WHISTLEBLOWING 101

WHO IS A WHISTLEBLOWER?

In broad terms, a whistleblower is an individual who discloses wrongdoing that is a matter of public concern, regardless of whether subsequent retaliation occurs. For instance, an employee reports fraud within their agency or company, a factory worker sounds the alarm around contaminated food, or a constituent raises concerns around toxic hazards within their community.

Most whistleblowers simply perceive themselves as committed employees performing their jobs.

The Whistleblower Protection Act (the primary executive branch whistleblower law) defines a whistleblower as an employee, applicant or former employee who discloses information they reasonably believe evidences:

- A violation of law, rule or regulation;
- Gross mismanagement;
- A gross waste of funds;
- Abuse of authority; or
- A substantial and specific danger to public health or safety.

WHAT IS RETALIATION AGAINST WHISTLEBLOWERS?

Retaliation against whistleblowers refers to any adverse action or mistreatment that whistleblowers may experience from their employers, colleagues, or others as a result of their decision to report misconduct. It can take various forms and is intended to punish, intimidate, or discourage the whistleblower from speaking out. For example, it can include:

1. **Employment Actions:** Negative job-related consequences, such as unjustified poor performance evaluations, reassignment to less desirable roles, demotion, suspension, termination, or denial of promotions, transfers, or raises.
2. **Harassment:** Hostile treatment by colleagues or superiors, including verbal abuse and ostracism.
3. **Threats or Intimidation:** Warnings about personal safety or potential legal consequences.
4. **Shut Out of Career Field:** Damage to their personal and professional reputation, often through smear campaigns or false allegations, making it difficult to secure future employment.

WHY DO WHISTLEBLOWERS REACH OUT TO CONGRESS?

Congress relies on whistleblower disclosures to conduct oversight, and whistleblowers commonly contact their Member of Congress or the relevant committees seeking guidance and support. Here are some common ways they can work together:

1. **Oversight and Accountability:** Congress' oversight responsibilities make it a magnet for whistleblowers bringing forward evidence of misconduct from the public and private sectors. By contacting Congress, whistleblowers can potentially spur or assist an investigation within a Member's district or a committee's jurisdiction, for instance.
2. **Corrective Action:** Congress can enact remedial legislation and hold wrongdoers accountable. Whistleblowers may want to advocate for changes in policies, procedures, or laws based on their areas of expertise and the issues they have uncovered.
3. **Public Awareness:** Lawmakers have access to resources and platforms that can amplify the whistleblower's message and increase public awareness of the issues at hand.

Whistleblowers who contact Congress should do so carefully and consult experienced legal counsel for guidance. House offices can contact the Office of the Whistleblower Ombuds for confidential guidance on working with whistleblowers.

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