

# Canada needs to reform its disastrously ineffective whistleblowing laws

Frances Haugen's revelations are the latest of an ongoing succession of dramatic exposures by U.S. whistleblowers who help protect the American public by shining a light on government and corporate wrongdoing. These exposures are possible because the U.S. has pioneered laws since the mid-1970s, resulting in a broad array of highly effective legislation. In contrast, Canada has among the worst whistleblower laws on the planet.

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and David  
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Opinion



The insider testimony given recently by former Facebook employee Frances Haugen to a U.S. Senate subcommittee has seized the world's attention. She urged the U.S. government to take action, not to destroy Facebook, but to regulate it in the public interest.

Others quickly concluded that Facebook has become the equivalent of Big Tobacco



Facebook whistleblower Frances Haugen, pictured in her interview with 60 Minutes, broadcast on Oct. 4, 2021. Image courtesy of 60 Minutes

decades ago, when the industry finally realized it could no longer deny that its highly-addictive products caused cancer.

During lengthy testimony, Haugen revealed much about Facebook management's international practices, including how its products negatively affect teenagers and incited ethnic violence in Myanmar and Ethiopia. She had earlier revealed her identity as the primary source for *The Wall Street Journal's* investigative series based on internal Facebook documents.

A Harvard Business School graduate and Facebook product manager until May, Haugen says she came forward because she saw Facebook's leadership repeatedly prioritize profit over public safety. She went through its internal employee social media network and gathered a wide swath of internal reports and research to demonstrate that management had willfully chosen not to fix the many problems on its platform.

Haugen reiterated many of the findings from internal research and implored Congress to act. The company's AI algorithms created an insatiable habit for misrepresentation. This problem could be easily fixed—if Facebook management would allow it—but it would cut into advertising revenues.

In her opening statement to lawmakers, Haugen said, "I'm here today because I believe Facebook's products harm children, stoke division, and weaken our democracy. ... These problems are solvable. A

safer, free-speech respecting, more enjoyable social media is possible. But there is one thing that I hope everyone takes away from these disclosures, it is that Facebook can change, but is clearly not going to do so on its own."

Haugen blamed Facebook's algorithm and platform design decisions for many of its issues—a notable shift from the existing focus of policymakers on content policy and censorship—what does and doesn't belong on Facebook. Many experts believe that this narrow view leads to a whack-a-mole strategy that misses the bigger picture.

"I'm a strong advocate for non-content-based solutions, because those solutions will protect the [world's] most vulnerable,"

Haugen said, pointing to Facebook's uneven ability to enforce its content policy in diverse languages.

Haugen's revelations are the latest of an ongoing succession of dramatic exposures by U.S. whistleblowers who help protect the American public by shining a light on government and corporate wrongdoing. These exposures are possible because the U.S. has pioneered laws since the mid-1970s, resulting in a broad array of highly effective legislation.

In contrast, Canada has among the worst whistleblower laws on the planet. This was confirmed recently by an extensive study by the International Bar Association and the Government Accountability Project, which examined the national whistleblower protection laws of more than 50 countries and evaluated their effectiveness using a 20-point scoring system. Many of the developed countries that we regard as peers scored in the 15 to 16-point range. Canada got just one point: no other country was worse.

The law, which is supposed to protect federal public servants, has been in force for more than 14 years, yet in during that time, not a single whistleblower has been protected by the tribunal that is the only body empowered to do so. Our provincial laws are worse, and for private-sector whistleblowers there is no protection either—except for a tiny minority who work in the securities industry.

Since Canadian whistleblowers are not protected, neither is the Canadian public. If our banks run Nigeria-style call centre scams, or our politicians have their fingers in the till, or the efforts to combat COVID-19 are undermined by vested interests, we may hear about such problems too late or not at all—because any honest employees who try to inform the public are crushed and silenced.

Canada has no shortage of heroic whistleblowers like Frances Haugen, willing to risk their careers to protect the public. It's time that our government showed a similar concern for the safety and well-being of Canadians by reforming our disastrously ineffective whistleblowing laws.

David Hutton is a senior fellow at the Ryerson University Centre for Free Expression in Toronto and a longtime advocate for whistleblower protection. David Kilgour is a former MP for Edmonton Southeast for almost 27 years and a former Jean Chrétien-era cabinet minister.

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Scott Pelley reported on Oct. 4 that in her time with Facebook Frances Haugen saw, 'conflicts of interest between what was good for the public and what was good for Facebook.' Screen grab image courtesy of 60 Minutes