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The perils of whistle-blowing

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Three weeks ago, doctors Shiv Chopra, Margaret Hayden, and Gerard Lambert were fired. All three government of Canada scientists achieved fame (or notoriety, take your pick) for questioning Health Canada's commitment to drug safety.

A leading health policy advocate has described them as "the last few scientists at Health Canada really looking out for health safety." Perhaps it's time for the rest of us to take notice of what's going on in the bowels of the agency charged with protecting our well-being.

These three scientists went public with allegations that pressure tactics had been used against them by the Bureau of Veterinary Drugs in an attempt to compel them to approve the use of certain antibiotics and hormones.

Subsequently reprimanded and suspended by Health Canada, the scientists appealed to the Federal Court and were found to have acted in the public interest by alerting the wider community (through the media) to their safety concerns. Now they have been fired.

It looks for all the world as if Chopra — he received gold watch and a congratulatory letter from Health Canada Thursday for his 35 years of "dedicated service" — Hayden and Lambert are the latest casualties in an ongoing bureaucratic war to preserve secrecy at the department, though government officials strenuously deny the firings were retribution for whistle-blowing.

This much is clear: Those who fancy keeping their jobs should steer well clear of whistle-blowing since it has to rank as one of the country's most dangerous work-related activities.

Those attracted by the image of heroic David slaying wicked Goliath are in for a rude shock. For every Erin Brockovitch, rewarded with fame and fortune when Julia Roberts was cast by Hollywood to portray her brave struggle, there are a dozen other whistle-blowers consigned to professional oblivion and the slag heap of history.

Don't be misled by the proud declaration made by many whistle-blowers that they would "do it all again." The sad reality is that powerful institutions usually manage — using the venerable tactic of "deny, delay, divide and discredit" — to bury their internal critics.

Some Davids do ultimately triumph.

But for most, the reality is defeat followed by oblivion. Typically, after an initial burst of sympathy for the bravery of the public-spirited whistle-blower, public attention quickly strays elsewhere.

Moreover, bureaucracies, both corporate and governmental, are highly skilled at

reinterpreting the whistle-blowers' issue of principle as a mere act of private disloyalty and evidence of psychological disturbance.

Like our three Health Canada scientists, most whistle-blowers are fired, suspended or demoted. They are labelled "malcontents" and "publicity seekers." Often, their professional and personal competence, lifestyles and mental stability are questioned. Physical assault or even murder are not unknown retaliations. Think Karen Silkwood. Depression and suicide are common. Think David Kelly in Britain.

Scientific and medical whistle-blowers can often be silenced by gagging clauses or discredited by investigations involving "expert" colleagues who, for a price, are more than willing to blacken the reputation of their dissenting colleague.

Here's a telling case study. Dr. Michele Brill-Edwards, then the senior physician responsible for drug approvals at Health Canada, spoke out internally at that agency in 1991 to protect Canadians with respect to certain prescription drugs.

Although Brill-Edwards won a federal court case against Health Canada, she was first sidelined by the agency, and later driven to resign (in 1996), after which she brought forward crucial information about ties between the pharmaceutical industry and Canadian government advisers on drug safety.

Although her concerns about the drugs in question have been confirmed, Brill-Edwards' expert voice has been silenced.

Discussions of loyalty surface in any debate about whistle-blowers. Were Chopra, Hayden, and Lambert "disloyal" in speaking out against what they saw as illegitimate pressures from Health Canada? The court didn't think so.

It ruled that "where a matter is of legitimate public concern requiring a public debate, the duty of loyalty cannot be absolute to the extent of preventing public disclosure by a government official."

While institutions in search of control may value loyalty above moral principle, arguably, an organization that forgets its mission has ceased to exist. The overriding mission of Health Canada — the protection of public health and safety — created a moral obligation for scientists Chopra, Hayden, and Lambert to subordinate institutional loyalty to the life and health of Canadians. In the sense that truly matters, Health Canada whistle-blowers were eminently loyal: They never forgot that they were really working for us.

Why does Canada not provide protection for professionals who perform their moral duty?

If Canadians value the professional idealism of whistle-blowers who expose concerns about safety, is it fair to expect that such scientists should become martyrs to virtue?

Socrates may have been willing to drink the hemlock, but the lineup of those willing to emulate his moral heroism is likely to be short.

If Parliament were to establish adequate protections for those who disclose safety concerns then scientists would no longer face the ugly alternatives of keeping their mouths shut, or losing their reputations and jobs.

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