

PSYCHOLOGY OF WHISTLEBLOWING:

A fresh approach for employment lawyers

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Agenda

1. Introduction to key themes

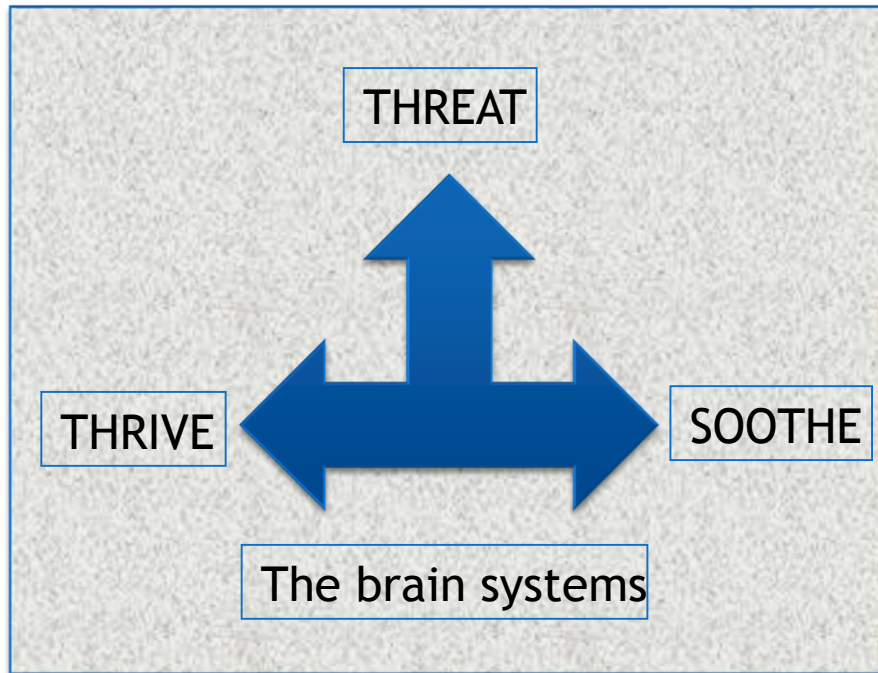
2. The employer's perspective

3. The worker's perspective

1. Introduction – Joanna Wilde

The psychological factors

The impact of the biological



The impact of the social



Attribution error: in-groups and out-groups

Compliance and bystanding

Groupthink and catastrophic decision-making

Whistleblowing

In deciding to speak the following factors relevant

Type of wrongdoing;

Likelihood of action will be taken (trust variables);

Assertiveness and certainty of the individual;

Creeps up on people.

When Action Taken

Physical retaliation on the rise - 22%;

75% have a move to dismiss made against them;

This is more likely if a favoured employee;

All get bullied;

More likely to be educated and be good at their job.

Sense of treachery

Leads to disbelief

Leads to mistreatment

Leads to silencing of witnesses

So creates bystanders

Who get sick

And Organization is damaged.



*Peace of mind
is damaged by concern*

Enact psychological
'suicide' so in threat

High stakes around
the martyrdom
being worth it.

Strategic persistence



The whole risk

Legal risk.....

Operational effectiveness

- Short term - governance improves but reputation is damaged
- Medium term compliance behaviour inhibits org effectiveness -
- Long term - organizational failure from catastrophic error

Health and safety at work

- Increase in fear levels in organization - injustice in workplace risk factor for depression
- Mental ill health damage (£104billioin pa in the UK and 50% work related)

Just imagining a positive exchange across a boundary can reduce the negative impact of the group boundary

Active behavioural strategies can inhibit worst impact of groupthink.

But managing everyone's fear is the critical issue



How does knowing this impact how the litigation maze needs to be managed?

2. The Employer`s Perspective (1)

1. The internal stages.

For employers and their advisers.

2. The Employer`s Perspective (2)

a. In advance of any disclosure being made;

2. The Employer`s Perspective (3)

b. At the point a whistleblowing disclosure is made.

2. The Employer`s Perspective (4)

c. When investigations / internal procedures are under way.

2. The Employer`s Perspective (5)

d. Upon conclusion of the internal procedures.

2. The Employer`s Perspective (6)

e. In the longer term.

The Employer`s Perspective (7)

2. The Litigation Process

- a. Should the usual approach to litigation be modified? If so, how and why?

2. The Employer`s Perspective (8)

b. Key pointers – dos and dont`s;

2. The Employer`s Perspective (9)

c. Settlement discussions

2. The Employer`s Perspective (10)

d. The hearing

The Worker`s Perspective (1)

1. The Internal Stages

For workers and their advisers

2. The Worker`s Perspective (2)

- a. How to identify a negative organisational mindset.

2. The Worker`s Perspective (3)

b. How to change a negative organisational mindset?

2. The Worker`s Perspective (4)

c. Identifying what support is needed.

2. The Worker`s Perspective (5)

d. Key pointers – asking the right questions and dos and don`ts.

2. The Worker`s Perspective (6)

2. The Litigation process

a. Client care considerations

2. The Worker`s Perspective (7)

b. Managing client expectations

2. The Worker`s Perspective (8)

c. Preparing the client for the hearing

2. The Worker`s Perspective (9)

d. Dealing with the ET decision.

Questions



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