

# Introduction

This website tells the story of my whistleblowing at Transport Canada, and the reprisal and cover-up which followed. I wish I could say that my case is isolated, but my reading and my experience as Secretary of Canadians for Accountability tells me that it is not.

This page provides both an introduction and my conclusions about my ordeal.

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## Event Summary

Bare-bones Summary	Highlights and Lowlights
<ol style="list-style-type: none"> <li>1. In early 2005 I raised concerns about the mismanagement of my unit, Marine Security Regulatory Affairs.</li> <li>2. By August 2005, my work environment was poisoned and reprisals were being implemented.</li> <li>3. As I persisted in my efforts to have mismanagement addressed, I became aware of more mismanagement, unethical behaviour and wrongdoing.</li> <li>4. In December 2006, I submitted a report of wrongdoing to several agencies in government, including the Office of the Auditor General of Canada (OAG).</li> <li>5. Transport Canada senior management immediately launched a campaign of reprisal, including both formal and informal measures.</li> <li>6. Subsequent investigations into my concerns touted as comprehensive and independent were neither: only six of 31 major issues I raised were investigated, and those incompletely and with bias.</li> <li>7. I attempted to use grievance, harassment and even legal procedures to obtain relief from the reprisal, but with no success.</li> </ol>	<ul style="list-style-type: none"> <li>• August, 2005: Director General of Marine Security refuses to act on issues brought to his attention.</li> <li>• December, 2005: Transport Canada Integrity Office, declines to act on concerns and encourages me to “rely on [management’s] best judgment”.</li> <li>• June, 2006: Director General of Marine Security orders me to stop communicating with Marine Security staff.</li> <li>• December, 2006: I make a report of wrongdoing to the Auditor General and other officials.</li> <li>• December, 2006: Deputy Minister of Transport assigns response to individuals implicated in the report.</li> <li>• December, 2006: Harassment complaints are solicited from my former supervisors.</li> <li>• May, 2007: Ms. Kinney acts as her own judge in a grievance hearing.</li> <li>• September 2007: I initiate legal action.</li> <li>• July 2008: Mediation fails.</li> <li>• July 2008: Grievance is denied.</li> <li>• July 2009: Preliminary report for harassment investigation is finished. It omits interviewees who supported me.</li> <li>• January 2010: Ontario Court of Appeal denies me the right to sue Transport Canada managers.</li> </ul>

Visit the Events page for a full description of my case, with supporting documentation.

## Status of Concerns Brought Forward

The issues I raised can be grouped into three categories: regulatory, operational and ethics/management. Summarized, Canadians should be concerned about:

1. Marine transportation security being mismanaged by Transport Canada.  
Specifically,
  - a. there are gaps in the regulations which allow vessel and marine facility operators to skirt the rules and which allow criminals and terrorists to smuggle weapons and other illegal materials into Canada via the ports, and
  - b. there is a lack of will in the department to enforce marine security rules. In several key instances, inspectors who tried to do were disciplined or warned not to do it again.
  
2. Senior officials at Transport Canada indulging in corrupt practices. These include
  - a. acceptance of lavish meals from industry and union representatives,
  - b. abuses of authority for personal benefit,
  - c. nepotism, and
  - d. abuse of public funds.

While the second may seem more of an organizational problem, it should be remembered that organizations where misconduct has become accepted practice are less efficient and much less likely to serve the public interest.

Of 31 issues I brought forward, only six were investigated. Eight (not necessarily the same ones) were later addressed. This assessment is based on my reading of documentation obtained through *Access to Information Act* requests.

Visit the Issues page for a breakdown and analysis of the issues.

## **Comment on Transport Canada’s Response to my Report**

The response by Transport Canada executives was immediately hostile. This is, perhaps, to be expected, as former Deputy Minister Louis Ranger immediately assigned it to Laureen Kinney, former Director General of Marine Security, and Marc Grégoire, Assistant Deputy Minister of Safety and Security. Both were implicated in the report.

There were three main thrusts: formal reprisal, with the intent of disciplining me, informal reprisal, with the intent of isolating and discrediting me, and cover-up, which involved self-conducted evaluations and investigations.

As you read the narrative and documents on the Events page, you will notice that at no point is it considered that I might be right: rather, the initial assumption is that I am not only wrong, but completely wrong. In addition, I am characterized as malicious, and it is alleged that I am trying to disguise a personal issue as a whistleblowing issue (while still maintaining that I am wrong). Further, I was informed by my union representative that Mr. Grégoire had instructed human resources personnel “to have no mercy” on me.

In one document, Ms. Kinney makes clear the objectives of the management response:

1. Ensuring appropriate steps are taken in regards to the allegations
2. Protecting the reputation of the department and the marine security program
3. Taking all possible and appropriate steps to protect the reputations of Transport Canada management from any unwarranted or inappropriately handled complaints and/or defamation of their character or work performance

Her December 18 analysis also sets out attacking my credibility as an objective.

At no point has any individual at Transport Canada asked me for what I would term neutral or friendly input or clarification on any of issues. All questions centred on my conduct and who might have helped me in my report. My only opportunity for input has been through the Deloitte and Touche investigation, which largely omitted operational and regulatory issues.

Transport Canada’s response to my report cost in excess of \$200,000. Its legal costs likely exceed that, and the administrative costs of mobilizing so many resources probably runs into the hundreds of thousands of dollars.

Nearly all of that could have been avoided by simply taking the appropriate action when issues first arose.

**Marc Grégoire:**

**Autocrat, Careerist and Destroyer of Lives**

As Mr. Grégoire goes on to his new position as Commissioner of the Coast Guard, he leaves behind a legacy of bad policy, mismanagement and ruined lives.

- On the policy side, he is responsible for the deeply flawed implementation of Safety Management Systems in the aviation and rail sectors – an implementation which cost lives and is only now being revisited. He vigorously defended this policy against all internal and external advice and criticism.
- His mismanagement of the Safety and Security Group caused a constant churn of personnel and plummeting morale. This was compounded by the fact that he was the “Values and Ethics” champion, a trust he so abused that it made a mockery of the concepts.
- He is responsible for reprisals against myself, Hugh Danford (an aviation inspector) and a number of other personnel who tried to speak out about mismanagement, corruption and abuse.

Mr. Grégoire now goes to head an agency operating in an environment he knows nothing about. His appointment will probably have deeply negative affects on that agency. I can only wish the personnel there the best of luck.

## **Comment on Completeness of Documentation**

As you read, keep in mind that the documents I present were mainly obtained through *Access to Information Act* requests. It appears that management has been doing everything in its power to frustrate these requests, which have, when they included useful content, substantiated my concerns. One example is the use of government-issued taxi chits for personal purposes.

Tactics used to frustrate my requests include delays of over a year (which were then extended), the loss of requests, the failure to forward my requests to the appropriate people in the organization, protests that requests were too broad and, of course, the broad and illegitimate use of exemptions under the *Access to Information Act*. I also believe that numerous documents have been destroyed or simply not disclosed. One individual indicated that he was instructed not to reply to a particular request.

Assuming that the department and (and the Treasury Board of Canada) has only released information deemed “safe”, one can assume that far more incriminating information awaits discovery.

## **Implications for Whistleblowers in the Federal Government**

My inability to find a way to stop the reprisal through internal administrative and external legal means sets the stage for more reprisals against whistleblowers in the federal government.

Indeed, federal government whistleblowers are in more danger than they were five years ago. Consider:

- The Public Service Integrity Commissioner has investigated no reports of wrongdoing (despite the fact that she has, to the knowledge of Canadians for Accountability, received several complaints we consider valid). The legislation which created her office seems at best window-dressing, and at worst a Trojan horse.
- Past legal precedent established that whistleblowers often cannot use internal redress mechanisms because those mechanisms are controlled by senior management – which may be implicated in the wrongdoing.
- The Ontario Court of Appeal decision in my case discarded past legal precedent because of a new law which prohibits federal public servants from suing their employers for any reason at all.

Canadians will not be well served by this state of affairs. As we have seen in the case of Richard Colvin and Luc Pomerleau (who spoke out against reductions in food inspections prior to the 2008 listeriosis outbreak which killed 22 people), whistleblowers serve an important role.

Under these circumstances, I cannot in good conscience advise anyone in the federal government to blow the whistle.

## **My Fight**

I speculate whether the strength of the response to my whistleblowing was because I had violated rigid hierarchical organizational norms. One individual stated that he had never heard of such a thing happening before - meaning the submission of a set of concerns in a report format - and was clearly appalled. The sentiment was shared by others.

The implicit message appears to be that subordinates do not have the right to question the actions, decisions, judgement or behaviours of their managers. In effect, Transport Canada management appears to believe that subordinates must accept routine mismanagement and unethical behaviour.

If any individual chooses to advance a more serious concern, they must do so through a mechanism which informs management of a complaint but requires no action. And if an individual remains persistent, then he or she becomes the problem.

None of this is accidental, nor is it even original. It is why, most whistleblowers live lives of quiet desperation. They are abandoned by people they thought friends and colleagues, harassed at work and pushed from their jobs. Frequently, even home is no refuge. Spouses who cannot understand may be angry, and the stresses of the reprisals can tear apart marriages and destroy the health of the whistleblower.

Outsiders, unaware of the context or the damage that can be done, frequently see them as Quixotic at best, and “a little bit nuts” at worst.

They are not, and if they appear so, it is only because they are determined and are perhaps less cynical than most. That, and much fighting wears them down. Who wouldn't be a little bit obsessed after fighting asymmetrical warfare for years?

As for me, my fight is over. I cannot continue this anymore. I also cannot advise anyone to blow the whistle in Canadian government - at any level. It is simply too unsafe. While the Public Service Integrity Office refuses to investigate any complaints, and individuals such as Marc Grégoire are free to abuse employees and the public trust without any accountability for their actions, it would be very, very foolish for anyone to try.

Rather, concerned individuals must approach outside agencies such as Canadians for Accountability with their information. Visit their website for more information on how to do so.

I do not intend to stop advocating for whistleblowers and drawing attention to the abuses I and others have suffered, however, and hope that others will join the fight for real protections for whistleblowers. Silence only gives the corrupt and incompetent a licence to continue.

Learn more about the reprisals that whistleblowers typically face  
(URL: <http://www.canadians4accountability.org/aboutwb/main-e.html>)

The whistleblower... need not speak out in the name of the public within the organization in order to get into trouble. He or she need only speak out as though he or she were a member of the public, as if he or she remembered his or her membership in the world. An imagination for consequences, a sense of historical moment, identification with the victim, a reluctance to double, as sense of shame: each is a dagger pointed at the heart of the organization... The purpose of sacrificing the whistleblower is to prevent the outbreak of an epidemic of ethical and moral responsibility that would threaten to engulf the organization, destroying its ability (or so its members fear) to maintain its boundless autonomy in a hostile world. Sacrifice always aims at halting an epidemic, in this case of individuality, as though it could be spread by example... To deter this way of thinking, the whistleblower must be moved to the margins: not just of the organization but of society... the task is complete when a fifty-five-year-old engineer delivers pizza to pay the rent on a two-room walkup.

C. Fred Alford  
*Broken Lives and Organization Power* (2001)  
p. 130