

# How to IMPLEMENT

an effective Speak Up framework

Does your organisation employ 50 people or more?

## YES

The *Whistleblower Authority Act* makes it mandatory to have an internal procedure to speak up at least specifying:

- What employees can report and when, both internally and externally.
- To whom employees report and how.
- What the rights of a reporting employee are.
- What the organisation will do with a report.

NB: the position of employees in a specific sector or in a foreign company might be different because of sectoral or foreign legislation, and therefore requires extra attention.

## NO

Although not required by the *Whistleblower Authority Act*, it is highly recommended to implement an effective Speak Up framework for the identification and prevention of wrongdoing, and the creation of a safe working environment within your organisation.



## 3 STEPS TO AN EFFECTIVE SPEAK UP FRAMEWORK

### 1 RECOGNISE AND ASSESS REPORTS

#### Advice & support

Appoint confidential advisor to provide free and confidential advice to employees who consider filing a report.

#### Reporting mechanism

Establish clear procedures for handling cases before, during and after reporting and offer multiple reporting channels.

#### Response mechanism

Provide proper and timely feedback to a reporting employee and diligently follow up on reports.

#### Risk assessment & triage

Risk rate reports into low or high risk to effectively pursue urgent cases and route reports to the appropriate officers for investigation.



### 2 SUPPORT AND PROTECT EMPLOYEES

#### No retaliation

Prohibit retaliation, offer possibility of reporting retaliation, follow up on reports, sanction people who retaliate and offer remedies for employees who suffered retaliation.

#### Confidentiality

Secure information and ensure all parties work to maximise the confidentiality of both reporting employees as well as the "accused".

#### Anonymity

Provide the possibility to file a report on anonymous basis.

### 3 COMMUNICATE, MOTIVATE & TRAIN STAFF

#### Ethical workplace

Promote psychological safety at the workplace, "walk the talk" from the top, and actively recognise and enhance ethical leadership.

#### Communication

Ensure all employees are well-aware and informed of Speak Up framework, publish anonymised statistics and lessons learnt from whistleblowing cases.

#### Training

Provide regular training for employees on Speak Up framework and for officers responsible for receiving and investigating reports.

#### Roles and responsibilities

Appropriately resource internal department with specialists for all key speak up process roles, and ensure they operate independently and that they are recognised and respected by management.

# Why

# IMPLEMENT

an effective Speak Up framework

Incidents occur in every organisation. If an incident has an impact on society, legally it is considered as wrongdoing. A Speak Up framework is intended for the reporting of (a suspicion of) wrongdoing. There are many other incidents such as a breach of rules or unethical behaviour that may also have substantial consequences for an organisation. It is important that a speak up mechanism facilitates the reporting of such incidents which are included in the definition of wrongdoing in this leaflet.

NB: Employment disputes are not included in the definition.



## 1. Identification and prevention of wrongdoing

At the workplace, an effective Speak Up framework is essential to stimulate your employees in speaking up against wrongdoing. For such a framework it is essential that it protects employees against retaliation. Staff members are the eyes and ears of any organisation. Research has shown that almost half of all fraud cases are discovered through Speak Up reports. By providing your employees with reporting channels, Speak Up frameworks allow for the identification of problems which might otherwise not surface, and for subsequent remedial action to be taken. An effective Speak Up framework is a key tool to identify and prevent wrongdoing. **It protects organisations against the effects of misconduct, including legal liability, financial losses and reputational damage.** A Speak Up framework also fosters a corporate culture of trust and responsiveness and has the potential to strengthen the organisation's credibility, reputation and morale.

## 2. Limitation of risks

The absence of an effective Speak Up framework may lead to an employee not reporting at all or immediately disclosing

the case externally. Moreover, **a court can reprimand you in case of wrongdoing and hold you accountable for lack of good employment practices.** In addition, in case of a conflict about retaliation, it may consider the lack of a proper Speak Up framework as a lack of clarity on the part of the employer and may decide in favour of the employee. The lack of an adequate Speak Up framework may therefore cause you financial damage and reputational damage.

## 3. Free advice from employees

A clear and comprehensible reporting procedure, which is properly implemented, ensures that employees can report wrongdoing at an early stage, in a low-threshold, confidential and secure manner. Initially, you may not be keen to receive reports of wrongdoing. No one likes to

hear what is wrong within their organisation and investigating suspicions of wrongdoing takes time. But **if wrongdoing comes to light at an early stage and you are able to resolve it internally, it is especially beneficial for your organisation.** It prevents incidents from escalating and from causing further damage. An effective Speak Up framework increases the self-cleaning capacity of your organisation. Therefore, you can consider a report as free advice, which you better appreciate.

## 4. Creation of a psychologically safe workplace

Inclusive employers foster a Speak Up culture by creating a psychologically safe workplace, and by promoting a culture where individuals can openly speak up without fear of retribution. A comprehensible reporting procedure is an important element and helps to facilitate such culture. **If employees dare to report wrongdoing, this also means that you have loyal employees who feel safe at their workplace.** If an employee did not feel safe, he would never dare to report. In that sense, every report is a compliment to your organisation.

