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Removing the Negativity and Stigma of Speaking Up

Creating a Safe Organizational Culture for Raising Internal Concerns

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CJ Wolf, MD, M.Ed.

Over 22 years of compliance experience working for organizations such as Intermountain Healthcare, Univ. of Texas System, MD Anderson Cancer Center and an international medical device company. Holds university faculty appointments (BYU-Idaho and Univ. of Illinois at Chicago College of Medicine Department of Medical Education) in and is a private compliance consultant and trainer.

- CHC (Certified in Healthcare Compliance)
- CCEP (Certified Compliance & Ethics Professional)
- CHPC (Certified in Healthcare Privacy Compliance)
- CHRC (Certified in Healthcare Research Compliance)
- CIA (Certified Internal Auditor)

https://www.youtube.com/channel/UC7I3GA93amvMBwl-PSEUfmQ/videos

info@compliancereality.com

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Polling Question #1

How would you rate the importance of internal 'whistleblowing' to the success of your compliance program?

a) Not important at all

b) Minimally important

c) Moderately important

d) Extremely important

Research Literature

"The Evolution of Whistleblowing Studies: A Critical Review and Research Agenda"

(Culiberg and Mihelic, 2017)

"Whistleblower Subjectivities: Organization and Passionate Attachment"

(Kenny, et al. 2020)

Who do humans answer to?

- One "answers for self" (for what one is, says, does)
- One "responds to the other" (that is, one responds to the question, call, request of the other)
- One answers "before the other" or "before the law" (a court, a jury, an agency authorized to represent the other legitimately)

(Derrida, J., 1997)

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"The Deaf Effect"

Reluctance of those in authority to hear bad news (Keil and Robey, 2001)

The deaf effect occurs "When a decision maker doesn't hear, ignores or overrules a report of bad news to continue a failing course of action." (Cuellar, 2009)

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"Normalization of Deviance"

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Diane Vaughan (1996) and NASA Challenger Disaster

--found failures of foresight in the tendency for organizations to tolerate warning signals in an incremental fashion

--"process involves a gradual erosion of normal procedures and acceptable standards that would never be tolerated if they were proposed in one single, abrupt leap. Instead, deviations in practice are observed and slowly tolerated as acceptable. Lacking a high profile negative outcome, such as a catastrophic, highly publicised event, to draw attention to these changes, the deviant practices slowly become normalised." (Jones and Kelly, 2014)

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UK Study About Workplace Culture

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Elder (older people) care and insights from the healthcare and social care workforce

- Whistleblowing was perceived as a negative term.
- Managers said they promoted open cultures by regular team meetings and an open-door ethos.
- Others described workplace norms that were somewhat at odds with these open culture ideals.
- Whistle-blowing was considered risky, and this led to staff creating informal channels through which to raise concerns.
- Those who witnessed wrongdoing were aware that support was available from external agencies but preferred local solutions and drew upon personal ethics rather than regulatory edicts to shape their responses.
- Authors argue that the importance of workplace relationships and informal channels for raising concerns should be better understood to help prevent the mistreatment of vulnerable groups.

(Jones and Kelly, 2014)

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UK Study About Workplace Culture

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"Everybody, managers and all, needs to be re-educated about having open communication and not going all defensive when someone complains. Complaints are there for learning, for opening people's eyes and for highlighting risks. I really, really think this should be from the top to the bottom with no hierarchy thing. So we use this in our team meetings, we involve everyone and anyone can bring up an issue and we all look at complaints we've had and how we can make things better and improve our service."

(Jones and Kelly, 2014)

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Truth-telling

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"The truth is like a lion; you don't have to defend it. Let it loose; it will defend itself." *--Augustine of Hippo*

"Pretty much all the honest truth telling in the world is done by children." *--Oliver Wendell Holmes*

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Truth-telling

"Whistleblowing, Parrhesia and the Contestation of Truth in the Workplace"
(Weiskopf and Tobias-Miersch, 2016)

- the case of Guido Strack, a former section leader at the Office des Publications Officielles des Communautés Européenne (OPOCE)

- spoke out on malpractices in the European Union in 2001 and officially reported alleged financial misconduct in 2002.

- truth-telling in the context of an uneasy coexistence of contradictory discourses and 'games of truth' in this specific organization
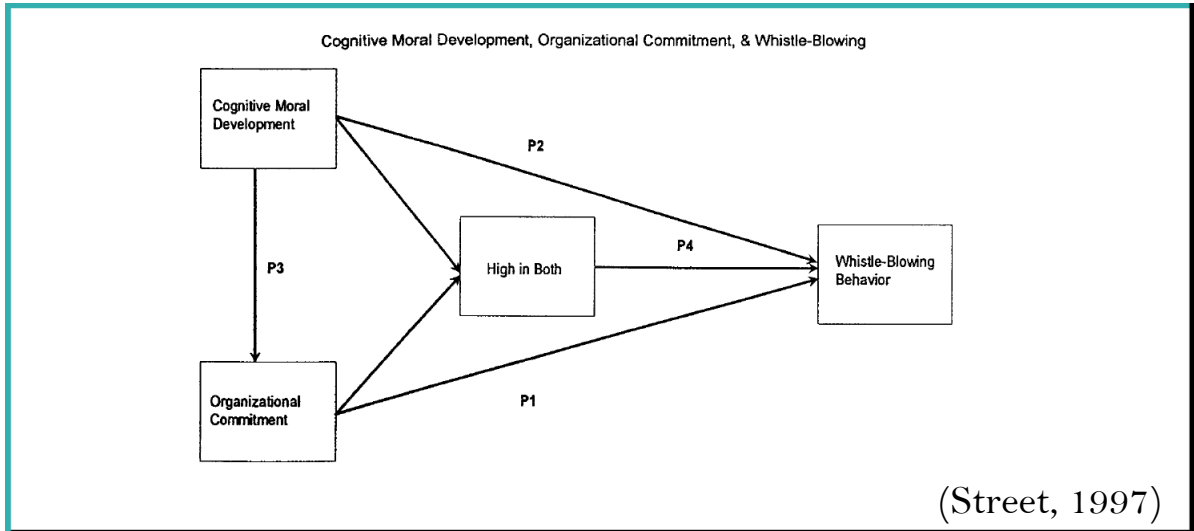
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Predictors

"Cognitive Moral Development and Organizational Commitment: Two Potential Predictors of Whistle-blowing."   (Street, 1995)

- Organizational Commitment

- Cognitive Moral Development

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Predictors

Cognitive Moral Development, Organizational Commitment, & Whistle-Blowing

(Street, 1997)

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Ethical Climate

Can a perceived ethical climate influences employees' intention to whistle-blow through internal organizational channels? (Zhou, et al., 2018)

- perceived ethical climate had a positive effect on employees' internal whistle-blowing intention
- this was mediated by organizational identification and moral identity
- employees' risk aversion weakened the effect of organizational identification
- while the moderating role by moral identity on internal whistle-blowing intention was not validated.

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Polling Question #2

What is the most difficult challenge faced when developing a 'speak up' culture?
a) Lack of tone from the top
b) Too heavy focus on profits/revenues
c) Overall toxic culture
d) Fear of retaliation
e) Other

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References

Culiberg, B. and Mihelic, K. (2017) The Evolution of Whistleblowing Studies: A Critical Review and Research Agenda. Journal of Business Ethics 146:787-803.

Cuellar, M. (2009) An investigation of the deaf effect response to bad news reporting in information systems projects. PhD thesis. Georgia State University

Derrida, J. (1997). *Politics of friendship*. London: Verso.

Jones, A. and Kelly, D. (2014). Whistle-blowing and workplace culture in older peoples' care: qualitative insights from the healthcare and social care workforce. Sociology of Health & Illness Vol. 36 No. 7.

Keil, M. and Robey, D. (2001) Blowing the whistle on troubled software projects, Communications of the ACM, 44, 4, 87–93.

Kenny, K., Fotaki, M. and Vandekerckhove, W. (2020) Whistleblower Subjectivities: Organization and Passionate Attachment. Organization Studies 2020, Vol. 41(3) 323–343.

Vaughan, D. (1996) The Challenger Launch Decision: Risky Technology, Culture, and Deviance at NASA. Chicago: University of Chicago Press.

Weiskopf, R. and Tobias-Miersch, Y. (2016) Whistleblowing, Parrhesia and the Contestation of Truth in the Workplace. Organization Studies 2016, Vol. 37(11) 1621– 1640

Zhou, L., Liu, Y., Chen, Z. and Zhao, S. (2018) Psychological mechanisms linking ethical climate to employee whistle-blowing intention. Journal of Managerial Psychology Vol. 33 No. 2, 2018 pp. 196-213

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Questions?

info@compliancereality.com

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