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→ Do Good to Do Well



THE SOUND OF SILENCE:

WHISTLEBLOWING AND THE FEAR OF REPRISAL

**COMMISSIONED BY THE OFFICE OF THE PUBLIC SECTOR INTEGRITY
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DEDICATION

This white paper would not have been possible without the efforts of public service employees who willingly contributed their valuable time and insights. Although we cannot use their names, please know we are forever grateful. Despite the widespread diversity of these individuals in terms of their departments and levels, the common thread that connected them was an unwavering desire to build a world-class federal public service built on the ideals of a healthy, respectful and ethical environment.

LAYING THE FOUNDATION

“The fact is that most of the biggest catastrophes that we have witnessed rarely come from information that is secret or hidden. It comes from information that is freely available... but that we are wilfully blind to because we cannot handle the conflict that it provokes. But when we dare to break that silence.... we enable ourselves and the people around us to do our best thinking. But the truth won’t set us free until we develop the skills, the habits, the talent, and the moral courage to use it.”

Margaret Heffernan – Dare to Disagree (TED Talk)

A top priority of the Canadian federal public service is to build a positive, respectful, and healthy work environment. The Clerk of the Privy Council continues to emphasize its importance; every deputy minister and public sector executive has concrete commitments to foster a positive workplace outlined in their performance reviews.

A major reason for this heightened focus on employee well-being is the Public Service Employee Survey (PSES). Over the past several years 20 percent, or one in five, employees reported experiencing harassment in the workplace, with two-thirds of respondents indicating that the perpetrators were in positions of authority¹.

A very troubling aspect of the PSES survey results is that few people take action when they encounter inappropriate behaviours. When asked why they failed to speak up, over half (54%) of respondents felt that their disclosure would not make a difference, while just under half (45%) reported fear of reprisal.

¹ It should be noted that non-management personnel are not the only individuals exposed to these behaviours. The most recent [Executive Work and Health Survey](#) (2012) conducted by the Association of Professional Executives (APEX) determined that executives are similarly affected.

Subsequent qualitative research sponsored by the Office of the Public Sector Integrity Commissioner (PSIC) and conducted via focus group² confirmed that a sense of futility and fears of retaliation were top of mind for public servants when they did not speak up. Interestingly, research conducted outside the federal public service also reached identical conclusions about how these factors generate silence³.

These findings are of particular interest to PSIC whose mandate is to enhance public institutions by establishing and maintaining effective procedures for the disclosure of wrongdoing and for protecting public servants who disclose wrongdoing. Given its important role in this conversation, PSIC commissioned this evidence-based white paper to examine the research on the dynamics of whistleblowing and fear of reprisal.

This paper is divided into three sections. The first examines the psychology of whistleblowing, including fear of reprisal. The second section highlights the factors that influence our decisions about whether to speak up. The paper concludes with a series of evidence-based recommendations and strategies, which may be implemented to foster a safer environment where people feel more comfortable sharing their concerns.

A WORD ON THE FOCUS OF THIS WHITE PAPER

One of the challenges in putting together this white paper was identifying what constitutes a situation that may prompt fear of reprisal. While most people might assume that these fears only occur when someone is reporting a major ethical or legal violation, the original PSIC focus groups, combined with our qualitative interviews and review of the broader research, suggested that any form of dissension could trigger these concerns. Therefore, to maximize the impact and relevance of this paper, we decided to broaden our scope.

Widening the net in this way allows us the opportunity to capture far more common situations that may raise concerns (e.g., disagreeing with a superior/colleague, preferential treatment, speaking up about disrespectful words or behaviours, or withholding career advancement opportunities, etc.).

² http://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/poref/office_public_sector_integrity_commissioner/2016/2015-12-e/report.pdf

³ Kish-Gephart, Detert, Treviño, & Edmondson (2009); Morrison & Milliken (2000); Qusqas & Kleiner (2001); Shapiro & DeCelles (2005); Verschoor (2005)

An equally difficult challenge when reviewing the existing literature was how to differentiate between someone who is appropriately blowing the whistle and someone who is blowing something out of proportion. Experts agree that this line is often thin and fuzzy, since the main criteria used to make this judgment relates to the type of inappropriate action reported, as well as the perceived motivation of the whistleblower (i.e., was it for personal gain or for the benefit of others?)⁴. In this paper, we are operating under the assumption that all of these complaints are warranted.

Finally, before starting this review, it is important to contextualize our discussion by providing an operational definition. Although various conceptualizations of whistleblowing exist⁵, perhaps the most frequently used definition was provided by Near and Micelli (1985, page 4) who described it as “the disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action.”

Readers should note that we will use the terms “whistleblowing,” “speaking up,” “voice (their discontent),” “blow(ing) the whistle,” and “disclosure of wrongdoing” interchangeably throughout the paper.

⁴ Kleinhempel (2011)

⁵ Dungan, Waytz, & Young (2015); Mesmer-Magnus & Viswesvaran (2005)

PART 1: UNDERSTANDING THE PSYCHOLOGY OF WHISTLEBLOWING AND FEAR OF REPRISAL

“If we start with the premise that whistleblowing is the right thing to do, my job is to figure out why it is so hard for people to do the right thing.”

Joe Friday – Public Sector Integrity Commissioner of Canada

When faced with an inappropriate situation, employees typically have three choices:

- 1) Leave
- 2) Stay silent
- 3) Voice their discontent/blow the whistle

While the third choice may seem like the obvious ‘right answer,’ especially if approaching it from a moralistic perspective, the evidence paints a very different picture. Leading scholars suggest that fear of reprisal is a strong motivational force, which keeps us from acting on our conscience. It has been argued that these fears may have evolutionary roots, as early human beings needed to protect themselves from higher power individuals within their community while still remaining an accepted group member, as this was critical for their very survival⁶. While modern day whistleblowing may not result in the same life or death consequences, this situation can and does trigger similar anxieties.

A contributing factor to our reluctance to step forward may be connected to the derogatory terms commonly used to describe whistleblowing such as ‘rat’, ‘mole’ or ‘snitch’. When growing up, children are often lectured on the importance of not being a ‘tattletale’. Against this backdrop, it may not seem surprising that so many people choose to remain silent.

An examination of the empirical evidence indicates that fears of reprisal appear to be warranted. Within the Canadian federal public service, focus groups conducted by PSIC documented numerous consequences associated with speaking up, including exclusion from key meetings, receiving fewer projects, being re-assigned or transferred, or even

⁶ Kish-Gephart, Detert, Treviño, & Edmondson (2009)

job loss. Our background interviews and consultations across the federal public service while writing this white paper further validated the original PSIC findings.

Although it may seem reasonable to assume that the top management in the organization would be most inclined to seek retribution, fellow employees may also act against whistleblowers⁷, with or without the knowledge, encouragement or sanctioning by the senior leadership. Peers and colleagues can retaliate in numerous ways, including ostracism, isolation from social activities, or actively making the work environment very unpleasant⁸. Research suggests this type of ostracism exacts a tremendous toll on our emotional and physical well-being⁹.

Another troubling trend is that retaliation against whistleblowers remains high. One report out of the United Kingdom revealed that the number of employees claiming to be mistreated, fired, or harassed as a result of speaking up increased tenfold over a 10-year period (1999-2009)¹⁰. The National Business Ethics Survey (NBES) in the United States reported that the level of retaliation remained a little over 20% for multiple years. The Equal Employment Opportunity Commission (EEOC) reported that retaliation claims made up 44.5 percent of all charges filed in 2015, which is the largest category of complaints received.

The relative reluctance to engage in whistleblowing is unfortunate, considering how valuable it is to organizations. Research focusing on the Australian public sector indicated that whistleblowing was the best method by which to uncover wrongdoing – observers pointed out it was far more effective than all other strategies, including direct observation by a supervisor or conducting internal audits¹¹.

Is whistleblowing an optical illusion?

At first glance, being severely punished for doing the right thing may seem surprising and almost incomprehensible. However, Dungan and his colleagues (2015) suggest that speaking up “represents an ethicist’s version of an optical illusion. From one perspective, whistleblowing is the ultimate act of justice, serving to right a wrong. From another perspective, whistleblowing is the ultimate breach, a grave betrayal.”

⁷ Mayer, Nurmohamed, Treviño, Shapiro & Schminke (2013)

⁸ Jubb (1999); Near & Miceli (1985); Parmelee, Near, & Jensen (1982)

⁹ Williams, & Nida (2011)

¹⁰ Public Concern At Work (2010). Where’s Whistleblowing Now? Ten Years of Legal Protection for Whistleblowers

¹¹ Brown (2008)

This intersection between fairness and loyalty can create considerable strain and confusion for individuals. Specifically, while loyalty implies that members of your in-group receive special treatment, fairness dictates that everyone should be treated equally. These competing motivations contribute to the opposing views and feelings about whistleblowing and whistleblowers more broadly.

Interestingly, research suggests that whether we focus on either fairness or loyalty impacts our decision to blow the whistle. In a series of studies, Dungan, Waytz and Young (2015) discovered that people who were primed to endorse fairness were significantly more willing to report wrongdoing as opposed to people who were primed to endorse loyalty.

Although critics may argue that these findings were hypothetical in nature (i.e., participants were asked to describe what they would do if faced with a situation), future studies conducted by the authors reached the same conclusion. When people recalled situations in which they had stepped forward and blown the whistle, they were much more likely to endorse the importance of fairness. However, when people shared examples when they chose to remain silent, loyalty was their paramount concern¹².

PART 2: THE SOUND OF SILENCE:

WHY PEOPLE DON'T SPEAK UP

Before reviewing specific factors that may prompt people to disclose wrongdoing, it is equally important to examine the group dynamics at play. Ground-breaking research into the “bystander effect¹³” highlighted three general social psychological processes that may influence whether people blow the whistle in a situation where it is warranted.

The first, labelled **diffusion of responsibility**, suggests that people are much less inclined to get involved when surrounded by other people. Specifically, this research suggested that if only one bystander is present during an emergency, this individual carries all the responsibility and faces the bulk of the associated guilt if they choose not to intervene.

¹² Waytz, Dungan, & Young (2013)

¹³ Latane & Darley (1970)

When other people are around, however, responsibility is diluted. For example, people may rationalize that there are other, more qualified, individuals who could or should do something. This may explain why larger organizations suffer from significantly higher levels of wrongdoing¹⁴, since the prevailing perception may be that someone else will report the behaviour.

The second process highlighted by this research was the role of **social influence**. Since we are innately social creatures, when we face an ambiguous situation in a group, our natural tendency is to look to the people around us for cues on how we should respond¹⁵. Interestingly, the strength of this relationship is magnified when uncertainty is high¹⁶.

According to this perspective, a bystander is less likely to step in if the reactions of the rest of the group implied that “everything was okay.” It is easy to see how this translates into the world of whistleblowing where collective silence may be interpreted as acceptance, even though this may not be the case.

Given their hierarchical position, one would think that leaders are the more prominent and influential role models for employees in terms of creating an ethical climate through their words and deeds. However, the importance of social influence may explain one of the relatively surprising findings in the whistleblowing research: the strength of the relationship between co-worker behaviour and the willingness of their colleagues to disclose wrongdoing¹⁷. Specifically, when co-workers are viewed as more ethical, their colleagues are much more inclined to speak up when warranted.

The final social psychological process was the **cost associated with being wrong**. Essentially, people were concerned about the embarrassment or shame that might result if they intervened unnecessarily. Rather than risk that possibility, people chose not to get involved, particularly if they were a member of a large group; the degree of potential embarrassment and shame increased in line with the number of group members.

¹⁴ Lau., Au, & Ho (2002)

¹⁵ Schachter (1959); Shaver & Klinnert (1982)

¹⁶ Salancik & Pfeffer (1978)

¹⁷ Mayer, Nurmohamed, Treviño, Shapiro, & Schminke (2013)

FACTORS LEADING TO HIGHER REPORTING OF WRONGDOING

In addition to the group dynamics that affect our desire to speak up, research has also examined personal factors that influence these decisions. The following presents a brief summary of the available evidence.

Ethical Reasoning

Research suggests that the level of ethical reasoning (i.e., the ability to apply values and standards to various social/moral problems and determine an appropriate course of action¹⁸) impacts the willingness of an individual to disclose inappropriate or unethical behaviours¹⁹.

A study has also found that people with more work experience are more likely to have higher levels of ethical reasoning²⁰. One particularly fascinating study determined that ethical reasoning plays a mediating role in the relationship between work experience and whistleblowing intention. Specifically, experienced supervisors are more likely than their less experienced colleagues to report their intentions to blow the whistle, but only if they possess higher levels of ethical reasoning²¹.

Work Experience

Research suggests that more experienced employees are significantly more likely to disclose wrongdoing²², with several reasons posited for this relationship. For example, people may feel they have more power as a result of their tenure, which may make them feel less threatened by blowing the whistle²³. Their experience and tenure may make them more valuable assets to an organization, which also affords them additional leverage to speak up²⁴. Employees with greater tenure may also be more invested in the organization and may prefer voicing their concerns as opposed to exiting²⁵.

¹⁸ Sivanathan & Fekken (2002)

¹⁹ Ab Ghani, Galbreath, & Evans (2011); Gundlach, Douglas & Martinko (2003); Gundlach, Martinko & Douglas (2008)

²⁰ Izzo (2000); Stewart & O'Leary (2006) (cf. Ab Ghani, Galbreath, & Evans, 2011)

²¹ Ab Ghani, Galbreath, & Evans (2011)

²² Keenan, (2007); Miceli & Near (1998); Near & Miceli (2008)

²³ Dungan, Waytz, & Young (2015)

²⁴ Miceli & Near (2002)

²⁵ Mesmer-Magnus & Viswesvaran, (2005)

Work Performance

Leading scholars propose that high performers are also more inclined to speak up²⁶ because they may be seen as more credible sources of information. This provides them more latitude to report wrongdoing without fearing reprisal. An additional benefit associated with this “privileged status” is that it may put them in a better position to influence and drive the desired change²⁷.

Conversely, it should be noted that employees who are poor performers are at elevated risk of experiencing retaliation. Although this is not meant to suggest that lower performing employees should not disclose wrongdoing, it is important for both individuals and executives to recognize how this relative “status” may be managed within their respective groups. If a poor performer does bring up their concerns, the situation may bring additional complexities that need to be managed accordingly.

Cultural Background

There may also be cultural differences in the willingness to speak up. Specifically, individualistic cultures such as the United States view the act of whistleblowing as more ethical than collectivist countries such as Japan²⁸, China²⁹, and Taiwan³⁰. In another example, Keenan (2007) reported that American managers were more likely to report their willingness to disclose wrongdoing than their Chinese counterparts.

²⁶ Brabeck (1984); Miceli & Near (1984); Sims & Keenan (1998)

²⁷ Miceli & Near (2002)

²⁸ Brody, Coulter, & Mihalek (1998)

²⁹ Chiu (2003)

³⁰ Brody, Coulter, & Lin (1999); see also Christie, Kwon, Stoeberl, & Baumhart (2003)

Personality

Numerous personality attributes have been found to influence the willingness to disclose wrongdoing. For example, people who score higher on extraversion and dominance and lower on agreeableness are more likely to blow the whistle³¹.

This makes considerable intuitive sense. It has been hypothesized that since extraverted individuals seek out social situations and are comfortable sharing their opinion, they may generate more opportunities to discuss their concerns about possible wrongdoing. Those who are high in dominance are also viewed as more likely to persevere and not be as willing to let go of their beliefs or impressions. Last but not least, it is understandable that those who are low on agreeableness would also be more inclined to speak up, as they are not concerned about ruffling feathers. Essentially, they are not as concerned with others' opinions, so are more comfortable standing alone.

Another key personal attribute that impacts the willingness of individuals to disclose wrongdoing is locus of control. Individuals with an internal locus of control believe that they are in control of their actions and can influence their surroundings. On the other hand, people who hold on to an external locus of control believe they are extremely limited in their ability to affect their environment. Not surprisingly, people who possess an internal locus of control are more likely to endorse their willingness to blow the whistle because of their belief that they can exert more control over their surroundings and outcomes³².

³¹ Bjørkelo, Einarsen, & Matthiesen (2010)

³² Bateman & Crant (1993); Bjørkelo, Einarsen, & Matthiesen (2010); Miceli, Near, Rehg, & Van Scotter (2012).

PART 3: EVIDENCE-INFORMED STRATEGIES

The preceding review highlighted the individual psychology of whistleblowing and fear of reprisal. Its goal was to showcase the dynamics of disclosure as well as to explore the factors that influence our willingness to speak up. This final section provides evidence-informed strategies that can be implemented to foster an environment in which people feel comfortable speaking up.

It is important to note that these recommendations are not meant to be prescriptive. Differences in departmental culture and operational frameworks/policies may make the adoption of certain strategies difficult or even impossible. In cases where there is not a strong fit, the spirit of these ideas may germinate other possibilities that can be successfully adopted. The goal is to provoke reflection on how departments and the federal public service can address this complex issue more effectively.

One final point should also be made. Given the evolutionary nature of fear of reprisal combined with our current low-trust, high-intensity work environment, shifting to a more open and sharing environment will undoubtedly be challenging and will require a slow build. It will take long-term dedication from the executive cadre both within and across departments that requires constant, if not daily, attention. This is not meant to dampen enthusiasm or minimize the potential of this path forward, but rather to raise awareness around the profound level of commitment required. Simply writing a policy or mandating compliance is woefully inadequate to make real change to the current environment. It will require strong leadership and moral courage.

DEPARTMENTAL RECOMMENDATIONS

1. INCREASE PSYCHOLOGICAL SAFETY

Psychological safety refers to the extent to which employees feel comfortable taking an interpersonal risk at work (e.g., disclosing wrongdoing)³³. When this is achieved, employees provide open and honest feedback and are more willing to speak up when mistakes occur. Past research has shown numerous benefits of psychological safety, including increased opportunities for learning, on-the-job performance³⁴, employee engagement³⁵, as well as creativity³⁶.

³³ Edmundson, (1999)

³⁴ Edmondson, Bohmer, & Pisano (2000)

Leaders and executives can play a major role in making employees feel safe to express their views. Dr. Amy Edmundson, the preeminent authority in this area, shared three powerful strategies in a recent TED talk based on her research:

- *Frame work as learning problems, as opposed to execution problems.*

When work is framed as an executional problem, it can lead to silence within teams because it may seem their input is neither valued nor required.

It is important to tie this recommendation back to the PSES results, where employees report having limited influence over their day-to-day work, which could be seen as an essential precursor to speaking up. Leaders and executives should carefully consider how work is framed, as it may have serious consequences if people sense their input is unwanted.

- *Acknowledge your own fallibility/Lead with humility*

Research has found that humility in senior leadership encourages stronger leadership behaviours from other senior leaders and middle managers within the organization³⁷. Humble leadership also improves decision-making, increases employee engagement, and enhances on-the-job performance³⁸.

One technique Edmundson suggests leaders can leverage is to make simple qualifying statements when discussing group work such as "I may miss something — I need to hear from you."

- *Model curiosity by asking a lot of questions.*

A great way to further formalize these goals is through asking lots of questions, as it requires the team to speak up and share possible solutions or alternatives. It is important that these questions be framed in a learning rather than judging mindset to maximize engagement and not be presented in a leading manner. For example, rather than asking "Don't you think it would be better to do it this way?" use "What do you think is the best way to do this?"

³⁵ May, Gilson, & Harter (2004)

³⁶ Kark & Carmeli (2009)

³⁷ Ou, Tsui, Kinicki, Waldman, Xiao, & Song (2014)

³⁸ Dowden, C. (2015)

2. PROMOTE CLARITY AND COMMUNICATION

Given that research has suggested people are more inclined to report wrongdoing when they are confident in the strength of their case, considerable importance should be placed on providing as many resources as possible to help employees make an informed decision about this. Scholars have reported that clearly identifying internal channels for reporting not only encourages such reporting to occur, but also minimizes the chances people will go outside the organization, which can bring more scrutiny and potential consequences³⁹.

Other studies have shown that although employees generally try to deal with their complaints internally, they will seek outside counsel and support should they feel that their organization is unresponsive⁴⁰. The following lists several ways to improve clarity and communication within departments:

- Build capacity in leaders to help them communicate regularly and with clarity. Interviews with PSIC personnel identified some situations where a disclosure of wrongdoing turned out to be the result of miscommunication. In these cases, well-meaning executives could be unwittingly creating concerns in their teams by their inability or unwillingness to communicate.
- Clearly explain and communicate criteria for appropriate cases for blowing the whistle. Employees should be given as much information as possible concerning what constitutes an appropriate case. This information could be shared internally, by both leaders as well as Senior Disclosure Officers (SDOs). Comparing their case within these parameters would help maximize the confidence employees feel about the legitimacy of their report.

An important part of this education process would be to share successful and unsuccessful cases within and across departments so people could learn from these experiences.

³⁹ Sunday (2015)

⁴⁰ Barnett (1992)

- Clearly explain and communicate the internal process for bringing forward their concerns. Not surprisingly, a key element of success is to ensure employees are informed of the appropriate steps to take in communicating their concerns internally⁴¹. The importance of this recommendation cannot be understated, since studies of federal government employees show that there is a significant association between employees' knowledge of appropriate internal channels and the likelihood that they will report perceived wrongdoings⁴². Also, a recent audit conducted by Public Safety Canada showed that 50% of respondents reported feeling uncomfortable raising issues related to disclosing wrongdoing with their SDOs⁴³. This is very disconcerting, given that this is the very reason these roles exist. It should be noted that in the same audit, people also noted their confusion about what the role entailed.
- Since research suggests experienced employees tend to be more inclined to blow the whistle, promoting this type of clarity may be especially important for younger members of the organization. Departments could incorporate whistleblowing into their onboarding materials and processes. Specifically, departments could provide the name and contact information for the local SDO, along with a description of their role within the department in the written materials/onboarding package. This would provide junior employees with critical information and also strongly signal the importance the department places on doing the right thing. As part of the onboarding process, a meeting could be set up between the new employee and the SDO to establish an initial relationship.

3. FOCUS ON FAIRNESS

Research strongly suggests that when individuals focus on fairness, they are much more inclined to blow the whistle than when they focus on loyalty to the group and/or organization. There are various ways leaders can maintain a focus on fairness:

- While speaking with their group about hypothetical situations where disclosure is required, a leader may share the following “although it is understandable you may feel that you are being disloyal and maybe even betraying the team, your colleague(s), or the organization, what is most important to remember is

⁴¹ Barnett (1992)

⁴² cf Barnett (1992)

⁴³ <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2014-ntrnl-dtvls-thcs/index-en.aspx>

honouring our obligations to the people of Canada as well as to each other. Speaking up is not about punishing someone or making our lives more difficult, it is about ensuring we are doing the right thing and feel comfortable sharing dissenting opinions that are in the best interest of Canadians.”

- Another strategy for reframing this issue may be to view whistleblowing as demonstrating a “larger loyalty⁴⁴”, which corresponds to the notion of serving the greater good. Expanding the frame in this way may allow effective reconciliation between the competing drives of fairness and loyalty⁴⁵, which may place a more positive view on disclosing wrongdoing.
- Another possible tactic may be to ask employees to consider how might they be perceived in the future by their colleagues if they choose not to act. This could motivate individuals to examine the situation from a different perspective where they could possibly recognize the downfalls of not speaking up.
- Lastly, it is important to note a key, yet possibly missed, element of the fairness versus loyalty trade-off. Underreporting may also exist in the areas where you least expect it; under nice and/or supportive leaders. The reason for this seeming disconnect is that employees may not want to report incidents of wrongdoing because they are afraid their leader may be reprimanded. Employees may prefer to put up with an offensive colleague, because they worry that things might change under a new leader. They may also worry that disclosing wrongdoing to their leader may provoke a change in style, where the leader will become more abrasive and unapproachable.

Supporting this idea, Mesmer-Magnus and Viswesvaran (2005) speculated that the weak negative relationship reported between “supervisor support” and actual disclosure behaviours exists because employees may desire to protect their generally supportive supervisor.

⁴⁴ Rorty (1997)

⁴⁵ Waytz, Dungan, & Young (2013)

4. BEWARE THE PERIL OF INCENTIVES

- Look beyond the numbers when conducting performance evaluations. When you rely heavily on management by objectives, it can lead to a situation where leaders reinforce the idea that “what” was achieved is far more important than “how” it was achieved. While this approach has been championed because it supposedly removes ambiguity and biases from the appraisal process, experts argue it may inhibit or eliminate our capacity for ethical reasoning, since we employ numerous rationalizations for our behaviour (e.g., “The system made me do this”). It provides an easy way to act unethically without recognizing our responsibility for these behaviours (Anand, Ashforth, & Mahendra, 2004).

Although some departments and agencies are starting to pay more attention to the “how” of performance management, this needs to be a top priority moving forward.

- Some individuals have argued for the utilization of financial incentives to encourage disclosure of wrongdoing⁴⁶. However, despite its intuitive appeal, this recommendation is not supported by the existing evidence.

A recent report entitled *Financial Incentives for Whistleblowers*, which was produced by the Financial Conduct Authority and the Prudential Regulation Authority for the Bank of England concluded after conducting research into the use of financial incentives by US regulators that “There is as yet no empirical evidence of incentives leading to an increase in the number or quality of disclosures received by the regulators.”

Other research suggests offering financial incentive may even have negative effects. For example, Deci, Ryan, & Koestner (1999) reviewed 128 experiments conducted over almost three decades and concluded that “tangible rewards tend to have a substantially negative effect on intrinsic motivation. When institutions... focus on the short-term and opt for controlling people’s behaviour, they do considerable long-term damage” (page 39).

⁴⁶ Boz,, Maysaa, & Morrison (No Date)

In one particularly relevant study for how incentives impact our motivation to do the right thing, researchers examined the impacts of incentives on individuals who were interested in donating blood to a local clinic. Some of the participants were paid while others were told it was voluntary. The results showed that the incentives had either a null effect or actually decreased the desire of respondents to give blood, particularly among women⁴⁷. This highlights how incentives do not increase our motivation to do the right thing and can actually counteract it in the federal public service.

5. SENIOR DISCLOSURE OFFICERS

Almost every department has a SDO who is responsible for supporting employees considering disclosing wrongdoing⁴⁸. The following suggestions highlight opportunities to strengthen the role to maximize its effectiveness:

- Create formal selection criteria for SDOs. Currently, there are no widely used formal procedures to aid the selection process for these key roles. Anecdotal evidence gathered through our interviews suggests that in some cases, the appointments appear random.

Formal guidelines could prove invaluable to ensuring the right people are selected. These criteria could be developed within each department, which could also determine the key roles and responsibilities attached to the position.

A potentially more valuable approach would be for a centralized body, such as the Treasury Board Secretariat, to create universal standards for selection. This would ensure that each department follows similar procedures, maximizing consistency of the system. It would also provide added legitimacy to the role. Unclear or inconsistent selection criteria may send the unintended message that these roles are ceremonial rather than fundamental priorities of the organization.

⁴⁷ Mellström, & Johannesson (2008)

⁴⁸ Each organization is responsible for their own disclosure procedures, the majority of whom appoint a SDO. However, due to the nature of their size, some small organizations do not. In this instance, employees still have the option to directly approach the Public Sector Integrity Commissioner to make a disclosure or to seek advice.

- Incorporate psychometric/other assessments when deciding on candidates for the SDO position. Evidence suggests that certain personal/personality factors affect the willingness of individuals to speak up. Also, if the wrong person is put into the role of SDO, one bad reporting experience by an employee can have an enormous impact on the willingness of others to step forward.

Thus, it may be prudent for departments to incorporate some form of psychometric assessment into the selection process to measure these characteristics. It is logical to assume that certain attributes such as assertiveness, sense of duty, trustworthiness, tact, empathy, etc. may be important for success in a SDO role.

- Provide SDOs with additional training about what to expect, what is expected, and keys for their success. Also, there is a lack of consistency in the training received across Departments. This represents a great opportunity to create a more integrated training regimen.
- Sponsor qualitative research focused on SDOs to determine key success factors for the position and select accordingly. Once again, individual departments or a centralized body (e.g., PSIC or TBS) could sponsor qualitative/survey research designed to identify the key success criteria for this role. This information can be gathered through consultations with current SDOs and/or by asking employees the kind of profile they feel is important (or both). Another idea may be to conduct a jurisdictional scan to explore whether other areas are using these roles and how they are managing them.
- Remember that appointments alone are not enough. Despite the importance of the SDO role, the evidence strongly suggests this practice alone is insufficient. Specifically, while individuals who are assigned to these kinds of roles enthusiastically report their willingness to act, even they can fail to step forward when necessary⁴⁹. Organizations and senior departmental executives would be well served to ensure ample support and resources are provided to these key “watchdogs” so they can effectively deliver on their commitments.

⁴⁹ Miceli, Near, & Schwenk (1991); Near & Miceli (2008)

- Be aware of and sensitive to the potential conflict SDOs may face. Although individuals are assigned to the SDO role to ensure wrongdoing is appropriately handled and reported within departments, senior executives should be aware of the potential conflicts and concerns that these individuals may struggle with. For example, SDOs may still fear reprisal from colleagues, even though they are mandated to manage these investigations.

As a result of this fear, and without sufficient guidance, individuals in these positions may (wrongly) believe their primary responsibility is to “save face” for the organization by covering up the acts or by intimidating or discouraging the whistleblower. Despite their appointment to a “watchdog” role, without concrete guidance or clear expectations and responsibilities, SDOs may not fulfill the obligations attached to their role⁵⁰.

- Ensure high visibility of the SDO role. During our interviews, it was unclear the extent to which people were aware of the role of SDOs. This identifies an interesting opportunity to conduct research to find out how visible this role is within the organization. A recent audit on Values and Ethics conducted by Public Safety Canada lends credence to this hypothesis; they reported that only 50% of respondents reported feeling comfortable reporting to their departmental SDO⁵¹. This is quite discouraging, given the primary function of this role. Departments may want to reflect on how they currently inform their employees about the existence of these roles and identify ways in which to increase frequency of communication and clarity.

⁵⁰ Mesmer-Magnus & Viswesvaran, (2005).

⁵¹ Readers who are interested in reading the complete report can find it here: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2014-ntrnl-dtvl-thcs/index-en.aspx>

6. HOLD PEOPLE ACCOUNTABLE

- Countless people we spoke with highlighted the exceptional frustration that occurs when inappropriate/unethical behaviours are brought to light. In almost every case, the executive receives a “slap on the wrist” and/or “gets moved.”

This sends a chilling message that executives only care for their own. To truly transform the federal public service and foster employee voice, it is essential that individuals, and especially executives, are held accountable for their behaviours. As noted by several interviewees, executives are non-union, so there is an open question as to why these individuals are not fired or, at the very least, demoted to a non-leadership role.

The importance of accountability when it comes to creating a culture of speaking up was powerfully expressed by Kleinhempel (2011):

“Effective treatment includes corrective steps to remedy the consequences of reported wrongdoing and adequate punishment for culprits, regardless of their job title and their relevance for business success. The entire organization is watching when a company investigates a misconduct report, reading into every sign and measure to gauge top management’s sincerity and commitment. Internal justice, rewards and punishments provide a set of criteria for employees to measure just how ethical their organization is and act accordingly.”

Taking employees’ complaints and reports seriously shows a face of corporate culture, and, at the same time, sends a strong signal to encourage potential whistleblowers

Whistleblowing programs may be beautifully designed, but they only prove effective if they reflect the true culture the company embraces day in and day out through management behavior and the values conveyed by example.”

- Although it is understood that not every detail can be made public, departmental executives should share as much information as possible so people know that these concerns are taken seriously and a subsequent action will result. This can go a long way to restoring faith in the process.

- There may also be something to be said for holding leaders accountable when something was happening in their area and they failed to report it. Although this may be an error of omission rather than one of commission, each behaviour has serious consequences.
- Although departments are required to share the results of an investigation into an incident of wrongdoing, our interviews suggest that far too often these are buried somewhere in the departmental website, with little attention drawn to it. Rarely, if ever, do senior executives talk about it openly. This can reinforce the idea that senior leaders are not interested in hearing about these incidents. Another damaging consequence is that it may lead to the perception that loyalty is indeed more important than fairness.

As such, it is highly recommended that leaders, and senior executives in particular, talk openly about these cases (with due care for privacy and confidentiality, of course). Modelling a culture of transparency may enhance the confidence people place in the system, while also letting employees know that this kind of disclosure behaviour is valued.

7. TAKE IMMEDIATE ACTION

- Unethical or inappropriate behaviours can emerge quickly and, sometimes, without warning. This creates a critical decision point, as leaders need to decide how to respond in the moment. In many cases, because of discomfort or not knowing what action to take, leaders “move on” and hope that the incident will either be forgotten and/or cease to continue. Unfortunately, without an immediate response, the credibility of both the leader and the organization will likely be seriously questioned.
- Another issue with delaying action is that it sends mixed messages to the broader organization. If adherence to values and ethics are truly cornerstones of an organization, leaders should respond immediately if there is a breach. Without such decisiveness, people may wonder whether these values are as important as advertised.

This recommendation is particularly important for the most senior executive within the department, as they are the ultimate role models for creating an ethical climate. If there is hesitation or disinterest shown in these issues, it is hard to

imagine other leaders and/or employees speaking up. Even worse, it could send the message that these inappropriate behaviours are condoned or even desired.

- Although taking immediate action is essential, it is equally important to follow-up with the individuals who disclose wrongdoing and let them know as much information as possible⁵². Otherwise, whistleblowers may understandably assume that nothing was done and/or nobody cares, which can lead to little or no confidence in the system.

8. WALK THE TALK

- A recent study examined the conditions under which employees would feel most comfortable speaking up, including raising problems and significant issues to senior management⁵³. The most effective strategy was active solicitation by leaders. This involved a concerted effort on the part of the leader to engage employees for their feedback and ideas by asking questions about areas for improvement or emerging issues. Another powerful strategy would be to initiate these conversations while employees are directly engaged in their work. This could potentially stimulate real-time feedback, given the proximity of the activity.

It is important to note that this finding suggests that having an open-door policy is insufficient, because it puts the onus on the employee to take advantage of this opportunity. Even with an open-door policy, employees may assume that the leader is just doing this because it is required or to try and demonstrate openness. Actively engaging their team members and soliciting feedback sends a powerful message about its importance. It also normalizes the behaviour as part of the regular day-to-day.

⁵² Burris, Detert, & Harrison (2010)

⁵³ Burris, Detert, & Harrison (2010)

- This research also showed other leader behaviours that were positively related to employees speaking up. Not surprisingly, leaders who took action on employee suggestions and ideas were significantly more likely to have employees raise concerns, because they felt psychologically safe to do so (see below for more on this topic). Also, those leaders who followed up on worker input also prompted more speaking up behaviours from their employees.
- The weakest predictor of employee voice was formal mechanisms, such as suggestion boxes, intranet bulletin boards, or appointing a designated person to collect complaints (e.g., SDO). It was hypothesized that the weakness of this relationship is because these mechanisms do not require much, if any, effort from the leader because they are set up and function independently. These options do little to reassure employees that their leaders are genuinely interested in hearing from them.

Unfortunately, in some cases, organizations and their leaders can hold up their code of conduct or policy as their “badge of morality⁵⁴”. In other words, these leaders feel that their departments must engage in moral and ethical actions because their policies and procedures mandate such behaviour. This approach is neither realistic nor effective. While leaders must ensure codes and policies provide a roadmap for how to behave, more importantly, other systems and safeguards must be put in place to ensure these behaviours are modelled and lived daily.

Numerous individuals commented on the fact that no matter how often senior leaders talk about the importance of disclosing wrongdoing during Values and Ethics Week, in many cases, it comes across as checking a box rather than as a firm commitment. It feels more like an obligation (i.e., I have to say this) rather than a passionate commitment (i.e., I want to say this). Creating a safe environment is not an annual event. It is lived and promoted every single day.

- Managers and executives within departments would be wise to remember to mention specific points in their communications. First and foremost, ethical leaders should emphasize that employees have a responsibility to disclose any inappropriate behaviours. Leaders should also routinely inform employees of the individuals they should consult to seek guidance and counsel about whether/how to move forward.

⁵⁴ Brief, Buttram, & Dukerich (2001)

Senior Executives/Deputy Heads should send out a clear message that there is zero tolerance for reprisal behaviours. They also should create awareness around the internal resources available for people (e.g., Informal Conflict Resolution, Employee Assistance Program, etc.), the internal departmental procedure (e.g., SDO) as well as PSIC. This empowers people to take action and removes uncertainty around the process of reporting. Also, it would be very beneficial to share elements of appropriate and inappropriate cases look like and why.

Regularly communicating these messages reinforces the perception that issues of ethics and integrity are of high importance to the organization. It also validates the notion that employees are well within their rights, and encouraged, to share their concerns.

- Leaders and executives need to act more on public knowledge. For example, if word is getting around a department that nobody wants to work with Mr./Ms. X, then this should set off some alarm bells. Departments should decide how to proactively get involved, before it a formal complaint is given or people choose to exit the situation. Just because people are not speaking up does not mean the rumours are not true. In fact, the exact opposite may be the case, where people are afraid to step forward.

This situation is compounded when leaders with poor behaviours get promoted. This is devastating to the trust within the department and can be extraordinarily difficult to overcome.

- Finally, when possible, organizations may consider publicizing when an incident of whistleblowing has led to positive change. Sharing these success stories improves the likelihood that other potential whistleblowers will be motivated to alert top management of wrongdoing, as they may feel inspired that their reporting may lead to positive change.

9. TRAINING AND EDUCATION

Extensive training and education are important elements in fostering a culture of speaking up. This section reviews the variety of training opportunities available:

- Moral/ethical reasoning for leaders. Numerous researchers have strongly recommended providing ethics training programs in order to grow the ethical/moral reasoning ability of leaders⁵⁵. However, not surprisingly, these programs will be ineffective, if not harmful, if the actual behaviours within the organization do not match the content. To be effective, these programs must show that ethical conduct is valued, not just in word, but also in deed⁵⁶.

There are many benefits of an ethics/moral reasoning program. As previous research has shown, managers who possess higher levels of moral and ethical reasoning are significantly more effective in their roles, as they would be far better equipped to navigate the complexities of their work environment and be more sensitive to the moral and ethical implications of various situations. Ab Ghani et al. (2011) also suggested that possessing advanced ethical reasoning allows supervisors to be able to resolve ethical dilemmas without leading to harm to others in their organizations. Fortunately, this is a skill that can be learned, and effective training can help supervisors enhance their ethics/moral reasoning and be positive role models for their teams.

- Scholars have also recognized the need for managers to receive training on how to deal appropriately with disclosure situations⁵⁷. While managers may sometimes get training on the various facets of leadership, to our knowledge, there are currently no courses, workshops, or development opportunities to prepare managers on how to deal with this type of situation. Through the interviews we conducted, people routinely highlighted the potentially damaging impacts of managers reacting poorly (e.g., by becoming defensive or showing signs of discomfort such as blushing, folding their arms, sitting back in their chairs, etc.) when their employees raised these types of concerns. This could signal to employees that speaking up is inappropriate, which would undoubtedly dampen their willingness to do so in the future.

⁵⁵ Jones, Massey, & Thorne (2003); Treviño, Weaver & Reynolds (2006)

⁵⁶ Ritter (2006); Treviño & Nelson (2007); Weber (2007)

⁵⁷ Mayer, Nurmohamed, Treviño, Shapiro & Schminke (2013); Mesmer-Magnus & Viswesvaran (2005)

Even the most well-intentioned leaders could fall victim to this trap because of their discomfort. These workshops could provide strategies for managers on how to deal with these situations (e.g., using exploratory, non-judgemental questions). Considerable time should also be spent on educating the managers about the types of emotions they may feel in the moment as well as provide concrete strategies for how to effectively manage these feelings so they do not cause derailment when it matters most. Last but not least, managers could also benefit from knowing the key resources to which they can refer their employees (e.g., Employee Assistance Program, SDOs, etc.).

It should be noted that one of the reasons why leaders may feel uncomfortable receiving this information is they may feel it reflects poorly on their ability to manage their team. These fears may prompt otherwise “good” leaders to turn a blind eye to these inappropriate actions or minimize their importance. This is understandable. However, raising awareness about these potential pitfalls can better equip leaders to navigate these situations in the future should they arise.

The importance of providing this type of training is underscored by international research, which showed that the vast majority of employees initially attempt to blow the whistle internally⁵⁸. A series of studies of involving public sector employees in Australia showed that 97% of employees initially disclosed wrongdoing internally, with only 10% ever going outside their organization⁵⁹. This highlights how critical the initial reaction of leaders is in this process, as it provides an opportunity for intervention, before the situation escalates.

- Training should also focus on our ethical blind spots. Considerable research has documented how ethical people can make unethical decisions⁶⁰. Managers should be exposed to this field of study to better prepare themselves to navigate these situations.

This phenomenon of acting counter to our belief system was powerfully illustrated in the book “Blind Spots” (Bazerman & Tenbrunsel, 2011). The authors convincingly argue that the reason so many people fail to do what they think is right is because of the different systems they use to process their actions in any given moment. For example, when people are asked to consider how they would

⁵⁸ Moberly (2014)

⁵⁹ Donkin, Smith, Brown (2008)

⁶⁰ Cacrucci, (2016)

behave in a hypothetical situation, they are approaching it from a cold, unemotional state. In this context, people engage in rational thought and select an option that is aligned with their idealized self.

However, when faced with the situation in real life, people often act contrary to this assertion because they have undervalued or completely discounted the power of the emotions they would experience at the time. Essentially, they are emotionally hijacked.

This sets up an interesting scenario because people need to continue to see themselves as a “good person,” which leads them to tend to rationalize their behaviour after the fact, and deflect blame to external circumstances.

Bazerman and Tenbrunsel (2011) suggest that in order to maximize the chances that individuals will follow our moral compass, they should be encouraged to not just think about various situations, but also imagine how they would feel during these encounters. This would ensure that the possible emotional triggers that might derail them could potentially be circumvented and they would be more likely to follow their core beliefs.

- Training should be provided to all levels of the organization. Scholars note that ideally this type of training would be offered to all employees, regardless of their level or role within the organization⁶¹. Although the training could be tailored to the specific concerns and challenges of different groups, some core concepts could be shared with everyone, by providing strategies for dealing with disclosures and identifying the possible emotions that may be involved.

One example provided in the literature was that while leaders need to understand what it means to be an “ethical leader” in their organization, employees also need to recognize they play an invaluable role in creating an ethical climate through their behaviours⁶².

⁶¹ Anand, Ashforth, & Mahendra (2004); Mesmer-Magnus & Viswesvaran (2005)

⁶² Mayer, Nurmohamed, Treviño, Shapiro & Schminke (2013)

- Another important, yet arguably more powerful, training opportunity lies within the control of every leader, regardless of where they sit in the organizational hierarchy. Specifically, team leaders could regularly bring their employees together to talk about the possible ethical scenarios they may encounter. This kind of forced introspection may raise awareness amongst employees about such scenarios and provide an opportunity to discuss the most appropriate courses of action to take if faced with such a scenario.

This kind of open exchange would accomplish several goals. First, it identifies and makes clear the parameters for behaviour that should be reported, which maximizes the likelihood people will take appropriate action when warranted. Second, it demonstrates to all parties involved that these situations are complex and emotionally-charged. It minimizes the probability that individuals may feel alone in their struggle of dealing with these issues.

10.IT TAKES A VILLAGE

A series of three studies examined the complex social influences that can affect our willingness to speak up. The research team predicted that employees would be most inclined to disclose wrongdoing if they perceived both their supervisor as well as their co-workers as ethical. In situations where one of the two parties was deemed unethical, this would dampen whistleblowing. The following graphic illustrates this relationship:

Figure 1: Likelihood of reporting based on perceptions of leader and co-worker ethics

	Leader Ethical	Leader Unethical
Co-workers Ethical	Most likely to report	Unlikely to report
Co-workers Unethical	Unlikely to report	Unlikely to report

According to the researchers, when both supervisors and co-workers are deemed ethical, this sends a consistent message to employees that it is expected and safe to report wrongdoing. However, if one of these groups is not seen as ethical, this dampens the willingness to speak, even when a supervisor is supportive, because there is no confidence in the system.

This is precisely what their research uncovered. Individuals who felt their supervisors and colleagues were ethical were significantly more likely to blow the whistle. Equally as interesting, when both parties were ethical, employees also felt less fear of reprisal. Consequently, the researchers argued that building a culture that supports internal whistleblowing “takes a village⁶³.”

Extending these findings, it was recommended that leaders should not only pay attention to their words and deeds, but also the norms and behaviours within the group. If team members are not displaying ethical behaviours or are downplaying/trivializing it, this may seriously impact the willingness of team members to speak up. More broadly, senior executives/departmental leaders should keep an eye on the degree of consistency or inconsistency across all levels of their organization.

GLOBAL RECOMMENDATIONS

1. CONDUCT MORE RESEARCH INTO FEAR OF REPRISAL

A centralized agency such as TBS, or an independent body such as PSIC, could sponsor another research project examining fear of reprisal more broadly across the federal public service. A detailed survey could be sent out to better understand whistleblowing, fear of reprisal, as well as employee confidence in the current systems, including suggestions for improvement.

One benefit from these surveys is that respondents could nominate an Ethical Leader who they know or have worked for (e.g., those whom people feel most comfortable disclosing). These individuals could form an “expert focus group” designed to better understand ‘best practices’ for creating an ethical culture.

2. REVIEWING THE PUBLIC SERVANTS DISCLOSURE PROTECTION ACT (PSDPA)

Although providing a detailed examination of the current Act is well beyond the scope of this paper, one key observation should be made. The Government Accountability Project created six “best practices” for whistleblowing legislation, which were based on almost 40 years of their lessons learned.

⁶³ Mayer, Nurmohamed, Treviño, Shapiro & Schminke (2013)

Their experts argue that one of the most important elements of effective legislation relates to “burden of proof” - the amount of evidence one has to provide to prove a case. In their view, an international best practice would be to require the employer to present additional evidence to support their innocence whenever a reprisal is brought rather than this burden falling on the whistleblower/complainant of reprisal⁶⁴.

3. RAISE AWARENESS AND BETTER PROMOTE MANDATE OF PSIC

- During their interviews, PSIC employees shared that when people come up to their booth at various public forums and knowledge fairs, the operating assumption is that PSIC are the experts and fully manage the whistleblowing function, which is not the case. This is the responsibility of Treasury Board Secretariat (TBS). This led to a sense of confusion and frustration within employees. While this is not meant to criticize TBS, what it does suggest is that there is an outstanding opportunity to identify ways to better educate and promote the parameters of whistleblowing within the federal public service. It is therefore suggested that consultations be held between TBS and PSIC to determine the best path forward.

This recommendation goes beyond the upcoming legislative review of the Public Servants Disclosure Protection Act. Given that 2017 marks the 10-year anniversary of PSIC, the time may be ripe to reflect on lessons learned and determine how best to organize the whistleblowing regime to maximize its effectiveness for all parties. Only through this high-level consultation and collaboration will the desired culture shift take place.

- PSIC should continue their efforts to promote their existence and how they support whistleblowing within the federal public service. Several interviewees stated the name does not clearly denote what they do and raises questions/confusion.

⁶⁴ Readers interested in accessing the full report should check out Checkmate to Corruption: Making the Case for a Wide-Ranging Initiative on Whistleblowing Protection (Public Services International, November, 2016)

FINAL THOUGHTS

Most people would agree that upholding the highest standards of ethics and integrity is of paramount importance to the federal public service and its employees. By extension, it is reasonable to assume that it would not only be expected, but desirable, to have an environment in which people are able to speak up about any potential wrongdoing. However, despite its obvious importance, this is not easy to achieve.

There are several factors that can encourage us to speak up and it is clear through this review that this is a collective responsibility. Leaders, stakeholders (e.g., PSIC, TSB), and employees all have a part to play.

To build a safe environment will take an enormous culture shift, one in which dissent is acceptable and encouraged. It also requires that whistleblowing become more normalized. Rather than being seen as either heroic or demonic, it needs to become part of the fabric of our day-to-day environment.

Despite the challenges ahead, research highlights a path forward. By building capacity and exhibiting moral courage, the federal public service can be the standard-bearer for the world in this domain.

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