

Effective whistleblowing systems

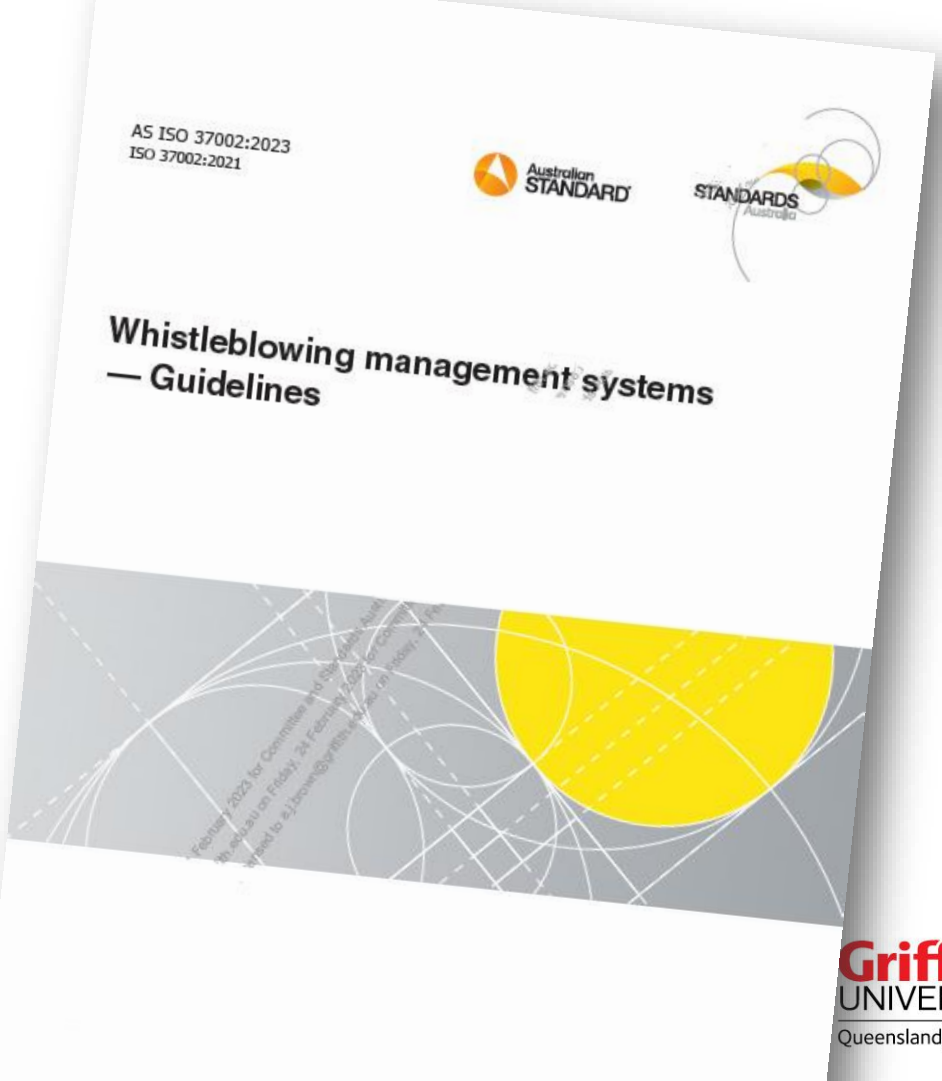
Findings from recent research

Jane Olsen

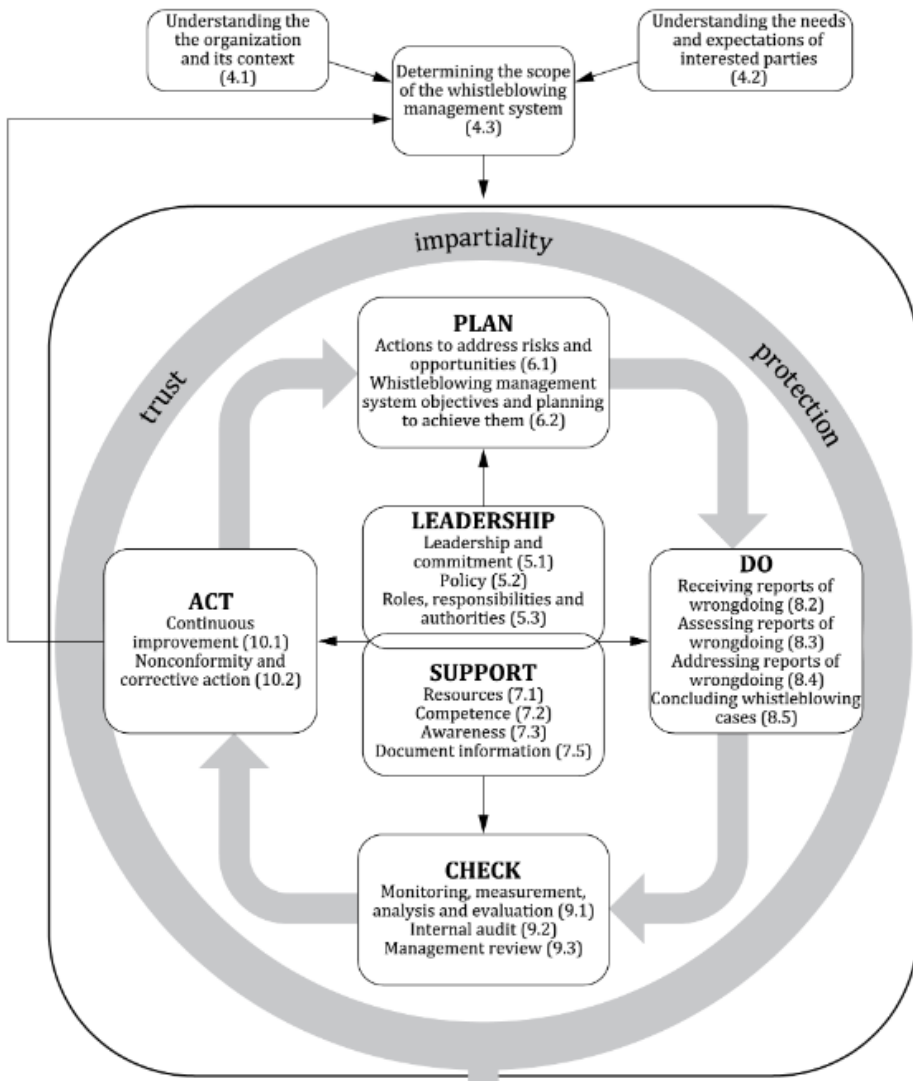
AIPI Annual Conference

17 March 2023

AS ISO 37002: 2023 Whistleblowing management systems



Overview of a whistleblowing management system

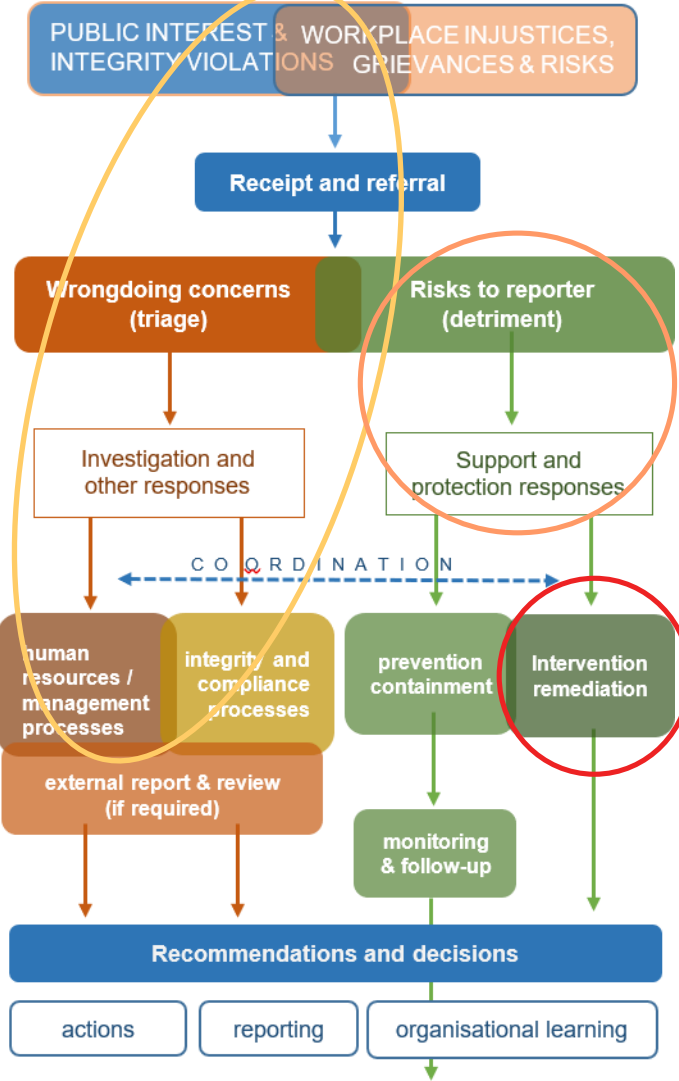


Reporting
(8.2)

Assessing
(8.3)

Addressing
(8.4)

Concluding
(8.5)



1. Mixed wrongdoing reports

2. Assessing risks of detriment

3. Remediating detriment

Whistling While They Work 2

Improving managerial responses to whistleblowing in public & private sector organisations

- Any Australian or NZ organisation with >10 employees
- *Survey of Organisational Processes & Procedures 2016* – 699 organisations
- *Integrity@WERQ survey*
Jan 2017-April 2018 – 46 organisations
17,778 individual respondents

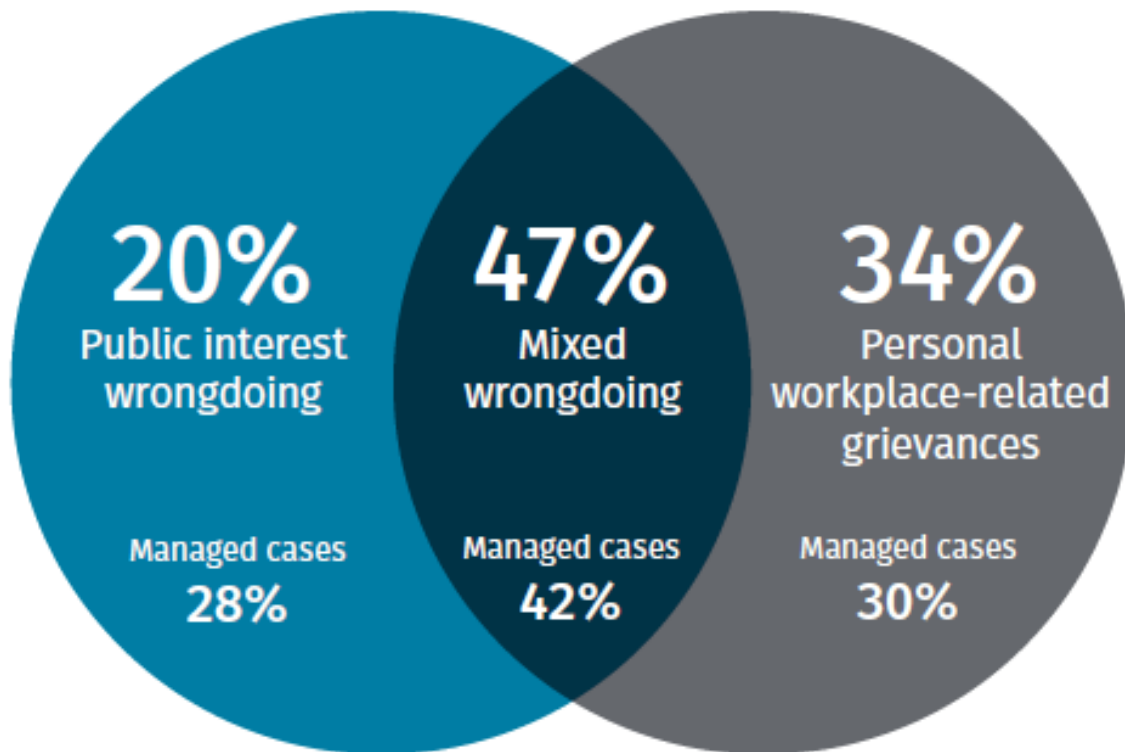
www.whistlingwhiletheywork.edu.au

@WhistlingWTW

Incorporating Australian Research Council Linkage Project LP150100386



Challenge 1: Mixed wrongdoing reports



The status quo

Public interest

- Confidential
- Formal investigation
- F&C/ES/IA

Personal grievance

- Parties known
- Informal resolution
- HR/P&C

Outcomes for mixed reports (according to managers)

- **Worse treatment and repercussions** for reporters
- Competence of investigation rated lower – plus they take **longer**
- **Organisational procedural and interpersonal justice** rated lower
- Less likely to result in **wrongdoing being found** and dealt with
- Result in **fewer organisational reforms or remedial actions**

But **88%** of managers or governance professionals say that the concerns were **correct**

What goes wrong with mixed reports?



Failure to identify public interest issues



Separation of issues that are inextricably linked



Reporter perceptions / expectations mismanaged



Miscommunication / inconsistent advice



Poor timing



Allegations slipping between the cracks

Meeting the mixed report challenge

Do organisations...

Regularly **train** all possible recipients of reports?

Have a **centralised reporting** system?

Track and report on mixed reports?

Systematically work **across organisational areas**?

Have an informed and skilled **triage process**?

Have established **reporting relationships** (eg when senior management are implicated)?

Assign **responsibility for coordinating** processes?

Assign **responsibility for reporter communication** and expectation management?

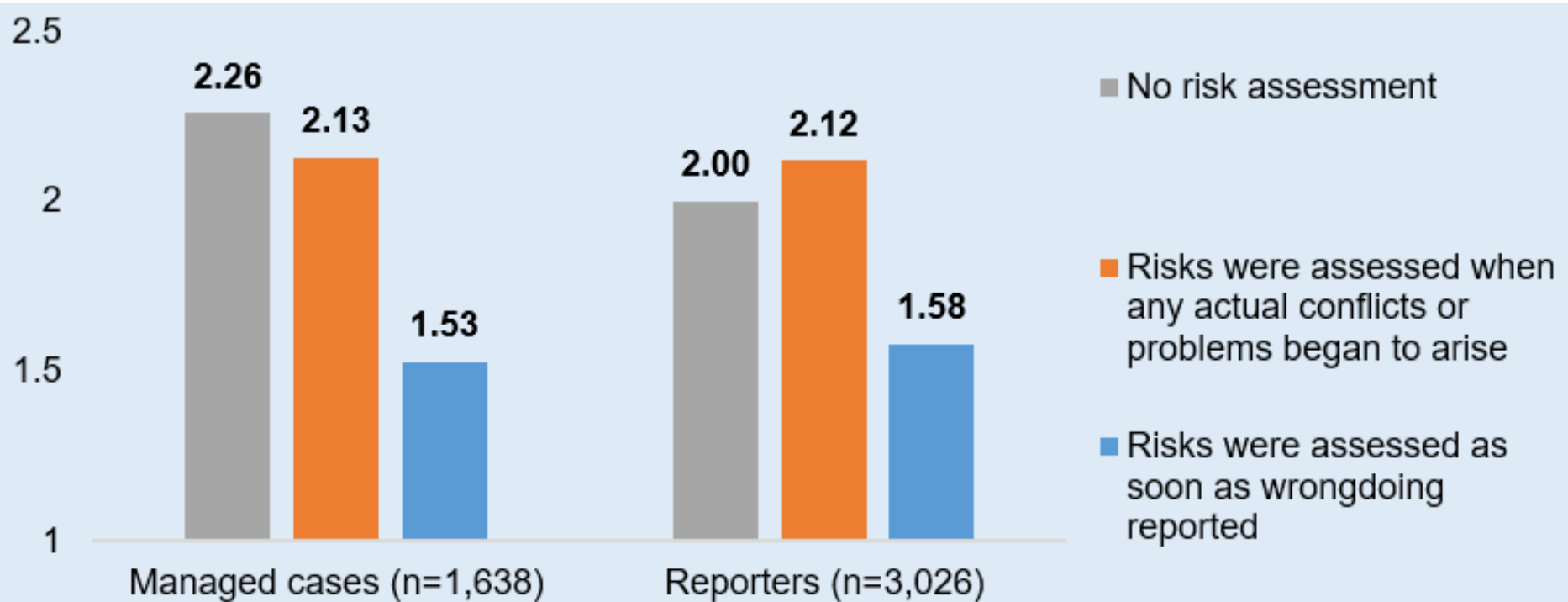
Challenge 2: Assessing risks of detriment

Increasingly a legislated obligation:

| Corps Act 2001 | Cth PID Act 2013 | NSW PID Act 2022 |
|--|---|--|
| <ul style="list-style-type: none">• Liable for failing in duty to prevent detrimental conduct• Can only breach confidentiality if risks minimised• ASIC guidance | <ul style="list-style-type: none">• Agencies must develop policy and procedures for assessing the risk of reprisal action | <ul style="list-style-type: none">• Positive duty on agencies to assess and minimise risks of detriment against reporter and subject officer |

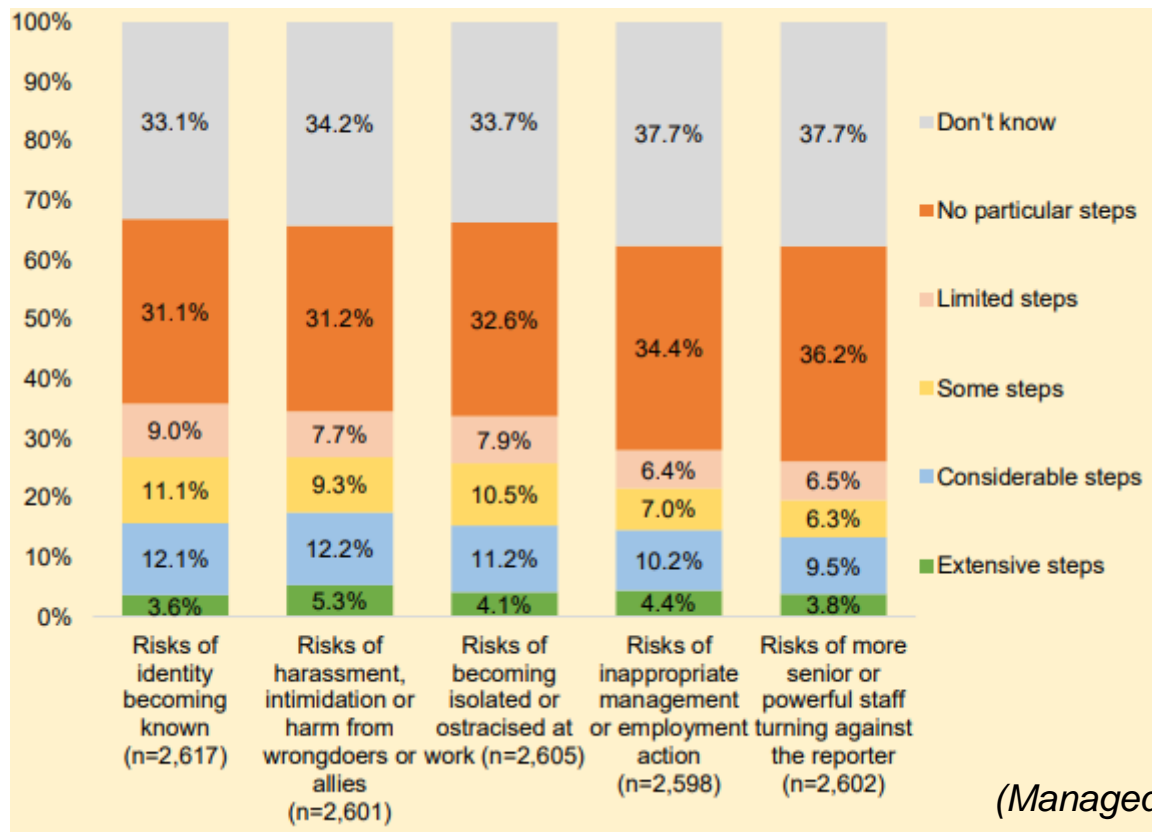
Does risk assessment make a difference?

Extent of reporter detriment (1=none at all to 5=a great deal)





Are proactive steps were taken to deal with risks?



(Managed cases)

Meeting the risk assessment challenge

Do organisations...

Have a process for
assessing risk?

Consider risks for
the **subject
officer?**

Consult with the
reporter and
subject officer?

Assign
**responsibility for
protection /
support?**

**Take proactive
steps** to manage
the workplace?

Revisit risks at key
stages?

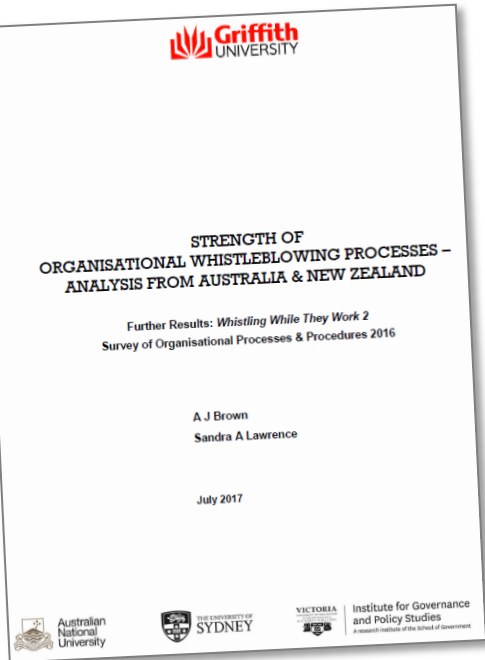
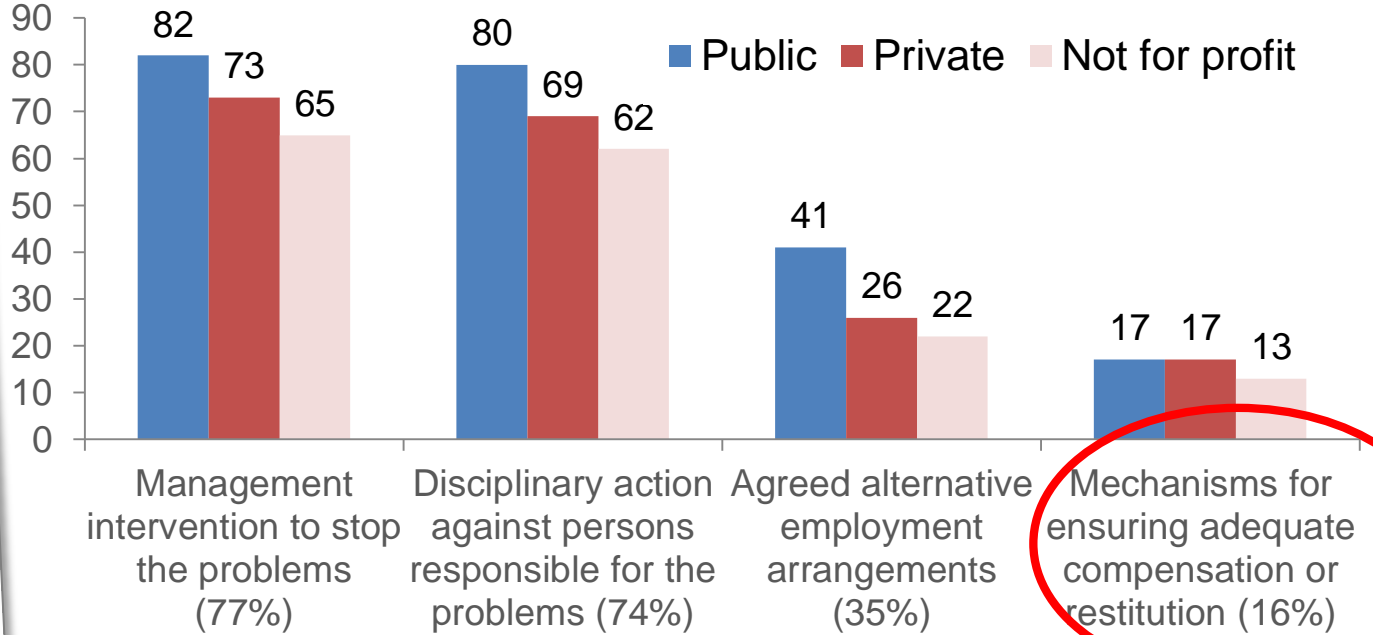
Challenge 3: Remediating detriment



“To the greatest extent possible, the whistleblower should be restored to a situation that would have been theirs had they not suffered detriment.”

- AS ISO 37002: 2023, p. 26

Where staff experience issues (e.g., reprisals, workplace conflicts, stress or other detrimental impacts) after raising wrongdoing concerns, what processes does your organisation have for seeking a resolution?
(n=699 organisations)



What remedies are provided?



Remediation in practice (according to managers)



The greater repercussions experienced, the less remediation



No relationship between what organisations say they do on **paper** in terms of their remediation processes and what the experience is in **practice**



No difference between **sectors** – shows that legislative regimes and frameworks are not working



When remedies are provided, these cases are associated with **better treatment by management and perceptions of organisational justice**

Meeting the remediation challenge

Do organisations...

Have processes for **reporting detriment**?

Have processes for **stopping and addressing** detriment?

Ensure any subsequent investigation is **impartial**?

Restore reporters to before detriment occurred?

Take **disciplinary action** against those responsible?

Compensate for damage?

Apologise for any detriment suffered?

Thank you

jane.olsen@griffithuni.edu.au