyed believed that employees who report wrongdoing often or always experience problems (e.g. emotional, social, physical) as a result

- Bad treatment or harm suffered by whistleblowers was most likely intimidation, harassment, heavy scrutiny of work, ostracism, unsafe or humiliating work, and other workplace-based negative behaviour

- Most bad treatment was seen as coming from management, rather than colleagues or co-workers

- Proportions of reporters of wrongdoing indicating bad treatment by management range from 0% to 46% in some agencies.

- Even successful whistleblowers report adverse psychological experiences from their whistleblowing, although not as adverse as those treated badly

- 90% of all reporters said they would report again, but only 59% of those who said they were treated badly by management and co-workers

Support for Whistleblowing Among Managers

- Managers in public agencies show a high level of support for whistleblowing

- Support for whistleblowing increased among those managers with higher job satisfaction

- Confidence in how to go about blowing the whistle increased among those managers with higher job satisfaction

- Managers were more likely than non-managers to be aware of, and confident in, relevant whistleblowing legislation

- However 40% of managers still did not know if they and their staff were covered by whistleblowing legislation, and were more likely than non-managers to agree they needed more information and training about the legislation

Whistleblowing Legislation & Procedures: How Do Agencies Currently Manage Whistleblowing?

- Agencies with higher staff awareness of whistleblowing legislation, also had higher trust in management's likely response if they blew the whistle

- Agencies with higher staff confidence in whistleblowing legislation, also had lower inaction rates in response to observed wrongdoing, but no better outcomes in terms of whistleblower treatment

- Agencies have highly variable internal disclosure procedures, ranging nationally from a score of 0 to 45 out of a maximum score of 72

- Agency internal disclosure procedures are typically weakest on procedures to do with support and protection of whistleblowers

- Agencies with higher staff awareness of procedures also had higher levels of staff support for whistleblowing

- Agencies with more comprehensive procedures had higher staff trust in management's likely response if they blew the whistle

- More senior staff had lower trust in management's response where procedures where more comprehensive, and higher trust where the procedures were less comprehensive, suggesting more senior staff did not have an accurate assessment of the procedures

- Agencies with more comprehensive procedures had higher rates of whistleblowing

- Agencies with more comprehensive procedures had fewer whistleblowers treated badly by management, and somewhat fewer whistleblowers treated badly by co-workers

- Even in agencies with better outcomes, the procedures were still fairly weak on procedures for protecting and supporting whistleblowers

Internal Witness Management and Support

- Whistleblowers generally expected management to react positively to disclosures, but showed they were much more accurate in assessing how co-workers would react, than how management would react

- Most fears of reprisals among non-reporters are fears of managers

- 46% of agencies have no procedures for identifying whistleblowers who need management support and protection

- 30% of agencies have no staff responsible for protecting whistleblowers from reprisals

- Whistleblowers get most of their support from friends, colleagues, family and supervisors rather than whistleblower support programs

- Casehandlers and managers tend to overestimate the current importance of whistleblower support programs

- In case study agencies, less than 1% of public interest whistleblowers make it onto the 'radar' of agency whistleblower support programs

- 70% of agencies do not carry out any assessment of the risks of reprisal when officials blow the whistle

- Many reprisals against whistleblowers are not reported, and few are substantiated, but more often than not because there is insufficient evidence

- In case study agencies, 42% of managers and casehandlers believe that disciplinary action is 'sometimes' or 'often' used as a cover for reprisals

- Risks of reprisal are highest depending on the nature and seriousness of the wrongdoing, number and position of the wrongdoers relative to the whistleblower, and level of confidentiality, rather than personal characteristics of the whistleblower

Managing Whistleblowing: Conclusions

- Whistleblowers *can* blow the whistle without necessarily suffering, but only if they do it internally and carefully, have realistic expectations, and organise their own support

- Agencies need to better ensure their managers are equipped to take responsibility for their role in receiving disclosures and managing whistleblowing, develop more comprehensive procedures, expand and upgrade internal witness support programs, and engage with external agencies in the management of whistleblowing

- Governments need to reform legislation to provide effective frameworks to support best practice whistleblowing systems in agencies, including more central coordination, monitoring and support, provisions for agency procedures, provisions to recognise public whistleblowing, and provision for effective whistleblower compensation.

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Glossary

ANOVA

'Analysis of variance' tests for the difference between the mean score of two or more groups and a single dependent variable measured on a continuous scale. For example the difference between reporters and non-reporters (groups) and job satisfaction (measured 1-5).

Casehandler

A person in a non-managerial role whose duties include dealing with reported wrongdoing. In the present research casehandlers included officers working in (a) internal audit, fraud, investigation or ethics units, (b) Human Resources/Equity and Merit units, (c) internal support programs for employees who report wrongdoing, (d) peer support persons for employees who report wrongdoing, (e) internal staff counselling or welfare services, (f) external staff counselling or welfare services, (g) external watchdog or investigation agencies, (h) unions or professional associations, and (i) other specialist units or roles relevant to the reporting of wrongdoing.

Casehandler & Manager Survey - A matched pair of surveys exploring the experiences and beliefs of employees whose role requires them to deal with reported wrongdoing. The results of the two populations are directly comparable. Limited to the case study agencies.

Case study agencies

A subset of 15 agencies (from across Australia) that participated in the Agency Survey and Employee Survey, who volunteered to also participate in further research. Results from these agencies can be validly generalised to the wider sample population.

Commonwealth

Commonwealth Government, also known as the Australian Government.

Employee Survey

The workplace experiences and relationships questionnaire, examining attitudinal, organisational and situational reasons for making, or not making, a report. Open to employee samples from 118 participating agencies, with 7663 participants.

Internal witness

An alternative, but definitional equivalent (in the present research), to the term 'whistleblower' developed for use in the context of internal and regulatory disclosures. Intended to recognise the many different roles and forms whistleblowing may take.

Internal Witness Survey:

A questionnaire intended to give a more detailed picture of the whistleblower experience than was provided by the Employee survey. The sample were voluntary participants who reported wrongdoing between July 2002 and June 2004. Limited to the case study agencies.

Logistic regression

A method of regression that allows the use of either categorical or continuous predictor variables. The aim of this analysis is to predict group membership from the combination of predictor variables. For example, predicting whether a person is a role-reporter or non-role (dichotomous outcome) using gender, age, trust in management, seriousness of offence, initiative and whether or not the complaint is based in a personal grievance.

Non-role reporter

A person who made a report of a wrongdoing when it was not within the requirements of their formal position within the organisation to do so, defined in this research as any reporter of wrongdoing who was not a 'role reporter'.

Organisational citizenship

'OCB'. Discretionary extra-role behaviour voluntarily performed by an employee without any formal job requirement to do so. In the present research this was measured with an established scale that assessed helping, initiative, industry, and loyal boosterism.

Pearson's correlation	Measures the strength of the connection between two continuous variables. For example, if time spent reading this report increases your knowledge about whistleblowing, there is a positive correlation between reading the report and gained knowledge. Correlation is not causation.
Personnel and workplace grievances -	A category of wrongdoing types that can impact on individuals in organisations without necessarily reflecting lack of organisational or public integrity generally, or impacting on society at large. Examples include unfair dismissal, unfair selection processes and bullying (see Appendix 2 for items and categories used in this research).
Prosocial behaviour	Behaviour that would generally be perceived within a particular social group to benefit other people. This behaviour does not have to be purely altruistic in motive as outcome is the focal point.
Public interest matters	In this research, all wrongdoing that is not purely a personal, personnel or workplace grievance. Major categories include defective administration, misconduct for material gain, perverting justice or accountability (see Appendix 2 for items and categories used in this research).
Role reporter	A person who made report in line with formal job requirements related to their organisational role. In the present research a role reporter is defined as a reporter who found out about the wrongdoing only because it was reported to them in their official capacity OR a manager whose report only concerned wrongdoers below them in the organisational hierarchy.
Significance (statistical)	Statistical significance refers to the probability that the final result of an analysis should be discounted as a chance outcome, rather than a real measure of difference or association. Represented by the 'p' value reported in text or tables (for example, $p = .01$ indicates the result would occur by chance only 1% of the time). Significance is not the same as 'importance' in a practical sense, particularly in very large samples.
Watchdog agency	Government agencies whose role is to ensure other public sector agencies perform their role with due regard to law, policy, procedure and integrity. May involve research, policy, training and advice as well as investigation.
Whistleblower	An organisation member (former or current) who makes a disclosure of illegal, immoral or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action (from Miceli & Near 1984: 689).

1. INTRODUCTION

A J Brown and Marika Donkin

1.1. This report

Of the many challenges in modern public sector management, few are as complex as the management of whistleblowing. The complexity of the challenge is underscored by a severe lack of knowledge about some of the basic facts regarding this important phenomenon. It is often assumed that whistleblowing is a relatively rare event, and therefore constitutes something of a 'crisis' for the management of the organisation involved. Because it can lead to discovery and rectification of wrongdoing, whistleblowing is widely regarded as capable of having positive effects. It is also widely assumed to be undervalued in organisations. The reason for this is the many conflicts, tensions and short-term negatives that can accompany whatever long-term positives might emerge. Indeed, the problems assumed to accompany whistleblowing have led to a widespread belief that every whistleblower is destined to suffer for their experience, that nothing can be done to protect them from reprisals, and that even if they did it once, no sensible employee would ever blow the whistle a second time around.

This bleak picture provides public sector managers with little hope for, or reason to invest in, strategies for encouraging staff to blow the whistle on perceived wrongdoing within their organisation. However, in this report, that bleak picture is also revealed to be substantially inaccurate. Resulting from ongoing research involving up to 304 public sector agencies from four Australian jurisdictions, the preliminary analysis presented here shows the management of whistleblowing to be a far more interesting and sometimes far more positive area of organisational and administrative practice. Far from being rare, whistleblowing is a routine activity in the majority of Australian public sector agencies. Perhaps as many as 12% of all public servants have reported some form of 'public interest' wrongdoing in their organisation over a two year period – a figure equating to 197,000 public servants nationally. At least as many public servants who have directly observed wrongdoing choose not to report it; but nevertheless, the number who are prepared to do so is reassuringly high.

The level and frequency of whistleblowing appears to have gone under-recognised, until now, for various reasons. First, much of this reporting remains confidential. Many if not most whistleblowers also prefer not to be tagged as such. Legislative requirements and administrative systems for the reporting of whistleblowing are patchy. There is confusion and inconsistencies exist in the ways that whistleblowing is defined and labelled. Finally, until very recently systematic, independent research has been very limited. All these explanations raise different, but soluble problems for public sector management.

While debate is alive and well about how best to manage individual instances of whistleblowing, this report shows that the social and organisational importance of whistleblowing is well recognised in most public agencies. Far from undervaluing whistleblowing, many agencies have actively grappled with the practical challenges of how to encourage staff to disclose perceived wrongdoing, and even the difficult challenges of how to protect staff from reprisals for having reported. This is notwithstanding the complexity of the human resource management issues involved. While 'whistleblower' or 'internal witness' management systems remain relatively embryonic in most situations, many organisations show a high level of staff and management commitment to the professional management of whistleblowing reports. This commitment frequently translates into positive outcomes in terms of reporting rates and whistleblower outcomes. These positive outcomes can be seen even when legislative measures for whistleblower protection are incomplete, confusing or

absent. As a result, the existence of such legislation – while symbolically important – currently appears less important than the approaches taken by public sector managers for preventing, and remedying, problems 'on the ground'.

Most positively of all, a substantial majority of officials who reported public interest concerns in recent years – at least 75% – also report that management and colleagues treated them the same or well as a result of the whistleblowing incident. In other words, it is not inevitable that whistleblowers are destined to suffer, with apparently only a minority experiencing any deliberately inflicted negative outcomes. As will be outlined, the particular sampling used in these surveys means that the entire population of likely whistleblowers associated with the organisations involved were not necessarily captured. And as will be shown, the incidence of reprisals is still a major cause for concern, both in terms of individual justice and because it deters other officials from speaking up. Further, new research shows that even when whistleblowing does not attract direct reprisals, the experience can be replete with stresses, tensions and lasting consequences that prove difficult for both whistleblowers and their organisations to manage.

Nevertheless, the fact that whistleblowing can clearly result in neutral and positive outcomes for whistleblowers, as well as negative ones, provides a rich basis for examining which approaches to the management of whistleblowing currently make a positive or negative difference. Are certain types of whistleblowing incident, or whistleblower, more or less likely to attract risks of reprisal, and if so, how can these be more readily identified and better managed? How are complex mixtures of public interest disclosure, private grievance and workplace conflict best unravelled and dealt with, in the interests of both employees and the organisation? What sources of support do public interest whistleblowers currently access, with what success, and how effective are current institutional strategies for reducing and managing the conflicts inherent in the whistleblowing process?

This report sets out evidence to support this new picture of whistleblowing as it currently exists in the Australian public sector, as well as paths for investigating these new, more interesting questions about how whistleblowing might be better managed.

The rest of this Introduction explains what is meant by the terms 'whistleblowing' and 'internal witness' in this report. It then outlines the quantitative research undertaken by the *Whistling While They Work* project, and discusses the more qualitative work still in progress. The subsequent chapters major preliminary findings from much of the quantitative research, addressing many of the primary research questions of the project. Table 1.1 below sets out these questions, with their full text provided in Appendix 1. In large part, the chapters that follow address these questions in sequence. Chapter 9 highlights issues for further analysis and draws conclusions from the new picture of Australian public sector whistleblowing painted by this ongoing program of research.

Table 1.1. Research questions

Research questions

A. The incidence and significance of public sector whistleblowing

  1. How common is whistleblowing in public sector organisations?

  2. How important is whistleblowing in public sector organisations?

  3. What factors and circumstances give rise to whistleblowing in public sector organisations?

B. The experiences and perceived experiences of public sector whistleblowers

  4. What do whistleblowers and other internal witnesses experience in the course of this role?

  5. How common are reprisals against whistleblowers and what forms do they take?

C. The incidence, nature and influence of internal witness management/ whistleblower protection programs within and across the public sector

  6. What is the range of internal witness management policies and programs within and across the public sector?

  7. Are different outcomes of the whistleblowing process associated with differences in (a) legislation, (b) procedures/ programs, and/or (c) CEO/senior management commitment and culture?

  8. Which external factors have effects (positive or negative) on internal witness management?

  9. What policies can organisations pursue to most effectively manage and maximise whistleblowing?

  10. What reforms can governments pursue to most effectively manage and maximise whistleblowing?

1.2. What is 'whistleblowing'?

In this report, whistleblowing is defined as "disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action" (Miceli & Near 1984: 689). This definition is deliberately broad, allowing for a wide initial conception of whistleblowing and for the many variations in form that whistleblowing can take (Miceli, Van Scotter, Near & Rehg 2001). It is also the most commonly accepted and widely used definition in related empirical research (Tavakoli, Keenan & Crnjak-Karanovic 2003).

Whistleblowing is an important public policy issue for many reasons. As systems of governance become more complex, they rely on the evolution of identifiable 'integrity systems' for the purposes of keeping institutions and their officeholders honest and accountable (Dobel 1999; Spigelman 2004; Uhr 2005; Brown et al 2005). Within these systems, few individuals are better well placed to observe or suspect wrongdoing within an organisation than its own employees. In Australia this was brought into sharp relief by the Fitzgerald Inquiry into official corruption in Queensland, which established that honest police officers had observed corruption but felt powerless to act; even so, their evidence remained important in finally bringing corrupt officers to justice. Consequently, Queensland became the first Australian jurisdiction to introduce (interim) whistleblower protection legislation (Electoral & Administrative Review Commission Qld 1991). Since then, as reviewed elsewhere (McMillan 1994; Brown 2006), all Australian jurisdictions have introduced some sort of relevant legislative framework.

These developments reflect a consensus that whistleblowers are a crucial resource in modern efforts to pursue public integrity – and that given the natural organisational and peer pressures for them to stay silent, special strategies are also required to encourage whistleblowers to speak up (Senate Select Committee on Public Interest Whistleblowing 1994; McMillan 1994). These realisations followed similar recognition in other industrialised countries that even the most noble employee can be justified in thinking twice about coming forward, given that the wrongdoing exposed may be potentially controversial and damaging (Near et al 2004), and that the act itself has the potential to result in negative outcomes for all involved (Miceli & Near 2006). In Australia, whistleblowing is also increasingly regarded as an issue for the private sector, especially in the wake of major American corporate malfeasance and reform of corporate disclosure laws internationally. An Australian Standard for Whistleblower Protection Programs for Entities now sets out minimum requirements for all organisations, be they government, business or not-for-profit (AS 8004-2003). However whistleblowing is particularly relevant to the disclosure of public sector corruption, maladministration and other wrongdoing, because public officials carry responsibilities not only to corporate management and the company balance sheet, but to the broader public whom their agencies were created to serve. While containing findings relevant to all organisations, the research described in this report is restricted to the public sector.

While simple and flexible in theory, the definition of whistleblowing quickly becomes more complex in practice – and even confused to the point of counter-productivity. For example, whistleblowers are properly to be understood to be *'organisation members'* (for example employees, volunteer workers, or contractors), whose internal position is both more likely to make them more aware of most types of possible wrongdoing, and more likely to place them under pressure to stay silent about it. However the legislation in five Australian jurisdictions confuses this by extending 'whistleblower' protection to any member of the public, even when parallel systems exist that would allow such a person to lodge a consumer, client or citizen complaint (see Brown 2006: 8). This is a basic but vital issue for reform.

The *wrongdoing* about which officials may blow the whistle naturally extends from illegal acts that are provable, to illegal acts that are rightly suspected but unprovable, through a wide range of misconduct or negligence that also can sit in either category, to a range of ethical concerns that may ultimately come down to differences of personal opinion or values. Wrongdoing may fit an existing definition of conduct that is contrary to the public interest, or it may be conduct giving rise to a personal grievance on the part of the whistleblower; or it may be both.

In this research, 'wrongdoing' was defined in terms of 38 different behaviours, grouped by the researchers into seven broad categories: *misconduct for material gain; conflict of interest; improper or unprofessional behaviour; defective administration; waste or mismanagement of resources; perverting justice or accountability*; and *personnel or workplace grievances* (e.g. Employee Survey Q19; see Appendix 2). The research confirms the important role played by different definitions of wrongdoing as a trigger for whether or when an employee's report is treated as raising issues of public interest or principle, and when it is treated as merely a private complaint or personal grievance. These distinctions are central to how current levels of whistleblowing are estimated in practice (e.g. chapter 2) and how the reporting of different types of wrongdoing is recognised and managed in organisational systems (e.g. chapters 7 and 8).

In practice, assessments about what is whistleblowing can also hinge on assessments as to *why* the relevant employee is making the disclosure. The question of motive is deliberately absent from the definition above, because whistleblowers may validly and usefully raise public interest matters for entirely self-serving reasons – or indeed, may raise a problem they believe to be only a personal grievance, but which also exposes evidence of wider malfeasance or corruption. The question of motive has therefore long been regarded by analysts as irrelevant to whether an employee disclosure amounts to whistleblowing, even though actual *and perceived* motives may well be relevant to how the case is then managed.

Instead, it has been persuasively argued that whistleblowing is best understood as 'prosocial behaviour' (Dozier and Miceli 1985; Brief and Motowidlo 1986). This is behaviour that is "defined by some significant segment of society and/or one's social group as generally beneficial to other people" (Penner et al 2005: 366), irrespective of whether in motive terms it appears to be self-serving or altruistic. Figure 1.1 outlines the model of whistleblowing as prosocial organisational behaviour (POB) initially presented by Dozier and Miceli (1985) and revised by Miceli et al (2001) and Miceli and Near (2006). The POB model draws on Latané and Darley's (1970) theory of 'bystander effect' which explains why witnesses to a crime may not intervene. It proposes that when employees become aware of wrongdoing, they make decisions in similar ways as these witnesses.

As demonstrated by the model, blowing the whistle is not a single decision but rather a complex process, in which even the assessment that the behaviour in question constitutes wrongdoing, or that a response is warranted, are largely subjective judgements, influenced by a number of individual, organisational and situational factors. Miceli et al. (1991) found that the final decision regarding whether to act is related to a number of factors, including, importantly, judgements about the reporting environment and cues about whether reporting is likely to change the behaviour. Although the POB model does identify some predictors of whistleblowing, chapter 3 demonstrates there are additional factors, which also further relate more to organisational rather than personal factors and which bear consideration when attempting to understand why an employee chooses to report a wrongdoing.

Figure 1.1. *Model of Whistleblowing as Prosocial Behaviour*
adapted by M. Donkin from Miceli et al (2001) & Miceli & Near (2006)
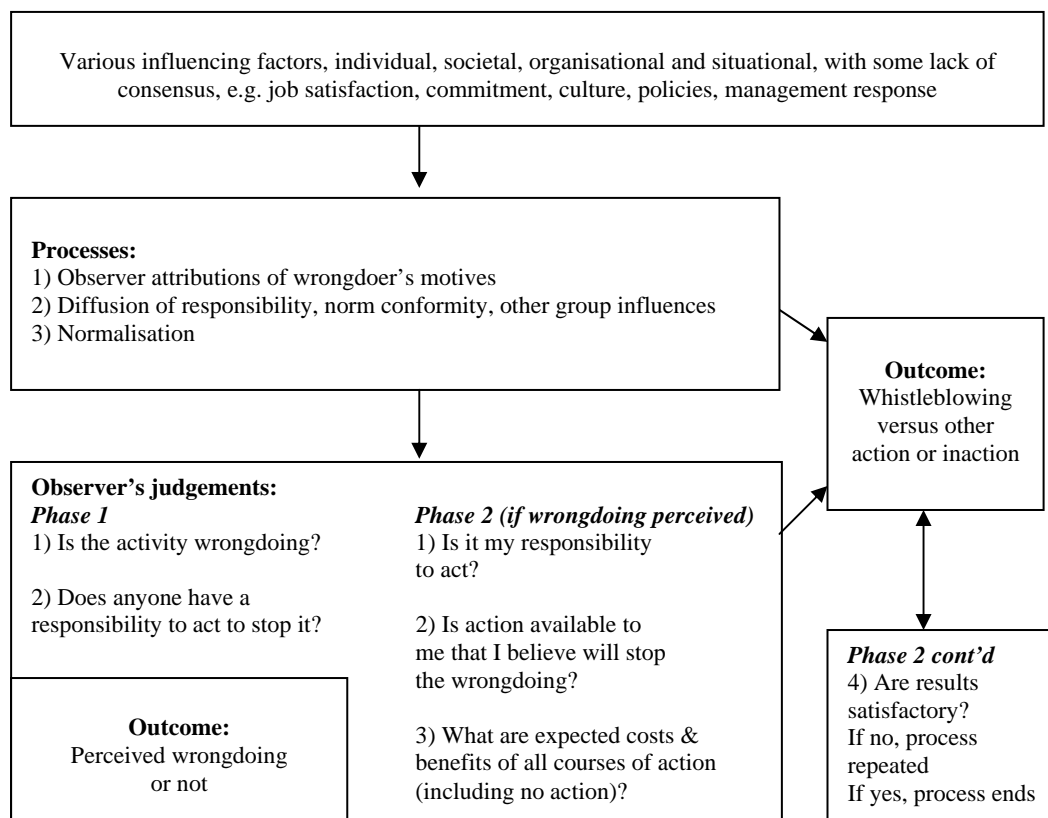
Despite the number of international studies that have examined whistleblowing as prosocial behaviour, none have previously occurred in Australia, and few if any have attempted to empirically demonstrate the link. Rather, studies have assumed or indicated indirect links through predictors and processes, and empirically tested other parts of the model such as individual, situational and organisational factors (Miceli & Near 2006). For example, Miceli & Near (2005: 11-12) advised that prominent American whistleblowing cases 'appeared' to demonstrate prosocial behaviour, but that research was needed to 'clarify relationships'. In chapters 3 and 4, clear empirical evidence emerges to confirm the accuracy of the description of whistleblowing as prosocial behaviour in an Australian public sector context. The prosocial aspect is particularly well demonstrated through examination of reporting behaviour in terms of established scales of Organisational Citizenship Behaviour. Organisational citizenship is "individual behaviour that is discretionary, not directly or explicitly recognised by the formal reward system, and that…promotes the effective functioning of the organization" (Organ 1988: 4; Graham 1989; Penner et al 2005). The connection between reporting wrongdoing and citizenship clearly implies a prosocial aspect to whistleblowing.

While the research suggests that 'best practice' whistleblowing management systems already function by treating whistleblowing as prosocial, issues of the motives that underlie reporting behaviour continue to pose definitional problems for managers and policy makers. Some commentators remain quick to emphasise the selflessness that can be found in whistleblowing activity, as if selflessness is the universal rule rather than just a point on the spectrum of motivations. Whistleblowing has thus been variously described as an example of civil disobedience (Elliston et al 1985: 135-44), ethical resistance (Glazer & Glazer 1989; Martin 1999), and/or principled organisational dissent (Lennane 1993b, cf De Maria 1999: 28-9), as if ethical reasoning is always involved. One author has even generalised that whistleblowers should be considered the "saints of secular culture" (Grant 2002: 391). Less dramatically, but with similar effect, the Senate Select Committee on Public Interest Whistleblowing (1994, para 2.2) adapted the common international definition by insisting that public interest whistleblowers are always "motivated by notions of public interest" (see also De Maria & Jan 1994: 5-7). While this emphasis naturally strengthens the justification for whistleblower protection, it also raises significant problems. If a high degree of altruism is a prerequisite for whistleblower protection, then no matter how badly they may need or deserve it, a substantial proportion of whistleblowers will never qualify, simply because the disclosure may *also* be motivated by personal grievance or workplace conflict. Requiring whistleblowers to conform to a stereotype of pure or altruistic motivation becomes counterproductive, encouraging managers to create protection systems for a very slim and potentially non-existent category, and leaving most whistleblowers subject to an equal and opposite stereotype: that of "vengeful troublemakers" (Lewis 2001b) who are, of course, ineligible for protection.

A similar problem is posed by another Australian variant on the conventional definition – that of defining whistleblowers in terms of the **outcome** of their experience. After surveying 83 whistleblowers in Queensland in 1994-1995, de Maria concluded that a whistleblower should be defined as someone who has also suffered as a result, having recorded no individuals who had not suffered in some way. He concluded that "the non-suffering" whistleblower is "a contradiction in terms" (de Maria & Jan 1994; de Maria 1999: 25). There are two major problems with this qualification. First, de Maria's empirical research was limited, consisting of a sample of respondents recruited by newspaper advertisement and word-of-mouth, a method naturally likely to bias the sample. The research in this report, especially chapter 5, produced a very different result. Second, the qualification is impossible to reconcile with the policy rationale of defining whistleblowing in the first place – namely, to protect and encourage whistleblowers. This is because the varied definition only enables whistleblowing incidents to be recognised after conflict has arisen and damage is done, rather than enabling a greater recognition of whistleblowing in order to

prevent or reduce such damaging outcomes. In this report, outcomes are a vital issue for analysis, but do not define who is a whistleblower.

A further definitional issue surrounds the question of **to whom an official might validly make a disclosure** expecting that person or organisation to 'effect action'. For most citizens, and the media, the quintessential example of whistleblowing is that which is public – i.e., a disclosure directly to the media or which reaches the public-political domain. Veteran political journalist Laurie Oakes (2005) reinforced this perception when he wrote that "leaks, and whistleblowers, are essential to a proper democratic system". Recent Commonwealth prosecutions of former officials for making unauthorised disclosures have also increased attention on this issue (Brown 2007). In fact, because it is the 'loudest' form of whistleblowing, public whistleblowing takes on a natural prominence which can easily exclude other types of disclosure. Consequently some academic commentators even regard public disclosure as the only 'true' form of whistleblowing (e.g. Grace & Cohen 1998: 150; Dawson 2000; Truelson 2001: 408).

In the view of the *Whistling While They Work* research team, legislative recognition of whistleblowing is simply not credible unless it recognises the legitimacy of public whistleblowing in defined circumstances. Presently, only in NSW does Australian legislation even deal with this topic, despite overseas precedents such as the United Kingdom *Public Interest Disclosure Act* 1998 which appear to deal quite adequately with the issue (see Brown 2006: 42-44). However, the focus of the research here is on internal disclosures within organisations, and 'regulatory' disclosures to other agencies of government which remain internal to the integrity 'system' even though external to the agency concerned. This focus is explicit, for many reasons. Conceptually, internal and regulatory whistleblowing still meets the basic definition. In practice, it can be just as difficult and raise just as many, albeit often different, reprisal risks as those incurred by public whistleblowing. Importantly, as set out in chapter 4, our research indicates that public whistleblowing is statistically infrequent, and usually represents the disclosure avenue of last resort, with the vast bulk of whistleblowing taking place internally. Finally, and relatedly, it is clear that if whistleblowing is also handled responsibly by organisations in this first instance, the outcomes are more likely to be positive for all concerned, than if the matter is allowed or forced to escalate.

Consequently our research retains a wide definition of to whom a whistleblower may have made their disclosure, with the crucial element being that the information was communicated "to those who needed to know about it" – that is, made "public" in the sense of being made "a matter of public record" (see Elliston et al 1985: 8, 15, 21-22), even if not made public in the vernacular sense. For example the operational question in our surveys asked respondents whether they had 'formally reported' the perceived wrongdoing 'to any individual or group', also explicitly advising them that 'talking about it with your family or with co-workers is *not* a formal report' (Employee Survey Q26).

Finally, this research also makes use of the term **'internal witness'** as an alternative to 'whistleblower' in the context of internal and regulatory disclosures. This term was developed by the NSW Police Force (Smith 1996; Wood 1997: 408; Freeman 1998) and is now also in wide use among state government law enforcement agencies in Australia. The value of this term lies in combating a number of problematic stereotypes of whistleblowers, given that in practice, disclosures can be made not just for a wide variety of motives but in a wide variety of ways, including with differing levels of formality and under different degrees of legal compulsion. However it should be noted that this term, as used in this research, is consistent with the definition of whistleblowing given earlier.

Table 1.2. Quantitative research instruments, Whistling While They Work project

| Short title | Long title | No. of items | No. of participating agencies | | | | | Total surveys | Total responses | Response rate |
			Cth [a]	NSW	Qld	WA	Total			
1. Agency Survey (0)	Survey of Agency Practices and Procedures (2005)	42	73	85	83	63	**304**	--	--	--
2. Procedures Assessment	Assessment of Comprehensiveness of Agency Procedures (2006-07)	24	56	60	31	28	**175**	--	--	--
3. Employee Survey (1)	Workplace Experiences and Relationships Questionnaire (2006-07)	50	27	34	32	25	**118**	--	--	--
	Surveys distributed		5,545	8,324	6,343	2,965	--	23,177	--	--
	Responses		2,307	2,651	1,729	1,007	--	--	7,663 [b]	33%
	(Procedures Assessment & Employee Survey)		(25)	(31)	(29)	(17)	**(102)**	--	--	--
4. Internal Witness Survey (2) [b]	Internal Witness Questionnaire (2006-07)	82	4	4	4	3	**15**	455	240	53%
5. Casehandler Survey (3) [cd]	Managing the Internal Reporting of Wrongdoing Questionnaire (2007)	77	4	5	4	3	**16**	1,651	253	15% [d]
6. Manager Survey (4) [cd]	Managing the Internal Reporting of Wrongdoing Questionnaire (2007)	77	4	5	4	3	**16**	3,034	394	13% [d]
7. Integrity Agency Survey (5) [e]	Survey of Integrity Agency Practices and Procedures (2007)	45	5	5	3	3	**16**	--	--	--
8. Integrity Casehandler Survey (6) [e]	Managing Disclosures by Public Employees Questionnaire (2007)	75	4	3	3	3	**12**	304		

[a] Throughout this report, *Cth* figures include a range of both APS (Australian Public Service) and non-APS agencies unless otherwise indicated.
[b] *includes* 59 responses for which jurisdiction/agency unknown.
[c] *indicates* written questionnaire response to be followed up by qualitative interview in willing cases (case study agencies)
[d] *indicates* interim dataset only reported in this report (data return and entry ongoing at time of analysis)
[e] *indicates* data not reported in this report (data return and entry ongoing at time of analysis).

1.3. The *Whistling While They Work* research

The analysis presented here is derived from a suite of quantitative research activities into public servants' experience of and attitudes towards whistleblowing, conducted since 2005 across a wide cross-section of public agencies from the Commonwealth, New South Wales, Queensland and Western Australian Governments. This research was conducted as part of an Australian Research Council-funded Linkage Project, *Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations.* The project involves five universities and 14 partner organisations, including the major public integrity and public management agencies of the four major jurisdictions, listed in the Acknowledgements and on the project website, *www.griffith.edu.au/whistleblowing*.

Table 1.2 sets out the eight surveys undertaken as part of the project, including the numbers of participating agencies, response rates and the size of the samples reported on in the following chapters. Figure 1.1 outlines the relationships between the resulting datasets.

Figure 1.1. Relationships between datasets

Squares indicate surveys of agency-wide systems and procedures
Circles indicate surveys of individuals
Arrows indicate surveys designed to give consistent/comparable data
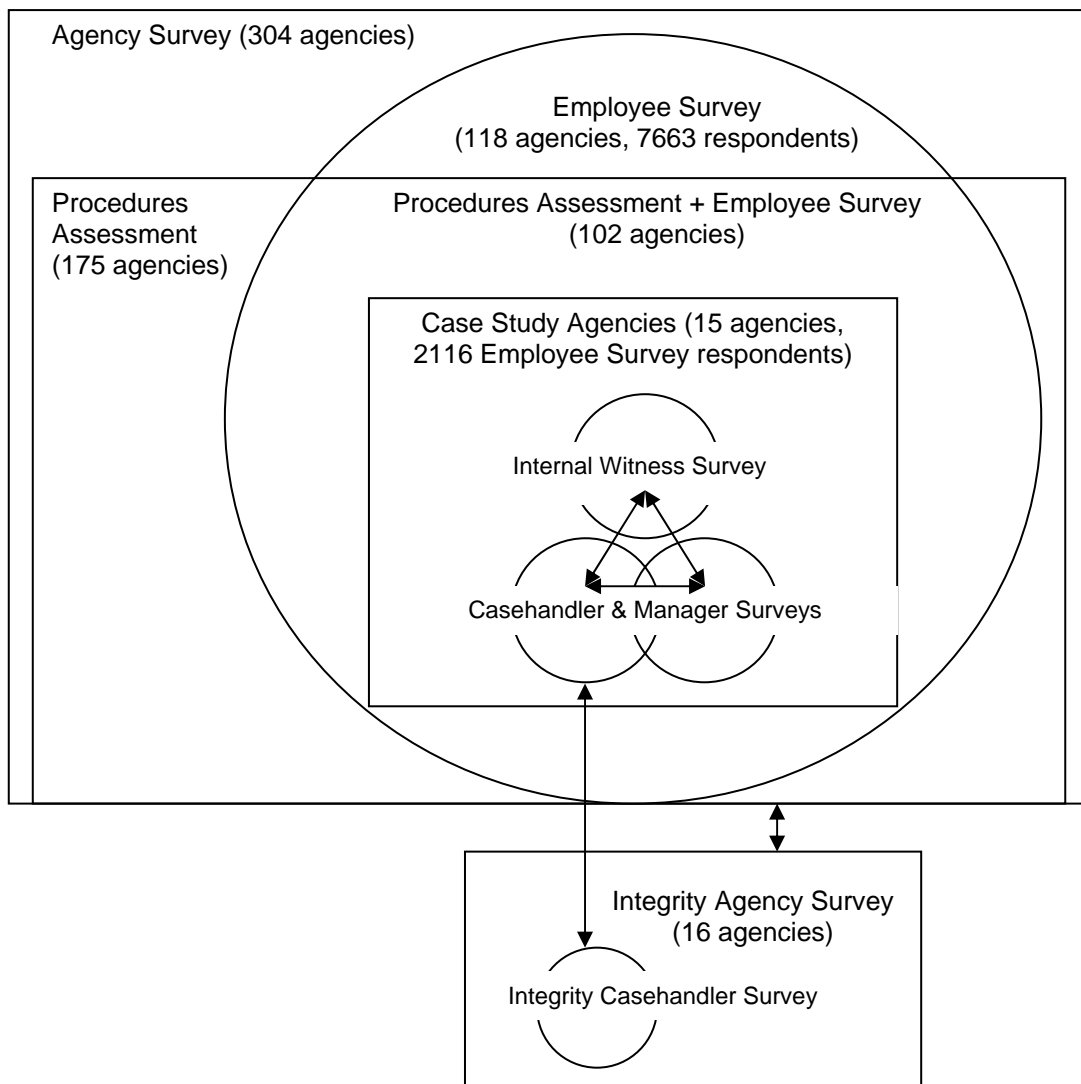
This research has a number of aims. Its first aim is to build on previous research to provide a more up-to-date, representative picture of how much whistleblowing goes on in the Australian public sector, and how it is currently being managed. Historically, both in Australia and overseas, published accounts of whistleblowing have often been based on anecdotal evidence drawn from high profile cases of public whistleblowing (Elliston et al 1985: 50-53; Glazer & Glazer 1989; Senate Standing Committee 1994; Dempster 1997; Martin 1997). However as indicated earlier, these accounts provide relatively few insights into how much whistleblowing goes on in total, and the range of outcomes that might befall those who make internal or regulatory, as against public, disclosures. Early Australian empirical studies provided valuable insights into the range of adverse outcomes that befall a wider range of whistleblowers, but suffered from only having access to limited self-selecting or convenience samples, and certain organisational contexts and jurisdictions (de Maria 1994; de Maria & Jan 1994). In the late 1990s, empirical research was very usefully extended to a larger, more representative sample of randomly selected NSW public employees spread across several agencies, conducted by the NSW Independent Commission Against Corruption – but this focused on knowledge of whistleblowing procedures and attitudes towards whistleblowing, rather than actual experience (Zipparo 1999a, 1999b). While whistleblowing research has suffered from similar problems internationally, it was clear that some large scale studies, notably in North America, have yielded a much more representative picture of whistleblowing incidence and experience, along with awareness and attitudes (e.g. USMSPB 1981, 1993, 2003; Miceli et al 1991, 1999, 2002; Trevino & Victor 1992; Sims & Keenan 1998; Pershing 2003; Near et al. 2004; Miceli & Near 2006). The project's first aim was to undertake a comprehensive study of this kind in Australia.

The second aim was to provide better knowledge of current and potential best practice in the management of public interest disclosures, across a wide cross-section of the Australian public sector. This aim reflected practical experience on the part of many of the researchers and partner organisations to the project, at odds with some of the major conclusions drawn previously in Australian public debate. The bleak picture described at the outset of this chapter is perhaps best summed up by de Maria's description of his research as a "tour through the entrails of our society" in which he found "nothing to celebrate... except perhaps the valour of the whistleblowers who guide us into the netherworld of corruption, incompetence, cover-ups and organisational vendettas" (de Maria 1999: xiii). Whatever de Maria's experience, it was clear to others that many public agencies were struggling valiantly to operationalise new whistleblowing legislation, encourage disclosures and better manage those involved. The Commonwealth Ombudsman (1997) documented this in the case of the Australian Federal Police. Evaluations of the NSW Police Force Internal Witness Support Program suggested that such a program might well help prevent and contain some of the many adverse outcomes that potentially threaten whistleblowers (Freeman & Garnett 1996; NSW Police 2003). Whatever the problems of Australian whistleblowing legislation, its introduction in both NSW and Queensland produced evidence to confirm that across a wide range of agencies, whistleblower disclosures were more likely to be investigated, and more likely to be found substantiated, than information about similar matters from other types of sources (Brown et al 2004).

These indicators meant that even if the management of whistleblowing was known to be problematic, and the outcomes for whistleblowers often negative, there was a clear need for research to document the growing institutional experience in internal witness management across a range of organisations, jurisdictions and policy sectors. It was thus decided to broaden the empirical research from the type of previous focus on actual and potential whistleblowers described above, to those persons responsible for managing whistleblowing and related conflicts, including line managers, investigators, employee welfare personnel and other forms of casehandlers. This wider focus had not previously been attempted, including in the large American studies listed earlier.

The third aim was to bring this evidence together in a form that would assist the evaluation of the Australian public sector's relatively new statutory regimes for whistleblower protection, and help identify strategies by which organisations might better fulfil their disclosure management obligations. In addition to the more qualitative research described further below, it was intended that the inclusion of multiple jurisdictions and a large number of agencies in the quantitative research would support a range of comparative and multivariate analyses that could help identify strengths and weaknesses in current legislative, procedural and administrative approaches, with a view to evidence-based reform.

The research addressed these aims by seeking to collect comprehensive data on the many different dimensions of institutional practice and individual experience relevant to the management of whistleblowing. This commenced with the ***Agency Survey*** which sought to establish an overview of the extent, content and operation of whistleblowing procedures in agencies, as well as the recruitment of agencies to participate in and/or support the participation of their staff in the further stages of the research. With the high-level support and endorsement of the partner organisations, this survey was distributed to all or almost all agencies of the four participating governments (793 agencies in total), resulting in 304 returns. The agencies surveyed, and participating in the further research, included all categories of agencies including departments, statutory authorities, government owned corporations, the military (at Commonwealth level) and local governments (at state level). In addition, consistent and related data were sought from specialist integrity agencies in the jurisdiction – including partner organisations to the project – through a corresponding ***Integrity Agency Survey***, the results of which will be presented elsewhere.

Of the 304 agencies who answered the Agency Survey, 160 also responded to an invitation to supply their written whistleblowing-related procedures for comparative analysis. This analysis involved the ***Procedures Assessment***, an assessment of the comprehensiveness and completeness of procedures using a 24-item rating scale developed by the research team on the basis of existing literature and the Australian Standard. The results of this assessment are particularly discussed in chapter 7.

The largest single research activity was the ***Employee Survey***, in which 136 of the 304 agencies initially agreed to participate, with 118 agencies ultimately doing so as set out in Table 1.2. This was a confidential, anonymous survey of staff from each agency. While much of the survey design was original, it drew heavily on a review of instruments used in previous whistleblowing research in Australia and internationally (including USMSPB 1981; 1993; 2003; Zipparo 1999; Keenan 2002; and Near, Rehg, Van Scotter and Miceli 2004). Target sample sizes were varied according to agency size, ranging from one-to-two percent of all staff in the case of very large agencies (over 5,000 employees) to 50%–100% of all staff in very small agencies (150 employees or less). In July-October 2006, printed surveys were distributed by agency managers to a total of approximately 23,000 individual public employees, resulting in 7,663 responses (returned directly to Griffith University in a sealed reply-paid envelope).

This large dataset of 7,663 responses provides the main data analysed throughout this report. At times it is analysed in conjunction with the results of the Agency Survey (all 118 participating agencies had also completed this). It also includes respondents from 102 agencies who had also participated in the Procedures Assessment. As with all datasets, there are limitations in the way in which it should be interpreted, as noted in relevant sections of the report. The study relies upon self reported perception data that is subject to errors in recall and specificity. Whilst great care was taken to recruit a large sample size across the four jurisdictions, the study does not provide coverage across the full Australian public sector population, therefore its generalizability is constrained. The extent to which the samples and respondent groups are representative of the demography of individual agencies has not been established. While participating agencies were requested to draw random, representative samples, whether or not they actually did so was not within the researchers' control. Further, by sampling current employees of agencies, the responses do not include former employees, including employees who may have observed and reported wrongdoing but since left the

organisation. Nevertheless the Employee Survey provides the largest dataset on whistleblowing issues ever gathered in Australia, and probably the largest per capita in the world.

In addition, a total of 87 of the agencies volunteered to participate in further research as *case study agencies*, with 15 agencies being selected by the research team for this role in May 2006. In this report, the further data drawn from these agencies will be reported in aggregate, with differences between organisations to be analysed in later publications. However it is significant for the data reported here, that this smaller group of 15 agencies is just as diverse as the larger group of 118 agencies from which the Employee Survey dataset is drawn, with many of the results confirming that as a group, the experiences of the case study agencies remain in many ways typical of those of the total group. In all, 2116 responses to the Employee Survey were received from the case study agencies, meaning that while these agencies represent only 13% of the larger group, their respondents account for 28% of the total Employee Survey dataset. Accordingly, interim results from the three further case study agency surveys are also reported here, not only for their interest in their own right, but also because these appear more likely than not to be typical of organisational experience more generally.

The purpose of these three surveys was more targeted, in-depth information about the whistleblowing arrangements and management practices of these agencies, and the experience of particular target groups of staff, as outlined in relation to the second aim above. In each case, respondents were also invited to volunteer for confidential interview. Each survey was designed for consistency of approach both with the Employee Survey and with each other. The *Internal Witness Survey* was a long written questionnaire designed to elicit more extensive information from staff known to have reported wrongdoing in their organisation. These were recruited between November 2006 and August 2007 through invitations for individual staff to contact the research team (typically, in confidence), distributed in three ways: by internal advertisement within each agency; by direct contact from agency management to known whistleblowers; and by a number of partner organisations (being integrity agencies) in relation to individual whistleblowers relevant to the case study agencies, who had dealt with that integrity agency. This recruitment strategy produced 455 expressions of interest to participate from these 15 agencies, a far lower number of whistleblowers than are known to exist within these agencies based on the results of the Employee Survey. This response itself tends to confirm that recruitment strategies that rely heavily on employees self-identifying as a 'whistleblower' (or even an 'internal witness') are only ever likely to capture quite a small, even if important, proportion of the actual whistleblower population. The dataset was then further limited by only seeking information in relation to reports of wrongdoing made between July 2002 and June 2004 (Internal Witness Survey Q1), to ensure that respondents' experiences were relatively current and more likely to have been governed by their agencies' current procedures, as well as reflective of a two-year period (similarly to the Employee Survey, Q19). Accordingly surveys were ultimately returned by only 242 individuals, of whom only 114 fit fully within the requested parameters, but who nevertheless provided detailed, quality information.

The *Casehandler* and *Manager Survey* was a slightly shorter questionnaire designed to elicit more extensive, comparable information from both these two groups. Which respondent belonged to which group was differentiated by coding the surveys according to the sample to whom they were distributed, and confirmed or refined using their responses to threshold questions as to their role (Q1 & 2). Casehandlers were defined as including: internal investigation, audit and ethics staff; human resource management staff; internal and external (e.g. contracted) employee welfare and assistance staff; and union staff. Generally speaking, agencies distributed the survey to all, or a large proportion of, their identifiable casehandlers; and to a random selection of managers (typically 5% of the total population of managers or 150 individuals, whichever provided the larger figure). Data collection commenced in April 2007 and remained ongoing at the time of writing. This report includes analysis of the first 647 responses received from both groups (13% of all surveys distributed), being 253 casehandlers (many of whom also identified as managers) and 394 managers (who did not necessarily also identify as casehandlers). In addition, a corresponding *Integrity Casehandler Survey* was

distributed to relevant casehandling staff from specialist integrity agencies in each jurisdiction (including partner organisations), the results of which will be reported elsewhere.

All data were collected in accordance with ethical approvals issued by the Griffith University Human Research Ethics Committee. All instruments were piloted in the final stages of design, and refined in light of pilot results. Full copies of the instruments are available on the project website: www.griffith.edu.au/whistleblowing.

1.4. Ongoing analysis: towards best practice

As outlined above, the analysis here is based on the quantitative data about the management of whistleblowing gathered through these research activities, but does not represent the final analysis to be drawn from this project. The overall aim of the research is to seek to better describe how whistleblowing is being managed in organisational and institutional terms, and to use this and further empirical data to inform assessments as to what might constitute 'best practice' systems and procedures for the managing of whistleblowing, at the agency level. In addition, the research is also intended to inform assessments as to 'best practice' in legislative design, so that the relevant legislative frameworks of the participating jurisdictions might evolve to better support more effective approaches to the management of whistleblowing at agency level, as well as by the integrity agencies often charged with special responsibilities for whistleblowing and public integrity.

As a result, a number of research activities are ongoing, alongside the analysis presented here. Full examination of the experiences of the 15 case study agencies in internal witness management involves further analysis (including comparative analysis) of the quantitative data presented here, additional qualitative data gained through confidential interviews with individual survey respondents, collection of additional administrative information from the management of the participating agencies, and the reconciliation of all this information – through a collaborative process involving the agencies themselves – to produce conclusions and recommendations about what might constitute current and prospective best practice. To this end, a national workshop of case study agency representatives was held in July 2007, to discuss and refine a framework for bringing together this analysis. This process resulted in substantial agreement as to those dimensions of 'internal witness management systems' considered important by agency practitioners, and an agreed framework for describing what is currently contained, and could potentially be contained, in any given agency's approach to whistleblowing management (see Appendix 3). Further workshops will consider conclusions as to the apparent effectiveness of the different strategies in place under each of these dimensions, informed by the quantitative and qualitative research, and lead to a further report and best practice guide for internal witness management in the Australian public sector. The results are expected in mid-to-late 2008.

Effective implementation of best practice regimes for the management of whistleblowing rely not only on the efforts of management at the agency level, but on the roles and efforts of specialist integrity agencies, and the effectiveness of the overall legislative framework. In November 2006, the project produced an Issues Paper on current Australian legislation, entitled *Public Interest Disclosure Legislation in Australia: Towards the Next Generation* (Brown 2006). This involved a comparative analysis of the content of existing legislation, with suggestions as to current best (and worst) practice in the treatment of a wide range of issues. This paper provoked widespread debate and has already contributed to a number of efforts to draft and redraft legislation around the country. Several chapters of this report continue this analysis by setting out new key empirical data directly relevant to the legislation. Further data on the roles of integrity agencies and the experiences of whistleblowing casehandlers within some of those agencies has also been collected, as indicated earlier. Final recommendations on

both legislative best practice and the roles of integrity agencies will be developed in light of – with a view to supporting – the conclusions of the case study analyses.

Finally, many of the analyses presented in this report are only preliminary. The authors welcome queries and comments on any aspect of the data, the manner of its collection and presentation, and its apparent significance. The research team anticipates that interpretations of the evidence to date will – and should – change in the light of comments received from other researchers, practitioners, policy makers and partner organisations. For all the new insights that can be gained from the *Whistling While They Work* research, the management of whistleblowing remains a complex and challenging process. The good news is that there may be greater scope than previously appreciated for maximising the positive impacts that whistleblowing can have on organisational integrity and public integrity generally, and for reducing the negative impacts of the whistleblowing process on organisations and individuals alike. However, there will always be some whistleblowing cases in which major conflict between individuals and organisations cannot be successfully prevented or contained. The researchers welcome feedback that can help direct the interpretation of these data towards new institutional responses to these vexing problems.

2. THE INCIDENCE AND SIGNIFICANCE OF WHISTLEBLOWING

A J Brown, Evalynn Mazurski & Jane Olsen

2.1. How much whistleblowing goes on in the Australian public sector?

As set out in the Introduction, until recently there has been little or no comprehensive research to establish the proportion of Australian public sector employees who observe and then go on to report perceived wrongdoing within their organisation. Although cases of public whistleblowing may gain significant media prominence, and therefore appear frequent or even regular, the fact is that these cases – taken alone – would suggest that whistleblowing is relatively rare. At most, Australian federal, state and local governments might each experience a few such cases per year, with occasional outbreaks of additional cases in the event of a major crisis or inquiry. Given that Australian governments employ approximately 1.66 million people (ABS 2007), this low incidence might also suggest that even if it is necessary to have legislation and procedures for managing whistleblowing, it is only in relatively rare or irregular cases that these will actually need to be used.

Consequently, the apparently low incidence of whistleblowing appears to provide little justification for governments or senior public sector managers to think 'proactively' about how to manage whistleblowing cases. Instead such an apparently low incidence could suggest that managers need only ever know how to react to them if or when they emerge or become problematic. It would also be more consistent with the assumption that whistleblowing spells 'trouble' for an organisation, and that consequently, even when factually correct, whistleblowing typically still equates to 'troublemaking'. Media discussion about adverse outcomes suffered by some whistleblowers then contributes to assumptions that even if wrongdoing is widespread, few employees would be reckless enough to blow the whistle on it. In some of the limited representative research conducted in Australia prior to this study, 71% of a sample of 800 NSW public sector respondents agreed that "a lot of people who know about corruption don't report it" (Zipparo 1999: 87). This widespread belief encourages the notion that those who blow the whistle are likely to be relatively abnormal, simply acting out personal grievances, or otherwise irrevocably predisposed to fall into conflict with the organisation – even when they may also be right. Yet another negative conclusion can then flow in the minds of managers, that perhaps there is little that can *ever* be done to protect whistleblowers from adverse outcomes, even in cases where protection might be deserved or desirable.

Against this picture of whistleblowing as a relatively rare phenomenon, to which governments and managers are most likely to only ever need to react to rather than plan for (with little reason to react positively), considerable evidence has been emerging that whistleblowing is, in reality, far more frequent or even routine. In the United States, studies by the Merit Systems Protection Board have indicated since the 1980s that around half or upwards of all federal public servants have observed wrongdoing in their organisation, with around 30% of these then going on to report it (see e.g. USMSPB 1981). While US studies indicate that more observers of wrongdoing tend *not* to report it than those who do (Miceli & Near 2006), the number who do report remains very substantial.

Recent Australian research has tended in the same direction. An estimate of the number of Queensland public servants reporting serious wrongdoing in any one year, as at 2000-2001, was a minimum of 1.8% of all employees based simply on the internal investigation caseload of large agencies (Brown et al 2004). In 2003-2004, the Australian Public Service Commission (APSC) first surveyed a cross-section of employees from Australian Public Service agencies (employing a little more than half of all Commonwealth Government employees) on whether they had 'witnessed another Australian Public Service (APS) employee engaging in... a serious breach' of their statutory code of conduct in the previous 12 months, and whether they had then reported it (APSC 2004: 111). Examples given of a 'serious breach' were 'fraud, theft, misusing clients' personal information, sexual harassment, leaking classified documentation'. In both this and the next annual APSC survey, 11% of respondents indicated they had witnessed such a breach, with around 50% of these (around 5-6% of all respondents) saying they had also reported it. While these indications were lower than the US research, they nevertheless amounted to a substantial number.

In the present research, the Employee Survey was the primary means for establishing a comprehensive picture of the current incidence of whistleblowing in the four Australian public sector jurisdictions studied. This was both to learn how this whistleblowing was then managed but also, for the above reasons, to establish a more conclusive picture in its own right. In a manner broadly consistent with the larger US surveys, respondents were asked to indicate which of a range of 38 types of wrongdoing they had 'direct evidence of having occurred' in their current organisation in the previous two years (Employee Survey Q19). The responses for all four participating jurisdictions are set out in Table 2.1. Overall, 5473 of the 7663 respondents, or 71%, had observed at least one of the nominated types of wrongdoing.

This rate of observation was larger than expected based on prior estimates and surveys. For Commonwealth agencies, methodological differences would certainly account for some differences with the APSC survey results. These include the fact that the Employee Survey (a) included a wide range of Commonwealth agencies not covered by the *Public Service Act 1999 (Cth)* and therefore not covered by the APSC surveys; (b) did not use the same sampling and stratification; (c) asked respondents for experience over the previous two years, rather than a single year; and (d) prompted respondents with 38 different examples of wrongdoing from which to choose, whereas the APSC surveys offer the five examples noted above. In addition, the APSC surveys tested for 'serious' misconduct, whereas not all of the wrongdoing perceived by respondents in the present study would qualify as 'serious', perhaps by definition (according to type) or even in the view of the respondents.

Accordingly the proportion of respondents who observed 'serious' wrongdoing is estimated in Table 2.2. The Employee Survey asked respondents to nominate which of any observed activities they felt to be the 'most serious' (Q20), and then to also indicate *how* serious they felt it to be on a 5-point Likert scale (Q22). This table again shows how many respondents observed any of the nominated activities, this time grouped in broad categories (set out in Appendix 2); how many respondents regarded each activity as the 'most serious' they observed; and how many also felt the activity was at least 'somewhat serious'. The result is conservative, given that some respondents may have observed more than one type of wrongdoing they considered serious. It would suggest that at least 61% of all respondents observed wrongdoing that was, in their view, at least somewhat serious over the previous two years.

Table 2.3 goes on to indicate how many of those who observed wrongdoing, went on to report it. This number amounts to 39% of those who observed wrongdoing, or 28% of all respondents. As shown, almost all these respondents also regarded the wrongdoing that they reported as being at least somewhat serious; very view acknowledged having reported matters that they themselves regarded as trivial.

Table 2.1. Proportion of public employees with direct evidence of wrongdoing

Employee Survey Q19

Wrongdoing type		Cth [a] (n=2307) %	NSW (n=2561) %	Qld (n=1729) %	WA (n=1007) %	Total [b] (n=7663) %
Covering up poor performance	cc.	30.9	**30.0**	30.7	24.2	**29.6**
Bullying of staff	ll.	29.0	29.6	**33.4**	24.0	29.5
Favouritism in selection or promotion	jj.	**32.0**	25.7	28.5	**25.6**	28.3
Incompetent or negligent decision-making	t.	27.7	26.4	25.6	21.4	26.0
Improper private use of agency facilities/resources	f.	27.0	22.5	24.3	23.2	24.3
Rorting overtime or leave provisions	g.	22.2	20.7	20.3	19.2	20.9
Inadequate record keeping	z.	19.5	18.7	17.6	16.2	18.4
Failure to follow correct staff selection procedures	ii.	18.2	16.0	19.7	14.9	17.4
Waste of work funds	y.	17.5	16.2	18.5	16.1	17.1
Theft of property	b.	13.7	14.1	15.5	15.5	14.5
Drunk or under influence of illegal drugs at work	m.	15.3	12.8	12.1	13.3	13.4
Use official position for personal services/favours	d.	10.1	13.4	12.4	11.1	11.9
Failure to correct serious mistakes	u.	12.3	11.3	11.7	8.9	11.4
Misuse of confidential information	s.	10.1	10.9	13.4	9.1	11.0
Acting against org. policy, regulations or laws	bb.	10.4	10.6	10.9	9.4	10.5
Giving unfair advantage to contractor etc	e.	6.8	8.7	10.5	10.3	8.8
Allowing dangerous or harmful working conditions	x.	7.1	9.5	9.9	7.8	8.7
Sexual harassment	p.	10.2	7.4	8.3	8.1	8.6
Theft of money	a.	9.8	7.7	8.4	7.0	8.4
Intervening on behalf of friend or relative	j.	6.1	7.7	8.2	5.7	7.1
Downloading pornography on a work computer	l.	9.1	5.9	5.5	7.7	7.0
Racial discrimination against staff member	q.	6.7	7.5	5.9	6.2	6.8
Making false or inflated claims for reimbursement	h.	5.3	5.9	4.5	6.0	5.4
Racial discrimination against member of public	r.	4.2	5.6	4.2	4.0	4.6
Endangering public health or safety	v.	3.0	5.0	6.1	4.4	4.6
Reprisal against whistleblowers	kk.	3.9	5.2	5.0	2.7	4.5
Unfair dismissal	hh.	5.5	3.7	4.9	1.9	4.3
Negligent purchases or leases	aa.	3.9	3.9	3.2	3.8	3.7
Misleading or false reporting of agency activity	dd.	3.7	3.6	3.5	2.9	3.5
Stalking (unwanted following or intrusion)	o.	3.7	2.7	3.1	2.5	3.1
Bribes or kickbacks	c.	2.4	2.9	3.7	3.4	3.0
Unlawfully altering or destroying official records	gg.	2.7	2.7	3.1	1.6	2.7
Covering up corruption	ee.	1.6	3.2	2.1	1.2	2.2
Improper involvement of a family business	k.	2.1	2.1	2.0	1.0	1.9
Producing or using unsafe products	w.	1.6	1.9	2.6	0.8	1.8
Hindering an official investigation	ff.	1.5	2.0	2.2	0.7	1.7
Failing to declare financial interest	i.	1.0	1.6	1.3	1.6	1.4
Sexual assault	n.	1.3	1.6	1.2	0.6	1.3
Other		3.9	3.9	4.4	3.5	4.0
At least one of the above		**72.6**	**71.3**	**71.8**	**68.1**	**71.4**

[a] Throughout this report, *Cth* figures include a range of both APS (Australian Public Service) and non-APS agencies unless otherwise indicated.
[b] Includes 59 respondents for whom jurisdiction and agency unknown.

Table 2.2. Wrongdoing considered most serious by public employees

Employee Survey Q19 (see Appendix 2), Q20, Q22

Wrongdoing category	Respondents with direct evidence (Table 2.1 grouped as per Appendix 2) % (n=7663)	Respondents who felt this activity was the most serious they observed % (n=7663)	Respondents who *also* felt the activity was serious (somewhat, very, or extremely) % (n=7663)
1. Misconduct for material gain	46.5% (3560)	15.8% (1213)	13.3% (1016)
2. Conflict of interest	9.1% (696)	0.9% (72)	0.9% (70)
3. Improper or unprofessional behaviour	25.1% (1925)	9.3% (709)	(8.8% (678)
4. Defective administration	33.1% (2536)	6.9% (530)	6.2% (477)
5. Waste or mismanagement of resources	29.2% (2236)	3.7% (286)	2.8% (211)
6. Perverting justice or accountability	31.5% (2413)	5.2% (400)	4.7% (363)
7. Personnel & workplace grievances	48.7% (3732)	23.5% (1801)	22.2% (1702)
8. Reprisals against whistleblowers	4.5% (346)	0.5% (35)	0.5% (35)
9. Other	4.0% (305)	1.8% (140)	1.7% (130)
At least one of the above	**71.4% (5473**)	**--**	**--**
Total	**--**	**67.7% (5186**)	**61.1% (4682**)
Missing	0.0% (2)	3.7% (287)	4.4% (334)

Table 2.3. Wrongdoing considered most serious by public employees, and whether they reported it

Employee Survey Q19, Q20, Q22, Q26

Wrongdoing category	Respondents with direct evidence (Table 2.1 grouped as per Appendix 2) % (n=7663)	Respondents who felt this activity was the most serious they observed, **and formally reported it** % (n=7663)	Respondents who formally reported it, **who *also* felt the activity was at least somewhat serious** % (n=7663)
1. Misconduct for material gain	46.5% (3560)	6.0% (462)	5.9% (452)
2. Conflict of interest	9.1% (696)	0.4% (33)	0.4% (32)
3. Improper or unprofessional behaviour	25.1% (1925)	4.3% (328)	4.3% (327)
4. Defective administration	33.1% (2536)	3.1% (237)	3.0% (227)
5. Waste or mismanagement of resources	29.2% (2236)	1.1% (86)	1.0% (75)
6. Perverting justice or accountability	31.5% (2413)	2.3% (174)	2.2% (171)
7. Personnel & workplace grievances	48.7% (3732)	8.7% (669)	8.7% (665)
8. Reprisals against whistleblowers	4.5% (346)	0.3% (23)	0.3% (23)
9. Other	4.0% (305)	1.1% (84)	1.1% (83)
At least one of the above	71.4% (5473)	--	--
Wrongdoing type unknown	--	0.7% (50)	0.6% (49)
Total	**--**	**28.0% (2146)**	**27.5% (2104)**

While these results provide a new basis for estimating how many public officials currently report wrongdoing, the basis is also conservative in that it is limited to respondents who are also currently with the organisations surveyed. As explained in chapter 1, for the Employee Survey no effort was made to include individuals who may have reported wrongdoing but since left the organisation. The non-inclusion of this group has greatest significance for obtaining an accurate picture of outcomes of the whistleblowing process, discussed in chapter 5; but it is also worth noting here, since it again means that the total number of individuals who have observed and reported wrongdoing is only likely to be larger than that indicated by the survey.

2.2. Types of reporting: is all reporting the same?

The above results provide an overview of the number of employees who currently perceive and report wrongdoing, but are these all 'whistleblowers'? Technically, all this reporting fits the definition of whistleblowing adopted in the Introduction. All is also significant for understanding how wrongdoing is detected and whistleblowing managed in public sector organisations. Nevertheless, distinctions can be drawn between different contexts and types of reporting behaviour, especially because not all types of reporting may involve the same risk of reprisals or organisational conflict. The two most important distinctions to be discussed here are:

- Whether reporting the wrongdoing was part of the employee's normal *role* – i.e. professional job responsibilities; and
- Whether or not the report concerned wrongdoing that affected anyone other than the reporter themself – e.g. a *personal grievance* arising from activity that might have seemed illegal, illegitimate or immoral to the individual themselves, but which even if this was justified, did not directly threaten organisational or public integrity.

Role reporting versus non-role reporting

Of the 28% of all respondents who said they reported the most serious form of observed wrongdoing, it is presumed that some did so because it was part of their professional role, or job, to pass on this information. For example, these respondents could include a supervisor who observed wrongdoing by a member of their own staff, who then 'formally reported' the matter to their own superior for disciplinary action, or to the internal audit unit for further investigation. Similarly, the internal auditor might then have formally reported the matter to the CEO in line with standard procedures. In neither case would the report normally be regarded as an act of 'whistleblowing' because reporting is part of the employee's usual professional role.

How much reporting is 'role reporting' of this kind – and how much is 'non-role reporting' which might fit more closely with conventional concepts of whistleblowing? While the question is simple, the answer is complex and not necessarily definitive. In some contexts, *every* member of an organisation may be under a legislative or contractual obligation to report perceived wrongdoing of particular kinds. This is the case in most Australian police services, in agencies dealing with issues of child safety or welfare, and increasingly in public health agencies. The reasons why employees report wrongdoing are analysed in chapter 3, but it is notable that of the 2146 individuals who reported wrongdoing, 1241 (57.8%) said their belief that they were under a 'legal responsibility to report' was very or extremely important in their decision to do so (Employee Survey Q27g).

Similarly, employees may make their reports in different ways that reflect different degrees of 'official' compulsion. The research in the case study agencies confirms that while most reporting may be undertaken on the employee's own initiative, it is not unusual for formal

reports to be made in response to official requests or as part of evidence-gathering during investigations not triggered by the 'whistleblower'. In such circumstances, the obligation to report may effectively have been 'made' part of the employee's role on at least a one-off basis, even if it was not normally part of their role. Table 2.4 sets out some of this evidence, drawn from the Internal Witness, Casehandler and Manager Surveys. These reporters may have identical management needs to other whistleblowers, as discussed in chapter 8.

Table 2.4. How do reporters first provide their information? (case study agencies)

Internal Witness Survey Q24: How did you first come to report or provide information...?
Casehandler and Manager Survey Q24: When employees report wrongdoing in your organisation, what are the different ways they first provide their information?

	Internal Witnesses	Casehandlers & Managers
		(n=547)
	% (n=214)	Frequency scale: 1 never, 2 rarely, 3 sometimes, 4 often, 5 always
I decided to report it, without anyone asking me to do so / employees decide to report wrongdoing, without anyone asking them to do so	(86%) 184	3.5
I reported it / employees report it after being asked to provide information about the matter by a supervisor or manager	(7%) 16	3.4
I was / employees are approached to assist in an existing investigation into the wrongdoing	(4%) 8	3.3
I was / employees are formally directed or compelled to provide information in an official investigation or hearing	(2%) 4	3.2
Missing	(1%) 2	--
Total	(100%) 214	--

Returning to the Employee Survey, two variables were used in combination to estimate how many reports may have been 'role reports'. The first related to how the respondent became aware of the perceived wrongdoing. Table 2.5 sets out some key data about how reporters indicated they first became aware of the wrongdoing they reported. Of the 2146 reporters, 651 (30.3%) indicated that they became aware because it was 'reported to them in their official capacity', of which 457 (21.3% of all reporters) also indicated that this was the *only* way in which they became aware of the wrongdoing (Q21e). This can be taken as one indicator that they only learned of the wrongdoing, and therefore probably only acted on it, because dealing with this information was part of their organisational role.

Table 2.5. How reporters become aware of the wrongdoing

Employee Survey Q21

How did you find out about this activity?
Please circle all that apply.

		% (n=2146)
It was directed at me -	only	16.3% (350)
	along with other responses	9.3% (200)
	subtotal	25.6% (550)
I was invited to participate in it -	only	1.4% (30)
	along with other responses	2.2% (48)
	subtotal	3.6% (78)
I observed it -	only	25.3% (544)
	along with other responses	18.8% (404)
	subtotal	44.2% (948)
I came across direct evidence (e.g. documents) -	only	9.4% (201)
	along with other responses	11.6% (248)
	subtotal	20.9% (449)
It was reported to me in my official capacity -	**only**	**21.3% (457)**
	along with other responses	9.0% (194)
	subtotal	30.3% (651)
Other		5.8% (124)
At least one of the above		99.3% (2131)
Missing		0.7% (15)

The second variable was the organisational relationship between the reporter and those he or she perceived to be involved in the wrongdoing that they then reported. As already indicated, a manager who becomes aware of wrongdoing on the part of their own employees would normally be expected to report it as part of their role. Such cases are also not simple to separate, since a supervisor might find their own employees to be involved in wrongdoing which also involves employees at other levels; or might become aware of wrongdoing by junior employees in another section for which other managers are responsible. In some circumstances, reporting such wrongdoing may be regarded as simply part of any manager's role; in others, less so.

Table 2.6 shows the positions held by the perceived wrongdoers relative to (a) all respondents who reported the most serious wrongdoing, and (b) respondents who reported who also indicated they held a managerial role in the organisation. Of the 2146 reporters, 660 indicated they held a managerial role, of which 376 (57% of all managers) indicated that the only people involved in the wrongdoing which they then went on to report, were employees below their level. This is taken as a second indicator of an organisational relationship that meant the report was likely to be part of their organisational role.

Table 2.6. Position of wrongdoers relative to reporters

Employee Survey Q25, Q44

What position did the wrongdoer(s) have in the organisation? Please circle all that apply.		**(a) All reporters** % (n=2146)	**(b) All managers** % (n=660)
Employee(s) below my level -	**only**	31.4% (674)	**57.0% (376)**
	along with others	5.7% (123)	5.5% (36)
	subtotal	37.1% (797)	62.4% (412)
Employee(s) at my level -	only	21.2% (455)	9.8% (65)
	along with others	9.4% (202)	5.6% (37)
	subtotal	30.6% (657)	15.5% (102)
My immediate supervisor(s) -	only	9.6% (207)	3.6% (24)
	along with others	9.6% (206)	4.4% (29)
	subtotal	19.2% (413)	8.0% (53)
High-level manager(s) -	only	17.2% (369)	15.5% (102)
	along with others	8.8% (188)	4.8% (32)
	subtotal	26.0% (557)	20.3% (134)
Outside contractor/vendor(s) -	only	2.9% (63)	2.6% (17)
	along with others	1.6% (35)	0.6% (4)
	subtotal	4.6% (98)	3.2% (21)
At least one of the above		97.4% (2091)	97.4% (643)
Missing		2.6% (55)	2.6% (17)

Combining these variables, a total of 457 respondents who reported wrongdoing indicated they only became aware of it because it was reported to them in their official capacity (Q21e), while 376 indicated that they were a manager (Q44a) who observed wrongdoing that only involved employees below their level (Q25a). With 214 respondents falling in both categories, the total number of reporters falling into either group was 619 – or 28.8% of all reporters. While this is not a perfect way of identifying them, it provides some indication of the proportion of all reporters whose reports are very likely to have amounted to role reports. Conversely, after removing missing cases, the remaining 1497 (69.8%) of all those employees who reported wrongdoing are more likely to have done so outside their normal role, and therefore more likely to fit the conventional definition of a whistleblower. This figure would place the proportion of whistleblowers at 27.3% of all those who observed wrongdoing in the previous two years, and 19.5% of all respondents. This proportion is depicted in the overview in Figure 2.1 below.

The likelihood that an employee reported wrongdoing as part of their role does not mean they are of less interest for the remaining analysis. For example, if employees in this situation observe wrongdoing and do *not* report it, this could be considered of even greater concern than whether or not other staff blow the whistle. Similarly, if employees who make a 'role report' then suffer harassment or reprisals as a consequence, this is likely to be a very strong indicator that an agency has problems with how it responds to information about wrongdoing from *any* internal source. However it provides a useful indicator of how much reporting of wrongdoing approaches the conventional definition of whistleblowing – that is, reporting that is less likely to occur *without* official encouragement or policies, and at which most legislative and organisational responses are therefore aimed.

Personal grievances versus issues of organisational/public integrity

The second threshold distinction is whether the wrongdoing simply gave rise to a personal grievance on the part of the individual who reported it, or collective workplace-based grievances, but was not wrongdoing affecting other questions of public integrity or the public interest more broadly. The distinction is important both in developing a more accurate picture of whistleblowing overall, and because it can help determine how individual matters are or should be managed. However, the distinction can again be difficult to draw in practice. As outlined in the Introduction, many reports of wrongdoing involve both a personal grievance *and* matters of broader organisational or public integrity. For example, an employee's personal grievance may be indicative of a larger breakdown in organisational procedures (whether or not this is known to them); an employee may be aware of a matter of serious public interest but only reveal it after a personal grievance arises (whether or not related to the public interest matter); or an employee may raise a public interest matter but receive an initial response that immediately gives rise to a personal grievance (causing the two issues thereafter to travel in tandem).

The frequency with which public interest concerns are mixed with personal conflicts is confirmed by responses to the case study agency surveys. Table 2.7 sets out how often a variety of conflicts appear to precede or accompany the making of reports, even when the wrongdoing observed does *not* include those types of matters likely to constitute personnel or workplace grievances. The table indicates the frequency with which the specified conflicts were present in the experience of (a) all those who volunteered for the Internal Witness Survey, and (b) Internal Witnesses whose observed wrongdoing did *not* include 'personnel or workplace grievances', as well as the frequency of these conflicts in the opinion of (d) Casehandlers and (e) Managers from the same group of case study agencies.

Another indication of this complex mix is provided by the opinions of case study agency Casehandlers and Managers about the type of information provided by employees who report. Table 2.8 shows how these respondents replied to questions about their experience of the mix of personal and public interest matters to be found in employee reports of wrongdoing. The means show a diversity of opinion as to whether any of the statements accurately summarise the type of information provided in employee reports, with many disinclined to state a view. However, even though the remainder were twice as likely to disagree than agree with the statement that 'reports are often entirely about matters of public interest' (39% to 18%), and just as likely to agree as disagree that 'reports are often entirely about personal grievances' (33% to 32%), they were more likely to agree than disagree that 'reports are often about [both] personal grievances and matters of public interest' (30% to 22%).

As will be discussed in later chapters, it is important that organisational systems recognise the degree with which personal and public interest matters are intertwined. Otherwise, issues of public interest may go overlooked, and employees may be left subject to reprisals, simply because personal interests were also involved. It is also important to recognise that while not *all* employee reporting of wrongdoing is concerned purely with personal or workplace grievances, where this is the case, different organisational and legal responses flow. 'Public interest disclosure' procedures and legislation are predicated on the principle that, while proper systems should exist for resolving personal grievances, additional protections and systems are needed to encourage employees to raise concerns about wrongdoing that may not necessarily affect them directly. The legislative protections available to employees who make public interest disclosures recognise that barriers exist to such disclosures, beyond those applying to grievances that are *purely* personal or workplace-based. Unless the distinction is recognised, employees can also labour under false expectations that purely personal grievances can attract the legal protections contained in whistleblowing legislation, such as freedom from disciplinary action and rights to compensation.

Table 2.7. Conflicts that accompany reports of wrongdoing

Internal Witness Survey Q23: When you first reported or provided information about the wrongdoing, were any of the following already causing you concern? Please circle as many as apply.

Casehandler and Manager Surveys Q26: When employees first report wrongdoing, how often do you think any of the following issues are already also causing them concern? Please circle one number of each issue.

	Internal Witness Survey Q23		**Casehandler & Manager Survey** Q26 (Scale)	
	(a) All respondents (inc. b) % (n=214)	(b) Respondents whose observed wrongdoing did not include 'personnel or workplace grievances' * % (n=74)	(d) Case-handlers (n=201)	(e) Managers (n=260)
			1 never, 2 rarely, 3 sometimes, 4 often, 5 always	
Dissatisfaction with one or more agency policies	12.6% (27)	14.9% (11)	3.1	3.1
A decision about a promotion that affected you (the employee)	11.2% (24)	1.4% (1)	3.1	2.8
Failure to renew your (the employee's) contract	0.5% (1)	1.4% (1)	2.4	2.3
Dissatisfaction with your work duties	11.7% (25)	6.8% (5)	3.2	3.0
Conflict or serious disagreement or another grievance with or against ... manager(s) or supervisor(s)	41.6% (89)	21.6% (16)	3.4	3.1
Conflict or serious disagreement or another grievance with or against ... co-worker(s)	13.6% (29)	8.1% (6)	3.3	3.1
At least one of the above	58.9% (126)	45.9% (34)	--	--

* 'Personnel or workplace grievances' means Internal Witness Survey Q2 items: q, x, hh, ii, jj, ll.

Table 2.8. Personal grievances and matters of public interest

Casehandler and Manager Surveys Q27 g, h, i

| **When employees report wrongdoing, what type of information do they provide?** Please indicate your level of agreement with each of the following statements (1 strongly disagree – 5 strongly agree)	**(a) Casehandlers** (n=231)	**(b) Managers** (n=3170
Reports are often entirely about personal grievances	3.1	2.9
Reports are often entirely about matters of public interest	2.7	2.8
Reports are often about personal grievances and matters of public interest	3.1	3.0

What proportion of those who report wrongdoing are raising public interest concerns, or more likely to be raising personal or workplace grievances alone? Since this question can only be answered by separating motive from content, the only reliable way of estimating this is by reference to the type of wrongdoing observed and reported. The wrongdoing types selected for the survey, and their overarching categories, were intended from the outset to allow the research to capture and distinguish between the widest possible spectrum of activities (Tables 2.1, 2.2, 2.3 above, and Appendix 2). Key categories also correlate to some of the major statutory definitions of conduct giving rise to 'public interest disclosures'. Sometimes the distinction is straightforward – for example, all the wrongdoing types grouped as 'misconduct for material gain' (Employee Survey Q19a-h) are typically regarded as contrary to the public interest irrespective of whether they also impact on any individual. In other cases, the distinction is less clear. For example, some of the wrongdoing grouped as 'improper or unprofessional behaviour' – such as (m) being drunk or under the influence of illegal drugs at work, or (p) sexual harassment – may have their only *direct* impacts on fellow employees, and therefore seem to be simply workplace-based disputes with no external impact, but they are usually regarded as sufficiently corrosive of public integrity to qualify as official or criminal misconduct.

Closer to the other end of the spectrum are those wrongdoing types more clearly grouped as 'personnel or workplace grievances', including (x) dangerous or harmful working conditions, (hh) unfair dismissal, and (ll) bullying of staff within the workplace. While any of these may be of considerable public interest if sufficiently widespread, systemic or serious, they are also frequently the subject of individual grievances or complaints that lie entirely within the workplace, or between employees and management. The wrongdoing types in this category were also those observed by the single largest group of employees (48.7% of all Employee Survey respondents, as shown in Table 2.2), tending to confirm that these were the types of wrongdoing that affected them most directly, irrespective of relative seriousness or wider significance for public integrity. By separating out all reports relating to this category of wrongdoing, notwithstanding that they may *also* have been grievances about matters that could be of great public interest, it is possible to identify the reporting in the remaining categories as unlikely to be *purely* concerned with personal grievances.

Figure 2.1 sets out an overview of the current incidence of whistleblowing across the 118 agencies surveyed, based on all these considerations. The data indicate that of those respondents whose reporting was probably done outside their normal organisational role, 913 or 60.9% reported wrongdoing other than (or in addition to) improper personnel or workplace grievances. This equates to 11.9% of all Employee Survey respondents. In other words, while about 71% of all respondents observed wrongdoing and at least 28% of all respondents then reported the most serious, only perhaps 12% of all respondents would fit the conventional definition of having engaged in public interest whistleblowing in the two year period. Nevertheless, the figure remains substantially larger than previous estimates.

As only four jurisdictions, and not all agencies in these jurisdictions were represented in the study, this result cannot be reliably generalised across the entire Australian public sector. Nevertheless, the range of agencies and size of the dataset makes some notional extrapolation useful. If the result held true for the entire Australian public sector, it would suggest that around 197,000 individual public servants may have engaged in public interest whistleblowing in the two year period. Even if none of the non-respondents to the survey had reported wrongdoing, then these whistleblowers would amount to about four percent of the sample – or about 65,000 public officials when extrapolated nationally. Assuming each of these officials only reported on one type of relevant wrongdoing once in the two year period, then these percentages suggest that on average, each weekday in Australia, at least 125 individual public servants – but more likely about 380 – might be expected to blow the whistle on a matter of potential public interest.

Figure 2.1. An overview of whistleblowing in the Australian public sector
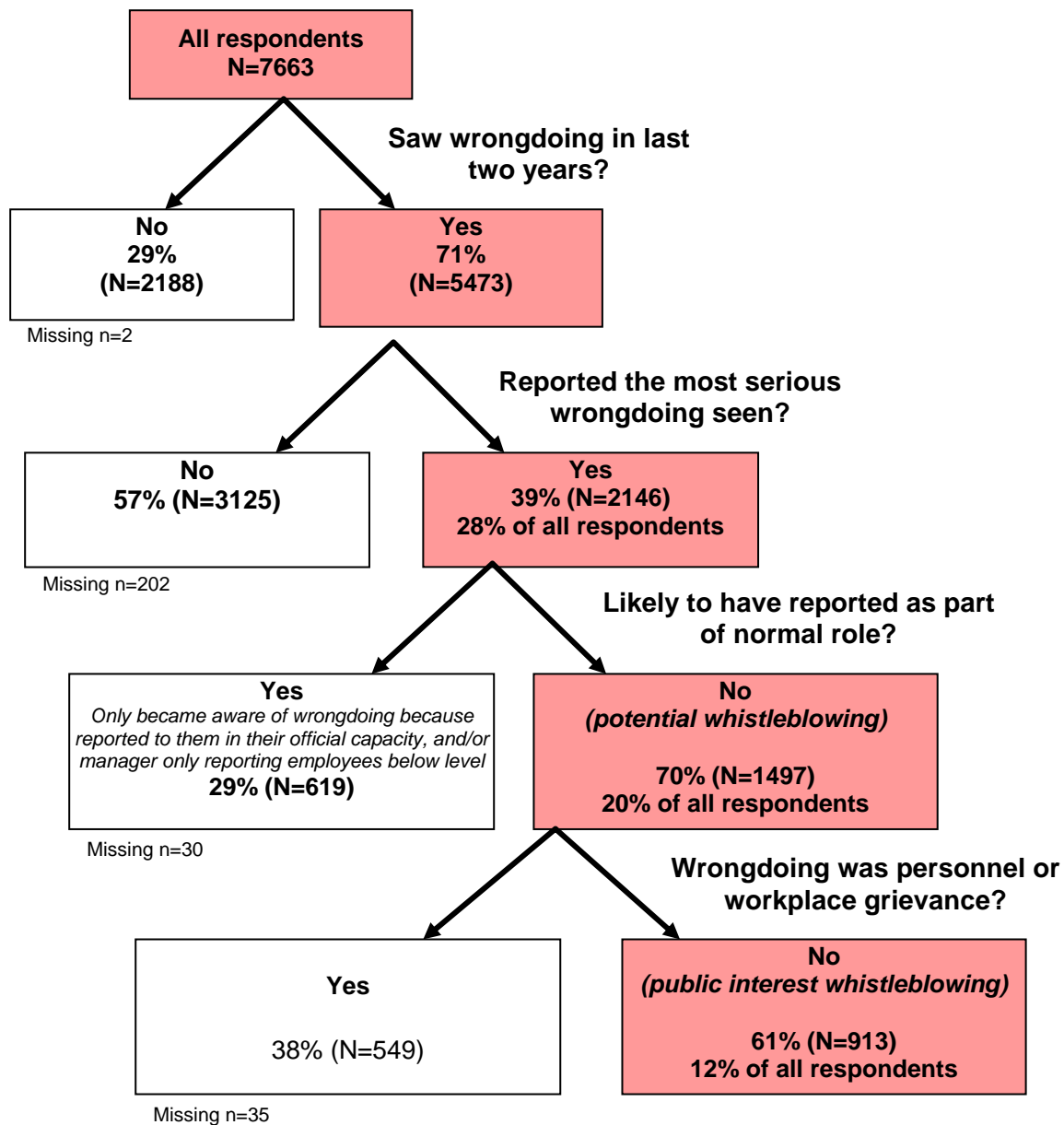
2.3. How important is current whistleblowing?

As will be seen in chapter 4, the vast bulk of the whistleblowing identified in the present research begins internally and is resolved without ever becoming public. Nevertheless, the sheer volume of whistleblowing indicated in the previous section raises many issues for public sector management. One is the simple fact that it is clearly not a rare activity, but is probably better characterised as a natural feature of organisational life. An equally natural question is whether this incidence of whistleblowing might have been unusually high (or low) during the study period for any reason. While this question can only be properly answered by ongoing research, there is no particular reason to expect this to be the case, especially given the outcome is broadly consistent with similar studies undertaken in North America. Studies in the United

States and United Kingdom do indicate that the incidence of whistleblowing appears to be increasing over time (Dozier & Miceli 1985; Vinten 1994; Near et al 2004).

In our research, one indicator of the relative normality of the current incidence of whistleblowing was provided by the Casehandler and Manager Surveys, which asked these respondents whether they believed the number of employees who had reported wrongdoing had changed over the previous five years. Table 2.9 sets out the results. Overall, while 49% of these respondents indicated a belief that number was 'about the same' as five years previously, 41% believed that the number had increased, and only slightly over 9% indicated that the number had decreased.

Table 2.9. Change in number of employees believed to report

Casehandler and Manager Surveys Q15

Over the last 5 years, do you believe the number of employees who have reported wrongdoing in your organisation has changed?	**(a)** **Casehandlers** (n=229)	**(b)** **Managers** (n=318)	**Total** (n=547)
1 decreased a lot 2 decreased somewhat 3 about the same 4 increased somewhat 5 increased a lot	3.5	3.3	3.4

A related issue is whether there is any reason to believe that this level of whistleblowing is likely to go away. Clearly, on these limited figures, that appears unlikely. However a further stronger indication is given by evidence that – contrary to a strong popular and organisational myth – many public employees are not currently deterred from reporting wrongdoing even if they anticipate or have established from previous experience that whistleblowing is not an easy process. In the earlier NSW study, 49% of the stratified sample of 800 NSW public employees indicated a belief that they would still report corruption even if they knew they did not have the support of colleagues, and 41% even if they knew their career would be adversely affected (Zipparo 1999 a, b). In the Employee Survey, 81% of all those who had reported wrongdoing, indicated that if they had their time over again, they would be either 'very likely' or 'extremely likely' to still report the activity (Employee Survey Q34). As will be discussed later, even a majority of those whistleblowers who said they had been treated badly as a result, said they would be at least 'somewhat likely' to still report if they had their time over again. These responses indicate that overall, the incidence of whistleblowing is unlikely to decline, other than perhaps in the event of a significant decline in perceived wrongdoing.

This level of whistleblowing has important implications since it makes clear that whistleblowing is not a rare or occasional activity and hence is not one to which public sector managers can afford to simply be reactive. However, it is also clear that current levels of whistleblowing play an important role in a more objective sense, as a contribution to the integrity-promoting efforts of organisations and the public sector generally. The assumption that whistleblowing is to be encouraged for its positive effects in bringing wrongdoing to light, provides much of the reason for the existence of current whistleblowing legislation. A logical question becomes whether current levels of whistleblowing are as valuable as the legislative *intention* would appear to suggest, or whether a lot of this reporting activity serves no good purpose – for example, because it is baseless, trivial or unsubstantiated. The value of current whistleblowing can be assessed in three ways: (1) its value according to employees in general;

(2) its value according to those who blow the whistle, including their perceptions of the outcome; and (3) its value from an organisational perspective, including individuals in organisations with reason to know something about it.

According to the Employee Survey, whistleblowing does appear to be highly valued by public employees in general. Table 2.10 shows the responses to a number of questions about respondents' attitudes towards the reporting of wrongdoing, as part of a larger scale which will be reported on in the next chapter. It shows a general picture that employee reporting of wrongdoing is seen as positive, even by those who have observed but not reported it.

Table 2.10. Attitudes towards the reporting of wrongdoing

Employee Survey Q15 a, b, h, i

1 strongly disagree – 5 strongly agree Scale mean	**(a)** **Did not observe wrongdoing** (n=2188)	**(b)** **Observed wrongdoing, but did not report the most serious** (n=3123)	**(c)** **Reported the most serious wrongdoing** (n=2146)
I personally approve of employees reporting illegal activities within the organisation.	4.4	4.4	4.5
I personally approve of employees reporting wasteful activities within the organisation	3.9	3.8	4.0
It is in the best interest of the organisation when an employee reports wrongdoing.	4.1	4.0	4.2
Employees should be encouraged to report wrongdoing.	4.1	4.1	4.3

Contrary to some expectations, those who reported wrongdoing themselves also provided indications that they believed it was valuable to do so. As already noted, a majority indicated they would do it again. Further, a majority (63%) of all those who reported wrongdoing, and 56% of those who fit the above definition of public interest whistleblowing, also indicated that they knew their disclosure was investigated (Employee Survey Q32a); and of these, a substantial majority also then indicated that the investigation outcome was positive. Sixty-five per cent of all reporters whose issue was investigated, and 56% of all whistleblowers in this category, indicated that things became 'better' as a result of the investigation (Employee Survey Q33). Given that wrongdoing inevitably occurs and is reported that is not capable of being substantiated, the perceived value of reporting appears confirmed by the evidence that a majority of whistleblowing cases were treated seriously and at least partially vindicated.

The value of current whistleblowing is also apparent from organisational data. The Agency Survey asked organisations to estimate the total number of cases of alleged or suspected wrongdoing reported or detected in their agency for a recent two-year period (2002-2004), and the number of these cases that came to light due to reports by employees or organisation members (Agency Survey Q18). Table 2.11 sets out some key results. While only 76 of the 118 agencies that went on to complete the Employee Survey were able to supply most of this information, and the information recorded on central databases was often based on very different categorisations, the results confirm the overall importance of internal reporting as an information source in the internal integrity investigation efforts of agencies.

Table 2.11. Wrongdoing detected and investigated by select agencies* over 2 years

*76 agencies who answered Agency Survey Q18-23; Employee Survey Q19, Q26.

Wrongdoing category	a. Employee Survey respondents indicating they reported this activity	b. Total no. of cases reported or detected according to Agencies (Q18)	c. No. of cases reported by staff etc according Agencies (Q18)	d. Proportion of all cases detected, that were reported by staff etc (c/d)
	% (n=1493)	(n)	% (n)	%
1. Misconduct for material gain	23.0% (324)	(921)	28.7% (490)	53.2%
2. Conflict of interest	1.7% (24)	(280)	4.2% (71)	25.4%
3. Improper or unprofessional behaviour	18.5% (236)	(1688)	38.2% (652)	38.6%
4. Defective administration	11.1% (157)	(1667)	15.0% (257)	15.4%
5. Waste or mismanagement of resources	4.5% (63)	(126)	4.4% (76)	60.3%
6. Perverting justice or accountability	8.5% (120)	(65)	2.2% (37)	56.9%
7. Personnel or workplace grievances	33.5% (472)	(258)	7.4% (126)	48.8%
8. Reprisals against whistleblowers	0.9% (13)	0	0	0
Subtotal	100% (1409)	(5005)	100% (1709)	34.1%
9. Other	(51)	(5044)	(5026)	99.6%
Wrongdoing type unknown	(33)	0	0	0
Total	(1493)	(10049)	(6735)	67.0%

Responses from these 76 agencies constitute about two-thirds of the Employee Survey dataset, supplying 5151 respondents of whom 1493 (29%) indicated they had reported wrongdoing. Where the categorisations in agency records aligned, there was also at least some similarity with the results of the Employee survey in terms of the relative incidence of different types. Most significantly, the Agency Survey provided an overall suggestion of the significance of reporting by indicating that in a like period to that covered by the Employee Survey, internal reports accounted for 67% of all the wrongdoing cases recorded and dealt with by these agencies. While the misalignment of categories makes much of the subject matter difficult to interpret, the responses indicate that in some major wrongdoing categories such as 'misconduct for material gain', more than 50% of matters come to agency attention through staff.

Final evidence on the value of whistleblowing from an organisational perspective, can be found in the opinions of individuals other than whistleblowers themselves, who have reason to know something about such cases. In the case study agencies, the Casehandler and Manager Surveys asked each of these groups for their opinions on the content and significance of employee reporting of wrongdoing. Table 2.12 indicates that while inevitably, not all whistleblowing complaints are entirely meritorious or accurate, both casehandlers (e.g. internal investigators) and managers generally regarded the information provided by staff when reporting wrongdoing to be significant and valuable. In particular, they were less inclined to agree with the statements that most reports were 'wholly trivial', or that they were often vexatious or contained intentionally false information.

Even more importantly, Table 2.13 sets out how casehandlers and managers responded to a direct question about the importance of employee reporting as a means of bringing wrongdoing to light, relative to other well-known methods of discovery. While several methods of discovery ranked as very or extremely important, 'reporting by employees' ranked as the single most important trigger for the uncovering of wrongdoing in the view of the combined group. Significantly, both casehandlers and managers ranked employee reporting as more important than routine controls, internal audits, or external investigations. These judgments are all the more significant, because they come from groups who can be relied on to take a relatively dispassionate view of the merits of whistleblowing. They are also groups – especially in the case of casehandlers, including internal investigators – in a position to assess the quality of information provided by whistleblowers, suggesting a confirmation that whatever the quantitative significance of employee reports, the unique position of employees within organisations gives them a strategic role as quality information sources. Together, these various sources of data tend to confirm that on the whole, whistleblowing is not only regular, but also recognised within organisation as highly important for uncovering organisational wrongdoing.

Table 2.12. Value of information provided by employees

Casehandler and Manager Surveys Q27 a-f

When employees report wrongdoing, what type of information do they provide? Please indicate your level of agreement with each of the following statements (1 strongly disagree – 5 strongly agree)	(a) Case-handlers (n=232)	(b) Managers (n=318)
a. Most employee reports are wholly trivial (no info merits investigation)	2.1	2.2
b. Most reports are wholly significant (all info merits investigation)	3.2	3.4
c. Most reports are partly trivial and partly significant	3.2	3.1
d. Reports often contain inaccurate or mistaken information	3.2	3.2
e. Reports often contain intentionally false information	2.2	2.4
f. Reports are often vexatious (an abuse of process)	2.5	2.5

Table 2.13. Relative importance of employee reporting

Casehandler and Manager Surveys Q14

How important do you believe each of the following is for bringing to light wrongdoing in or by your organisation? 1 not important, 2 somewhat important, 3 very important, 4 extremely important	(a) Case-handlers (n=228)	(b) Managers (n=306)	(c) Total (n=534)
a. Routine internal controls (e.g. normal financial tracking, service monitoring)	3.23	3.24	3.24
b. Internal audits and reviews	3.20	3.07	3.12
c. Management observation	3.35	3.33	3.34
d. Client, public or contractor complaints	2.93	2.91	2.91
e. Reporting by employees	3.44	3.30	3.36
f. External investigations	2.67	2.58	2.62
g. Accidental discovery	2.45	2.28	2.35

2.4. Do different levels of whistleblowing occur in different organisations?

Taken together, the above evidence of the incidence and recognised significance of whistleblowing yield a more positive picture of the role of whistleblowing in modern Australian public sector management than has previously been described. While on one hand a higher than expected incidence of whistleblowing might be misread by some as evidence of higher than expected wrongdoing, in fact it can equally be regarded as an indicator of a healthy organisational environment, in which employees feel both willing able to speak up about the problems they perceive. Higher levels of reporting may also flow from direct awareness-raising undertaken by the organisation, as well as willingness by employees to speak up because of the positive culture of the organisation. These explanations are supported by the fact that whistleblowing is clearly often recognised and valued by the management of public sector agencies, at least as an information source, along with other data about how employees choose to report in chapters 3 and 4.

However, the fact that a considerable amount of whistleblowing occurs and is organisationally recognised, does not necessarily mean that it is easy to manage, that associated intra-organisational conflicts and reprisals do not occur, or that many of those who blow the whistle do not also suffer as a result of the experience. Nor does it mean that whistleblowing in respect of different matters always carries the same level of risk, particularly when some types of perceived wrongdoing are by definition easier to identify and remedy, while others may be more subjective or 'political' in nature. These are all important questions for later chapters.

Equally important is the fact that while the overall incidence of whistleblowing may be higher than expected, it still varies considerably between different organisations. In other words, even if the aggregate picture appears healthy, different agencies are clearly achieving differing levels of success in their efforts to encourage employees to report perceived wrongdoing. Consciousness of this fact is demonstrated by casehandlers and managers alike, in the case study agencies being examined in this research. Table 21.4 shows how the respondents to these surveys rated their own agency's success in encouraging employees to report, showing little overall confidence that their agencies had been much more than 'somewhat' successful.

Table 2.14. Successfulness of the organisation in encouraging reporting

Casehandler and Manager Surveys Q61

How successful do you think your organisation is in encouraging employees to voice concerns about perceived wrongdoing?	(a) **Casehandlers** (n=236)	(b) **Managers** (n=322)	(c) **Total** (n=558)
1 not at all, 2 not very 3 somewhat 4 very, 5 extremely	3.0	3.2	3.1

Figure 2.2. Perceived success in encouraging reporting, by case study agency

Casehandler and Manager Surveys Q61

How successful do you think your organisation is in encouraging employees to voice concerns about perceived wrongdoing?
1 not at all; 2 not very; 3 somewhat; 4 very; 5 extremely
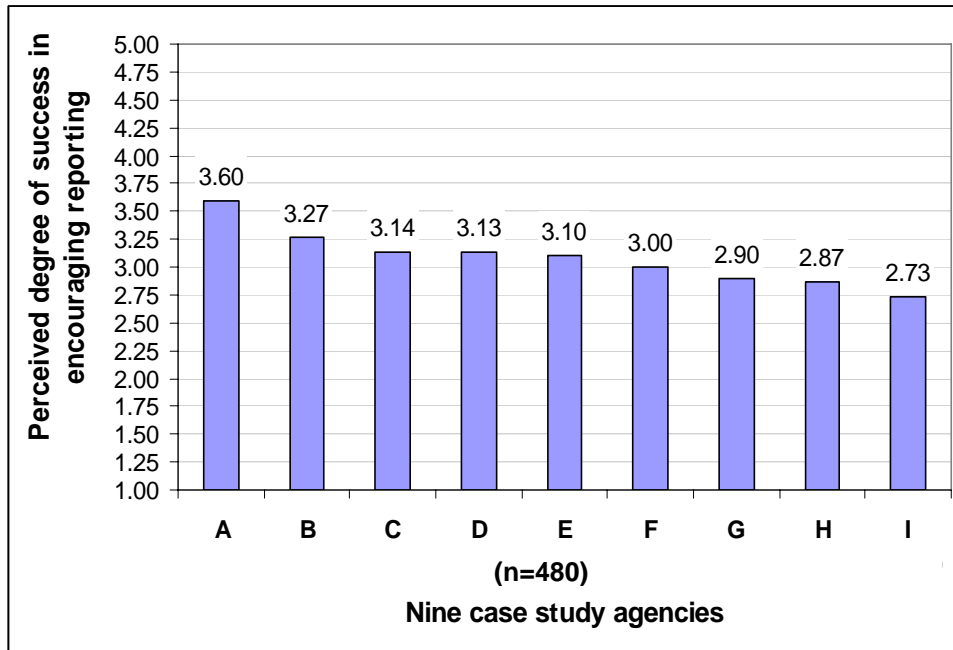
As with the overall rate of reporting across all agencies, however, the grouped mean masks considerable variation. Between the nine case study agencies from whom at least 10 responses had been received at time of writing, there was variation in the degree of perceived success. Figure 2.2 shows this range, taking the responses of casehandlers and managers together in each of these agencies. The respondents from agencies A and B were clearly more optimistic about their agencies' success in encouraging reporting, than agencies H and I.

In order to establish the reality of agencies' relative degree of success in encouraging reporting, it was necessary to establish a basis on which the incidence of whistleblowing in different agencies could be validly compared. Comparison of raw numbers of reports or even different types of wrongdoing revealed by the Employee Survey was clearly insufficient, since the agencies participating in the research had varying sizes, functions and degrees of exposure to different types of integrity or wrongdoing risk. Instead it was determined that agencies could be compared on their individual 'reporting rate', or proportion of respondents who saw wrongdoing and then elected to report it, as opposed to those who did not.

Given that this provided only a crude comparison, the calculation of reporting rate was also refined in two ways. First, given that the Employee Survey asked respondents to indicate what wrongdoing they had observed irrespective of seriousness, its results almost certainly included matters most observers would not consider should necessarily be reported. As respondents were also asked to indicate how serious they regarded nominate the wrongdoing to be, it was possible to confine the comparison to those instances of wrongdoing that the respondents themselves indicated were 'very' or 'extremely' serious on the 5-point scale (Employee Survey Q22). Figure 2.3 confirms that across the dataset, as the level of perceived seriousness increased, so did the proportion of matters that were reported – a result that will be further analysed in chapter 3. For present purposes, instances of 'very' or 'extremely' serious wrongdoing accounted for about half of all matters reported.

*Figure 2.3: Proportion of respondents who reported wrongdoing they saw
by level of perceived seriousness*
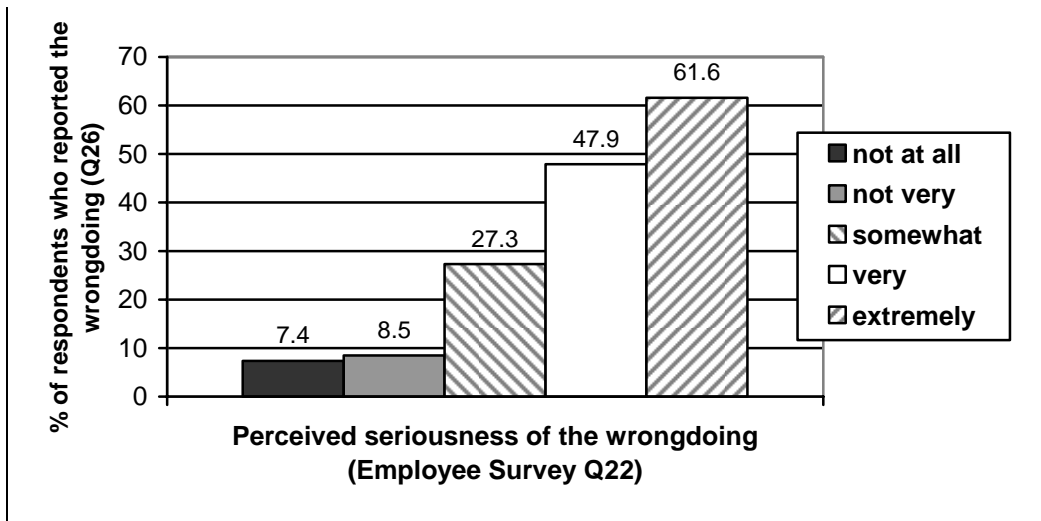
Table 2.15. Reporting and inaction rates by jurisdiction

Employee Survey Q19, Q20, Q22, Q26, Q35

		Cth (n=2307)	NSW (n=2561)	Qld (n=1729)	WA (n=1007)	Un-known (n=59)	Total (n=7663)
	All respondents who observed wrongdoing	(1676)	(1826)	(1242)	(686)	(43)	(5473)
	Respondents who regarded the most serious observed wrongdoing as **very or extremely serious**	**(968)**	**(1048)**	**(735)**	**(368)**	(28)	**(3147)**
a.	Staff in (b) who reported **(reporting rate)**	**50.5%** (489)	**54.5%** (571)	**54.8%** (403)	**49.7%** (183)	39.3% (11)	**52.7%** (1657)
b.	Staff in (b) who did not report formally, but dealt with it themselves (35a or b) or someone else had already reported it (35c)	19.5% (189)	19.4% (203)	15.2% (112)	19.8% (73)	17.9% (5)	18.5% (582)
c.	Staff in (b) who did not report, did not deal with it themselves (35a, b), and did not indicate that anyone else had already reported it (35c) **(inaction rate)**	**29.8%** (288)	**25.9%** (271)	**29.7%** (218)	**29.9%** (110)	2.9% (12)	**28.6%** (899)
	Missing	0.2% (2)	0.3% (3)	0.3% (2)	0.5% (2)	0	0.3% (9)
	Total	100% (968)	100% (1048)	100% (735)	100% (368)	100% (28)	100% (3147)

Figure 2.4. Select case study agency reporting and inaction rates

Employee Survey Q20, Q22, Q26, Q35
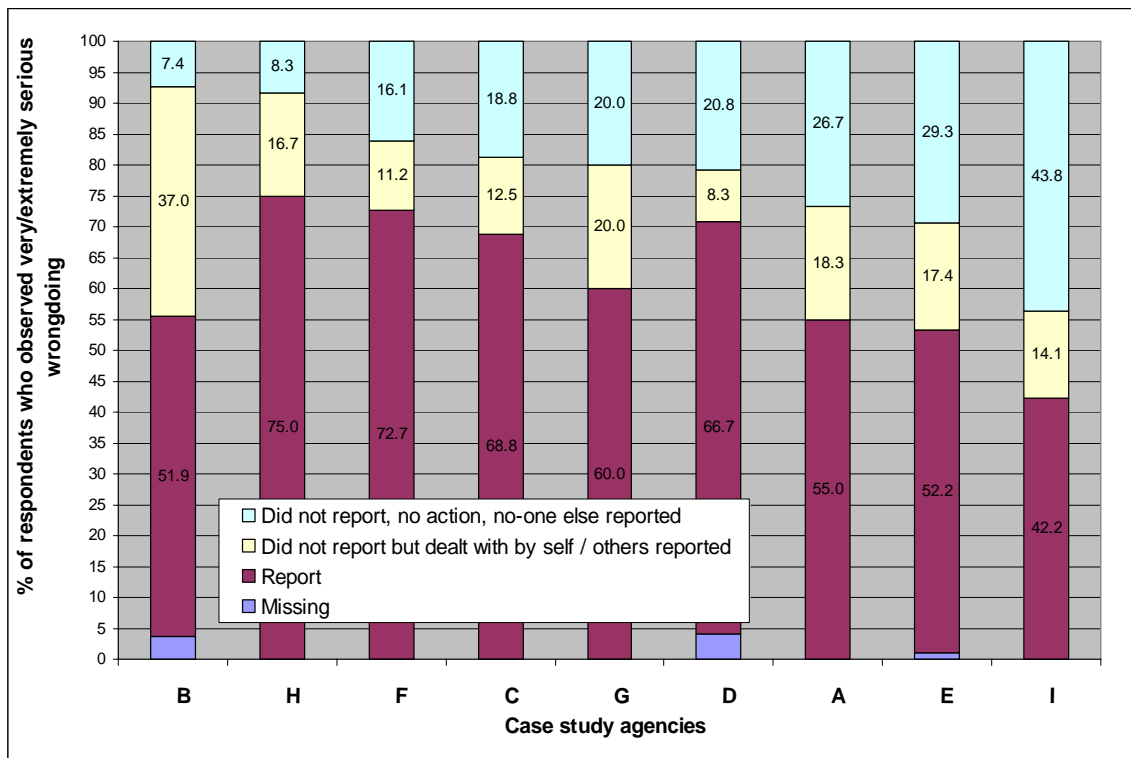
The second refinement to the calculation of agency reporting rates, was a recognition that in different agencies, there might be different reasons justifying the decision of respondents not to report. Some of the reasons offered to respondents included that the observer might have dealt with the matter themselves, formally or informally; or that there was no need to report, because someone else had already reported (Employee Survey Q35, a, b and c).

Accordingly Table 2.15 sets out the average reporting rates of all agencies by jurisdiction and nationally, in terms not only of (a) the proportion of respondents who observed very or extremely serious wrongdoing and reported it, but also (b) those who did not report for one of the above reasons, and hence (c) the agencies' 'inaction rate', or proportion of respondents who did not report the wrongdoing they observed but appeared to have no positive reason for not doing so. Although the reporting and inaction rates do not vary markedly by jurisdiction, considerable variation occurs when individual agencies are compared, as shown by Figures 2.4 and 2.5. Figure 2.4 ranks the nine case study agencies shown earlier in Figure 2.2, from that with the lowest inaction rate (good) to the highest inaction rate (bad). These inaction rates range from 7.4% of the wrongdoing observed, to 43.8%.

Comparing Figures 2.2 and 2.4 it is possible to see which agencies' casehandlers and managers held the more accurate opinions of their own agency's degree of success. The most accurate opinions were held by the casehandlers and managers from Agency I, who held the lowest opinion of their own success, and can be seen in Figure 2.4 to have both the lowest reporting rate and highest inaction rate, of this group of agencies.

The full range of agency reporting/inaction rates established by the Employee Survey are shown in Figure 2.5. For simplicity the figure presents only the inaction rates, from low (good) to high (bad), showing the number of agencies in each jurisdiction whose inaction rates fall into each band. Results have been confined to the 87 of the 118 agencies who participated in the Employee Survey in which at least 10 respondents identified their observed wrongdoing as very

or extremely serious. These reporting and inaction rates were calculated based on all categories of wrongdoing, including personnel and workplace grievances, in order to include the largest number of agencies. It should also therefore be noted that the reporting rates for personnel and workplace grievances appear to be generally lower than for other types of wrongdoing,[i] and that this wrongdoing category continues to provide a substantial amount of the wrongdoing in this analysis. Consequently, across the board, if this analysis was restricted to public interest categories of wrongdoing then the reporting rates would be higher, and inaction rates lower.

However for present purposes, all wrongdoing types are included in order to show the range for the largest number of agencies. The range is considerably wider than that of the nine case study agencies in the last figure. While NSW government agencies have the lowest average inaction rate overall, they also have the widest range, including the agency with the highest rate. All jurisdictions have at least one agency with a relative inaction rate that is comparatively high.

Figure 2.5. Range of inaction rates by jurisdiction (national)

Employee Survey Q20, Q22, Q26, Q35
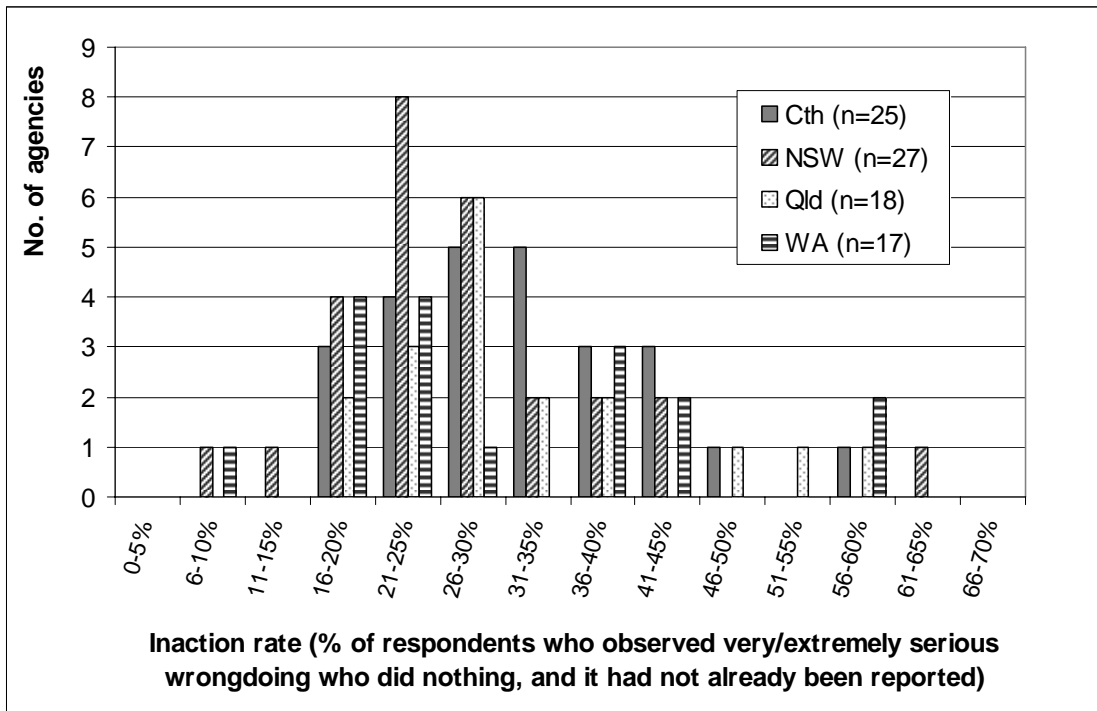
2.5. Conclusions

This chapter has reviewed the basic incidence of whistleblowing in Australian public sector agencies revealed by the research, as well as new evidence gathered about the recognised importance of whistleblowing. These show a more positive picture than previously believed, of a high level of employee reporting of wrongdoing in public sector agencies, with the value of whistleblowing widely recognised in agencies, notwithstanding its complexities.

However, although the overall incidence and recognition of whistleblowing may be higher than expected, there are clearly many individual public sector agencies in which a much lower proportion of the serious wrongdoing observed by employees is reported, or otherwise acted upon, than in others. Arriving at better explanations of these wildly varying reporting rates remains a major object of further study. A more complete analysis of why public officials do and don't report wrongdoing is provided in chapter 3. Later chapters then go on to analyse how officials report, and the outcomes of reporting (including the experiences of reporters), and the nature of agencies' internal systems and procedures for dealing with whistleblowing and managing those involved. All these issues bear on the fundamental question of how reporting rates might be continually improved, and inaction rates reduced, whenever serious wrongdoing is perceived by officials in public sector organisations.

Endnote

[i] A paired samples t-test showed that the rates (i.e., reporting, action and inaction) when the most serious wrongdoing observed is 'personnel or workplace grievance' are all significantly different to the rates for all types of wrongdoing (see below for means, sd, t scores, df and sig if reporting). In particular, for personnel wrongdoing compared to all wrongdoing, the reporting and action rates are lower and the inaction rate higher:

Paired Samples Statistics	Mean	N	Std. Dev	Std. Error Mean	Cor-relation	Sig.
Pair						
1 reporting_rate	52.145	(44)	8.847	1.334	0.660	0.000
pers_reporting_rate	49.048	(44)	10.924	1.647		
2 action_rate	71.257	(44)	8.330	1.256	0.724	0.000
pers_action_rate	64.557	(44)	12.184	1.837		
3 inaction_rate	28.745	(44)	8.334	1.256	0.724	0.000
pers_inaction_rate	35.445	(44)	12.181	1.836		

Paired Samples Test	Paired Differences						t	df	Sig. (2-tailed)
	Mean	Std. Dev	Std. Error Mean	95% Confidence Interval of the Difference			Mean	Std. Dev	Std. Error Mean
	Lower	Upper	Lower	Upper	Lower		Upper	Lower	Upper
1 reporting_rate - pers_reporting_rate	3.098	8.374	1.262	0.552	5.644		2.454	43	0.018
2 action_rate - pers_action_rate	6.700	8.419	1.269	4.140	9.260		5.279	43	0.000
3 inaction_rate - pers_inaction_rate	-6.700	8.416	1.269	-9.259	-4.141		-5.281	43	0.000

3. WHO BLOWS THE WHISTLE, WHO DOESN'T, AND WHY?

Richard Wortley, Peter Cassematis & Marika Donkin

3.1 Introduction

In the previous chapter it was demonstrated that whistleblowing is more prevalent than generally believed. It was also shown (at the broad level) that there are differences in reporting rates across organisations. Organisations, although in a sense mechanistic bureaucratic structures, are also organic structures as there can be no organisation without employees. Accordingly the differences in reporting rates at an organisational level may reflect differences between people within different organisations. Alternatively, it may be that the human element is not as important for determining who does or doesn't report wrongdoing, as elements of the situation in which they find themselves. There is obvious pragmatic value in knowing whether the decision to become a whistleblower is the result of a particular person profile, or whether people in general will tend to react towards similar situations by becoming whistleblowers.

In this chapter we examine if there were systematic differences in our sample between employees who reported wrongdoing and those who did not. The questions of who is likely to report, and what factors contribute to reporting are very important; as are questions of how a higher rate of internal disclosures can be managed to a more positive conclusion, and the capacity for doing so more readily realized by organisations.

Existing studies have shown that many employees are aware of potentially damaging activities within their organisations, but not all of them are likely to report them. It may also be the case that not everyone who becomes aware of wrongdoing recognises it as such (Ashforth & Anand 2003). Although Australian research on the factors that influence whistleblowing has been lacking until now, there is an extensive body of research in existence internationally (Miceli & Near 1992; Miceli & Near 2006). Commonly studied individual variables include gender (Miethe 1999; Sims & Keenan 1998), education (Brewer & Selden 1998; Sims & Keenan 1998), seniority and tenure (Brewer & Selden 1998; Dworkin & Baucus 1998), culture (Tavakoli et al. 2003), job related attitudinal variables such as job satisfaction and commitment (Near & Miceli 1996; Somers & Casal 1994), and whistleblowing related variables such as management support, awareness and communication about wrongdoing and climate of retaliation (Dworkin & Baucus 1998; Miceli et al. 1991).

Despite extensive research, findings have not been consistent regarding the impact of these variables (Miceli & Near 2006). This raises the possibility that there may be alternate perspectives (Trevino et al 2006) that could assist the conceptualization of whistleblowers, a whistleblowing event and the management of these events.

The results reported in the following sections are based on the Employee Survey. In this survey respondents were asked to nominate the most serious case of wrongdoing for which they had direct evidence. Direct evidence, as defined within the survey was "*something that you personally observed, experienced or was formally reported to you*". Participants were then asked a number of questions about that wrongdoing, and whether or not they reported it. We divided staff into three main categories: staff members who observed wrongdoing and (1) did not report it (n= 3125), (2) reported it as part of their role (n=619), and (3) who reported it outside their role (n=1497).

3.2. Employee Characteristics

We collected data on both socio-demographic characteristics of employees, and their responses on a number of scales and other survey items. We present these data separately.

Demographic variables

Results for demographic data are summarised in Tables 3.1 and 3.2. Only variables for which there was a statistically significant difference (p<.01) are shown.

As shown in Table 3.1, age, tenure in the public sector, and tenure in the current organisation significantly discriminated among the three groups. Those who reported outside of their role:

- were older than non-reporters but younger than role reporters,
- had longer tenure in the public sector than non-reporters but not as long as role reporters, and
- had shorter tenure in their current organisation compared to role reporters but did not significantly differ from non-reporters.

Table 3.1. Reporting behaviour by characteristics of staff member (means)

Variable	Mean			Significance		
	1 Non- Report	2 Role	3 Non- Role	1v2	1v3	2v3
Age	41.9	46.2	43.3	✓	✓	✓
Tenure in public sector	14.6	20.6	15.8	✓	✓	✓
Tenure in organisation	10.1	14.4	10.7	✓		✓

Other demographic variables are shown in Table 3.2. Note that because of the nature of these data (categorical rather than dimensional) it is not possible to conduct direct comparisons between each group as was done for Table 3.1. We can only say that there was an overall significant difference in the variables shown, although, exercising caution, we can make some inferences about where those differences lie. For ease of interpretation, variables for which there were more than two categories (e.g. level of education) were collapsed into two categories. There were overall significant differences for gender, role in the organisation, employment status, language, and work-unit size. Employees who reported outside their role:

- were more likely than the other two groups to be female;
- were less likely than role reporters to be managers, but somewhat more likely to be managers than non-reporters;
- were less likely than role reporters to have an audit role (or similar), but somewhat more likely to have an audit role than non-reporters;
- earned less than role reporters, but only slightly more than non-reporters;
- were somewhat less likely to be permanent than role reporters;
- were somewhat more likely than role reporters to speak a language other than English at home, but somewhat less likely than non-reporters to do so, and
- were more likely to be in smaller work units that role reporters, but were similar in this regard to non-reporters.

Table 3.2. Reporting behaviour by characteristics of staff member (percentages)

Variable	Percentage		
	Non-Report	**Role**	**Non-Role**
Gender:			
Male	50.4%	57%	44.3%
Female	49.6%	43%	55.7%
Role – Management:			
Yes	17.2%	61.7%	22.6%
No	82.8%	38.3%	77.4%
Role - Audit etc:			
Yes	21.2%	47%	27.2%
No	78.8%	53%	72.8%
Salary range:			
< $59,000	53.9%	19.5%	50.3%
> $60,000	46.1%	80.5%	49.7%
Employment status:			
Non-permanent	7.6%	3.0%	6.5%
Permanent	92.4%	97%	93.5%
Language other than English at home:			
Yes	10.7%	6.7%	8.7%
No	89.3%	93.3%	91.3%
Size of immediate work unit:			
< 20	63.4%	50.9%	61.7%
> 20	36.6%	49.1%	38.3%

It needs to be noted that a number of these variables are likely to be inter-related. Age, tenure in the public sector, tenure in the current organisation, role in the organisation, employment status, and salary are potentially interrelated to varying degrees to respondents' seniority in the organisation. For example managers are likely to be permanent employees, be older and earn more.

Our main interest is in identifying how employees who reported outside their role differed from the other two groups. There are major differences between non-role reporters and role reporters. In general, role reporters are more likely to have the cluster of characteristics associated with seniority. This is hardly surprising given that by definition role reporters are in supervisory positions over other staff. Role reporters are also less likely to be female, which again probably reflects the lack of women in supervisory roles.

Of more interest is the comparison between non-role reporters and non-reporters. Here there differences are less extreme. In general there is tendency for non-role reporters to possess more seniority characteristics than non-reporters. Even though this seniority was not directly related to their reporting behaviour (inasmuch as it is not clear that they reported *because* of their role) it may be that seniority gave them greater confidence to report, or more extensive knowledge of reporting procedures. The finding for gender is more interesting. Women, if they have direct evidence of wrongdoing, are proportionately more likely to report it than are men. At this stage we can only speculate on the reasons. Perhaps women have a greater sense of duty; or they may have higher reporting rates because they are less inclined to deal with the matter themselves.

Finally, it is worth noting variables for which there were no significant differences among groups. We found that reporting behaviour did not vary for Indigenous status, union membership, level of education, or work location (urban/rural).

Attitude scales

The Employee Survey contained a number of standardised scales, as well as items written for this study. All scales run from 1=strongly disagree to 5=strongly agree. Scales are described in Table 3.3.

Table 3.3. Summary of measures used in the study

Measure	Description	Items	α
Organisational Citizenship Behaviour (Graham, 1989)			
Helping	Assisting others with work related problems	5	.74
Initiative	Being communicative and attempting to influence others in the workplace, and behaviour which may be seen as rocking the boat	5	.80
Industry	Task related behaviours that go beyond the standard required in terms of innovation, persistence, responsibility, and being a good example to others	4	.67
Loyalty	Promoting, protecting and defending the organisation and remaining committed under adverse conditions	5	.83
Whistle blowing propensity (Keenan et al, 2000)			
Attitudes to whistle blowing	Having favourable personal opinions towards whistle blowing.	5	.83
Knowledge of report procedures	Possessing information on how to report whistle blowing	5	.84
Trust in management (Robinson & Rousseau, 1994)	Belief that management will treat employees fairly	7	.90
Job satisfaction (Agho & Mueller, 1992)	Enjoyment of role and working conditions	6	.86
Opinion of legislation	Belief in the effectiveness of existing whistle blower legislation	6	.76
Management response	Perceived level of openness to employee reports on the part of management.	13	.94

Results of the analyses are shown in Table 3.4. There were significant differences on all scales, although the pattern of significance between particular groups varied. It was found that employees who reported outside their role:

- had less trust in management than either other group,
- had less job satisfaction than role reporters, but did not differ from non-reporters,

- had higher levels of Organisational Citizenship Helping Behaviour than non-reporters but did not differ from role reporters,
- had higher levels of Organisational Citizenship Initiative Behaviour than non-reporters but less than role reporters,
- did not differ from either group on levels of Organisational Citizenship Industry Behaviour,
- had lower levels of Organisational Citizenship Loyalty Behaviour than role reporters but did not differ from non-reporters,
- had more positive attitudes towards whistle blowing than non-reporters but less than role reporters,
- had greater knowledge of reporting procedures than non-reporters but less than role reporters ,
- had less favourable opinions of the legislation than role reporters but did not differ from non-reporters, and
- had less favourable opinions of management response to whistle blowing than role reporters but did not differ from non-reporters.

Table 3.4. Reporting behaviour by attitudes of staff member (means)

Variable	Mean			Significance		
	1 Non-Report	2 Role	3 Non-Role	1v2	1v3	2v3
Trust in management team	3.2	3.7	3.1	✓	✓	✓
Job satisfaction	3.4	3.8	3.4	✓		✓
Organisational Citizenship Behaviour						
Helping	3.9	4.0	4.0	✓	✓	
Initiative	3.7	4.0	3.8	✓	✓	✓
Industry	3.8	3.9	3.9	✓		
Loyalty	3.4	3.8	3.5	✓		✓
Whistle blowing propensity						
Attitudes to whistle blowing	4.0	4.3	4.2	✓	✓	✓
Knowledge of report procedures	3.2	3.8	3.4	✓	✓	✓
Opinion of legislation	3.1	3.4	3.1	✓		✓
Management response	3.2	3.7	3.1	✓		✓

Overall the differences between non-role reporters and role reporters were greater than between non-role reporters and non-reporters. However, in either case the differences between the groups were small. When sample sizes are large, such as in the present study, relatively minor differences can show up as being statistically significant. Caution needs to be exercised, therefore, when interpreting the results. For example, while non-role reporters were found to have significantly higher levels of Organisational Citizenship Helping Behaviour than non-reporters, the difference was just 0.1 on a 5-point scale (a 2% variation). Thus, while there is statistical difference, from a practical point of view not too much should be read into the finding.

With this caveat in mind, we can draw some tentative conclusions. We first compare non-role reporters with role reporters. On all scales (with the exception of Industry and Helping), role reporters were more positive in their attitudes that non-role reporters. As with the demographic data, these findings might be expected given the more senior position that role reporters typically hold.

For the non-role reporters versus non-reporters comparison, there are differences on just five of the ten scales, and as noted, these differences are small. On the whole, employees who report outside their role see themselves as more dedicated corporate citizens than employees who do not report. This suggests that at least some of the motivation to report wrongdoing comes from a greater sense of personal altruism and a belief that reporting is for the good of the company. As one might expect, they are also more positive towards, and knowledgeable about, whistleblowing. However, they are no more positive towards their job, the whistleblowing legislation or the likely management response to whistleblowing than are non-reporters, and are marginally less trusting in the management team.

One problem with interpreting these results is that the directions of these effects are a matter of speculation. For example, it is not clear whether less trust in the management team encourages employees to report wrongdoing, or whether the experience of reporting wrongdoing makes employees less trusting of the management team.

In addition, when interpreting the results it needs to be borne in mind that, in absolute terms, none of the groups responded negatively on any scale. The lowest score was 3.1, which is just on the positive side of the scale midpoint ('neither agree nor disagree'). All other scores were positive. Thus, for example, when we say that role reporters had low trust in management, we are talking in relative terms.

Summary

In summary, leaving aside employees whose role is to report wrongdoing, these findings indicate a number of personal differences between employees who have direct evidence of wrongdoing and do not report it and those who have direct evidence of wrongdoing and do report it. Non-role reporters are more senior and more likely to be female than non-reporters. They are also more likely to have somewhat more positive views with regard to their level of organisational citizenship and whistleblowing generally, but somewhat more negative views of management and the whistleblowing legislation. Together these results give a picture of whistleblowers as possessing stronger personal motivations to report wrongdoing, but as also being more cynical about the process of reporting. Still, these differences are small and absolute scores are mostly positive. There is little in the findings to support a view of whistleblowers as disgruntled and embittered employees, driven to report by perverse personal characteristics. This being the case, some of the variations in reporting rates may lie outside the individual, in the characteristics of the wrongdoing itself, and/or features of the wider organisation.

Table 3.5. Most serious type of wrongdoing for which there was direct evidence

Wrongdoing	Percentage		
	Non-Report	Role	Non-Role
Misconduct for material gain			
Theft of money	2.6%	7.6%	2.7%
Theft of property	3.2%	8.1%	2.8%
Bribes	0.7%	1.0%	0.5%
Using official position for services/favours	2.2%	1.2%	1.0%
Giving unfair advantage to contractor etc	1.9%	1.5%	1.2%
Improper use of facilities for private purposes	7.2%	5.8%	3.6%
Rorting overtime/leave	5.6%	5.6%	4.5%
Making false/inflated claims for reimbursement	1.0%	1.7%	0.8%
Conflict of interest			
Failing to declare financial interest	0.1%	0.2%	0.3%
Intervening in a decision on behalf of a friend or relative	0.9%	0.5%	0.7%
Improper involvement of a family business	0.3%	1.2%	0.4%
Improper or unprofessional behaviour			
*Downloading pornography on a work compute*r	1.6%	3.6%	1.1%
Being drunk/under the influence of illegal drugs at work	4.7%	5.3%	3.6%
Sexual assault	0.2%	1.7%	0.4%
Stalking (unwanted intrusion into personal life)	0.6%	2.6%	1.2%
Sexual harassment	2.3%	6.4%	2.9%
Racial discrimination against a member of the public	0.9%	0.2%	0.8%
Misuse of confidential information	2.0%	5.8%	1.6%
Defective administration			
Incompetent or negligent decision-making	6.9%	2.6%	8.1%
Failure to correct serious mistakes	0.5%	0.3%	1.0%
Endangering public health or safety	0.8%	1.3%	1.8%
Producing or using unsafe products	0.1%		0.2%
Acting against organisational policy, regulations or laws	1.1%	2.3%	2.2%
Waste or mismanagement of resources			
Waste of work funds	3.4%	0.5%	1.0%
Inadequate record keeping	2.6%	2.1%	3.3%
Negligent purchases or leases	0.5%	0.5%	0.3%
Perverting justice or accountability			
Covering up poor performance	6.5%	4.5%	7.4%
Misleading or false reporting of agency activity	0.4%	0.3%	0.2%
Covering up corruption		0.2%	0.5%
Hindering an official investigation	0.1%	0.3%	0.2%
Unlawfully altering or destroying official records	0.3%	1.2%	0.8%
Personnel and workplace grievances			
Racial discrimination against a staff member	1.8%	1.3%	1.6%
Allowing dangerous or harmful working conditions	2.0%	1.3%	3.4%
Unfair dismissal	1.5%	0.5%	0.5%
Failure to follow correct staff selection procedures	4.2%	1.3%	2.5%
Favouritism in selection or promotion	11.6%	0.3%	5.6%
Bullying of staff	15.4%	14.5%	24%
Reprisals against whistleblowers			
Reprisals against whistleblowers	0.4%	0.5%	1.4%
Other	1.9%	4.3%	4.0%

3.3. Characteristics of the wrongdoing

As explained in the previous chapter, respondents were asked to nominate the most serious incident of wrongdoing for which they had direct evidence. This section examines variations in reporting behaviour as a function of the nature of that incident.

Table 3.5 again shows the most serious type of wrongdoing nominated by respondents, this time showing the results according to who did not report, and who did make a report. Reporters were divided into groups two based on whether or not reporting was part of their formal role requirements (role reporters) or whether it was an extra-role behaviour (non-role reporters). Because of the large number of categories, statistical analysis was not conducted (see Table 3.7 for statistical results looking at collapsed categories). For all three groups, by far the most common wrongdoing nominated was bullying of staff, particularly by non-role reporters, for whom it accounted for one in four of all responses. In general non-reporters and outside role reporters were somewhat more likely than role reporters to nominate wrongdoings associated with behaviour of management or failures of the organisation as a whole (favouritism in selection, incompetent decision making, covering up poor performance). Role reporters were more likely to nominate more generic forms of misconduct (theft, sexual harassment, downloading pornography).

Differences in reporting behaviour as a function of characteristics of the nominated wrongdoing are summarised in Tables 3.6 and 3.7. The wrongdoing nominated by non-role reporters:

- was judged to be more serious than the wrongdoing nominated by non-reporters, but not as serious that nominated by role reporters,
- was judged to be more frequent than the wrongdoing nominated by both other groups,
- was less likely to involve material gain or improper behaviour, and more likely to involve personnel and workplace grievances, than for role reporters (and at a rate similar to that observed by non-reporters),
- was more likely to involve wrongdoing that was directed at them, or for which they had direct evidence, compared with non-reporters (role reporters by definition will in most cases have had the incident reported to them in their official capacity),
- was more likely to involve wrongdoing involving one person than for non-reporters, but less likely than for role reporters, and
- was more likely to involve wrongdoing involving people below or at the respondent's position than for non-reporters, but less likely than for role reporters.

Table 3.6: Reporting behaviour by characteristics of wrongdoing (means)

	Mean			Significance		
	1	**2**	**3**			
Variable	**Non-Report**	**Role**	**Non-Role**	**1v2**	**1v3**	**2v3**
Seriousness	3.5	4.2	4.0	✓	✓	✓
Frequency	3.0	2.5	3.1	✓	✓	✓

Table 3.7: Reporting behaviour by characteristics of wrongdoing (percentages)

Variable	Percentage		
	Non-Report	**Role**	**Non-Role**
Wrongdoing category:			
Misconduct for material gain	24.4%	34.4%	17.1%
Conflict of interest	1.3%	1.9%	1.4%
Improper behaviour	12.3%	25.6%	11.6%
Defective administration	9.4%	6.5%	13.3%
Waste	6.5%	3.1%	4.6%
Pervert justice / accountability	7.3%	7.0%	9.1%
Personnel & workplace grievances	36.5%	19.2%	37.6%
Reprisals	0.4%	0.5%	1.4%
How found out?*			
Directed at me	12.7%	3.6%	34.7%
Invited to participate	3.0%	0.8%	4.9%
Observed it	64.6%	15.2%	56.5%
Direct evidence	9.6%	10.5%	25.5%
Reported to me in my official capacity	8.1%	80.5%	10%
Other	9.8%	1.6%	7.5%
How many involved?			
Just one person	39.3%	63%	42.9%
More than one person	60.7%	37%	57.1%
Position of wrongdoer:			
Below/same as my level	40.8%	86.1%	44.6%
Other	59.2%	13.9%	55.4%

* Because multiple responses were permitted for this item, the column total exceeds 100%. For this reason, statistical tests cannot be applied to this question.

In summary, wrongdoing that came to the attention of role reporters was relatively more serious, involved material gain or improper behaviour, and was carried out by one person below or at the level of the role reporter. This profile is consistent with someone in a supervisory role who has received reports from a subordinate complaining about the behaviour of a colleague. Comparing the most serious wrongdoing observed by non-role reporters with that observed by non-reporters, it seems that (not unreasonably) perceived seriousness and frequency of the wrongdoing motivate reporting behaviour. Also not unreasonably, motivation to report is increased when the observer is the object of the wrongdoing – the employee clearly has a greater stake in the issue under these circumstances. On the other hand, multiple participants in the wrongdoing, and the involvement of participants at a higher level than the observer, deter reporting. It seems reasonable to assume that in these circumstances reporting is judged to be a relatively risky strategy and to be more likely to invite reprisal.

3.4. Degree of personal involvement

From Table 3.7 it can be seen that a major difference between non-role reporters and non-reporters is whether the wrongdoing was directed at the respondent. One possibility that arises is that there could be identifiable differences between employees who report wrongdoing outside their role because it personally affected them, and those who are not so affected and perhaps might be considered 'good Samaritans'. In this section we examine if there are any systematic differences between these two groups of non-role reporters – 'directed at me' (n=520) and 'not directed at me' (n=977) – in terms of personal characteristics and wrongdoing variables.

Employee Characteristics

Table 3.8 shows significant demographic differences among non-reporters, those who reported wrongdoing that was not directed at them, and those who reported wrongdoing that was directed at them. Results are only reported where there was found to be a significant difference between 'directed at me' and 'not directed at me' reporters. If these groups do not differ, then previous analyses comparing non-role reporters and non-reporters stand. Those who reported a wrongdoing directed at them:

- were more likely than both other groups to be women,
- were less likely than 'not directed at me' reporters to be in non-managerial positions, but were similar to non-reporters, and
- were less likely than 'not directed at me' reporters to be in an audit role, but more likely than non-reporters.

Table 3.8: Degree of involvement by characteristics of staff member (percentages)

Variable	Percentage		
	Non-Report	**Not directed at me**	**Directed at me**
Gender:			
Male	50.4%	46%	38.2%
Female	49.6%	54%	61.8%
Role – Management:			
Yes	17.2%	14.9%	12.3%
No	82.8%	85.1%	87.7%
Role – Audit etc:			
Yes	21.2%	26.1%	24.3%
No	78.8%	73.9%	75.7%

Significant differences on attitude scales are shown in Table 3.9. Those who reported a personal grievance:

- had lower trust in management than both other groups,
- had lower job satisfaction than both other groups,
- had lower levels of Occupational Citizenship Loyalty Behaviour than 'not directed at me' reporters,
- had less knowledge of reporting procedures than 'not directed at me' reporters,

- had a lower opinion of the legislation than both other groups, and
- had less faith in the management response to disclosures than both other groups.

Table 3.9: Degree of involvement by characteristics of staff member (means)

Variable	Mean			Significance		
	1 Not Report	2 Not directed at me	3 Directed at me	1v2	1v3	2v3
Trust in management team	3.2	3.2	2.8		✓	✓
Job satisfaction	3.4	3.4	3.2		✓	✓
Organisational Citizenship Behaviour						
Loyalty	3.5	3.5	3.4			✓
Whistleblowing propensity						
Knowledge of report procedures	3.2	3.5	3.3	✓		✓
Opinion of legislation	3.1	3.1	2.9		✓	✓
Management response	3.2	3.2	2.8		✓	✓

To summarise the findings for personal characteristics, in comparison to 'not directed at me' reporters, 'directed at me' reporters were more likely to be females in non-managerial roles, with generally more negative views on management and whistleblowing legislation. Apart from knowing more about reporting procedures, 'not directed at me' reporters are similar to non-reporters. These 'null' findings reinforce early results showing little support for a view of reporters as disgruntled employees. When employees reporting behaviour that is directed at them are extracted, and only those reporting behaviour that is not directed at them are considered, then there is even less reason to accept this stereotype.

Characteristics of Wrongdoing

Tables 3.10 and 3.11 compare the nature of the wrongdoing reported by non-reporters, 'not directed at me' reporters, and 'reported at me' reporters. The wrongdoing observed by 'directed at me' reporters:

- is rated as more serious than the wrongdoing observed by both other groups,
- is rated as more frequent than the wrongdoing observed by both other groups,
- is more likely to involve personnel and workplace grievances than the wrongdoing observed by both other groups,
- is more likely to involve multiple people than the wrongdoing observed by 'not directed at me' reporters, and
- is more likely to involve people above their level than the wrongdoing observed by both other groups.

Table 3.10: Degree of involvement by characteristics of most serious wrongdoing (means)

Variable	Mean			Significance		
	1 **Non-Report**	**2** Not directed at me	**3** Directed at me	**1v2**	**1v3**	**2v3**
Seriousness	3.5	3.9	4.3	✓	✓	✓
Frequency	3.0	3.0	3.4		✓	✓

Table 3.11: Degree of involvement by characteristics of most serious wrongdoing (percentages)

Variable	Percentage		
	Non-Report	**Not directed at me**	**Directed at me**
Wrongdoing category:			
Material Gain	24.1%	22.4%	6.8%
Conflict of interest	1.3%	1.5%	1.2%
Improper behaviour	10.2%	11.9%	11.3%
Defective administration	9.6%	17.2%	6.2%
Waste	6.3%	6.7%	0.6%
Pervert Justice	7.3%	12.8%	2.0%
Personnel etc grievances	36.9%	24.4%	62.5%
Reprisals	0.4%	0.1%	3.8%
How many involved?			
Just one person	39.4%	45.2%	38.4%
More than one person	60.6%	54.8%	61.6%
Position of wrongdoer:			
Below/same as my level	41.2%	52.5%	29.7%
Other	58.8%	47.5%	70.3%

On further inspection it was found that most of the perceived personnel and workplace grievances reported by 'directed at me' reporters involved allegations of bullying (48.8% of all wrongdoing reported by this group). Employees who report wrongdoing directed at them clearly believe that they are being victimised, usually by several people in more senior positions in the organisation. They also believe the behaviour is serious and frequent in the organisation. Of course, we cannot say whether or not their complaints are valid, but this certainly helps explain their somewhat more jaundiced view of management.

Conversely, wrongdoing that is not directed at the reporter, when compared with that nominated by non-reporters, was less likely to involve personnel issues, and more likely to concern defective administration and perverting justice. This suggests that wrongdoing reported by these reporters was more likely to satisfy the public-interest test. The wrongdoing was also more likely to involve just one person below or at the reporter's level, so in that sense involved somewhat lower risks of reprisal.

3.5. Reasons for reporting or not reporting wrongdoing

As already discussed, we can infer some of the reasons that an employee would report or not report from the analyses we have conducted so far. However, we also asked respondents directly for the reason for their decision. The results are displayed in Table 3.12.

Why employees do not report

Table 3.12: Reasons for not reporting by role (percentage)*

Variable	Percentage		
	Non-role observer	Role observer	**Total**
Inadequate management response:			
I didn't think that anything would be done about it	37.9%	--	36.2%
I didn't trust the person I had to report to	15.5%	--	14.8%
I didn't think the organisation would protect me	13.6%	--	13.0%
I didn't think my identity would be kept secret	13.5%	--	12.8%
Nature of the wrongdoing:			
I didn't have enough evidence to report it	21.3%	9%	20.7%
It wasn't important enough to report	15.2%	5.6%	14.8%
Resolved in some other way:			
Someone else had already reported it	18.5%	50.7%	20.0%
I dealt with the matter myself informally	12.9%	13.9%	12.9%
I dealt with the matter formally as part of my role	3.5%	27.1%	4.5%
Fear of reprisal:			
I was afraid the wrongdoer would take action against me	18.7%	--	17.8%
I was afraid my co-workers would take action against me	8.4%	--	8.0%
I was afraid the organisation would take action against me	9.2%	--	8.8%
Other negative consequences:			
It would have been too stressful to report it	15.1%	--	14.4%
I didn't want to get anyone into trouble	11.3%	0.7%	10.8%
I was aware of others' bad experiences reporting wrongdoing	7.8%	0.7%	7.5%
I had a previous bad personal experience reporting wrongdoing	6.6%	0.7%	6.3%
Other people advised me not to report it	4.0%	--	3.8%
I didn't want to embarrass the organisation	2.5%	--	2.4%
I would not have the support of my family	0.2%	--	0.2%
Unsure of process:			
I didn't think it was my responsibility to report it	10.9%	2.1%	10.5%
I didn't know my legal protection if I reported it	7.9%	--	7.5%
I didn't know who to report it to	7%	0.7%	6.7%

* multiple responses permitted

Table 3.12 shows reasons given by staff members who had direct knowledge of wrongdoing but did not report it. We have divided non-reporters into two groups: those who did not report the wrongdoing and 1) did not have an official role-reporting position in the organisation (n=2981), and 2) did have an official role-reporting role in the organisation (n= 144). For ease of analysis, we have grouped responses in terms of more general categories.

The first thing to note is that there are easily discernible differences between the two groups. In almost all cases, the reasons given by staff members in reporting roles concerned the nature of the wrongdoing or the fact that the problem had already been resolved. These responses were also popular with non-role observers, though relatively less so. If we accept their judgement about the wrongdoing, then in these cases the decision not to report is justifiable, and in the case of role observers, they are not neglecting their role responsibilities.

The reasons given for not reporting by staff members who did not have an official role reporting position (non-role observers) are more varied. Some of the most common reasons for not reporting were to do with perceived management reactions to a report. In particular, over one-third of respondents believed that nothing would be done if they reported the wrongdoing. The other responses concerned a lack of faith in ability of the organisation to properly handle the whistleblowing process. The responses to these items suggests some organisations have work to do to gain the confidence of employees that reports or wrongdoing will be handled seriously and professionally.

Another cluster of responses were to do with the fear of direct reprisal from the wrongdoer, organisation or co-workers. Interestingly, it was the wrongdoer of whom the employee was mot fearful, not the organisation or co-workers. In fact, fewer than 10% of the respondents said they did not report because of fear of reprisal from management or co-workers.

There then followed a number of other possible negative consequences of reporting. This included a varied range of items from the anticipation of stress to not wanting to embarrass the organisation. One in ten respondents did not want the wrongdoer to get into trouble.

Finally, there was a group of responses to do with uncertainty of the reporting process. In comparison to other reasons, these were judged by respondents to be the least important. Most respondents, for example, did not seem uncertain of to whom they needed to report wrongdoing (or if they were, it was not seen as a reason not to report).

3.13: What could be done to increase likelihood of reporting (means)

Variable	Mean
Training managers on how to deal with reports of wrongdoing	2.1
Knowing that I would have support from my co-workers	2.1
My organisation having clear polices on protection of whistleblowers	2.1
Training staff on how to deal with reporting wrongdoing	2.0
My organisation having an active support system for whistleblowers	2.0
Having opportunity to report without giving name	1.9
Being assured name would be kept secret	1.9
Being assured that I would be support by management if name disclosed	1.9
My organisation having clear policies on reporting wrongdoing	1.9

We then asked non-reporters if anything could be done to increase the likelihood that they would have reported the wrongdoing (Table 3.13). Note that these items were rated on a 4-point scale (1='make no difference', 2='somewhat increase likelihood', 3='significantly increase likelihood', and 4='guarantee reporting'), so the notional midpoint is 2.5 (there was no actual middle value on the scale). Ratings were within a very narrow band (1.9-2.1) and towards

the lower end of the scale. For example, training managers was rated the most likely strategy to increase reporting, but only marginally so compared with other strategies, and with a rating of 2.1, judged to do just slightly better than 'somewhat increase likelihood' of reporting. Thus none of the strategies were endorsed with any great enthusiasm although all were seen to have some limited value.

Why employees report

Table 3.14 looks at the reasons for reporting given by role and non-role reporters. For comparison, we have included the reasons that case-handlers and managers thought that employees reported wrongdoing (from the Casehandlers and Managers Surveys). Again, these items have been rated on 4-point scales (1='not at all important', 2='somewhat important', 3='very important', and 4='extremely important').

Table 3.14: Reasons for reporting by actual and perceived reasons (means)

Variable	Mean			
	Role-Reporters	**Non-role reporters**	**Case-handlers** *(perception)*	**Managers** *(perception)*
I saw it as my ethical responsibility	3.4	3.2	3.0	3.0
The wrongdoing was serious enough	3.2	3.1	3.2	3.2
I believed my report would correct problem	3.2	3.1	3.3	3.2
I had evidence to support my report	3.1	3.0	2.9	2.8
I knew who to report to	3.1	2.9	2.8	2.8
I trusted the person I should report to	3.1	2.9	3.4	3.4
I believed I was under a legal responsibility	3.1	2.5	2.6	2.5
I though I would be supported by management	3.0	2.8	3.2	3.2
I thought I would be supported by co-workers	2.5	2.7	3.0	3.0
I believed I would have legal protection	2.4	2.4	3.1	3.1

Looking at the absolute value of scores, all except two scores are on or above the midpoint ('I believed I would have legal protection' as rated by role reporters and non-role reporters), and most are above 3, indicating that the reasons are judged to be at least 'very important'. To assist comparison among groups, the reasons have been sorted in descending order of importance on the basis of the reason given in the first column by role reporters. It can be seen that there is a close parallel in the order of importance given by role reporters and non-role reporters, although non-role reporters generally rate the reasons as somewhat less important. There is less similarity in the orders given by reporters and those given by case-

handlers and mangers. An ethical responsibility to report was judged to be the most important the reason by both groups of reporters, while trust in the receiver of the report was thought to be most important reason by case-handlers and mangers. Similarly, reporters gave less importance to legal protection than case-handlers and managers thought that they would. Generally, reporters were more likely to rate reasons associated with a sense of duty and the nature of the wrongdoing, while case-handlers and managers thought that they would be more likely to rate guarantees of protection as the most important. Reporters, it seems, are rather more altruistic than case-handlers and managers assume them to be.

3.6. Discussion and conclusions

This chapter reports results across variable type in the sense that both person-centred and wrongdoing characteristics were examined. The pattern across the various analyses indicates that becoming a whistleblower is less a matter of person-centred traits so much as the characteristics of the wrongdoing. It will be suggested that this indicates a concern for organisational justice is more predictive of who will become a whistle-blower than personal demographic or attitudinal variables. From this perspective inconsistent results found in previous research that has attempted to identify a 'typical whistleblower' can potentially be explained as the result of a search conducted at a less appropriate level of analysis. This position will be supported through reference to previous research.

The current study conforms to the dominant pattern in whistleblowing research by demonstrating areas of inconsistency and consistency with previous studies. The present study was consistent with a recent meta-analysis (Memser-Magnus & Viswesvaran 2005) as a female with more tenure, a slightly higher income and a managerial position is more likely to be a whistleblower than a non-reporter. However, the present research is inconsistent with other research where being male with a senior position, more tenure, higher income and higher education level (not reported in the current research as it was a non-significant predictor) were reported as the demographic markers of a whistleblower (Near & Miceli 1996). The present study also contradicts work by Sims and Keenan (1998), who contradicts Near and Miceli (1996) and Memser-Magnus and Viswesvaran (2005) by reporting age, tenure and being male were *not* predictors of whistleblowing. Inconsistency equates to unreliability which limits the validity of the claim demographic variables determine who (or who will not) become a whistleblower. Looking for a main effect of demography is unlikely to be fruitful since demography is often confounded by other variables (Miethe & Rothschild 1994).

In terms of the attitudinal variables measured in the current study we found some statistically significant differences between whistleblowers, non-reporters and role reporters. Whistleblowers had less trust in management than either comparison group. They reported less job satisfaction, poorer opinion of legislation and lower expectations of management responses to whistleblowing than role reporters but were equivalent to non-reporters across these variables. Whistleblowers view themselves as organisational citizens of good standing being more helpful and showing more initiative than non-reporters while being just as loyal and industrious.

As previously mentioned, the practical import of these differences may be negligible given the large sample size. Further, there was not a single instance where the results dropped into the 'negative' range of possible scores. Therefore we cannot conclude that individual attitudes will differentiate whistleblowers from other groups. What we can conclude is that the idea of a whistleblower as a 'crackpot' (Miceli & Near 1996) or someone with a generally bad work attitude or attitude towards the organisation is inaccurate. This proposition is consistent with previous research.

Sims and Keenan (1998) failed to connect job satisfaction to whistleblowing while other research has found whistleblowers tend to have positive attitudes towards their jobs (Brewer &

Selden 1998; Miceli & Near 1988). The idea that the relationship between individual attitude and whistleblowing is not particularly strong, even if positive, is supported by the meta-analysis of Memser-Magnus and Viswesveran (2005) who reported job satisfaction predicted only 3.4% of the variance in the decision to blow the whistle.

Levels of trust and organisational citizenship are both markers of an individual's attachment to, and willingness to cooperate with an organisation (De Cremer & Tyler 2007; Fassina et al 2007). Research has found a positive association between trustworthiness and organisational citizenship behaviours and a negative association with counterproductive work behaviours (Colquitt et al 2007). The failure to find distrust or lower levels of organisational citizenship amongst non-role reporters therefore suggests that whistleblowers in the current sample are neither markedly undesirable nor particularly antagonistic towards management or their organisation. This can also be said with reference to the two 'whistleblower propensity' factors ('Attitudes to whistleblowing' and 'Knowledge of report procedures').

The difference in 'knowledge of report procedures' can reasonably reflect familiarity with the procedures from direct experience. Role reporters report the highest level of knowledge, which would be expected given that it is a fundamental part of their role. Non-role reporters would have exposure through use of the procedures while making their report and non-reporters would have the least knowledge as they have had the least direct experience. The difference in perceived favourability of whistleblowing follows the same pattern with role reporters being most favourable, followed by whistleblowers and non-reporters. We cannot claim that having a favourable attitude towards whistleblowing plays a causal role in the decision to actually become a whistleblower. Even though behaviour is generally expected to follow a favourable attitude whistleblowing behaviour has been found to be an exception to the rule with both Ellis and Arieli (1999) and the meta-analysis by Mesmer-Magnus and Viswevaran (2005) finding that a favourable attitude towards whistleblowing does not predict actual whistleblowing behaviour.

Opinion of legislation and expected management response does not distinguish whistleblowers from non-reporters, but does from role reporters. Role reporter responses may reflect a general human tendency to view their work role positively (Kreiner et al 2006). The ambivalence towards managerial response and legislation is observable in that none of the actions management could take to increase reporting (see Table 3.13) or legal protection (see Table 3.12) were particularly salient to non-reporters. Organisational members not engaged in the reporting role would not have the need to view the legislation or management response favourable for reasons of maintaining a positive self-view. It is entirely possible that the views of non-reporters are informed by the opinions (and observed experiences) of non-role reporters, which is why attitude in these areas do not differ between the groups (Kray & Lind 2002; Schulte et al 2006).

The research cited above, when integrated with present results, supports the view that neither demographic not attitudinal variables measured at the level of an individual participant can distinguish a whistleblower from a non-reporter. Even those whose complaint was in reference to a personal grievance (in the sense that the wrongdoing was directed at them), and therefore be expected to be more negative by virtue of being directly involved (Kray & Lind 2002) still fit within the generally observed positive pattern. Therefore there is little evidence to support the idea that there is a specific type of person who will become whistleblower. However the data do suggest that characteristics of particular wrongdoings motivate employees to become whistleblowers.

Whistleblowers can be distinguished from non-reporters because they perceive the wrongdoing they witness to be more serious and occur more frequently, if it is a personnel/workplace grievance, involved more than one person and people above themselves in the organisational hierarchy. This is particularly true if they themselves were the target of the wrongdoing. On Table 3.14 it can be seen that whistleblowers cite 'having an ethical responsibility', 'seriousness', and a 'belief that making a report would correct the problem'

(although case-handlers and managers believe trust in the person they should report to was the most important reason for reporting) as the most potent reasons for reporting. This is consistent with our thesis that it is the characteristic of the wrongdoing rather than the characteristic of the person. Previous research also lends support to this proposition.

Near et al (2004) found that report rate differed by type of wrongdoing with non-reporting most likely when employees believed nothing would be done to rectify the situation. In research by Brennan and Kelly (2007), in response to a scenario rated as very serious by 91% of participants, only 4% claimed they would take no action. In contrast, in response to a scenario rated as trivial by 15%, 30% of the participants claimed they would not report. Similarly, Masser and Brown (1996) reported that whistleblowing was likely to occur when the wrongdoing was seen to be serious, there was a belief that there would be an improvement after the report, and the threat of retaliation was low. These results parallel present findings in that expecting inaction from reporting was the most commonly cited reason for not reporting was the expectation that there would be no improvement. Additionally, for the current participants, non-reporters did not perceive the wrongdoing they witnessed to be as serious as either non-role or in-role reporters. The pattern across these studies would support the idea that offence characteristics drive the decision to become a whistleblower.

There is some suggestion in the present study that demography may play a role in reporting due to having a personal grievance. Specifically, whistleblowers who were objects of the wrongdoing were more likely to be female in a non-managerial role. However, as shown above, research shows that demography is not a reliable indicator of whistleblowing behaviour as causes for different wrongdoings can lie outside of the person doing the reporting. Bullying will be used as an illustrative example as 'bullying' was nominated by approximately a quarter of non-role reporters (making it the single most nominated wrongdoing type) as the most serous wrongdoing for which they had direct evidence.

Bullying, be it overtly physical or in its more insidious forms, can cause victims to suffer serious physical and mental hardship, sometimes resulting in suicide (Strandmark & Hallberg 2007) as well as having deleterious effects on organisational effectiveness (Rayner & Keashly 2005). The effects of bullying are particularly pronounced when the bullying is frequent and in the form of a group acting together against an individual (Zapf & Einarsen 2005). Females more often report being victims than males, yet there is no research based evidence to suggest that being female attracts bullies so much as the fact females are more likely to be in more subordinate organisational positions (Miethe & Rothschild 1999; Zapf & Einarsen 2005). Although bullying can occur between people of an equivalent level it is most often exercised downward through an organisations hierarchy.

Within public service organisations bullying is likely to be the result of a power struggle. Victims can be seen as too powerless to fight back effectively (and so hurt with impunity) or differ in some way (values, ideas, skills, personality) from the bully or the bullies. When the cause of the attacks is some form of difference it is the stronger more competent employees who tend to fight back. Bullying will continue (and escalate) until the target either cedes power to the perpetrator or wins (Strandmark & Hallberg 2007). Organisational ambivalence or inaction perpetuate bullying (Strandmark & Hallberg 2007), which is frequently the experience of employees (Rayner & Keashly 2005). Attempting to bring formal complaints within an organisational system is more likely to cause an escalation in bullying than bring about a peaceful resolution (Zapf & Gross 2001). Most employees who have attempted to deal with bullies within organisational systems advise others to just leave the organisation (Zapf & Einarsen 2005).

The bullying research mentioned above is consistent with the present research in the following areas. Levels of satisfaction, loyalty and trust reported by aggrieved whistleblowers (although being significantly different) are still comparable to the basically favourable attitudes of non-reporters and reporters without a personal grievance would support this idea. Whistleblowing in this instance, whether an attempt to either harm the perpetrator or act from

self-preservation, signifies that the organisational system is one in which they have faith (Acquino et al 2006; Bies & Tripp, 2005). Frequency, seriousness, number of wrongdoers, wrongdoers having a higher position in the organisation and the grievance being workplace/personnel based all increase the likelihood of reporting. Inadequate management response (particularly expectation that the organisation would do nothing) and fear of retaliation from the wrongdoer (rather than from the organisation or co-workers) were amongst the more frequently cited reasons for not reporting. The research cited above, whether relating to a specific from of wrongdoing such as bullying or more generally, supports the idea that it is the nature of the wrongdoing rather than the nature of the person that makes a whistleblower.

One question that could be raised based on the evidence is 'What can an organisation do to reduce the occurrence of wrongdoing that raises serious ethical concerns in their employees?'. This is particularly so as none of the methods cited on Table 3.13 were seen as particularly valuable by non-reporters. We propose that the concept of organisational justice be applied when attempting to identify when whistleblowing will occur (rather than looking for a whistleblower 'type'). The logic is that whistleblowing is motivated by a desire to correct what is perceived to be a serious wrongdoing (a concern for justice), and an evaluation of the justice climate within the organisation based on observation and direct experience. Employees in a 'just' system are assumed to be less likely to feel a genuine need to blow the whistle, and what reporting does occur would be managed in a way that maintains the ethical integrity of the organisation (Linda & Kray 2002; Trevino et al 2006).

Justice perceptions have been found to predict a broad range of variables relevant to whistleblowing research such as trust, organisational citizenship behaviour, organisational commitment, job satisfaction, outcome satisfaction, cooperation with organisational authorities, evaluation or organisational authorities (Colquitt et al 2006; DeCremer & Tyler 2007; Fassina et al 2007). Belief that the organisation is unjust can encourage some employees to exact retribution in various forms that may run counter to the organisations interests (Acquino et al, 2006; Bies & Tripp 2005). In its simplest form there are two types of justice. Distributive justice refers to fairness of received outcomes. Procedural justice refers to the perceived fairness of methods used to arrive at an outcome. Recently interactional justice' has been added to the list. Interactional justice refers to the level of dignity and respect authority or decision makers display in their treatment of employees.(interpersonal justice) and provision of explanations for decisions (informational justice). In essence, the effect of interactional justice conveys the idea that the person is valued by the organisation. Each of these justice elements has been found to predict different workplace outcomes (Colquitt et al 2001; Fassina et al 2007; Robbins et al 2000). For practical purposes, interactional justice can be considered a subset of procedural justice even though it is possible to statistically identify distinct effects on workplace outcomes (Colquitt et al 2001; Robbins et al, 2000).

Judged globally, the wrongdoing types seen as most serious to the participants in the current study fit best into the procedural justice category (see Table 3.5). Bullying, the most frequently observed wrongdoing, could have both procedural and interactional elements (depending on whether the source of the bullying was of higher status) (Zellars et al 2002). It can also be considered that employees make judgements about the quality of the justice climate, and whether an employee was justified in exacting retribution (and the form of retribution), through as a social judgement with reference to the initial injustice and the justice of the response (Acquino et al 2006; Kray & Lind 2002; Umphress et al 2003).

Creating a pervasive climate of procedural justice would therefore be a priority for an organisation wishing to reduce the incidence of whistleblowing (by reducing the severity of observable wrongdoing) and to manage what reporting does occur as effectively as possible (Colquitt et al 2005). Firstly, complaints should be acted on to dispel the idea that nothing would be done. Secondly, steps can be taken to ensure the organisation can be seen to be procedurally just. According to Levanthal's criteria there are six criteria used to judge procedural fairness. These are a) consistent application, b) unbiased, c) accurate information is used in decision-making, d) corrective mechanism for mistakes e) match prevailing ethical

standards, and f) ensuring all relevant voices are heard (Colquitt et al 2001). Interactional justice requires polite, respectful discourse and keeping employees informed about what is happening. For example, bullying is against the prevailing ethical/moral climate. Therefore bullying should not be functionally adaptive (a contextually legitimate means of gaining desirable outcomes), allegations should be acted on in a consistent unbiased manner. All those involved should be allowed to have their say and it should be made obvious that the most accurate information available informed the decision. Those involved should be kept informed of progress and correct procedures and interaction should be at a professional level. Finally, those who are not satisfied could have recourse to a complaints process. Furthermore, it should be made known (without giving specifics) that allegations are being taken seriously and acted upon.

In conclusion, this study measured demographic and attitudinal variables as possible identifiers of a typical whistleblower. There were statistically significant differences between different groups of employees. However, these differences were too small to be of practical use for identifying a whistleblower type. Integration of previous research with the current results suggested that demography and attitudes are not as important as characteristics of the wrongdoing. This held even for those employees reporting a personal grievance. It was suggested that examining the work environment from an organisational justice perspective might be more useful for reducing the perceived need for whistleblowing and increasing the faith in the organisation's methods of managing reports.

4. HOW DO OFFICIALS REPORT? INTERNAL AND EXTERNAL WHISTLEBLOWING

Marika Donkin, Rodney Smith & A J Brown

4.1. Introduction

How often do public officials blow the whistle on wrongdoing internally, and how often do they do it externally? Having decided to report, what influences their decisions about *to whom* and *how* they should make their disclosure, and *who else* they should go to if they need to take the matter further? These questions are important both for further understanding the nature and significance of current whistleblowing, and identifying the types of individual differences, organisational factors and management decisions that might influence the reporting behaviour of employees. As discussed in chapter 2, organisations may respond more negatively to whistleblowing if they are only equipped to react to the relatively rare cases where whistleblowing occurs publicly. However, as already shown, the incidence of whistleblowing within public sector organisations is such that it can be considered frequent and relatively routine. Chapter 3 has shown that it is also generally 'normal' organisational behaviour, in that almost anyone could potentially become a whistleblower depending on what wrongdoing they observe and the prevailing organisational context in which they find themselves. However do these assessments hold for all types of whistleblowing – in particular, those who blow the whistle externally as well as those whose reporting is only internal?

The first part of this chapter sets out the background to this question, by giving an overview of the different reporting paths that whistleblowing can follow. This overview shows that contrary to many stereotypes, the vast bulk of whistleblowing recorded by the Employee Survey both commenced and ended as an internal process. This result itself has many implications for how whistleblowing is managed, and for procedural and legislative systems intended to encourage and govern public interest disclosures. It also demonstrates that reporting paths can be complex, with mixed internal and external dimensions, all of which are important for organisations to recognise in the way in which their reporting procedures are devised.

The second part of the chapter goes on to examine whether there are significant differences between those public officials who blow the whistle internally or externally, in terms of key measures of Organisational Citizenship Behaviour (OCB), an organisationally functional form of prosocial behaviour, which has been explored in the 'whistleblowing as prosocial behaviour model (e.g. Miceli & Near, 2006). These measures were introduced in chapter 3, where it was seen that those who reported wrongdoing did not differ either significantly or negatively from other employees on any of the four relevant subscales. This chapter continues that analysis by examining what differences – such as on questions of Initiative or Loyalty – might appear between those who chose to blow the whistle externally. This analysis provides some strong confirmation of both the accuracy and usefulness of understanding whistleblowing as a form of 'prosocial' behaviour, in the terms introduced in chapter 1 of the report.

The third part of the chapter goes on to further analyse these results in light of what we know about the degree of trust in management held by respondents. As also already shown in chapter 3, those who reported wrongdoing had exactly the same levels of job satisfaction as those who did not report; but they were marginally less trusting of the management team. While the reason for this is not known (e.g. whether slightly lower trust is a predictor or a result of reporting), the question of trust becomes even more central to the question of *how* employees chose to report. In particular, is trust in management higher or lower among those who blow the whistle externally, rather than or in addition to reporting internally?

The discussion examines the implications of the results for organisational efforts to identify and rectify wrongdoing, and manage the individuals involved in this process. The speedy remediation of wrongdoing and minimisation of conflict may depend on maximising the amount of internal reporting – but how is this to be done? Conversely, while external reporting is much less common than internal reporting, it continues to provide an important range of reporting paths. The desirability of reducing external reporting to zero is highly debatable, even if it were possible. How then can the interface between internal and external reporting be better managed? This analysis suggests that employees' trust in management is a key factor influencing the options that employees see open to them for reporting perceived wrongdoing, and tends to confirm that where organisations can engender a higher level of trust, they should be able to further encourage employees to report internally rather than externally. This result emphasises the importance of organisations' efforts to devise and implement quality internal disclosure procedures and increases their responsibility to manage reported wrongdoing effectively. The alternative scenario suggested by the evidence is that employees will either not report, or maintain or increase their level of external reporting.

4.2. Reporting paths

Public sector employees who wish to report wrongdoing can do so via a large number of paths. The most basic choice they make is whether to confine their reporting within their agency, or to take their report to individuals or bodies outside the agency. There are a range of possible recipients of reports within most agencies. These include generalist managers such as the reporter's supervisor, another senior manager and the CEO. Agencies usually have one or more specialist officials or units to deal with reports, such as human resources units, equity and merit units, ethical standards units, audit or fraud investigation units, internal ombudsmen or other complaints units, counselling units and peer support programs. External recipients of wrongdoing reports potentially include government watchdog and investigation agencies, external anti-corruption hotlines, external counselling services, relevant trade unions, members of parliament, and journalists.

Existing overseas studies show there are a number of factors that impact on the decision to whistleblow externally as opposed to internally, including management support, awareness and communication about wrongdoing, and climate of retaliation (Dworkin & Baucus 1998; Miceli et al. 1991). Numerous studies have also demonstrated that it is rarely a direct choice of 'either, or' – most external whistleblowers have tried to first report wrongdoing internally, but without success, and themselves tend to view going outside the organisation as a 'last resort' (Rothschild & Miethe 1999). Research on these questions in Australia has been limited, and has sometimes tended to suggest a different trend, perhaps consistent with the prevalence in some Australian jurisdictions of high-profile independent watchdog agencies. For example, Zipparo (1999) found that one third of NSW public sector respondents expressed a preference for reporting corruption externally in the first instance, rather than to anyone within their own organisation. At the same time, public debate over the management of whistleblowing is easily dominated by the treatment of officials whose disclosures have

appeared in the media, even though this typically remains unlawful in almost all Australian contexts. This debate can give the impression that public whistleblowing is relatively frequent, when in fact its frequency has been unknown.

In the present research, evidence about the reporting paths used by whistleblowers was gathered through both the Employee Survey (conducted across 118 agencies), and the Internal Witness Survey (conducted across 15 agencies). Because of the focus on whistleblowing, the results presented in this section are for those respondents defined in chapters 2 and 3 as 'non-role' reporters, and only those who observed and reported 'public interest' matters (not respondents for whom the only observed and/or reported examples of wrongdoing were personnel and workplace grievances). The Employee Survey and Internal Witness Survey used slightly different methods for asking respondents to record the paths they took to report wrongdoing. The Employee Survey (Q28) asked respondents to indicate the first category of person to whom they had reported wrongdoing with the number '1', the second person (if any) with the number '2', and so on. The Internal Witness Survey (Q30, 38) allowed respondents to circle as many categories of person as they liked to whom they had reported wrongdoing 'in the first instance', as well as to then circle all the categories of person to whom they had provided information in any subsequent reports.

These differences in the questionnaires mean that the data on the reporting paths of the two samples cannot be compared exactly. The Employee Survey represents reporting as a series of discrete steps (for example, the respondent first went to her manager, then to the union, then to the CEO, then to a government watchdog agency etc). By contrast, the Internal Witness Survey represents reporting (perhaps more realistically) as two or more episodes of reporting each possibly involving more or less simultaneous reporting to more than one category of person (for example, the respondent reported at more or less the same time to her manager and union and later reported to the CEO and a watchdog agency).

Nevertheless, the results in both surveys confirm that the large number of potential recipients of wrongdoing reports translates into a large number of distinct reporting paths available to whistleblowers. While there may be procedural or legal constraints, there is no theoretical constraint on either the number of or order in which potential recipients may be approached. In practice, the whistleblowers surveyed often did approach more than one type of person to report wrongdoing. The Employee Survey non-role reporters provided information to an average of 1.9 recipients. The Internal Witness Survey non-role reporters approached an average of 4.3 recipients, suggesting that this group includes a higher proportion of respondents with complex whistleblowing experiences than their counterparts in the Employee Survey. Results were similar for role reporters, in both samples. Both surveys show that public sector whistleblowing typically involves more than a single report to one individual.

The two surveys also tell similar stories about reporting paths. For each survey respectively, Tables 4.1 and 4.2 set out who employees blew the whistle to, in order of the frequency with which each of the nominated type of person was nominated as the first recipient. Both tables show that the most common recipients of wrongdoing reports are generalist managers (supervisors, senior managers and CEOs), rather than specialist internal bodies such as ethical standards units, with external bodies in the vast minority. The first people who whistleblowers are likely to approach with their concerns are their supervisors. If they follow up their initial report (Table 4.1) or simultaneously take their report to someone else (Table 4.2), their most likely course of action will be to approach a senior manager.

Beyond these two groups of recipients, the targets of initial reports are mostly spread within organisations between Chief Executive Officers (CEOs), human resource, equity and merit and audit and fraud units and externally between unions and government watchdog agencies. This pattern is clearer among respondents to the Internal Witness Survey (Table 4.2) than among respondents from the Employee Survey (Table 4.1), perhaps because of the different ways in which the reporting path items were asked in the two surveys, because

respondents from the Internal Witness Survey tended to have more complex whistleblowing experiences, or both. The prominence of generalist managers, rather than specialist internal units, as initial recipients of whistleblower reports in both surveys may partly have to do with the lack of availability of specialist units in some organisations.[1]

Table 4.1. Recipients of Wrongdoing Reports from Non-Role Public Interest Reporters

Employee Survey, Q28 (n=835)

Recipient	Initial recipient (%)[a]	Overall Recipient (%)[b]	Stage Recipient Contacted (Ave)[c]
Supervisor	65.7	72.8	1.13
Senior manager	15.0	41.1	1.76
Peer support officer	3.5	8.5	2.13
CEO	3.4	13.1	2.27
HR/Equity & Merit unit	1.8	10.5	2.55
Union	1.8	8.3	2.71
Internal audit/fraud unit	1.1	4.3	2.64
Internal ethical standards unit	1.0	3.2	3.04
Government watchdog agency	0.8	3.5	3.69
Internal ombudsman/complaints unit	0.5	2.4	3.40
External hotline/counselling service	0.5	1.7	5.71
Member of Parliament	0.4	1.1	5.56
Internal hotline/counselling service	0.2	1.8	4.67
Journalist	0.1	0.7	9.17

[a] Respondents were asked to indicate the first person to whom they reported a case of wrongdoing, followed by the second person, if applicable, and so on. Percentages sum to less than 100 because an 'Other' category has been omitted.
[b] Percentages in this column represent the percentage of whistleblowers who reported a case of wrongdoing to each type of recipient *at any stage* in the reporting process. The percentages in this column sum to more than 100 because respondents were able to indicate all the people to whom they reported wrongdoing and some reported to more than one.
[c] Figures indicate the average stage in the reporting process when particular types of report recipients were contacted by whistleblowers. Lower figures indicate contacts early in the process; higher figures indicate later contacts.

Table 4.2. Recipients of Wrongdoing Reports from Non-Role Public Interest Reporters

Internal Witness Survey (n=144)

Recipient	Initial recipient (%)[a]	Overall Recipient (%)[b]
Supervisor	37.5	40.3
Senior manager	36.8	45.1
Human Resources/Equity & Merit unit	11.8	20.1
CEO	11.1	26.4
Union	10.4	20.1
Internal audit/fraud unit	10.4	22.2
Government watchdog agency	10.4	25.0
Internal ethical standards unit	5.6	16.7
Internal ombudsman/complaints unit	4.9	6.9
Member of Parliament	4.2	13.2
Internal hotline/counselling service	2.8	6.3
External hotline/counselling service	2.8	4.2
Peer support officer	2.1	4.9
Journalist	1.4	6.3

[a] Percentages in this column sum to more than 100 because respondents were able to indicate all the people to whom they reported wrongdoing in their first stage of reporting and some reported to more than one person.
[b] Percentages in this column represent the percentage of whistleblowers who reported a case of wrongdoing to each type of recipient *at any stage* in the reporting process. The percentages in this column sum to more than 100 because respondents were able to indicate all the people to whom they reported wrongdoing and some reported to more than one.

The broad patterns of reporting are presented in Figure 4.1 (Employee Survey) and Figure 4.2 (Internal Witness Survey). The figures simplify the whistleblowing process by reducing the various recipients of reports into three categories: solely internal, solely external, and mixed (both internal and external). The figures also reduce reporting to two broad stages. The first stage is the initial report (to one person in Figure 4.1 and to one or more people in Figure 4.2), which all further reports are reduced into the second stage.

Figure 4.1. Reporting Paths of Non-Role Public Interest Reporters (%)

Employee Survey, Q28 (n=858)
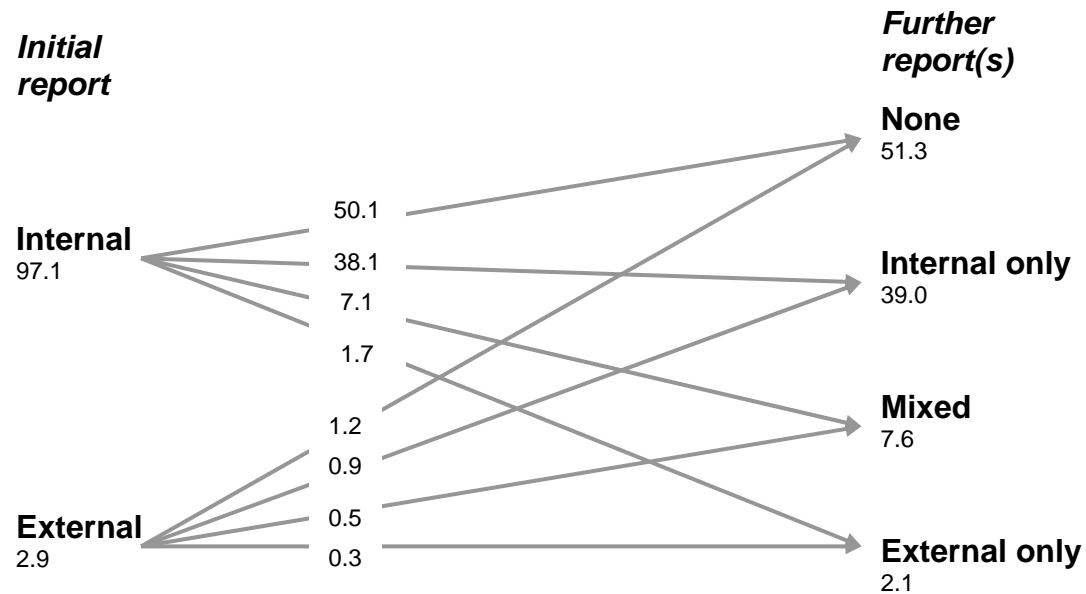
'Internal' includes reports to one of the following: supervisors, senior managers, CEOs, internal ethical standards units, internal audit or fraud units, internal ombudsmen or complaints units, human resource or equity and merit units, internal hotlines and counsellors and peer support officers.
'Internal only' includes reports made only to one of more recipients in the 'Internal' category.
'External' includes reports to one of the following: external hotlines or counselling services, unions, government watchdog agencies, members of parliament and journalists.
'External only' includes reports made only to one or more recipients in the 'External' category.
In Figure 4.1, 'Mixed' includes reports made to both 'Internal' and 'External' recipients.
In Figure 4.2, 'Mixed' includes reports made to recipients in both the 'Internal Only' and 'External Only' categories.

In the first instance, almost all reporting (97 percent in the Employee Survey and 80 percent in the Internal Witness Survey) is solely directed at internal recipients. Less than one-tenth of whistleblowers in either survey took their first report exclusively to someone outside their organisation. The reporting path taken by whistleblowers almost always begins within the organisation for which they work.

The second stage in Figures 4.1 and 4.2 concerns what happens next. Two-fifths to one-half of whistleblowers do not pursue their reporting beyond the initial stage. Their reports are resolved in one way or another, or else they let the matter drop. There is some movement towards involving external bodies and individuals in subsequent reporting. Nonetheless, external reporting remains a minority practice. Between one-half (Internal Witness Survey) and four-fifths of whistleblowers who make subsequent reports kept them completely in-house. Only somewhere between 11.5 percent (Employee Survey) and 37.7 percent (Internal Witness Survey) of whistleblowers *ever* take reports of wrongdoing outside their organisations *at any time during their reporting*.

Figure 4.2 Reporting Paths of Non-Role Public Interest Reporters (%)

Internal Witness Survey, Q30, 38 (n=138)
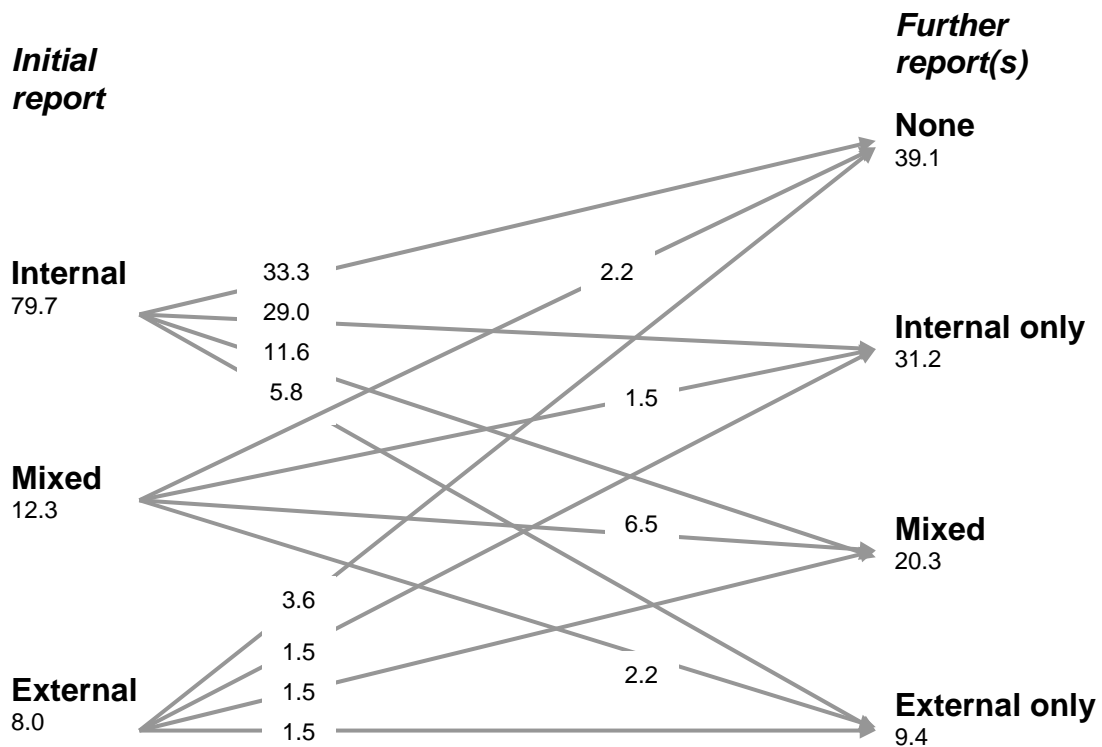
Even with the simplifications inherent in Figure 4.1 and 4.2, the broad patterns of reporting are complex. Also, when whistleblowers pursue their reporting beyond a first stage—and, as we see, only around one-half seem to do so—the recipients of their reports become more diverse, as they cast around for someone to deal with the wrongdoing they believe has occurred. In both Table 4.1 and 4.2, specialist units become more prominent, as do unions and, at least in Table 4.2, government watchdog agencies. Even so, none of these bodies overtakes supervisors or managers in the volume of reports they receive. Even among the Internal Witness Survey respondents, who showed stronger tendencies than their counterparts in the Employee Survey to spread their concerns widely, thirty percent of whistleblower reports are exclusively dealt with by generalist managers.

What are the implications of these reporting patterns? At least four points can be made. First, public discussion of whistleblowing in Australia is almost certainly distorted by the relatively small number of cases that are eventually taken to journalists and members of parliament. Table 4.1 suggests that less than 2 percent of whistleblower reports are ever received by journalists and parliamentarians, and they are almost never the first recipients. Indeed, the third column in Table 4.1 shows that, on average, parliamentarians are the fifth recipient of whistleblower reports and journalists are the ninth. As noted in chapters 1 and 2, the data captured by the Employee Survey does not provide a total picture of all whistleblowing, since its respondents did not include whistleblowers who had since left the organisation, a higher proportion of whom might be reasonably assumed to have pursued their grievance externally (and even been suspended or sacked as a result). However some indication of the extent to which this might change the overall picture is given by the more

complex cases captured by the Internal Witness Survey (Table 4.2), which are less representative of the public sector as a whole but in which the respondents were likely to have more diverse reporting paths (see above). This shows higher but still comparatively low rates of whistleblower contact with both journalists and parliamentarians.

From this, it is clear that journalists and parliamentarians see only the tip of the whistleblowing iceberg, and are also more likely to encounter cases of whistleblowing that are already complicated, if not rancorous. While history suggests that in some cases, this more public whistleblowing is justified by the fact that organisations have had the first opportunity but failed to address alleged wrongdoing, it is also worth noting that this high level of internal whistleblowing does not mean that wrongdoing is then simply being swept under the carpet. As will be discussed in chapter 5, a majority of whistleblowers also indicated in the Employee Survey that the matter was dealt with satisfactorily, even though it never went outside the organisation.

Second, this confirms that in the vast majority of whistleblowing cases, public sector managers have the opportunity to deal with wrongdoing themselves. They get first opportunity to resolve the problem. It is almost always only *after* wrongdoing has been brought to management attention that whistleblowers look elsewhere for solutions. This suggests that effective public sector procedures for dealing with whistleblowing should be focused on anyone who has a supervisory role. The pattern appears so strong that procedures stipulating that only certain officers in the organisation can receive disclosures, perhaps removed from the immediate workplace of many employees, are unlikely to shake the frequency of this behaviour. In some instances the solution may lie in training supervisors to act as effective 'post boxes' for the effective referral of disclosures to more appropriate locations in (or outside) the organisation. However, strategies that rely only on designated persons *other than* supervisors to receive disclosures appear unlikely to encourage reporting, especially if they also reduce the extent to which supervisors feel able or willing to take responsibility for those concerns of which they become aware.

Third, the current degree of reliance on supervisors and line managers as the first point of disclosure, means that the reverse is probably also sometimes true. This reliance may involve some risk that disclosures are first made to supervisors and line managers in circumstances where they are *not* the best person to first receive the information. In some cases, the fact that a whistleblower elected to instead report first to a specialist internal unit, or to an external watchdog agency, may reflect a conscious decision by an employee that they were not prepared to trust line management with the disclosure. This could be due to the specific nature of the perceived wrongdoing, or the persons involved, including supervisors themselves. However, as shown in chapter 3 and discussed further below, whistleblowers were not shown by the Employee Survey to be particularly untrusting of management on the whole, a fact reinforced by the strength of their reporting patterns. The strength of the reliance on supervisors and line managers therefore makes it likely that in at least some instances, staff could be blowing the whistle in an entirely trusting manner, without knowing or considering the full history (for example, where a problem has been going on for some time because a supervisor has previously failed to act). This likelihood also has implications for agencies' reporting procedures, including decisions as to how the process is best managed once the whistle is blown.

Finally, for these and other reasons, the motivations behind the apparent preference of whistleblowers for internal reporting to generalist managers need to be understood. Do whistleblowers report internally to generalist managers because they see this as the right thing to do, as part of being good organisational citizens? Does this reflect their first preference, or are they limited in their organisational choices? Are those whistleblowers who go external necessarily less loyal or more disgruntled than those who remain internal? The remainder of this chapter takes up these questions.

4.3. When do whistleblowers choose internal or external paths?
Organisational citizenship behaviour

As seen above, the vast majority of officials blow the whistle internally in the first instance; and for the majority, the matter also remains internal throughout. The question becomes, what else does this pattern indicate about the character of whistleblowing? Do people prefer to blow the whistle internally because that is simply their instinctive reaction? Or is there evidence that they are blowing the whistle internally because of a sense of duty and loyalty to the organisation? Is the decision to go outside the organisation positively associated with any evidence of an increased tendency to disloyalty? In all instances, what are the implications for management?

The analysis of who reported wrongdoing provided in chapter 3, already provides a broad backdrop to these questions. On the whole, the Employee Survey provided little evidence consistent with a stereotype of whistleblowers as generally disgruntled or embittered employees. This was particularly established by comparing the levels of Organisational Citizenship Behaviour (OCB) shown by respondents, between non-role reporters (whistleblowers), role reporters, and those respondents who observed wrongdoing but did not report it (non-reporters). Whistleblowers showed higher levels of Interpersonal Helping and Individual Initiative (sub-scales of OCB) behaviour than non-reporters, but did not differ from non-reporters on either the Personal Industry or Loyal Boosterism subscales used to measure levels of OCB.

OCB is a constellation of discretionary extra-role behaviours enacted by individual employees which benefit the organisation and its members (Organ 1988: 4; Graham 1989; Penner et al 2005). Therefore, even if many whistleblowers also have their own motivations for reporting wrongdoing, the fact that they score either higher or the same as non-reporters on these behavioural scales combines with the objectively beneficial effects of a good deal of this reporting, to justify the characterisation of whistleblowing as 'prosocial' in the terms suggested by Dozier & Miceli (1985), Miceli et al (2001) and Miceli and Near (2006) (see chapter 1).

Whistleblowers' choices as to whether to report internally or externally provide a further departure point for analysing the extent to which whistleblowing is best understood as prosocial, in an organisational context. This is because, while much internal whistleblowing might be easily imagined to be beneficial to the organisation, external whistleblowing immediately raises a range of broader challenges. Even though prosocial behaviour is by definition 'generally beneficial' to society, it can also at times be organisationally dysfunctional (Brief & Motowidlo 1986; Moorman and Blakely 1995). Nowhere is this better demonstrated than by the issue of external whistleblowing, which is generally recognised as good for society (at least when vindicated), but which can involve intense conflict between an organisation and its members, and throw substantial parts of its management into turmoil, even if the organisation may end up better off.

By further examining levels of OCB among those who report internally versus externally, we can therefore further test whether or when the characterisation of whistleblowing as prosocial still holds at an organisational level, as well as a broader social level. For obvious reasons, prosocial behaviour and OCB have long been seen as related concepts (Brief & Motowidlo 1986; Puffer 1987, as cited in Williams & Anderson 1991; Podsakoff et al 2000). However the match is not necessarily perfect, because OCB is intended to describe behaviours that are inherently organisationally functional. In the present study, if whistleblowing is shown to *also* be organisationally functional through OCB, then its character as prosocial would only be strengthened.

More specifically, two of the four OCB subscales used in the Employee Survey[2] provide measures of attitudes that are directly relevant to decisions to blow the whistle

externally or internally. Individual Initiative provides a measure of willingness to communicate and attempt to influence others in the workplace, including behaviour which may be seen as "rocking the boat" (Graham 1989: 9; cf Podsakoff et al 2000). For example, one item asks respondents to indicate their agreement with the statement: 'For issues that may have serious consequences, I express opinions honestly, even when others disagree'. As noted above, whistleblowers generally showed higher levels of Individual Initiative attitudes than non-reporters. Loyal Boosterism is also directly relevant, but for the reverse reason. since it is usually presumed to indicate a preference for keeping issues internal. These items are used to measure respondent's attitude to promoting, protecting and defending the organisation under adverse conditions (Podsakoff et al 2000); for example: 'I defend the organisation when other employees criticize it'. As noted above, whistleblowers generally showed the same levels of Loyal Boosterism as non-reporters. The question arises, however, whether this holds true for external whistleblowers as against internal ones, given that going outside the management chain or outside the organisation is often viewed as disloyal – especially by anyone likely to be unexpectedly exposed or embarrassed as a result. Disloyalty may be associated with normal loyalty that has been compromised by selfish motives (Weinstein 1979), or simply having been sacrificed for the higher ethical principle of reporting the wrongdoing (Jubb 1999). In either case, many organisational responses reflect assessments about the degree of loyalty or disloyalty that should attach to someone who makes an external report.

In theory, both the 'prosociality' of whistleblowing and levels of organisational citizenship should be stronger for those who report internally as opposed to externally (Dozier & Miceli 1985). Internal whistleblowing is more likely to facilitate early detection of wrongdoing and create an opportunity for timely investigation and corrective action (Berry 2004). However even though the motivation (to help put a stop to wrongdoing) and process (notifying persons who have the power to do something about it) may be the same, it is reasonably apparent to the whistleblower that the repercussions for the organisation are likely more extreme if outside organisations are involved. Further, some types of external whistleblowing may be more likely to be antisocial than prosocial at all, such as reporting to the media to gain an individual advantage without first raising concerns internally (Miceli et al 2001; Miceli & Near 2006).

The reasoning outlined above suggests four hypotheses:[3]

1) Organisational Citizenship Behaviour (OCB) should be more strongly positively related to a preference for initial internal whistleblowing, and less strongly related to a preference for initial external whistleblowing;

2) OCB should be more strongly positively related to initial internal whistleblowing as an actual reporting path, and less strongly related to external whistleblowing as actual initial reporting path;

3) OCB will also be more strongly positively related to actual whistleblowing that remains internal only, and less strongly related to any actual whistleblowing that includes external reporting (e.g. including reports that were initially internal, but subsequently became external). However it was also hypothesised that motivations and influencing factors may be similar for individuals who only blow the whistle internally and those who attempt to report internally first but then subsequently go external (Dozier & Miceli 1985; Near & Miceli 1996);

4) As for Hypothesis 3, but comparing only 'non-role' reporters (i.e. definite whistleblowers such as those discussed earlier in the chapter), since role reporters might be presumed to be more likely to remain internal and also to have higher levels of Organisational Citizenship Behaviour.

Hypothesis 1: OCB more strongly positively related to preference for initial internal whistleblowing than preference for initial external whistleblowing

This hypothesis involved examining the *stated* preferences of respondents to scale items about internal and external reporting in the Employee Survey, irrespective of whether they actually reported. Although this chapter is otherwise concerned with officials' actual reporting behaviour, this hypothesis allows us to test the attitudes of all 7,663 respondents to the survey. As outlined in chapter 3, the Employee Survey (Q15) measured *whistleblowing propensity* as well as actual behaviour, including two items that asked respondents to indicate whether they would be *most likely* to report wrongdoing internally to a supervisor, manager or similar 'in the first instance', or to make their first report externally, to a watchdog body, the media or similar 'in the first instance' (Q15f and 15g).[4] These items were adapted from those used by Zipparo (1999).

The hypothesis was tested using a method described by Steiger (1980) which allows a comparison to be made of the correlations of the internal and external reporting variables with the four dimensions of OCB, including the Individual Initiative and Loyal Boosterism subscales noted as important above. The hypothesis was supported by the analysis. It was found that all OCB dimensions were significantly more highly correlated with the expressed preference for internal rather than external reporting. All dimensions were significantly positively related to internal reporting. They were also negatively related to external reporting, with both Interpersonal Helping and Loyal Boosterism significant in this equation. Table 4.3 sets out the correlations. Note that the 'trust' variable included in the tables below will be discussed in the next section. Statistics are given in Table 4.5.

Hypothesis 2: OCB more strongly positively related to internal whistleblowing as actual initial reporting path than external whistleblowing as actual initial reporting path

This hypothesis was tested by examining the relationship between the OCB dimensions and the behaviour of all Employee Survey respondents who said they had actually reported wrongdoing (Q26). As outlined earlier in the chapter, respondents were also asked about their actual reporting path, by indicating in what order they reported to different types of people internal and external to the organisation (Question 28; Table 4.1 above). The main paths available were (i) reporting internally initially and remaining internal (or only reporting once, which was an internal report), (ii) reporting internally initially and then reporting externally, or (iii) reporting externally initially and remaining external (or only reporting once, which was externally). Those who indicated that their first report was to an internal source were divided into one group (Q28a-h, j), and compared to those who indicated that their first report was to an external source (Q28 i, k-n). Whether or not they made any subsequent reports, either internally or externally, was irrelevant to this analysis. Of course, for the reasons indicated, there was an enormous imbalance in the relative sizes of these groups of respondents. The number who reported internally initially was very large (n=1935, 90% of all reporters), while the number who reported externally initially was very small (n=80, 3.7% of all reporters).

The hypothesis was tested using a one way ANOVA. However the hypothesis was not supported. There were no significant differences between the mean scores on any of the OCB subscales for those whistleblowers who initially chose an internal reporting path, and those who initially chose an external reporting path. Table 4.4 sets out the relevant means. However, since the internal and external reporting variables were so highly skewed, interpretation of any findings using these variables would have needed to be viewed with caution.

Table 4.3. Means, Standard Deviations, Reliability Estimates, Correlations (numeric variables) & ANOVAs (categorical variables) for Study Variables

Employee Survey (n=7663)

	M (SD)	1	2	3	4	5	6	7	8	9	10
1. Trust	3.41 (.83)	(.90)	.07 ***	.06 ***	.07 ***	.35 ***	.22 ***	-.13 ***	**1.1**	**44.21 *****	**125.12 *****
2. Interpersonal helping	3.96 (.47)		(.74)	.47 ***	.40 ***	.34 ***	.17 ***	-.04 ***	**52.85 *****	**.06**	**7.85 ****
3. Individual initiative	3.76 (.54)			(.80)	.31 ***	.33 ***	.21* **	-.02	**150.58 *****	**.09**	**6.64***
4. Personal industry	3.84 (.55)				(.67)	.32 ***	.12 ***	-.001	**13.84 *****	**1.09**	**.29**
5. Loyal boosterism	3.55 (.66)					(.83)	.22 ***	-.07 ***	**37.15 *****	**1.17**	**15.02 *****
6. Internal preference scale	4.26 (.71)						*n/a*	-.22 ***	**73.93 *****	**26.91* ****	**22.22 *****
7. External preference scale	1.82 (.87)							*n/a*	**1.09**	**45.17* ****	**49.43 *****
8. Actual whistleblowing behaviour (yes/no)	N/A								*n/a*	**1.72**	**.034**
9. Internal v external actual initial reporting path	N/A									*n/a*	***n/a***
10. Internal only v some external	N/A										*n/a*

Note: The reliability estimates (coefficient alphas) are reported in the diagonal in italics.
*Significant at the .05 level (2-tailed)
**Significant at the .01 level (2-tailed)
***Significant at the .001 level (2-tailed)
For comparisons of scale variables with scale variables, correlations were used, and for categorical variables with scale variables, ANOVAs were used (in bold).

Table 4.4. Comparison of means for different levels of categorical variables with other variables used in hypothesis tests for those who observed and reported wrongdoing

Employee Survey (n=2015)

Variables and means	Inter-personal helping	Individual initiative	Personal industry	Loyal boosterism	Trust
Internal whistleblowing as initial reporting path	4.02	3.90	3.86	3.59	**3.30**
External whistleblowing as initial reporting path	4.03	3.91	3.79	3.50	**2.62**
Internal reporting only	**4.01**	**3.88**	3.85	**3.61**	**3.36**
Some external reporting	**4.09**	**3.96**	3.87	**3.45**	**2.76**

Hypothesis 3: OCB will be more strongly related to actual whistleblowing that remains internal only and less strongly related to whistleblowing that includes external reporting

This hypothesis compared those respondents to the Employee Survey who only ever reported internally (n=1728, 81% of all reporters), and those who reported externally at any point, including those who reported internally initially but subsequently reported externally (n=324, 15% of all reporters). Note that these percentages total less than 100% due to missing data. The hypothesis was again tested using a one way ANOVA. These means are also shown in Table 4.4.

The hypothesis was largely unsupported, i.e. those who reported externally at any point did not rate lower as organisational citizens than those who only ever reported internally. However, significant differences appeared on three of the OCB subscales, going in different directions. Those who reported externally at any point had *higher* scores than internal reporters for Individual Initiative, but lower for Loyal Boosterism. Accordingly, compared to those who only ever reported internally, those who reported externally at any point were more similar to the stereotype of being more prepared to rock the boat and having less loyalty, but not at the expense of their overall similarity in organisational citizenship. In particular, Personal Industry for both groups remained the same, and, contrary to what was hypothesised, those who reported externally at any point rated higher than the internal group for Interpersonal Helping. The significance tests appear in Table 4.5.

Hypothesis 4: For 'non-role' reporters, OCB might be more strongly related to actual whistleblowing that remains internal only and less strongly related to whistleblowing that includes external reporting

This hypothesis was based on the previous one, but was restricted to comparison of the reporting behaviour of non-role reporters. A total of 1157 non-role reporters only reported internally, compared with a total of 256 non-role reporters who reported externally at some point. Significantly the results did not change, with external reporters similarly scoring higher for Individual Initiative (mean includes external= 3.93, mean internal only=3.82) and Interpersonal Helping (mean includes external=4.08 , mean internal only=4.00), and lower for Loyal Boosterism (mean includes external=3.33, mean internal only=3.53, with no difference in Personal Industry (means=3.85). Significance tests are included in Table 4.5.

Table 4.5. Statistics for hypotheses

Hypothesis	Statistics
1	Interpersonal helping: $t(7376) = 11.91$, $p<0.001$
	Individual initiative: $t(7376) = 12.41$, $p<0.001$
	Personal industry: $t(7376) = 7.30$, $p<0.001$
	Loyal boosterism: $t(7376) = 16.70$, $p<0.001$
3	Interpersonal helping: $F(1,2046) = 7.85$, $p<0.01$
	Individual initiative: $F(1,2045) = 6.64$, $p<0.05$
	Loyal boosterism: $F(1,2029) = 15.02$, $p<0.001$
4	Interpersonal helping: $F(1,1408) = 5.50$, $p<0.05$
	Individual initiative: $F(1,1407) = 8.12$, $p<0.01$
	Loyal boosterism: $F(1,1394) = 15.04$, $p<0.001$
5	$t(340)=2.87$, $p<.01$
6	$F(1,2042) = 125.12$, $p<0.01$
7	$F(1, 1405) = 112.20$, $p<.001$

Taken together, these results give new insights into how whistleblowing should be viewed by organisations, based on the reporting paths preferred and actually chosen by Employee Survey respondents. On one hand, the fact that higher levels of OCB correlated strongly with those who expressed a *preference* for reporting internally rather than externally in the first instance, confirms the overall hypothesis that employees recognise the desirability of internal reporting, both for their own sake and that of their organisations. Consistently with some of the broad findings in chapters 2 and 3, this result confirms that whistleblowing is not only accurately characterised as prosocial, but is also *seen* as prosocial, at least if pursued internally in the first instance.

As identified in chapter 3, it is impossible to be completely sure whether employees have blown the whistle because they are a particular type of organisational citizen, or whether their experience of whistleblowing has influenced the attitudes that define their organisational citizenship, or both.. However, by identifying the relative strength of the internal/external preference, a more informed guess can also be made as to the possible direction of cause and effect between reporting and the OCB subscales.

While the preference for internal whistleblowing confirms its underlying 'prosociality', a different picture emerges in terms of the relationship between measures of OCB and actual reporting behaviour. The internal and external initial reporting path groups demonstrated no differences in their OCB scores, indicating that in fact, contrary to the preference, even those who report externally at first instance are likely to have done so for some reason which does not affect their (on average) positive view of their role and relationship with their organisation. This result must be treated with caution given the small size of the latter group, but it is consistent with the overall result in chapter 3. Specifically, the nature of the perceived wrongdoing and organisational context may have more to do with who blows the whistle, than individual attitudes towards the organisation. The same may be true of *how and to whom* whistleblowers choose to report.

However, comparison of those who only ever reported internally, and those who reported externally at any point, show the picture is more complex. Overall, there remains little difference in terms of organisational citizenship between the groups, but on some subscales, significant differences do emerge. Some of these are consistent with stereotypes of whistleblowing. For example, employees who blew the whistle externally at some point were more likely to rate highly for Individual Initiative (including 'rocking the boat'), and lower for Loyal Boosterism (loyalty to, and promoting the organisation). However the fact they also rated higher for Interpersonal Helping and equivalently for Personal Industry means that overall, their characterisation as organisational citizens holds, as does the characterisation of whistleblowing – even when external – as prosocial. This is consistent with the evidence that very few employees blow the whistle externally without first having blown it inside the organisation. Indeed, their higher scores for Initiative and lower scores for Loyalty may simply reflect their experience of having felt compelled to pursue the matter externally, against what would have been their normal preference, rather than the other way around.

4.4. Do whistleblowers' choices vary with trust in management?

What can be done to further encourage public officials to blow the whistle internally? While currently this is how the bulk of whistleblowers do make their reports, the question is important because it may be substantially the same as asking what can be done to encourage officials to blow the whistle *at all*, given the extent of the internal reporting preference. It will be recalled from chapter 2 that 28.6% of all respondents to the Employee Survey who observed wrongdoing they considered very or extremely serious, neither reported it, nor

indicated that anyone else had reported it, nor dealt with it in any other way. For almost a fifth of the agencies for which that analysis could be performed, the proportion of respondents who took no action in response to serious wrongdoing exceeded 40 per cent. The results in this chapter suggest that if public officials are not prepared to report wrongdoing internally, then the vast bulk will simply stay silent.

A final question for this chapter, then, is what agencies might do to ensure that wrongdoing is reported internally wherever possible, and also to encourage reporting more generally. Some of the likely barriers to reporting were identified in chapter 3, and will be further discussed in the next two chapters. More generally, however, it has also been hypothesised that the decision to take action in response to observed wrongdoing, especially internally, is dependent on the degree of trust placed in management by staff (Dozier & Miceli 1985; Ashforth & Anand 2003; Miceli & Near 2006). Trust has been defined as "one party's willingness to be vulnerable to another based on the confidence that the latter party is benevolent, reliable, competent, honest and open" (Tschannen-Moran & Hoy 2000: 7). As noted in chapter 3, while still broadly trusting of the management team in their organisation, on average whistleblowers (non-role reporters) showed themselves as having significantly less trust in management than role reporters, and slightly less trust than non-reporters. This may indicate either that some whistleblowers become less trusting as a result of reporting, or that a measure of distrust is conducive to reporting. After all, it has been argued that trust is also consistent with deference to authority and a lack of critical review, in circumstances where some wariness and suspicion is needed for resilient organisations (Kramer 1999).

If distrust of management is a relative predictor of reporting, however, we might also expect to see that translate into a higher level of external whistleblowing. Instead it seems worth establishing whether internal reporting appears to increase or decrease in line with trust. The more common assumption is that internal reporting should increase in line with trust, given existing evidence of the positively relationships between trust, prosocial behaviour and OCB (Podsakoff et al 2000; Thau et al 2004). However relatively little research has been done internationally on the relationship between trust and whistleblowing, although McLain and Keenan (1999) proposed there may be one. In particular they believed that when there is conflict between an organisation's formal policies and informal structures, and a culture of rationalising and accepting wrongdoing, organisational trust is weakened and faith in internal reporting lowered.

To better assess the relationship between trust and reporting, three further hypotheses were arrived at:

5) Trust will be positively related to internal whistleblowing preference in the first instance and negatively related to external whistleblowing preference in the first instance; and

6) Trust will be more strongly positively related to actual whistleblowing that remains internal only, and less strongly related to actual whistleblowing that includes external reporting.

7) As for Hypothesis 6, but comparing only 'non-role' reporters (i.e. definite whistleblowers such as those discussed earlier in the chapter), since role reporters might be presumed to be more likely to remain internal and also to have higher levels of trust in management.

Hypothesis 5. Trust positively related to preference for initial internal whistleblowing and negatively related to preference for initial external whistleblowing

Trust in management was measured using Gabarro and Athos's (1976 as cited in Robinson & Rousseau, 1994) 7-item *bases of trust* (Employee Survey Q1). The items were

reworded to read 'management team' to specify who respondents should consider when responding; for example: "My management team (supervisor/line manager and above) is open and up front with me". The Steiger (1980) method was again used to test the relationship between the trust results and the reporting preference discussed earlier as an element of whistleblowing *propensity* (Employee Survey Q15f & g).

The hypothesis was supported. Despite the fact that trust was slightly lower for whistleblowers than non-reporters (as shown in Chapter 3), it was significantly more highly correlated with the internal than the external reporting variable (see means, standard deviations and correlations in Table 4.3). Trust was positively and significantly associated with internal reporting and negatively and significantly associated with external reporting (see Table 4.5 for outcome of the hypothesis test),.

Hypothesis 6: Trust will be more strongly positively related to actual whistleblowing that remains internal only and less strongly related to actual whistleblowing that includes external reporting

This hypothesis was tested using a one way ANOVA, again comparing the groups identified earlier: those who reported internally initially and never reported externally, and those who reported externally at any stage. The hypothesis was supported. Trust was much higher for those who reported internally only, than those reporters who also used external reporting paths (or only external reporting paths), as shown by the means in Table 4.4. Trust showed highly significant differences between the reporting paths (see Table 4.5).

Hypothesis 7. For 'non-role' reporters, trust might be more strongly related to actual whistleblowing that remains internal only and less strongly related to whistleblowing that includes external reporting

This hypothesis was based on the previous one, but was restricted to comparison of the reporting behaviour of non-role reporters. Notably, the results did not change, with internal reporters similarly scoring significantly higher on trust (mean=3.21) than reporters that included external reporting (mean=2.57). By comparison, non-role reporters that remained internal and those that included external reporting did not differ in their mean trust in management. Significance tests are reported in Table 4.5.

These results show that respondents who scored higher on the trust scale were more likely to favour internal whistleblowing, both as a preference, and for reporters' actual behaviour, particularly the 'non-role' reporter group. Non-role reporters were much more likely to keep the information internal within the organisation, even if this meant continuing to report 'up the line', or to different groups or individuals they believe could do something about the issue. Others simply reported once, the most common report being to the supervisor. This supports the research of McLain and Keenan (1999) who found that trust encourages whistleblowing 'procedurally' through internal channels, and distrust discourages whistleblowing or makes external reporting more likely. Rationalising of wrongdoing by management or a conflict between formal policies and informal culture may perpetrate mistrust which impacts negatively on employee reporting of wrongdoing.

There is a clear benefit to knowing that higher trust in management is associated with internal whistleblowing, and that lack of trust may make it more likely that an observer of wrongdoing will choose to report externally, or not at all. Even if ultimately necessary, external reporting is more likely to be damaging to an organisation and more difficult to manage for whistleblowers and organisations alike (Berry 2004). The repercussions for the

organisation are likely more extreme if outside organisations are involved, before the organisation has an opportunity to respond (Dozier & Miceli 1985). The consequences of non-reporting may be even worse, if workplace wrongdoing is left to fester unaddressed. By contrast, internal reporting helps to avoid negative publicity and allow problems to be dealt with internally. It may also permit the circumstances that will enable the welfare of the whistleblower to be managed better, as discussed in later chapters.

From chapter 3 it will be recalled that there appear to be many variables that may impact on the decision to blow the whistle, internally, externally, or at all. In the next analyses statistically significant demographic variables were held constant, but there are other possible variables of interest not controlled for (see e.g. Near & Miceli 1996; Sims & Keenan 1998), and it is acknowledged that other situational variables were not included in these analyses. However it is clear that initiatives that build employees' trust in management should contribute positively to the preparedness of employees both to report, and to do so internally in a manner over which the organisation has greatest control. It has been shown that whistleblowing is generally a prosocial, organisationally functional activity, consistent with high levels of organisational citizenship; and that the vast preference of whistleblowers in theory and practice is to report wrongdoing internally; and that employee trust in management is a clear factor in them doing so. This situation gives agencies both every reason to facilitate preferred and adaptive forms of whistleblowing, and the responsibility for managing internal disclosures (and the people associated with them) in a responsive and professional manner. Otherwise, the trust on which reporting depends will likely be eroded.

4.5. Conclusions: reporting paths, organisational citizenship, and trust

This chapter has shown that the vast majority of whistleblowing in the Australian public sector is internal to agencies, with whistleblowers typically preferring and choosing to report wrongdoing internally, predominantly to their supervisor, at least before they make any further reports elsewhere including outside the organisation. Stereotypes of whistleblowing based on cases that become prominent in the media are unlikely to be typical, and instead to be cases that already involve many parties and have become too complex to resolve.

Nevertheless internal and external whistleblowing have been shown to be similar in certain key respects, especially since almost all external whistleblowing begins internally. In particular, by comparing whistleblowers who have followed different internal and external reporting paths, it is easier to see the reasons why whistleblowing aligns with higher levels of Organisational Citizenship Behaviour and can properly be described as broadly prosocial. Clearly the relationship between whistleblowing, OCB, trust and how these differ for internal versus external reporting, is complex. It is also clear that the relationship between whistleblowing preference variables and how they interact with trust and OCB differs from actual behaviour in some important ways. However the results do show that OCB is positively related both to whistleblowing propensity and actual whistleblowing behaviour, in some cases in different ways, but generally irrespective of whether an internal or external reporting path is taken.

These results reinforce that agencies can ill-afford to have procedures or a management culture in which employees who report wrongdoing are seen as destabilising or 'troublemakers'. This research supports the notion that whistleblowers, or those with a whistleblowing propensity, are predominantly conventional organisational citizens and "not the disloyal, marginally socialized they are frequently perceived to be" (Somers & Casal 1994: 282). Even when whistleblowing is triggered or accompanied by issues in which employees have strong personal motives, its character as prosocial behaviour should not be forgotten. Negative or conflicting responses are likely to be misread as a lack of support for

disclosure, if not direct support for wrongdoing, and contribute to reduced trust in management, being itself a commodity with which internal reporting behaviour is strongly associated. Onlookers without such strong motives, and even higher levels of OCB, may become less likely to recognise wrongdoing or to consider internal reporting to be feasible, if there are signs the benefits will not outweigh the costs (Miceli & Near 2006).

Similarly, the heavy current reliance on internal reporting places considerable responsibility on agencies both to respond well in their investigation and remediation of alleged wrongdoing, and to ensure unnecessary adverse consequences do not befall those who report. The extent of employees' preferences for internal reporting means that organisational systems need to be in place for ensuring that cases are notified or referred to those parts of the agency – or external agencies – that are best placed to deal with them, and that reprisal risks or other conflicts are assessed in objective and professional manner. Management is judged by its actions, and the outcomes of those actions. Accordingly the trust on which effective internal reporting at least partly depends, is itself dependent on whether management has a proven capacity to respond positively to exactly these kinds of challenging situations.

Endnotes

[1] Another possibility is question bias. The response order for the relevant items in the questionnaires may have biased the responses, since the first two responses were 'My supervisor' and 'Another manager more senior than me'. The fact that respondents in both surveys used a wide range of responses when recording their overall reporting experiences (see the second columns in Tables 4.1 and 4.2) suggests that question bias was not a factor in responses.

[2] Employee Survey, Question 2, based on Graham 1989; Moorman & Blakely 1995. Respondents used a 5-point Likert scale ranging from 1 *(strongly disagree)* to 5 (*strongly agree*), in which a higher score indicated higher OCB. Although Moorman and Blakely (1995) used a 7-point scale, a 5-point scale was used to maintain consistency across the survey. Moorman and Blakely (1995) obtained the following alpha reliabilities: .61 (personal industry), .74 (interpersonal helping), .76 (individual initiative), .86 (loyal boosterism).

[3] Demographic Variables in the Analyses: It was necessary to perform analyses to determine whether any of the demographic variables impacted significantly on the variables of interest. Those demographic variables that were significantly associated with any of the OCB dimensions, trust, the whistleblowing propensity factors or internal reporting or external reporting variables (as tested by correlations and analysis of variance) were held constant in the analyses. To be conservative, significance was tested at an alpha level of .10 . It was important to ensure that any effects found were the result of the hypothesised relationship being tested, rather than other confounding factors. Highest level of education, gender, age, tenure in the public sector, tenure in the organisation, role within the organisation, annual salary range, employment status, union membership, audit/fraud risk management/corruption prevention/investigation as part of job duties, size of immediate work section and work location were found to be associated with all or some of the variables of interest at an alpha level of .10, and these were therefore held constant as required in the various analyses, dependent on which variables were entered in the model.
Statistical Techniques: All surveys were used as there were no out of range responses or significant amount of missing data. The small amount of missing data did not adversely affect the analyses as it was accounted for by calculating the scales with a requirement of at least an 80% response rate for each. The hypotheses were tested using the following statistical techniques: correlations and comparison of correlations, analysis of variance (ANOVA), multivariate analysis of variance (MANOVA) and logistic regression. MANOVA was used when the dependent variable was comprised of more than one factor, and logistic regression when the dependent variable was a categorical variable. The correlations were tested for significance at an alpha level of .05.

[4] Respondents used a 5-point Likert scale ranging from 1 (*strongly disagree*) to 5 (*strongly agree*), in which a higher score indicated a higher likelihood of reporting either internally or externally.

5. OUTCOMES OF WHISTLEBLOWING: GOOD AND BAD

Rodney Smith and A J Brown[1]

5.1. Introduction

Public perceptions of the outcomes of whistleblowing are undoubtedly shaped by the mythic tales of triumph and failure presented in the news media and retold in popular films and books (see e.g. Dempster 1997). As previous chapters have already suggested, however, experiences of public sector whistleblowing are more diverse than popular stereotypes would allow. This point holds for the outcomes achieved by whistleblowers' reports.

This chapter explores good and bad outcomes of whistleblowing across five dimensions: (1) the substantive findings of the investigation, (2) organisational changes, (3) individual whistleblower satisfaction with outcomes, (4) treatment of whistleblowers by others, and (5) changes to whistleblowers' outlooks. It draws on responses to both the Employee Survey, and the smaller but more detailed Internal Witness Survey. The latter survey provides the main source of information. It is worth noting at the outset that the respondents to the Internal Witness Survey generally had more negative experiences of whistleblowing than did whistleblowers in the Employee Survey. The outcomes experienced by the two samples can be compared directly on only one dimension: treatment by others in the workplace (section 5.5). As indicated in the Introduction, the Employee Survey respondents generally provide a larger and more representative sample than the Internal Witness Survey respondents, many of whom self-selected for the survey by replying to a call for volunteers within the agencies. Where comparison is possible, it strongly suggests that the distributions of the other outcome dimensions across the Australian public sector would not be as negative as they appear to be from the Internal Witness Survey.

The different outcomes of whistleblowing events are interrelated in complex ways. Defining outcomes as good or bad will depend on which outcomes and whose perspectives are acknowledged. Consider the following statement from a respondent to the Internal Witness Survey, whose report ultimately resulted in successful prosecution of wrongdoers:

> *This incident has done nothing for my career in this organisation as I have tended to just stay in low-key positions and away from the stress of finding fraud again. Basically, I have withdrawn and taken on interests outside my work that involve me in more interesting projects and life experiences. Yet my experience could have been a lot worse, such as, conspiracy within the organisation or management not taking it seriously. It [was] the biggest fraud this organisation has experienced. Part of me is proud to have had the courage to report it, part of me doesn't want to know about it.*

In this example, the outcome for the organisation was good, while the outcome for the whistleblower was mixed. The whistleblower's report was vindicated, the whistleblower was not harmed and management acted well. Yet the whistleblower felt ambivalent about the outcome and changed behaviour and career goals in response to the experience and stresses of reporting. A greater understanding of the complex interrelationships between different types of outcomes is shown to be pivotal in understanding how whistleblowing might be better managed within organisations of the types studied here.

5.2. Overall and substantive outcomes

As discussed in chapter 2, one main way of assessing the current significance of whistleblowing is by reference to the substantive outcomes of investigations triggered by whistleblower reports. The Agency Survey documented the substantial role played by employee reporting in the internal investigations of agencies. Further, the Employee Survey (Question 32) indicated that a majority (63 percent) of all those who reported wrongdoing believed that their report of wrongdoing was investigated. In the case of those who fit the definition of public interest whistleblowing – i.e. non-role reporters who came forward with matters beyond simply personnel or workplace grievances (n=913) – 56 percent of these respondents indicated that their report was investigated.

The best information on the pattern of overall judgements about the results of whistleblowing also comes from the Employee Survey which then asked whistleblowers: 'Overall, if the activity was investigated as a result of your report, what was the result?' (Employee Survey Q33). Their perceptions of the results of these investigations were predictably mixed; however, on balance they were positive. Sixty-five per cent of all reporters whose issue was investigated, and 56 percent of all public interest whistleblowers, indicated that things became 'a little' or 'much' better as a result of investigation of their reports. Around one-third (31.0 percent) of public interest whistleblowers responded that there had been 'no change'. Only one-tenth (9.7 percent) said that 'things' became 'a little' or 'much' worse.

If we count 'no change' as a negative outcome—after all, whistleblowers who are concerned enough to report wrongdoing presumably want something positive done about it—then the balance of good to bad outcomes of investigations is around three to two. On the other hand, if no change is counted on the positive side of the ledger—for a range of legitimate reasons, whistleblowers reports of apparent wrongdoing may not have resulted in change—the balance of good to bad outcomes is nine to one. Either way, the overall balance revealed in the Employee Survey is encouraging.

A question arises as to whether this encouraging picture relates equally to all forms of wrongdoing about which the whistle is blown, or whether agencies find it easier to investigate and resolve certain types of cases. If organisations are good at investigating and resolving a large number of less serious matters, but not more serious confrontations over organisational integrity, then the figures just cited may not reveal the extent to which important matters might still be being swept under the carpet. Table 5.1 shows the percentages and means for the overall results of investigations, for each major category of wrongdoing (including personnel and workplace grievances), ranked in order from highest to lowest proportion of positive outcomes. These results suggest that while the bulk of investigations yield positive outcomes in most categories, the proportions of wrongdoing reports that result in a positive outcome vary significantly depending on the type of wrongdoing alleged. Employee reports of 'waste and mismanagement of resources', 'improper behaviour' or 'misconduct for material gain' appear more likely to be upheld and addressed than those relating to 'defective administration' or 'perversion of justice or accountability'. Given the important link between substantive outcomes and whistleblower satisfaction, discussed below, the nature of the wrongdoing itself may be a significant factor for determining not only how a matter is best investigated, but how the whistleblower is best managed.

Two further points should be made. First, the large number of respondents from a wide range of public sector agencies in the Employee Survey means that these figures can be taken as a good picture of the outcome for whistleblowers whose reports are investigated. Second, the Employee Survey can only give us a broad snapshot of whistleblower perceptions of outcomes. The questionnaire item 'what was the result?' asks respondents to make a composite judgement about the outcome of investigations, combining the substantive findings of the investigation, any actions taken against wrongdoers, any changes to respondents' workplace or their wider organisations and any repercussions for themselves at work and more generally. While the

results of the Employee Survey are encouraging for public sector employees who may be faced with a decision about whether or not to report wrongdoing, they do not allow us to identify the more specific outcomes of such reports for agencies or individuals.

Table 5.1. Overall outcome of investigations by type of wrongdoing reported (% and means)

Employee Survey Q20, Q33 (n=1395)

	What was the result of your report?						Mean
Wrongdoing category	Much worse	Little worse	No change	Little better	Much better	Total	(SD)
Waste or mismanagement of resources	0% (0)	0% (0)	20% (11)	50% (28)	30% (17)	(56)	4.11** (0.71)
Improper or unprofessional behaviour	3% (8)	4% (11)	18% (45)	31% (76)	(44%) (109)	(249)	4.07** (1.04)
Misconduct for material gain	2% (7)	1% (2)	27% (86)	35% (110)	35% (112)	(317)	4.00** (0.923
Conflict of interest	5% (1)	0% (0)	35% (7)	15% (3)	45% (9)	(20)	3.95** (1.15)
Defective administration	1% (1)	4% (6)	28% (41)	41% (60)	26% (38)	(146)	3.88** (0.87)
Personnel & workplace grievances	7% (29)	5% (20)	31% (133)	38% (168)	17% (73)	(423)	3.56** (1.05)
Perverting justice or accountability	6% (6)	6% (6)	35% (38)	39% (42)	16% (17)	(109)	3.53** (1.01)
Reprisals against whistleblowers	35% (6)	12% (2)	41% (7)	6% (1)	6% (1)	(17)	2.35** (1.222)
Other	9% (5)	5% (3)	28% (16)	33% (19)	26% (15)	(58)	3.62** (1.18)

[*] Means have been calculated on a five point scale, in which 1 represents 'much worse' and 5 represents 'much better'.
[**] Statistically significant at the p=0.01 level (F=13.616, df=8, p=.0005). Post hoc comparisons using the Tukey HSD test indicated that the 'reprisals' group differed significantly to all other groups of wrongdoing. The 'perverting justice' and 'personnel' groups differed from the 'misconduct', 'improper' and 'waste' groups, with the 'personnel' group also different to the 'defective admin' group.

The smaller Internal Witness Survey contained a range of questions designed to tease out some of these more specific substantive outcomes. Table 5.2 presents whistleblowers' perceptions of the substantive findings and resulting actions that followed one or more investigations of their reports (see Chapter 4 for more details on reporting paths). Around one-sixth of whistleblowers (16.5 percent) were not sure of the outcomes of the initial investigation, in some cases because that investigation was still underway at the time the survey was conducted. One-fifth of the initial investigations (20.1 percent) resulted in no wrongdoing being found. Wrongdoing was found in two-thirds of cases (63.3 percent); however, investigations resulted in detection and effective action in only one-fifth of all cases (18.7 percent).

In over three-quarters of the cases where whistleblowers were aware of an outcome, their belief that wrongdoing had occurred was vindicated by the investigation. In most cases that vindication was not matched by effective action. Given that most initial investigations are

internal, these figures indicate that in the opinion of whistleblowers, public sector organisations are much better at finding wrongdoing in their ranks than they are at effectively dealing with it.

Table 5.2. Perceptions of Investigation Findings and Actions among Public Interest Non-Role Reporters (%)

Internal Witness Survey Q32, 40 (n=139)

Further Investigation Outcome (Q40)	Initial Investigation Outcome (Q32)					Total
	No wrong-doing, no action	Wrong-doing, no action	Wrongdoing, no effective action	Wrongdoing, effective action	Not sure	
No wrong-doing, no action	**7.2**	0.7	0.7	1.4	1.4	11.5
Wrongdoing, no action	--	**3.6**	1.4	--	2.2	7.2
Wrongdoing, no effective action	0.7	3.6	**10.8**	4.3	0.7	17.3
Wrongdoing, effective action	3.6	1.4	2.9	**1.4**	0.7	12.9
Not sure	2.9	2.2	1.4	2.2	4.3	12.9
No further Investigation	5.8	5.8	10.1	9.4	7.2	38.1
Total	20.1	17.3	27.3	18.7	16.5	100.0

Perhaps unsurprisingly, whistleblowers are more likely to pursue further investigation of a matter if the first attempt has not resulted in wrongdoing being found or effective action being taken. The bottom two rows of Table 5.2 show that only one-quarter of whistleblowers who believed that the initial investigation had been completely fruitless let the matter drop, as opposed to one-third of those who at least got the satisfaction of having wrongdoing acknowledged. Interestingly, one-half of those whose initial report resulted in wrongdoing being shown and effective action taken still pursued the matter further. The reasons for this doggedness are unclear at present. Perhaps they have to do with the complexity of some matters (investigations get good results but only cover part of the issues at hand), or perhaps they have to do with some whistleblowers' unwillingness, or inability, to let matters rest.

Those whistleblowers who do pursue a further investigation do not usually achieve a better outcome. The most likely outcome of further investigation was the same result as before (represented by the 23.0 percent of respondents who fall in the four bolded cells on the downward diagonal from the top-left of the table). It is true that 12.2 percent of the whistleblowers represented in the table perceived an improvement in outcome (those falling in the six cells directly to the left of the bolded diagonal). At the same time, however, a comparable 8.5 percent (those falling in the six cells directly above the bolded diagonal) were left with a worse outcome than they gained from the first investigation.

This figure includes most of those who got the best possible outcome—wrongdoing found and effective action taken—from the first investigation. While pursuing more investigations improves the chances of whistleblowers gaining the best possible outcome somewhere along the line—one-quarter (27.3 percent) of whistleblowers achieved this—gaining a better outcome from subsequent investigations remains an unlikely achievement. The results suggest that those who pursue further investigations should be prepared for disappointment.

5.3. Organisational changes

The 'effective action' taken in response to investigations of wrongdoing will vary from case to case. Some action will be individual, directed at wrongdoers, victims or whistleblowers. Other action will involve deeper, systematic changes to organisational structures, policies and procedures. Table 5.3 sets out the proportions of whistleblowers identifying these different types of change as having occurred in response to their reports of public interest wrongdoing.

Table 5.3 Changes in Whistleblowers' Organisations as a Result of Reporting (%)*

Internal Witness Survey, public interest non-role reporters (n=139)

Individual Changes	
Action taken against wrongdoers	21.7
Wrongdoers promoted or rewarded	21.0
Decisions reversed or changed	5.6
Compensation or apologies issued	3.5
Systematic Changes	
Changed agency procedures/policies	11.9
Organisational or management change	9.1
No change	51.0
Not sure	9.8

* Responses sum to more than 100 percent because respondents could circle more than one response.

According to whistleblowers in the Internal Witness Survey, the most common organisational result of their reporting was no change, a result recorded by around half the respondents. About one-tenth of the respondents were not sure what changes had resulted from their reports of wrongdoing. These figures are consistent with the outcome figures recorded in Table 5.2. In perhaps the most extreme example of ineffective action in the face of whistleblower reports, fully one-fifth of the respondents in Table 5.3 claim that wrongdoers were rewarded by promotion or other means when reports were made against them.[2]

Where positive organisational change did result from whistleblowing, it most commonly occurred at the individual level. In one-fifth of cases, wrongdoers were subjected to sacking, discipline, punishment or other corrective action. Less commonly, particular decisions were changed and specific apologies or compensation were issued. In around one-tenth of cases, management or organisational changes were made in agencies. Sometimes, such management changes were more individual than systematic in nature, with individual managers sacked or re-assigned.[3] In another one-tenth of cases, policies and procedures were altered. Overall, 22.4 percent of the public interest non-role reporters perceived at least one positive change and no negative changes to have occurred in their organisation after they reported wrongdoing. Another 9.8 percent described a mixture of positive and negative changes, while 67.8 percent identified no changes or solely negative change.[4]

5.4. Whistleblower satisfaction with outcomes

Are whistleblowers satisfied with the results of their reports? Are they prepared to accept the outcomes described above with the dispassion of an ideal type Weberian civil servant?[5] The answers to these questions are generally negative. In the Internal Witness Survey, whistleblowers were quite prepared to express levels of personal satisfaction and dissatisfaction with the outcomes of investigations, with their levels of satisfaction being generally very low. As Table 5.4 shows, three-fifths of whistleblowers were not at all satisfied with the outcomes of investigations, a further one-fifth were not very satisfied, and one-fifth were at least somewhat satisfied. These negative dispositions hold both for the initial investigation and any later investigations. Typically, more investigation does not produce greater satisfaction.

Table 5.4. Satisfaction with Outcome of First and Subsequent Investigation/s (%)

Internal Witness Survey, public interest non-role reporters (n=137)

How Satisfied?	First Investigation	Subsequent Investigation(s)
Not at all	61.5	62.4
Not very	19.2	20.0
Somewhat to extremely*	19.2	17.6
Total	100.0 (52)	100.0 (85)

*Categories collapsed to allow for analysis are 'somewhat', 'very' and 'extremely'.

What, if anything, can improve whistleblower satisfaction with investigation outcomes? One piece of this puzzle may have to do with how well whistleblowers are kept informed of the outcome of investigation of their reports. Where whistleblowers feel they are being kept in the dark, they are unlikely to jump to the conclusion that the outcome of their report was satisfactory. As Table 5.5 indicates, whistleblowers who are best informed of the outcomes of investigations are the most likely to think those outcomes are satisfactory. A strong relationship (Gamma = .69) exists between the two variables. Six-sevenths (86.0 percent) of those who are not at all informed of outcomes completely unsatisfied with those outcomes, compared with just one-third (34.1 percent) of those who are at least 'somewhat' satisfied with the information they received.

Despite this finding, openness and information should not be seen as panaceas for whistleblower dissatisfaction. Table 5.6 suggests that whistleblowers who learn that no wrongdoing was found or that no action has been taken as just as likely to be completely unsatisfied as whistleblowers who are in the dark as to the outcome of their cases. Findings of wrongdoing accompanied by ineffective action are enough to reduce the total lack of satisfaction among whistleblowers to half; however, it takes findings of wrongdoing accompanied by effective action to reduce the proportion of the totally dissatisfied to one-quarter and raise a bare majority of whistleblowers into the group of somewhat to extremely satisfied.

Table 5.5. Relationship between Level of Information about, and Satisfaction with, Outcome of Final Investigation (%)*

Internal Witness Survey, public interest non-role reporters (n=136)

	How Well Informed of Outcome?		
How Satisfied?	Not at all	Not very	Somewhat to extremely**
Not at all	86.0	57.1	34.1
Not very	10.5	34.3	20.5
Somewhat to extremely**	3.5	8.6	45.5
Total	100.0 (57)	100.0 (35)	100.0 (44)

> *Where respondents were involved in more than one reporting stage, only the final stage is considered here.
>
> ** Categories collapsed to allow for analysis are 'somewhat', 'very' and 'extremely'.

Table 5.6. Relationship between Substantive Outcome of, and Satisfaction with, Final Investigation (%)*

Internal Witness Survey (n=132)

	Final investigation outcome				
Satisfaction with final investigation	Not sure	No wrong-doing, no action	Wrong-doing, no action	Wrongdoing, no effective action	Wrongdoing, effective action
Not at all	81.0	76.9	79.2	48.6	25.0
Not very	19.0	7.7	12.5	35.1	20.8
Somewhat to extremely**	--	15.4	8.3	16.2	54.2
Total	100.0 (21)	100.0 (26)	100.0 (24)	100.0 (37)	100.0 (24)

> *Where respondents were involved in more than one reporting stage, only the final stage is considered here.
>
> ** Categories collapsed to allow for analysis are 'somewhat', 'very' and 'extremely'.

These results are quite stark. Most whistleblowers in the Internal Witness Survey are not dispassionate Weberian participants in the investigation process. The vast majority of this particular group of respondents was not remotely satisfied by outcomes unless those outcomes confirmed their belief that wrongdoing has taken place and the outcome involved action commensurate with that confirmation. Whistleblowers may therefore set a very high bar for their organisations and others involved in dealing with cases of wrongdoing to clear. For a range of reasons, some of them involving quite legitimate considerations of procedure, organisations may be likely to fail to clear this bar.

The importance of a clearer understanding of the ways that different aspects of a whistleblowing incident combine to influence satisfaction with outcomes, is demonstrated by

Table 5.7. This table takes a different perspective, looking at casehandler and manager perceptions as to what constitute the important outcomes for whistleblowers, as well as for themselves. In the same case study agencies in which the Internal Witness Survey was undertaken, the Casehandler and Manager Survey asked these respondents to rate the importance of different outcomes for whistleblowers, almost all casehandlers and managers (95.7 percent) believed that fair treatment was 'very important' to whistleblowers, while the vast majority (86.4) thought an appropriate investigation was 'very important' to them. About two-thirds believed that appreciation of the whistleblower's role (66.2 percent) and resolving organisational conflict (63.4 percent) were 'very important' to whistleblowers. Less than half of the casehandlers and managers (45.2 percent) believed that whistleblowers would see substantiation of their complaints as 'very important'.

The evidence presented earlier – and in chapter 6 – suggests that this assessment is quite inaccurate. As a group, casehandlers and managers do not appear to recognise the crucial importance that substantiation of the complaint takes on for many whistleblowers. Instead, the desired outcomes that casehandlers and managers attribute to whistleblowers tend to closely match the proportions of casehandlers and managers who themselves view each of these different outcomes as very important (95.3, 92.8, 68.5, 61.8 and 34.4 percent respectively). The strong suggestion here is that when casehandlers and managers confront whistleblowers, they see them as reflections of themselves; that is, public sector officials with a detached interest in working through processes (fair treatment, appropriate investigations) rather than as people with a deep commitment to achieving a particular result.

The obverse of this coin is that, at least initially, whistleblowers may see casehandlers and managers as sympathetic figures who will share their understanding of, and commitment to, the truth of the matter. In fact, this may well not be the case, and such a shared understanding and commitment may not exist. These mutual misperceptions may underlie many of the difficulties that organisations encounter in dealing effectively with the reporting of wrongdoing. This evidence has significant implications for the way in which whistleblowing might be better managed, as discussed in chapter 6.

Table 5.7. Important outcomes when employees reporting wrongdoing (means)

Casehandler and Manager Survey Q29, 30 (n=560)

1 = Not important, 2 = Somewhat important, 3 = Very important	What do you believe are the most important outcomes sought by **employees** when they report wrongdoing?	Which outcomes do **you** believe are the most important in the way employees' reports of wrongdoing are managed?
That they are treated fairly	2.96	2.95
That an appropriate investigation is carried out*	**2.86**	**2.92**
That their role in providing information is appreciated	2.63	2.65
That organisational conflict is resolved	2.60	2.58
That the complaint is substantiated*	**2.38**	**2.06**

* Difference statistically significant at the p=0.01 level.

5.5. Treatment of whistleblowers by management and co-workers

So far this chapter has focused on whistleblowers' perceptions and judgements about the impact of their reports on others in their organisations and their organisations as a whole. Another set of outcomes concerns the impact of whistleblowing on the whistleblowers themselves. As discussed in chapter 1, the popular stereotype of whistleblowing, often shared by whistleblower support groups and some of the academic literature (e.g. de Maria 1999), is that whistleblowers are inevitably made to suffer harm for their reports of wrongdoing.

As a corollary to this, considerable policy attention has been given to the creation of criminal sanctions against those who take reprisals against whistleblowers, as a means of seeking to extract justice and deter those who would seek to impose such harm. The assumption is that the harm is caused by identifiable individuals, who can thus be held liable for discrete reprisal actions, rather than the organisation as such. In particular the main risk of harm is often seen as coming from the whistleblower's co-workers, whether the alleged wrongdoers (upon whom the whistle has been blown) or colleagues presumed to have it in for anyone who would 'dob in their mates'. It is often thought that managers in organisations are less likely to present reprisal risks, unless themselves exposed as a wrongdoer or directly implicated in or embarrassed by the disclosure.

How true are each of these presumptions: first, that all or even most whistleblowers suffer as a result of their experience; and second, that the source of any suffering is more likely to come from co-workers than the management of the organisation?

Before examining the actual experience of whistleblowers, elements of both presumptions can be found among respondents to the Casehandler and Manager Survey. Asked 'how often do you think employees who report wrongdoing experience problems (e.g. emotional, social, physical or financial) as a result of reporting?' (Q31), 48 per cent of the case study agency casehandlers and managers indicated this was 'often' or 'always' the case, with a further 42 per cent indicating it was 'sometimes' the case. Only 10 per cent of respondents to this question indicated a view that it was 'rarely' or 'never' the case. Asked how well employees who report wrongdoing were treated by managers and co-workers respectively, both casehandlers and managers confirmed that they regarded co-workers as a more substantial problem for whistleblowers than managers. Table 5.8 shows this result. On average, casehandlers responded that managers were likely to treat whistleblowers the same or slightly badly, but that co-workers were likely to treat whistleblowers somewhat more badly again; while managers responded that their peers (i.e. other managers) treated whistleblowers the same to quite well, but that again co-workers treated whistleblowers the same to quite badly. In short, casehandlers and managers were each more likely to blame co-workers than managers for whatever bad treatment did occur.

Table 5.8. Negative impacts and risks of reprisal for employees who report (means)

Casehandler and Manager Survey Q31-36

1 = extremely well 2 = quite well 3 = the same 4 = quite badly 5 = extremely badly	Casehandlers (n=224)	Managers (n=304)	Total (n=528)
How do you think employees who report wrongdoing are treated by **management**?	3.2	2.8	3.0
How do you think employees who report wrongdoing are treated by **co-workers**?	3.4	3.3	3.3

However both these perceptions are challenged by the evidence of actual treatment provided by whistleblowers in the current study. The best data on overall patterns of treatment of whistleblowers by co-workers and managers come from the Employee Survey. Table 5.9 sets out the mean responses for all respondents who had reported wrongdoing in the 118 agencies surveyed, in the categories used in the previous chapters. Figure 5.1 sets out the percentages of Employee Survey respondents who had reported public interest matters outside their role (i.e. public interest whistleblowers) according to their treatment by management, co-workers or both. The proportions for the Employee Survey whistleblowers across the 15 case study agencies were almost identical to those across the total Employee Survey dataset.

Table 5.9. Treatment by management and co-workers (means)

Employee Survey Q30, 31, reporters of wrongdoing (n=2082, 64 missing)

1 = extremely well 2 = quite well 3 = the same 4 = quite badly 5 = extremely badly	Role reporters (n=603)	Non-role reporters (n=1452)	Non-role personnel / workplace grievances (n=541)	Non-role public interest (n=877)
How do you feel you were treated by **management** because you reported?	2.2	2.9	3.1	2.8
How do you feel you were treated by **your co-workers** because you reported?	2.4	2.7	2.7	2.7

Figure 5.1. Treatment by management and co-workers (%)

Employee Survey Q30, 31, public interest non-role reporters (n=877, 36 missing)
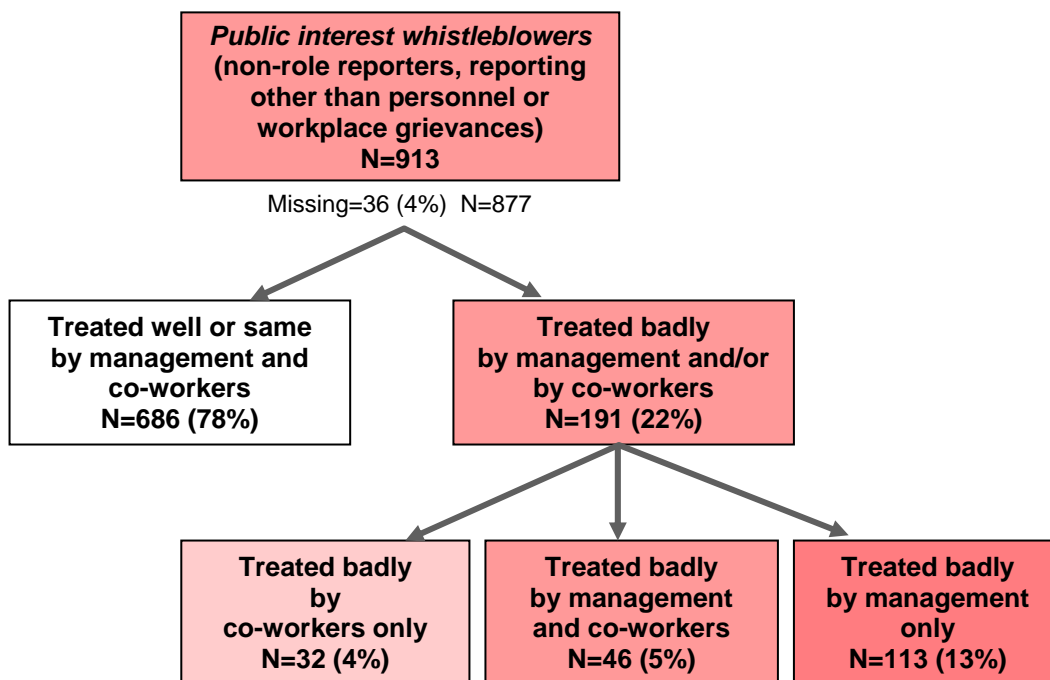
These data show that less than one-quarter of respondents believe that they were treated badly by co-workers, managers, or both groups, after they reported wrongdoing. Only one-twentieth of the sample were treated badly by both groups. Since only four percent indicated that they were treated badly by co-workers alone, in total only nine percent indicated any bad treatment from co-workers. However 13 percent indicated they were treated badly by managers alone, meaning that in total 18 percent of public interest whistleblowers – the majority of those who said they were treated badly – indicated that management was a source of this bad treatment.

The same data are set out in Table 5.10 alongside the equivalent data from the Internal Witness Survey. This further emphasises that almost two-fifths of Employee Survey respondents (39 percent) were treated well by at least one group, with one-fifth (22 percent) being treated well by both managers and co-workers. The most common experience of whistleblowers from the Employee Survey, reported by almost one-half of the respondents (46 percent), was no change in treatment by either managers or co-workers. Over three-quarters of respondents (78 percent) were treated as well or better by both managers and co-workers than they had been before they reported wrongdoing.

Table 5.10. Treatment of Whistleblowers by Managers and Co-Workers (%)

Employee Survey (ES) Q30, Q31; Internal Witness Survey (IWS) Q50, Q51

Treated by co-workers	Treated by Managers						Total	
	Well		Same		Badly			
	ES	IWS	ES	IWS	ES	IWS	ES (n=877)	IWS (n=139)
Well	**21.7**	8.6	4.7	6.5	5.9	17.3	32.3	32.3
Same	6.2	2.1	**45.7**	18.0	7.0	18.3	58.8	37.4
Badly	0.9	2.2	2.7	2.8	**5.2**	25.2	8.9	30.2
Total	28.7	12.9	53.1	27.3	18.1	59.8	100.0	100.0

As might be expected, the Internal Witness Survey offers a somewhat bleaker picture of the treatment of whistleblowers. Nonetheless, seven-tenths of the respondents reported that they were treated well or the same by co-workers after they blew the whistle, while two-fifths (40 percent) were treated well or the same by managers. Without in any way discounting the difficulties they endured, it is worth noting that only one-quarter of whistleblowers in the Internal Witness Survey (25 percent) were treated badly by both managers and co-workers. This is significant because as noted in chapter 2, the Employee Survey cannot be fully representative of the total whistleblower experience, since all its respondents were still employees of the relevant organisation. Consequently the survey did not capture any of those employees who might have had sufficiently bad whistleblowing experiences to have either left or been terminated from the organisation, even though it almost certainly captured some close to that point. By comparison, the Internal Witness Survey captured a range of whistleblowers with on average worse experiences; it is therefore notable that even so, many of them still reported equal or good treatment. A major lesson of both surveys is that whistleblowers do not inevitably suffer ill-treatment by fellow workers or managers, and that many whistleblowers are treated well or no differently than before by members of their workplaces.

What of the second presumption, that when bad treatment does occur, it is more likely to come from co-workers? Contrary to many stereotypes about workplace antipathy towards 'dobbers', and the expectations of casehandlers and managers, the most common source of poor

treatment of whistleblowers was shown to be management rather than co-workers. Although the percentages vary, this finding is consistent across the Employee and Internal Witness surveys. In the Employee Survey, 18 percent of respondents reported bad treatment from managers, compared with 9 percent from co-workers. This two-to-one ratio is repeated in the Internal Witness Survey, where the relevant percentages are 60 percent for managers and 30 percent for co-workers. While reducing the incidence of bad treatment of whistleblowers by co-workers is an important goal, these results suggest that more attention should be directed to reducing the higher levels of perceived bad treatment by managers.

The Internal Witness Questionnaire posed a series of follow-up questions about the nature of bad treatment and harm. The first asked about reprisals: 'Do you feel that you were deliberately treated badly or harmed at your workplace in any way because you reported or provided information about the wrongdoing?'. Sixty-six percent of respondents answered 'Yes', a proportion that matches the proportion in the Internal Witness Survey who had earlier responded that they had been treated badly by managers, co-workers or both (see Table 5.10). By taking the corresponding proportion of those treated badly by managers or co-workers in the large Employee Survey (22 percent), we can estimate that the overall proportion of public sector whistleblowers who perceive themselves as having experienced some kind of reprisal is likely to be around twenty to twenty-five percent.

Those respondents in the Internal Witness Survey who identified themselves as having experienced reprisals were then asked to say what forms this deliberate harm or bad treatment took. The results are presented in Table 5.11. As even a cursory inspection of the table makes clear, those whistleblowers who do endure reprisals are likely to encounter more than one type of deliberate bad treatment or harm. The average number of different types of reprisals recorded, among those suffering any at all, was 6.7. When reprisals occur, they are likely to take a range of forms. Some reprisals are also more common than others.

Table 5.11 also presents, alongside the reprisal experiences of whistleblowers themselves, the perceptions of reprisals among casehandlers and managers in the same agencies who indicated they had direct experience of cases involving action against whistleblowers. The two groups were asked different questions about reprisals. Whistleblowers were asked which reprisals they had experienced in their own particular cases of reporting wrongdoing, while casehandlers and managers were asked to reflect on *all* the cases of reprisals of which they had direct experience. Despite these different questions, with very few exceptions (unsafe and humiliating work, financial loss and essential resources withdrawn), the *patterns* of most and least common types of reported reprisals are remarkably consistent across both groups.

Key differences seem to separate the most and least common types of reprisal. The most common types of reprisal—threats, intimidation, harassment or torment, undermining of authority, heavier scrutiny of work, ostracism, questioning of motives, unsafe or humiliating work and being made to work with wrongdoers—centre on those that result in the whistleblower's position at work becoming more psychologically uncomfortable over a period of time. If undertaken deliberately, these types of reprisals can all be achieved more or less surreptitiously and without formal change to the status of the whistleblower. Some of them are also highly subjective, in that while they may be very real in the mind of the whistleblower, the action may be relatively unconscious or unintended to cause harm on the part of co-workers or management. These contrast with the least common reprisals—loss of entitlements, sacking, suspension, demotion, forced probation and assault—which involve more drastic and tangible action against the whistleblower. Precisely because of this tangibility, they are riskier than the most common reprisals. For example, assault leaves physical evidence, while the other five all involve formal changes to the whistleblower's status that is difficult to achieve and leaves a paper trail.

Table 5.11. Types and Frequency of Bad Treatment or Harm after Whistleblowing (%)*

Internal Witness Survey Q53 (n=141), Casehandler & Manager Survey Q38 (n=225)

	% of all whistleblowers recording	% of those whistleblowers experiencing any harm	% of casehandlers & managers recording**
Threats, intimidation, harassment or torment	43.1	63.9	59.1
Undermined authority	29.9	44.3	38.2
Heavily scrutinised work	29.2	43.3	40.0
Ostracised by colleagues	28.5	42.3	56.9
Questioning of motives for whistleblowing	25.0	37.1	53.8
Unsafe or humiliating work	21.5	32.0	14.2
Forced to work with wrongdoers	20.8	30.9	25.8
Financial loss	18.1	26.8	9.8
Essential resources withdrawn	17.4	25.8	12.4
Missed promotion	16.7	24.7	22.7
Poor performance report	16.7	24.7	30.7
Involuntary transfer	16.7	24.7	29.3
Reference denied or poor	16.0	23.7	16.0
Training denied	15.3	22.7	20.4
Given little or no work	15.3	22.7	20.4
Overworked	13.9	20.6	15.6
Made to see psychiatrist or counsellor	13.2	19.6	26.2
Disciplinary action or prosecution	13.2	19.6	15.1
Forced to take leave	11.8	17.5	20.4
Harassment of friends, colleagues or family	11.1	16.5	13.8
Destroyed, damaged or stolen property	11.1	16.5	11.6
Lost entitlements	7.6	11.3	8.4
Sacked	5.6	8.2	5.3
Suspended	4.9	7.2	8.0
Demoted	3.5	5.2	6.7
Put on probation	3.5	5.2	4.9
Assault or physical harm	1.4	2.1	6.2

* Percentages in each column sum to more than 100 because respondents could indicate as many categories of harm as applied to them. The response '[S]uffered a new or increased illness', recorded by 30.6 percent of all whistleblowers and 48.0 percent of casehandlers and managers who had direct experience of reprisals against whistleblowers, has been omitted from the table, since it does not refer directly to a type of action taken against whistleblowers.

** Column percentages are proportions of the total number of casehandlers and managers who reported direct experiences of whistleblowers alleging or experiencing reprisals. Each percentage refers to the proportion of such casehandlers and managers who believed that the relevant type of reprisal had actually occurred at least once in the cases with which they had direct experience.

These results show that where bad treatment does occur, or is perceived as occurring, it is unlikely to involve a single decisive blow such as a sacking or demotion, and more likely to involve a series of smaller blows over time. Further, even though bad treatment is clearly real

and all-too-common for the 20-25 per cent of whistleblowers who experience it, only in very rare cases is the nature of any reprisal such that it could meet the legal thresholds required to prove criminal liability on the part of any individual. Consequently there is a very real question whether reliance on the creation of criminal offences, prosecution and the like is a well-founded strategy for addressing the bulk of reprisal risks or for trying to deal with the vast bulk of reprisals that do occur.

Who is most likely to be responsible for reprisals against whistleblowers? Table 5.12 sets out the figures for all the groups included in the relevant item in the Internal Witness Survey. The basic story is that, according to respondents in the Internal Witness Survey, managers and co-workers are most likely to be involved. They occupy the first five places in Table 5.12 and in one way or another were involved in all but 3.1 percent of cases of reprisals. Again, contrary to popular belief, it is managers who are more likely to be involved in reprisals against whistleblowers than co-workers. According to whistleblowers, two-thirds of cases (64.9 percent) involved deliberate harm by one or more levels of management (immediate supervisors, other more senior managers and/or CEOs), with no involvement by co-workers (workers at or below the respondent's level). One-quarter of cases (24.7 percent) involved managers and co-workers, while just one in fourteen (7.2 percent) involved co-workers and not managers. In about three-quarters of the cases of co-worker reprisals, managers were also involved. One interpretation of this finding is that co-workers tend to need the covert or overt permission of managers before they will engage in reprisals (Strandmark & Hallberg 2007).

Table 5.12. Categories of People Identified by Whistleblowers as 'Mainly Responsible' for Deliberate Bad Treatment or Harm (%)*

Internal Witness Survey, public interest non-role reporters who experienced deliberate bad treatment or harm (n=93)

Senior managers	74.2
Supervisors	52.6
CEOs	30.9
Colleagues at same level	24.7
Colleagues below level	20.6
Officers from internal ethics unit	16.5
Officers from human resources unit	16.5
Unions or professional associations	13.4
Government watchdog bodies	8.2
Other internal specialist officers	6.2
Members of Parliament	4.1
Internal support programs	4.1
Internal peer support people	2.1
Internal counselling or welfare services	1.0
External counselling or welfare services	1.0
Other community support groups	1.0
Whistleblower support groups	--
Journalists	--
Family members	--

* Percentages sum to more than 100 because respondents could indicate as many categories as applied to them.

While treatment by managers appears to play the pivotal role, two further points need to be made. First, the proportion of whistleblowers indicating bad (or good) treatment) by management is not uniform across agencies. As set out in chapter 2, organisations differ considerably in the proportions of employees who observe wrongdoing who then go on to report it. Similarly, organisations differ in the proportions of whistleblowers who claim to have been treated badly. Figure 5.2 provides an indication of this, for the 55 agencies across all four jurisdictions in which at least 10 respondents had reported wrongdoing (of whatever kind) and then gone on to respond to the question about how they were treated by management. While the Commonwealth, Queensland and Western Australian governments all had at least one agency for whom this 'bad outcome' rate was very low (less than five percent, as against the national mean of 18 per cent), all jurisdictions also had at least one agency for whom the rate was double the national mean or greater (36+ percent).

Figure 5.2. Proportion of reporters indicating bad treatment by management (%)

Employee Survey Q30 (n=55 agencies)
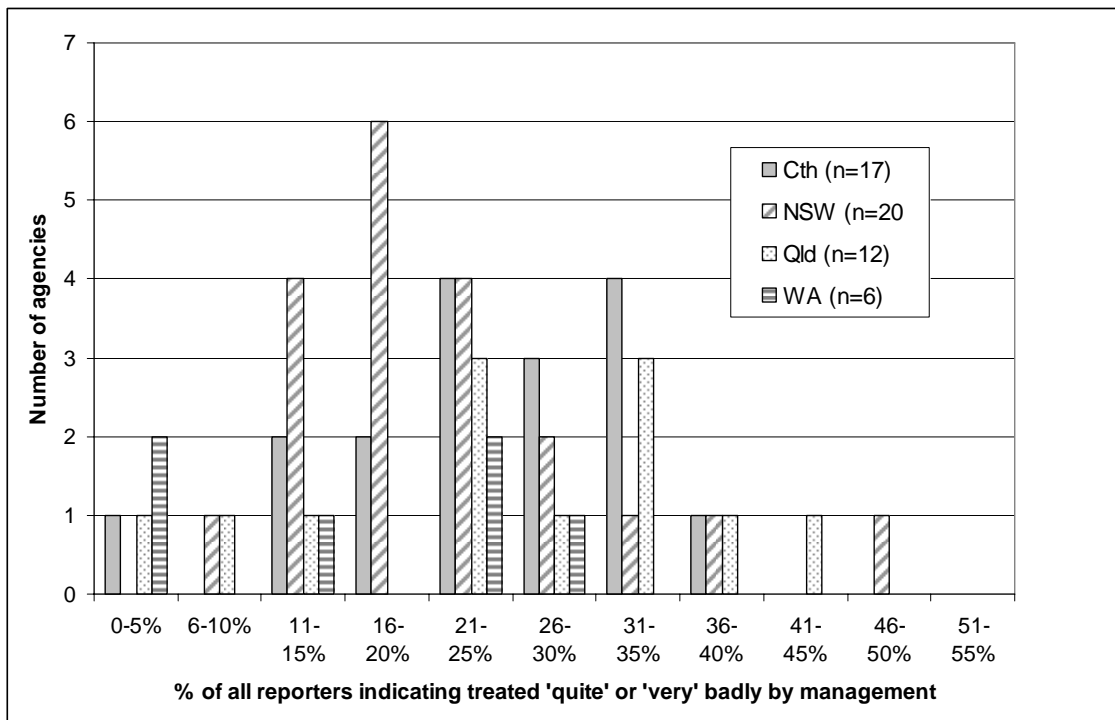
Second, it is worth stressing again that the Employee Survey suggests that in the clear majority of cases, managers do not harm whistleblowers – but that according to the Internal Witness Survey, in the minority of cases where whistleblowers do suffer reprisals, managers are almost certain to be involved. As elsewhere in this report, our attention is drawn to the crucial role that managers play in the successful or unsuccessful handling of cases of whistleblowing.

This point is underscored in Table 5.13, which shows the relationship between the treatment of whistleblowers by managers and those whistleblowers' perceptions of the general change in organisations after their reports. The third column shows that things often get worse in organisations when managers treat whistleblowers badly, while the first column shows that things almost never get worse when managers treat whistleblowers well. By the same token, things *can* get better in an organisation when managers treat whistleblowers badly but things almost always *will* get better in an organisation when managers treat whistleblowers well.

Table 5.13. Relationship between Treatment by Managers and
Overall Judgement about Result of Investigation (%)

Employee Survey Q30, Q33 (n=557)

Overall result	Manager Treatment After Report		
	Well	**Same**	**Badly**
Things better	83.5	53.4	22.4
No change	14.2	42.5	37.8
Things worse	2.4	4.0	39.8
Total	**100.0 (n=212)**	**100.0 (n=247)**	**100.0 (n=98)**

5.6. Changes to outlooks of whistleblowers

The final dimension of the outcomes of whistleblowing discussed in this chapter concerns changes in the way whistleblowers view themselves and their organisations. These changes are primarily explored through a series of semantic differential scale items in the Internal Witness Survey, in which respondents were asked to rank their feelings as a result of their reporting experiences on five point scales. The two ends of each scale represent negative and positive outcomes, with the most negative outcomes scored '1' and the most positive outcomes scored '5'.

Perhaps unsurprisingly, given what we already know of the respondents in the Internal Witness Survey, the changes they experienced as a result of their whistleblowing were generally negative. The average whistleblower felt decreased trust, disempowerment, betrayal, persecution, frustration, increased stress, anxiety, increased mood swings, withdrawal from others, decreased self-worth and decreased self-esteem. Table 5.14 shows these negative feelings organised according to the results of a factor analysis that suggested that the eleven feelings had three underlying factors. The first column (a) shows the results for all public interest whistleblowers, including all those treated either well or badly. None of the individual items approaches the mid-point of the scale (3).

The first factor is comprised of items that dealt with whistleblowers' relationships and might be called 'feelings about others'. The scale based on these items produced the most negative mean score (1.78), indicating that the greatest damage done to whistleblowers as a result of their experiences has to do with their relationships with others in their organisations. The second combined scale, based on a factor that deals more with 'emotions about self' is not much less negative. Interestingly, the third factor identified contains the two items, self-worth and self-esteem, on which whistleblowers scored most positively. What this suggests is that a core sense of individual worth is the most robust of all the feelings of whistleblowers. It may also suggest that while some elements of the whistleblowing experience may challenge the sense of worth, the act of whistleblowing may itself reinforce it in other respects.

In Table 5.14, the second column (b) also shows the results for all those public interest whistleblowers who indicated that they were treated either well or the same by management and co-workers. On the whole the scores are more positive, as might be expected from whistleblowers who did not indicate that they suffered any direct bad treatment or harm. In particular, their sense of self-worth increased. However it is important to note that overall, this was the only item against which well-treated whistleblowers recorded anything positive; and only in relation to two items on the first two scales ('affirmation' and 'connection') did the

respondents reach the mid-point (3). Even those whistleblowers who experience 'good' outcomes in terms of treatment have more negative feelings as a result of their experiences, includingincreased stress, frustration, anxiety and decreased trust in their organisation notwithstanding the lack of direct bad treatment. These results highlight the delicately balanced nature of the whistleblowing experience, and resonate with the quote provided at the outset by a whistleblower from a 'successful' case.

5.14 Respondents Feelings as a Result of Whistleblowing (Mean responses on 1-5 scales)*

Internal Witness Survey, public interest non-role reporters (n=144)

	1	5	(a) All public interest non-role reporters	(b) Treated *well/same* by mgt and co-workers
			Mean (n=144)	Mean (n=47)
a.	Decreased…	Increased trust in organisation	1.38	2.42
b.	Powerlessness	Powerfulness	1.95	2.58
c.	Betrayal	Support	1.81	2.62
d.	Persecution	Affirmation	2.03	2.96
e.	Frustration	Satisfaction	1.72	2.48
Mean response for combined items a-e (1-5 scale):				
		Factor 1 'Feelings about others'	**1.78**	**2.60**
f.	More stress	Less stress	1.67	2.40
g.	Anxiety	Confidence	1.87	2.47
h.	Increased…	Decreased mood swings	2.23	2.62
i.	Withdrawal from…	Connection with others	2.18	3.00
Mean response for combined items f-i (1-5 scale):				
		Factor 2 'Emotions about self'	**1.99**	**2.62**
j.	Decreased…	Increased self-worth	2.57	3.21
k.	Decreased…	Increased self-esteem	2.44	3.04
Mean response for combined items j-k (1-5 scale):				
		Factor 3 'Individual worth'	**2.51**	**3.13**

* Items were ordered differently in the Internal Witness Survey. They are presented here as suggested by a factor analysis that produced three distinct factors. All three scales are reliable (Cronbach's alpha .9).

Finally, the core sense of individual worth associated with the Internal Witness Survey whistleblowers may also help to explain the conviction of many that they would do the same again if they 'had [their] time over again'. Over one-third of the Internal Witness Survey respondents (36.8 percent) said they would be 'extremely likely' to report again, with another one-third either 'very likely' or 'somewhat likely' (29.8 percent). Only one-third (33.3 percent) would be 'not very' or 'not at all' likely. A similar majority of whistleblowers would be 'somewhat' (18.8 percent), 'very' (20.1 percent) or 'extremely' (25.0 percent) likely to advise others in their organisations to blow the whistle if they encountered wrongdoing.[6] A minority of

whistleblowers (36.1 percent) would be 'not at all' or 'not very' likely to advice others to follow the path that they had taken.[7]

As Table 5.15 demonstrates, the preparedness to report again is even higher on the part of Employee Survey respondents who reported wrongdoing. In all, about 90 per cent of all reporters indicated they would report again. This suggests that the whistleblowers who responded to the Internal Witness Survey are not necessarily substantially more dogged in their conviction that wrongdoing must be addressed, notwithstanding their generally worse experience than the respondents from the random sample. Indeed the table shows that for both groups, experience of bad treatment by managers and co-workers does have a negative impact on preparedness to report again, even though the overall preparedness is quite high. In both cases, as the number of sources of bad treatment increases, so too the stated preparedness to report again drops away.

These data provide a final salutory reminder of the way in different types of outcome interact. Substantive outcome has a strong relationship with whistleblower satisfaction. Satisfaction may well have a strong relationship with treatment by management; and treatment by management clearly has a strong relationship with the messages about the wisdom of reporting that whistleblowers are likely to transmit elsewhere through the organisation.

Table 5.15. Likelihood of reporting again, by treatment (%)

Employee Survey (ES) Q30,31,34 (all reporters, n=2064)
Internal Witness Survey (IWS) Q 50,51,62 (all reporters, n=208)

Treated by managers & co-workers	Likelihood of reporting again				Total	
	'Not at all' or 'not very'		'Somewhat', 'very' or 'extremely'			
	ES	IWS	ES	IWS	ES	IWS
Well / same by both	4.8	17.9	94.4	82.1	100.0 (n=1645)	100.0 (n=78)
Badly by co-workers only	13.1	12.5	86.9	87.5	100.0 (n=61)	100.0 (n=8)
Badly by mgt only	26.4	26.0	73.6	74.0	100.0 (n=258)	100.0 (n=73)
Badly by both	41.0	65.3	59.0	34.7	100.0 (n=100)	100.0 (n=49)
Total	9.4	32.3	90.6	67.8	100.0 (n=2064)	100.0 (n=208)

5.7. Conclusion

The findings of this chapter suggest a number of lessons for public sector whistleblowers and managers. The lessons for whistleblowers are several. First, when the outcome of whistleblowing is known, it is often likely to involve a finding that wrongdoing has occurred. Second, many such findings will not be accompanied by change within organisations. Third, this contradiction is likely to be a source of deep frustration for many whistleblowers, given their strong belief in the need for effective action commensurate with the truth of their allegations. Fourth, this frustration is likely to involve negative changes in whistleblowers' relationships with others in their organisations. Fifth, nevertheless, most whistleblowers will not suffer reprisals or bad treatment at the hands of others, even if their overall experience is

stressful, negative or causes problems in other ways. Sixth, those that do suffer reprisals, however, will suffer reprisals that are difficult to prove, certainly to any criminal threshold.

The lessons for managers begin with the fact that they need to be recognised as very significant players in producing better or worse outcomes. As the first port of call for most whistleblowers, they are in crucial positions to shape the outcomes of whistleblowing. The outcomes of an initial manager's investigation of a wrongdoing report are unlikely to be improved by later investigations. The treatment of whistleblowers by managers has important effects on whether or not whistleblowers view the outcome of their reporting of wrongdoing in positive or negative terms. In particular, any assumptions by managers that little can be done to protect whistleblowers or prevent workplace problems associated with reporting, appear to be seriously misplaced and only likely to contribute to adverse results, given the evidence that a majority of Managers also appear to exercise considerable control over the extent to which the co-workers of whistleblowers engage in bad treatment and reprisals. Finally, managers need to at least be aware that outcomes are more important than processes for most whistleblowers. All of these points suggest that public sector organisations need to pay careful attention to the training of managers in the effective handling of wrongdoing reports.

Endnotes

[1] The authors thank Lindy Annakin and Jane Olsen for assistance with analyses in this chapter.

[2] Intriguingly, in 3.5 percent of cases, respondents reported that wrongdoers were both rewarded and punished. In these cases, some wrongdoers may have been protected and rewarded, while others were made scapegoats.

[3] A number of respondents made this point clear in additional written comments made on the questionnaires.

[4] These figures suggest a different pattern of experiences to those from the Employee Survey reported at the start of this chapter.

[5] Max Weber describes one of the three 'social consequences' of bureaucratic order as: 'The dominance of a spirit of formalistic impersonality: "Sine ira et studio", without hatred or passion, and hence without affection or enthusiasm. The dominant norms are concepts of straightforward duty without regard to personal considerations. Everyone is subject to formal equality of treatment; that is, everyone in the same empirical situation. This is the spirit in which the ideal official conducts his [or her] office' (Weber 1978 edition, 225).

[6] Willingness to report again and likelihood of advising others to report are strongly associated (Gamma = .82).

[7] This might be termed the Trevor Haken response, after police whistleblower Haken's pithy reply when questioned about the advice he would give aspiring police whistleblowers: 'Tell them to f*** off' (see Padraic 2005: 233).

6. SUPPORT FOR WHISTLEBLOWING AMONGST MANAGERS: EXPLORING JOB SATISFACTION AND AWARENESS OF OBLIGATIONS

Paul Mazerolle and A J Brown[1]

6.1. Introduction

Among the contradictions in current research on whistleblowing is the dual role that managers often play. On one hand, managers can create and foster unhealthy work environments that lead to employee complaints, low staff morale, and high employee turnover. In an environment where abusive supervision practices are prevalent (Kellars, Tepper & Duffy 2002) reports of wrongdoing can be expected, especially amongst employees with moderate levels of organisational commitment (Somers & Casal 1994). Inevitably, the degree of harshness experienced within such an organisational setting can nullify any attempt by staff to make formal reports of institutional misconduct.

By contrast, some managers, for a range of reasons, foster productive and professional work environments that engender more positive experiences amongst employees. In this context, managers may not only be expected to promote and foster a positive reporting climate, but also demonstrate the commitment and capacity to provide more professional and effective responses to whistleblowing incidents should they occur. Thus, the confidence that effective managers provide to their staff may well promote greater employee communication intended to resolve concerns informally, or strong assurances that effective responses will be available in the event that formal reports are made.

This duality of roles is well demonstrated by the analysis so far. In chapter 4, we saw that most employees who are prepared to come forward with concerns about wrongdoing are predisposed to trust their managers with that information. This predisposition to trust managers is clearly in the organisation's interests. However in chapter 5, which focused on outcomes largely from the perspectives of whistleblowers, we saw that managers are likely to be regarded as the source of most bad treatment or harm that whistleblowers experience, notwithstanding that this bad treatment appears to occur in a minority of cases. In some cases the perception that management has failed or deliberately mistreated the whistleblower may be unavoidable.

From all the evidence so far, there are good reasons to expect that the competence, attitudes and qualities of managers may make a material difference in relation to their commitment to the practice of whistleblowing, as well as their support for procedures for reporting or handling whistleblowing. In short, the role of managers within organisational settings is crucial in relation to whether whistleblowing occurs, whether whistleblowing reporting procedures and attitudes to reporting wrongdoing are endorsed or promoted, and whether such incidents are managed in a professional and competent manner (Masser & Brown 1996; Vandekerckhove 2006). Whilst it is often acknowledged that the role of management is crucial toward handling and supporting whistleblowing, important questions remain regarding the interaction between organisational experiences and workplace attitudes in determining a manager's level of support for whistleblowing. There have been a limited set of studies linking various organisational characteristics such as workplace culture to whistleblowing (cf Zhuang, Thomas & Miller 2005), but much of this research has not especially focused on the role of managers. Therefore the relationship between a manager's workplace attitude and attitude towards whistleblowing is poorly understood.

In this chapter we examine the relationships between organisational and personal factors and levels of managerial support for whistleblowing. More specifically, we examine whether managers with positive attitudes towards their organisation, as indicated by their job satisfaction, trust in management and organisational citizenship disproportionately support whistleblowing when compared to other managers and non-managers. We then explore the extent to which managers appear conscious of their *specific* obligations in respect of the management of whistleblowers, as a continuation of the broader inquiry into how effectively these positive outlooks translate into practice.[2]

6.2. Research focus and method

Support for whistleblowing generally, as well as knowledge and support for specific procedures involved in advancing whistleblowing and its effective management, are arguably a refection of a more professionalized management culture within an organisational setting. In these circumstances, a much lower prevalence of abusive management practices could be expected (Kellars et al 2002). Our specific concerns in the current chapter involve exploring relationships between managers and non-managers across public sector organisations on various organisational climate indicators, as well as their attitudes and commitment toward whistleblowing generally, and knowledge of procedures for reporting whistleblowing.

Our first set of research expectations are that, all else equal, managers when compared to non-managers, should demonstrate significantly more trust in management, job satisfaction, citizenship and will have greater support toward whistleblowing. Further interest concerns how employee levels of job satisfaction relate to commitment to and support for whistleblowing. Does job satisfaction impact upon levels of support for whistleblowing? Are such relationships magnified for managers? It could be expected that among dissatisfied employees, lower levels of support for whistleblowing would be observed, given that whistleblowing may itself gauge beliefs about procedural justice, fairness, organisational loyalty and commitment. By contrast, levels of support for whistleblowing as well as knowledge of the procedures for reporting it may be much greater amongst managers and employees generally who are satisfied with their work. In these circumstances, job satisfaction could link directly to trust, organisational citizenship, and loyalty, which may foster a greater sense of awareness of the role of whistleblowing as well as the importance of effectively managing such events. Thus, it is reasonable to expect that support for whistleblowing amongst managers and non-managers alike may well be accentuated for employees with higher levels of job satisfaction.

Our second set of expectations is that managers will also demonstrate greater knowledge of the procedures triggered by the reporting of wrongdoing, including their own obligations in respect of it. Does job satisfaction impact upon knowledge of procedures for reporting whistleblowing? Do managers have greater understanding of specific legal previous in relation to whistle-blowing? Our approach will explore whether managers differ from non-managers in this key aspect of whistleblowing management.

The first expectations are explored by examining whether managers differ from non-managers on a range of key organisational climate measures, drawn from the Employee Survey. Of the 7,663 respondents to the survey, about 1,620 (21%) identified as managers. Additionally, differences across employees with varying levels of job satisfaction are directly assessed. In this way, it can be explored whether there are consistent relationships linking job satisfaction to whistleblowing knowledge and attitudes. We also examine whether support for whistleblowing is a direct function of organisational role, such as being a manager. Lastly, the direct predictive relationships between managerial status and job satisfaction with support for whistleblowing are examined to assess whether managers have an increased probability of supporting whistleblowing net of various organisational dimensions including job satisfaction.

Measures used are similar to those employed in chapter 3. The measure for organisational citizenship behavior (Graham 1989) comprises the sub-components of helping (five items, α = .74), initiative (five items, α = .80), industry (four items, α =.67), and loyalty (five items, α = .83). Trust in management (Robinson & Rousseau 1994) is assessed by a seven item scale which gauges the extent to which respondents believe that managers will treat employees fairly (α =.90). Job satisfaction (Agho and Miller 1992) is gauged with a six item scale to assess employee job satisfaction and enjoyment with their employment role and working conditions (α = .86). Whistleblowing propensity is assessed using a scale developed by Keenan and colleagues (2000) which has two discrete components: attitudes toward whistleblowing (five items, α = .84) and knowledge of reporting procedures (five items, α = .84).

The analytical approach to this chapter proceeds in stages. We firstly compare managers to non-managers on a range of organisational measures to assess a series of mean level comparisons using T-test comparisons. Next, we present comparisons on measures of organisational characteristics for respondents differentiated on their levels of job satisfaction (e.g. low, med-low, med-high, high) using Analysis of Variance (ANOVA) procedures. Finally, we include statistical models using Ordinary Least Squares Regression to predict levels of support for whistleblowing net of other influences.

The second expectations are explored using those items relating to knowledge of reporting procedures from the whistleblowing propensity scale. We also specifically examine whether knowledge of reporting procedures is a direct function of organisational role, such as being a manager. However we also then extend this analysis by examining descriptive statistics regarding the level of knowledge indicated by managers and non-managers about relevant legislation. Given the special role played by legislation in setting general standards for the management of whistleblowing, and in particular setting frameworks for managers' obligation *as managers*, this may provide a window into perceived needs as well as current strengths.

Table 6.1. Comparing Managers to Non-Managers on Various Organisational Dimensions

	Managers (n = 1612)	Non-Managers (n = 5912)	T-Value
Trust in Management	3.59	3.34	10.57*
Job Satisfaction	3.61	3.43	8.62*
Organisational – Citizenship	3.90	3.74	14.28*
Organisational – Helping	4.02	3.94	5.89*
Organisational – Initiative	4.02	3.69	22.37*
Organisational –Industry	3.84	3.84	0.35
Organisational - Loyalty	3.72	3.49	11.96*
Whistleblowing Propensity – Attitudes to WB	4.26	4.07	12.57*
Whistleblowing Propensity – Knowledge of Procedures	3.66	3.34	14.46*
Length of Time with Organisation	13.60	9.56	15.24*

* = p < .01

6.3. Managers, job satisfaction and support for whistleblowing

The first series of comparisons involve directly comparing managers to non-managers on a series of organisationally relevant measures. The comparisons are reported in Table 6.1. As can be observed, the findings demonstrate a fairly consistent picture. The broad trend across the reported attitudinal variables suggests the manager sample has a more positive view of the organisation than non-managers. Managers, as a group across the sample demonstrate significantly higher mean levels of trust in management, higher job satisfaction and higher levels of organisational citizenship behaviour. In particular, managers report they are more helpful to their fellow employees and show greater initiative than non-managers. The only organisational citizenship behaviour (OCB) where managers did not report higher levels than non-managers was the 'industry' factor with managers and non-managers reporting the same levels. Furthermore, managers as a group demonstrated greater levels of support for whistleblowing, measured in terms of having a favourable personal attitude to whistleblowing. Perhaps not surprisingly, comparisons also show that managers as a group held significantly longer terms of employment with their current employer when compared to non-managers.

Does job satisfaction relate to whistleblowing support?

Table 6.2 reports the relationship between levels of job satisfaction and various organisationally relevant variables including whistleblowing support. Inspection of the results also reveals a consistent finding. Levels of employee job satisfaction appear directly related to salient organisational variables including trust in management, organisational citizenship and support and knowledge of whistleblowing procedures. Employees with high levels of satisfaction, as indicated by the respondents in the upper quartiles of the scale distribution, score significantly higher than other respondents.

Table 6.2. Relationships Between Job Satisfaction and Organisational Characteristics

	1st Quartile - Low	2nd Quartile- Low-Med	3rd Quartile – Med-High	4th Quartile - High	F Value
Trust in Management	3.02	3.51	3.77	4.01	111.10*
Organisational Citizenship	3.69	3.82	3.91	4.18	133.25*
Organisational – Helping	3.89	3.94	4.00	4.25	48.01*
Organisational – Initiative	3.88	3.94	4.02	4.24	54.62*
Organisational – Industry	3.70	3.77	3.80	4.12	46.97*
Organisational – Loyalty	3.28	3.63	3.83	4.11	122.41*
Whistleblowing Propensity – Attitudes to WB	4.19	4.22	4.22	4.44	21.79*
Whistleblowing Propensity – Knowledge of Procedures	3.34	3.53	3.78	3.98	51.10*

$* = p < .01$

The consistent pattern of results suggests that employee satisfaction could be an important ingredient for organisational harmony and reform, which is especially relevant amongst organisations interested in learning from the experiences of others. Whilst still preliminary, these comparisons suggest that satisfied employees provide additional benefits to organisations including trust, loyalty and importantly, for present purposes, support for whistleblowing.

Does Job Satisfaction Facilitate Support for Whistleblowing Among Managers?

The next phase of the results considers whether support for whistleblowing amongst managers is in part conditional on levels of job satisfaction. Given the prior results linking managerial role and job satisfaction levels to support for whistleblowing, it raises the possibility that being highly satisfied at work, as opposed to being a manager, facilitates support for whistleblowing. Results reported in Figures 6.1 and 6.2 bear directly on this issue.

Figure 6.1A. Support for Whistleblowing Among Managers and Non-Managers by Low Job Satisfaction (0-25th Percentile)

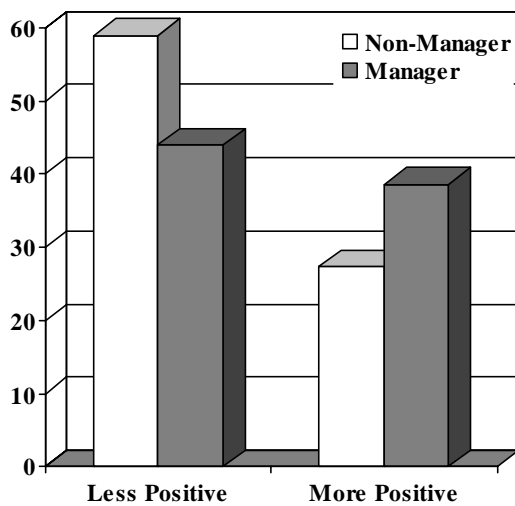
Figure 6.1B. Support for Whistleblowing Among Managers and Non-Managers by Low- Med Job Satisfaction (26-50th Percentile)
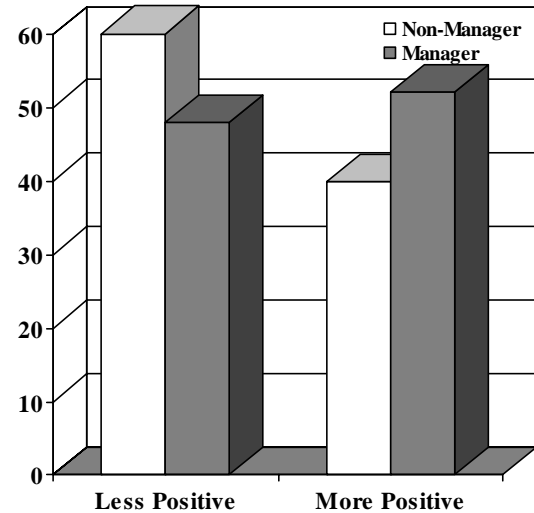

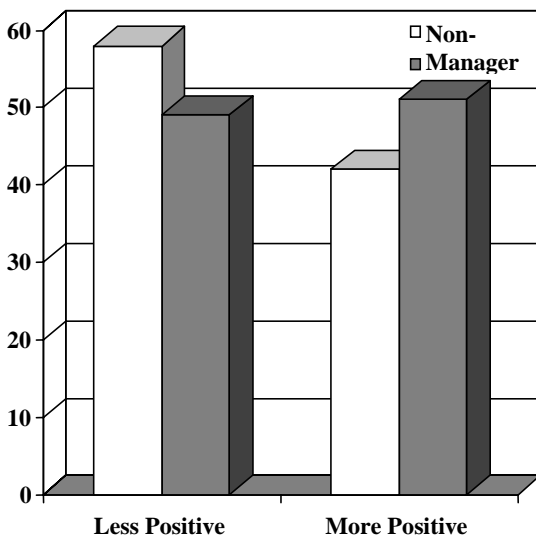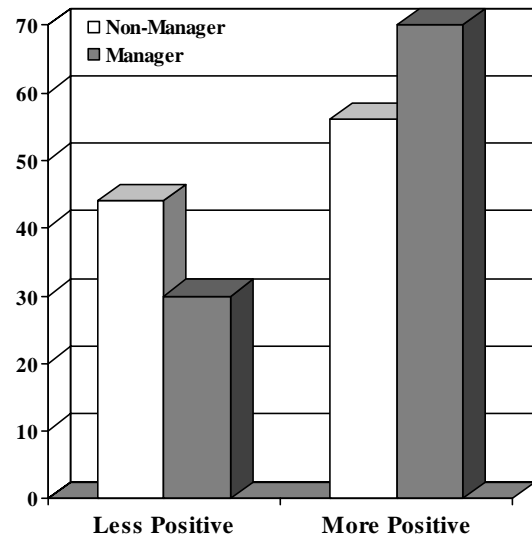*Figure 6.1C. Support For Whistleblowing Among Managers and Non-Managers by Med-High Job Satisfaction (51-75th Percentile)*

Figure 6.1D. Support For Whistleblowing Among Managers and Non-Managers by High Job Satisfaction (76th-100th percentile)

Results in Figures 6.1a through 1d show comparisons between managers and non-managers, across various levels of job satisfaction, on their specific levels of support for whistleblowing. For this comparison, the responses on the whistleblower support measure were differentiated at the 50th percentile to assess lesser or greater levels of support for whistleblowing. The picture emerging from the comparisons is clear: support for whistleblowing amongst managers and non-managers alike appears conditional on levels of job satisfaction. The findings reported in Figure 1a, 1b, and 1c show that support for whistleblowing amongst managers is generally mixed between less and more support for respondents at the low or low to medium levels of job satisfaction. However, at higher levels of job satisfaction a clear picture emerges, support for whistleblowing increases considerably. For example, at the 75th-100th percentile, indicating the highest level of job satisfaction, 70% of managers supported whistleblowing contrasted to 30% who were less positive. At lesser levels of job satisfaction, no marked differences were observed. In sum, support for whistleblowing amongst managers and non-managers appears accentuated at high levels of job satisfaction, and the relationship appears stronger for managers.

Predictors of Support for Whistleblowing

The next stage of the analysis examines a series of predictors of whistleblowing support. It is especially important to examine the predictive relationships to whistleblowing support in a multivariate context given the range of possible influences which may affect such an outcome. Previous analysis suggested that managerial status was salient for whistleblower support, especially at higher levels of job satisfaction. In the next analysis, we explore whether these relationships remain whilst considering other actors including demographic characteristics such as age and gender. The results are reported in Table 6.3.

Table 6.3. Predictors of Support for Whistleblowing

	B	Std Error	T Value
Trust in Management	.044	.008	5.68*
Job Satisfaction	- .044	.009	4.82*
Organisational Citizenship	.413	.016	25.12*
Managerial Status (1 = Manager)	.107	.015	6.98*
Age	.002	.001	3.12*
Gender (1 = Female)	.018	.012	1.45
Tenure with Organisation	- .0006	.001	0.82
Education	.031	.006	5.16*
Constant	2.35	.065	35.87*
Adjusted R^2	.115		
N	7337		

*= p<.01

Results from multiple regression statistical models predicting support for whistleblowing reveal a range of statistically significant relationships. The findings in Table 6.3 reveal that having greater levels of trust in management, job satisfaction and organisational citizenship increases the probability of support for whistleblowing. At the same time, older and more educated workers supported whistleblowing, as did managers. Of significance to note was that being a manager increased the probability of supporting whistleblowing, net of other influences.

6.4. Managers, job satisfaction and knowledge of whistleblowing procedures

In assessing knowledge about whistleblowing policies in the workplace, a similar picture emerges. The relationships are demonstrated in Figures 6.2a through d.

Figure 2A. Knowledge of Whistleblowing Policies Among Managers and Non-Managers by Low Job Satisfaction (0-25th Percentile)

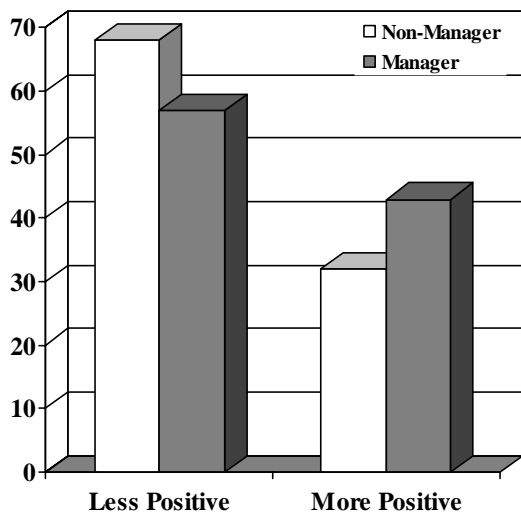*Figure 2B. Knowledge of Whistleblowing Policies Among Managers and Non-Managers by Med-Low Job Satisfaction (26-50th Percentile)*
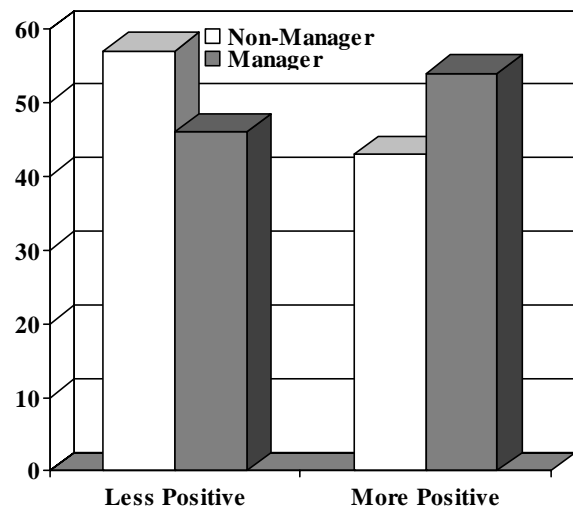

Figure 2C. Knowledge of Whistleblowing Policies Among Managers and Non-Managers by Med-High Job Satisfaction (51-75th Percentile)
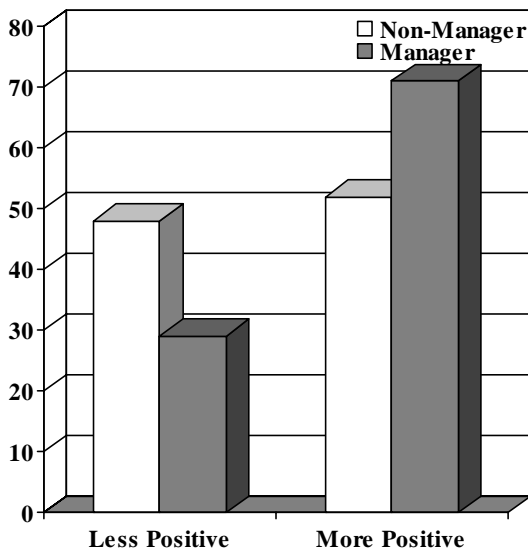
Figure 2D. Knowledge of Whistleblowing Policies Among Managers and Non-Managers by-High Job Satisfaction (76-100th Percentile)
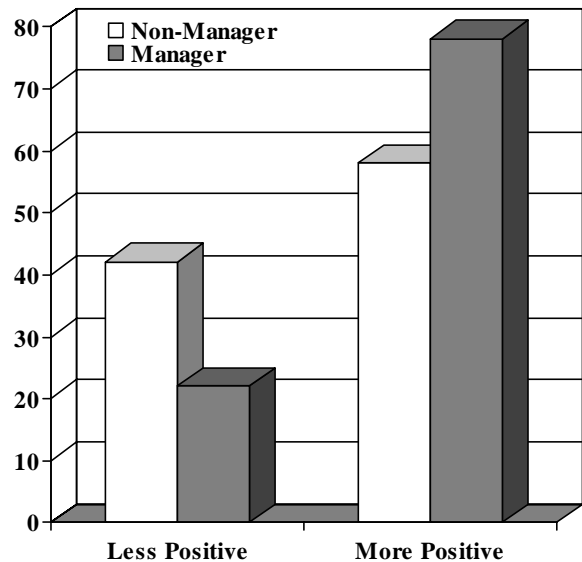
The series of comparisons again reveal that knowledge of whistleblowing policies is clearly stronger for managers who are more satisfied at work. For managers at low to low-medium levels of satisfaction, their professed knowledge of whistleblowing policies is equivocal. At higher levels of job satisfaction, reported knowledge of whistleblowing policies was much greater among managers, approaching 80%. These results suggest there is a potential organisational benefit in having highly satisfied managers. Specifically, managers who are especially satisfied at work will not only have a more favourable personal attitude towards whistleblowing, but may also be more able to put this attitude into practice through greater knowledge of relevant procedures.

Predictors of Knowledge of Reporting Procedures

Findings reported in Table 6.4 reveal even more consistent predictors of knowledge of whistleblowing reporting procedures. The relationships reveal that job satisfaction, trust in management, organisational citizenship and being a manager were all predictive of knowledge of whistleblowing reporting procedures. Significant relationships were also observed for various demographic factors, with older workers, males, more educated and employees with lengthier tenure proving more knowledgeable about whistleblowing policies and practices. Whilst these findings are not unexpected, it is important to empirically assess whether managers understand and support whistleblowing reporting practices to a greater extent than non-managers, net of other salient organisational factors.

Table 6.4. Predictors of knowledge of whistleblower reporting procedures

	B	**Std Error**	**T - Value**
Trust in Management	.208	.011	19.42*
Job Satisfaction	.056	.013	4.41*
Organisational Citizenship	.376	.023	16.53*
Managerial Status (1 = Manager)	.145	.021	6.87*
Age	.004	.001	4.23*
Gender (1 = Female)	-.117	.017	6.83*
Tenure with Organisation	.005	.001	4.44*
Education	-028	.008	3.36*
Constant	.996	.091	10.99*
Adjusted R^2	.17		
N	7338		

* = P <.01

6.5. Managers and knowledge of whistleblowing legislation

The final stage of the analysis sought to relate the above findings back to the systems and procedures in the agencies under study, and the proven duality in manager's roles. Given the marked preference among employees to blow the whistle internally, shown in chapter 4, the results above help explain why a lower than expected proportion of whistleblowers report bad treatment from managers, shown in chapter 5. Nevertheless 18% of all public interest whistleblowers did report that management treated them badly. A major goal of the research project is to identify how that proportion of whistleblowers might be reduced.

While the above analysis indicates that job satisfaction of managers is an important variable, other factors influencing outcomes are likely to include the *nature* or *extent* of managers' knowledge of the relevant procedures, and whether the content of the procedures themselves is appropriate. This last issue is beyond the scope of the present analysis and is taken up in following chapters. The remaining question here is what is the likely level of reported knowledge of whistleblowing procedures among managers? The importance of this question is reinforced by the fact that the measures of procedural knowledge reported above are the same as those used to measure knowledge by all staff (i.e. the scale measured agreement with statements such as 'I have enough information about where to report wrongdoing, if such activities came to my attention' and 'I know what support my organisation provides for employees who report alleged wrongdoing'). The measures test for respondents' confidence in the procedural aspects of blowing the whistle, rather than procedures specifically relevant to managers' role as managers in this process.

To help place the above results in context, comparisons were also conducted to examine whether managers and non-managers answered questions relating to their knowledge of relevant legislation differently. Previous studies have recorded relatively low levels of awareness of relevant legislation among public employees (e.g. Zipparo 1999), but the present study was not necessarily looking for either confirmation or change in that overall result – the need for most employees to know the specifics of legislation may be low, especially if the extent to which legislative principles are implemented by agency procedures is high. However there are reasons to expect that managers should have a higher awareness of any relevant legislation. This is especially the case for the management of whistleblowing, where legislative reform has been a principal driver of new procedures, and directly intended to increase the overall responsiveness of management to whistleblowing.

Table 6.5 shows how all respondents answered a question asking whether they were covered by legislation setting out their 'rights and responsibilities associated with reporting alleged wrongdoing' involving their organisation. The differences by jurisdiction highlight the many factors influencing awareness of legislation, including whether such legislation does in fact exist, whether the respondents' specific agency is covered, and what efforts have been made to promote awareness of the legislation. While there are relevant differences, the fact is that for most of the agencies studied, the management of whistleblowing has been the subject of relatively recent and topical legislative reform (Brown 2006).

The basic frequencies confirm a high level of uncertainty as to whether employees are covered by legislation with 54.4% of respondents indicating they did not know. However as already noted this may not be surprising. The question is whether managers shared this uncertainty in equal measure.

The positive result is that managers do not share the same level of uncertainty as non-managers about whether they are covered by legislation. As shown in Table 6.6, managers were significantly less likely to indicate a lack of knowledge. Consistently with earlier results, managers also had significantly greater confidence in the legislation they believed covered them, as shown in Table 6.7.

Table 6.5. Awareness of legislation relating to whistleblowing

Are your rights & responsibilities covered by legislation?	Cth (n=2307)	NSW (n=2561)	Qld (n=1729)	WA (n=1007)	National (n=7604)
Yes	42.4% (935)	46.7% (1144)	47.6% (788)	33.3% (320)	43.8% (3187)
No	2.1% (46)	1.7% (41)	1.1% (18)	2.2% (21)	1.7% (126)
Don't know	55.5% (1224)	51.7% (1267)	51.3% (848)	64.5% (620)	54.4% (3959)
Subtotal	100% (2205)	100% (2452)	100% (1654)	100% (961)	100% (7272)
Missing	102	109	75	46	332

Table 6.6. Manager & non-manager awareness of legislation

Are your rights and responsibilities covered by legislation?	Managers (n=1620)	Non-managers (n=5966)
Yes	58.1% (901)	40.0% (2287)
No	1.5% (240)	1.8% (104)
Don't know	40.3% (625)	58.2% (3324)
Subtotal	100% (1550)	100% (5715)
Missing	70	251

Significant at p=0.01 level using Chi-Square test.

Table 6.7. Manager and non-manager confidence in legislation

1=Strongly disagree 5=Strongly agree	Managers (n=1012)	Non-managers (n=2735)
The existence of the legislation makes it easier for me to consider reporting corruption.	3.71	3.58
I am confident that the legislation has the power to protect me from any negative consequences if I were to report corruption.	3.11	3.04NS
I believe that the legislation is ineffective.	2.69	2.80
The legislation is in need of major change to improve employee reporting of wrongdoing	2.85	2.99

All significant at p=0.01 level using Chi-Square test except for where indicated by NS.

While these results are positive for managers, and at a broad level continue to reinforce the results of the earlier analyses, there are nevertheless also signs that managers' knowledge of their specific obligations *as managers* in the whistleblowing process, could be much stronger. Table 6.6 demonstrates that the proportion of managers who did not know whether their rights and responsibilities were covered by legislation still remains high (40%). Apart from indicating a lack of awareness of specific obligations on them as managers, these results also show a substantial proportion of managers do not know whether their own staff are covered by relevant legislation – in other words, what might be the legal rights and entitlements of their own employees, should the whistle be blown and something go wrong. These results provide a significant departure point for considering awareness, performance and uptake of agency systems for managing whistleblowing.

Finally, there is also evidence that many managers themselves recognise their lack of knowledge when it comes to specific obligations. Among those respondents who did believe they were covered by legislation, there was still a significant desire for more information and training about the legislation. This is confirmed by Table 6.8 which shows that the perceived need for more information and training is particularly acute among managers, at whatever level of the organisation. Managers were significantly more likely than non-managers to indicate that they required this greater information and training, notwithstanding that they were already confident that they were probably covered by the legislation. The reported higher perceived need for further information and training on the part of managers in part may reflect their role within the organisation, as well as their higher levels of organisational investment as indicated by their greater levels of citizenship (i.e. loyalty, helping, etc), trust in management and job satisfaction which was demonstrated in earlier analysis reported in Table 6.1.

Table 6.8. Need for more legislation information and training by managerial status

I require more information and training about the legislation.	Managers (n=1034)	Non-managers (n=2836)	Total (n=3900)
1=Strongly disagree 5=Strongly agree	3.39[**] (SD=.96)	3.26[**] (SD=.93)	3.36

[**]Statistically significant at the p=0.01 level.

6.6. Discussion and conclusions

This chapter examined the unique role of managers in relation to their support for whistleblowing as well as whether that support was conditional of their levels of job satisfaction. The results reveal a relatively consistent set of findings in relation to comparisons between managers and non-managers. Managers tend to have a much greater stake in their work places. They reveal higher levels of organisational affiliation in terms of organisational citizenship, trust in management and job satisfaction. At the same time, they appear to have a stronger commitment to supporting whistleblowing in the workplace.

An additional part of the analysis for this study involved assessing independently whether job satisfaction was related to whistleblower support. The result showed that respondents with the highest level of job satisfaction tended to also have the highest degree of support for whistleblowing, as well as the highest scores for other organisational variables. Given the

salience of job satisfaction, a set of comparisons were conducted to assess whether managerial support for whistleblowing was a function of levels of job satisfaction. The results reveal that job satisfaction was a salient facilitating factor of support for whistleblowing, as well as reported knowledge of reporting procedures. Thus, the findings illustrate how experiences at work, in terms of whether one is satisfied or not, can lead to various tangible benefits across organisations. One of the hidden benefits for satisfied employees, regardless of their managerial status, is that they demonstrate much greater awareness and competency toward whistleblowing.

This observation was largely reinforced in the multivariate analyses which revealed that being a manager increased the probability of support for whistleblowing net of various demographic and organisational influences. In short, over and above the role of organisational climate influences, managers have a unique role to play in encouraging whistleblowing, and the complexity of this role requires further examination and understanding.

While these results are relatively preliminary, they do illuminate a suite of implications for managing whistleblowing in public sector organisations. The findings illustrate that managers are very well placed to materially affect their work environments. As mentioned at the beginning of this chapter, managers are crucial for providing a professional and productive work setting. Unfortunately, however, there are numerous examples whereby managerial competence is stretched and workplace experiences begin to unravel. In such settings, employee morale and concerns about fair work and decision making may no longer take priority (Byrne, 2005). The results suggest that a concerted effort is needed if the potential contribution of good management cultures and styles to the productive management of whistleblowing is to be maximised. While managers are positive about their own ability to navigate their organisation's procedures, they show less certainty about the rights and obligations relevant to how their own role should pan out in practice. Positively, there are strong signs that managers themselves recognise the need to close the gaps between broad principle and practical realities. How this might be done, becomes a question of agency systems and procedures, building on the general support for whistleblowing that clearly exists among individual managers.

We recognise that the current research is not without limitations. For example, this study relies upon self reported perception data that may be subject to errors in recall and specificity. Additionally, whilst great care has been taken to recruit a large sample size, the study does not provide coverage across the full Australian public sector population, therefore its generalizablity is constrained. Finally, the findings presented illustrate the need to conduct further, and even more fine grained analyses. The findings suggest that many of the relationships between managers and whistleblower support and commitment are quite complex and various organisational context variables (e.g. citizenship, loyalty, etc) need to be further explored to assess the interactive or multiplicative influences. Additionally, the specific attributes of managers needs to be further considered. Managers are clearly not a 'one size fits all' category. Further analysis will explore a range of competencies as well as the possible relationship to gender and age, to more fully consider the full range of influences that affect managers in their responses and handling of whistleblowing in the public sector. At the same time, a host of organisational context variables need consideration. For example, there is reason to believe that organisational size may be a salient influence on job satisfaction and whistle blower support. Future analysis will explore these issues in greater detail in a concerted attempt to understand further the unique role of managers in handling whistleblowing in public sector organisations.

In summary, the findings from this research point the way toward more effective strategies for promoting the importance of whistleblowing as well as the required knowledge to advance whistleblowing management practice. Strategies to promote an effective organisational climate appear salient to the extent they facilitate job satisfaction amongst employees. Uncovering the key ingredients for facilitating job satisfaction for managers and non-managers alike provides the added benefits of there being more direct impact upon the overall organisational health across public sector agencies. These results strengthen the evidence that whistleblowing is often accepted as healthy in organisations, and confirms the potential for building stronger systems for ensuring that the incidence of unfair treatment of whistleblowers

is minimised, where these are able to draw on the general strength of management conviction. Perhaps most importantly, these results suggest that by investing in the job satisfaction of managers as well as by promoting greater awareness amongst managers of their whistleblowing reporting obligations and procedures, organisations can increase the prospects of the whistleblowing process being handled well.

Endnotes

[1] The authors thank Dr Peter Cassematis for research support on aspects of this chapter.

[2] Of course, if individual managers are the target of a whistleblowing event (i.e. the perceived wrongdoer) than their personal support for that act of whistleblowing will likely be low. This issue can be explored in further research as part of this larger project.

7. WHISTLEBLOWING LEGISLATION AND PROCEDURES: HOW DO AGENCIES CURRENTLY MANAGE WHISTLEBLOWING?

Peter Roberts[1]

7.1. Introduction

So far the reporting of wrongdoing in Australian public sector agencies has been examined in its broadest sense (chapter 2) and according to the behaviour, experiences and perceptions of individual employees, known whistleblowers, casehandlers and managers (chapters 3, 4, 5 and 6). In this chapter, the focus will be upon how the reporting of wrongdoing is formally dealt with from an organisational perspective.

As is already clear, many public sector organisations have accepted the challenge of encouraging staff to disclose perceived wrongdoing and have committed themselves to protecting staff from reprisals. The positive disposition of many managers towards whistleblowing in most organisations was demonstrated in the previous chapter. In the course of conducting this research, the researchers have spoken to many managers, and to date encountered three broad (and overlapping) themes which are driving organisational responses towards the management of whistleblowing.

The first theme is that senior managers in organisations often take an ethical stance, viewing reporting of wrongdoing as a fundamental part of maintaining the integrity of the organisation. Thus, those managers will work to establish whistleblowing systems and procedures for the reason that it promotes integrity within the organisation as a whole.

The second theme is utilitarian. Many senior managers in organisations recognise that good governance requires that wrongdoing be identified and dealt with. A second dimension of this response is that managers will recognise that where reporting wrongdoing results in individual staff members suffering reprisals, dealing with the potentially devastating effects upon the individual staff member can also put resource burdens upon the organisation.

Finally, many senior managers are aware that they are required to establish procedures and implement policies for the purpose of complying with applicable legislation, such as 'public interest disclosure' or 'whistleblower protection' legislation. The previous chapter highlighted, however, that when it comes to knowledge of such obligations and therefore their effective implementation, challenges begin to arise.

Recognising these three themes, this chapter analyses the contents and apparent performance of agency whistleblowing procedures, in their legislative and jurisdictional context. The first part of the chapter picks up on questions raised in the previous chapter about awareness of and confidence in legislation. It conducts some jurisdictional comparison of responses to the Employee Survey, and analyses whether at a broad level, awareness of and/or confidence in legislation are associated with desirable outcomes from the reporting process. The main outcomes against which both legislation and procedures are measured, are the level of reporting that goes on in individual agencies, and the proportion of whistleblowers who claim to have been badly treated as a result, especially by management.

The second part of the chapter shifts from legislative context to agency procedures. First the comprehensiveness of agency procedures is described and compared. In order to better understand and describe how public agencies organise their approaches to whistleblowing, all or

almost all agencies in each jurisdiction were asked to complete the Agency Survey describing their policies and procedures, and to submit copies of all relevant procedures in place in these organisations. Clearly these procedures provide the main framework within which organisations deal with, and respond to, reports of wrongdoing, at a level below or even irrespective of the framework provided by the legislation. The relative comprehensiveness of these procedures is a finding in itself, showing some of the areas of strength but also likely systemic weakness in how agencies respond to whistleblowing.

The third part of the chapter examines evidence of the effectiveness of these procedures. This again involves examination of correlations between more comprehensive procedures and those outcomes regarded as positive. This includes:

- The relationship between the state of current procedures and staff confidence that their organisation will deal with the reporting of wrongdoing effectively and sensitively;
- The relationship between procedures and the decision to report wrongdoing;
- The relationship between procedures for reporting wrongdoing, and the outcomes of the reporting process for whistleblowers; and
- Those elements of the procedures which appear essential for an effective whistleblowing process.

7.2. The legislative context

As raised in the last chapter, in each jurisdiction the management of whistleblowing takes place in a specific legislative context. The similarities and differences in the legislation have been reviewed elsewhere, in an Issues Paper associated with the present research (Brown 2006). Some aspects of current legislation also have direct relevance to the state of agency-level procedures for managing whistleblowing, as will be discussed below. A broader question is whether there is any evidence that the existence of 'public interest disclosure' or 'whistleblower protection' legislation makes any difference in the overall pattern of reporting behaviour or the outcomes of reporting.

Although there are differences in the legislative frameworks of the four jurisdictions, they share the same objectives of facilitating disclosures about wrongdoing by public employees, ensuring that disclosures are properly dealt with, and ensuring that whistleblowers are protected from reprisals or mistreatment (Brown 2006: 5). At a general or symbolic level, therefore, the impacts of these regimes on public officials' behaviour should be broadly comparable. The following sections look first for any impact that awareness of legislation might have, and then for the impact of confidence in legislation.

Awareness of legislation

In chapter 3 (Table 3.4) we saw that the opinions of whistleblowers (non-role reporters) about the relevant legislation did not differ significantly from employees who observed wrongdoing but did not report. This could suggest that the presence of legislation, or employees' views of its contents, simply makes no difference. However on further analysis, we find the picture is more complex.

Table 7.1 sets out the relationship between (a) whether or not respondents to the Employee Survey believed they were subject to legislation covering their 'rights and responsibilities associated with reporting alleged wrongdoing' (Q16), and (b) how they answered the questions designed to establish their whistleblowing propensity (Q15). The table shows the relationship for all respondents divided into four groups according to the reporting behaviour described in chapters 2 and 3 – that is, whether they did or did not observe wrongdoing, and if so whether they reported it, and if so in what capacity.

The table shows a very strong correlation between the belief that an employee is covered by relevant legislation, and the likelihood they will blow the whistle according to the whistleblowing propensity scale. This correlation was present for all groups. It suggests either that the (perceived) presence of legislative obligations and protections is a strong contributing factor to employees' positive attitude to blowing the whistle, or that those who have a positive attitude to blowing the whistle assume that they are subject to legislative obligations and protections.

Table 7.1. Relationship between awareness of legislation and whistleblowing propensity

Group of employees	Correlation between awareness of legislation and whistleblowing propensity
Non-observers of wrongdoing	Pearson correlation = -.385[*] N = 2074
Observers but non-reporters	Pearson correlation = -.351[**] N = 3198
Role reporters	Pearson correlation = -.371[**] N = 583
Non-role reporters	Pearson correlation = -.354[**] N = 1427
All respondents	Pearson correlation = -.381[**] N = 7310

[**] Correlation is significant at the 0.01 level

[*] Correlation is significant at the 0.05 level

Correlations are negative because the awareness rating specifies awareness as scoring low and a lack of awareness as scoring high. The whistleblowing propensity scale ranges from poor propensity scoring lowest and good propensity scoring highest.

To establish whether this relationship also translated into actual whistleblowing practice, analysis was conducted at the agency level. As shown in the last chapter in relation to managers, there were significant jurisdictional differences in the proportion of respondents who believed they were covered by legislation (Table 6.5). Figure 7.1 shows the even greater variation that exists at an agency level, in the proportion of employees who believe they are covered. As in the previous chapter, the focus of the present analysis is not the accuracy of employees' beliefs, but how their belief might influence behaviour and outcomes. In fact, some of the variation is probably explained by variations in the legal reality – for example, many Commonwealth government agencies operate outside of the framework of the *Public Service Act 1999* (Cth), which provides the main legislative provision relevant to whistleblowing. This may well explain why a considerable number of Commonwealth agencies show lower percentages of employees believing they are covered by legislation – the fact is that many are not. However it would not explain the quite large number of State agencies in the same category, since almost all are covered by quite comprehensive legislation.

Figure 7.1. Awareness of legislation by agency and jurisdiction
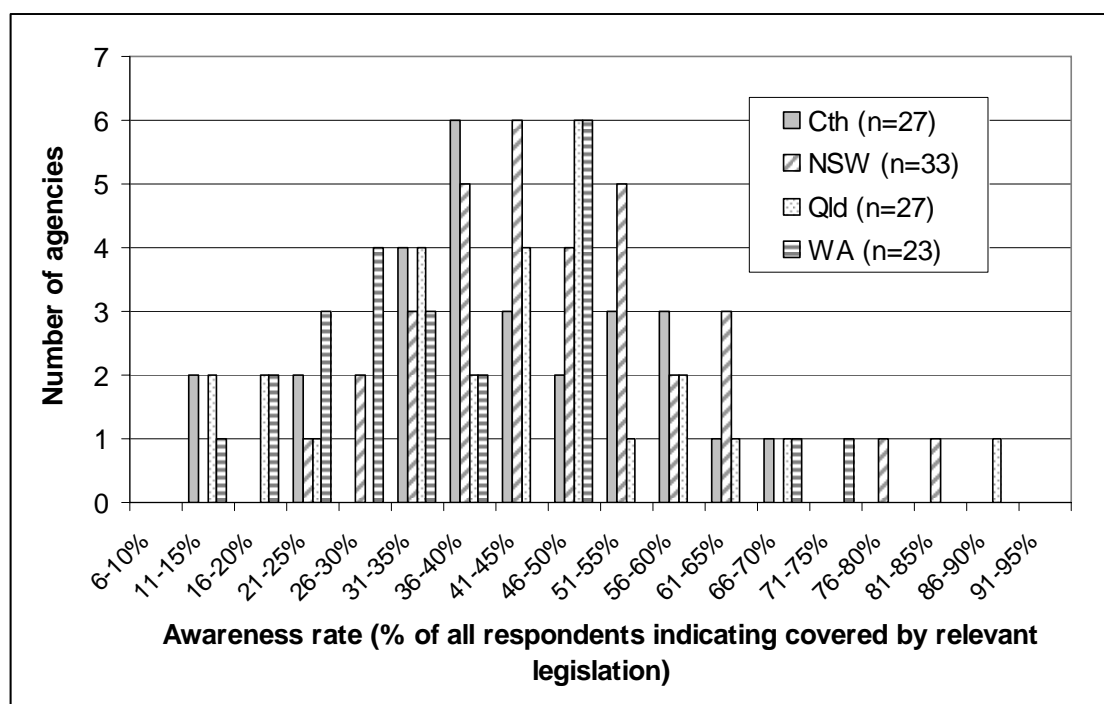
Table 7.2. Relationship legislation awareness to reporting and outcome measures (agency)

Measures from employee survey	Correlation with legislation awareness rate (Q16)
Reporting rate: proportion of respondents who reported observed wrongdoing they believed to be very/extremely serious (Q26 etc)	Pearson correlation = .160 Significance (two-tailed) = .142 N = 86
Inaction rate: proportion of respondents who did not report observed wrongdoing they believed to be very/extremely serious, was not dealt with by self or was not reported by someone else[#] (Q26, Q35 etc)	Pearson correlation = -.051 Significance (two-tailed) = .640 N = 86
Proportion of non-role respondents that rated treatment by management as 'bad' or 'extremely bad'[#] (Q30)	Pearson correlation = .172 Significance (two-tailed) = .222 N = 52
Proportion of non-role respondents that rated treatment by co-workers as 'bad' or 'extremely bad'[#] (Q31)	Pearson correlation = .084 Significance (two-tailed) = .556 N = 51
Mean agency rating for how management would respond to report of wrongdoing (Q18 as a 13 item scale) 1 = poor and 5 = well	Pearson correlation = .252[**] Significance (two-tailed) = .008 N = 110

[**] Correlation is significant at the 0.01 level

[#]It was anticipated that these correlations would be negative because these outcome scales run from a good outcome scoring lowest and a poor outcome scoring highest.

Table 7.2 shows whether, at an agency level, there was any relationship between the proportion of employees who believed they were covered by legislation, and the proportion of employees who did or didn't report serious wrongdoing in that agency. This measure was explained in chapter 2, which showed the great variation between agencies in reporting and inaction rates in response to perceived wrongdoing. The table also shows the relationship between the level of awareness of legislation, and the proportion of whistleblowers in each agency who indicated they were treated badly, either by management or by co-workers. This measure was explained in chapter 5, which showed similar variation between agencies in the proportion of whistleblowers complaining of bad treatment. The table also shows the relationship with overall trust in how management would respond to whistleblowing.

A significant relationship was found only on the last measure. Similarly to the result for whistleblowing propensity, at an agency level employees who believed they were covered by legislation were also likely to believe that management's response to whistleblowing would be positive, including protection of their rights if they suffered reprisals. In other words, while the simple belief that legislation applies does not directly influence reporting behaviour, it does go hand in hand with employees' confidence in management reaction and support. Whistleblowing legislation appears to do at least one thing for which it was intended – increase employees' expectations that they will be taken seriously and protected if they blow the whistle.

Confidence in legislation

Confidence in legislation was gauged using four items in the Employee Survey (Q17) already introduced in chapter 6, where the confidence of managers and non-managers was compared. These items are shown again in Table 7.3, with results according to jurisdiction. For those who believed they were covered by legislation, confidence in it was highest among Commonwealth respondents, and lowest among Queensland respondents. This is an interesting result, since Queensland has been assessed as having the most comprehensive legislation and the Commonwealth the least comprehensive (Brown 2006). Equally interesting is comparison between the Employee Survey results, and the opinions of the legislation held by casehandlers and managers from the case study agencies. The average opinions of NSW and Western Australian casehandlers and managers closely or exactly match the level of confidence held by the average employee in these jurisdictions. The Queensland results are again divergent.

Table 7.3. Confidence in legislation by jurisdiction

Employee Survey Q17

1=Strongly disagree 5=Strongly agree	**Cth** (n=1085)	**NSW** (n=1319)	**Qld** (n=925)	**WA** (n=418)
The existence of the legislation makes it easier for me to consider reporting corruption.	3.64	3.66	3.56	3.53
I am confident that the legislation has the power to protect me from any negative consequences if I were to report corruption.	3.13	3.05	2.96	3.10
I believe that the legislation is ineffective*	2.69	2.78	2.84	2.80
The legislation is in need of major change to improve employee reporting of wrongdoing*	2.86	2.95	3.06	2.94
Overall mean 1=Low, 5=High * Items reversed	**3.30** (n=1103)	**3.24** (n=1352)	**3.15** (n=942)	**3.22** (n=425)

Table 7.4. Confidence in legislation – casehandlers and managers, by jurisdiction

Casehandler and Manager Survey Q21 a,b,e,f (scale)

Overall means 1=Low, 5=High	Cth	NSW	Qld	WA	Total
Casehandlers	3.26 (n=94)	3.07 (n=45)	3.18 (n=29)	3.05 (n=36)	**3.17** (n=204)
Managers	3.26 (n=71)	3.36 (n=64)	3.39 (n=48)	3.22 (n=66)	**3.30** (n=249)
Total	**3.26** (n=165)	**3.24** (n=109)	**3.31** (n=77)	**3.16** (n=102)	**3.24** (n=453)

Table 7.5. Confidence in legislation, trust in management response, and treatment reported by whistleblowers (by jurisdiction)

Employee Survey Q17, Q18, Q30, Q31

Measures from employee survey	Cth	NSW	Qld	WA	Total
Confidence in legislation (q17a,b,e,f as a 4 item scale) 1 = poor and 5 = well	3.30 (n=1103)	3.24 (n=1352)	**3.15** (n=942)	3.22 (n=425)	3.23 (n=3853)
How management would respond to report of wrongdoing (q 18 as a 13 item scale) 1 = poor and 5 = well	3.30 (n=2261)	3.31 (n=2517)	**3.23** (n=1687)	3.30 (n=950)	3.30 (n=7473)
For non-role reporters, treatment by management 1 = well and 5 = poor	2.99 (n=379)	2.83 (n=456)	**2.99** (n=339)	2.87 (n=144)	2.92 (n=1325)
For non-role reporters, treatment by co-workers 1 = well and 5 = poor	2.77 (n=373)	2.59 (n=444)	2.68 (n=336)	2.70 (n=1445)	2.68 (n=1304)

For those employees who believe they are covered by legislation, does their level of confidence in it correlate with any of the issues already discussed? In other words, even if simply being aware of legislation does not influence behaviour and outcomes, are there differences if employees are both aware and hold the legislation in either high or low regard? Table 7.5 suggests a possible relationship, given basic results by jurisdiction. In at least one case – Queensland – low confidence in legislation appears to correlate with the lowest level of trust in management response, along with higher levels of reported mistreatment by managers. Do these correlations hold statistically or at an agency level?

Table 7.6 tests this by again looking for correlations at the agency level. As with awareness, the level of confidence in legislation within specific agencies is compared with the reporting rate for very or extremely serious wrongdoing observed in that agency, and the 'inaction rate' – that is, the proportion of respondents who observed very or extremely serious wrongdoing but neither reported it nor otherwise acted on it. Analysis was also conducted against levels of reported treatment by whistleblowers, and trust in management response.

Table 7.6. Relationship between employee confidence in legislation and reporting and outcome measures (agencies)

Measures from employee survey	Correlation with confidence in legislation
Reporting rate: proportion of respondents who reported observed wrongdoing they believed to be very/extremely serious	Pearson correlation = .154 Significance (two-tailed) = .165 N = 83
Inaction rate: proportion of respondents who did not report observed wrongdoing they believed to be very/extremely serious, was not dealt with by self or was not reported by someone else[#]	Pearson correlation = -.225[*] Significance (two-tailed) = .041 N = 83
Proportion of non-role reporters who rated treatment by management as 'bad' or 'extremely bad'[#]	Pearson correlation = -.179 Significance (two-tailed) = .209 N = 51
Proportion of non-role reporters who rated treatment by co-workers as 'bad' or 'extremely bad'[#]	Pearson correlation = -.144 Significance (two-tailed) = .313 N = 51
Mean agency rating for how management would respond to report of wrongdoing (q18 as a 13 item scale) 1 = poor and 5 = well	Pearson correlation = .615[**] Significance (two-tailed) = .0005 N = 92

[*] Correlation is significant at the 0.05 level

[**] Correlation is significant at the 0.01 level

[#] It was anticipated that these correlations would be negative because these outcome scales run from a good outcome scoring lowest and a poor outcome scoring highest.

The results show no relationship between confidence in legislation and reported treatment of whistleblowers. However this nil result may itself be significant, since it means confidence in legislation is based primarily on its symbolic intent rather than any observable pattern in better (or worse) outcomes for whistleblowers. This is reinforced by the fairly equivocal nature of employee confidence in most instances, discussed below. It is also consistent with the general pattern that confidence in legislation correlates strongly with trust in management to respond well to whistleblowing, as occurred with awareness, and which was again correlated by this analysis. In other words, once again, employees who are confident they will be taken seriously and protected by management, appear to assume that this is also either required or reinforced by effective legislation – or vice versa – even when there is no clear evidence as to the actual outcomes.

The picture is extended by the relationship with reporting and inaction rates. There was no correlation with reporting rates, making it difficult to be certain that confidence in legislation increases reporting. However, in the 83 agencies for which sufficient data existed to permit this analysis, there was a correlation between confidence in legislation and inaction rates. As levels of confidence in the legislation increased in an agency, the proportion of observers of serious wrongdoing who did nothing went down. This is perhaps a better result than an increased reporting rate, since even if many people observe the same wrongdoing, all it takes is one or a few people to report for action to be taken. Similarly, included in the calculation of inaction rates in chapter 2, is the proportion of people, including managers, who observe wrongdoing and take action themselves. It is plausible that in agencies with higher confidence in legislation, the perceived higher likelihood of someone reporting the wrongdoing is enough to induce others in a position to act, to actually do so. The relationship between higher confidence in legislation and lower inaction rates therefore provides convincing evidence that again, whistleblowing

legislation is capable of fulfilling its objective of causing wrongdoing to be brought to light – even if there is still no evidence that it assists in the protection of whistleblowers.

It is also notable that the differences in the legislative structure are not reflected in the Commonwealth response on trust in management to handle reports, and confidence in legislation. The indications of how Commonwealth whistleblowers felt they were treated by management and co-workers similarly does not appear to have any direct relationship to the legislative framework. In relation to treatment by management, the Commonwealth average is the same for one jurisdiction that does have comprehensive whistleblowing legislation. A similar pattern will emerge in relation to procedures. This indicates that the relationship between legislation and procedures at the organisational level is not necessarily direct.

Finally, it is worth noting two further features of the evidence on confidence. The first is that the ranges of the mean results on confidence in legislation, while still statistically significant, are nevertheless objectively small. Even where respondents claim to be aware of the legislation, the confidence means of all groups – in every jurisdiction, and indeed in most agencies – tend to hover around the midpoint of the scales. This indicates that across the board, most public servants in all jurisdictions are generally uncertain and equivocal in their views. For example, across the Employee Survey dataset, 38% of respondents could neither agree nor disagree that they were confident that legislation had power to protect them, 52% could not state a view on whether they thought it was or wasn't ineffective, and 57% were unprepared to indicate whether or not it needed major change. Respondents were also generally very likely to agree that they needed more information and training about the legislation.

It is also worth noting where confidence in the legislation is lowest and highest. Table 7.7 shows the distribution of confidence according to salary range. As indicated in chapter 6, managers tended to be more confident in the legislation than non-managers. This table also shows that the most junior and/or part-time staff are likely to be more confident, along with those in the higher salary brackets. Those least confident are likely to fall in the middle salary brackets ($40,000 to $79,000 per annum).

Table 7.7. Confidence in legislation by salary range

1=Strongly disagree 5=Strongly agree	< $20,000 (n=56)	$20,-39,999 (n=298)	$40,-59,999 (n=1297)	$60,-79,999 (n=1155)	$80,-99,999 (n=548)	$100,-120,000 (n=234)	> $120,000 (n=159)
The existence of the legislation makes it easier for me to consider reporting corruption.	3.68	**3.59**	**3.58**	**3.61**	3.67	3.67	3.67
I am confident that the legislation has the power to protect me from any negative consequences if I were to report corruption.	3.46	3.22	**3.10**	**2.94**	**3.04**	3.06	3.16
I believe that the legislation is ineffective.	2.71	2.75	**2.79**	**2.81**	**2.71**	2.72	2.67
The legislation is in need of major change to improve employee reporting of wrongdoing	3.05	3.03	3.00	2.98	2.88	2.82	2.68

Significant at p=0.01 level using Chi-Square test except for item a.

7.3. Comprehensiveness of policies and procedures

If the comprehensiveness of legislation has been rightly the subject of debate, what of the comprehensiveness and effectiveness of agency procedures for the management of whistleblowing? This question lies close to the heart of the current project.

Indeed the two questions may be related, since in some jurisdictions legislation sets out specific requirements for procedures. Typically, legislation may require agencies to establish procedures for (1) how disclosures can and should be made, (2) what investigation or other action will be taken on disclosures, and/or (3) how employees who make disclosures will be protected. Among Commonwealth agencies, those covered by the *Public Service Act 1999* are required by law to prepare procedures in the first two categories, but not the third. In NSW, the legislation contemplates some procedures in the first category, but otherwise procedures are not legislatively required.   In Queensland, procedures for the protection of whistleblowers are required, but their content is not spelt out. In Western Australia, procedures must cover all three categories consistently with a model code and published guidelines (Brown 2006: 46). On the other hand, agencies are also free to develop procedures on these subjects independently of any legislative requirements, and are encouraged to do so, for example, by the Australian Standard, *Whistleblower Protection Programs for Entities: Standard AS 8004-2003*.

To support a better picture of the state of agency procedures, the Agency Survey collected data on whistleblowing-related practices and procedures from 304 agencies. These were made up of 73 Commonwealth agencies, including a mix of Australian Public Service (APS) and non-APS agencies; 85 New South Wales agencies, 83 Queensland agencies; and 63 agencies from Western Australia. The survey requested data on:

- their policies and procedures relating to wrongdoing;
- investigation and assessment of disclosures;
- support and management of internal witnesses; and
- reprisals against internal witnesses.

Of the 304 agencies that completed the Agency Survey, 231 (76%) indicated that they had formal internal disclosure procedures. In terms of arrangements for promoting the awareness of internal disclosure procedures, almost all of these agencies (229), indicated that they had arrangements in place for informing staff about their policies. With regard to training of staff to investigate the internal disclosures, 137 indicated that they had informal training arrangements and 104 had formal professional training for investigators. Similar data was gathered in respect of the other elements listed above. Much of the key data is reported in chapter 8.

In all, 186 of the agencies surveyed indicated they had attached copies of their formal internal disclosure procedures.   In fact only 175 agencies actually attached these written procedures. An instrument was developed to code their contents, so as to enable comparisons to be made and conclusions to be drawn about their relative comprehensiveness, in addition to simple analysis of the results of the Agency Survey. The Procedures Assessment instrument had 24 criteria, set out below in Table 7.8. Fourteen of these criteria were drawn directly from the Australian Standard, *Whistleblower Protection Programs for Entities: Standard AS 8004-2003*. Ten additional criteria were added to take account of the fact that this analysis was focused on public sector agencies and follow up on particular issues identified by the research team as important in the management of internal witnesses. The additional criteria are marked with an asterisk in Table 7.8.

On each criterion, the contents of the procedures were rated on a scale of zero to three, in one of two ways. Statements of commitment or principle were rated according to strength (zero = no mention, 1 = brief mention, 2 = reasonably strong, 3 = extremely strong). Actual procedures were rated according to comprehensiveness (zero = no mention, 1 = brief mention, 2 = reasonably comprehensive, 3 = extremely comprehensive). With 24 items, the potential maximum score for agencies was 72. In developing the instrument, there was detailed guidance

on interpretation of the terms so as to minimise any variations in assessment between the researchers conducting the rating.[2]

All 175 sets of agency procedures were rated. The mean score (out of 3) for each item in the procedures is shown in rank order in Table 7.8. The mean scores (out of 72) for all agency procedures in each jurisdiction are shown in Table 7.9, and the distribution of scores shown in Figure 7.2. The average score across all 175 agencies was 24.4 out of 72. However the average score for the 15 case study agencies was 36.2. This subset of the sample has a higher average score than the national average, with the difference most probably reflecting the organisational emphasis that many of these agencies have given the issue of reporting wrongdoing.

Table 7.8. Agency whistleblowing procedures – contents and mean score (max 3)

Aspect of the procedures	Mean
1. Ease of comprehension of document*	1.79
2. To whom and how whistleblowing concerns can be directed (internally)	1.70
3. Reporting will be kept confidential and secure within the law	1.68
4. Types of concerns where it is appropriate to use the whistleblowing mechanism	1.62
5. Information about legislation*	1.62
6. Investigation process to follow on receipt of a whistleblowing report	1.57
7. To whom and how whistleblowing concerns can be directed (externally) and in what circumstances*	1.51
8. Organisation's opinion of reporting wrongdoing through appropriate channels	1.49
9. Commitment to protect and respect internal witnesses	1.48
10. Roles and responsibilities of the key players in the organisation	1.43
11. Commitment to principle of whistleblowing	1.21
12. A description of the protection of the rights of persons against whom allegations have been made*	1.26
13. Internal witnesses will receive feedback	1.21
14. Who may invoke the whistleblowing mechanism (i.e. employees, contractors, the general public, etc?)	1.15
15. Staff who report wrongdoing not to suffer disciplinary action*	0.96
16. How sure the internal witness should be of the truth of their concerns before invoking the whistleblowing mechanism	0.72
17. Active management and support of internal witnesses*	0.72
18. Benefits and importance to the entity of having a whistleblowing mechanism	0.70
19. Anonymous reports will be acted upon	0.67
20. Procedures for responding to reprisal action against internal witnesses*	0.54
21. Sanctions for making a false or frivolous allegation*	0.47
22. Rights of the internal witness to request positive action by the entity to protect them	0.22
23. Procedures for the investigation of reprisal action against internal witnesses*	0.22
24. Procedures for the assessment of risk of reprisal against individual whistleblowers*	0.12

Table 7.9. Comprehensiveness of agency procedures - average scores for jurisdictions

Jurisdiction	Number of agency procedures evaluated	Mean score (max 72)	Standard Deviation
Commonwealth	56	24.52	11.08
New South Wales	60	27.40	7.61
Queensland	31	18.90	10.67
Western Australia	28	24.30	11.04
Overall	175	24.40	10.27

Figure 7.2. Comprehensiveness of procedures – distribution of scores by jurisdiction
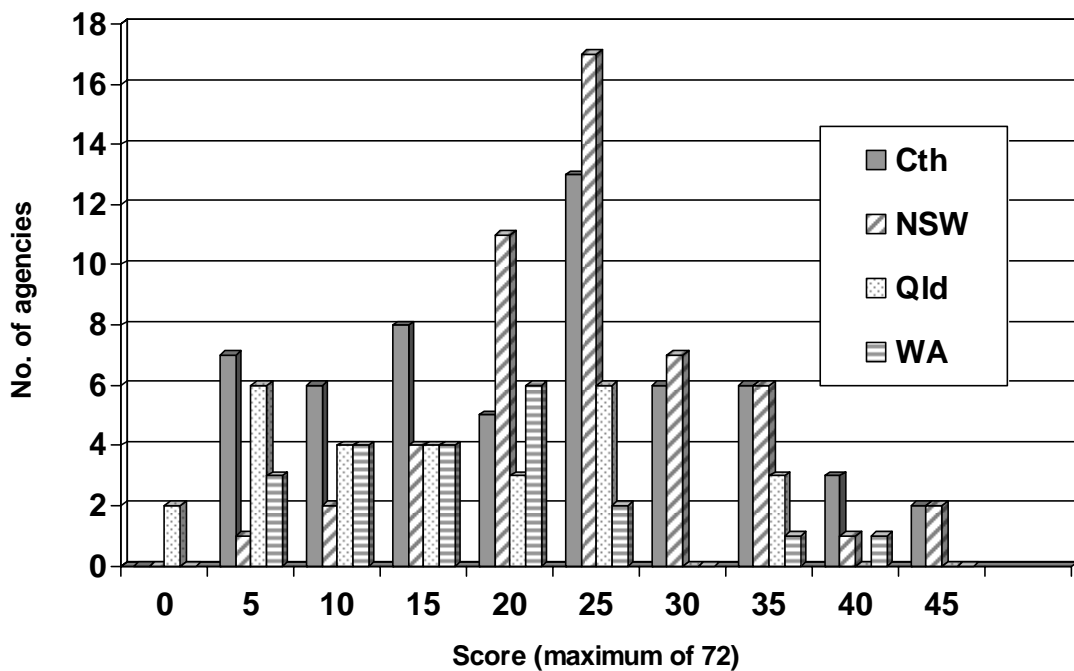
Clearly there is currently considerable range in the comprehensiveness of agency whistleblowing procedures. This range can be found in every jurisdiction. It is interesting to note from Figure 7.1 that the pattern of the Commonwealth results is slightly different from the pattern of other jurisdictions. With the Commonwealth there are a significant number clustered towards the low end of the scale but with a significant number at the high end. Keeping in mind that among the Commonwealth agencies were a number outside the Australian Public Service and therefore with no standard whistleblowing provisions at law, it does appear that a number of Commonwealth agencies have taken it upon themselves to develop procedures that go well beyond the provisions of any legislation.

A comparison of the scores for procedures and the size of the organisation, based upon information provided in the Agency Survey, indicates a significant correlation (0.377. N = 64, significance > 0.05). This indicates that larger organisations tend to have more comprehensive procedures for dealing with whistleblowing.

One consequence is that many agencies have much to learn from others in relation to the content of their procedures. The development of model procedures is an element of the ongoing research, involving the 15 case study agencies in the project.

Another conclusion is that many agencies' procedures are objectively quite weak and patchy. Table 7.8 shows great variation between those aspects which are treated well in procedures, and those treated poorly. A range of key issues were either entirely omitted or dealt with far more scantily than others. In some cases, stronger items reflected the fact that many public sector agencies have procedures in areas other than dealing with reports by internal witnesses, that can be applied to that process. For example, virtually all agencies reported having some sort of investigation process that could be applied to reporting of wrongdoing by internal witnesses, even if this was not a specialist process relating to whistleblowing. Similarly, most agencies had responded to the imperative for procedures by setting out the process to be followed by people who come forward with reports (e.g. who they should report to, and what the recipient of the report should do).

A noticeable feature about the items in Table 7.8 however, is that mechanisms for the protection and support of internal witnesses figure strongly among the subjects treated least well. In other words, of the three subjects typically deal with by agency procedures, the third – how employees who make disclosures will be protected – is the one for which by far the weakest provision is currently made. The impacts and implications of this are discussed below.

7.4. Impact and effectiveness of procedures

The data gathered from the large number of agencies provides the opportunity to evaluate the overall performance of agency procedures using information gained from the Employee Survey. As noted above, not all organisations that participated in the Agency Survey went on to participate in the Employee Survey – only 118 agencies did so. Also, the analysis of procedures was limited to those 175 organisations who had actually submitted written procedures. The overlap between these two groups of agencies was 102, and consequently this was the number included in this analysis.

First, the degree of awareness about the existence of the procedures was examined, along with how this awareness appeared to have been achieved, and its apparent impacts on attitudes to whistleblowing and expectations of management response. Second, the relative success or performance of the procedures was again tested for in terms of key outcomes: the level of reporting of observed wrongdoing, and how employees who reported said they were actually treated by management and co-workers. Third, further analysis was conducted to see whether the relationship between comprehensive procedures and positive outcomes could be explained with reference to any specific items in the procedures.

Awareness of, and confidence, in procedures

Participants in the Employee Survey were asked whether their organisation had formal policies for reporting wrongdoing. In all 73.6% of respondents said 'yes', 3.4% said 'no' and only 22% did not know (n=7663). These results indicate that, generally, knowledge of procedures is widespread in agencies. Not surprisingly, awareness of agency procedures was much stronger than the level of awareness of relevant legislation.

Table 7.10 presents three analyses confirming the penetration and impact of procedural awareness. The first shows a strong relationship at an agency level between the comprehensiveness of the procedures, and the proportion of staff showing awareness of them. This relationship is logical and suggests that agencies which go to the effort of developing comprehensive procedures are most likely to expend resources in making staff aware of them.

However it is also reassuring in that it shows that more comprehensive procedures are not just fatter documents that then become only less likely to be implemented.

The second analysis shows there is also a significant relationship between more comprehensive procedures and more positive general attitudes to the reporting of wrongdoing, in terms of the whistleblowing propensity scale discussed earlier (Employee Survey, Q15). This is an important finding. Whereas higher levels of whistleblowing propensity might correlate with awareness of legislation simply through assumptions that legislation applies, rather than real awareness, this is less likely in relation to procedures because these are specific to the agency concerned. This suggests that agency procedures, where comprehensive, do impact positively on the general outlook towards reporting in the organisation.

Table 7.10. Awareness of and confidence in procedures (agencies)

Measure from Employee Survey	Correlation with comprehensiveness of agency procedures
(1) Knowledge about the existence of the procedures	Pearson correlation = .303[**] Significance (two-tailed) = .002 N = 101
(2) Attitudes held by staff to the reporting of wrongdoing 1 = bad and 5 = good	Pearson correlation = .231[*] Significance (two-tailed) = .020 N = 102
(3) View of less senior staff on how management would respond to reporting of wrongdoing (q 18 as a 13 item scale); respondents earning less than $80,000 pa. 1 = poor and 5 = well	Pearson correlation = .124 Significance (two-tailed) = .213 N = 102
(4) View of more senior staff on how management would respond to reporting of wrongdoing (q 18 as a 13 item scale); respondents earning more than $80,000 pa. 1 = poor and 5 = well	Pearson correlation = -.286[**] Significance (two-tailed) = .004 N = 102

[**] Correlation is significant at the 0.01 level

[*] Correlation is significant at the 0.05 level

The third and fourth analyses in Table 7.10 examine views about how management in the organisation would most likely to respond to reports about wrongdoing (employee survey Q18). This measure is, in effect, a measure of the confidence that respondents have in management to deal fairly with reports of whistleblowing and to protect employees from reprisals. Most respondents also completed this part of the questionnaire. Respondents were divided into those that were less senior (earned less than $80,000 p.a.) and more senior (earned more than $80,000). Consistently with the results in chapter 6 in relation to managers, more senior staff showed greater overall confidence in the management of their organisations to deal fairly with reports of whistleblowing (mean 3.35, N = 3619) compared to the less senior staff (mean 3.25, N = 3838). This difference was significant at the 0.001 level.

These analyses show some important and somewhat troubling results. For less senior staff, there was no significant relationship between the comprehensiveness of agency procedures, and confidence in management to deal well with whistleblowing. In other words, even if more comprehensive procedures increase the general outlook of employees towards whistleblowing and the likelihood that they may report wrongdoing, employees in these

agencies do not currently possess higher confidence in the management response. One possible reason may be that employees in organisations may not become fully aware of the whistleblowing procedures until such time as they find themselves in a situation where they are contemplating reporting wrongdoing. However it may also indicate that staff are aware of the relative weakness of the procedures when it comes to many of those items that relate to actual, effective protection and support. Certainly it suggests that staff are not yet convinced about these elements, even if they are otherwise predisposed to report.

For more senior staff, the result was somewhat perverse. There was a strong *negative* correlation between comprehensiveness of procedures and the confidence of more senior staff in the likely management response to whistleblowing. In other words, senior staff were more confident of the likely management response in agencies with less comprehensive procedures, and less confident in those agencies with stronger procedures. This suggests that more senior staff assess the contents of the procedures differently, but also probably have a misplaced confidence in their own agencies' systems and procedures. In some circumstances, managers reported high levels of confidence in the organisation's capacity to deal with reporting of wrongdoing when the organisation had no whistleblowing procedures at all.

Importantly, evidence of this mismatch between content of procedures and perceptions of their adequacy at higher level of the organisations was also present in the case study agencies. Casehandlers and managers in these agencies were surveyed as to their views about whether whistleblowing policies gave employees 'a reasonable idea about what is going to happen' when they report wrongdoing. The results for ten of the 15 agencies are presented in Table 7.11, alongside their score for the comprehensiveness of their actual procedures. The data show that both casehandlers and managers are generally positive about the usefulness of their procedures. However in some cases they appear concerned about their procedures, when they are actual relatively comprehensive, especially against the national average. In other cases, e.g. NSW agency C, the procedures were relatively poor (although still close to the national average), but casehandlers and managers thought they were pretty useful.

Table 7.11. Usefulness of procedures for employees contemplating reporting

Casehandler and Manager Survey, Q17

Case-study Agency	Comprehensiveness score for agency procedures	% of casehandlers agreeing on usefulness	% of managers agreeing on usefulness
Commonwealth			
A	45	80.8 (n = 26)	81.3 (n = 32)
B	37	60.9 (n = 23)	50.0 (n = 28)
C	46	89.1 (n = 55)	83.8 (n = 43)
New South Wales			
A	46	87.5 (n = 24)	96.4 (n = 28)
B	41	87.5 (n = 16)	64.3 (n = 14)
C	**25**	**80.0 (n = 5)**	**90.0 (n = 30)**
Queensland			
A	30	50.0 (n = 24)	80.0 (n = 40)
B	26	75.0 (n = 4)	70.0 (n = 10)
Western Australia			
A	45	81.0 (n = 21)	84.9 (n = 53)
B	41	76.9 (n = 26)	70.6 (n = 34)

Table 7.12. Importance of factors in forming views about reporting

Internal Witness Survey, Q7

Factor	Response Mean (1 = not at all important, 5 = extremely important)
Whistleblowing legislation	4.39 (n = 210)
A code of conduct / ethics	4.33 (n = 212)
Policies of the organisation	4.32 (n = 211)

These data can be compared with the perceptions of whistleblowers in the case study agencies. The Internal Witness Survey confirmed that the contents of the procedures are important in the whistleblowing process. Responses by internal witnesses indicated that the agencies' policies played an important role in forming their view about the wrongdoing they went on to report, rating second and third out of ten factors, as shown in Table 7.12.

However, the internal witnesses were less positive about the usefulness of the written procedures when it came to the process thereafter. Although in total 79% of casehandlers and managers agreed that the procedures gave employees a reasonable idea about what was going to happen, only 50% of internal witnesses did so (Internal Witness Survey Q12, n=193). This is a further sign that while comprehensive procedures do make a difference, there are contradictory assessments within agencies about their current adequacy. In summary, in some agencies more senior staff appear to be excessively optimistic about how well the organisation's procedures are likely to deal with the reporting of wrongdoing. This finding brings further light to bear on the gap between broad principles and practical realities suggested in relation to managerial awareness of legislative obligations, identified in chapter 6, in the context of the broadly positive outlook of managers.

While these results for senior levels give cause for concern, it is clear that many agencies are serious about their procedures, that they have gone to considerable effort to embed them in their organisation, and that these efforts account for the higher level of awareness in some agencies. Using the Employee Survey it was also possible to establish how agencies went about embedding their procedures. Respondents were asked to nominate the mechanisms by which they had been made aware of the reporting policy of the organisation. The items included code of conduct, general training, induction programs and a range of other awareness raising mechanisms. For the purpose of the analysis these were totalled with a range of zero to 16, and the data analysed for any relationship between the number of mechanisms used in agencies, according to employees, and some of the indicators used above.

The results in Table 7.13 indicate that the more comprehensive the agencies' awareness raising approach, the more positive the attitudes towards reporting of wrongdoing, and the greater the confidence that management would respond well, irrespective of what the actual experience is likely to be. Again, consistently with the correlation between agency size and comprehensive procedures, larger organisations reported in the Agency Survey also responded that they used a larger number of mechanisms for publicizing their procedures (0.257. N = 79, significant at 0.05 level).

Table 7.13. Relationship between awareness mechanisms and trust in management

Measure from Employee Survey	Correlation with total number of awareness mechanisms
Attitudes held by staff to reporting of wrongdoing 1 = bad and 5 = good	Pearson correlation = .357[**] Significance (two-tailed) = .000 N = 7436
View of staff on how management would respond to reporting of wrongdoing (q 18 scale) 1 = poor and 5 = well	Pearson correlation = .227[**] Significance (two-tailed) = .000 N = 7544

[**] Correlation is significant at the 0.01 level

[*] Correlation is significant at the 0.05 level

The awareness mechanism measure runs from 0 (no mechanism nominated) to 16 (all mechanisms nominated).

Impact and effectiveness

Perhaps the most crucial issue is whether there is evidence that more comprehensive procedures correlate with better substantive outcomes, in terms of level of actual reporting behaviour and the treatment of whistleblowers. The relationship between comprehensiveness of procedures and these outcomes are shown in Table 7.14.

Table 7.14. Impact of procedures by reporting rate and whistleblower treatment (agencies)

Measure from Employee Survey	Correlation with total score for agency procedures
Reporting rate: proportion of respondents who reported observed wrongdoing they believed to be very/extremely serious	Pearson correlation = .201[*] Significance (two-tailed) = .043 N = 102
Proportion of non-role reporters who rated treatment by management as 'bad' or 'extremely bad'[#]	Pearson correlation = -.391[**] Significance (two-tailed) = .008 N = 45
Proportion of non-role reporters who rated treatment by co-workers as 'bad' or 'extremely bad'[#]	Pearson correlation = -.336[*] Significance (two-tailed) = .026 N = 44

[**] Correlation is significant at the 0.01 level

[*] Correlation is significant at the 0.05 level

[#] It was anticipated that these correlations would be negative because these outcome scales run from a good outcome scoring lowest and a poor outcome scoring highest.

The first result in Table 7.14 is positive. One of the key purposes of procedures is not just to make employees think more positively about the reporting of wrongdoing, but also to encourage them to actually do it. As we saw earlier, there is no evidence that awareness of or confidence in legislation directly increases reporting behaviour, but there was evidence that it does reduce the incidence of employees observing serious wrongdoing and doing nothing. Here

there is a modest positive relationship between the comprehensiveness of an agency's procedures and the proportion of staff who report any serious wrongdoing they observe. Given the evidence in chapter 3 about the complexity of reporting behaviour, it would be unlikely that the comprehensiveness of agency procedures alone was the major determinant of when an employee blew the whistle. Large proportions of employees still report wrongdoing in agencies with no or poor procedures. Nevertheless, this result provides an indication that comprehensive procedures provide positive reinforcement for employees' reporting behaviour. It is particularly likely that they also shape *how* employees report, a major issue for how they are then managed.

The second and third analyses in Table 7.14 also show positive results. Respectively, they show the relationship between comprehensiveness of an agency's procedures and the proportion of non-role reporters (whistleblowers) in the agency who indicated they were treated badly by management or by co-workers. As with other analyses, organisations where less than 10 participants responded to the relevant measures were omitted from the calculations, meaning the presence of any relationship could only be tested for in 45 and 44 agencies respectively.

The analysis shows a strong relationship between comprehensiveness of procedures and better treatment by management, and a weaker, but still statistically significant, relationship between comprehensiveness of procedures and better treatment by co-workers. This is a major finding, supporting the conclusion that where an organisation had comprehensive procedures, there was more likely to be a positive outcome in terms of treatment and protection for the person who reported. The remaining question is why this was the case, given that across the board, procedures were weakest in the area of whistleblower protection and support.

Evaluating specific areas of the procedures

Up to this stage, relationships have been examined in relation to the comprehensiveness of the procedures in their totality. However the coding instrument for assessing the comprehensiveness of the procedures was made up of 24 individual items as described above, with the average score (maximum 3) for each aspect set out earlier in Table 7.8. The weakest areas were those associated with whistleblower protection and support. Depending on the specific areas of relative strength in an agency's procedures, they could still show up as relatively comprehensive overall without necessarily indicating any particular strength on those issues relating to protection and support. In other words, the procedures themselves may not explain why more comprehensive procedures correlated with better outcomes.

The analysis was therefore taken to a further stage, looking for correlations between the various outcome measures above, and specific items in the procedures. It identifies those procedural items that correlated most strongly with better treatment by managers, better treatment by co-workers, and more positive attitudes to reporting. Table 7.15 sets out the results, which are mixed. It identifies the nine individual items in the written procedures that tended to be present in those agencies where Employee Survey respondents reported a higher rate of good outcomes, or had more positive attitudes towards the reporting of wrongdoing. What is notable is that three of the items (17, 15 and 20) relate directly to the protection of internal witnesses, being also the items least commonly present in most agency procedures, as indicated in Table 7.8.

However the correlations with these particular items was not strong. This tends to reinforce that in addition to being weakly represented in procedures across the board, at least in so far as they are described in written procedures, systems for actively protecting and managing internal witnesses do not currently seem to explain why some agencies achieve better outcomes (or reduced levels of bad outcomes). There is a correlation with comprehensive procedures, but the better outcomes experienced by whistleblowers in these agencies may have more to do with other factors also consistent with this attempt to be more comprehensive, such as overall management commitment to fairness and equity, than to specific systems and policies for

managing whistleblowers. Agencies that manage to protect more whistleblowers may even be doing so despite a lack of effective systems, rather than because of them. This raises many questions for analysis in chapter 8.

Table 7.15. Relationship between employee outcome and attitude items

Procedures Assessment and Employee Survey

Item in evaluation of procedures	Treatment by manage-ment	Treatment by co-workers	Attitude to reporting
An accurate description of the types of concerns where it is appropriate to use the whistleblowing mechanism (item 7)	-.476[**]	-.298[*]	.081
Statement of organizational commitment to principle of whistleblowing (2)	-.396[**]	-.328[*]	.218
Information about relevant legislative provisions (item 4)	-.366[*]	-.417[**]	.024
A description of the roles and responsibilities of the key players in the organisation's whistleblowing arrangements (item 8)	-.275	-.380[*]	.083
To whom and how whistleblowing concerns can be directed internally (item 5)	-.372[*]	-.231	.136
A description of the procedures for the active management and support of internal witnesses (item 20)	**-.190**	**-.328[*]**	**.290[**]**
A statement of to whom and how whistleblowing concerns can be directed (externally) and in what circumstances (item 6)	-.300[*]	-.294	.004
Rights of the internal witness to request positive action by the entity to protect them (item 17)	**-.012**	**.007**	**.313[**]**
Procedures for the assessment of risk of reprisal against individual whistleblowers (item 15)	**-.109**	**-.111**	**.246[*]**

[**] Correlation is significant at the 0.01 level

[*] Correlation is significant at the 0.05 level

Correlations on the outcome analyses are negative because the outcome scales run from a good outcome scoring lowest and a poor outcome scoring highest. The procedural analysis ratings run from poor procedures scoring lowest and good procedures scoring highest.

7.5. Conclusions and work in progress

Public sector organisations almost universally react to difficult staffing issues by developing and implementing sets of procedures. Every public sector organisation has many volumes of these procedures. It is not surprising that these will usually include procedures for the sensitive and difficult area of reporting wrongdoing. However this analysis has demonstrated empirically that the effort put into developing and implementing more comprehensive procedures is worthwhile. There are strong indications that comprehensive procedures raise confidence that the organisation will deal with reports effectively and sensitively, encourage reporting, and are associated with better outcomes for those staff who do report. In particular, comprehensive procedures for the reporting of wrongdoing and the protection of whistleblowers are associated with good outcomes as indicated by the measures of how internal witnesses were treated by management and their co-workers. Besides engendering good outcomes, comprehensive procedures are strongly associated with the encouragement of staff to come forward. Legislation itself also appears to have clear positive effects, although these may also relate to elevated expectations in good treatment by management, which may or may not necessarily pan out in practice.

This chapter has nevertheless also shown some serious weaknesses in procedures, and conflicting assessments of the adequacy of procedures at different levels in agencies. A surprising and troubling result was a negative relationship between comprehensiveness of the procedures and the confidence of more senior staff in the likely response of management to whistleblowing. More senior staff (such as managers) often appeared to have either overly optimistic or pessimistic views of their own procedures, depending on the case. In either case, their views appeared to be somewhat disconnected from the reality, particularly since the views of less senior staff tended to correlate more directly with the actual quality of the procedures.

The analysis of which procedural items were most commonly present when the outcomes were positive, and the attitude to reporting wrongdoing was positive, enables a tentative conclusion about which elements of the procedures are most important to staff. Some of those elements relate to the way in which organisations handle reprisals. The analysis of procedures indicated that, overall, this was the weakest area in reporting procedures, and one in which organisations can make significant improvements. While more comprehensive procedures correlated with better outcomes, these were not necessarily explained by the contents of the procedures themselves on the relevant issues.

This evaluation of the whistleblowing procedures of individual organisations has essentially been a measure of the completeness of written documents. The evaluation instrument specifically attempted to include all relevant procedural elements relating to whistleblowing. It needs to be noted that there are many other issues involved in the effective handling of wrongdoing besides the completeness of the written procedures. Clearly procedures alone do not guarantee a good outcome. This is more likely to hinge on management commitment, promulgation of the procedures, and effective resources devoted to investigation and to the support of staff. On one hand, the results may be explained by the fact that these factors are more likely to be present in those organisations that also take the trouble to develop more comprehensive whistleblowing procedures. These more comprehensive procedures are also likely to be at least some reflection of organisational practices. However there is clearly much about the way systems work that the written procedures do not explain.

To this end, ongoing research in the current project involves more qualitative assessment of current 'best practice' in the management of whistleblowing by organisations, particularly the 15 case study agencies in the project. As part of this, the analysis of the procedures in this chapter is intended to inform the development of model procedures to assist all organisations in handling whistleblowing effectively and protecting those employees who come forward. The development of this will follow on a more complete description of how these agencies organise

and implement their programs in practice, irrespective of how they ma6y be currently described in written procedures. Appendix 3 to this report contains a framework for the description and analysis of agency whistleblowing systems, developed collaboratively by the research team and a workshop of case study agency representatives. This framework will form the basis of the structure of the model procedures, using the analysis of all the data, when available, to highlight which are the crucial elements necessary in effective procedures. As well, that framework is the agreed structure for the next phase of reporting in the project where all the data collected form the case-study agencies will be brought together and analysed, going into greater depth into the administrative arrangements supporting the reporting of wrongdoing.

As it stands, it already appears that many agencies take their procedures seriously, and rightly so as they do appear to have a direct impact in terms of encouraging their staff to report perceived wrongdoing. The good intentions of these agencies also then appear to be flowing through to the outcomes for whistleblowers, since management treatment of whistleblowers also appears better in those agencies with more comprehensive procedures. Exactly why this is the case, and what systems work better than others, remains a focus of analysis.

Endnote

[1] The author thanks Jane Olsen for conducting some of the analyses in this chapter, and A J Brown for editorial guidance and direction.

[2] Other members of the research team who participated in the task of coding of the procedures were Lindy Annakin, Michael Carrel, Marika Donkin and Yasmine Fauzee.

8. INTERNAL WITNESS MANAGEMENT AND SUPPORT: RISING TO THE CHALLENGE

A J Brown and Jane Olsen

8.1. Introduction

Over the last two decades, the protection of public interest whistleblowers from reprisals has become a major goal in Australian public administration. Yet practical theories for how this is to be achieved have been slow to emerge. Much of the commitment to better treatment for whistleblowers has been driven by stereotypes and presumptions, rather than detailed understanding of the extent and range of whistleblowing that occurs. The concept of 'whistleblower protection' has hinged on affording legal protection and legal responses, such as criminal prosecution, in the wake of identified problems. Until now, relatively little attention has been given to when and how the problems experienced by whistleblowers *begin*, and how agency systems and procedures might work to prevent and contain more of these problems, rather than relying on a mixture of luck and *ex post facto* damage control.

The importance of reprisal prevention has become clearer, having been suggested by international literature but now demonstrated in an Australian context by the preceding chapters of this report. Even in serious cases, the vast bulk of public interest whistleblowing begins internally within public sector agencies; and most of it is resolved internally. Very often this occurs to the satisfaction of the whistleblower, and more often than not, without the whistleblower regarding themselves as having been badly treated by co-workers or management. What is it about these successful cases that make them easier to manage, and what aspects of agency responses are currently helping them realise this potential for good outcomes? Conversely, which are the more difficult cases for whistleblowers and agencies to manage, and what might be done to reduce the number that turn into damaging conflicts?

This chapter presents further evidence from the Agency, Employee, Internal Witness, Casehandler and Manager Surveys about the way whistleblowing is currently managed in organisations, with a focus on what happens in practice. This evidence is intended to test the hypothesis that the management of whistleblowing can be strengthened as either 'an art or a science', or both, as opposed to simply left as a matter of luck (Brown 2001; Brown et al 2004). In the previous chapter, we saw that while the comprehensiveness of agency disclosure procedures varies dramatically between agencies, more comprehensive procedures are positively associated with a range of better outcomes. This in itself suggests that the management of whistleblowing is increasingly an emerging science. This chapter seeks to fill out some links between stated procedures and systems, and actual practice and experience, including identifiable shortcomings.

The first part of the chapter examines the starting point of the 'internal witness management' process: the expectations of employees about their likely need for support and protection should they report wrongdoing, and the likelihood of them receiving it. This analysis confirms that employees have a generally high expectation of positive treatment – an expectation understandably reinforced by official efforts to encourage internal whistleblowing – but that these expectations are not always met. This has crucial implications for understanding the different types of whistleblowing that occur, and where the focus of prevention needs to lie.

Second, the chapter examines the systems and services available in public agencies for managing the welfare of whistleblowers, and the relative success of these. While analysis of the relationship between approaches to internal witness management and overall outcomes is ongoing, the emerging evidence is that coherent approaches to the management of whistleblowing remain relatively embryonic, and do not appear to be well-integrated into the management responsibilities of staff. It may be specifically because a large number of whistleblowing cases are easy to manage, or largely 'self-managing', that they do not lead to bad outcomes for whistleblowers. In other words, better outcomes may often flow from a coincidence of luck and appropriate general systems in the organisation, rather than the presence of procedures and systems particularly relevant to whistleblowing.

Third, what are the more difficult cases, i.e. those more likely to lead to conflict and damage to whistleblowers, and how might these be addressed? The chapter draws on evidence from the Employee Survey to identify those cases that might be considered 'high risk' for reprisals or other forms of bad outcome, as a basis for further analysis as to what types of organisational and legislative responses might enable these risks to be better addressed.

8.2. Expectations of treatment and support

Employees' feelings about their experience of reporting wrongdoing are shaped by both objective and subjective elements – both how they were actually treated, and how they feel they were treated. From the outset a vital factor is the nature of employees' expectations as to how they are likely to fare if they report. If expectations of good treatment are low, these are more likely to be easily met, and outcomes regarded as relatively good; if expectations are high, meeting them may be more complex, and an identical outcome seen as relatively bad.

In a whistleblowing context, expectations about treatment are also not confined to the question of who might treat a whistleblower well, but also who might treat him or her *badly* – in particular, the risk of active reprisal as against simply lack of support. Different employees have different perceptions about the degree of risk that might attach to reporting wrongdoing that they observe. Perceptions of risk and expectations of support also interact. Consequently, based on his experience with public sector whistleblowers in Queensland, Anderson (1996) suggested employees could be divided into a number of categories:

- *risk avoiders*, who overestimate risks of reprisal, have low knowledge of protections, and are unlikely to come forward;
- *risk managers*, who can realistically anticipate the risks and are more likely to come forward if they see a reasonable prospect of support;
- *trusting* whistleblowers, who may anticipate a risk of reprisal but come forward wrongly predicting it to be low;
- *naive* whistleblowers, who come forward unaware that there are any risks of reprisal or possible negative repercussions; and
- *'kamikaze'* whistleblowers, who come forward regardless of risk.

As already seen in chapters 3 and 4, most employees and most whistleblowers approach the question of reporting from a basis of trust in their organisation. Indeed, as seen in chapter 7, most agencies directly encourage this trust by telling employees that they should report wrongdoing, and will not be made to suffer if they do so. This trust also correlates with the high preference of employees for reporting wrongdoing internally, and to their own managers, in the vast majority of instances. This broad setting of overall expectations of support is borne out by other evidence. For example, employees have considerable confidence that their organisations honour the principles contained in legislation governing the reporting of wrongdoing, such as public interest disclosure or 'whistleblower protection' legislation. Of the 3882 respondents to the Employee Survey who said they believed they were covered by such legislation, 50 percent

either agreed or strongly agreed that its principles were followed in their organisation, with only eight percent disagreeing or strongly disagreeing (Employee Survey Q17d). Perhaps unsurprisingly, casehandlers and managers in the case study agencies were even more strongly convinced that the principles of the legislation were being followed, with 73 percent either agreeing or strongly agreeing (Casehandler and Manager Survey, Q21d, n=458).

The relevance of confidence in legislation was further discussed in chapter 7. The question here becomes, is this trust well justified? Already in chapter 5 we saw some mismatches in expectations between casehandlers and managers on one hand, and whistleblowers on the other. In chapter 7, we saw evidence that more senior staff can have a much more positive view of whistleblowing procedures than more junior staff. Clearly different individuals assess their prospects differently, and this also influences their reporting behaviour. Table 8.1 extends this picture with evidence from the Employee Survey about public officials' expectations of treatment and support, comparing those who did and didn't observe wrongdoing, and those who did and didn't report. Not surprisingly, those with highest expectations as to management response were those who observed wrongdoing and reported it as part of their organisational role, including many managers. Higher expectations were also found among those who did not observe wrongdoing at all, suggesting either a higher degree of naivety about the existence of wrongdoing and possible responses, or that their lack of exposure of any wrongdoing simply left them with higher trust in everyone concerned.

Table 8.1. Comparison of expectations relating to risk of reprisals (means)

Employee Survey Q18

1=Strongly disagree 2=Disagree 3=Neither disagree/agree 4=Agree 5=Strongly agree	(a) Observed wrongdoing, reported as part of role n=615	(b) Did not observe wrong-doing n=2114	(c) Observed wrongdoing but did not report n=3245	(d) Observed wrongdoing, reported outside role n=1470	Total* n=7474
Management is serious about protecting people who report wrongdoing.	3.46	3.45	3.04	2.93	3.17
I would suffer negative consequences from **my fellow employees** for reporting wrongdoing	2.70	2.75	3.10	3.13	2.97
I would suffer negative consequences from **management** for reporting wrongdoing	2.39	2.53	2.91	3.01	2.78
I am confident that my rights would be protected if I report wrongdoing and **am retaliated against**.	3.46	3.46	3.01	2.95	3.16

* Includes 30 reporters where it was unknown whether they can be classified as role or non-role reporters.

The expectations of the remainder – those who observed wrongdoing and either did or didn't report it – were lower, but fairly evenly matched. This suggests two things. First, chapters 3 and 5 both showed that prospects of organisational support and protection, along with risk of reprisal, featured less strongly than expected as factors in the overall process of blowing the whistle; less important, for example, than substantive outcomes such as whether anything

would be done in response to the report, and whether the report was actually substantiated. However, Table 8.1 confirms that prospects of support and protection do remain an important factor, with those who decide not to report being comparatively risk conscious and risk averse. Second, these self-assessments of risk appear generally to be vindicated by the experience of those who report. As mentioned in chapter 3, while it is impossible to know, it is likely that whistleblowers' slightly reduced expectations of support and protection (and overall trust in management) result from the fact that some do experience bad outcomes, and that for the remainder, the process is still frequently stressful.

The first of these results is reinforced by further examination of the reasons for non-reporting given in chapter 3. Table 8.2 below repeats Table 3.12, in this case also showing the total number of respondents who observed but did not report wrongdoing, who cited as a reason (a) any fear of reprisal, and (b) fear of reprisal or lack of confidence in organisational protection.

*Table 8.2. Reasons for not reporting (%)**

Employee Survey Q35 (n=3125)

Variable	Total	
Inadequate management response:		
I didn't think that anything would be done about it	36.2%	
I didn't trust the person I had to report to	14.8%	
I didn't think the organisation would protect me	**13.0%**	
I didn't think my identity would be kept secret	12.8%	
Nature of the wrongdoing:		
I didn't have enough evidence to report it	20.7%	**(b) 26.9%** (n=842)
It wasn't important enough to report	14.8%	
Resolved in some other way:		
Someone else had already reported it	20.0%	
I dealt with the matter myself informally	12.9%	
I dealt with the matter formally as part of my role	4.5%	
Fear of reprisal:		
I was afraid the wrongdoer would take action against me	**17.8%**	**(a) 24.4%** (n=764)
I was afraid my co-workers would take action against me	**8.0%**	
I was afraid the organisation would take action against me	**8.8%**	
Other negative consequences:		
It would have been too stressful to report it	14.4%	
I didn't want to get anyone into trouble	10.8%	
I was aware of others' bad experiences reporting wrongdoing	7.5%	
I had a previous bad personal experience reporting wrongdoing	6.3%	
Other people advised me not to report it	3.8%	
I didn't want to embarrass the organisation	2.4%	
I would not have the support of my family	0.2%	
Unsure of process:		
I didn't think it was my responsibility to report it	10.5%	
I didn't know my legal protection if I reported it	7.5%	
I didn't know who to report it to	6.7%	

* multiple responses permitted

While the most commonly cited reason for not reporting wrongdoing remains a lack of confidence that 'anything would be done about it' (36.2 percent of non-reporters), the result at either (a) or (b) confirms that overall, fear of bad treatment and lack of support represent the next most important reason, given by up to 26.9 percent of non-reporters (n=842).

A further result is that among the fears of reprisal, it is the reaction of the alleged wrongdoer(s) that features most prominently as a disincentive to reporting. Clearly, the wrongdoer(s) might be found among either management, or among co-workers, or both, which would then determine the locus of the main fear. Table 8.3 shows where the real locus of fear is actually likely to lie among the non-reporters. Of those non-reporters who indicated that fear of organisational reprisal was a factor, at least 85% of them had observed wrongdoing involving their supervisor and/or high-level managers. Moreover, of those non-reporters who indicated that fear of the wrongdoer was a factor, at least 78% were also referring to cases in which their supervisor and/or high-level managers were involved. The risk of reprisal from co-workers only dominated in cases where the perceived wrongdoer was below or at the same level as the non-reporter. These results mean that is primarily managers from which the fears of reprisals stem. These results resonate with the conclusions of chapter 5, where it was seen that contrary to the expectations of most casehandlers and managers, co-workers *per se* are only infrequently the main sources of bad treatment or harm against those who did blow the whistle. Instead, it was seen that management was far more likely to be seen by whistleblowers as the main source of any bad treatment.

Table 8.3. Source of apprehended reprisal risk among non-reporters (%)

Employee Survey Q25, Q44

		Reason for non-reporting		
Position of wrongdoer(s) in the organisation*		*Afraid wrong-doer would take action against me* (n=557)	*Afraid co-workers would take action against me* (n=249)	*Afraid organ-isation would take action against me* (n=275)
Employee(s) below level	only	2% (9)	5% (13)	1% (4)
	along with others	4% (25)	11% (27)	5% (15)
	subtotal	6% (34)	16% (40)	6% (19)
Employee(s) at level	only	15% (81)	**28%** (69)	7% (18)
	along with others	11% (59)	**19%** (48)	9% (26)
	subtotal	26% (140)	**47%** (117)	16% (44)
Immediate supervisor(s)	only	**26%** (140)	**20%** (51)	**18%** (49)
	along with others	**15%** (86)	**16%** (41)	**17%** (48)
	subtotal	**41%** (226)	**36%** (92)	**35%** (97)
High-level manager(s)	only	**37%** (205)	19% (47)	**49%** (135)
	along with others	**14%** (76)	11% (28)	**18%** (50)
	subtotal	**51%** (281)	30% (75)	**67%** (185)

*Not including outside contractors/vendors

A further, revealing insight into this picture of expectations comes from the experience of those who have actually blown the whistle, seen through the Internal Witness Survey. As indicated in chapter 5, these respondents' experience is not necessarily representative of whistleblowers as a whole, but does provide detailed information about the perceptions of a diverse group. Internal Witness respondents were specifically asked what their expectations were before they reported the wrongdoing. Table 8.4 shows that overall this group went into their whistleblowing experience with some high expectations of support, and low expectations that they would suffer direct reprisals. While on first glance this may seem to suggest that these

whistleblowers were more likely to be 'naive' (in Anderson's terms), further reflection and comparison with the broader results in Table 8.1 would perhaps suggest that most are not that untypical. It may simply be that they were somewhat more trusting than others of management declarations of protection and support. Further, there was a very strong correlation between expectations of management support, and expectations of co-worker support. In other words, if whistleblowers had a positive expectation of support from management, they were also likely to have a positive expectation of support from co-workers. This further entrenches the notion that it is the anticipated management reaction that is decisive in whistleblowers' expectations.

Table 8.4. Internal witness expectations of support, reprisals and protection (% and means)

Internal Witness Survey Q17, Q18, Q20, Q21, Q22 (n=213)

	(1) Not at all	(2) Not very	(3) Some-what	(4) Very	(5) Extr-emely	Mean (SD)
How supportive did you expect management to be? *	14% (30)	15% (32)	16% (34)	32% (67)	24% (50)	**3.35** (1.36)
How supportive did you expect immediate co-workers to be? *	10% (22)	14% (29)	21% (44)	35% (75)	20% (43)	**3.41** (1.24)
How likely that managers would take action against you?	21% (45)	28% (60)	22% (47)	16% (33)	13% (28)	**2.71** (1.32)
How likely that co-workers would take action against you	31% (65)	31% (66)	22% (46)	11% (23)	6% (13)	**2.31** (1.19)
How likely that you would be effectively protected?	14% (30)	26% (55)	28% (60)	21% (44)	11% (24)	**2.89** (1.21)

* Correlation between expectation of management and co-worker support:
Pearson r = .404, sig = .0005.

Table 8.5. Relationship between expectations of support and treatment

Internal Witness Survey Q17, Q18, Q50, Q51

Relationship between…		**Correlation**
Expectation of management support 1 = not at all and 5 = extremely	Treatment by management[#] 1 = extremely well and 5 = extremely badly	Pearson r = .040 Sig = .562 N = 211
Expectation co-worker support 1 = not at all and 5 = extremely	Treatment by co-workers[#] 1 = extremely well and 5 = extremely badly	Pearson r = -.375 Sig = .0005 N = 208

[#] It was anticipated that these correlations would be negative because these outcome scales run from a good outcome scoring lowest and a poor outcome scoring highest.

How, then, did these whistleblowers fare, relative to their expectations? Table 8.5 shows the correlation between the level of likely support expected by Internal Witness respondents from management and co-workers respectively, and their experience of how they were ultimately treated. There was a very strong inverse relationship between expecting support from co-workers and treatment by co-workers (p=0.0005), meaning that these expectations were usually right: if a whistleblower had low expectations of support from co-workers, they were

more likely to report bad treatment from them. However, the same was not true in relation to management. There was no identifiable relationship between the level of support expected by whistleblowers from management and how they were treated. This means that, notwithstanding the importance of the management reaction to their prospects, the whistleblowers were far less able to accurately predict how management would react. Clearly, on the whole, the reactions of management were more negative than whistleblowers anticipated.

In summary, managing the expectations of employees is clearly as important to ensuring as many good outcomes as possible from the reporting of wrongdoing, as controlling the risk of actual direct reprisals. As seen in chapter 5, the known or suspected incidence of direct reprisals by individual staff or managers, of any provable seriousness, is generally low. Where reprisals occur, the real 'killers' are indirect actions and cumulative adverse impacts, possibly arising from the general stressfulness and workplace polarisation that typically follows and encourages conflict. These may be enough to wreck an individual's career or mental health, but are difficult to sheet home to any individual action. Indeed a mismatch between expectations and what actually happens may be all that is needed to commence this downward spiral.

Chapter 5 discovered evidence of at least one area of mismatch, in the form of a lack of management appreciation of the extent to which substantiation of a whistleblower's report – in other words, vindication – plays a decisive role in many whistleblowers' perceptions of the overall outcome. Nevertheless it is clear that agencies are well aware of the problems experienced by whistleblowers. Asked how often they thought employees who reported wrongdoing then experienced 'emotional, social, physical or financial' problems, 48 percent of casehandlers and managers indicated this was 'often' or 'always' the case, with a further 42 percent believing it was 'sometimes' the case (Casehandler and Manager Survey Q31, n=555). While casehandlers and managers both perceived co-workers as a likelier source of bad treatment than managers, they still recognised bad treatment by management as a problem: 22 percent of managers (n=322) and 42 percent of casehandlers (n=232) thought that, overall, their management treated employees who reported 'quite badly' or 'extremely badly'.

The above analysis further suggests that the point of initial *unexpected* adverse or unsupportive reaction by management towards the disclosure may actually be the first tipping point at which the potential for conflict begins, and the experience of some whistleblowers starts to unravel. Finding better ways to intervene to prevent a spiralling conflict, where this is possible, is the goal of internal witness management or whistleblower support programs. Until now, the primary objective of whistleblower protection policies has generally been prevention of identifiable reprisals by individuals or management. As seen in chapters 5 and 7, a more accurate indicator of the success or failure of these programs might be the proportion of all employees who report wrongdoing, who then claim to have been treated well or badly by management as a result. While agencies can always be expected to differ considerably in the proportion of whistleblowers who fall in this category, a common objective in all cases is to reduce the rate of reported bad treatment by management to the lowest feasible level. The question becomes, how well do agencies' efforts to protect, support or manage whistleblowers appear to be contributing to this goal.

8.3. Internal witness support strategies

Alongside measures to ensure that employee reports of wrongdoing are properly investigated, and action taken, the main methods used to minimise the proportion of bad outcomes reported by whistleblowers involve strategies for whistleblower protection or 'internal witness' support. As seen in chapter 7, of the 24 items used to assess the comprehensiveness of agencies' written internal disclosure procedures, eight related directly or indirectly to the management or protection of whistleblowers. As already noted, these items tended to be among the weaker and missing items in most agencies (means scores out of 3):

- Reporting will be kept confidential and secure within the law (1.68)
- Commitment to protect and respect internal witnesses (1.48)
- Staff who report wrongdoing not to suffer disciplinary action (0.96)
- Active management and support of internal witnesses (0.72)
- Procedures for responding to reprisal action against internal witnesses (0.54)
- Rights of the internal witness to request positive action by the entity to protect them (0.22)
- Procedures for the investigation of reprisal action against internal witnesses (0.22)
- Procedures for the assessment of risk of reprisal against individual whistleblowers (0.12).

In fact, while 231 (76 percent) of the 304 agencies who responded to the Agency Survey indicated that they had internal disclosure procedures of some kind, we saw that the focus of these procedures was on encouraging staff to make disclosures, and dealing with how these should be investigated, more than whistleblower protection. As shown in Table 8.6, only 55 percent of all agencies indicated that their procedures included systems for identifying whistleblowers who might need active support, with two-fifths of these indicating the systems were only informal. The number was only slightly better among those agencies that participated in the Employee Survey, while all case study agencies indicated they had such systems.

Table 8.6. Presence of agency systems for providing internal witness support (%)

Agency Survey Q25

Does your agency have procedures or systems for identifying internal witnesses who may need active management support as a result of their report or disclosure?	(a) All agencies n=304	(b) Employee Survey agencies n=116	(c) Case study agencies n=15
No	46% (136)	40% (46)	-
Yes, formal procedures	34% (101)	41% (47)	87% (13)
Yes, informal procedures or systems	21% (61)	20% (23)	13% (2)
Subtotal	100% (298)	100% (116)	100% (15)
Missing	6	-	-

As well as being absent from many agencies, the systems for managing and supporting whistleblowers are typically fairly basic in the remainder. Table 8.7 shows that in the bulk of the agencies with any formal or informal systems, the most common form of support came in the form of the same general employee assistance or counselling services available to all employees. Only 20 percent of the agencies with any systems, or 11 percent of all agencies, indicated they had their own formalised internal witness support program. Significantly, the bulk of agencies with no formal or informal programs of their own relied more heavily on other external or central government agencies.

Table 8.8 goes on to confirm that most internal witness support programs function without any dedicated staff. Only 70 agencies indicated that staff resources were dedicated to this function, 35 of which were to be found among the Employee Survey agencies, including 11 of the case study agencies (Agency Survey Q29). Five of these agencies could not then indicate a specific estimate of how many staff. The case study agencies had the highest number of dedicated staff, averaging 3.2 FTE staff per agency.

Table 8.7. Source of internal witness support in agencies (%)*

Agency Survey Q27

Who does your agency rely on to support or manage internal witnesses?	(a) All agencies n=162	(b) Employee Survey agencies n=70	(c) Case study agencies n=15
General assistance or counselling services available to all employees	83% (135)	81% (57)	87% (13)
Our own informal internal witness support systems	46% (74)	57% (40)	47% (7)
External/central government agencies	24% (39)	17% (12)	13% (2)
Our own, formal internal witness support program	20% (33)	29% (20)	60% (9)

* multiple responses permitted

Table 8.8. Agencies with staff resources for internal witness support (FTE and mean)

Agency Survey Q29, Q30

Estimated number of staff (full-time equivalents) involved in internal witness support and management	(a) All agencies n=65	(b) Employee Survey agencies n=32	(c) Case study agencies n=10
Central support unit/services	65 (1.0)	40 (1.2)	12 (1.2)
Other nominated support persons	67.1 (1.0)	16.1 (0.5)	6 (0.6)
Contracted/external support persons	33.1 (0.5)	17.1 (0.5)	9 (0.9)
Other	17 (0.3)	9 (0.3)	5 (0.5)
Total	182 (2.8)	82 (2.5)	32 (3.2)

Table 8.9. Agencies with staff responsible for protecting whistleblowers from reprisals (%)*

Agency Survey Q38

Does your agency have staff responsible for ensuring that internal witnesses are protected from reprisals?	(a) All agencies n=294	(b) Employee Survey agencies n=115	(c) Case study agencies n=15
No	30% (89)	23% (26)	-
Yes	70% (205)	77% (89)	100% (15)
Investigation staff	45% (93)	55% (49)	60% (9)
The internal witness's supervisor and/or line managers	48% (99)	34% (39)	60% (9)
Support staff	30% (62)	49% (44)	33% (5)
Other	36% (73)	34% (30)	40% (6)

* multiple responses permitted

While these levels of dedicated staffing appear low, there is no prescription available for what might be an appropriate level of staffing, given the great variation in size of the agencies. It is worth noting that the case study agencies include some of the largest organisations in the country. The question of what might make for appropriate economies of scale for the delivery of internal witness support is an issue being addressed through the case study analysis.

Of greater significance is the fact that when asked whether they had staff responsible for ensuring that whistleblowers were protected from reprisals, 30 percent of all agencies indicated they had *no* such staff (Table 8.9). This is a startling admission of weakness, given that the available options included the conventional ones chosen by most of the remaining agencies: investigation staff, and the whistleblower's supervisor and/or line managers, who are present in all agencies. The weakness of systems for dealing with reprisals, and reprisal risk, were noted in chapter 7 and will be further discussed later in this chapter.

Although the Agency Survey collected data on numbers of staff dedicated to internal witness support, it was in fact presumed that the function of supporting and managing whistleblowers could properly involve a wide variety of actors, both inside and outside the agency (Brown et al 2004). This presumption was tested in the case study agencies by asking all relevant players who they thought were important in the support and management of whistleblowers. Internal witnesses were asked who they found gave them the greatest help and support, while casehandlers and managers whom they regarded as having important roles in the management of the welfare of employees who reported wrongdoing.

Table 8.10 shows the sources of support found by whistleblowers from the Internal Witness Survey, ranked in order of the type of person recorded by the greatest number of whistleblowers as providing assistance or help, after they first reported. For each source of support, the result is given both for assistance and support immediately after the report (Q47, shown as 'AR'), and help and support for those whistleblowers who said they also then experienced bad treatment or harm (Q57, shown as 'AH'). Both results are broken down according to how respondents said they were treated overall by management and co-workers (Q50 and Q51), to indicate how the pattern of support fell depending on where perceived bad treatment was coming from. The small group who reported being treated badly by co-workers only, drew on the least number of sources of support. Those who said they were treated well or the same by both management and co-workers drew on considerably more sources of support. The largest number of sources of support were accessed by those treated badly by management.

The overall pattern is one of greatest reliance being placed on the existing personal and management networks that surround the employee, at least in the first instance, rather than any formalised internal support or protection programs. This was especially true of those claiming bad treatment by management, who relied especially heavily on their own work colleagues for support, as well as on union support. Those who said overall they weren't treated badly, nevertheless also found greatest support among other work colleagues, and also their supervisor, when the going got tough. Whistleblowers who were treated badly by colleagues, instead fell back heavily on their own family. Importantly they also drew heavily on their supervisor and management, and were likely to be the first to access professional counselling support. Counsellors became increasingly important for all groups once problems emerged. However for those treated badly only by colleagues, the fact they did not go on to seek other forms of support suggest they were able to 'ride out' the storm using these basic resources.

The three striking results are that internal investigation units did not feature strongly as support mechanisms, other than in the first instance by those who did not report being treated badly, suggesting their role was valued and may have helped improve outcomes for these respondents but not others (perhaps depending on the investigation outcome). Government watchdog agencies featured even less strongly, either before or after harm was experienced. Finally, internal witness support programs featured only weakly, nominated by only two percent of the whistleblowers as a source of support after they reported, rising to five percent of those who experienced bad treatment or harm. Most of these agencies did have such a program.

Table 8.10. Sources of help, assistance and support to whistleblowers (%)*

Internal Witness Survey
AR=after report (Q47: Which of the following assisted or supported you after you reported?)
AH=after harm (Q57: Which gave you good help and support after you experienced bad treatment or harm?)

		How treated by management and/or co-workers				**Total**
		(1) Well/same by both	**(2a)** Badly only by co-workers	**(2b)** Badly only by mgt	**(2c)** Badly by both	
Sources of help & support	AR	(n=78)	(n=8)	(n=73)	(n=49)	(n=213)
	AH	(n=19)	(n=7)	(n=60)	(n=49)	(n=139)
Other work colleagues at my level	AR	44% (34)	50% (4)	**66% (48)**	40% (19)	50% (106)
	AH	**63% (12)**	43% (3)	**67% (40)**	31% (15)	52% (72)
My family	AR	31% (24)	**63% (5)**	51% (37)	53% (26)	44% (94)
	AH	37% (7)	**71% (5)**	53% (32)	57% (28)	52% (72)
Other work colleagues below my level	AR	22% (17)	--	27% (20)	18% (9)	22% (47)
	AH	**47% (9)**	--	32% (19)	14% (7)	25% (35)
A union or professional association	AR	5% (4)	--	**22% (16)**	25% (12)	16% (34)
	AH	10% (2)	14% (1)	**30% (18)**	12% (6)	19% (27)
My supervisor	AR	22% (17)	**75% (6)**	12% (9)	6% (3)	16% (35)
	AH	**21% (4)**	**43% (3)**	7% (4)	6% (3)	10% (14)
A counsellor or counsellors	AR	4% (3)	**43% (3)**	19% (14)	18% (9)	14% (29)
	AH	21% (4)	29% (2)	23% (14)	20% (10)	**22% (30)**
Senior managers	AR	22% (17)	**25% (2)**	6% (4)	8% (4)	13% (27)
	AH	5% (1)	**14% (1)**	10% (6)	6% (3)	8% (11)
Internal ethics, audit, investigation unit	AR	**21% (16)**	13% (1)	7% (5)	6% (3)	12% (25)
	AH	5% (1)	--	3% (2)	8% (4)	5% (7)
Human Resources / EEO unit	AR	10% (8)	--	7% (5)	4% (2)	7% (15)
	AH	5% (1)	--	8% (5)	--	4% (6)
External government watchdog agencies	AR	1% (1)	--	7% (5)	6% (3)	4% (9)
	AH	5% (1)	--	3% (2)	--	2% (3)
Member(s) of Parliament	AR	1% (1)	--	3% (2)	4% (2)	3% (6)
	AH	--	--	7% (4)	4% (2)	4% (6)
Internal support program for employees	AR	5% (4)	--	1% (1)	--	2% (5)
	AH	5% (1)	--	5% (3)	6% (3)	**5% (7)**
Whistleblower support group	AR	--	--	1% (1)	6% (3)	2% (5)
	AH	5% (1)	--	2% (1)	6% (3)	4% (5)
The media	AR	--	--	4% (3)	--	2% (4)
	AH	--	--	3% (2)	2% (1)	3% (4)
Other community based support	AR	--	--	3% (2)	2% (1)	2% (4)
	AH	--	--	2% (1)	2% (1)	1% (2)
Other specialist officers or units	AR	--	--	3% (2)	--	1% (3)
	AH	--	--	3% (2)	--	1% (2)

* multiple responses permitted

Table 8.11. People with an important role in managing employee welfare (means)

Casehandler and Manager Survey Q43

Which of the following people have an important role in managing the welfare of an employee who has reported wrongdoing? 1 = not important and 3 = very important	(a) Case-handlers n=181	(b) Managers n=247	(c) Total n=428
The employee's supervisor	2.77	2.87	2.82
The employee's family and/or friends	2.78	2.79	2.79
Internal support program for employees who report wrongdoing	2.77	2.73	2.75
Senior managers	2.66	2.68	2.67
Peer support person for employees who report	2.61	2.59	2.60
Internal staff counselling or welfare service	2.61	2.52	2.56
Human Resources/Equity and Merit unit	2.31	2.37	2.34
External staff counselling or welfare service	2.36	2.31	2.33
Internal audit, fraud, investigation or ethics unit	2.19	2.31	2.26
The CEO (or equivalent)	2.17	2.26	2.22
Unions or professional associations	2.19	2.05	2.11
Whistleblower support group(s)	2.12	2.01	2.05
External government watchdog agencies	1.74	1.66	1.70
Other community-based support services	1.66	1.54	1.59
Lawyers	1.48	1.42	1.44
Member(s) of Parliament	1.25	1.21	1.23
Journalists	1.18	1.10	1.14

The equivalent results for casehandlers and managers are shown in Table 8.11, ranked in order of those people considered most to least important in helping to manage the welfare of whistleblowers. The rankings varied only marginally between casehandlers and managers, providing significant validation, since these two groups can bring quite different perspectives. There is some similarity in the overall pattern of greatest importance (2.5 and above) being placed on the existing personal and management networks that surround the employee, bolstered by professional support from those with specialist, relatively independent knowledge of whistleblowing and employee welfare. Also, contrary to many responses to the Agency Survey, internal investigation staff were rated as much less important, particularly by casehandlers themselves (including investigation staff). This not only matches whistleblowers' experiences, but accords with the reality that while investigation staff might be easily presumed to have special importance, their preoccupation with the investigation outcome and inability to guarantee it will favour the whistleblower mean too close a dependence may end in tears. Similarly, other important staff, but less so, tended to be actors with other functions in the organisation which may or may not be consistent with giving a whistleblower unqualified support, including the CEO. Interestingly, given the reliance placed on them by agencies with no dedicated programs of their own, the role of 'external government watchdog agencies' rated quite low in the experience of the case study agencies, as it had with whistleblowers.

However there are also some major differences. Unions were clearly undervalued. But most strikingly, internal witness support programs were rated very highly. The difference in

experience and perception of the two groups could mean that these programs are recognised as important by casehandlers and managers for those cases they do manage, even though they actually provide support to very few people. Or it could mean that very few whistleblowers who completed the Internal Witness Survey ever have had contact with internal witness support programs. In any case, the difference is notable.

What methods do those involved with whistleblowing regard as the most effective for managing and ensuring the welfare of those who report? The experiences of whistleblowers is being established by the qualitative phase of the case study research, but Table 8.12 sets out responses from those casehandlers and managers who indicated direct knowledge of their organisations' strategies for providing active management support. All the items were regarded as at least fairly effective, with only 'workers' compensation' tending towards being regarded as fairly ineffective. Whether or not this is because it was less readily available when perhaps it should have been, is difficult to know.

Table 8.12. Methods for managing employee welfare (means)

Casehandler and Manager Survey Q47

How effective are the following methods for managing and ensuring the welfare of staff who report wrongdoing? 1 = very effective and 4 = very ineffective	Casehandlers n=81	Managers n=114	Total n=195
d. Maintaining confidentiality of the employee's identity	1.62	1.43	1.51
b. Advice and counselling	1.63	1.65	1.64
a. Provision of information about the investigation	1.80	1.77	1.78
c. Advice and counselling to co-workers & other staff	2.06	2.03	2.04
h. Support for the family of the staff member	1.95	2.11	2.04
f. Special access to senior management	2.10	2.02	2.05
g. Special leave/transfer arrangements	2.07	2.19	2.14
e. Physical protection	2.26	2.23	2.24
i. Workers' compensation	2.47	2.57	2.53

A strong result is the priority placed by casehandlers and managers on 'confidentiality' as a means of protecting employees who report. This resonates with the fact that confidentiality also scored strongly among the items in the Procedures Assessment. Casehandlers and managers also rated 'protecting the identity of staff who report wrongdoing' as very to extremely important, and just as important as protecting the identity of those being investigated (Casehandler and Manager Survey, Q56, Q57). The importance of confidentiality is reinforced when we examine higher risk cases, as discussed below. However it is worth observing that confidentiality also directly serves the interests of casehandlers and managers for reasons other than simply protection of the whistleblower, since it also enables effective investigation, protects managers from exposure or criticism, and contains the potential for conflict. Given that in many circumstances, confidentiality is difficult to achieve or preserve, placing all eggs in this single basket may carry considerable risk. It may be that policies of confidentiality can help to contain conflict even when identities are known or suspected, by enabling managers to reinforce to staff they should not focus on personalities but rather on the issue (Brown et al 2004). However a question remains, what else might be done by way of active strategies for protecting whistleblowers, when confidentiality is impractical (NSW Ombudsman 2005).

8.4. Problem areas in internal witness support

Several issues emerge from the data gathered by this project about possible limitations in current strategies for managing whistleblowing. Some of these were first identified in the Procedures Assessment in chapter 7. They include the question of who gets protected, and particularly how whistleblowers access support programs; what they are being protected from; and agencies' capacities to identify and respond to reprisals should these not prove preventable. This section deals briefly with these three issues in turn.

Who gets 'protected'?

A conspicuous finding from the Internal Witness Survey is that organised or formal internal witness support programs played a minimal role in providing good help or support to these whistleblowers. This is notwithstanding that most of the case study agencies involved did report that they had such programs, and that they agreed to encourage all known beneficiaries of these programs to participate in the survey.

The reasons for the low result may be complex and not necessarily indicate that such programs are failing. In particular, it may be that the program operated somewhat invisibly to employees, playing an *indirect* role in facilitating access to the most effective direct sources of support (such as colleagues and supervisors). It may also be that whistleblowers expected more than such a program could realistically deliver, for example an unrealistic level of personal advocacy, intervention in substantive investigations, or protection from unrelated adverse events. This possibility is reinforced by the fact that at least four percent of public interest whistleblowers also indicated that – rather than supporting them – the internal support program was responsible for 'bad treatment or harm' they experienced (Table 5.12).

Another explanation is that internal witness support programs are simply not being accessed by those who may well be able to benefit from them. Table 8.13 sets out the number of whistleblowers that appeared on the 'radar' of the active management support programs over relevant recent years, according to responses to the Agency Survey, with the case study agencies providing organised support to more employees than others. However their total of 504, and average of 33.6, is still an extremely small proportion of all those who report wrongdoing, given that together the case study agencies employed approximately 390,000 people at the time of the research. Based on the broad pattern in chapter 2, if at least 12 percent of all employees might be expected to report 'public interest' wrongdoing outside their role over a two year period, then the case study agencies were likely to have had in excess of 46,000 public interest whistleblowers within their ranks. In other words, even in the case study agencies, currently less than one percent of all likely public interest whistleblowers appear to make it onto the 'radar' of the central internal witness support systems.

Table 8.13. Number (& mean) of internal witnesses in receipt of active management support

Agency Survey Q36

Number of internal witnesses who received active management support under agency procedures or systems	(a) All agencies n=136	(b) Employee Survey agencies n=54	(c) Case study agencies n=15
a. 2002-03	408 (3.0)	378 (7.0)	168 (15.3)
b. 2003-04	392 (2.9)	356 (6.6)	144 (13.1)
c. 2004-05	427 (3.1)	388 (7.2)	192 (17.5)
Three year period	1227 (9.0)	1122 (20.8)	504 (33.6)

Even if a substantial majority of these cases were trivial or did not require active support or central monitoring, this is an extremely low proportion. This evidence suggests that a large number of cases in which the intervention of an organised support program could be desirable, and potentially further reduce the proportion of whistleblowers who report being treated badly, are simply not accessing such programs.

Why is this the case? Again there may be complex reasons, including assessments of suitability and need among the various gatekeepers to such programs, as well as whistleblowers' self-assessments. However the present research also collected evidence of three possible contributing explanations. Table 8.14 sets out responses to the Agency Survey on the question of how whistleblowers accessed the available support, in those agencies which reported having either formal or informal support programs. This highlights the two ways in which whistleblowers might first access the program – either by approaching a relevant person themselves, or by being approached by relevant people in authority, or both.

The first explanation of a low level of access may be either low staff awareness of the existence of a specific program, or low preparedness to self-identify as needing its support. Anecdotally, there is good reason to believe that many whistleblowers, and often those with reduced pre-existing histories of conflict, may be reluctant to self-identify as such. Both these problems might account for low access in the substantial proportion of agencies in which access is dependent on the whistleblower themselves seeking out the program, or which simply do not specify how the support is to be accessed (which probably amounts to the same thing).

Table 8.14. How internal witnesses access available support (%)

Agency Survey Q28

	(a) All agencies n=162	(b) Employee Survey agencies n=70	(c) Case study agencies n=15
The internal witness must approach a designated person in the agency	27% (43)	30% (21)	27% (4)
The internal witness is approached by a designated person in the agency	23% (38)	27% (19)	27% (4)
Combination of the above	15% (24)	17% (12)	33% (5)
Our agency's procedures do not specify	19% (31)	20% (14)	7% (1)
Other	27% (44)	20% (14)	20% (3)

The second explanation is that agencies may not currently possess the necessary management and information systems to enable them to identify the range of cases that need to be monitored for possible intervention from the program. Current best practice in some Australian agencies, particularly police services, is for whistleblowers to be directly approached by internal support staff upon making certain types of reports of wrongdoing, irrespective of whether they self-identify as whistleblowers and irrespective of whether they (yet) see themselves as needing support. However, this approach is dependent on comprehensive information systems that enable support staff to know that a report of wrongdoing has been made, and by whom. Given the evidence in chapter 4 about the volume of reporting that occurs at lower management levels, the creation of appropriate systems is a challenging dilemma for most agencies. However, the alternative is an ad hoc approach in which cases may only come

to notice after problems have occurred, or in which only a few individuals are singled out for 'protection' by management, an approach which may not enhance the reputation of the program.

A third related explanation may be uncertainty within agencies as to exactly who needs to be identified as potentially needing management support, or at what point this should occur. Some of this uncertainty almost certainly relates to definitional confusion over who is or isn't a 'bona fide' whistleblower, and which cases may be more or less deserving. This relatively high degree of confusion is suggested by Table 8.15, showing how casehandlers and managers in the case study agencies responded to a question about the intended 'client group' or potential catchment for their program. There was significant variability in who casehandlers and managers thought were the focus of protection, probably indicating different approaches between the case study agencies, but also conflicting assumptions within the same agencies since, in any one agency, at most only two-thirds of respondents selected the same response. While there were positive signs in that the largest single group of respondents chose the least restrictive definition, and the group sizes progressively reduced in line with arguably increasing restrictiveness, the fact remains that they could not all be right.

Table 8.15. Types of internal witnesses recognised as potentially needing support (%)

Casehandler and Manager Survey Q46.

Type(s) of internal witnesses recognised by agency procedures or systems	n=368
Any internal witness / employee who provides information about wrongdoing	42% (155)
Any internal complainant / employee who reports	30% (112)
Those whose case becomes or is likely to become difficult to manage	13% (47)
Those identified as making a formal public interest disclosure, protected disclosure or whistleblowing report under legislation	9% (33)
Those that ask to be, or consent to being, identified as a 'whistleblower'	6% (21)
	100% (368)

Across the board, these results suggest a lack of consensus that the client group is best defined in terms of a broader catchment, which may also explain why the numbers coming within the purview of support programs are low.

All these possible explanations suggest continuing uncertainty about the role that organisations expect whistleblowers to take in the overall organisational response to allegations of wrongdoing. The more that whistleblowers are forced to self-identify as such in order to come onto the support 'radar', or are 'picked out' by management as deserving cases, then the more that – managed or unmanaged – those that become tagged as whistleblowers may remain the focus of the situation in ways that are less conducive to easy resolution. It has been suggested that one key to reducing stress and better managing the expectations of whistleblowers may be reorientation of their role from one that is adversarial, or in which they remain the main focus, to a more "instrumental role" (Whitton 1996) in the organisational response. The term 'internal witness' is itself intended to connote this more instrumental role, encouraging the notion that the whistleblower, having fulfilled their duty and spoken up, should be supported in moving on and discouraged from becoming trapped in the event or their role. At present it remains unclear how many agency support programs are organised to maximise the number of cases that might be productively reoriented in this way, particularly through any early intervention before expectations and reality fall into too much conflict.

What are internal witnesses getting protected from?

As found in chapter 5 and again above, the expectations of managers and casehandlers about the main risks of detrimental action do not align well with whistleblower experience. Much of the focus lies on protecting whistleblowers from direct and deliberate reprisals, and from co-workers more than management, but in fact neither of these dominate the types or sources of bad treatment or harm reported by whistleblowers. While these may be important risks to address, the more likely sources of conflict appear to relate to unexpectedly adverse management reactions to the disclosure. These may be easily explicable, but the question is what can agency internal witness support programs do to influence both the expectations and the reactions in a larger number of cases.

Similarly reprisal risks are unlikely to relate to 'cleanly' identifiable risks and events, tied to particular individuals, but rather to a nest of tensions and conflicts, both real and perceived. This is especially the case in the many instances where the decision to blow the whistle is associated with an existing history of conflict, or is only taken when other relationships in the workplace have become dysfunctional, either because of other personal or workplace grievances or because the wrongdoing itself has made them so. These circumstances may easily deteriorate into an environment conducive to a range of direct or indirect, deliberate or negligent reprisal actions should the workplace conflict not be contained and defused, or unnecessarily adverse management reactions not be brought back into perspective.

If internal witness support programs have not yet evolved to the point where they are making significant differences in more complex cases, some of the answers may lie in their relatively embryonic state. Here the weaknesses indicated by the procedures assessment in chapter 7 becomes clearer. Effective support and protection of whistleblowers presumes that those administering the support – and indeed the whistleblower – have taken time to identify the issues in relation to which support is required, and what or who the whistleblower is being protected from. However a major weakness noted by the Procedures Assessment was the absence of procedures for assessing the risk of reprisals, before they actually occur. Whether the concern is about direct reprisal risks or more generalised problems and tensions, the effect is the same. It appears rare for institutions to systematically 'size up' and address the problems at any early stage, before stresses emerge and a whistleblower's trust begins to unravel.

This state of affairs was demonstrated by the Agency Survey (Q39), in response to which 205 (70 percent) of the 304 agencies said they did not carry out any assessments of the risk of reprisals against internal witnesses, and only six agencies (two percent) said they had any formalised procedure for doing so. While 10 of the 15 case study agencies indicated they had risk assessment procedures, only one said they were formal.

When asked whether anyone had a 'specific responsibility' to undertake or coordinate this risk assessment, a positive answer could be given by only 46 (52 percent) of the 89 agencies who indicated they had procedures, including eight of the 10 case study agencies (Agency Survey Q41). Even this picture may be somewhat optimistic – in response to the Casehandler and Manager Survey (Q48), 74 percent of all casehandlers (n=236) said either that no-one carried out any reprisal risk assessments in their organisation, or that they didn't know whether anyone did. A similar pattern was found among managers. Further, of the 135 casehandlers and managers who indicated knowledge of risk assessments, nine percent did not know at what point they usually occurred, and among the remainder there were differences of opinion: 39 percent indicated it was when the employee first provided the original information about wrongdoing, but a greater number (49 percent) indicated it was either when the employee first expressed fears (36 percent) or reported actual detriment from a reprisal (13 percent) (Q49). If the greater number are right, then even in these instances, the support system is not well placed to anticipate problems that could reasonably be predicted, nor to assist 'trusting' or 'naive' whistleblowers to devise strategies for better managing their own situation.

How do identified reprisals get resolved?

The third major issue to emerge from the research to date is the conundrum of what might be done to better respond to those direct or negligent reprisals against whistleblowers that do occur. In the case study agencies, as shown in chapter 5, the Internal Witness and Casehandler and Manager Surveys revealed a remarkable degree of congruence in the most and least common types of reprisals reported by whistleblowers, and those observed by casehandlers and managers with experience of reprisal cases. In all, 50 percent of casehandlers (n=117) and 33 percent of managers (n=108) indicated they had this direct experience (Q37, Q38).

However, notwithstanding the level of recognition of the problems experienced by whistleblowers, the case study agencies' experience of dealing with actual reprisals was less than positive. Overall, casehandlers and managers indicated that many whistleblowers who experience reprisal action do not report it. Seventy-three per cent of casehandlers and managers with experience indicated that whistleblowers either 'sometimes', 'often' or 'always' experienced reprisals without going on to report them (Q39a). Whether this may be because they have lost faith in the organisation's ability to remedy the situation, or other factors, is unknown. When whistleblowers did report reprisals, it was generally recognised that the substantiation rate was low: 51 percent of all casehandlers and managers thought that allegations of reprisal were 'rarely' or 'never' substantiated in their organisations, while 40 percent thought they were 'sometimes' substantiated, and only nine percent thought this was 'often' or 'always' so (Q35, n=538).

However the reasons for this low level of substantiation were not necessarily because reprisals had not occurred. Table 8.16 shows the reasons given by the casehandlers and managers with experience of reprisal cases, ranked in order of how common it was for each reason to apply. The lack of any actual reprisal was ranked equal third, or fourth by casehandlers, being those who were probably more likely to know. While the most common reason was lack of evidence, the other common reasons included that the whistleblower did not want to pursue the matter, and that even if it was apparent that a reprisal had occurred, the persons responsible could not be identified.

Table 8.16. Reasons for unsubstantiated allegations of reprisal (means)

Casehandler and Manager Survey Q40

When allegations of reprisal have not been found to be substantiated, what are the most common reasons for this finding? 1 = never and 5 = always	(a) Casehandlers n=108	(b) Managers n=98	(c) Total n=206
There was insufficient evidence	3.43	3.37	3.40
The employee subject to the reprisal did not want it investigated	3.32	3.05	3.19
There was evidence of a reprisal, but not enough to identify or prosecute any individual(s)	3.06	2.92	2.99
There was no reprisal	2.95	3.03	2.99
Passage of time prevented proper investigation	3.06	2.80	2.94
There was evidence of a reprisal, but also that the same action could be reasonable or lawful	2.69	2.52	2.61

The difficulty of differentiating reprisals from actions that could equally be reasonable or lawful was ranked as the least common, but was nevertheless something that 58 percent believed 'sometimes', 'often' or 'always' occurred. While 46 percent of these respondents felt that it 'sometimes' or 'often' occurred that an alleged reprisal was really just disciplinary or personnel action that would have been taken anyway (Q39c), 42 percent saw it as similarly common that disciplinary or personnel action was used as a 'cover' for a reprisal (Q39e).

Overall, casehandlers and managers in the case study agencies were not overly positive about their capacity to deal with reprisals after they occurred. Asked how well they thought their organisation dealt with allegations of reprisal on a scale from one ('not at all well') to five ('extremely well')(Q36), the mean for casehandlers fell below the midpoint (2.88, n=231), while the mean for managers fell just above it (3.07, n=308). For those casehandlers and managers with direct experience of reprisal cases, however, the results were even less positive: the mean for casehandlers dropped further below the midpoint (2.63, n=117), while the mean for managers fell below it (2.81, n=105).

Nor did these respondents feel that external watchdog agencies were any more capable of unravelling these complex cases (Q41, 42). Of the 81 casehandlers and managers who indicated awareness that external government agencies had been involved in dealing with cases of alleged reprisals, very few thought that the external agencies had dealt with them well. On a similar scale from one to five, the mean of the opinions given by both casehandlers (2.77, n=47) and managers (2.37, n=35) fell well below the midpoint.

While there may be doubts about the current capacity of the case study agencies and external agencies to adequately resolve reprisal allegations, it should be remembered that the capacity in other agencies can only be expected to be lower again. As noted above in Table 8.9, many agencies responded to the Agency Survey that they had simply no staff – not even line managers – responsible for protecting whistleblowers from reprisals. Over half of all agencies (158, or 54 percent) also reported having simply no procedures for responding to reprisals, and only 60 agencies (20 percent) reported having any specific practices and procedures for the investigation of reprisals against internal witnesses (Agency Survey Q37, 42).

The problems experienced by agencies in dealing with reprisals appear to have complex sources. In part, they may relate to a lack of specialist expertise and training in a particularly difficult area of investigative practice; to the difficulty of meeting the legal burdens of proof associated with reprisal offences; and to uncertainty about appropriate outcomes and remedies even if reprisals could be substantiated. It may also be that, as with the expectations discussed earlier, reprisal responses are more heavily geared towards trying to identify and remedy those types of reprisals expected to come from individual wrongdoers and allied co-workers (for example, direct harassment, intimidation or ostracism), rather than repercussions from managers. As indicated, detrimental actions that are initiated, controlled or condoned by managers may be difficult to substantiate. By definition they are also politically difficult to resolve within agencies, because in many respects it can appear perfectly natural for a manager to prefer not to keep a whistleblower on their books, whether because the disclosure reflected badly on them, or because removing them appears an efficient way of relieving conflict.

While the problems in dealing with reprisals require closer study, they also reinforce the importance of approaches that seek to prevent or contain problems before they reach the point of out-and-out reprisal. The importance of a 'proactive' approach to internal witness support is demonstrated by all these challenges. However, given the embryonic state of internal programs, difficulties are only to be expected. As shown in Table 8.17, casehandlers and managers appear to have a relatively sober and realistic view of their agencies' success in managing the welfare of their whistleblowers; on average, they rate their performance as only a little better than 'somewhat' effective. Current results appear to have been achieved largely through skeletal and informal systems, and standard forms of employee welfare and support. Accordingly the scope for extending more organised strategies of support appears substantial, as does the prospect of further reducing the proportion of whistleblowers who report adverse consequences.

Table 8.17. Perceived effectiveness in managing whistleblower welfare (mean)

Casehandler and Manager Survey Q60

Overall, how effective do you believe your organisation is at managing the welfare of employees who report wrongdoing?	(a) Casehandlers n=235	(b) Managers n=321	(c) Total n=556
1=Not at all, 2=Not very, 3=Somewhat 4=Very, 5=Extremely	3.05	3.26	3.17

8.4. Identifying higher risk cases

Most whistleblowers will experience at least some stress and difficulty, and the overall proportion of public interest whistleblowers who report bad treatment from management or co-workers, while a minority, is still sizeable. Even if expanded, internal witness support programs need to know where to focus for the provision of support, given that active oversight and intervention is clearly not possible in every single case. It is also important to investigate empirically whether, as suspected above, a higher level of intervention could reduce the proportion of cases that result in reportedly bad outcomes. Accordingly, a better picture is needed of the nature of those cases where bad outcomes are reported, so that the prospects for intervention may be assessed and the particular cases identified earlier in the process.

In this section, we draw on evidence from the Employee Survey to identify those whistleblowers that might be considered 'high risk' for reprisals or other forms of bad outcomes and, in turn, the particular characteristics of those cases that contribute to their complexity. Future analyses will build on these findings to develop organisational and legislative responses to effectively address these high risk elements. This section makes two comparisons. Firstly, what contributes to bad managerial and co-worker treatment among all reporters who witnessed public interest wrongdoing and reported this outside their role? Secondly, given the apparent importance of the primary investigation outcome for how whistleblowers perceive their treatment, suggested in chapter 5, which of these risk factors continue to hold for whistleblowers who report having been treated badly by management, notwithstanding that their primary disclosure appears to have been successfully resolved?

Whistleblowers reporting bad treatment

In order to identify risk factors contributing to experiences of bad treatment as perceived by public interest whistleblowers, the following analysis divides public interest whistleblowers identified by the Employee Survey into the four groups discussed earlier in Table 8.10: (1) the 78 percent (n=686) who reported being treated well or the same by management and co-workers, and the remainder who reported bad treatment: (2a) bad treatment by co-workers only (four percent, n=32), (2b) bad treatment by managers only (13 percent, n=113), and (2c) bad treatment by both (five percent, n=46). While the difference in group sizes limits the analysis, this comparison by outcomes builds on chapters 3 and 5 to yield some interesting results.

First, just as chapter 3 showed that those who report wrongdoing cannot be easily dismissed as troublemakers or disgruntled employees, Table 8.18 shows it is difficult to dismiss whistleblowers with bad experiences as individuals who were destined to fall into conflict with the organisation. While their trust in management was reduced by comparison with those with better experiences, the results strongly suggest this was likely as a result of their experience

after blowing the whistle than a cause of conflict. Where this is apparent reduction in job satisfaction, this seems likely to have a similar explanation. Most importantly, whistleblowers with bad experiences continued to score either similarly or more highly on the organisational citizenship behaviour (OCB) scales, confirming a fundamentally positive outlook towards their colleagues and their organisation, notwithstanding their experience. The only exception was loyalty on the part of those treated badly by management (significantly, not by co-workers alone), which is again likely to be explained by that experience. While an existing history of poor performance, low job satisfaction and conflict with others would inevitably complicate any whistleblowing incident, there is no evidence that these are typical features of whistleblowers who enter into bad experiences.

Table 8.18. Whistleblower treatment by whistleblower attitudes (means)

Employee Survey Q1, Q2

Whistleblower attitudes 1=Very low to 5=Very high	(1) Well/ same by both n=684	(2a) Badly by co-workers only n=32	(2b) Badly by mgt only n=113	(2c) Badly by both n=46
Trust in management	3.39	2.95	2.49	2.31
Job satisfaction	3.52	3.52	2.98	3.07
Organisational citizenship behaviour				
Helping co-workers	4.00	4.05	4.01	4.22
Initiative	3.85	3.86	3.80	3.88
Industry	3.87	4.06	3.87	3.95
Loyalty	3.60	3.84	3.14	3.15

Second, the reasons for reporting given by the whistleblowers do nevertheless point to some differences in expectation and outlook, as shown in Table 8.19. Reporters of wrongdoing who were treated badly, especially those treated badly by both managers and co-workers, rated all reasons as more important than those treated well or the same, suggesting individuals relatively strident in their opinions at least after the event. For those with bad experiences from both managers and co-workers, the most important reason for reporting was the fact that they had evidence to support their report or that 'they could prove it' (3.59, n=44), followed by the seriousness of the wrongdoing and their own ethical responsibility to report (both 3.52), and only then by a belief that reporting would help to correct the problem (3.43). Expectations of support and protection remained only second order reasons for reporting, but the expectations of protection were still much stronger than for those whistleblowers treated the same or well. The exception to this was those treated badly by co-workers only, who expressed lower expectations of support from their co-workers. These findings are highly consistent with the result in the first section of the chapter, from the Internal Witness Survey, which showed that whistleblowers tended to be more accurate in their assessments of the reactions of co-workers than they were of management. It is also suggests that higher expectations of support – that is, naive or trusting whistleblowing behaviour – are a definite warning sign for later perceptions of treatment.

Table 8.19. Whistleblower treatment by reasons for reporting (means)

Employee Survey Q27

1=Not at all important 2=Somewhat important 3=Very important 4=Extremely important	(1) Well/ same by both n=618	(2a) Badly by co-workers only n=29	(2b) Badly by mgt only n=103	(2c) Badly by both n=44
I saw it as my ethical responsibility to report it	3.12	3.41	3.36	**3.52**
I believed that my report would help to correct the problem	3.05	3.28	3.14	3.43
The wrongdoing was serious enough	2.97	3.14	3.27	**3.52**
I had evidence to support my report	2.90	3.10	3.20	**3.59**
I trusted the person I should report to	2.90	2.97	2.61	2.95
I knew who I should report to	2.82	3.14	2.85	**3.18**
I thought that I would be supported by management	2.82	3.10	2.90	**3.23**
I believed I was under a legal responsibility to report it	2.61	3.03	2.75	**3.16**
I thought that I would be supported by my co-workers	2.60	**2.31**	2.86	**3.11**
I believed I would have legal protection if I reported	2.39	2.38	2.61	**3.20**

Third, even if expectations and outlook are a factor, the nature and characteristics of the perceived wrongdoing appear pivotal in determining when whistleblowing will result in a bad experience. This resonates with the results in chapter 3, that it appears anyone can be pushed to blow the whistle when confronted with wrongdoing they consider sufficiently serious, and about which they think something can and will be done. As shown in Table 8.20, whistleblowers with bad experiences indicated a higher level of perceived seriousness in the wrongdoing they reported, than those who fared well. This may have been subjective or it may have actually been the case. The latter possibility is strengthened by some of the other features of the wrongdoing involved. It was also more likely to have been more frequent or systemic; to involve more people in the organisation; and, most importantly, to involve people more senior than the whistleblower. All these features are clearly indicative of higher potential for reprisals.

A further indicator of risk is the type of reported wrongdoing. The reporting of misconduct for material gain, conflict of interest, and waste or mismanagement of resources was far less likely to result in bad experiences; whereas reporting of improper behaviour, defective administration, or perversion of justice or accountability were far more likely. Features of the former types of wrongdoing are that they are typically measured by clearer standards, and easier to prove or disprove. The latter types may involve more contestable standards and questions of competence or ethical judgement rather than clear criminality, and are inherently more complex cases. They may easily take longer to resolve, which itself may be a risk factor. They are also less easily investigated or resolved in a confidential or discreet manner.

Table 8.20. Whistleblower treatment by wrongdoing characteristics (means, %)

Employee Survey Q22, Q23, Q24

	(1) Well/ same by both (n=680)	(2a) Badly by co-workers only (n=32)	(2b) Badly by mgt only (n=109)	(2c) Badly by both (n=45)
Seriousness of wrongdoing 1 = not at all, 5 = extremely	3.85	**4.25**	**4.26**	**4.57**
Frequency of wrongdoing 1 = just this once, 5 = all the time	2.87	3.16	**3.41**	**3.27**
How many people involved?	(n=675)	(n=32)	(n=111)	(n=46)
One (n=428)	85% (364)	4% (16)	8% (33)	4% (15)
A few (n=371)	69% (257)	5% (20)	**18%** (68)	**7%** (26)
Large number / widespread (n=73)	74% (54)	5% (4)	**14%** (10)	**7%** (5)
Position of wrongdoer*	(n=686)	(n=32)	(n=113)	(n=46)
Below level (n=228)	85%	4%	8%	4%
At level (n=385)	82%	5%	8%	5%
Higher level (n=344)	66%	3%	**23%**	**8%**
Wrongdoing type				
Misconduct for material gain (n=239)	**87%** (208)	2% (4)	7% (16)	5% (11)
Conflict of interest (n=20)	**90%** (18)	--	10% (2)	--
Improper or unprofessional behaviour (n=161)	77% (124)	4% (6)	**13%** (21)	6% (10)
Defective administration (n=194)	78% (152)	3% (6)	**16%** (30)	3% (6)
Waste or mismanagement of resources (n=64)	**91%** (58)	2% (1)	8% (5)	--
Perverting justice or accountability (n=125)	72% (90)	9% (11)	**14%** (18)	5% (6)
Reprisals against whistleblowers (n=19)	16% (3)	16% (3)	26% (5)	42% (8)
Other (n=55)	60% (33)	2% (1)	29% (16)	9% (5)

* multiple responses permitted

Fourth, the very issue of confidentiality appears to provide a risk factor in its own right. Consistently with the expectations of casehandlers and managers, mentioned earlier, Table 8.21 shows that lower confidentiality and higher profile are strongly associated with reported bad treatment. The table also shows the results for the Internal Witness Survey. These results also highlight the fact that confidentiality procedures do not function only to protect whistleblowers from co-worker mistreatment, but also from management mistreatment. While poor treatment by co-workers increases as a report becomes more widely known, the relative increase is much greater for poor treatment by managers. Other risk factors associated with the process of disclosure and investigation include the whistleblower's reporting path, to be analysed elsewhere.

Table 8.21. Whistleblower treatment by confidentiality of report (%)

Employee Survey Q29 (ES); Internal Witness Survey Q46 (IWS)

How widely known that you reported?	(1) Well/same by both		(2a) Badly by co-workers only		(2b) Badly by mgt only		(2c) Badly by both		Total	
	ES n=686	IWS n=78	ES n=32	IWS n=8	ES n=113	IWS n=73	ES n=46	IWS n=49	ES n=877	IWS n=208
No one	88% (137)	73% (11)	3% (4)	-- --	8% (13)	15% (2)	1% (2)	13% (2)	100% (156)	100% (15)
A few	81% (432)	45% (55)	3% (18)	3% (4)	**12%** (65)	**36%** (44)	**4%** (19)	15% (18)	100% (534)	100% (121)
Large number / widespread	54% (69)	16% (10)	**6%** (7)	5% (3)	**25%** (31)	**41%** (26)	**15%** (19)	**39%** (25)	100% (126)	100% (64)
Don't know	79% (48)	29% (2)	5% (3)	**13%** (1)	7% (4)	9% (1)	**10%** (6)	49% (4)	100% (61)	100% (8)

Finally, the risk of reported mistreatment by management increases somewhat if the disclosure is either not investigated, or the whistleblower does not know whether it has been investigated, as shown in Table 8.22. This is consistent with the evidence in chapter 5 that not being kept informed of what is happening may be an objective contributor to stress and other consequences, and/or directly to the perception of mistreatment. Most importantly, and also consistently with chapter 5, if the investigation outcome does not lead to positive action, there is a high likelihood of a reported bad experience especially in relation to management. One possible explanation identified earlier, was that whistleblowers whose reports do not lead to positive action (either objectively or subjectively) may be inclined to regard that result as itself bad treatment of them personally by management; or may push the matter and enter into further conflict, which is then perceived as mistreatment. However, taken together these factors also suggest a complementary and potentially mutually reinforcing explanation. If the disclosure is not substantiated, as may be more difficult in relation to some of the identified types of wrongdoing, then especially if it was well known that it was made, and more powerful organisational actors were implicated, the whistleblower is highly likely to be 'fair game' for a range of negative repercussions. This realisation is also likely to drive the high priority that many whistleblowers place on substantiation of their report, as itself a means of protection.

Table 8.22. Whistleblower treatment by investigation and result of report (%, mean)

Employee Survey Q32, Q33

To your knowledge, was the activity investigated as a result of your report?	(1) Well/ same by both n=682	(2a) Badly by co-workers only n=31	(2b) Badly by mgt only n=113	(2c) Badly by both n=46
Yes (n=515)	79% (408)	3% (18)	11% (56)	6% (33)
No (n=237)	76% (181)	4% (9)	**16%** (38)	4% (9)
Don't know (n=120)	77% (93)	3% (4)	**16%** (19)	3% (4)
What was the result?	(n=426)	(n=20)	(n=63)	(n=35)
1 things became much worse, 5 things became much better	3.94	**3.35**	**2.79**	**2.37**

Positive action but still bad treatment

Which of these risk factors continue to hold for whistleblowers who report having been treated badly by management, notwithstanding that their disclosure was successfully resolved? Given the various possible explanations for why reported mistreatment by management would be strongly associated with a negative investigation outcome or inaction in response to the disclosure, further examination can be made of those cases where the investigation outcome was positive, but the reporter still indicated they were treated badly by management. This might be considered a classic 'reprisal scenario', where the whistleblower was for all intents and purposes vindicated, but still made to suffer. In this case the perception of mistreatment cannot be attributed simply to whistleblower dissatisfaction with the outcome, because there is reduced basis for conflict over the truth of the matter or frustration over inaction.

This 'positive action, bad treatment' group of non-role reporters is small (n=49), making up less than three percent of all reporters. Nevertheless, these respondents were spread widely across the Employee Survey agencies, increasing the relevance of the group by suggesting this less common combination of outcomes may potentially arise in any agency. The features of this group confirm all the risk factors noted above, while also introducing others. Over half this group reported a personnel or workplace grievance rather than a public interest matter, but among the public interest whistleblowers, defective administration and perversion of justice or accountability remained prominent. In this case, alleged misconduct for material gain was also prominent. Across the whole group, it remained likely that the wrongdoing was perceived as serious, that it occurred frequently, that there were wrongdoers more senior than the reporter, and that the fact they were they whistleblower was widely known. Although reporting paths were not analysed for the first set of groups, for the 'positive action, bad treatment' group it was also likely that the report went through a number of stages, i.e. the report did not lead to effective action in the first instance even though it was ultimately vindicated.

Two further attributes of this group stand out. Those in the 'positive action, bad treatment' group were two and a half times more likely to be part-time employees than other reporters, suggesting that relative position in the power structure of the organisation is indeed a risk factor. Finally, the members of this group gave somewhat different reasons for reporting, suggesting that the motivations behind the report may not be as pivotal to the risk of perceived reprisals as the other identified factors. In particular, as shown in Table 8.23, this group was not

as strident as many of the larger 'bad treatment' group in the degree of importance of their reasons. The group was still driven by the seriousness of the wrongdoing, and had reasonably high expectations of support from co-workers, but had comparatively low expectations of support from management. This suggests a slightly different group of whistleblowers who were less naive or trusting, and perhaps more risk aware, but still compelled by the perceived seriousness of the wrongdoing to report it notwithstanding their more realistic outlook. While confirming the presence of key risk factors, the group tends to confirm that whistleblowers do not fit any single easy stereotype.

Table 8.23. Positive action, bad treatment by reasons for reporting (means)

Employee Survey Q27

1 Not at all important 2 Somewhat important 3 Very important 4 Extremely important	(1) Positive action, bad treatment n=49	(2) All other reporters n=1447
I saw it as my ethical responsibility to report it.	3.43	3.15
The wrongdoing was serious enough.	3.40	3.04
I had evidence to support my report.	3.39	2.95
I believed that my report would help to correct the problem.	3.33	3.05
I thought that I would be supported by my co-workers.	3.11	2.67
I knew who I should report to.	3.09	2.87
I thought that I would be supported by management.	2.98	2.82
I believed I would have legal protection if I reported.	2.87	2.39
I trusted the person I should report to.	2.84	2.90
I believed I was under a legal responsibility to report it.	2.59	2.54

These comparisons have shown that it is possible to identify a range of whistleblowing events as involving a higher risk of reprisals (or reported reprisals). Whistleblowers are more likely to suffer negative outcomes when they report certain types of wrongdoing (e.g. perverting justice or accountability, improper or unprofessional behaviour and defective administration); when the wrongdoing is serious, frequent, and involves more than one person, and/or persons above their level; and when confidentiality is not possible or is not maintained. The risk of reprisal may also increase if the reporter is in a particularly vulnerable position, and if the report is not substantiated, either in the first instance or at all. The risk also appears to be increased if the whistleblower has high expectations of management support, perhaps simply as a result of these expectations being unable to met, but also possibly because this leads to behaviour that leaves the whistleblower exposed. These are all circumstances in which targeted early intervention might increase the chances of better outcomes.

8.5. Conclusions

This chapter has shown that a large field of opportunity exists for the expansion of internal witness or whistleblower support programs in public sector agencies in the jurisdictions studied. Previously it was shown that despite high levels of management commitment, agency-level whistleblowing procedures are weak when it comes to the crucial issue of practical whistleblower protection and support. The first part of this chapter showed that the opportunity for effective intervention in potentially difficult whistleblowing cases begins with the risks inherent in original disclosures of wrongdoing, and in particular a more accurate understanding of the expectations held by whistleblowers at the original point of disclosure with respect to management reaction. If they are to encourage internal disclosures, public sector organisations have no choice other than to promise high levels of fairness, support and employee protection in response to reports of wrongdoing. Given this, they must expect many employees to make their reports with trusting or even naive expectations, and be ready to extend management protection accordingly. The dilemma becomes how to honour the commitment to employee protection that accompanies a commitment to integrity and transparency.

Part of the solution is to more effectively implement legislative and procedural obligations to give practical protection and support. However the second part of the chapter used evidence from the Internal Witness, Casehandler and Manager Surveys to show that the support currently found by whistleblowers is more likely to come from pre-existing organisational and personal networks – where available, depending on the nature of and actors involved in the reported wrongdoing. While these networks are likely to remain important, the potential for these to be effectively bolstered, or substituted for, by organised agency support programs currently remains largely unfulfilled. Consistently with the state of most agency procedures, but contrary to the commitment otherwise shown by agencies to the encouragement of reporting, organised whistleblower support programs appear operationally limited and inaccessible to many of those who may need them, in circumstances where it is in agencies' own interests to use such programs as a tool for conflict minimisation and reprisal prevention.

The third part of the chapter emphasised the fairly embryonic state of whistleblower support programs, using evidence from a number of sources including the Agency Survey. Three problem areas were identified: entry points for internal witnesses to access coordinated support; effective identification of the reprisal risks confronting internal witnesses; and responses to reprisals. While some of the solutions may lie with legislative reform, there is a strong potential for agencies to develop their existing commitment to whistleblower protection in these areas, based on a philosophy of prevention and containment of the many stresses and problems known to accompany the whistleblowing experience.

The final part of the chapter used data from the Employee Survey to more closely identify some of the reprisal risk factors suggested by current whistleblowing. These include high whistleblower expectations, but also basic, perhaps obvious factors such as the type of wrongdoing reported, its seriousness and prevalence, power differentials between suspected wrongdoers and reporters, and potential for maintaining confidentiality and discretion. With a better understanding of these risks it is possible to identify the types of cases that could usefully form the focus of extended, targeted whistleblower support programs. While line managers and existing employee assistance services will remain crucial in the management of whistleblowing, the nature of reporting is such that additional commitment is needed from senior management for systems that offer independent support, advice, monitoring and intervention in the handling of key cases. The development of internal witness support programs, with the support of external agencies, remains an important area for action.

9. MANAGING WHISTLEBLOWING: CONCLUSIONS

A J Brown and Chris Wheeler

9.1. A new picture emerging

This report has used extensive new empirical research to show that far from being rare, whistleblowing is a routine activity in a majority of public sector agencies. In the four jurisdictions studied, as many as 12% of all public servants are likely to have reported some form of 'public interest' wrongdoing in their organisation over a two year period. Whistleblowing is clearly not a rare activity but rather could better be categorised as a natural feature of organisational life.

Contrary to many expectations, a substantial majority of public officials who reported public interest concerns in recent years (up to 75%) also reported that management and colleagues treated them either the same or as well as a result of their having blown the whistle. There is considerable evidence that reporting wrongdoing is typically a difficult and stressful experience. There are also some limitations on the data, which is confined to whistleblowers who remained within their agencies at the time of the research. However the fact that many officials clearly report wrongdoing and have their concerns addressed without indicating that they suffered unnecessarily, shows the positive health of much of the Australian public sector.

These results also challenge many of the stereotypes that surround whistleblowing. Consistently with the unexpected incidence of whistleblowing, the most common reasons for reporting include a conviction that doing so will help address an identified problem. Contrary to widespread belief, employee reporting of wrongdoing is seen as positive by public officials generally, including officials who witnessed wrongdoing but did not report it, and by managers. There is little in the findings to support a view of whistleblowers as disgruntled and embittered employees, driven by perverse personal characteristics. Nor is there evidence of an 'anti-dobber' mentality, with work colleagues the primary source of support for whistleblowers in the majority of instances.

Nevertheless, the current pattern of whistleblowing holds many challenges.

The vast bulk of whistleblowing occurs internally within agencies, and reflects a high trust in management and desire by officials to have wrongdoing remedied by their own organisation. This places a high responsibility on agencies to manage reporting well, to act on disclosures, and to protect employees who report from the inevitable stresses and potential repercussions. While the level of whistleblowing is higher than expected, it is not consistent across all agencies. Many agencies experience high levels of observed wrongdoing by staff, which is neither reported nor acted upon. The primary reason for inaction is typically the conviction that nothing will be done if a report is made, followed by fear of reprisal from wrongdoers, especially if higher in the management chain. There is much to be done to create a more universal positive reporting climate.

While reprisals against whistleblowers were lower than expected, nevertheless a sizeable minority of reporters do report suffering mistreatment in addition to inevitable stresses. Contrary to the expectations of many casehandlers and managers, the main sources of bad treatment or harm reported by those whistleblowers who suffer, are not immediate co-workers or colleagues, but managers themselves. Managers have a dual role to encourage reporting and

rectify wrongdoing, but also minimise the conflict and disruption that reporting can trigger. They can also be the subject of disclosures, but occupy more powerful positions in organisations than those most likely to observe any ethical lapses. In many circumstances, the first instinct remains to 'shoot the messenger' either before or after the message is received, notwithstanding the injustices and long term damage that poor responses to whistleblowing can inflict on an organisation.

This emerging new picture of whistleblowing in a large part of the Australian public sector has many implications. Here we suggest some of the main implications for individual public officials confronted with evidence of wrongdoing, for agencies that participated in the research, and for governments in the jurisdictions studied.

8.2. Lessons for whistleblowers

The first lesson for public officials confronted with evidence of wrongdoing, is that it is possible to blow the whistle without suffering reprisals. While the research has confirmed that reporting wrongdoing is rarely an easy experience, it has also confirmed that in the vast bulk of organisations, speaking up about serious concerns is accepted as a natural part, if not duty, of the life of a public servant.

Also the research shows that wherever officials are able to report wrongdoing internally with any confidence of action, the outcomes are more likely to be positive in terms of the ability of relevant agency managers to afford confidentiality, minimise conflict and circumvent reprisals. While history shows that the need for public whistleblowing is never likely to entirely go away, if an official's concern is to stop or prevent wrongdoing, then the fastest and safest way to achieve this is, wherever possible, to report according to official channels. Some conclusions regarding what these official channels should be are drawn below, among the challenges for agencies.

The way in which wrongdoing is reported will not only influence its chance of being rectified, but the likelihood of the whistleblower being able to emerge from the process. Confidentiality remains one of the best ways for a whistleblower to seek to keep the process under his or her control. It is typically impossible to draw attention to wrongdoing without generating some kind of personal or organisational conflict. The onus is on a whistleblower to anticipate, manage and not exacerbate that conflict beyond the measure necessary to have the wrongdoing rectified. Actions that encourage widespread or public attention on wrongdoing, when this is not necessary to enable it to be rectified, may only slow the organisational response and lead to increased risk of conflict and damage to the whistleblower themselves.

It is also important for officials to be realistic about the challenges that accompany reporting, and not expect an easy run, or that reporting is ever likely to lead to positive personal advantage. The research suggests that it is easy for whistleblowers to assume that management will automatically be on their side, when for many reasons management must typically be careful about how allegations of wrongdoing are investigated and managed. It is also clear that those officials who report wrongdoing with less adverse effects, are those that reflect carefully on what they are doing, and make effective use of available support networks. Depending on who is implicated in suspected wrongdoing, successful whistleblowers typically draw on a variety of sources for support, including supervisors, other managers they trust, work colleagues, their union, employee assistance services, counsellors, and of course their family. Knowing where support will come from is a vital part of any difficult process.

Finally, officials who report wrongdoing must accept that its resolution involves official processes that exist to serve the public interest, and are not necessarily within any individual official's control. Where necessary, matters should reasonably be taken to a higher level or an external regulatory agency– for example, where there is delay in an agency response, or a risk of reprisal. However it is usual for investigation processes to take time. While the research

suggests that a very high proportion of employee disclosures are at least partly substantiated, sometimes mistakes can be made, suspicions can prove wrong, or evidence does not exist to support a positive finding one way or another. At the end of the day, officials do their job by bringing the issue to light and voicing their concerns. After that, the research suggests it is often in their own best interests to let others to the rest.

8.3. Challenges for agencies

This research carries many challenges for agencies. With the trust placed in management by staff, along with the broad public, goes heavy obligations to manage whistleblowing well. While the incidents of reprisals is much or lower than was expected, the level of reprisals that do occur is still a major cause of concern, both in terms of individual justice and a deterrent against the willingness of others to speak up. Contrary to some previous beliefs, controlling these reprisal risks is no longer a forlorn hope, reliant on correcting individual wayward staff. It is a part of management, and the duty of care owed by any employer to any employee.

The research shows that the best way to ensure that staff speak up, is both by developing and promulgating more comprehensive procedures, but also by demonstrating that if wrongdoing is reported, something will be done. Building this confidence is a central part of building an effective response to whistleblowing. Agency casehandlers and managers know that reporting by employees is the most important means by which organisational wrongdoing is currently uncovered. This understanding needs to be communicated to staff.

The nature of whistleblowing as revealed by the emerging new picture, means that agencies must develop systems for responding to whistleblowing without pushing reporting into artificial or inappropriate processes. Many matters are complex, and include public interest issues as well as a history of personal differences or professional conflicts. The evidence indicates that it is often not possible or appropriate to draw a clear distinction between public interest disclosures and personal work-based grievances. Many disclosures of public interest wrongdoing also directly and personally impact to some degree on the whistleblower. Agency systems need to ensure that both types of interests – public and personal – are appropriately addressed, rather than, for example, dismissing a matter of public interest as simply a personnel grievance or personality conflict.

The new picture also confirms the heavy responsibility that falls on individual managers. It is clear that the bulk of officials will prefer to blow the whistle to their own supervisor in the first instance, wherever possible. Previously, and in legislation in some jurisdictions, it has been assumed that managers simply manage, and if an official needs to make a disclosure, they will use an internal hotline or report to an auditor or internal investigation staff. The reality is different. This creates a substantial, hitherto unrecognised burden on agencies to ensure that all supervisors are properly aware of the procedures relating to their own obligations on receipt of information about wrongdoing.

For agencies to achieve the benefits that can flow from whistleblowing, while at the same time avoiding the serious cost implications and disruptions that can flow where disclosures and the people who made them are not dealt with appropriately, agencies need to accept that a significant level of resources will need to be directed, on an on-going basis, to the training of supervisors in relation to the importance of whistleblowing generally, as well as the receipt and handling of disclosures. The research showed that notwithstanding their broadly positive outlook to whistleblowing, most managers currently function with low awareness of their agencies' obligations. Sometimes management confidence in their internal reporting procedures is high, even when they have none. Addressing the ability of managers to properly handle disclosures is a major issue for managers and governments.

However, the most important priorities for agencies lie in the development of practical systems for providing support to whistleblowers. While currently successful whistleblowers fall

back on a range of sources of support, the protection of whistleblowers is the weakest aspect of the often otherwise comprehensive disclosure procedures developed by many agencies. While increasingly agencies are developing more strategic programs for ensuring whistleblowers do not suffer, these remain fairly embryonic. Less than 1% of all likely public interest whistleblowers appear on the 'radar' of coordinated internal agency systems for protecting those who report. Very few agencies have institutionalised procedures for identifying whistleblowers when disclosures first occur, involving them in assessments of reprisal risk, or taking a structured approach to management of their welfare.

Support strategies need to include keeping whistleblowers adequately informed of investigations, since the fear that nothing is being done is all that is sometimes needed to trigger a crisis of confidence in a whistleblower. Other support consists of ensuring that a whistleblower is maintaining their mental health in stressful circumstances, and ensuring that management intervention occurs to prevent or contain any associated conflicts. Currently only rarely do agency procedures exist, or translate into practice, which properly appreciate this need for prevention and intervention. Addressing these gaps and developing new models for internal disclosure procedures and systems is a major goal of the ongoing case study research.

However apart from the design of such programs, three areas of major commitment are needed. The first is resources to enable the development of such programs, recognising that these resources are also an investment in reduced costs in lost time, rehabilitation and compensation of damaged employees. The second is recognition that the dual roles of managers means multiple avenues must be provided to staff both for reporting and for support. In some circumstances, only high level intervention in ill-conceived management action will prevent organisations from unwittingly undertaking reprisals. Internal witness support programs will never lower the incidence of damaged staff if they focus only on protecting whistleblowers from low-level reprisals from co-workers. These are not the main sources of stress and bad treatment experienced by whistleblowers. Rather it is adverse management reaction, whether deliberate or negligent, which poses the greatest problem. At times, internal witness support systems need to act to help organisations save themselves from themselves. These programs needs high level resourcing and institutional independence, and a clear sense of ethical mandate.

Thirdly, agencies need to enter into new partnerships with external integrity agencies in the management of complex cases. Currently there is little evidence of confidence in the roles that integrity agencies can play. Indeed, the new picture of whistleblowing shows that many of these roles need to be developed. Increasingly, where mandatory reporting arrangements exist for the management of suspected wrongdoing, agencies have learned how to use integrity agencies to their own advantage, sharing responsibility with them for the management of cases that are highly challenging for them to resolve themselves. The management of whistleblowing is another area where an external eye or hand from early stages in many cases, can be pivotal in improving confidence and outcomes. While the development of effective frameworks for better managing whistleblowing also involves legislative reform, part of the development of these partnerships lies in the willingness to engage by agencies themselves.

8.4. Implications for government

This research shows a clear need for whole-of-government action to put in place better overall frameworks for the management of whistleblowing. Currently government approaches are predicated on the principle that public officials can and should blow the whistle internally on wrongdoing, with few directly effective legislative measures or administrative frameworks for ensuring this occurs in a manner that ensures wrongdoing is transparently and accountably addressed, and that whistleblowers will not suffer – sometimes slowly over a long period of their career – as a result.

While the research indicates that current whistleblowing legislation has positive effects in building the expectations of public employees that they will be treated well if they report, there is little if any evidence it is helping increase the likelihood of that being the case. Consequently current legislation tends to function symbolically, with something of a false promise. Where evidence can be found, it suggests that good outcomes are being obtained through a combination of agency-level management commitment without the assistance of many meaningful legislative incentives or guidance, the good sense of staff, and luck. As reviewed in the Issues Paper released by the Commonwealth, NSW and Queensland Ombudsmans' offices in November 2006 (Brown 2006), major legislative constraints in most jurisdictions include:

- A lack of meaningful requirements for consistent and enforceable agency procedures for the protection of officials who report;
- A lack of effective reporting mechanisms so that the incidence of reported public sector wrongdoing, and the welfare of internal witnesses, can be appropriately centrally monitored and tracked;
- A failure to provide legislative guidance on the circumstances when legal protection of whistleblowers might reasonably extend to public disclosures, in circumstances where it is impossible or has proved unsuccessful for officials to disclose to authorities; and
- A failure to provide agencies with an effective human resource management incentive to minimise harm experienced by whistleblowers, through realistic compensation mechanisms for those who report and but whose career then suffer as a result.

The further research has shown that the whole-of-government frameworks cannot realistically operate at their current level of abstraction. Instead the need is for a more sophisticated set of principles for guiding and requiring the behaviour of agency officials on the ground. This includes recognising the vital role that supervisors at all management levels play as the recipients of disclosures, which now needs to be built into the legislative frameworks of most jurisdictions and recognised in the procedures of agencies.

For the same reasons, there is now an increased need for the delineation and resourcing of more effective whole-of-government coordination and monitoring functions for the management of whistleblowing. The incidence and complexity are such that lead responsibility needs to be allocated to a central unit in an appropriate agency in each jurisdiction, appropriately resourced, to oversee agency handling of employee disclosures, develop and promulgate model procedures, ensure the necessary training is developed and implemented for supervisors and managers, and act as a clearing house for reprisal investigations.

Since the publication of the Issues Paper, several Australian jurisdictions have either commenced or recommended reviews of their existing legislation with a view to addressing some of these principles. Final recommendations from this research on legislation reform will draw heavily on the models of current and potential best practice at any agency level, being developed through engagement with the case study agencies.

8.5. Where to from here

Whistleblowing has been shown to be a far more ubiquitous phenomenon than anticipated in Australian public sector agencies. The research on which this report has been based is ongoing, and involves further data collection involving the case study agencies, and further evaluation of the effectiveness of existing and procedures and systems for the management of whistleblowing using the framework set out in Appendix 3. Further work will focus on refining and extending the analyses contained in this report, in order to extract final lessons for public sector agencies and the participating integrity agencies. In these ways, our ultimate goal is more robust legislative and administrative frameworks for ensuring that the value of public interest whistleblowing is maximised, to the benefit of conscientious public officials, committed agency managers and public integrity generally.

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Appendix 1 – Research Questions

PRIMARY QUESTIONS	SUBSIDIARY QUESTIONS
A. The incidence & significance of public sector whistleblowing (& other internal witness roles)	
1. How common is whistleblowing (& other internal witness roles) in public sector organisations?	1.1. How common is whistleblowing according to agency statistics? 1.2. How common is whistleblowing according to staff in general? 1.3. How common is whistleblowing <u>perceived</u> to be by specific target groups? (Internal witnesses / case handlers / management at different levels)? 1.4. How common are different <u>types</u> of whistleblowing and other internal witness roles?
2. How important is whistleblowing (& other internal witness roles) in public sector organisations?	2.1. What proportion of public sector wrongdoing comes to light through whistleblowing? 2.2. What types of wrongdoing comes to light through whistleblowing? 2.3. How serious are the types of wrongdoing that come to light through whistleblowing? 2.4. How important is whistleblowing according to official (inc. legislative) policies? 2.5. How important is whistleblowing according to staff in general? 2.6. How important is whistleblowing according to specific target groups? (Internal witnesses / case handlers / management at different levels)?
3. What factors and circumstances give rise to whistleblowing (& other internal witness roles) in public sector organisations?	3.1. What factors and circumstances are <u>perceived</u> as giving rise to whistleblowing according to staff in general? 3.2. What factors and circumstances are <u>perceived</u> as giving rise to whistleblowing according to specific target groups? (Internal witnesses / case handlers / management at different levels)? 3.3. What factors and circumstances appear to give rise to whistleblowing based on <u>all</u> the evidence?
B. The experiences & perceived experiences of public sector whistleblowers (& other internal witnesses)	
4. What do whistleblowers and other internal witnesses experience in the course of this role?	4.1. What do internal witnesses expect to happen to them, <u>before</u> they become i/witnesses? 4.2. What do internal witnesses perceive as happening to them, <u>when</u> they become i/witnesses? 4.3. How do internal witnesses think they are perceived and treated by others in their organisations? 4.4. Do internal witnesses' self-perceptions affect their treatment in organisations, or result from their treatment, or neither? 4.5. Do internal witnesses' experiences affect their judgements about future whistleblowing? 4.6. Are differences in outcomes of (a) investigations or (b) internal witness management associated with differences in internal witnesses' <u>self-perceptions</u> of their experience? 4.7. Are differences in outcomes of (a) investigations or (b) internal witness management associated with differences in <u>staff/management perceptions</u> of whistleblowing?
5. How common are reprisals against whistleblowers and what forms do they take?	5.1. What frequencies and types of reprisals are reported by internal witnesses? 5.2. What frequencies and types of reprisals are experienced by internal witnesses, or observed by others (e.g. case handlers), but not reported? 5.3. What proportion of reported reprisals are short, medium and long term? 5.4. What proportion of reported reprisals are (a) deliberate/negligent, (b) unofficial/official? 5.5. What proportion of internal witnesses do <u>not</u> experience or report reprisals? 5.6. What proportion of reported reprisals occur against persons <u>other</u> than whistleblowers or internal witnesses (e.g. mistaken identity)? 5.7. Are differences in frequency or type of reported reprisals (including no reprisals) associated with differences in organisations' internal witness management programs?

	5.8.	How are reported reprisals investigated – inc. by whom, according to what standards of proof?
	5.9.	What are the outcomes of reprisal investigations, and are differences in outcome associated with differences in frequency, type, internal witnesses' perceptions of their experience, staff/management perceptions of whistleblowing, different types or manner of investigations.

C. The incidence, nature and influence of internal witness management / whistleblower protection programs within & across the public sector

6.	What is the range of internal witness management policies and programs within and across the public sector?	6.1. How many agencies are required to have internal witness management / whistleblower protection programs? 6.2. How many agencies do have programs? 6.3. What are the elements of agencies' internal programs? 6.4. How many agencies have active (as opposed to simply reactive) programs? 6.5. What roles do external integrity agencies play in respect of internal witnesses; how many have internal witness management / whistleblower protection programs; what are the elements of their programs?
7.	Are different outcomes of the whistleblowing process associated with differences in (a) legislation, (b) procedures/ programs, and/or (c) CEO/senior management commitment and culture, in respect of internal witnesses?	7.1. Are differences in wrongdoing reporting rates associated with differences in legislation, procedures and/or management commitment? 7.2. Are differences in reporting climate (culture) / expressed willingness to report, associated with differences in legislation, procedures and/or management commitment? 7.3. Are differences in whistleblower / internal witness experiences associated with differences in legislation, procedures and/or management commitment? 7.4. Are differences in perceptions towards whistleblowing associated with differences in legislation, procedures and/or management commitment? 7.5. What is the relative impact / importance of legislation, procedures and management commitment in the above?
8.	Which external factors have effects (positive or negative) on internal witness management?	8.1. Is the legislative framework an important influence on the success or failure of internal witness management programs? 8.2. Which features of different legislative frameworks are associated with different levels of success or failure of programs? 8.3. What effects does external integrity agency activity have on the internal witness management practices and programs of organisations, inc. success or failure?
9.	What policies can organisations pursue to most effectively manage and maximise whistleblowing?	Drawn from all of the above.
10.	What reforms can governments pursue to most effectively manage and maximise whistleblowing?	Drawn from all of the above.

Appendix 2 – Wrongdoing Categories & Types

Employee survey q19, Internal witness survey q2, Casehandler & managers q10

Category	Wrongdoing type	
1. Misconduct for material gain	a.	Theft of money
	b.	Theft of property
	c.	Bribes or kickbacks
	d.	Using official position to get personal services or favours
	e.	Giving unfair advantage to a contractor, consultant or supplier
	f.	Improper use of agency facilities or resources for private purposes
	g.	Rorting overtime or leave provisions
	h.	Making false or inflated claims for reimbursement
2. Conflict of interest	i.	Failing to declare a financial interest in an agency venture
	j.	Intervening in a decision on behalf of a friend or relative
	k.	Improper involvement of a family business
3. Improper or unprofessional behaviour	l.	Downloading pornography on a work computer
	m.	Being drunk or under the influence of illegal drugs at work
	n.	Sexual assault
	o.	Stalking (unwanted following or intrusion into personal life)
	p.	Sexual harassment
	r.	Racial discrimination against a member of the public
	s.	Misuse of confidential information
4. Defective administration	t.	Incompetent or negligent decision-making
	u.	Failure to correct serious mistakes
	v.	Endangering public health or safety
	w.	Producing or using unsafe products
	bb.	Acting against organisational policy, regulations or laws
5. Waste or mismanagement of resources	y.	Waste of work funds
	z.	Inadequate record keeping
	aa.	Negligent purchases or leases
6. Perverting justice or accountability	cc.	Covering up poor performance
	dd.	Misleading or false reporting of agency activity
	ee.	Covering up corruption
	ff.	Hindering an official investigation
	gg.	Unlawfully altering or destroying official records
7. Improper personnel and workplace practices	q.	Racial discrimination against a staff member
	x.	Allowing dangerous or harmful working conditions
	hh.	Unfair dismissal
	ii.	Failure to follow correct staff selection procedures
	jj.	Favouritism in selection or promotion
	ll.	Bullying of staff
8. Reprisals against whistleblowers	kk.	Reprisal against whistleblowers
9. Other	mm.	Other

Agency Survey categories and examples (q18)

a. **Misconduct for material gain**
   (e.g. theft, fraud, bribery, private use of agency resources)

b. **Conflict of interest**
   (e.g. failure to declare financial interest, improper involvement of family business)

c. **Improper/unprofessional behaviour**
   (e.g. rudeness or mistreatment of public, inappropriate sexual relations, misuse of confidential information, personal misconduct)

d. **Defective administration**
   (e.g. failures in duty, negligence, incompetence, delay, uncorrected mistakes, breaches of administrative law or procedures, dangers to public health or safety)

e. **Waste or mismanagement of resources**
   (e.g. bad grants or purchases, poor budget control, inadequate record keeping)

f. **Perverting justice or accountability**
   (e.g. making false statements, misleading the public, fabricating evidence, hindering investigation, cover-ups)

g. **Poor personnel practices**
   (e.g. unfair dismissal, breaches of merit and equity, favouritism, breaches of workplace health or safety, workplace discrimination)

Appendix 3

Framework for comparison & analysis – case study agencies

This document sets out the core framework of the 'dimensions' of internal witness management systems that are currently found, and/or might be desirable, in public sector agencies. The ultimate aim of the research is to fully understand what makes a comprehensive and a viable whistle blowing system within an organisation.

These eight dimensions, and 40 sub-dimensions, were drawn from a variety of background literature, the July 2005 Symposium held by the project in Canberra, issues emerging from empirical data collected by the project (including the Survey of Agency Practices & Procedures answered by a total of 304 agencies), and an analysis of the written whistleblowing procedures supplied to the project by 175 agencies. It was considered and refined by the project Case Study Agency Workshop involving 12 of the project's 15 case study agencies on 27 July 2007.

The stated purposes of developing this framework were to provide a consistent approach to describing and comparing the different approaches to whistleblower management and support currently found in the different agencies of the project, to structure the analysis presented in the final case study report, and to help identify gaps in information currently available to the project about the agencies' approaches.

The framework will provide the basis for findings, recommendations, 'model' procedures and descriptions of current and prospective best practice in internal witness management across a diverse range of agencies and organisations.

The Dimensions of an Internal Witness Management System

Dimension & sub-dimensions

1.   Organisational commitment

  1.1. Management commitment to principle of whistleblowing

  1.2. Statements of the organisation's support for the reporting of wrongdoing through appropriate channels

  1.3. Commitment that a credible investigation process will follow on the receipt of a whistleblowing report

  1.4. Understanding of the benefits and importance to the entity of having a whistleblowing mechanism

  1.5. Positive organisational engagement with external integrity agencies, staff associations, client groups on whistleblowing issues

2.   Reporting pathways

  2.1. Clear *internal* pathways setting out how, to whom, and about whom whistleblowing concerns can be directed, including guidance on which pathways are appropriate for which types of reports

  2.2. Clear *external* pathways setting out how, to whom, and about whom whistleblowing concerns can be directed, including guidance on which pathways are appropriate for which types of reports

  2.3. Clear and understood relationships between internal and external reporting

  2.4. Clarity as to who may invoke the whistleblowing mechanism (i.e. employees, contractors, etc)

  2.5. Clear advice to employees on the types of concerns where it is appropriate to use the whistleblowing mechanism, including levels of proof required (e.g. certainty versus suspicion regarding the truth of concerns)

  2.6. Organisational capacity for differentiating, where appropriate, between employment-related grievances and public interest disclosures

2.7.   Mechanisms for ensuring responses to whistleblowing are undertaken with appropriate informality/formality, as the case requires

2.8.   Commitment that anonymous reports will be acted upon

3.   Commitment to protection of employees

3.1.   Commitment to protect and respect internal witnesses

3.2.   Realistic assurance of the confidentiality of reports

3.3.   Commitment that staff who report wrongdoing will not suffer any disciplinary or similar action as a result of having reported

3.4.   Rights of the internal witness to request positive action by the entity to protect them

3.5.   Clear procedures for protection of the rights of persons against whom allegations have been made

3.6.   Appropriate sanctions against false or vexatious allegations

4.   Organisational support for internal witnesses

4.1.   Systems and/or services for providing active management and support of internal witnesses

4.2.   Procedures for the assessment of risk of reprisal against individual whistleblowers

4.3.   Procedures and resources for responding to reprisal risks against internal witnesses

4.4.   Procedures and resources for the investigation of reprisal action against internal witnesses

4.5.   Provision of information, advice and feedback to internal witnesses on actions being taken in response to disclosure

4.6.   Exit strategies for finalizing whistleblowing cases

5.   Institutional arrangements

5.1.   Clear understanding of the whistleblowing-related roles and responsibilities of key players, internal and external to the organisation

5.2.   Effective sharing of responsibility for support and management of whistleblowers between line managers, corporate management and external agencies

5.3.   Effective separation of investigation and support functions

5.4.   Proactive as against reactive operation of the whistleblower support program

5.5.   Extent to which policies and procedures are embedded in existing management systems and corporate governance arrangements

6.   Skills and resources

6.1.   Financial resources dedicated to the whistleblower program

6.2.   Investigation competencies and training

6.3.   Reprisal investigation competencies and training

6.4.   Support, counselling and management competencies and training

7.   Promulgation of procedures

7.1.   Multiple strategies for ensuring staff awareness of the whistleblowing program

7.2.   Clear information about legislative protection

7.3.   Ease of comprehension of procedures, including relationship with other procedures

7.4.   High level of employee awareness, comprehension and confidence in procedures

8.   Evaluation and follow-up

8.1.   Regular evaluation of the effectiveness of the program

8.2.   Monitoring of welfare of whistleblowers