A Mouse’s Tale of a Whistleblower: Best Practices for Whistleblower Protection & Non-retaliation Policies

Introductions

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The Mouse’s Tale

Agenda

- The Mouse’s tale
- Retaliation – the facts
- The truth shall prevail: strategies for full commitment to non-retaliation
- Q&A

The Mouse’s Tale
The state of whistleblower protection

Figure 1. Provision of legal protection to whistleblowers in the public sector

- Varying degrees of whistleblower protection, in one or more laws, related specifically to protected reporting or prevention of retaliation against whistleblowers

Source: 2014 OECD Survey on managing conflict of interest in the executive branch and whistleblower protection.
“No good deed goes unpunished”

Audience Poll

Does your organisation have an explicit non-retaliation policy?

A. Yes, it is incorporated in our whistleblowing policy
B. Yes, it is a stand alone policy
C. No, we don’t have an explicit non-retaliation policy
Retaliation: The Facts

- Rates of retaliation have doubled since 2013
- Rates of retaliation have risen significantly more than rates of reporting

*ECI Global Business Ethics Survey 2018*
The consequences

Fraud Magazine: “Be prepared before you blow the whistle”; Patricia A. Patrick, Ph.D., CFE, CPA, CGFM

Misconduct with the highest rates of retaliation for reporting

- **83%** Accepting Gifts/Kickbacks or Bribing Public Officials
- **62%** Improper Political Contributions
- **56%** Retaliation against a Reporter

ECI Global Business Ethics Survey 2018
46% of employees that observe misconduct do not report it.

The cost

"The total loss caused by the cases in our study exceeded **USD 7.1 billion**. It is safe to assume that the 2,690 cases included represent only a tiny fraction of the frauds committed against organizations worldwide during that time... while staggering on its own—[this] does not come close to representing the total amount lost..."
Why we need whistleblowers

50% of corruption cases were detected by a tip

Association of Certified Fraud Examiners: Report to the Nations 2018

Audience Poll

How many reports do you receive per year as a percentage of your overall population?

A. Less than 1%
B. 1 – 5%
C. More than 5%
The Truth Shall Prevail: Strategies for full commitment to non-retaliation

1. Build decisive policies and procedures
   - Build a meaningful policy – understand the business
   - External and internal factors
   - Communication tools
   - Don’t bury the policy
   - How easy is it to report?
   - Tackle anonymity
2

Build a speak-up culture

ETHICAL DNA

Organisational Dimensions

Coherence
Leadership
Systems
Rituals

Personal Dimensions

Understanding
Empathy
Obedience
Morality

3

Implement practices that work

• Provide clear expectations
• Measure your performance
  • "You can’t manage what you can’t measure" Peter Drucker
• Assurance
  • Show me
• SWOT
Questions and Discussion