



# 5 Steps to Create a Whistleblower Culture

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# How Do You Increase Employee Confidence With a Speak Up Culture?

A speak-up culture is a workplace culture that values and encourages employees to express their fears, provide their feedback, ask questions, raise concerns, and make suggestions without fear of retaliation or any other kind of harm resulting from speaking up.

Generally, employees want to have a voice in the core operations of their company. This includes what types of customers they serve, what services or products they produce and serve to those customers, and how those products or services are established and distributed or sold.

Employees want to have a voice in those types of fundamental operational decisions and have a voice without any fear of retaliation.

One method to reduce internal risks and non-compliance to company policies, procedures and objectives is to create an environment where

employees feel like they are able to come forward with reports of wrongdoing when problems arise. And to do so without being punished.

The ability for employees to report on ethical breaches, ask questions, or provide suggestions provides leadership with an opportunity to identify troubling hotspots and prevent possible disasters from happening.

Confidence in non-retaliation when speaking up can boost internal conversation, anonymous or otherwise, because employees feel safe to report what they see, when they see it. When employees feel safe to report misconduct, it sends a clear message that management is interested in having easy, or tough conversations, and is interested in what employees have to say. This helps create a speak-up culture, and this can reduce harmful risks to the organization.



# Encourage Employees to Speak Up About Wrongdoing

Getting employees to actually speak up and report when they see signs of wrongdoing can be hard. Many times, if wrongdoing is happening in the workplace, there are employees who know it's happening. Yet perhaps they don't have confidence, courage, or incentive to speak up. It's hard to blame them when we've seen how devastating the repercussions for whistleblowers can be.

But organizations that have taken the time to implement a whistleblower program have done

so because they are serious about protecting their employees and business. Therefore, it's in the best interest for organizations to encourage employees to report wrongdoing internally and anonymously, and to work towards building a culture where employees feel comfortable about speaking up.

Gaining employee trust can happen easily if an organization is willing to set examples and manage whistleblower complaints.



# Thank the Whistleblower

One of the most important things you can do is to thank your employee for speaking up about something that they likely felt uncertain speaking up about in the first place. Employees may fear speaking up about wrongdoing because they feel like their fears may be dismissed as unimportant.

**Put yourself in the employee's shoes. That employee is thinking:**

- Am I going to get fired for speaking up?
- Is anybody going to know who I am?
- Am I going to be retaliated against?

If a climate is created where employees feel safe speaking up about small day to day issues, then employees will be more likely to speak up about serious issues.

Not only does thanking a whistleblower relieve them of the stress of coming forward, it also validates the very existence of the reporting system the company has implemented. It tells the employee they have done the right thing by speaking up.

It also legitimizes the existence of the entire program. One of the biggest obstacles you may face is earning the trust of your employees. The biggest factor driving an employee's decision to not speak up is fear of someone finding out who they are, and fear of retaliation if they do speak up.



THANK YOU.

# Create a Whistleblower Policy

A whistleblower policy documents the rules, or requirements of the speak-up culture. The whistleblower policy should encourage your employees and any other stakeholder to speak up about concerns they have, or misconduct they have witnessed.

Your whistleblower policy should be part of your overall business strategy; providing your employees with assurance that they can raise concerns about wrongdoing within the organization without fear of retaliation, or discrimination.

When creating your whistleblower policy, consider your existing corporate culture. Has your organization historically had a culture where employees feel unsure about speaking up? Ask the question, "is there an opportunity to enhance it"? Use this opportunity to improve the level of expectations and adherence to your corporate culture that employees have. It is a message from upper management that they embrace the ability to voice concerns without fear.

Make your policy clear and easy to understand by all employees. You may have a diverse audience, so avoid using too much legalese jargon that nobody understands.

## What should your policy contain?

- Clear definition of the different forms of retaliation the company has zero tolerance for, including termination, demotion, threats, and reduction of pay or hours. Other more subtle forms of retaliation should also be defined like isolating, ostracizing
- Instructions for how to report complaints, including what hotline numbers to call, or how to access a web-based complaint form
- A method for complaint resolution, including who will be responsible for receiving, investigating, and resolving complaints. In bigger organizations this will be a compliance officer. Smaller organizations may put board members, or other leaders in this role
- Additional instructions for how it protects against false allegations. The policy should be clear that reported allegations must be based on reasonable grounds, and intentionally false statements will be disciplined



INFORMATION

# Train Your Entire Team

If you want employees to buy into your whistleblower policy and speak-up culture, management needs to talk about ethics and ethical behaviour – and act it. Training managers to communicate the important message of ethics is more than just preparing managers to act ethically themselves. It's also important to teach managers how to communicate ethics to their direct employees, with an emphasis on reinforcing confidence and motivation in the process, so employees understand how ethics can support the whistleblower program in their everyday tasks.

## How to Train Managers

Managers play a crucial role in engaging, motivating, and retaining their employees. Managers can only make a real impact in the workplace when they have the knowledge and skills to back them up. Management ethics training will help make a company a great place to work.

- Effective managers have the qualities of leaders if they're going to foster high-performing teams. Enroll managers into leadership training that covers both knowledge and practical leadership skills and abilities. This way they can learn how to transition from commanding people to take action, into inspiring them to take action.
- To help managers have a positive impact in the workplace, use the success of other leaders to make an example of their abilities as mentors, coaches, and inspirational people. This way they will be open to more structured management training approaches that may come their way during their career advancement.

## How Can Managers Train Their Employees?

Employees' actions are a reflection of their management's actions. Training employees on your ethics program will keep your company profitable and will help employees make consistently good decisions daily in their workplace.

- **e-Training** - Offers a modern way to share knowledge about your whistleblower culture. e-Training offers knowledge transfer through the internet, from anywhere, so your globally located employees can learn in their own time.
- **Sanitized Case Review** - Using sanitized cases to review your company's internal workplace culture is a great way to build trust of your whistleblower program. Sanitized cases are stories that have removed all personal information and tell of a situation that really happened at the organization. Use a Lunch and Learn to tell these stories.
- **Lunch and Learns** - Lunch and learns are an opportunity for employees to come together for a more informal gathering to have a lunch while learning about your whistleblower policies, and expected culture. It's a perfect place to allow employees to ask questions, voice any concerns, and maybe even do a little role playing. It's a great way to have a little fun together while ensuring you keep your program top of mind.



*Management needs to talk about ethics and ethical behaviour - and act it.*

# Act Quickly When Complaints Are Received

One way to make employees feel their concerns aren't important, or worth speaking up about is when their reported complaints are either ignored or acted upon later. One of the most important ways to gain employee trust is to act quickly as soon as a complaint has been recorded. Whether the whistleblower has chosen to remain anonymous or not, by responding to and acknowledging the complaint shows that the organization is serious about the effort the employee has taken.

## Triage the Complaint

Assess the potential impact of the complaint on the company. This could be in the form of financial, legal, or reputational damage to the company. As well, try to understand the credibility of the complaint. It may be necessary to ask other company stakeholders for input. If this is the case involve as few people as possible, and only divulge details that are necessary, keeping other details confidential. Doing this will preserve the integrity of the investigation as well as protect the anonymity of the whistleblower.

## Investigate the Complaint

Whistleblower complaints can range from small infractions to serious accusations. Depending

on what the complaint is about, the organization should determine if these complaints need to be investigated further.

## Initially, those in charge of investigating complaints should consider the following issues:

- Seriousness of the reported wrongdoing (ie. corruption, bribery, workplace safety)
- Details contained in the report that could contain confidential company information or operations
- Background of the whistleblowing employee
- If there is a motive for the whistleblower to falsify a claim for personal gain

The ability for an organizational representative and the whistleblower to communicate back and forth and investigate the complaint is a very powerful tool to enable employee trust and gather more information in a non-intrusive way. No matter who from the organization investigates, it should happen quickly, and in a non-judgemental way.



*One of the most important ways to gain employee trust is to act quickly...*

# Never Retaliate - Anti-Retaliation Policy

It's crucial for employers to emphasize zero tolerance for retaliation towards whistleblowers when publicizing the whistleblower program. Fear of retaliation among whistleblowers is very real and this fear may have an adverse affect on the quality of the reporting process.

Trusting an employer's whistleblower program, without fear of retaliation, is essential to motivate employees to report suspected unethical misconduct internally, and not take their concerns outside the company.

A very important factor in ensuring your program functions in a capacity that it is intended is to eliminate fear of the program. Employees may fear speaking up about the small things or day to day issues because they feel like their fears may be dismissed as unimportant. If a climate is created where employees feel safe speaking up about small day to day issues, then employees will be more likely to speak up about more serious issues and report them through your whistleblower program.

One of the biggest obstacles employers face is earning the trust of employees. The biggest factor driving an employee's decision to not speak up is fear of someone finding out who they are, and fear of retaliation if they do speak up.

## What to add to your anti-retaliation policy:

- Stress zero tolerance for any type of retaliation or discriminatory action. Retaliation to any complaint is prohibited and could result in serious disciplinary action.
- Stress zero tolerance for discussing discrimination allegations with each other. This could result in unintentional additional retaliation. Many third-party programs allow

anonymous and safe dialogue inside a secure system that protects the identity of all parties.

- Stress continued support to employees after they have filed a complaint. Employees should continue to feel safe participating in their daily tasks. They should also be able to maintain any existing privileges they had before they spoke up.

## Tips to help eliminate retaliation:

- **Don't take frustrations out on the whistleblowing employee or other employees:** This sends a message that if anyone does voice their concerns, their identity may be revealed. It also eliminates trust in the anonymity and confidentiality of the entire process.
- **Investigate all claims:** Depending on the situation, an internal investigation or one conducted by outside counsel may be appropriate.
- **Treat employees consistently:** Before making employment decisions that may negatively affect the whistleblowing employee, ensure that you are acting consistently with past practice or that you can justify treating the employee differently.
- **Explain your rules and expectations to all employees:** Ensure that employees understand your organization's discrimination policies. Inform employees that retaliation is illegal and will not be tolerated.
- **Assess whether additional retaliation might occur:** For instance, if the complaining employee is still employed, steps should be taken to minimize possible further retaliatory action.

# Create a Speak Up Culture

Encouraging employees to speak up when they see something wrong, or when they have an ethics question or concern gives organizations an upper hand on misconduct that could become very damaging. A whistleblower program is an early warning system that allows management to learn of and address potential issues before they get out of hand.

Taking steps to minimize the risk of fraud and workplace misconduct is important for any organization. That's why whistleblower reporting tools are becoming so fundamental for many companies. Such tools serve as an easy way for employees to tip off management about unethical practices and misconduct in the workplace without fear or repercussion, meaning it can help to uncover any wrongdoing or illegal behaviour. This can protect your reputation and bottom line.

Whistleblowers are the insiders of the organization who speak up about risky behaviour that can bring a company down. Without them, bribery, corruption, and other misconduct would spread very quickly.

Fear of speaking up is very real, and many whistleblowers in the past have been destroyed by their act. They risk their jobs, their safety, and their mental wellbeing. Yet many bravely do speak-up because they know it's the right thing to do.

Creating a speak-up culture, and making it believable, shows all stakeholders that the company values open communication without fear of any type of retribution for speaking up. A speak-up culture allows anyone to have a voice in the success of their company.

[info@whistleblowersecurity.com](mailto:info@whistleblowersecurity.com)

1-888-921-6875

