

# Your Whistle-Blowing Programme

## Would this rose smell sweeter by another name?



As a corporate leader, you will want your employees to tell you of any corporate wrongdoing. After all, when an employee raises their concerns, they give the company the opportunity to address issues before they become a real damaging problem.

So, to achieve this, employees will need to feel confident that when they raise a concern about workplace wrongdoing, they can do so and be listened to, respected and certainly do so without any fears of retaliation.

Therefore the meaningful question that follows is what image do you want your employees to hold in their minds about this process? Is it really “blowing the whistle”?

Clearly in recent years there has been a distinct promotion for corporations to have active processes that allow employees to report on corporate wrongdoing. Led in the US through the FCPA and Sarbanes-Oxley, and latterly in the UK with the Bribery Act Guidance, these all echo the same sentiment that companies have employee concern reporting programmes.

Such policy and programmes are frequently referred to (certainly in the vernacular) as whistle-blower programmes. So what is wrong with that?

Well, organisations that are looking to adopt such a programme would do well to learn from those that have many years of experience of implementing and improving them. This includes many multinationals that operate in high-risk environments and sectors. And one of the most important considerations involves the terminology and language used to identify the programme, as this impacts employee adoption.



Not least because a startlingly large number of organisations do in fact use the term ‘whistle-blower’ in their programme title. What is most startling about that is the reason behind them choosing that label is that no one thought they could call it anything else.

However, let us think more deeply about it and challenge the terminology and language. Is ‘whistle-blower’ a good term to use?

Our experience suggests this term is not a very good one for a host of psychology-related and employee-related reasons:

1. ‘Whistle-blowing’ hardly describes the conduct that the policy is meant to encourage. Good companies want to encourage employees to raise concerns and they often want employees to speak to their immediate supervisor in doing so. *With the caveat that the supervisor isn’t part of the problem of course.* Therefore calling it a “whistle-blower policy” transforms what should be a normal work-a-day conversation with the boss, albeit about workplace concerns, into something with a derogatory label that only serves to deter the employee coming forward in the first place. It is therefore at once discouraging, unhelpful and thus counter-productive.
2. Which brings us to the unfortunate image that the term ‘whistle-blower’ inevitably conjures-up. This imagery is invariably negative with nothing less than a scornful ring to it. Therefore, a company wanting employees to report concerns does not help itself reach that objective when at the same time using such an uncomplimentary and judgmental label. Why would a conscientious employee step forward and break cover only to face being labelled a whistle-blower?

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3. Further, the term 'whistle-blower' is divisive. It suggests the employee has 'snitched-on' or 'ratted-out' his superior(s) for wrongdoing, resulting in an atmosphere of conflict and betrayal.

Were the term 'whistle-blower' not bad enough, the offence is compounded by using that other abused term, that of 'complaint.' When anyone speaks up on a matter that concerns them, what they are expressing is just that, their concern. If the company's goal is to encourage communication on concerns, then the policy should not label that communication as a 'complaint' and the messenger as a 'complainer.' The message should be to *please* report your concerns as you perceive them, as customers may do too.

When managers respond to employee concerns, it is preferable that the language they use (publicly and privately) is respectful of the fact that the employee followed company policy in raising their concern. Not least because employees who raise concerns generally have the well-being of the organisation at heart. They tend to be very honourable and loyal.

That all said, what if the relationship between the employee who raises a concern and the company totally deteriorates to the ultimate conflict situation ... in court? Then extreme care needs to ensue. It is far from unknown that a disbelieved or slighted employee sues for wrongful or constructive dismissal or makes a retaliation claim. The company will be better positioned to defend itself if its evidence is given in non-sniping terms. What if you were on a judging jury, which narrative are you more likely believe?

- a) The manager who says they want employees to 'complain' and would not retaliate against them for doing so
- b) The manager who testifies that he appreciates and values employees who express their 'concerns.'



Hopefully the benefits of using engaging terminology are now manifest. So, if it is not a Whistle-Blower Policy, what should it be called?

There are a few good options. It is certainly as well to name the policy in-line with the company's culture. As such, some programmes are called "Speak-Up", "Right Call", "Open Door" or "Open Talk". These terms confer some identity to the programme, which is good for poster awareness campaigns for example. Whilst others are more literal, matter of fact and process oriented, like the "Employee Concern Policy." Others still focus on the end goal of the programme, such as an "Issue Resolution Policy." Whatever the name, the goal should be to focus on the positive and engage a wide-spread employee perception of honesty, trust and integrity in the company and its management. It needs to encourage open dialogue about concerns for proper and ethical business practices ...

It needs to smell sweet!

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