Track 4 – Breaking the silence. Historical and cross-cultural perspectives on whistleblowing and responsible innovation of organizational transparency

(Kristian Alm, BI, Oslo, Norway; Heidi Karlsen, BI, Oslo, Norway)

Wednesday 28th 13:30-15:30 – Session 1 – Chair: Heidi Carlsen

Wednesday 28th 17:00-18:15 – Session 2 – Chair: Kristian Alm

Session 1
Chair: Heidi Karlsen, Norwegian Business School (BI), Oslo, Norway

Abstracts

The whistleblowing institute and its importance for responsible innovation in Brazil

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The present study seeks to understand whether there is a relationship, and if so, what it is, between the Whistleblowing institute in Brazil and responsible innovation. To fulfill this objective, the study will test the hypothesis that this institute is highly relevant for responsible innovation, as it proves to be a crucial practice for preventing and combating unlawful conduct in the environment of innovative processes and the development of new marketable products. Additionally, it reinforces ethical values in both the public and private sectors and, ultimately, serves as a significant instrument for the realization of democratic values. To make the analysis possible, a national and international literature review on the topics and Brazilian legislation will be adopted.

The definition of whistleblowing is found in various sources, both in academia and in treaties and publications of international organizations. For this work, we will adopt the definition provided by Peter Jubb, who understands whistleblowing as "[...] a deliberate non-obligatory act of disclosure, which gets onto public record and is made by a person who has or had privileged access to data or information of an organization, about nontrivial illegality or other wrongdoing w hether actual, suspected or anticipated which implicates and is under the control of that organization, to an external entity having potential to rectify the wrongdoing." (JUBB, 1999). Furthermore, the fact that the whistleblower has no involvement in the unlawful action adds to this (RUIVO & PIRES, 2020).

Brazil, albeit in a modest manner and not resembling foreign legislation, has introduced the figure of the whistleblower into its legal system. First and foremost is Law nº 12.846 of 2013, which encourages the establishment of reporting channels in private organizations, although without a mandatory character, as, for example, the European Union has implemented. In

public companies, due to Law nº 13.303 of 2016, these channels are mandatory. However, the most noteworthy is Law nº 13.608 of 2018, subsequently amended by Law nº 13.964 of 2019. Together, these laws establish the tripod that encourages, albeit not in the manner the international community expected, the act of whistleblowing, including (i) the creation of reporting channels, (ii) secrecy and protection, and (iii) rewards for the whistleblower (ROCHA, 2021).

Just like the definition of whistleblowing, the concept of Responsible Innovation has various proposals. However, for this work, we will adopt the concept of R. von Schomberg, who understands it as "[...] transparent, interactive process by which societal actors and innovators become mutually responsive to each other with a view to the (ethical) acceptability, sustainability and societal desirability of the innovation process and its marketable products (in order to allow a proper embedding of scientific and technological advances in our society)." (VON SCHOMBERG, 2011)

Furthermore, in conjunction with this concept, we will add the four dimensions of responsible innovation proposed by Jack Stilgoe, Richard Owen, Phil Macnaghten. These four dimensions, according to the mentioned authors, are anticipation, reflexivity, inclusion, and responsiveness. In this context, the study will seek to understand if there is a relationship, and if so, what it is, between the whistleblowing institute and responsible innovation in Brazil. To achieve this, topics such as (i) the concept and historical perspective of the whistleblowing institute in Brazil, (ii) responsible innovation in Brazil, and (iii) the role of whistleblowers within responsible innovation will be explored in depth.

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Contemporary challenges in corporate communication in Brazil: Whistleblowing and its (non) correlation with Ethics Councils

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Regarding the topic "whistleblowing and organizational transparency promoting innovation", the concept has grown in Brazil that whistleblowing, as a disruptive tool, is not applied effectively if it is not accompanied by innovative instruments within business organizations, instruments that generate significant changes in the business culture itself. On this topic, as something allied to whistleblowing, there is a need to create and implement so-called Ethics Committees. Based on this hypothesis, this paper intends to develop, in addition to its importance, how Ethics Councils should be implemented in practice, an activity that goes through a series of stages such as 1) defining the objectives and responsibilities of the committee, 2) the selection of qualified members and what would be the appropriate parameters for their assessment, 3) the establishment of a governance structure capable of resisting contemporary challenges, and; 4) the development of an efficient code of ethics compatible with the area of business activity, documents that must contain a multidisciplinary vision. Furthermore, the article aims to reflect on the notion of organizational violence from the critical perspective of peace studies (Peace Studies), especially the discussion around Johan Galtung's typologies of violence in light of the principles that guide conduct ethical and responsible organizations in private, public and third sector organizations. The main results were presented the bases on the mechanisms of legitimization of organizational violence based on some descriptive examples, questioning practices that naturalize such violence. In addition to establishing a schedule, concrete examples will be presented involving good practices on the part of Ethics Councils of national companies involving 1) Continuous training, 2) Effective reporting channel 3) Monitoring and auditing, 4) Clear and transparent communication, and; 5) Monitoring and evaluation.

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Employee Dissenting Voice, Communication Climate and Risk Management: A Communication Perspective on Whistleblowing in the Workplace

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Whistleblowing has been defined as "the disclosure by organizational members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action" (Near, Miceli, 1985: 4). This and various similar definitions in the literature make it clear that whistleblowing is an act of communication, a form of employee voice and especially of dissenting voice, touching on aspects such as freedom of expression, organizational resistance, and ethical dilemmas (Mazzei, Ravazzani, 2020).

Additionally, the communication climate and internal communication practises help maintain or hinder a culture of transparency and accountability in the workplace, which ultimately impacts whether employees feel comfortable speaking out about company misconduct without fear of retaliation, and whether they do so internally or externally (Mannion, Davies, 2015; Miceli et al., 2008). An effective approach to whistleblowing is to foster a communication climate in which openly addressing critical issues isthe standard. When organisations are able to cultivate a climate of friendly friction, dissent, and

psychological safety, individuals are more likely to proactively challenge each other at an early stage (Kvalnes, 2023; Tiitinen, 2020) and engage in constructive problem-solving internally. The same existence and functioning of whistleblowing reporting systems are commonly spread in the workplace through internal communication initiatives aimed at raising awareness among employees about the mechanisms for exposing corporate wrongdoing and promoting accountability and ethical decision-making (Mrowiec, 2022).

Although whistleblowing and communication are clearly intertwined, whistleblowing is still underresearched in the communication and public relations discipline (Greenwood, 2022). This conference contribution aimsto address this research deficit by examining whistleblowing from a communication perspective, thereby also fulfilling the conference call to engage in interdisciplinary discussions. A (re)conceptualisation of whistleblowing along the continuum of voice-silence (Morrison, 2023) is proposed. The aim is to create a conceptual framework that describes the relevant antecedents (Mrowiec, 2022), which include communication climate, leadership style, voice and ethical climate, training and education that can lead to responsible innovation in the workplace. In addition, the communicative expressions of whistleblowing are explored, including displaced dissent outside the workplace, e.g. via social or news media, as well as the communicative outcomes, including the impact on the organisation's reputation (Zeng et al., 2020) and the implications for the organisation's risk management.

Considering all this, we maintain that dissenting voices can act as a catalyst for promoting responsible innovation by creating an internal environment that raises ethical awareness, exposes shortcomings, and motivates organisations to adopt a responsible and transparent approach. From a management perspective, this approach also helps to mitigate potential risks and negative consequences in relation to external stakeholders in the context of displaced dissent. It builds on risk and crisis prevention and management, whereby effective communication and early reporting of concerns can help prevent and manage issues, especially before they escalate beyond the organisation's control and become public challenges (Ma et al., 2023).

Implications for future research and practise are derived from the proposed framework, with a focus on the aspects of organisational transparency, open communication culture, dialogue and innovation in the workplace.

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How does whistleblowing legislation reconcile the right to freedom of expression with the right to manage: some lessons from Norway.

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As the first Nordic country, Norway introduced measures to protect employees who report wrongdoing in the workplace in 2007. The new regulations were implemented in the Working Environment Act (WEA). The law-making process involved a mobilisation of interests around two camps – managerial prerogative and loyalty on the one side, and voice and whistleblowing on the other side. The regulations have through these years continued to be contested and have been changed several times from 2007 to 2021.

Our research shows that, despite more protective legislation, the risk of retaliation against whistleblowers has increased. Furthermore, whistleblowing appears less effective. Management and owners can have legitimate or illegitimate interests in suppressing or supporting the disclosure of information about wrongdoing. At the same time, such information can also be of vital importance for the workplace, the workers involved, customers or users and society at large. We argue that the negative development when it comes to retaliation and effectiveness is connected to the fact that a large proportion of the whistleblowing cases fall under the definition of psychosocial work environment factors.

These disclosures can be perceived as especially damaging for the legitimacy and reputation of the employers, since they represent criticism of the management's ability to comply with the employees' right to a fully adequate working environment (cf. Section 1-1 in the WEA).

Inspired by institutional theory (Mahoney & Thelen, 2012) and the Power Resource Theory (Korpi, 1978) we discuss how this negative development may be seen in light of the employers' mobilisation of interests and power during the legislative process.

Rules protecting whistleblowing can be regarded as expanding workplace democracy and voice. This limits the right to manage which, in turn, in the private sector can be seen as reducing property rights, albeit indirectly (Engelstad 2015:43). The law was implemented, and employers did thus loose the battle, but they seem to have adapted their strategies in the wake of the new legislation. It has become important to claim power over the definition of wrongdoing, especially when wrongdoing is related to the psychosocial work environment. Both the opposition against the whistleblowing protection and the mobilisation of power that psychosocial work environment factors seem to trigger, are seen as important factors to understand the lack of a positive development.

This raises two questions. First: Did the antagonism that accompanied the preparation of the legal bill cause a deficient institutionalisation of the whistleblowing provisions at the workplace level? If this is the case: Is the effect of this deficient institutionalisation made manifest in whistleblowing cases related to psychosocial work environment factors? These questions are discussed based on analyses of consultation responses from the employers' associations and the trade unions during the preparation of the legal bill in 2004, as well as empirical studies of whistleblowing and associated processes in Norwegian working life in the period from 2010 to 2022.

Our approach applies the standard definition of whistleblowing, as formulated by Near and Miceli: 'the disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers to persons or organizations that may be able to effect action' (Near and Miceli 1985, p. 4). The definition includes internal and external whistleblowing.

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The Journey of Whistleblowing in Norway: From Precursors and Emergence to Established Practice

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This presentation introduces our upcoming monograph, a pioneering exploration into the history of the concept and practice of whistleblowing in Norwegian work life from 1970 to 2007. As the first of its kind, our work fills a significant research gap, utilising extensive data compiled through the AFINO project.

The concept of whistleblowing was not yet coined in the Norwegian language in the 1970s. However, there were examples of whistleblowing in the Norwegian context during this decade. The conditions for, and the discourse on, whistleblowing underwent significant transitions from the 1970s leading up to the establishment of whistleblowing provisions in the Norwegian Working Environment Act in 2007. One key change observed is a redefinition in the perception of whistleblowers: from being viewed as 'disloyal' to their workplaces, to being recognised as loyal to both a higher ethical standard and, ultimately, to their workplaces themselves when whistleblowing is justified. This transition is contextualised within broader sociopolitical movements, analysing the influence of leftist activism and liberalconservative principles. Key historical figures and pivotal cases are examined.

We conduct a Michel Foucault-inspired discourse and concept analysis. This involves identifying the constitution and validity fields of the concept of whistleblowing. We identify both scientific and non-academic disciplines or environments where the concept is constituted, as well as the rules for its use in these fields. Furthermore, we investigate the problems, contemporary needs, and strategies for solutions that the concept enables or contributes to articulating, as well as the interests it serves. Next, we trace the history of these problems and the forces and contradictions they are part of. Finally, we examine how the concept delineates one practice from other practices during the period and the function of this delineation.

The mass digitisation efforts of The Norwegian National Library have been crucial for our work. Through keyword searches in books, newspapers, and journals in the Digital Library, as well as n-gram, concordance, and collocation analyses via The Norwegian National Library's research API, we have mapped out a large part of the material underpinning the discourse and concept analysis of the emergence and development of whistleblowing and the concept of whistleblowing in Norway. This monograph not only charts the historical course of whistleblowing in Norway but also connects it to global trends, providing insights into the complexities and nuances of whistleblowing as a critical practice in modern differentiated societies. This presentation discusses these broader global trends.