

Women Speaking Up

Gender Dynamics in Australia's
Whistleblowing Landscape

Human
Rights
Law
Centre.

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Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to transform laws and policies to protect human rights. In 2023, we launched the Whistleblower Project, Australia's first dedicated legal service to protect and empower whistleblowers who want to speak up about wrongdoing. We provide legal advice and representation to whistleblowers, as well as continuing our longstanding tradition of advocating for stronger legal protections and an end to the prosecution of whistleblowers. We are also a member of the Whistleblowing International Network.

Acknowledgements

The Human Rights Law Centre's Whistleblower Project is made possible by generous support from the ACME Foundation, the McKinnon Family Foundation, the Victorian Legal Services Board's Grants Program, McKinnon and other supporters.


Acknowledgement of Country

The Human Rights Law Centre acknowledges the lands on which we work and live, including the lands of the Wurundjeri, Bunurong, Gadigal, Ngunnawal, Darug and Wadawurrung people. We pay our respect to Elders of those lands, both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal system in establishing, entrenching and continuing the oppression and injustice experienced by First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander people to undo this.

Cover image: Ashley Youth Detention Centre
Whistleblower Alysha Rose.

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“ To every woman reading this who has questioned whether to speak: this report is for you. You are not alone. And you are not the problem.

In 2010, I made a decision that would change the course of my life.
As a serving member of the Australian Defence Force (ADF),
I blew the whistle on serious cultural and systemic failures
affecting women in uniform - harassment in the armed services.

My disclosure contributed to the Australian Human Rights Commission's (Phase 2) National Inquiry into the Treatment of Women in the ADF - a landmark investigation - and was eventually a part of a 60 Minutes episode with other women speaking up about the ADF's toxic culture. But the price I paid for speaking up was immense. I was forced out of service, and bound to a settlement agreement that only benefited my employer.

For more than a decade, I was silenced.

Like many whistleblowers - particularly women - I was isolated, discredited, and left to navigate the trauma alone. Then, with the support of the Human Rights Law Centre's Whistleblower Project, everything changed - I got my voice back. This milestone allowed me to speak while others still cannot.

This Human Rights Law Centre report arrives at a critical moment - not just in my life, but for the national conversation on gender, truth-telling and accountability. It affirms that women like me are not anomalies, but part of a pattern. We speak up about human rights abuses, including harm to ourselves, but we are not believed and suffer psychologically harmful forms of retaliation. We are rarely the public face of whistleblowing, yet we do speak up at great risk to our wellbeing in the process.

The data in this report gives rise to what so many of us have lived. It validates the reality that women, especially those on lower incomes or working in precarious employment, face unique and often overwhelming barriers to justice. It shows the systemic failures that still confront those who act with integrity, and it highlights why law reform is not just a legal issue, but a human one.

To every woman reading this who has questioned whether to speak: this report is for you. You are not alone. And you are not the problem.

Julia Delaforce

Whistleblower, Advocate, Veteran

In 2023, the Human Rights Law Centre launched the Whistleblower Project, Australia's first specialist legal service for whistleblowers. We provide expert legal support to people who want to speak up about wrongdoing and advocate for stronger protections for whistleblowers. We provide advice, casework assistance and resources to prospective and current whistleblowers across Australia.

Australia has had many high-profile women whistleblowers, including Toni Hoffman, the nurse who blew the whistle on 'Dr Death', Sharon Kelsey, the Logan City Council corruption whistleblower and the Tasmanian youth detention whistleblower, Alysha. All of these women found immense courage to speak up about wrongdoing.

However, in recent years, media coverage and public debate in Australia has been focused on a number of high-profile whistleblower prosecutions – all involving men blowing the whistle. This has been understandable, given the injustice of these prosecutions and their high-profile nature. But there is a risk in whistleblowing becoming synonymous with certain people or types of people; a risk, for example, that women and gender diverse people do not see themselves as people who can blow the whistle.

Part of the Whistleblower Project's role is to assist those who witness wrongdoing to feel supported to speak up. Our work involves promoting different voices to empower those with multiple intersections of lived experience to identify themselves as whistleblowers.

Another part of our role is to contribute to broader discourse on whistleblowing in Australia and advocate for meaningful change for all whistleblowers. Because whistleblowing is often tied to the workplace where there are entrenched gender disparities, exploration is needed on women's distinct experiences in reporting wrongdoing.

In order to understand our clients better, we undertook a data project to review our advice clients in the first year of operation from 22 August 2023 – 30 June 2024. In our review, we applied a gendered lens to examine the types of wrongdoing whistleblowers report, demographic data trends and the relationship between speaking up and reprisal.

We learned that two thirds of our advice clients were women and that when women speak up, they were most likely speaking up about wrongdoing which relates to the endangerment of people. We also found that women were less likely than men to speak up about corruption and fraud.

This data is a snapshot of our work. We hope it will contribute to broader discussions of gender equality and how women work in Australia.

Importantly, while our report explores whistleblowing through a gendered lens, we acknowledge the inherent limits of our data and analysis. While we aim to draw connections and conclusions in our research, we also acknowledge that gender and gendered experiences are diverse, complex, and often involve questions of intersectionality. With that understanding, we engage with 'gender' acknowledging that it is a concept that means different things to different people according to cultural context and lived experiences. When we discuss the differences between our men and women clients, we also acknowledge that a variety of influences have caused differences between the two cohorts, including socialisation, cultural context, and societal structures.

This report cements what we already knew from our casework – that women are vital to integrity and accountability across the public and private sectors. It seeks to amplify and celebrate women whistleblowers' courage and position whistleblowing as part of women's working lives.



Existing literature

There is limited literature on the relationship between gender and whistleblowing, although in recent years it has been a growing field of academic interest. The existing research primarily focuses on whether women or men are more likely to be whistleblowers, the motivations behind blowing the whistle, and what legal mechanisms are likely to motivate men and women to blow the whistle. There is currently limited research of this kind in Australia.

While it is inconclusive as to whether men or women are more likely to be whistleblowers,¹ studies have found differences in how men and women make the decision to blow the whistle.

International studies have identified several factors that contribute to women being less likely to engage in whistleblowing, including:

- an increased tendency to be more risk-averse than men;²
- an increased tendency to believe that blowing the whistle will result in reprisal;³
- the effects of socialisation, as the traits commonly associated with whistleblowers (domineering, authoritative, confrontational) are at odds with how women are generally socialised;⁴
- the increased risk of reprisal for employees who lack power and seniority, which women are more likely to be;⁵
- the Corruption Exposure Gap, in which women are less likely to be a part of senior leadership or decision making circles that participate in corruption, therefore giving them less exposure to wrongdoing.⁶

In contrast, factors that make women more likely to blow the whistle include:

- an increased likelihood of having higher levels of public service motivation compared to men;⁷

- an increased tendency to be more affected by moral reasoning in decision-making, compared to men;⁸
- in industries dominated by men, a lower likelihood of feeling involved in the 'boys' club' and therefore a lower risk of being socially and professionally excluded.⁹

In looking at what legal mechanisms can encourage people to blow the whistle, studies have found that women more often intend to blow the whistle where there is an external reporting pathway, their identities will remain confidential, there is a legal duty to disclose and there are strong legal protections against reprisal. While financial incentives are shown to increase the willingness of men to blow the whistle, existing research does not show the same result for women.¹⁰

Thus far, we have been unable to locate definitive research that explores gender and whistleblowing subject matter. We have also been unable to find research that explores the intersection of gender, whistleblowing, and other demographic factors.

This Report considers some of these themes based on a qualitative review of the substance of wrongdoing, demographic details and the sectors in which our whistleblowers work.

While the research on gender and whistleblowing is limited, there is extensive literature and research on the challenges women face in the workplace, including but not limited to:

- the gender pay gap;
- prejudices and biases related to gender, including the prevalence of sexual harassment and discrimination; and
- exclusion and isolation in industries dominated by men.

While these factors may not be directly related to whistleblowing, we will consider our data in context with societal workplace issues.

Who we help

A whistleblower is typically an employee, contractor or other worker who has access to information which shows organisational wrongdoing that is not otherwise known to the public.

Whistleblowing is the act of disclosing that information. A report can be made through an internal whistleblowing mechanism, to an external oversight body, or sometimes to the public.

Whistleblowing involves reporting incidents where laws or processes have been breached, including human rights abuses, fraud, corruption, maladministration, harassment, threats to health and safety, and environmental wrongdoing.

At The Whistleblower Project, we help people to understand what legal pathways are available to them to make protected whistleblowing disclosures. If disclosers have followed the correct legal pathways, they are entitled to protection from civil and criminal liability, as well as administrative action. This includes, for example:

a)	immunity from criminal liability for disclosing confidential information, where it otherwise would have been a criminal offence;
b)	immunity from civil liability for breaching contractual obligations of confidentiality that may arise from an employment contract;
c)	protection from administrative action being taken against them, such as a demotion or termination of employment;
d)	protection from reprisal and detriment because they blew the whistle; and
e)	in some instances, protection from defamation claims against them for making the disclosure to a journalist.

For example, if an employee of a private company were to provide confidential information to a journalist about wrongdoing they witnessed in their company, the employer would ordinarily have a right to sue for breach of the confidentiality clause in their employment contract. However, if the employee followed prescribed whistleblowing pathways, they would be protected from that action.

We also assist whistleblowers to take legal action if they experience reprisal.



How we help

Our casework operates in three stages:

1. **Triage** – We review all enquiries that come to us via our online platform Rely or via a referral. We determine whether the help-seeker can be assisted appropriately through whistleblowing law, whether the enquiry relates to our impact areas and Strategic Plan, and whether we have the capacity and resources to assist.
2. **Advice** – Once we have determined we can assist, we offer an initial advice appointment. During this appointment, we gain a more detailed understanding of the wrongdoing and the client to provide legal advice. This initial advice often covers whistleblowing pathways, risks, and ancillary legal issues. When needed and when our capacity allows, we provide additional assistance, such as helping individuals to make further disclosures, assisting in drafting letters to their employers, and providing further legal advice where necessary and appropriate.
3. **Representation** – In some circumstances, when a matter meets our intake criteria and our resources allow, we may agree to represent clients on an ongoing basis. Examples of representation include representing a client in pre-litigation negotiations, filing in court, making their public interest disclosure or engaging in correspondence with a regulator. We do not have the resources to provide ongoing representation to every help-seeker who approaches us for assistance.

Advice clients

This report reviews data at the second stage, when advice is being provided. Clients who receive advice have gone through our initial triaging stage and we have considered their matter against a broad number of factors.

It is worth noting that clients come to us at all stages of the whistleblowing lifecycle. Some seek advice before they have blown the whistle internally; others after speaking up internally, when they wish to escalate their whistleblowing; others after they have blown the whistle publicly. Some fear the risk of reprisal; others have already experienced detriment for speaking up.

Our intake guidelines

We are a small community legal centre with limited resources which means that unfortunately, we cannot assist every person who approaches us for assistance. When we do commit to representation casework, we are guided by the Human Rights Law Centre's strategic priority areas.

In our first year of operation, we sought to prioritise whistleblowing that helped address the suffering of others (such as human rights abuses and misconduct relevant to the Human Rights Law Centre's other impact areas), whistleblowing that may have systemic or strategic relevance (such as by being a test case for stronger protections), federal public sector whistleblowers, and whistleblowers who are suffering as a result of their whistleblowing (such as because they have experienced retaliation). These intake guidelines were developed having regard to the Human Rights Law Centre's charitable purpose.

Image: The Human Rights Law Centre and The Australia Institute Tasmania's Transparency for the Planet panel event, nipaluna (Hobart), July 2024.

Data Collection

At the Triage stage, we collect demographic data from help-seekers.¹¹ At the Advice stage, we record substantive issues relating to the matter and record our advice.

From our launch of our legal service in 22 August 2023 to 30 June 2024, we provided 65 advices.¹²

For each advice client, we entered anonymised demographic and substantive data in a database, grouping cohorts together on the basis of categories of gender being men, women and nonbinary and gender diverse.¹³ Where the client's gender is unknown as this data wasn't captured or confirmed, they have been recorded as gender unknown.

In the discussion below, we exclude the data of clients who are nonbinary and gender diverse and gender unknown in our analysis of certain findings. This is for several reasons, including the privacy and identifiability of these clients and data accuracy, in light of the small sample size.

In order to turn industry, disclosure subject matter and reprisal into analysable variables, we developed a set of categories which most advices fall into and manually categorised each advice file with which categories best apply.

While we recognise that each case is unique, we developed these based on our experience of what types of issues are likely to arise. For example, one client may make disclosures regarding poor patient care at a hospital. Another client may make disclosures regarding sexual misconduct. Although these two disclosures are distinct, they relate to people experiencing harm or the threat of harm and are therefore categorised into endangerment and/or mistreatment of people (see subject matter categories on the next page).



We collected the following demographic data:

- ✓ age;
- ✓ gender;
- ✓ highest education level;
- ✓ salary range;
- ✓ whether the client identified as having a disability;
- ✓ whether the client identified as being Aboriginal and/or Torres Strait Islander.

We collected the following data related to the disclosure:

- ✓ industry;
- ✓ whether the client has previously disclosed the wrongdoing;
- ✓ if the client previously disclosed the wrongdoing, who they disclosed the wrongdoing to;
- ✓ broad disclosure subject matter;
- ✓ disclosure subject matter subcategory;
- ✓ whether the client suffered reprisal for disclosing the wrongdoing; and
- ✓ if the client suffered reprisal, what form the reprisal took.



Image: Rawan Arraf, Australian Centre for International Justice, advocating for stronger whistleblower protections.

Disclosure Data

Industry

This data point is intended to capture trends for where our clients were witnessing and making disclosures of wrongdoing. There was a total of 23 industries that our clients were grouped into. These industries were generally based on the industries created by the Australian and New Zealand Standard Industrial Classification (ANZSIC). Some industries were altered based on key industries we wanted to capture and the application of sector-specific whistleblowing regimes. For example, we split ANZSIC's 'Healthcare and Social Assistance' into healthcare, aged care, and disability services, to reflect the distinct protections in the *National Disability Insurance Scheme Act 2013* (Cth) and the *Aged Care Act 2024* (Cth).

Industry was based on the work area where the wrongdoing occurred, rather than the client's role. Where the client was employed by a public entity but directly engaged in service delivery rather than public administration, they were grouped into the industry most relevant to the service delivery, rather than 'government'. For example, a public school teacher would be categorised as 'education', while someone working in the Education Department drafting education policy would be categorised as 'government'.

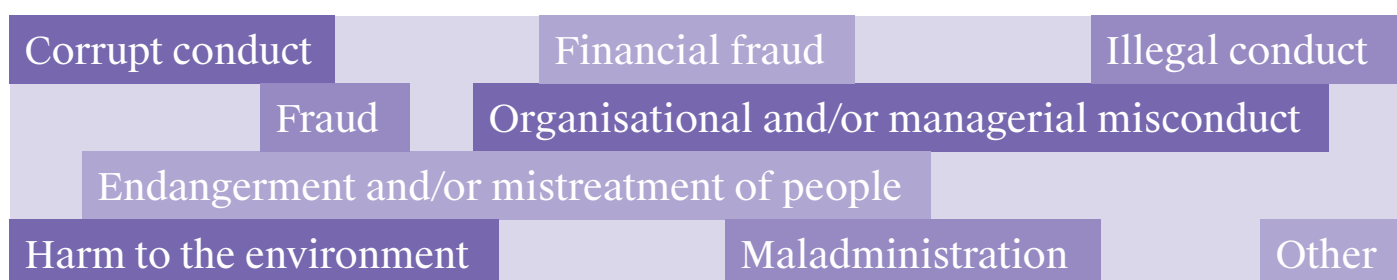
Where an organisation delivers multiple services and fits within multiple industries, the client was categorised as the industry most relevant to the wrongdoing. For example, say an organisation is a healthcare and insurance business, but also operates aged care facilities. If the wrongdoing related to the aged care facilities, it would be categorised as 'aged care'.

Each client could only be recorded under one industry. A catalogue of the industry categories is available on request.

Disclosure subject matter

In order to analyse what kinds of wrongdoing our clients were making disclosures about, we sub-categorised 'wrongdoing' into nine broad disclosure subject matter categories to capture thematic trends. To capture more detail, these nine broad categories were further broken down into 33 subcategories.

As clients often witnessed multiple instances of wrongdoing or witnessed complex wrongdoing which falls under multiple categories, each client may have more than one Broad Disclosure Subject Matter Category and Disclosure Subject Matter Subcategory coding.¹⁴ A catalogue and description of the wrongdoing categories is available on request.



List of nine broad disclosure subject matter categories.

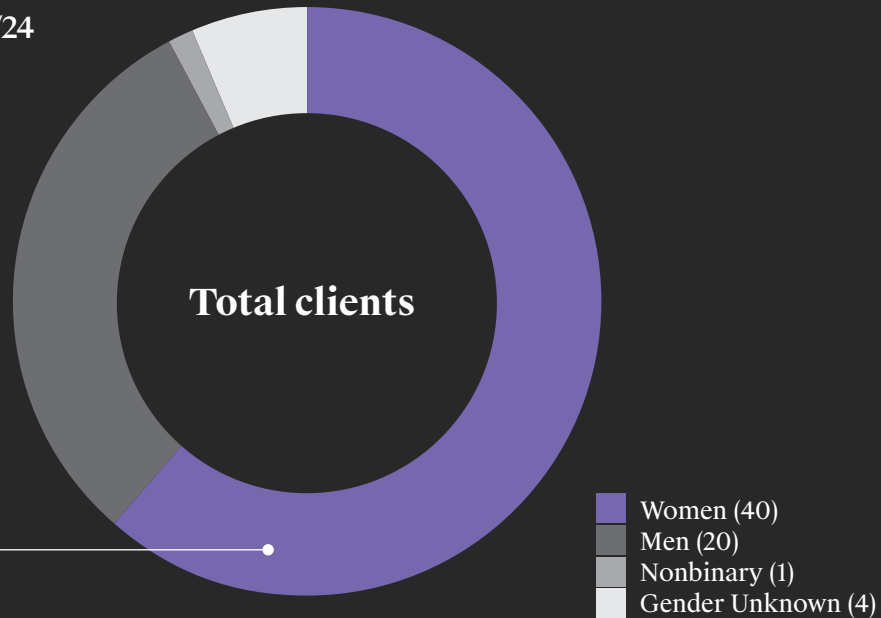
Demographic Data

Our clients in the FY 2023/24

In total, 40 of our

65

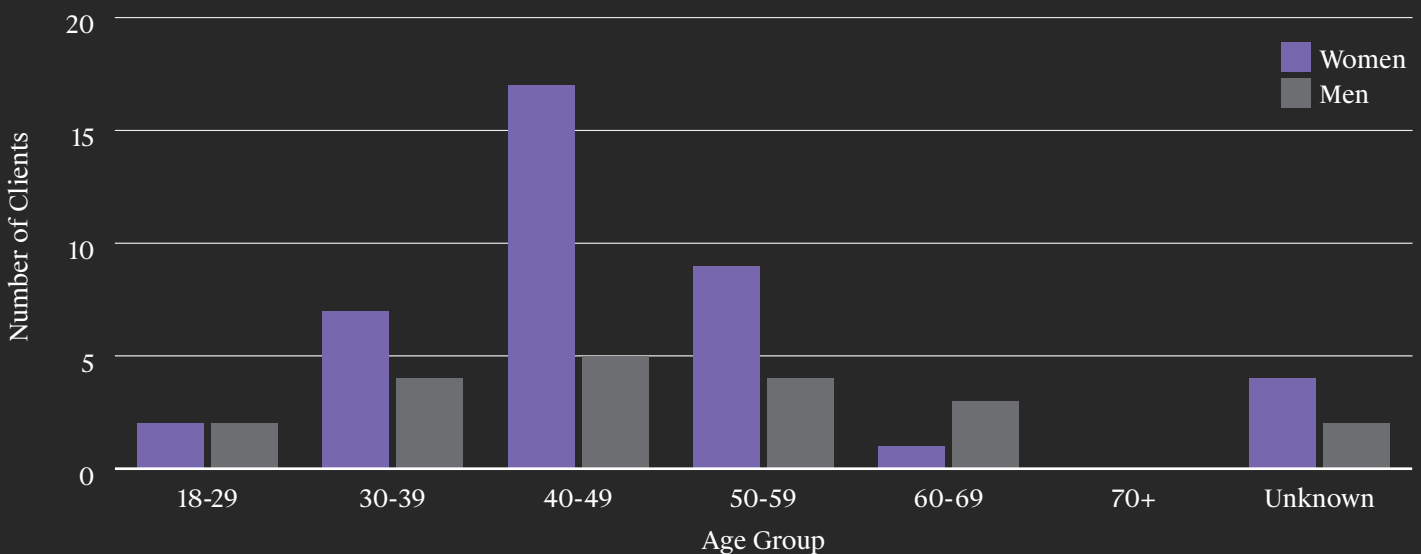
advice clients
were women.



Age

Our men and women clients had a similar spread of ages, with the majority of our clients being aged 40-59. Comparatively, we had fewer clients fall into the 18-29 and 60-69 age groups. There was a significant peak at ages 40-49, with 43% of women falling in that age group. We anticipate that this is consistent with trends in the general workforce.

Young people are more likely to be starting out in the workforce and may not be exposed to wrongdoing. Additionally, young people may face precarious work where the risks of speaking up are too great. On the other hand, while clients in the later age groups are more likely to be in senior positions and therefore exposed to wrongdoing, they are also more likely to focus on leaving the workforce.

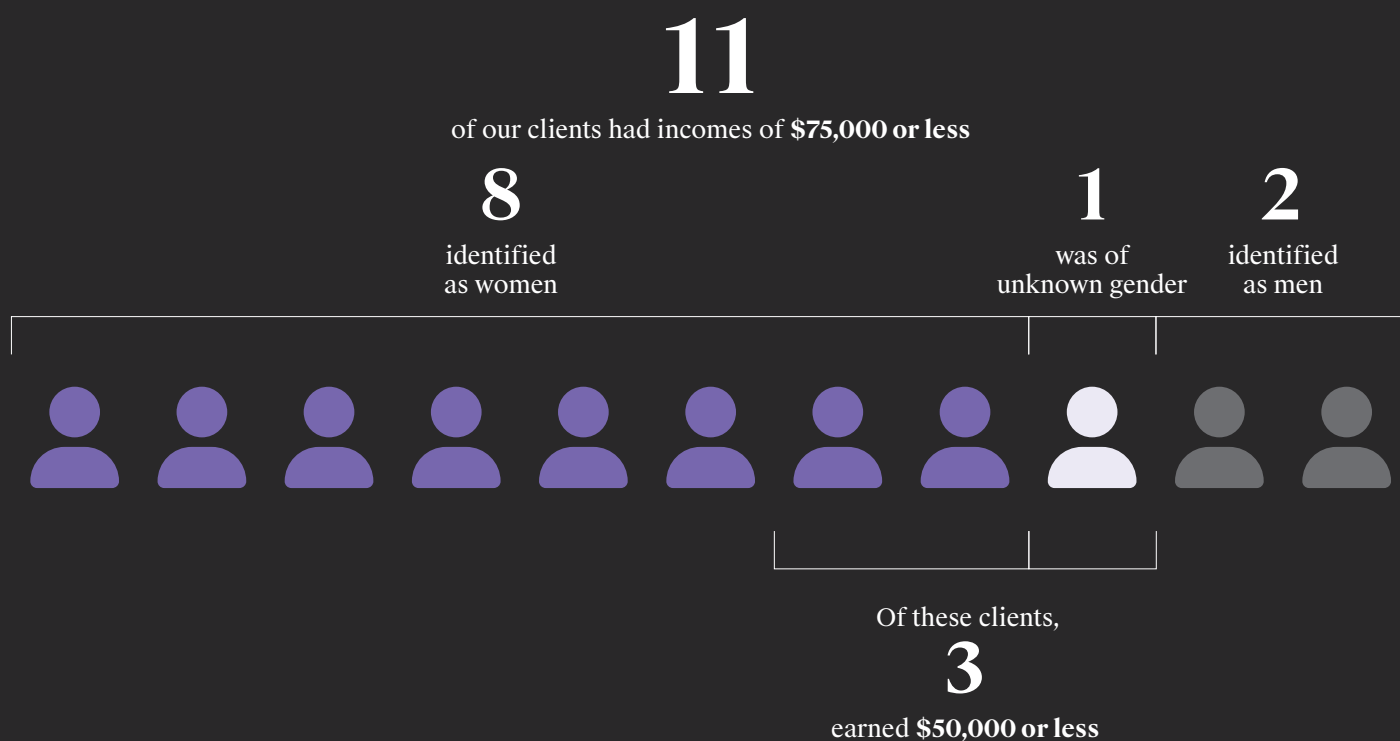


Income

As a registered charity and community legal centre, we request clients' salary and financial circumstances as part of our prioritisation principles. When considering whether we can provide legal assistance, we review a client's financial circumstances as it may indicate whether they can afford private representation. Income is a relevant but not determinative factor when we assess whether we can assist. For example, some clients have been terminated and are not working but choose to list their salary prior to termination.

The earnings of our clients was relatively similar between genders. However, most of our lowest earners were women.

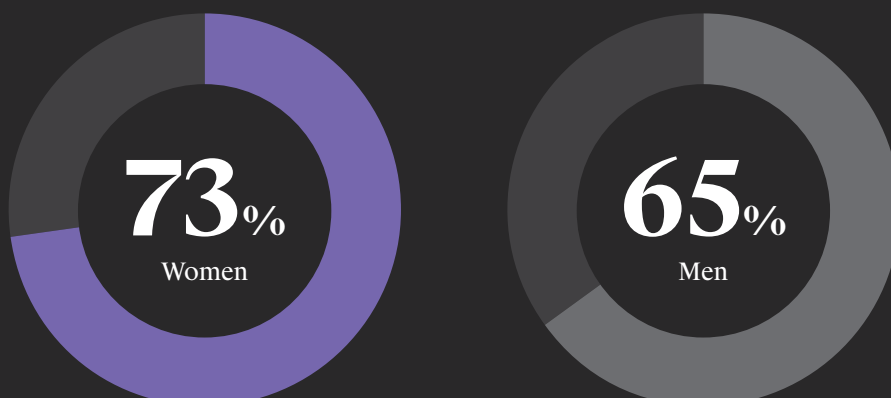
Of our 65 advice clients, 11 clients earned \$75,000 or less with the below showing a more detailed breakdown of our lowest earning clients:



Education

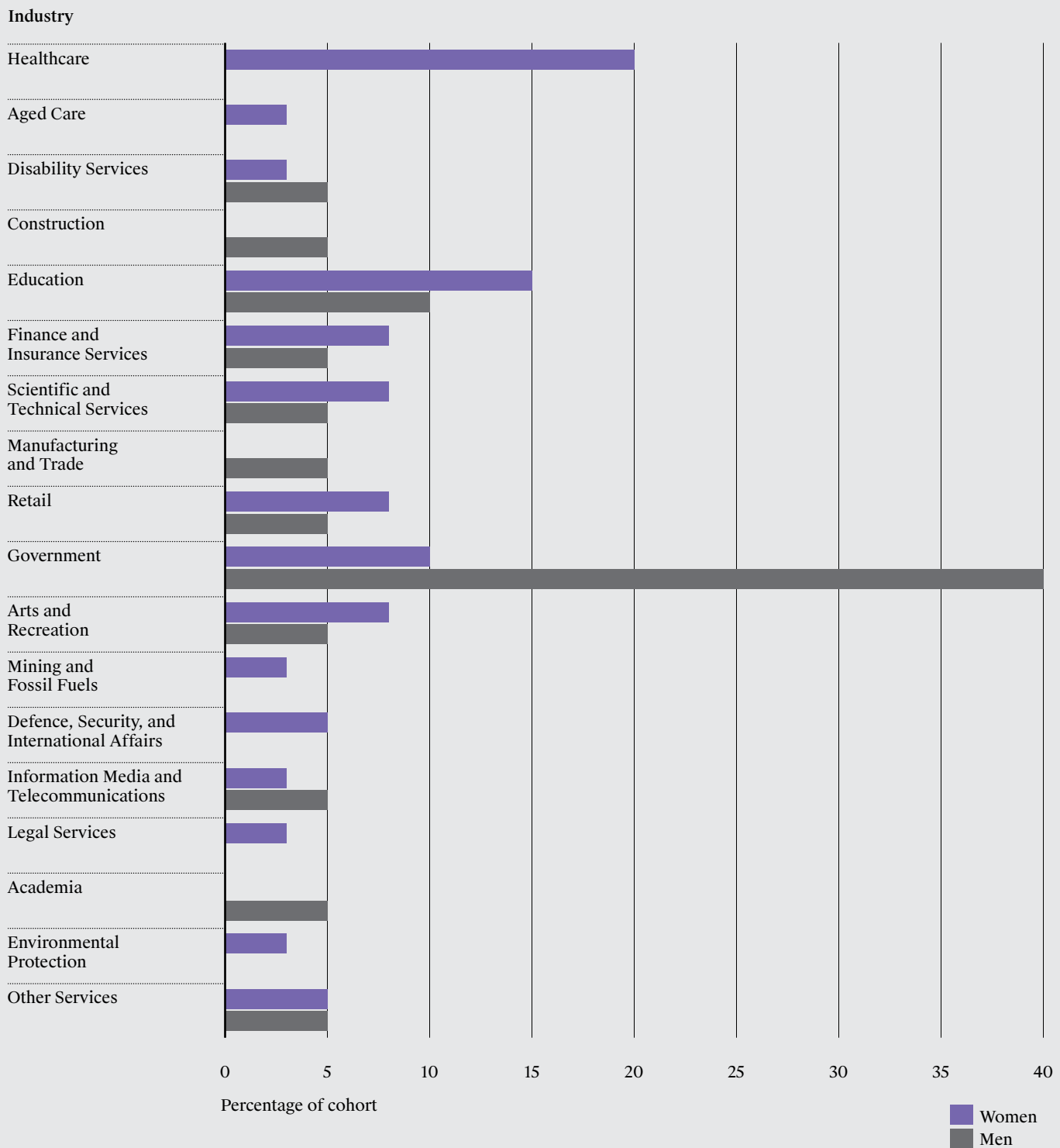
Approximately **3/4** of our women clients and **2/3** of our men clients had an undergraduate degree or a higher level of education.*

* 73% of our women clients and 65% of our men clients had undergraduate degrees or a higher level of education.



Wrongdoing Data

Whistleblower industries









We had clients make disclosures related to **18** of our **23** industry categories.

Most popular industries for whistleblowers

The three most common industries were government, healthcare, and education. 48% of our clients made disclosures related to these three industries.

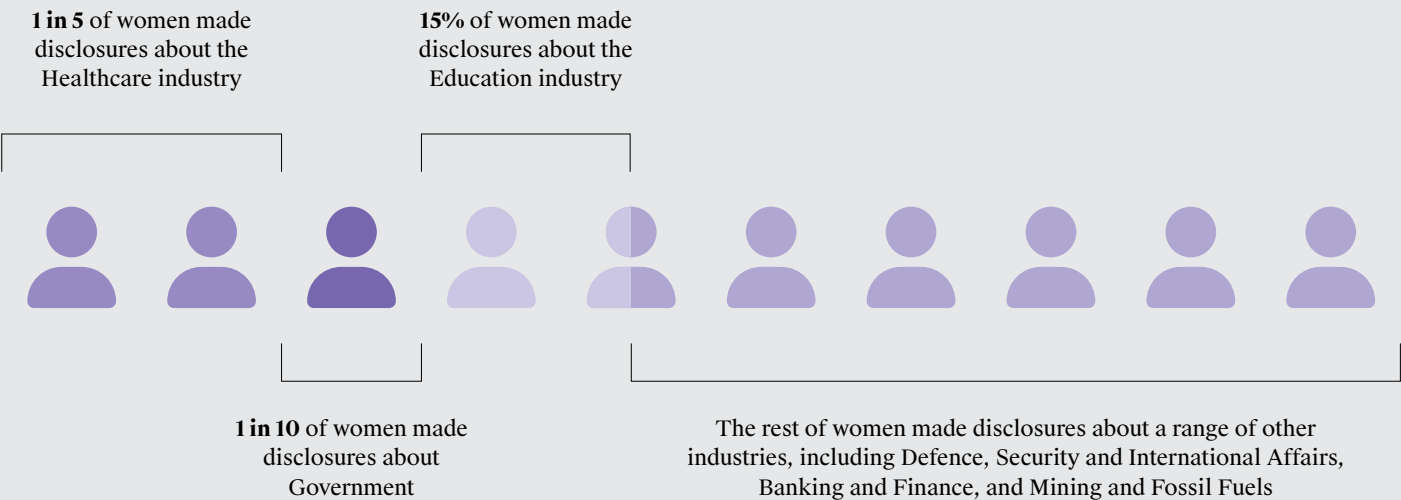
As shown on the graph, due to the small number of men in our cohort, only government and education had more than one client making disclosures related to those industries.

While healthcare was the dominant industry women whistleblowers spoke up about, there were no men who exposed wrongdoing in this industry.

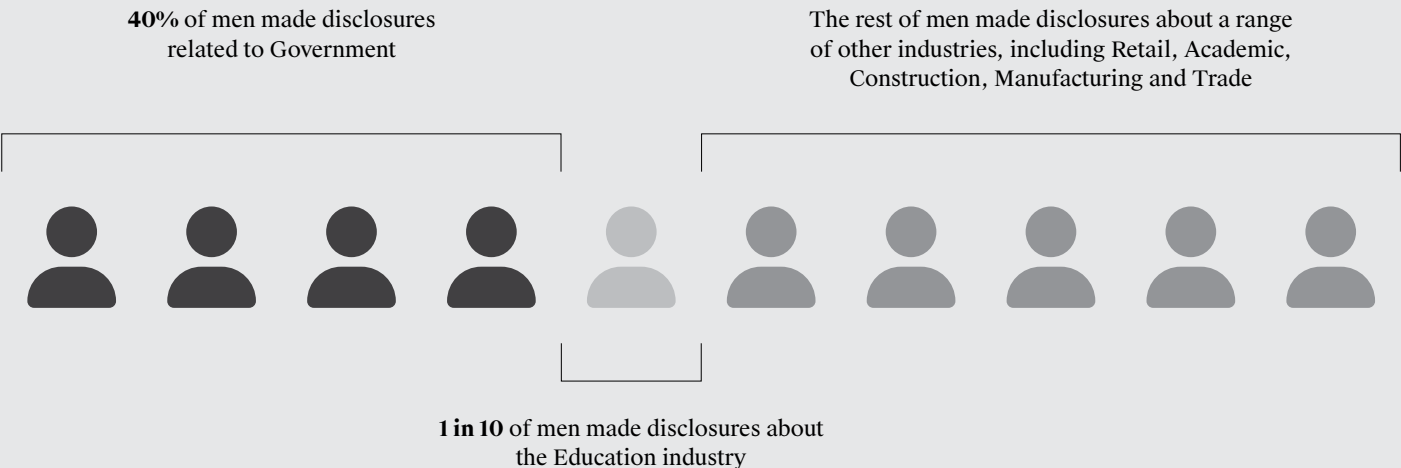
	Men	Women
1	 Government	 Healthcare
2	 Education	 Education
3	 Multiple Industries (see graph below)	 Government

Breakdown of industry wrongdoing

Women

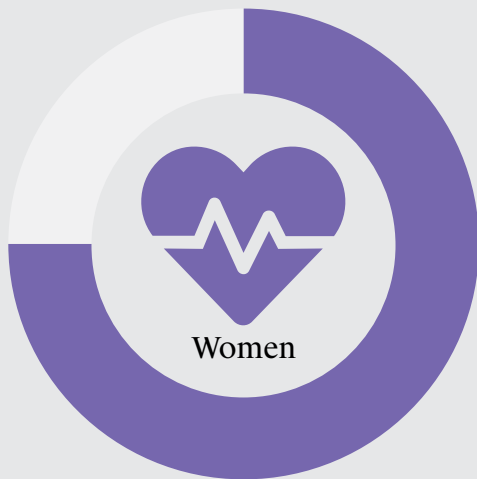


Men



Wrongdoing Data

Top industry and wrongdoing issue



Women:

Health and endangerment of people

The most prevalent industry of wrongdoing for women was healthcare.* **Three out of four** women in this industry who came to us made a disclosure about the endangerment or mistreatment of people.* As a point of comparison, we had no men in our cohort make disclosures in healthcare.

* 1 in 5 of our women clients made disclosures in this industry.

+ Endangerment and/or mistreatment of people includes disclosures like failure to meet regulatory/legal/WHs standards, endangerment of people, sexual misconduct, discriminatory conduct, mistreatment of people.



Men:

Government and corruption

The most prevalent industry of wrongdoing for men was government.* **One in two** in this industry who came to us made a disclosure about corrupt conduct.*

* 40 per cent of our men clients made disclosures in this industry (Federal, State and Territory Governments combined).

+ Corrupt conduct includes disclosures like taking/giving bribes, acting on private interest, and incorrect tendering processes.



Analysis of industry and wrongdoing trends



Healthcare

It is unsurprising that the healthcare sector accounts for one of the most common industries for whistleblower reports of wrongdoing. Our United Kingdom counterpart, Protect UK has reported that since 2017, 38% of their advice hotline clients relate to wrongdoing in the National Health Service (NHS).¹⁵ Similarly to our findings, their highest reporting issue of NHS workers was patient safety (40%).¹⁶

While we initially thought that mandatory reporting obligations explained the high numbers of our health care clients, it is clear that, when reviewing Protect UK's and other external research, there are cultural problems which exist in healthcare around the treatment of whistleblowers.

Protect UK consider that there is a problem of 'being ignored' when healthcare whistleblowers speak up, with 31% of their NHS whistleblowers reporting this experience.¹⁷ They also report major cultural problems with victimisation being rife following disclosure (we discuss our experience of this below under our heading 'Reprisal in Healthcare').¹⁸ Relevantly, some Australian literature related to nursing whistleblowers discusses the role of 'wilful blindness' or 'turning a blind eye' to wrongdoing.¹⁹ Other theories to explain the poor culture of transparency in the healthcare system include the pressure to meet stakeholder demands with the response being to deny the wrongdoing and bully the complainant.²⁰

While we do not have a conclusive reason why healthcare is overrepresented in whistleblowing legal services in the UK and Australia, the evidence suggests there are systemic cultural issues at play. As 100% of our whistleblowing reports in the healthcare industry were women, we believe this is a gendered issue which requires further investigation.



Government

Overall, 14 of our 65 advice clients witnessed wrongdoing in the government.²¹ Of these, four were women (being 10% of women) and eight were men (being 40% of men). This was unexpected because women consistently outnumber men in government workforces²² and were the majority of our advice clients, therefore we anticipated higher representation of women reporting government wrongdoing.

For example, in all state public sectors, women account for approximately 2/3 of the sector or higher.²³ In the territories, women account for 63.3%²⁴ and 65%²⁵ of the sector in the Northern Territory and the ACT, respectively. In the federal public service, women account for 54% of employees.²⁶

It is worth noting that while four women made disclosures in government, none of them made disclosures about corrupt conduct. Instead they focused on maladministration, which can include misconduct such as incorrect processes and acting outside of power.

While women occupy more of the public sector workforce than men, they do so in less senior positions. This is illustrated by the NSW Government reporting in 2023 that women occupied 66.5% of the NSW public sector workforce but occupied only 43.3% of senior executive positions.²⁷ Similarly, the Queensland Public Service reported that in 2023, women occupied 69.33% of the workforce but only 55.12% of their leadership positions.²⁸ These trends are similar across the remaining state and territory agencies.

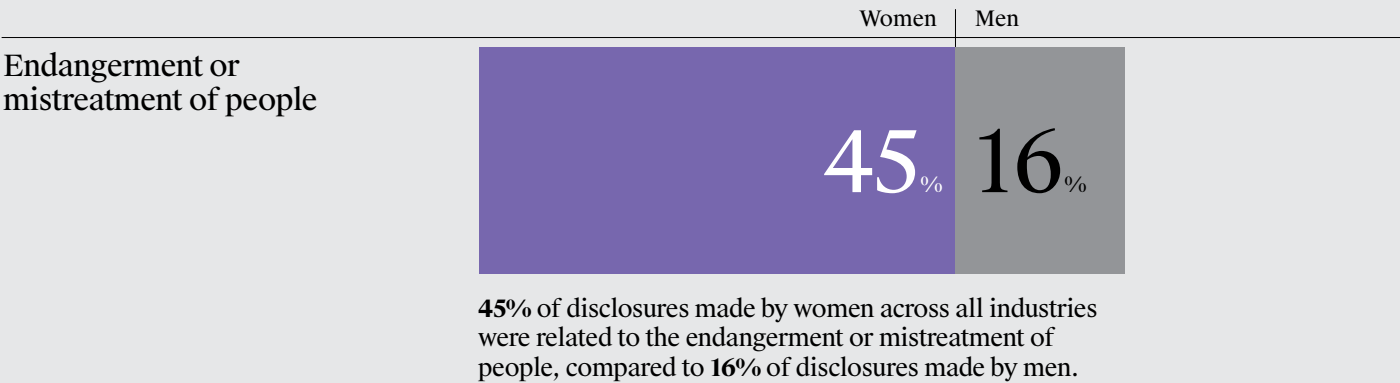
These above figures and our findings may suggest a structural barrier to women's exposure to corruption in government. Women's underreporting on this issue is not due to a lack of integrity or willingness to report wrongdoing, but may, in part, be due to limited access to the environments where corruption is most likely to occur or be visible, known as the Corruption Exposure Gap.²⁹ Corruption is more often observed and thus reported by individuals in senior or decision-making positions, which are disproportionately held by men.

While not conclusive, the data suggests that tackling corruption effectively requires more than ethics frameworks and reporting mechanisms. It necessitates structural reform aimed at achieving greater gender equity in leadership.

Wrongdoing Data

Wrongdoing subject matter

Nearly half of women we provided advice to witnessed wrongdoing related to the endangerment and mistreatment of people, while a significant proportion of men witnessed corruption and fraud.



This difference may be related to a number of factors, including:

- Women-dominated industries like the care sectors (healthcare, aged care, disability services) being more likely to have positive reporting obligations about endangerment and mistreatment of people;
- The Corruption Exposure Gap, as women are less likely to hold senior positions, where they are exposed to corruption;³⁰ and
- Cultural problems related to whistleblowing in certain care industries, causing a higher reliance on external assistance.

Sexual misconduct

Another reason there may be a stark difference between men and women reporting on the endangerment of people is because women are more likely to experience sexual harassment at work than men.³¹ Sexual misconduct and discrimination are distinct subcategories within the broader wrongdoing category of ‘Endangerment and/or Mistreatment of People’ and cover personal experiences of workplace harassment/discrimination.

Our data shows that one third of all women making disclosures in the ‘Endangerment and/or Mistreatment of People’ category related to sexual misconduct and discrimination. This reflects women’s disproportionate exposure to these harms in the workplace and their role as primary whistleblowers on these issues. This susceptibility to workplace violence can act as a barrier to reporting broader institutional failures, as individual safety and wellbeing is paramount. As discussed below, this is also reflected in the types of retaliation men and women experience when they do speak up.

Reprisal Data

When looking at reprisal data, we only included clients who had made disclosures prior to coming to us, as reprisal typically describes conduct that causes someone detriment because of a disclosure or report the person has already made. While it is possible to experience reprisal action because of a suspicion that a person will report wrongdoing, this is less common and more difficult to identify. The sample size for this section is therefore comprised of clients who had made whistleblowing disclosures prior to coming to us.

Of our clients who had made disclosures prior to coming to us
7 out of 10 suffered reprisal



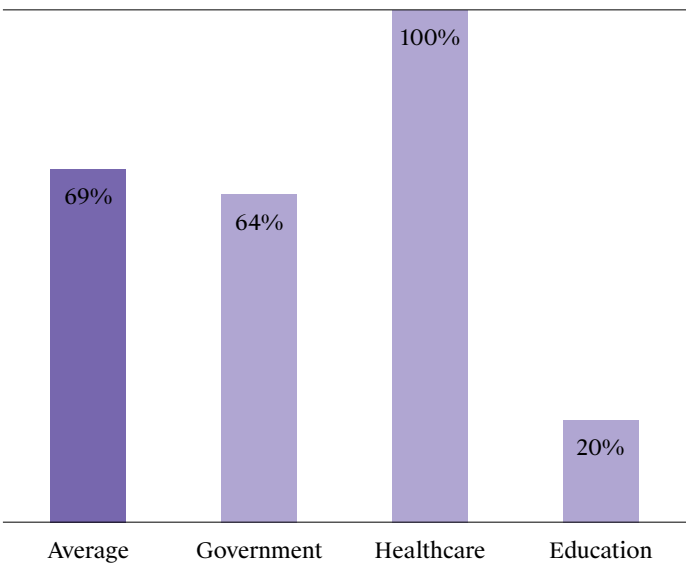
What we learned about reprisal

When we looked at the clients who had made previous disclosures before they came to us, we found that on average, 7 out of 10 report having suffered reprisal for those disclosures. We also found that men and women suffered reprisal at the same rate. This is consistent with our earlier research published, which found that as many as eight in 10 whistleblowers suffered reprisal after speaking up.³²

Below, we breakdown this reprisal data by industry for our top three industries being government, healthcare, and education against the average.

Those who had made disclosures related to government suffered similar levels of reprisal to the average across all our clients. Out of the clients who had made previous disclosures in the education industry, only one in five suffered reprisal, far below the average. We explore the data on reprisal rates in healthcare below.

Percentage of clients who suffered industry reprisal (in our top three industries)



Reprisal Data

Reprisal in healthcare

Concerningly, 100% of all clients speaking up in the healthcare industry report suffering reprisal when they reported wrongdoing. When combined with our data that *only* women spoke up about misconduct in the healthcare industry, it is clear that this is a gendered issue urgent for prioritisation.

This trend suggests the Australian healthcare sector may have a particularly hostile environment toward whistleblowing, where workplaces either tolerate or fail to prevent retaliation. By desensitising a speak-up culture, workers and their patients are placed at greater risk of harm but this is not a problem unique to Australia.

Healthcare whistleblowers suffering harm in the UK is nothing new. In 2009, the Francis Inquiry was launched to investigate widespread failures in patient care at the Mid Staffordshire NHS Foundation Trust.³³ Concerningly, a survey of National Healthcare System (NHS) staff found that only 72% of respondents felt safe to raise a concern.³⁴

The 2013 final report of the Francis Inquiry made 290 recommendations which focused on creating a culture of openness and transparency in the NHS and protecting whistleblowers.³⁵ What followed was the “Freedom to Speak Up” Review to address NHS whistleblowing, which recommended that Freedom to Speak Up Guardians are appointed in all NHS organisations.³⁶



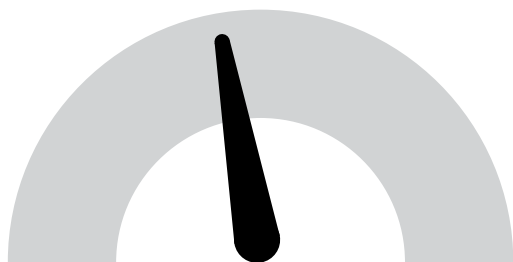
There has been no such formal inquiry or investigation into healthcare and poor treatment of whistleblowers in Australia but from our own data and international trends, there is a need for investigation and reform.

Correlation between gender and forms of reprisal

While most research finds similar rates of reprisal between genders, one study found that women have been shown to suffer greater retaliation.³⁷ Our findings show similar rates of reprisal but that men and women experienced *different forms* of reprisal.

While almost half of our men clients had their employment terminated, only a quarter of our women clients were terminated at the initiative of the employer. Comparatively, almost a third of our women clients faced harassment and bullying because of their disclosures, while only 9% of our

men clients did. It is important to note that while men report being terminated at higher rates, the creation of a hostile work environment via bullying and harassment can lead to forced resignations or ‘constructive dismissals’. These claims are complex to run, essentially making it harder for women who have experienced this form of reprisal to pursue compensation via legal remedies.



Of our men clients who suffered reprisal, **almost half*** report having their employment terminated

*45%



Of our women clients who suffered reprisal, **almost a third*** report they faced harassment and bullying

*32%

Correlation between income and reprisal

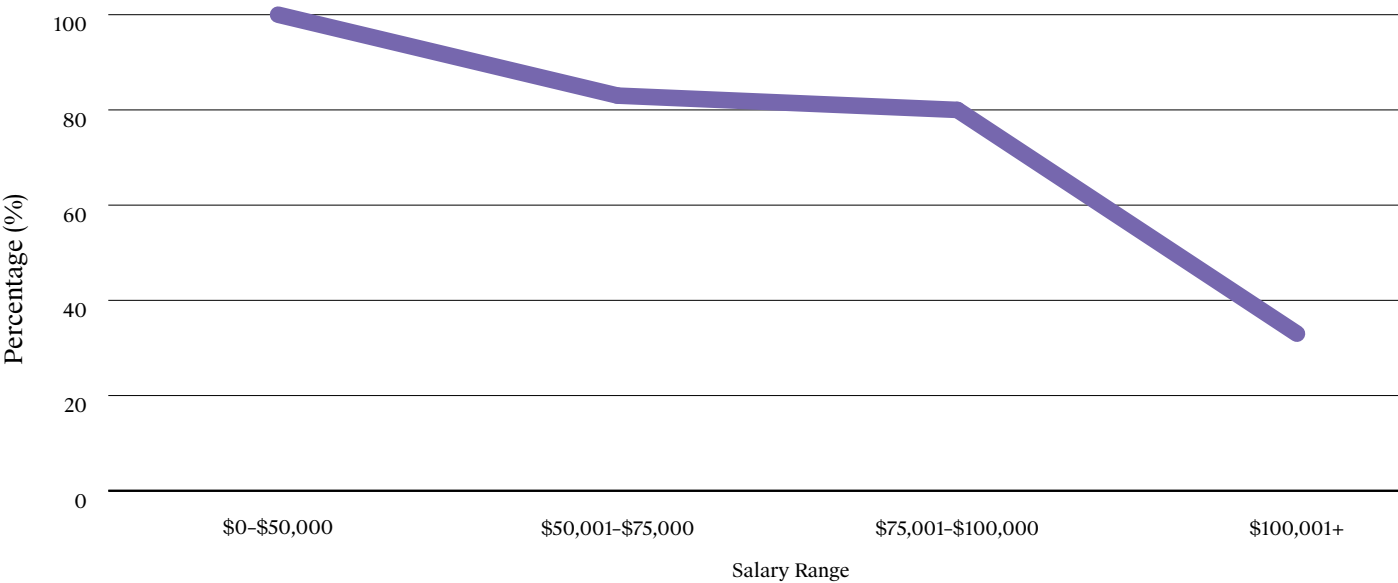
Although our sample size was limited, we found that women are more likely to suffer reprisal the less they earn. This is consistent with the literature which finds that whistleblowers who are junior and lack power are more likely to suffer reprisal.³⁸ Given that we know the majority of our lowest earners were women, these data points will help us identify clients who are at greater risk of suffering reprisal.

The data on men who suffered reprisal in relation to income could not be completed because the sample size was limited.



Image: Whistleblower Jeannie-Marie Blake gives evidence to a Senate Inquiry, August 2025.

Reprisal and income trends for women clients



This data is a review of our client cohort from the first year in practice. At this stage, we do not have broader understanding of the motivations of whistleblowers. The above includes some general explanations for our data but warrants further investigation.

Whistleblower reform through a gendered lens

Our broken whistleblowing laws disproportionately affect women who speak up by failing or endangering them in the very act of seeking justice. Below are a few examples drawn from our ongoing advocacy work that highlight where targeted reforms could meaningfully support and protect women who blow the whistle.

No wrong doors approach

In our 2022 report *Protecting Australia's Whistleblowers: The Federal Roadmap* (**The Roadmap**)³⁹ and ongoing advocacy work, we call for a 'no-wrong doors' approach. This reform would mean that any report of wrongdoing made to an agency or regulator is protected and referred to the appropriate regulator.

Currently, for people working in the private sector, a protected whistleblower disclosure may be made only to the Australian Security Information Commission (ASIC) or the Australian Prudential Regulation Authority (APRA). These regulators are financial services regulators and are not the logical first step for a person wanting to speak up about human rights abuses in a private company.

Our data shows that 45% of all whistleblowing disclosures made by women were related to the endangerment or mistreatment of people. While logically, women working for companies may think of reporting such human rights abuses to human rights commissions, government departments, the Australian Health Practitioner Regulation Agency, and the Health Care Complaints Commission - they would not receive whistleblower protections from reprisal or immunity from civil, criminal, and administrative liability.

Whistleblowers can report 'wrongdoing' or an 'improper state of affairs' related to a company to ASIC.⁴⁰ While this wrongdoing threshold is broad, ASIC is concerned with wrongdoing related to areas of financial products, credit activity, or financial services. However, because ASIC is the only regulator of the private sector which is authorised to receive protected disclosures, it means that very often ASIC receives disclosures outside of its jurisdiction or expertise and does not investigate.⁴¹ What awaits the whistleblower after their report is a cursory 90 day wait time for ASIC to confirm they are not going to investigate, before the whistleblower is able to receive protections when going public to a journalist or parliamentarian.⁴²

This pathway in effect offers a lack of enforcement by the regulator for issues women are more likely to speak up about and creates more risk in the process for women needing to go to the public for accountability.

Our broken whistleblowing laws therefore have a disproportionate impact on women who are more likely to speak up about human rights abuses and face heightened risk with regulators who may not respond to their disclosures.

Preparatory acts

What flows from a lack of enforcement in the private sector and lacklustre government regulators is greater reliance on public interest journalism to hold wrongdoing to account. When whistleblowers are forced to rely on the media as accountability mechanisms, there are greater risks associated with speaking up, as journalists often need evidence to substantiate their reporting.

Some whistleblowers, like ATO whistleblower Richard Boyle, may undertake their own investigations to help substantiate their claims to a journalist. The recent decision in *Boyle v Director of Public Prosecutions (Cth)*⁴³ determined that acts made in preparation for whistleblowing, such as taking documents to serve as evidence of the wrongdoing, are not covered by the immunities under whistleblowing laws and therefore leave whistleblowers open to prosecution and civil claims.

As women are more likely speak up about wrongdoing where ASIC will not investigate, they are more likely to turn to the media in pursuit of accountability, inadvertently exposing themselves to risk.

As emphasised in *The Roadmap*, immunities being extended to preparatory conduct would serve to protect all whistleblowers. In particular, they would serve to protect women who speak out about wrongdoing which regulators may not investigate.



Image: The Whistleblower Project team in Canberra 2025 with the Design Principles for Australia's Federal Whistleblower Protection Authority.

A Whistleblower Protection Authority

There are many gaps in whistleblower protections in Australia; both in our laws and in available support. We know that the majority of our lowest paid whistleblowers are women. We know that women suffer bullying and harassment when they speak up and are forced to resign, which is challenging to prove as reprisal. There needs to be greater support for whistleblowers and in particular, tailored support for women who speak up.

In the UK, there has been research completed on whistleblowers pursuing their whistleblower dismissal claims at the Employment Tribunal. It found both men and women are more likely to be successful in their claim if they have legal representation but that women do not secure legal assistance at the same rate as men – showing a gendered access to justice gap.⁴⁴

As set out in *The Roadmap*, our priority is the creation of a Whistleblower Protection Authority, a standalone statutory agency which protects and empowers Australia's whistleblowers. In June 2025, following the Whistleblower Protection Authority Bill being tabled by Andrew Wilke MP, Dr Helen Haines MP, and Senators David Pocock and Jacqui Lambie, we published *A Fair Go for Speaking Up: Design Principles for Australia's Federal Whistleblower Protection Authority*.

A Whistleblower Protection Authority would benefit all whistleblowers and would add much needed assistance to women whistleblowers who are:

- a) needing protection where risks factors around lower paid or precarious work may be higher and financial remedies are a critical factor in blowing the whistle;
- b) needing casework support because the form of reprisal they experience is more likely to be complex bullying and harassment, which can have ongoing psychological effects; and

- c) more likely to face complicated acts of reprisal. With its mediation, redress, and early intervention functions, whistleblowers would be able to feel supported in putting allegations of reprisal forward without the hassle and complexity of litigation.

The benefits of a Whistleblower Protection Authority are innumerable to the integrity landscape in Australia. With a dedicated body to protect and support whistleblowers, there will be greater accountability and wellbeing support for all whistleblowers. In particular, it will offer greater support for women speaking up about issues other than fraud and corruption.

● Our principles for a Whistleblower Protection Authority are:

1. Prioritising Protection
2. Support
3. Prevention
4. Mediation & administrative redress
5. Remedies focus
6. Legal actions
7. Rewards, compensation & financial support
8. Comprehensive, seamless jurisdiction
9. Adequate powers & resources
10. Independence

Conclusion and recommendations

Women's voices are vital to holding human rights abuses accountable in Australia. The Whistleblower Project's first year of data shows that women are more likely to speak up about the endangerment of people than men, who are more likely report fraud or corruption.

This could be because women occupy a dominant share of the care industries and are exposed to wrongdoing related to people. It could also be because they face prejudices in reaching senior positions where corruption may occur or are at risk of gender based harm themselves in the workplace. While we do not know all of the reasons for these divides, we know more research on the relationship between gender and whistleblowing in Australia is needed.


The majority of our lowest paid clients are women and they are more likely to suffer reprisal the less they earn. This reflects the literature we have reviewed and means that we are able to better identify and assist this priority cohort.

There are key sectors and industries where legal education and assistance is most greatly needed. The healthcare industry, which is dominated by women, is of particular concern, as 100% of those who spoke up suffered reprisal.

By embedding data informed protections into our whistleblowing infrastructure, a Whistleblower Protection Authority would help close the gap between law and lived experience - offering meaningful support to the women who courageously speak truth to power.

Our goal is to amplify the voices of our clients who hold human rights abuses to account. Given that 45% of our women clients in the first year of operation spoke up about wrongdoing which may relate to the endangerment of people, we know that women are vital to upholding human rights in Australia.

Image: Julia Delaforce speaking about abuse in the Australian Defence Force on 60 Minutes, 2025.



“ Whistleblower law reform is not just a legal issue, it's a human one.

Our recommendations

1	Develop further research on the link between gender and whistleblowing in Australia	Like all aspects of women's working lives, there are gender disparities that shape how women participate in and experience the workforce. Our research indicates a clear need for deeper analysis and understanding of how gender impacts whistleblowing, including systemic barriers women face in speaking up and being protected by integrity frameworks. In addition to gender, we also recommend an intersectional lens is applied to consider structures which prevent People of Colour or with lived experiences of disability from speaking up. To design inclusive and effective whistleblowing laws and institutional responses, further research is essential to illuminate the distinct experiences of women who report wrongdoing.
2	Apply a gendered lens to urgently needed whistleblowing law reform	Current laws force women, who are more likely to report human rights violations and risks to people, into pathways designed for financial misconduct, leaving them no better off and unheard. When regulators fail to act, women are more likely to seek media exposure, increasing their risk, especially where preparatory acts like collecting evidence are not protected. Reform is urgently needed to expand whistleblower protections across all relevant regulators, and to ensure immunity for preparatory actions. Without these changes, our integrity systems will continue to fail those who most often speak out to defend human rights.
3	Establish a Whistleblower Protection Authority which recognises and incorporates women's experiences of speaking up	To close the significant gaps in Australia's whistleblower protections, we recommend the urgent establishment of a Whistleblower Protection Authority - an independent statutory body designed to protect, support, and empower whistleblowers. As women, particularly those in lower-paid roles, face disproportionate risks such as bullying, harassment, and forced resignation, the Authority must provide tailored support that recognises these gendered impacts with a focus on early intervention and resolution. Grounded in principles of protection, support, and prevention, this reform is essential to ensure a fair and safe system for all who speak up.
4	Education and investigation into the culture of whistleblowing in the healthcare industry is urgently needed	<p>Our data shows that healthcare is the number one industry for women reporting wrongdoing with 100% reprisal rates for speaking up. Urgent education is needed in this sector which includes:</p> <ul style="list-style-type: none"> · whistleblower rights and responsibilities; · the legal protections available; · safe pathways for making disclosures without fear of reprisal; and · training for leaders and managers to respond to wrongdoing reports. <p>In addition, regulatory action and investigation needs to be taken to investigate the challenges in this sector.</p> <p>Protecting whistleblowers in the healthcare industry is a public safety initiative because when we protect those who speak up, we protect the patients and communities who depend on safe, ethical care.</p>

- 1 See, for example: Nieves Zúñiga, *Gender sensitivity in corruption reporting and whistleblowing* (U4 Helpdesk Answer No 2020:10, 20 June 2020) page 3; Palina Prysmakova and Michelle D Evans, 'Whistleblowing Motivation and Gender: Vignette-Based Study in a Local Government' (2022) 42(1) *Review of Public Personnel Administration* page 166; Michael T. Rehg, Marcia P. Miceli, Janet P. Near and James R. Van Scotter, 'Antecedents and Outcomes of Retaliation against Whistleblowers: Gender Differences and Power Relationships' (2008) 19(2) *Organization Science* page 221.
- 2 Gustavo Tavares, Fabiana Lima and Gregory Michener, 'To blow the whistle in Brazil: The impact of gender and public service motivation' (2024) 18(1) *Regulation & Governance* page 227.
- 3 Tavares, page 181.
- 4 Tavares, page 229.
- 5 James Gerard Caillier, 'Agency Retaliation Against Whistle-Blowers', (2012) 15(1) *Public Integrity* page 44.
- 6 UN Development Fund for Women, 'Corruption, Accountability and Gender: Understanding the Connections' (Report, 2010) page 22.
- 7 Public service motivation is the desire to serve the public and act in the public interest; Palina Prysmakova and Michelle D Evans, 'Whistleblowing Motivation and Gender: Vignette-Based Study in a Local Government' (2022) 42(1) *Review of Public Personnel Administration* page 177.
- 8 Gregory Liyanarachchi and Chris Newdick, 'The Impact of Moral Reasoning and Retaliation on Whistle-Blowing: New Zealand Evidence' (2009) 89(1) *Journal of Business Ethics* page 46.
- 9 Mary Saade, 'Women & Whistleblowing' (2023) 34(1) *Hastings Journal on Gender and the Law* page 50.
- 10 Zúñiga, above n 1, page 7.
- 11 General demographic information we capture includes gender, age range, highest education level, salary range. For our service provision we capture details including whether a client identifies as having a disability, and owing to our Strategic Plan, we capture whether the client identifies as being Aboriginal or Torres Strait Islander so we may prioritise assistance.
- 12 This is the first financial year of the Whistleblower Project's operation.
- 13 Where demographic data is missing or the client preferred not to disclose that information, it is marked as 'unknown'.
- 14 Allowing for multiple coding for categories of wrongdoing, this means that the total for variables like Broad Disclosure Subject Matter were higher than the 65 advices we provided.
- 15 Protect UK, *INQ0017994 - Witness statement of Sybille Raphael, on behalf of Protect, dated 04/03/2024* (Document, 28 January 2025) <https://thirlwall.public-inquiry.uk/evidence/inq0017994-witness-statement-of-sybille-raphael-on-behalf-of-protect-dated-04-03-2024/> paragraph 6.
- 16 Protect UK, above n 15, paragraph 6.
- 17 Protect UK, above n 15, paragraph 28.
- 18 Protect UK, above n 15, paragraph 30.
- 19 Angela Firtko and Debra Jackson, 'Do-the-ends-justify-the-means? Nursing and the dilemma of whistleblowing' (2005) 23(1) *Australian Journal of Advanced Nursing* pages 51-56.
- 20 Marie Hutchinson et al, 'The worse you behave, the more you seem to be rewarded: Bullying in nursing as organizational corruption' (2009) 21(3), *Employ Responsibilities and Rights Journal* page 213.
- 21 State, Territory and Federal Governments combined.
- 22 New South Wales: 66.5%; Queensland: 69.3%; South Australia: 69.7%; Tasmania: 71.4%; Victoria: 67.7%; Western Australia: 73.3%
- 23 'Gender', *NSW Public Service Commission* (Web Page) < <https://www.psc.nsw.gov.au/reports-and-data/workforce-profile/workforce-profile-reports/workforce-profile-report-2023/gender#:~:text=Women%20made%20up%2046.0%25%20of,up%20from%2062.4%25%20in%202014>>; 'Gender pay equity in the Queensland public sector' (Report, Queensland Public Sector Commissioner, September 2024) Gender pay equity in the Queensland public sector page 3; 'Diversity, Equity and Inclusion Strategy 2023-2026' (Report, South Australia Office of the Commissioner for Public Sector Employment) OCPSE-DEI-Strategy-2023-2026.pdf page 7; 'State of Service Workforce Report No 1 of 2025', *Department of Premier and Cabinet* (Web Page) < https://www.dpac.tas.gov.au/divisions/ssmo/about_ssmo/state_service_workforce_reporting/state-service-workforce-report-no-1-of-2025>; 'Age, gender and sexuality 2024', *Victorian Public Sector Commission* (Web Page) < <https://vpssc.vic.gov.au/workforce-data-state-of-the-public-sector/employee-diversity-and-inclusion/age-gender-and-sexuality/>>; 'State of the WA Government Sector Workforce 2023-24' (Report, Western Australia Public Sector Commission, 18 September 2024) page 15.
- 24 'State of the Service Report 2023-2024' (Report, Northern Territory Office of the Commissioner for Public Employment, 2024) page 16.
- 25 'State of the Service Report 2023-2024' (Report, ACT Government, 2024) State of the Service Report 2024 page 4.
- 26 Workplace Gender Equality Agency (WGEA), *Employer Data Explorer - Commonwealth Public Sector*, vi <https://www.wgea.gov.au/Data-Explorer/Employer> (accessed on 2 July 2025).
- 27 'Gender', *NSW Public Service Commission* (Web Page) < <https://www.psc.nsw.gov.au/reports-and-data/workforce-profile/workforce-profile-reports/workforce-profile-report-2023/gender#:~:text=Women%20made%20up%2046.0%25%20of,up%20from%2062.4%25%20in%202014>.
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- 30 UN Development Fund for Women, 'Corruption, Accountability and Gender: Understanding the Connections' (Report, 2010) page 22.
- 31 Australian Human Rights Commission, *Time for respect: Fifth national survey on sexual harassment in Australian workplaces*, November 2022, https://humanrights.gov.au/sites/default/files/document/publication/2022.11.25.time_for_respect_2022_final_digital.pdf page 50.
- 32 Human Rights Law Centre, *Cost of Courage* (Report, 2023) <https://www.hrlc.org.au/app/uploads/2025/04/2308-Cost-of-Courage-Whistleblower-Report.pdf>, page 4.
- 33 Robert Francis, *Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry* (Report, 6 February 2013).
- 34 Robert Francis, *Freedom to speak up* (Report, February 2015) page 8.
- 35 Francis, *Report*, above n 32.
- 36 Francis, *Freedom to speak up*, above n 33, page 18.
- 37 Rehg et al. above n 1, page 237.
- 38 Saade, "Women and Whistleblowing", above n 9, page 56.
- 39 A J Brown and Kieran Pender, *Protecting Australia's Whistleblowers: The Federal Roadmap* (Report, 2022).
- 40 *Corporations Act 2001* (Cth) s 1317AA(4).
- 41 The Senate Standing Committee on Economics found in 2024 that ASIC has comprehensively failed to fulfil its regulatory remit. ASIC's own data shows that from July 2019 to June 2022 - they received 745 whistleblower disclosures and no further action was taken on 92% of matters. Senate Standing Commission on Economics, Parliament of Australia, *Australian Securities and Investments Commission Investigation and Enforcement* (2024) https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/ASICInvestigation/Report.
- 42 *Corporations Act 2001* (Cth) ss 1317AAD(b); 1317AA(1).
- 43 SASCA 73.
- 44 Further, where whistleblowers had a successful public interest disclosure claim and sought to claim unfair dismissal, there was a large gender gap, with 7.9% of men's cases being dismissed after preliminary assessment and the other 92.1% resulting in successful claims. This is compared to 21.4% of women's cases being dismissed after preliminary assessment, 3.6% being withdrawn after assessment, 67.9% resulting in successful claims, and 7.1% remaining unresolved. Laura William and Wim Vanderkerckhove, 'Making whistleblowing work for society. APPG Whistleblowing' (2020) *Technical Report*, page 11.

