

SECRETS AND WHISTLEBLOWING

Every person, family and business has its secrets. In our occupations and businesses the information we accumulate must always be a closely held secret. There is a difference between treating our business matters as secret and the acquisition of relevant knowledge gained during a term of employment. Seeking and obtaining qualifications to advance our careers cannot be regarded as a secret as education is generally available to everybody.

But information which is unique to a business is confidential and must always be treated so. Sometime ago a worker in an organisation in the North Island was awaiting the arrival of a fax. While waiting she thumbed through some papers which were close to the fax machine. Those papers contained very confidential information about another employee. The worker immediately alerted the union disclosing the confidential information and was held to have been justifiably dismissed from her employment. Similarly if an organisation has an invention or a recipe which is unique to it, that kind of information must be kept secret.

Sometimes, however, an organisation may invoke a policy or practice which is ill-conceived, dangerous or even corrupt. What does an employee do to get things put right. Many will recall Neil Pugmire, a nurse, who went public some years ago about the release of certain patients from Lake Alice Mental Hospital. Pugmire lost his job for his disclosures but it turned out that he was right. The government of the day believed that an injustice had occurred and as a result of the Pugmire case invoke the Protected Disclosures Act 2000 to try to prevent a similar occurrence.

The legislation provides protection for any employee of an organisation to disclose information if the information is about serious wrong doing and the employee believes that the information is true and should be investigated. If the employee wants protection he or she must follow the procedures outlined in the Act to set the investigative process in motion.

Of course if an employee wants to publicise the problem they can do so, but they may suffer the fate of numerous others who have done so and have lost their jobs.

My recommendation is to seek legal advice before blowing the whistle on your employer.

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