



How to Respond to Whistleblower-Driven Allegations

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Introductions



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Agenda

- Understanding whistleblowers
- Internal complaints and reporting channels
- Conducting internal investigations
- External reports and investigations
- Providing feedback to whistleblowers



Understanding Whistleblowers



Setting the Scene: Understanding the 2021 Data

Externals continue to climb

Large increase in the number of external WB complaints, especially to SEC (2X)

HR complaints important as ever

Number of retaliation complaints doubled, harassment and discrimination complaints are beyond #MeToo levels

Fraud Reporting

Internal complaints of fraud increased significantly

Anonymous Reporting

Continued decline in anonymous reporting; now close to 50%

Continued vigilance needed for retaliation complaints

Substantiation of retaliation complaints stayed the same.

Impact of the Great Resignation

Record-level # of resignations requires employers to pay special attention to exit interviews



Understanding Whistleblowers

- Is there a whistleblower personality type?
- What typically motivates an employee to blow the whistle externally?
- How do whistleblowers support their reports and complaints?
- What steps can employers take to encourage employees to speak up about internal compliance concerns and workplace misconduct?



Internal Complaints and Reporting Channels



Internal Complaints and Reporting Channels

- What concerns do whistleblowers most commonly voice about their companies' internal reporting processes?
- What most often causes internal reporting channels to fail?
- When a complaint comes in and it is anonymous, should we try to identify the whistleblower before or during the investigation?
- What can we do if an accused blows the whistle on others in the business for the same misconduct?



Conducting Internal Investigations



Conducting Internal Investigations

- What can we do if it becomes evident that an internal whistleblower has engaged in wrongdoing? How can we avoid the investigation itself later being deemed retaliatory?
- What can we do if we find the whistleblower's complaint was made in bad faith?
- During the investigation, what should we do if the whistleblower (who we have asked to stay on the sidelines) nevertheless continues to investigate?
- What steps can we take if we have learned that an internal whistleblower has reported concerns externally?



Providing Feedback to Whistleblowers



Providing Feedback to Whistleblowers

- **Tone**—empathetic, without judgment, appreciation
- **Frequency**—every one to two weeks
- **Preserving anonymity**—lay the groundwork for follow-up communication (how to do it) in training
- **Accountability**—make sure they know who the investigator is, as well as others managing the case
- **Ensure consistency**—all persons who communicate with the whistleblower speak from the same page
- **Responsiveness**—provide notice of major steps taken, who will answer questions, and resolution if shareable
- **Beware perceived soft retaliation**—shunning, change in work assignments, not being invited to meetings

- Communication is a critical step in your process.
- It is a shared responsibility.
- Keep these considerations in mind.



Questions?



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Resources

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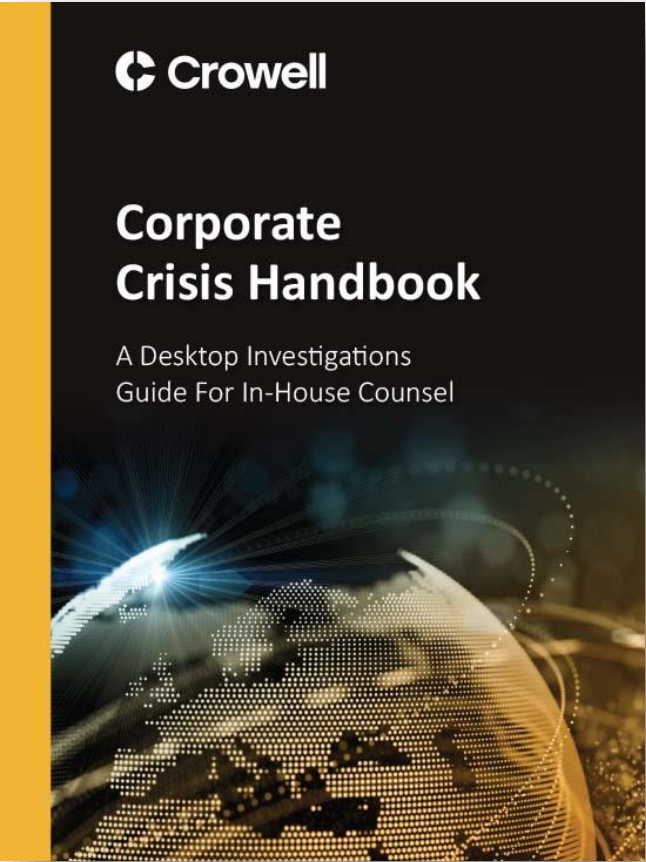


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