

RISK COMMUNIQUÉ

Workplace Wrongdoing/Whistleblower Policy Management Liability and Employment Practices Risk Management

This Communiqué provides sample language in developing, integrating, or modifying a Workplace Wrongdoing/Whistleblower policy. Employees must understand that your organization encourages reporting of workplace wrongs without the fear of retaliation. Thus, the sample policy below emphasizes the multiple avenues of internal reporting and how to conduct a prompt and thorough investigation, with the intention of stopping workplace wrongdoing and preventing future occurrences.

Workplace Wrongdoing/Whistleblower Policy (SAMPLE)

[Organization's name] management and employees are required to observe and uphold high standards of professional and personal conduct while fulfilling their job duties. All employees of [Organization's name] should promptly report actual or suspected occurrences of workplace wrongdoing, and may do so without fear of retribution. Workplace wrongdoing may include, but is not limited to, the following:

- violation of any local, state or federal law
- violation of any organizational policy
- any instruction to violate or assist in violating any local, state, or federal law or regulation
- any order to work outside the scope of job duties that would unreasonably threaten the health or safety of organization members or the public
- use of [Organization's name] property, authority, or resources for personal gain or other non-organization-related purpose
- questionable accounting or auditing practices

Non-Retaliation

[Organization's name] prohibits and does not tolerate retaliation against any employee because of that employee making a good faith report of workplace wrongdoing, making a claim against the organization, participating in any related investigation, or using [Organization's name] benefits. Any person who engages in such prohibited retaliation is subject to disciplinary action, up to and including termination. Regardless of title or position, no person has the authority (expressed, actual, apparent or implied) to retaliate against any person.

Reporting Procedure

If you are personally subjected to or observe work-related wrongdoing, you should immediately report to your supervisor, supervisor's supervisor, human resources director/manager or any member of management.

Non-Confrontation

You are not required to directly confront any persons who are the source of your problem or are closely associated with the person who is the source of the problem. Instead, you may utilize any of the other safe avenues of internal complaint. Employees are required to make a reasonable effort to bring forward any allegations of workplace wrongdoing so the organization may promptly stop such wrongs and prevent future occurrences.

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Investigation

[Organization's name] will promptly and thoroughly investigate complaints or allegations and take appropriate measures to stop workplace wrongdoing and prevent future occurrences. The organization will keep the complainant(s) and person(s) accused of workplace wrongdoing informed as to the investigation and resolution of the matter.

Conflict of Interest Check

The organization will make every effort to ensure that those named in a complaint, as well as those too closely associated with those involved in the complaint, will not be part of the investigative team or efforts. Moreover, [Organization's name] can, at its discretion, utilize a neutral, third-party investigator to address allegations of workplace wrongdoing or otherwise resolve personnel conflict.

Confidentiality

Reports of policy violations or suspected violations will be kept as confidential as possible, while still allowing for a comprehensive and adequate investigation. An individual may submit concerns anonymously, keeping in mind that, in the course of the investigation, it may become necessary that the source of the complaint be identified. The organization is committed to facilitating discreet investigations that are equitable to all parties involved, but cannot guarantee absolute confidentiality.

False Allegations

[Organization's name] recognizes that making false accusations of workplace wrongdoing can have serious consequences for those who are wrongly accused. To that end, the organization prohibits deliberately making false and/or malicious allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination. Moreover, civil or criminal actions may be taken against those for making knowingly false or malicious allegations of workplace wrongdoing.

Conclusion

Leaders are committed to the safety, health and wellness of their employees while on the job. Implementing a comprehensive Workplace Wrongdoing/Whistleblower policy helps ensure a safe and productive work environment for all employees. Please consult with legal counsel that is experienced in labor and employment matters before instituting or updating personnel policies.