

Canadian Press (August 4, 2004)
Scientist gets congratulatory letter from Health Canada after being fired
BY DENNIS BUECKERT

OTTAWA (CP) - Three weeks after firing Shiv Chopra for insubordination, Health Canada has sent him a gold watch and congratulatory letter praising his 35 years of "dedicated service."

Chopra, one of three Health Canada whistleblowers fired on July 14, said he was insulted to get the glowing letter of praise after months of what he calls harassment by the department, culminating in his firing. "Your years of service have not gone unnoticed and you have earned. . . praise and respect," says the letter signed by Deputy Health Minister Ian Green.

"Please accept this special tribute as we honour you and your career. It's an acknowledgement of our sincere appreciation."

In contrast, Green's July 14 letter of dismissal cited concerns about Chopra's work performance and blasted him for "total lack of progress" in a project he had been assigned.

"I have concluded that you have chosen to deliberately refuse to comply with my instructions," Green says in the earlier letter.

"Given your previous disciplinary record and your continued unwillingness to accept responsibility for work assigned to you, I have determined that the bond of trust that is essential to productive employer employee relationship has been irreparably breached."

In the later letter, along with his gold watch Chopra received a framed, honorary certificate signed by Prime Minister Paul Martin.

A Health department spokesman later said the award simply reflects departmental policy to recognize all veteran employees.

"The reasons for Dr. Chopra's termination in July are not in any way related to his 35 years service award," Health Canada spokesman Ryan Baker said Wednesday.

Chopra and his colleagues Margaret Haydon and Gerard Lambert, who were fired for insubordination on the same day, maintain they have been targeted because of their record as whistle-blowers.

The scientists have said publicly they were being pressured to approve drugs despite human safety concerns.

In the late 1990s, they publicly opposed bovine growth hormone, a product that enhances milk production in cows. Their criticism led to a Senate inquiry and a decision not to approve the drug.

During the anthrax scare following the September 2001 terror attacks, Chopra criticized then-health minister Allan Rock's decision to spend millions stockpiling antibiotics, saying the fear of bioterrorism was overblown.

Chopra and Haydon warned last year that measures to prevent mad cow disease were inadequate. Subsequently a case of the disease was identified, with disastrous results for the beef industry.

Health Canada has initiated numerous disciplinary proceedings against the scientists, who in turn filed grievances in a complicated tangle of cases, most of which they have won.

In a letter of grievance over his July 14 firing, Chopra says he was subject to "severe and debilitating harassment" over the 18 months preceding his dismissal.

Chopra said that for five months this year, he was given no work to do. He was then given a project but was separated from other colleagues with whom he needed to consult as part of his research.

Chopra said that he, Haydon and Lambert were separated from other Health Canada employees and assigned to work in isolated offices where they had difficulty getting access to department data.

All three say the stress of their battles at Health Canada have made them ill; a fourth member of the veterinary drug assessment group, Chris Bassude, died last year.

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Shiv Chopra, one of three whistleblowers who were abruptly axed last month, wasn't impressed with yesterday's home delivery. "This is a very bad joke. This is adding insult to injury," he told Sun Media from his home in Manotick, outside Ottawa. "I completed 35 years of service on June 20, and on the 14th of July I got fired," Chopra said. "Now they send me this award for distinguished service." (Quotes from Sun Media)

Inter Press Service - World (August 5, 2004)
FIRE D Scientists Spoke Out on Drug Approvals
By Paul Weinberg

TORONTO, CANADA (IPS) - The decision to fire three Health Canada veterinary scientists working in the government office that tests new drugs used on animals raised for food was made at the highest levels of the Canadian bureaucracy with the co-operation of the food and pharmaceutical industries.

That blunt statement comes from Michael McBane, co-ordinator of the Ottawa-based Canadian Health Coalition, which represents groups of seniors, farmers, women, labour unions and healthcare professionals.

"The animal drug industry basically worked really hard with senior management in Health Canada and with the Privy Council office (which advises senior government leaders and helps set departments' policies), to have the scientists removed," McBane told IPS in an interview.

Adding to the controversy was the timing of the firings of Shiv Chopra, Margaret Haydon and Gerard Lambert -- Jul. 14, just weeks after the national election and before a new group of ministers overseeing all departments, including Health Canada, were sworn in.

At the time the three scientists in the department's veterinary drugs directorate were on stress leave after alleging harassment by departmental officials.

Health Canada spokesperson Ryan Baker declined to comment on the suggestion that officials and corporate powers colluded to orchestrate the firings, and called the dismissals "a personal matter."

But Chopra told IPS his letter of termination cited "disobedience" as the reason for the action.

"Given your previous disciplinary record and your continued unwillingness to accept responsibility for work assigned to you, I have determined that the bond of trust that is essential to productive employer employee relationship has been irreparably breached," Deputy Health Minister Ian Green wrote in the letter, reported The Canadian Press on Wednesday.

Steve Hindle, the president of the labour union that represents the scientists, says Health Canada "just reached the end of its rope" after years of reprimanding and suspending the scientists for their public opposition to the approval of specific veterinary drugs.

For example, resistance from Chopra, Haydon and Lambert towards a bovine growth hormone developed by agri-business giant Monsanto ultimately led to a Senate inquiry in the 1990s and a decision to not approve the drug in Canada.

Also, before the May 2003 discovery of mad cow disease in a cattle herd in western Alberta province, which led countries like the United States and Japan to ban Canadian beef, Chopra and Haydon had warned that too little was being done by the food industry and its regulators in the Canadian Food Inspection Agency to prevent remains of dead cattle being used as feed for other cows.

The Indian-born Chopra, who has successfully launched anti-discrimination cases against Health Canada for failing to promote employees of non-European origin, has no explanation for the timing of the firings, but says the loss in income is creating "new stress" for the researchers and their families. Because they were dismissed from their jobs, they are not eligible for severance payments, he notes.

Hindle's Professional Institute of the Public Service says it will appeal the firings before the Public Service Staff Relations Board, an independent tribunal that adjudicates disputes between the federal government and its employees, if Health Canada fails to reinstate them.

Although Chopra applauds the union's support, he says the grievance appeal process will only deal with the technical and legal aspects of the department's action.

Left out, he adds, will be the substance of the issue: the ability of the powerful food and pharmaceutical lobbies to pressure Ottawa to bypass scientific concerns about the introduction of suspected cancer-causing hormones and the excessive use of antibiotics in animals; the latter has been singled out for the declining effectiveness of antibiotics on human beings.

"The pharmaceutical companies openly for years kept on going to the Privy Council (and saying) that there are problems within veterinary drugs at Health Canada; they have backlogs of drugs that are not being passed. When we ask (the drug companies) for data, they don't produce any," Chopra adds.

But Jean Szkotnicki, president of the Canadian Animal Health Institute, the veterinary drugs industry association, denies her organisation played a role in the firings. In fact, her industry benefits from a "robust" review of animal drugs, she told IPS.

At the same time, added Szkotnicki, Canada is losing potential research and development investment dollars from food and pharmaceutical companies because of the slow pace of testing of veterinary drugs at Health Canada. The same drugs have been endorsed by officials in other countries after going through "a similar type risk assessment and risk management programme," she added.

"We are often one of the last countries in the world to approve a product," according to Szkotnicki.

Chopra counters that the animal drug industry has not produced any new products for many years, beyond "spreading and maintaining" the same types of hormones and antibiotics "of questionable safety" in the Canadian meat industry.

McBane adds that the European Union (EU) continues to ban imports of Canadian beef because of its hormone content.

The issue is the right of government scientists to do their job, he adds.

"At the end of the day, these scientists were performing their statutory duty under the law, in this case the Food and Drugs Act. And their senior managers, the deputy minister, the associate deputy minister and the director general were basically telling them to operate outside of the rule of law, to ignore the laws of Canada, and to expose Canadians to known health risks."

Chopra says he expects the Senate to investigate the firings.

In 1998 the standing Senate Committee on Agriculture and Forestry promised Health Canada scientists that in exchange for testimony on the safety of Canada's food, their jobs would not be jeopardised. "They told us, 'anytime, if anything happens to you, come to us'," recalls Chopra. (END/2004)

Reuters (July 15, 2004)

Canada Sacks Three Whistle-Blowing Scientists

WINNIPEG, Manitoba (Reuters) - The Canadian government fired three high-profile scientists to punish them for publicly challenging federal decisions on veterinary drugs, the scientists' union said on Thursday.

But a spokesman for Health Canada said the dismissal of Margaret Haydon, Shiv Chopra and Gerard Lambert had nothing to do with their whistle-blowing activities.

"There is absolutely no connection," said Ryan Baker, a spokesman for the department, where the scientists worked in a section that reviews and approves veterinary drugs.

"This is not because of anything they may have said publicly," Baker said.

The scientists have a lengthy history of disagreement with the department, which has reprimanded them in the past.

Haydon and Chopra spoke out against a growth hormone for dairy cattle, called bovine somatotropin, that Monsanto Co. unsuccessfully applied to sell in Canada in the 1990s.

They said the company did not submit enough information to prove the drug was safe for cows or humans, and complained they were pressured by the department to approve it.

More recently, Chopra and Lambert complained the department approved a new method of use for the antibiotic tylosin, marketed by the Canadian animal health division of Eli Lilly and Co., despite their concerns that it could lead to antibiotic-resistant bacteria.

Haydon also criticized livestock feed rules in the wake of Canada's first homegrown case of mad cow disease last year.

The precise reasons for the firings were outlined in letters delivered to the scientists at their homes on Wednesday, Health Canada's Baker said, declining to elaborate for privacy reasons.

"The individuals in question are able to share it with you if they choose to," Baker said.

Chopra declined comment and referred questions to his lawyer, who in turn referred calls to the scientists' union, the Professional Institute of the Public Service of Canada.

The union's president also declined to discuss the reasons given by Health Canada until a hearing is held, possibly in six months.

"We will be addressing what Health Canada has put in the letters and we will be showing that, despite what they say, the real cause of the letters of termination is the public criticism of the department and the government of Canada," Steve Hindle said.

"The fact that it's three (people fired) on the same day is unusual, and it also, I believe, lends credence to the argument we're putting forward that (the firings are) a result of them being whistle-blowers," Hindle said.

The firings outraged activist groups who said whistle-blowers need better laws to protect them.

"All these scientists were trying to do was protect the food supply, and they got fired for doing their job," said Bradford Duplisea of the Canadian Health Coalition.

The federal government had introduced new measures to protect bureaucrats who report concerns about their departments, but the proposed legislation was not enacted before the June 28 federal election.

CBC Ottawa (July 16, 2004) Protect whistleblowers, says Collette

OTTAWA - Ottawa lawyer Penny Collette says something needs to be done to protect government workers who speak out against their employer.

"This is really crucial to us," she said. "We can't go on in our society trying to put down people who have legitimate concerns."

The call comes amid lingering questions after Health Canada fired three of its scientists, all of whom have publicly criticized the department's drug approval process.

Shiv Chopra, Margaret Haydon and Gerard Lambert were all handed termination letters this week.

They've long alleged that Health Canada allows dangerous veterinary drugs on the market.

The trio came to national attention when they went public over concerns about bovine growth hormone, produced by bio-tech giant Monsanto.

The drug reviewers said they faced pressure from their managers to approve the substance designed to bulk up cattle.

"Having worked in the department for 30 years, I decided for 20 years that it was irresponsible to remain silent," Chopra said at a senate committee five years ago.

Chopra said that he, Haydon and Lambert were all on sick leave.

Another outspoken Health Canada scientist, Chris Basudde, died last December while on sick leave.

A whistleblower protection law on the order paper died more recently, when the federal election was called this spring.

Canadian Press/Ottawa Citizen (July 23, 2004)

Health Canada owes compensation to fired employee, says ethics office

BY DENNIS BUECKERT

OTTAWA (CP) - The office responsible for overseeing ethics in the federal civil service says Health Canada should pay compensation to one of three Health Canada scientists who was fired last week.

Gerard Lambert should be compensated because he was suffered reprisals for "making a good faith allegation of wrongdoing at Health Canada," wrote Public Service Integrity Officer Edward Keyserlingk in a July 16 letter obtained by The Canadian Press. Lambert was demoted in 2002 after he criticized a new type of drug for beef cattle, fearing it could contribute to antibiotic resistance in humans.

Keyserlingk's letter, addressed to deputy health minister Ian Green, warns that failure to compensate Lambert would "seriously harm the credibility" of legislation intended to protect employees who expose wrongdoing in the work place.

The letter was sent two days after Health Canada fired Lambert and two other scientists, Shiv Chopra and Margaret Haydon.

Health Canada spokesman Ryan Baker would not comment Thursday on whether compensation has been offered, citing confidentiality concerns.

The dismissal letters for the three scientists, also obtained by The Canadian Press, give insubordination as the reason for each dismissal. There is no reference to the employees' actions as whistle-blowers.

In interviews, all three insisted they followed orders in good faith, saying the real reason for dismissal was their outspokenness and their rigour in screening veterinary drugs.

All three scientists were on sick leave when they were fired, and all say their health had been undermined by long-running harassment in the work place.

Keyserlingk's original finding that Lambert should be compensated was delivered on March 21, 2003, but wasn't made public at the time.

It recommended "that appropriate compensation acceptable to him (Lambert) should be provided, for example in the form of an appropriate career-enhancing opportunity."

Instead, Health Canada fired him.

"As you will recall, I found that Dr. Lambert was subject to reprisal for making a good faith allegation of wrongdoing in Health Canada," Keyserlingk wrote in the letter to Green last week.

Keyserlingk noted that he learned of Lambert's firing through the media, although he had asked to be informed by Health Canada once negotiations with the scientist were concluded.

"In the likely event that compensation acceptable to Dr. Lambert was not extended to him before his recent dismissal, I consider it to be unfinished business for both you and I," Keyserlingk told Green.

"Since in the present circumstances the offer of a career-enhancing opportunity is obviously impossible, an available remedy would appear to be a monetary one."

Lambert said in an interview the matter goes back to May 2002 when he opposed a new pharmaceutical product for beef cattle, pellets containing both a hormone and an antibiotic.

Lambert said the pellets had not been tested in live cattle and he was concerned that antibiotic residue could find its way into human food, contributing to antibiotic resistance in people.

He said the product was approved despite his objections. He was later dismissed from his role as team leader in a drug assessment group.

Lambert complained to Keyserlingk's office, saying the department had dismissed him in retaliation for his criticism of the drug. Keyserlingk upheld the complaint.

Pierre Martel, executive director of Public Service Integrity Office, said federal policies clearly require that an employee who brings forward information about possible government wrongdoing should be protected from reprisal. All three scientists have appealed their firings.

Ottawa Citizen (July 26, 2004)
Rookie MP demands answers on firings of scientists
By Zev Singer

In his first battle as a member of Parliament, Pierre Poilievre, the 25-year-old Conservative MP from Nepean-Carleton has fired a shot across the bow of Canada's health minister, Ujjal Dosanjh.

The rookie MP is demanding answers from the minister on whether the three scientists dismissed from Health Canada earlier this month were fired for whistleblowing.

Two of the scientists, Dr. Shiv Chopra and Dr. Margaret Haydon, live in Mr. Poilievre's riding.

In a letter sent to Mr. Dosanjh last night, Mr. Poilievre demanded to know "whether these dismissals were warranted or whether they were merely reprisals motivated by an attempt to silence these scientists."

Mr. Dosanjh, the former B.C. NDP premier, is even newer to his job, having been named to cabinet last week.

In an interview last night, Mr. Poilievre, who knocked off former defence minister David Pratt a month ago in the federal election, said the Canadian public needs to know more about the firing of his two constituents and a third scientist, Dr. Gerard Lambert.

"I'm not jumping to conclusions as to the cause of the dismissal, but given that the integrity commissioner has raised concerns about the way these scientists have been treated, and given that they have all been outspoken whistleblowers and, further, given that they were all dismissed on the exact same day, I have a lot of questions about the reason for their dismissal," said Mr. Poilievre, who has met with the three scientists, who are also pursuing the issue in court.

He said Parliament needs to be back in session soon to deal with whistleblower legislation. A proposed Liberal bill died before it could be passed when the election was announced.

"There are a lot of accountability issues that need to be resolved on the floor of the House of Commons, the most pressing of which being the need for whistleblower legislation," he said.

If he's not satisfied with the government's movement on the file, he'll introduce his own bill, he said.

"If there is no indication the government is coming down with meaningful whistleblower legislation in the next several weeks then I will be drafting my own private member's bill on that subject," he said.

"I would say this is going to be one of my first initiatives as a member of parliament," Mr. Poilievre said, explaining that public servants are a key constituency for him.

"I have thousands of civil servants in my riding."

Toronto Star (July 22, 2004)

COMMENT PAGE (Worth Repeating)

Again, Health Canada misses the point

(This editorial appeared in the St. John's Telegram)

Why shoot the messenger, when you can just fire him instead?

That seems to be the message Health Canada is intent on sending to its staff, especially employees who seem intent on blowing the whistle on problems in the department.

Health Canada has had an uncomfortable popularity in the media in recent years, with everyone taking a poke at the department, on topics ranging from stifling negative results of drug testing programs to protecting the commercial investments of drug companies, to questioning how the department has responded to major health-care issues like sudden acute respiratory syndrome (SARS).

Now, Health Canada has fired three scientists well known for speaking bluntly — Shiv Chopra, Margaret Haydon and Gerard Lambert — scant months after federal legislation to protect whistle-blowers died on the order paper with the last election.

The three scientists had been outspoken in a number of areas. They first came to public attention with their opposition to allowing the use of bovine growth hormone to boost milk production in dairy cattle.

Together or separately, the trio also spoke out about their feelings that they were being pressured to grant government approval to certain veterinary drugs.

One of the three also spoke out against the federal government's ban on the import of beef from Brazil, saying the ban had more to do with political considerations than it did with any real and significant risk from bovine spongiform encephalopathy.

The department, for its part, seems to miss the significance of its actions, or the way those actions appear publicly. Take this comment, from department spokesman Ryan Baker: "This is not because of anything they may have said publicly. The reasons for our actions with regard to these individuals are outlined in letters that are sent to them."

The department also stressed that it was a strong supporter of the need for effective whistle-blower legislation.

Now, all that would be fine, and perhaps even close to believable, if Health Canada's record for honest and clear comment was anything but, well, pathetic. Reporters who have worked with federal access to information legislation know full well that the department charged with protecting Canadians' health regularly seems to view the need to protect corporations' commercial information as paramount. It is, without a doubt, a federal department where the letter of the law is far more important than the spirit of legislation, and one where the health of Canadians seems to lag behind the imperatives of protocol and process.

Mike McBane of the Canadian Health Coalition put the actions of the three scientists in clear context.

"What they've been doing is putting the health of Canadians before the interests of business, in particular drug companies. This is really an ominous signal from the government. These are Canadian heroes, and this is the way the government is treating them."

In this case, the proof will be in the pudding. The three scientists will grieve their firings, and hopefully, out of that grievance, the real issues involved will appear. Because it's hard to take Health Canada's word on this.

We're waiting for the pudding.

Ottawa Citizen (July 20, 2004)

Dissenters beware

EDITORIAL

It's hard to square the firing of three dissenting federal government scientists with the Liberal party's pledge to protect whistleblowers.

During the federal election, the Liberals boasted in their policy book about how they had introduced legislation to protect people who blow the whistle on wrongdoing in government and Crown corporations. Then last week Health Canada turned around and fired three veterinary scientists: Shiv Chopra, Margaret Haydon and Gerard Lambert.

This is far from over. Their cubicles may be cleared out but the three fired scientists are expected to fight back with the help of their union, the Professional Institute of the Public Service of Canada. They are expected to file grievances, which would be heard by the deputy minister. Then there's a long hearing process before the Public Service Staff Relations Board and the possibility of appeals to the Federal Court. In fairness to both sides, the full story won't be known until that process is exhausted.

What we do know about these federal scientists and their relationship with their department managers, however, is disturbing. Over a number of years, they have raised issues such as the safety of a bovine growth hormone proposed for use in dairy herds to boost milk production, the influence of corporations in government drug approvals, and the need to keep animal parts out of feed supply to keep beef safe.

In the case of the bovine growth hormone, the criticism led to Senate hearings and the drug was not approved. Two of the scientists who complained about pressure to approve the hormone, Dr. Haydon and Dr. Chopra, were reprimanded by Health Canada for going public with their concerns on national television. A Federal Court judge later overturned the reprimand.

These are clearly issues of vital public interest. Public safety is at stake. If scientists hired by the federal government wish to express opinions on such issues, Canadians should be entitled to hear them out.

There is a duty of loyalty for all employees. And a Federal Court judge did rule in the case of one of the scientists, Dr. Haydon, that federal employees do not have "an absolute licence" to criticize government policies.

But loyalty should not mean just shutting up and toeing the departmental party line. For scientists, especially, the government should be a place where dissenting opinions are heard. Valued employees are often critical of their own organizations.

A government department is not a cabinet, where only one opinion may be breathed aloud. Just because the government has a position on climate change, for example, shouldn't mean that scientists who don't entirely endorse the agreed orthodoxy have no voice. It would be a public service if Health Canada experts had a public

debate on the safety of pesticides. Free societies progress by challenging accepted wisdom, whether it's over the safety of cigarettes, car air bags or the shape of the Earth.

Firing dissenting research scientists is a curious way to encourage robust debate in the federal government. And it's hardly consistent with the message Prime Minister Paul Martin sent out before the election.

Canadian Press (July 15, 2004)
Health Canada fires three highly critical scientists
BY DENNIS BUECKERT

OTTAWA -- Health Canada has fired three scientists who repeatedly criticized the department's drug-approval policies and who claimed they were being pressured to approve unsafe veterinary drugs. Shiv Chopra, Margaret Haydon and Gerard Lambert, probably the country's best-known whistle-blowers, received letters of termination yesterday, said Steve Hindle, president of the Professional Institute of the Public Service.

Hindle declined to spell out reasons given for the terminations, indicating these will be the subject of legal proceedings as the union seeks to have the scientists rehired.

"My first reaction was that this was retribution for the three of them having been very outspoken about policy and procedures at Health Canada and processes that they were not comfortable with," said Hindle.

A Health Canada spokesperson denied the terminations have anything to do the scientists' criticism of department policies.

"I can tell you they are no longer employed at Health Canada and this is not because of anything they may have said publicly," said Ryan Baker.

He said reasons for the dismissals were contained in letters sent to the employees and that these were confidential. The scientists could not be reached yesterday.

Mike McBane of the Canadian Health Coalition said the three scientists were being penalized for trying to do their jobs.

"What they've been doing is putting the health of Canadians before the interests of business, in particular drug companies," said McBane.

"This is really an ominous signal from the government. These are Canadian heroes and this is the way the government is treating them."

But Baker said Health Canada fully supports protection for whistle-blowers. "Health Canada's No. 1 priority is the health of Canadians," said the department spokesperson.

"Health Canada fully supports and abides by the existing policy that allows for disclosure of alleged wrongdoing in the workplace. We also support the need for strong legislation in this regard."

The scientists have been involved in a series of high-profile skirmishes.

Chopra and Haydon warned in 2003, before Canada's first case of mad cow, that measures to prevent the disease were inadequate. They called for a total ban on the use of animal parts in the feed of other animals.

Toronto Star (July 15, 2004)
Health Canada fires 3 scientists
Staffers often criticized policies: Agency denies statements at issue
BY MARY GORDON, OTTAWA BUREAU

OTTAWA - Three senior Health Canada scientists known for questioning the department's commitment to veterinary drug safety have been fired.

However, Health Canada says the reason for the termination of Shiv Chopra, Margaret Haydon and Gerard Lambert has nothing to do with their outspokenness.

"It is not because of anything they may have said publicly," said Ryan Baker, spokesperson for Health Canada.

He did not outline the reasons for their dismissals, saying that the information is personal and protected by the federal Privacy Act.

Steve Hindle, president of the Professional Institute of the Public Service of Canada, says Health Canada's public statement belies the truth. "This is retribution for having spoken out about what's going on at Health Canada and the concerns they have around the safety of drugs for veterinary use," he said.

The firing is the latest in a series of conflicts between Health Canada and the scientists who worked in the veterinary drugs directorate.

Last year a memo revealed that they warned their superiors that the department's strategy to fight BSE was inadequate.

In 2001, Chopra and Haydon said the department was leaning on them to approve a drug that would be used in chickens and cows that could lead to antibiotic resistance in people. Health Canada officials denied it. That year, Chopra also accused Health Canada of media hype by overstating the danger to Canadians posed by bio-terrorism agents such as anthrax.

In 1998, Haydon and Chopra spoke out publicly about being pushed to approve drugs without enough assurances of safety from manufacturers. They were reprimanded by the department, but the Federal Court ruled in the scientists' favour, saying their outcry was in the public interest.

Michael McBane of the Canadian Health Coalition, a public-interest watchdog group, said the firings will send shivers through the public service.

"This is really serious because Margaret and Shiv, they were kind of the last few scientists at Health Canada who were really looking out for health safety.

"Margaret in particular was very involved in recent years around the BSE issue and was speaking out in terms of the real risks and dangers we were facing and she was disciplined for that as well," McBane said.

"It will send a real serious signal throughout the public service that there's no such thing as protecting the public interest. You serve the minister and the minister in turn is serving industry," he added.

Legislation to protect whistle-blowers was introduced this year as part of Prime Minister Paul Martin's pledge to clean up government in light of the sponsorship scandal.

However, Hindle said that in fact, the legislation does not adequately spell out the basis on which public servants are protected.

"The legislation didn't really say people had the right to speak publicly about issues that caused some concern, concerns about health and safety of Canadians," he said.

Hindle's organization, which has represented Chopra, Haydon and Lambert in the past, will do so again, he said.

"We'll have to establish the facts, and part of the facts will be that these people have a reputation as whistle-blowers, they've been in the public eye, and the managers in the department have tried to impose discipline on them in the past."

That discipline included verbal and written reprimands and attempts to suspend them (Chopra was suspended for five days in 2002).

Hindle said the scientists will have to file a grievance with Health Canada. The institute can then make the case that the discipline imposed was too severe and that their jobs should be reinstated, he said.

The Public Service Staff Relations Board will decide.

If the scientists are not satisfied, they could pursue the case in Federal Court, he said.

National Post (July 15, 2004)
Health Canada fires whistle-blowers
Insubordination cited: Three scientists criticized department
for failing to protect safety of food chain
By Bill Curry, CanWest News Service

OTTAWA - Health Canada fired three high-profile whistle-blowers yesterday who had attracted international attention in recent years for questioning Canada's drug approval process.

The three veterinary scientists, Shiv Chopra, Margaret Haydon and Gerard Lambert, received their notices at home, stating their employment had been terminated for "insubordination."

Dr. Chopra and Dr. Haydon, in particular, are well-known for accusing Health Canada of failing to protect the safety of Canada's food chain and for allowing corporate concerns to influence the drug approval process.

"I can confirm they are no longer employed at Health Canada," Ryan Baker, a department spokesman, said.

"The reasons for our actions with regard to these individuals are outlined in the letters that were sent to them. The information is personal."

The department insists the firings are not related to the scientists' public criticisms of Health Canada and Mr. Baker denied the move compromises the government's commitment to whistle-blower protection.

"Health Canada fully supports and abides by the existing policy that allows for disclosure of alleged wrongdoings in the workplace. We also support the need for strong legislation in this regard. This is not because of anything they may have said publicly," he said.

Steve Hindle, the scientists' union president, disagrees and said the Professional Institute of Public Servants will appeal the dismissals.

"This is retribution for having been very vocal about what's going on at Health Canada and the concerns that they had," he said. "We will be representing them once they file their grievances and providing safeguard of their rights to ensure that their story gets heard and we will do the best we can to have them reinstated."

Mr. Hindle said Dr. Chopra and Dr. Haydon had been vindicated in their right to speak out by successful appeals of previous attempts by Health Canada to sanction them.

"They've certainly drawn attention to the drug approval process and the actual use of some of the drugs, such as growth hormone in cattle and have had a certain amount of vindication certainly from tribunals and from the courts in their right to speak publicly about issues that are of concern to the health and safety of Canadians," he said.

Contacted at home, Dr. Haydon said any comments on the matter will come from the scientists' lawyers.

Bradford Duplessis, a researcher with the Canadian Health Coalition, a health advocacy group, said the firings "speak volumes" about the government's commitment to protecting whistle-blowers in the public service.

"They put everything on the line to protect our food supply system and our drug supply system. Canadians should be outraged," he said. "It's a sad day for Canadians. We have to protect our whistle-blowers."

The three veterinarians were part of a group of four scientists in Health Canada's veterinary drugs directorate who wrote directly to then health minister Anne McLellan last May urging a total ban on animal feeds containing rendered materials of other animals following the discovery of a single case of mad cow in Alberta.

The fourth scientist, Dr. Cris Basudde, died in December while on sick leave. Following his death, David Yazbeck, a lawyer representing the whistle-blowers, said there were concerns Dr. Basudde had been subject to harassment because of his outspokenness.

Dr. Basudde had made several complaints to Health Canada management alleging racism and intimidation from his superiors.

Dr. Chopra and Dr. Haydon have also been involved in a series of grievances in recent years alleging they were being harassed at work.

In the past, Dr. Chopra has accused Health Canada of corruption and raised questions about corporate influence in the government's drug approval process.

Dr. Chopra and Dr. Haydon are mentioned in the recent documentary film *The Corporation*, which contains a segment detailing how two Fox News investigative reporters, Steve Wilson and Jane Akre, were fired in 1998 over a news item they attempted to air about bovine growth hormone. The news item, which never aired, relied on research from Dr. Chopra and Dr. Haydon that claimed a bovine growth hormone approved by the U.S. Food and Drug Administration may cause cancer.

That same year, both scientists were reprimanded for repeating their concerns about the controversial bovine growth hormone, rBST, on CTV's *Canada AM*. They said their warnings were being ignored and they had been punished by the department.

Two years later, a Federal Court ruled Dr. Chopra and Dr. Haydon were justified in going to the media and should not have been reprimanded because they "were bringing up a legitimate health and safety concern."

In 2000, Dr. Chopra outlined his concerns to a Senate committee and claimed he was later reprimanded for doing so. At the time, he told the *Ottawa Citizen* that a supervisor told him he could be "sent to a place where you'll never be heard again" and that he and his colleagues were "troublemakers."

Globe and Mail (July 15, 2004)
Ottawa fires dissident scientists
By BRIAN LAGHI, with files from the CP

Ottawa — Health Canada has fired three well-known scientists who have become regular public critics of department policies, including the use of growth hormone in animals.

The three received termination notices yesterday morning, said Steve Hindle, president of the Professional Institute of the Public Service. He said he believes the firings were probably linked to the scientists' history of speaking out against the department.

“First reaction has to be that this is retribution for the whistle-blowing that they've done,” Mr. Hindle said. The three, Shiv Chopra, Margaret Haydon and Gerard Lambert, will appeal the ruling, he added.

“They'll be filing grievances over the termination, and we will be representing them.”

Mr. Hindle said it's not clear whether so-called whistleblower legislation that died in the House of Commons before the recent election was called would have helped the three. He did say the proposed law had a provision that discipline could not be meted out to a whistle-blower if it was viewed as retribution.

A Health Canada spokesman said the three were not let go for their public utterances.

“This is not because of anything they may have said publicly,” said Ryan Baker. “The reasons for our actions with regard to these individuals are outlined in the letters that are sent to them.”

Mr. Baker said the department supports policies that give individuals the right to disclose alleged wrongdoing in the workplace. “We also support the need for strong legislation in this regard.”

Mr. Hindle wouldn't share the contents of the letters of dismissal. He noted, however, that it is not a surprise that Health Canada would argue that the three scientists were not fired for what they said, given the climate of support for those who speak out to stop wrongdoing.

“They have legitimate concerns for Canadians' health and safety, and what they've been doing is voicing those concerns, and now they're paying the price.”

The scientists have been at the centre of a number of battles. They publicly opposed the use of bovine growth hormone to enhance milk production in cows, a move that led to a Senate inquiry and an eventual decision not to approve the drug.

At one point, they said they were pressured to approve certain veterinary drugs. In 2001, Ms. Haydon said that a Canadian ban on Brazilian beef had more to do with politics than public health. The ban was lifted a few months later.

Mike McBane, of the Canadian Health Coalition, said the three scientists were being penalized for trying to do their jobs.

“What they've been doing is putting the health of Canadians before the interests of business, in particular drug companies,” Mr. McBane said.

“This is really an ominous signal from the government. These are Canadian heroes, and this is the way the government is treating them.”

Ottawa Citizen (July 16, 2004)

Whistleblowers' fate stirs a chill wind in government

By Susan Riley

Another indirect warning from your federal government this week: Idealistic scientists, environmentalists, lawyers, managers or regulators need not apply.

It will only end badly. You may think you are being hired to protect the public interest, but it isn't that simple. If powerful industries, lobbyists, ministers, or other government agencies intervene, you will be expected to swallow your professional reservations and remain silent. This is not a healthy way to live.

If, on the other hand, you blow the whistle -- like the three federal veterinarians fired by Health Canada this week -- you risk severe reprisals and, at best, a long legal battle to re-establish your integrity and win back your job. Not that you are going to want to work there again. Nor will anyone else be eager to hire you, because you will be branded a troublemaker.

Health Canada isn't revealing why, exactly, it has taken the unusually serious step of firing the three dissident scientists, and their lawyers are not discussing details. But the timing smells strongly of a familiar agricultural material. The move comes at midsummer, a time when the media are distracted, the government is in transition, when MPs are busy finding their new offices and potential cabinet ministers avoiding controversy. As a result, there is no one around to defend these scientists (to call for a parliamentary inquiry or a minister's resignation), while their lives have been turned upside down. Whatever the specific charges, it is safe to say that being a major pain in the backside to their bosses at Health Canada was not an insignificant factor.

Two of the whistleblowers, Margaret Haydon and Shiv Chopra, first caused a stir some years ago when they balked at approving a growth hormone that increases the milk production in dairy cattle. The two pressed their concerns internally and, when they got no response, they talked to the media about their fears. They were disciplined by the department, but subsequently exonerated by the Federal Court, which ruled that Health Canada violated their charter rights by ordering them not to speak publicly. They had a right and responsibility to warn the public, said their supporters.

However, Dr. Haydon was later chastised by an adjudicator for another incident, when she told reporters that a Canadian ban on Brazilian beef in 2001 was trade-related and there was no scientific basis for the action. This was true -- there have been no incidents of mad cow disease in Brazil, where cattle are grass-fed, and the ban was short-lived. But Haydon's offence, said the judge, was commenting on what was deemed a political, rather than a health and safety, issue. (Bombardier was then involved in a dispute with a Brazilian competitor over a lucrative aircraft contract.)

Haydon was also rebuked for speaking to reporters (although they sought her out) rather than to her superiors. But her lawyer at the time, David Yazbeck, said there was no way she could pursue the matter internally and warned the ruling would send a chill through the public service.

That chill wind is still blowing -- harder than ever. In one of Prime Minister Paul Martin's first acts last January, he introduced whistleblower legislation that was condemned for being too weak. In one of its most egregious failings, it specified that anyone with a complaint had to take it to their immediate superior unless the boss was directly implicated. Nor did it allow for anonymous complaints -- which is crucial to a useful system, according to Duff Conacher of the advocacy group Democracy Watch.

Without the protection of anonymity, he says, public servants risk being exposed as finger-pointers with all the direct and indirect reprisals that entails.

A good bill would also reward whistleblowers rather than allowing them to become red-circled or ignored, which is what happened to Allan Cutler, the public works manager who first raised concerns about what became the sponsorship scandal. In California, for example, whistleblowers are entitled to 10 per cent of the money the government saves as a result of their vigilance.

Even Martin's flawed bill died when the election was called, and whistleblowing wasn't an issue in the recent campaign. Conacher predicts it will resurface only in the form of a private member's bill, not a Liberal initiative. Meanwhile, keep those brown envelopes coming and watch your back. Unless you can find honourable work elsewhere.

Ottawa Citizen (July 24, 2004)

Letter to the Editor

Re: Health Canada fires diehard whistleblowers, July 15.

By Girish Parekh, Ottawa

Protect scientists

During the election campaign, Prime Minister Paul Martin pledged to protect whistleblowers who raise issues and express concerns about wrongdoing in the government. Now we learn about the firing of three long-serving scientists from Health Canada for speaking out. Is this how the public servants are to be protected for whistleblowing?

Does the new health minister, Ujjal Dosanjh, believe in protecting the rights of honest and hard working workers who have public safety and health as their top concern?

He must reinstate these three individuals immediately with full compensation for lost wages, legal costs, undue hardship, hurt feelings and stress suffered by them and their families.

It is about time that the government fire the bureaucrats who fired these public servants.