

The Complete Compliance and Ethics Manual 2023

Why Employees Don't Speak Up and How to Fix It

By Lori Tansey Martens^[1]

One of the major challenges in business ethics today is creating a safe environment where employees can raise concerns about possible misconduct and wrongdoing. Despite the proliferation of helplines and ethics offices, creating a safe environment where employees can raise concerns about possible misconduct without experiencing retaliation is still one of the least well-developed elements of most business ethics programs.

I wrote those words more than 15 years ago, yet the challenges of creating speak-up cultures remain. Companies often launch **speak up** programs with policies, slick communications, and even employee training, thinking these steps will quickly encourage employees to raise concerns. It won't—in fact it's probably counterproductive. Creating a true speak-up culture is hard work and few easy answers exist.

Speaking Up Is More than Misconduct Reports

If a company wants employees to speak up about misconduct, it will need more open communications generally. In a closed communications culture, where no one is comfortable raising bad news or debating business strategies, employees won't feel comfortable speaking up when the stakes are high, such as with possible misconduct. Fortunately, this challenge presents an opportunity. Creating a true speak up environment brings a host of business advantages, such as spurring innovation, creativity, and employee engagement. Further, in an open communications environment, employees can speak up early and often, which deters misconduct in the first place.

A NASA study of jet transport accidents and incidents over a twenty-year period found that deficient interpersonal communications were a causal factor in approximately 80% of all accidents. The study found that **pilot error was far more likely to reflect failures in team communication and coordination than deficiencies in technical proficiency.**^[2]

Why Speaking Up is So Difficult

Numerous societal impediments make speaking up difficult, and are across the world. Common factors include:

1. **Cultural entrenchment:** Think of English language words commonly used for someone who reports misconduct: snitch, fink, nark, and tattletale, to name a few. What about positive words? "Whistleblower" is the least pejorative, but few employees aspire to become one! And it's not just English. This phenomenon is found in virtually every major world language.
2. **Conformity bias:** Seminal research conducted by Solomon Asch^[3] in the 1950s shows that at least 77% of people will sometimes **knowingly** give a response they know is wrong to go along with the group.

3. **The bystander effect:** This phenomenon, studied in depth by Darley and Latané in the 1960s, found that the greater the number of individuals who know about a problem, the less likely any one person is to address it, a phenomenon known as *diffusion of responsibility*. The conduct then becomes normalized or just “the way we do business here.”^[4]
4. **Respect for hierarchy:** Hierarchy exists in all cultures, making it difficult for lower ranks to challenge those in authority. Stanley Milgram’s research on obedience to authority^[5] is one demonstration of this phenomenon. In some countries, respect for authority is a cornerstone of their cultural values; questioning or reporting the misconduct of a higher rank would be unthinkable.
5. **“Shoot the messenger”:** The concept of punishing those who bring bad news is a common refrain in organizational life. It is such a universal condition that leading psychologists, including Sigmund Freud and Carl Jung, have studied it.

These inhibiting factors influence every employee before they even join an organization. They are already at a speak-up *deficit* when they walk through our doors. Unfortunately, most organizations’ cultures further impede an employee’s willingness to speak up. These organizational factors include:

1. **Fear of retaliation:** This is typically the top ranked reason why employees don’t speak up within business organizations. Perceptions of retaliation are not just limited to loss of job or reduced pay; rather it is often more informal retaliation that employees fear, such as being ostracized or being excluded from the inner circle, for example.
2. **Belief that nothing will happen:** If employees perceive that their concerns are not heard or addressed, they quickly determine that speaking up is not valued or worth the effort.
3. **Degree of hierarchy:** Hierarchy not only exists in all societies, it also factors into every organization. An extremely hierarchical organization further exacerbates the difficulty of speaking up.
4. **A culture of no bad news:** Often, bad news becomes unacceptable within an organization. Pressure exists to either explain it away or make it disappear.
5. **Incentives not aligned with speaking up:** Employees who speak up can be seen as troublesome—the “squeaky wheel.” They may receive little to no recognition or reward.
6. **Leaders/managers lack skills to promote speak up:** One important research study indicates that 82% of employees first approach their manager with a concern.^[6] Yet, managers often don’t know how to listen to nor follow up on employee concerns. Many simply lack the skills to promote an open communication environment.

The Challenge of Remote/Hybrid Work Environments

Remote and hybrid work environments *substantially* increase the challenge of creating speak-up cultures. According to an online study conducted in February 2021^[7] employees are more than twice as likely to avoid speaking up about concerns with colleagues and managers virtually than when working together in person.

Manager training must include remote-specific tools and techniques to ensure open communication on all topics, including raising concerns about misconduct. Examples include:

- Set aside check-in time with individual employees and take day-to-day project issues off the table.

- Use icebreakers at the start of virtual team meetings. Have each person respond to a prompt (e.g., “What's our team superpower?” or “Which corporate value do you connect with most and why?”)
- When an issue or proposal is under discussion, consider dropping off the call and allowing employees to discuss pros and cons without the manager present. Group reporters can summarize the feedback so no individual employee fears raising concerns or giving honest feedback.
- Encourage virtual walks with employees. Fresh air and exercise can help with relaxation and further open communication.

Do You Have a Speak-up Culture?

Leaders and managers frequently overestimate their employees' willingness to raise concerns. Consider the following hallmarks of a speak-up culture relative to your organization and see where additional support may be required.

- Employees feel their opinions are valued, even if not ultimately acted on.
- Employees are comfortable asking questions.
- The company responds to, and sometimes adopts, employee suggestions.
- Employees feel a responsibility to raise issues.
- Managers welcome information, even bad news.
- Presentations are lively discussions with dissent and debate.
- Employees recognize that speaking up is just part of problem solving.
- Employees are comfortable constructively disagreeing with senior leaders.
- Employees and managers can agree to disagree.
- Employees may speak to senior leaders without their manager's prior approval.
- There are no small group pre- or post-meetings—everything is said in the actual meeting itself.
- Employees do not fear retaliation for speaking up.

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