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Fostering a speak-up culture: A practical primer

by Andrea Falcione, JD, CCEP

Reporting is one of the critical elements of any compliance program, and having more reports is usually a positive—even though it may not always feel that way to us as compliance practitioners. It bears noting that:

- Culture is always a foundational issue.
- While some roadblocks are common, some may be unique to your organization.
- It's important to assess why people may resist reporting and then address the root cause(s).
- Data is key in assessing the effectiveness of your speak-up program.

Channels, processes, and protocols for your speak-up program

Often the speak-up process at an organization is designed for the ease of the administrators rather than the reporters. Do what you can to make it easy! You have a lot of control here—or you *should*.

Encourage multiple ways to raise issues. Some examples include the home page of your internal website, QR codes, hotlines, internet forms, open-door programs, and more. Having multiple intake methods makes the job of administrators more challenging. But that's okay because, ultimately, it isn't about us as compliance practitioners—it's about our constituents. Also, given global cultural differences, the more options you provide, the better.

Prioritize the friendliness of the process and understand the importance of following up and checking in with reporters. Reporters who have a good experience can become unwitting—as opposed to unwilling—ambassadors for your program, which is the best kind of (free) advertising.

Focus on organizational justice, which—though paramount to gaining and keeping employee trust—is often very hard to achieve. There are several elements to organizational justice:

- **Respect:** Where all participants are treated with respect and dignity.
- **Voice:** Where all participants are heard and given a chance to tell their stories.
- **Neutrality:** Where decisions are unbiased and based on fact and sound reasoning.
- **Transparency:** Where there is openness in process and outcomes (more to come on that in a bit).

Cultural impacts on your speak-up program

Management consultant, educator, and author Peter Drucker famously said that “Culture eats strategy for breakfast,” meaning an organization’s culture is the single most important factor in its successes and its failures. A strong risk and compliance infrastructure, including a speak-up program, is a necessary—but not a sufficient—basis for a truly effective compliance program. Culture matters, too.

It’s imperative to remember that culture differs across the globe. Company culture may also vary from team culture, which could differ from individual employee culture. And all those cultural differences could affect employees’ willingness to speak up. For example, in Latin American countries, speaking up may be perceived as a betrayal. In certain European countries, there may be fear associated with speaking up as a residual effect of World War II. And, in the United States, whistleblowers are often branded as “snitches.” Unfortunately, while you can likely impact culture, you may have less control over this piece.

Retaliation—or the perception of it—is the biggest cultural roadblock to speaking up, and regulators, including the U.S. Department of Justice (DOJ), have taken notice. So, what can you do to address this potential roadblock? Here are a few ideas:

- Add retaliation risk to your compliance risk assessment.
- Educate employees, managers, and other support functions about identifying and handling retaliation.
- Review retaliation allegations and cases with human resources (HR) and the business, as appropriate.
- Prepare an anti-retaliation communication plan and communicate often.
- Partner with the business to develop a retaliation risk monitoring plan, and partner with internal audit to establish a retaliation audit plan.

Use surveys or focus groups to understand roadblocks. Mergers and acquisitions, corporate restructuring, and reductions in force all make an impact. If trust is an issue, you may need to bring in someone from the outside who can assist with anonymity in information gathering. Surveys are often helpful but consider if there is “survey fatigue” or whether people don’t believe their answers will be anonymous. Another option? Embed a survey seamlessly into a required training initiative. And never underestimate the importance of “walkaround compliance”—it’s amazing what people will tell you if you just ask.

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