

WHISTLEBLOWER SURVIVAL TIPS

The Office of the Whistleblower Ombuds is an independent, nonpartisan support office that advises the House on best practices for working with whistleblowers from the public and private sectors. It treats all inquiries confidentially. The Office cannot accept disclosures from whistleblowers.

Whistleblowers can take key steps to protect themselves while having an impact. The following tips were informed by whistleblower attorneys and experts who have worked with thousands of whistleblowers to provide valuable lessons learned.

Seek legal and other expert advice early:

Before you make a disclosure (or early in your process before taking risks), consider consulting an attorney experienced in representing whistleblowers. This can help to protect your communications through the attorney-client privilege and help to shield you from legal liability. Also consider contacting an organization that specializes in working with whistleblowers, to help guide you through the process and provide solidarity and support. Many such organizations offer legal representation, and they can potentially serve as a bridge between you those who should be benefiting from your knowledge.

Consult your loved ones:

Blowing the whistle may be one of your most difficult professional decisions, and it can have long-lasting personal impacts for you and your loved ones. You could be forced out of your chosen career field, subjected to public smear campaigns, and undergo severe psychological trauma. It is important to have a personal support network in place. To the extent possible, discuss the decision with your loved ones in advance, including the risks and benefits of reporting the misconduct and options for how to safely proceed. They also must live with the consequences. Putting aside the professional and public stakes, it is an intensely personal decision.

Make a plan:

Develop a well-thought-out strategy for your whistleblowing process that incorporates these survival tips, so that you remain at least one step ahead of those engaging in the misconduct. Include exactly what you plan to accomplish (your goals) and how. Consider how your employer will respond before they do, and plan accordingly (e.g., securing evidence before it is destroyed). Identify the applicable law(s) in advance to ensure you are engaging in protected whistleblowing. The plan will likely need to be adjusted throughout your journey, but it will provide a roadmap to guide you.

Carefully weigh the options of being anonymous/confidential versus public:

There are risks and benefits to being anonymous, confidential or public during your whistleblowing. For instance, if you remain anonymous, the recipient of your disclosure cannot follow up to discuss how to use the information. If you remain confidential, it may be more difficult to demonstrate that your employer knew about your whistleblowing, which can help to prove retaliation. Yet, going public may expose you to professional isolation, public scrutiny, expensive defamation suits, and even threats to your safety. This is a personal decision that you should discuss in advance with your attorney and support network. With some exceptions, the House of Representatives' Code of Conduct prohibits the House from publicly identifying a protected whistleblower without their advance written consent. However, it is not possible for recipients of your disclosures to guarantee confidentiality – due to factors such as legal limitations, unsecured communications, and the reality that your facts may be your signature and could identify you through context. Always be prepared for the possibility of becoming public.



Work within your workplace for as long as possible without incurring suspicions:

Working within your workplace for as long as possible without incurring suspicions will help you to maintain access to key evidence to confirm suspicions and further build your case. Moreover, it may provide an opportunity for the matter to be resolved internally before it escalates further or requires outside intervention. A few exceptions exist to this approach, such as if you have reason to believe doing so could put you or others in harm's way or result in the destruction of evidence.

Stick to the facts and don't embellish:

Your credibility is your greatest asset and key to building solidarity. When making a disclosure, stick to information that you know to be sound and reliable, whether you obtained it firsthand or from a credible source. If in doubt, understate rather than risk exaggerating. Embellishing or straying from the facts will likely backfire for you later down the road and undermine your credibility – severing trust with key allies such as congressional offices, advocacy groups, or journalists relying on your information.

Create a contemporaneous paper trail or journal:

Document key facts and developments surrounding your whistleblowing through a paper trail and/or journal, to maintain an accurate record and timeline of events as they unfold. This will help you to share a consistent narrative with those who should be benefiting from your disclosures. At the top of the notes, provide a disclaimer that “I have made these notes to refresh my recollection later,” which can help prevent them from being used during the discovery process in a related legal proceeding.

Carefully secure and protect evidence before drawing suspicion:

Secure and protect evidence before drawing suspicion to your whistleblowing, since your employer may take action to destroy it or block your access. However, proceed cautiously when gathering supporting evidence. Keep it in a secure location, such as with your attorney, and avoid removing original documents when possible (e.g., for unclassified documents, take a photo from your personal phone instead). Employers regularly conduct retaliatory investigations to identify whistleblowers, tracing metadata or other identifying

information back to the original source. Even when you are engaging in lawful whistleblowing, retaliators have found methods to bypass workplace rights. They may threaten criminal prosecution for “theft” of workplace documents, or file SLAPP suits – defamation or breach of contract lawsuits for significant damages.

Engage in whistleblowing on your own time, with your own resources:

Unless you have advance permission (e.g., via a collective bargaining agreement) or are prohibited from using your own resources (e.g., sharing classified information), engage in whistleblowing on your own time, and from your own resources (e.g., phone, computer, email, Wi-Fi). Remember that your work email and anything done through your work devices can be monitored by your employer. Due to advanced surveillance techniques, however, communication through your personal devices may also not be secure. When possible, meet in person or use secure communication tools (e.g., Signal, Wickr) to engage in confidential whistleblowing. Contact an organization experienced in secure whistleblower communications for further guidance.

Test the waters with trusted colleagues:

Test the waters with trusted colleagues in order to confirm your concerns for quality control and to identify potential sources of solidarity. However, avoid exposing yourself by engaging in strategic but casual questioning. Take note of potential allies and witnesses; their support could help to further advance your disclosures and provide a barrier to subsequent retaliation.

Engage in self-care:

Practice self-care and stress-reducing activities throughout your whistleblowing process. It is common to experience toxic forms of retaliation – from professional isolation to gaslighting (manipulating someone by psychological means into questioning their own sanity) – which can lead to post-traumatic stress disorder, depression, or even thoughts of harm. Engage in mindfulness activities, and develop a community of support through trusted peers, loved ones, and therapists. The National Suicide Prevention Lifeline offers free and confidential support for people in distress by dialing 988.

