Whistleblowing case study

Experience Sharing Workshop 2nd July 2015
Saxion University
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Arthur Gotlieb
A whistleblower of the Dutch Health Care Authority NZa

- Gotlieb was a policy advisor working for the NZa and in charge of the technical group deciding on expensive medicines
- He was loyal, professional and had a constructive critical attitude towards the decisions made by the NZa which concerned billions of euros.
- His colleagues and employer appreciated the hard work and quality delivered by Gotlieb
A whistleblower of the Dutch Health Care Authority NZa

- In 2008 there were changes within the management of the NZa
- The new management accepted trips and other favours from pharmaceutical companies
- Extensive lobbying was going on by pharmaceutical companies but also by hospitals hoping to get extra money from the NZa
- Gotlieb tried to address the unfair lobbying, unfair competition and trading in influence
A whistleblower of the Dutch Health Care Authority NZa

- His attempt to end the wrongdoings and abuse internally led to a coordinated attempt to get rid of him. His superiors tried to force him out by setting impossible deadlines and by stating that he was performing poorly on 12 of the 15 competences which he had scored ‘excellent’ in the years before.

- All attempts for a dialogue with his supervisors failed and nobody wanted to hear about the wrongdoings within the NZa.
The wrongdoings within the NZa

• Gotlieb compiled a 600–page report listing serious integrity and security problems within the NZa, amongst others they concerned the:

- Structural and major security breaches
- Unfair competition
- Trading in influence
Gotlieb had hoped he could solve the issues through internal reporting and he did not want to report externally.

He did not want to become a whistleblower.

Gotlieb committed suicide in January 2014, shortly after submitting his report to NZa bosses.
Report by the media

- Health minister Schippers had set up an independent inquiry following these events (the Borstlap commission). Conclusions:
  - two executives were responsible for the mistreatment of Gotlieb (he had been put on leave after his internal report).
  - No criticism was accepted within the NZa organization.
  - NZa was not independent because it combines the tasks of advising, regulating and monitoring.
Analysis

- Importance of ensuring safe internal reporting
- Whistleblower legislation often good on paper but poorly implemented in practice
- Whistleblowers can help in addressing endemic wrongdoings of a system (whether banking, finance, healthcare, etc.) but too often reports lead to ‘solving’ the incident and not tackling the mechanisms which caused it to occur
- If protection of whistleblower fails, one can only turn to the media functioning as an external watchdog
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The two reports

Het rapport van de Onderzoekscommissie intern functioneren NZa

drs. H. Borstlap
mr. P.F.M. van der Meer Mohr
drs. L.J.E. Smits

Operatie ‘werk Arthur de deur uit’

Dagboek van een ongewenste werknemer

Onze redactie van Joop Philips en Jeroen Weter