

## Workers Hesitant to 'Blow the Whistle'

**Experts say it's not surprising a recent Spherion Corp. survey indicates more than 50 percent of workers are reluctant to report unethical behavior in their workplaces. They offer some reasons for the trepidation.**

By Mark McGraw

According to a recent survey, a majority of workers still have reservations about putting a stop to unethical behavior in the workplace.

In a poll of 1,436 employed adults, aged 18 and older, conducted by Ft. Lauderdale, Fla.-based Spherion Corp., 34 percent of respondents say they have seen unethical activities at their companies – with less than half (47 percent) saying they would be likely to report their companies or bosses for these types of actions.

That second number is "not surprising," says Michael Behn, founder of Chicago-based law firm Behn & Wyetzner, and a former federal prosecutor in the Southern District of New York.

"All of us have been taught since [childhood] that it's wrong to be tattletales," he says.

There are also other factors in play that contribute to a hesitance to speak up about unprincipled or inappropriate conduct within organizations, says Richard Lamond, senior vice president and chief HR officer at Spherion.

"Most employees rely on their relationships with their immediate supervisors or managers" on a daily basis in their jobs, says Lamond. The possibility of damaging that relationship – on a short- or long-term basis – makes it difficult, he says, for some employees to "bring up negative information" in the workplace.

An employee may also be hesitant to report unethical behavior, he says, because they fear the "whistleblower" label may not only create a hostile environment for them in their current job, but may follow them in their future endeavors, and perhaps even knock them off their career path entirely.

"There is still a fundamental element in the employee population that has a reluctance to speak out, for fear of having someone point a finger at them, or a fear of retaliation," he says.

At least, to some extent, the term "whistleblower" still has negative connotations, Lamond says. In his 30 years as an HR professional, he says, he has found that "most employees do have a level of concern about what they should say" regarding dishonorable conduct within the companies they work for.

The reticence is deep-rooted, says Behn.

"One could make a rational decision that it's better for [a person's] own self-interest not to put [him or herself] in the position of a whistleblower; that it would be best to 'get along by going along,' " Behn says. "It's still difficult – as it has been through time – to take a position that may be absolutely correct and moral, but is against the culture of the particular organization [an employee] is with."

But things have begun to change somewhat, Lamond says, as measures have been enacted to counter unethical behavior and encourage employees to report it – including, of course, the advent of the Sarbanes-Oxley Act.

The requirements of Sarbanes-Oxley have "certainly had an impact on corporate governance," Lamond says, as it holds executive management accountable for the creation of financial control and disclosure programs as well as for reporting on the effectiveness of the company's internal controls at the close of each fiscal year.

In addition, more organizations, Lamond says, are putting policies in place to protect workers, including the creation of confidential hotlines where employees can report unethical or fraudulent acts anonymously.

The hope, Lamond says, is that such actions will provide a safe haven for whistleblowing employees and give them confidence to step forward without fear of reprisal.

While Behn also feels Sarbox has helped raise the consciousness of corporate executives about the importance of compliance, particularly regarding accounting practices, he believes the act "did not go nearly far enough" toward protecting employees.

"The consequences of whistleblowing are really only positively addressed by the Federal and State False Claims Act, which provides real teeth . . . in terms of compensating individuals for the extreme risks they take with their livelihoods and their lives by coming forward," he says, "as well as providing real protection against retaliation."

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