

The **Dissenting** Voice

Key Factors, Professional Risks & Value Add

By Dave Rebbitt

The most famous recent corporate whistleblower is Sherron Watkins, who blew the whistle on Enron (Bernstein Liebhard LLP). Like most corporate scandals, that case involved money. Whistleblowing is defined as “an act of voluntary disclosure of inappropriate behavior or decisions to persons in positions of authority in the organization” (Sexty, 2011, p. 126). Whistleblowing in a corporate environment is simply the final step—an extension of principled dissent.

Principled dissent is constructive criticism or the effort by individuals to protest and/or to change the organizational status quo because of their conscientious objection to current policy or practice (Shahinpoor & Matt, 2007). Safety professionals will find themselves in this position at some point in their careers, some more often than others. SH&E managers cannot rely on dissent or whistleblowing, but many work toward a culture where open disclosure of concerns is encouraged and becomes the norm (Vinten, 2000).

Some believe that corporate whistleblowing is rare (Miceli, Near & Dworkin, 2008) and usually has some sort of spectacular result. So why should SH&E professionals worry about this, especially since whistleblowing typically revolves around accounting or finance (e.g., Enron, WorldCom) (Farrell, 2008). Congress’s response to these scandals was the Sarbanes-Oxley Act (Priest & Kaplan, 2003) and the Dodd-Frank Wall Street Reform and Consumer Protection Act (U.S. Senate Committee on

Banking, Housing and Urban Affairs, 2010). It is a financial fix for a financial problem.

If whistleblowing is a final expression of dissent, how can it be rare? Principled dissent is, in fact, common and prevalent in organizations that do not tolerate dissent well. Such organizations are often likely to have poor safety performance. However, companies can use dissenting voices to improve workplace safety, empower employees and strengthen organizational culture. So why don’t more do so?

State of Business Ethics

The U.S. 2011 National Business Ethics Survey shows a consistent weakening of business ethics. Retaliation against dissenters is also on the rise. This comes with growing pressure to break the rules (Ethics Resource Center, 2011).

In the post-Enron era, SH&E professionals will continue to face the challenge to speak out about issues that be unpopular and to deliver news that few wish to hear.

Dissent Is a Safety Issue

Corporate whistleblowing involves ethics. It requires an individual to choose between personal

ethics and the status quo or between safe and not safe. In some cases, the choice is between conformity and employment. Any whistleblower faces many ethical issues (Sexty, et al., 2011) and most see it as serving the greater good. Most safety practitioners have the same view of their profession. They believe they can be a company’s conscience.

Dissent Creates Opportunities

Enron was clearly an organization that did not tolerate dissent. Like WorldCom, top executives refused to listen to those who complained of wrongdoing or they actively suppressed those concerns. This was not a sudden occurrence, but rather a destination such firms creep toward (Pa-

IN BRIEF

- Whistleblowing, or principled dissent, is not just about financial misconduct.
- How an organization handles dissent reflects its culture and can directly affect its safety performance.
- Safety professionals must often act as the dissenting voice. If done effectively, this can help them demonstrate an added value.



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tel, 2011). Extrapolating these examples to safety, if these were refineries, would they be a ticking bomb? Many opportunities exist to recognize and fix deviations from acceptable before whistleblowing is necessary. Vinten (2000) terms these as *latent failures* (as opposed to *active failures*).

Organizational Affect on Commitment to Safety

Few hierarchical or bureaucratic organizations tolerate dissent well (Figure 1, p. 60). These top-down authoritarian structures value and reward conformity (Shahinpoor & Matt, 2007). Such organizations are often indifferent to employees and tend to limit creativity along with dissent. The culture rewards emulating successful leaders.

However, such environments stifle the ethics that organizations claim to uphold (Shahinpoor & Matt, 2007). For safety professionals, these organizations are most difficult to influence as they tend to advance a compliance mentality.

In organizations that do not tolerate dissent, employees may use several strategies to avoid being singled out as a dissenter. These strategies include playing devil's advocate or implying agreement but expressing another viewpoint (Shahinpoor & Matt, 2007). Other strategies include use of sarcasm or jokes with oblique references. These strategies are often used to test the waters without too much risk. Since an SH&E professional may have to deliver information that is contrary to what is commonly believed, such as highlighting an area of poor performance or reporting an elevated risk, s/he may be viewed as a dissenter, which can produce unknown consequences (Teo & Casperz, 2011).

Dissenters

Words such as *dissenter* and *whistleblower* may lead others to believe that such people have an agenda. In industrial and construction settings, safety can become an outlet for these concerns. Despite the views espoused by some who see dissenters as breaching loyalty for personal gain (Grant, 2002), this is far from the truth.

For example, a 1988 survey found that the average whistleblower is usually a high performer (Vinten, 2000) who wants to work for the organization and will go to extraordinary lengths to resolve the situation (Grant, 2002). Such behavior may be prompted by a professional identity (Taylor & Curtis, 2010) or linked to a professional code of ethics.

One such example is the case of the space shuttle *Challenger*. An engineer who had been instrumental in initiating a study on the effects of cold on the rocket boosters warned that a launch was likely to have catastrophic consequences. He was overruled by management, but refused to lie about what had happened (Grant, 2002). This is a case in which initial dissent grew to its necessary conclusion—external whistleblowing (Kaptein, 2011).

A more relevant example involves Vaughan Mitchell, a North Sea oil worker who found himself out of work, ostensibly for reporting unsafe practices only months after the *Piper Alpha* disaster (Vinten, 2000). Most recently BP suffered a failure that led to

an explosion and the largest oil spill in U.S. history when an explosion resulted in the sinking of the *Deepwater Horizon* and the release of millions of gallons of crude into the Gulf. BP had two committees to monitor safety risk and a whistleblowing system. However, the firm seemed focused on short-term wins and ignored industry standard practices and contractor advice in favor of speed and cost considerations (Lin-Hi & Blumberg, 2011).

Open Communication

Organizations that embrace creativity and welcome differing opinions view dissent as an avenue to maintain corporate and individual integrity. It also can lead to better safety performance. Dissent that is tolerated gives an organization a conscience (Berry, 2004). A rigid, hierarchical, authoritarian company likely would never facilitate whistleblowing. The framework suggested by Berry encompasses everything that those organizations lack, such as engagement and empowerment.

Such organizations can have effective dissent but only if formally recognized mechanisms exist (Near & Micelli, 1995). Leadership credibility is also important. Employees must trust leaders, and leaders must be accountable and follow the rules (Berry, 2004). An empowered employee is exposed to far less risk than a worker in an organization that does not tolerate nonconformity (King, 1999). Speaking out requires courage, but far less in an organization that accepts dissent and leverages it to improve the organization. A matrix-style organization with its dual authority structure (Figure 2, p. 61) is more likely to embrace whistleblowing than a bureaucratic one (Daft & Armstrong, 2009; King, 1999).

Dissent can help a business become a learning organization that is flexible and robust (Kaptein, 2011). Companies that value conformity risk more than they know (Shahinpoor & Matt, 2007). Consider the space shuttle *Columbia* explosion. Many meeting reports revealed that heavy-handed management limited inputs and in some cases quashed dissent. A March 2004 survey showed that open communication was not the norm at NASA (Deal, 2004). This contributed to assumptions that foam could not harm the orbiter. Safety was put at risk by an invisible hazard—silence.

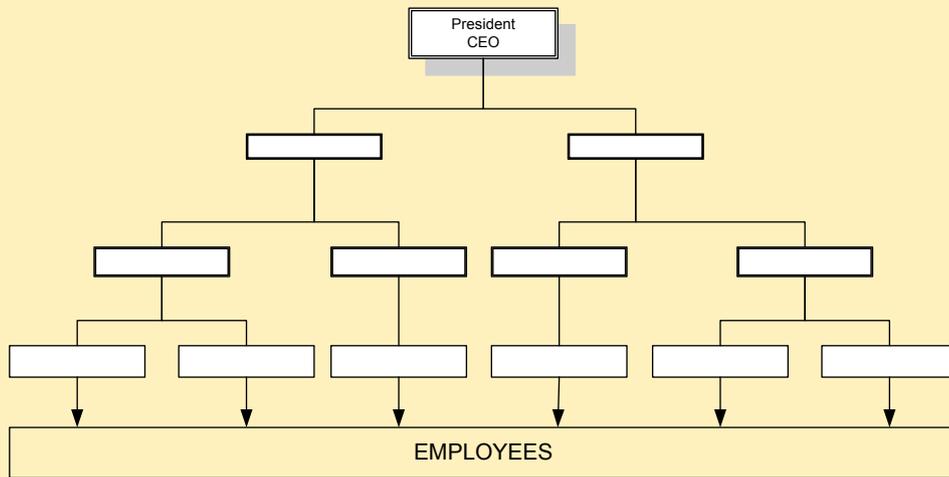
Professional Ethics

Efforts to regulate whistleblowing have generally revolved around financial matters with the Sarbanes-Oxley requirements and the Federal False Claims Act in the U.S. as examples (Teo & Casperz, 2011). Those who keep the books and audit them are certified accountants who have a professional identity and a code of ethics to follow (Taylor & Curtis, 2010).

Dissent is more common in safety than in financial contexts. SH&E professionals often represent a dissenting voice because they identify policies, work practices or other deficiencies that need attention. At the basic level, principled dissent is about morals and professional conduct (Shahinpoor & Matt, 2007); the dissenter typically objects

Figure 1

Hierarchical Bureaucratic Organization



to the behavior or decisions on ethical grounds. In safety, a complaint or near-hit report can be viewed as an expression of dissent. A 1996 study found that most employees observed inappropriate behavior (Rothschild & Miethe, 1996, p. 7) yet less than half reported it to someone. Most only reported it after observing the behavior repeatedly.

A Vitalsmarts (2010) survey showed that two-thirds of employees saw their coworkers break rules or engage in dangerous behavior, yet only about one in four actually said something. Peer pressure is powerful and no one really wants to stand apart from the crowd. Some workers may even avoid a whistleblower, fearing retaliation for associating with the dissenter (Near & Micelli, 1995).

Dissent Can Have a Price

If dissenters are not advancing a personal agenda (Near & Miceli, 1996), why is voicing their opinions so difficult in some circumstances? Fear of retaliation is one reason (Rothschild & Miethe, 1996). Any organization will act to protect itself from threats. Revealing a serious safety concern can be perceived as a liability even if done through internal channels.

Consider the example of the six senior employees at Alyeska, a company half owned by BP Amoco, who wrote in 1999 to BP's CEO about the culture of intimidation and harassment against those who brought forward safety concerns in the company and generally within the industry (Jones & Rowell, 1999). The threat of external channels (e.g., media, regulators) is always present.

Companies react to potential and actual whistleblowing in several ways. Such efforts often involve an internal program or process for registering complaints. While a credible system is essential (Hutton, 2011), it is only effective in companies that are open to dissent. Companies that routinely disregard the law also routinely suppress dissent.

Once a dissenter goes public, the only real defense a company has is to discredit that individual (Cunningham, 2011). As a result, most whistleblowers are dismissed (Shahinpoor & Matt, 2007) or face severe retaliation (Rothschild & Miethe, 1996). They are not usually fired, but simply let go. Often, the

employer offers a severance in return for a release, which may include provisions for the individual's silence. Once gone, the person no longer has access to any damaging information; in this way, the corporation is protected.

Delivering Bad News

In a profession that often has no authority, expressing dissent can be risky. Therefore, SH&E professionals must obtain and polish skills not taught in school: influence and persuasion.

Speaking in absolutes invites

managers and others to label SH&E professionals as outsiders or dissenters, or as people attempting to advance a specific agenda. Therefore, it is important to check back with others to ensure that they understood key points and that everyone is striving toward the same goals.

Identifying gaps is not difficult, but delivering the results is. Senior managers hear about problems all the time. Consider whether this news represents a threat to that person. Does it imply a failure on his/her part? Does it provide him/her any benefit?

Managers want to hear about achievable, practical solutions based on concrete requirements. Sure, line authority is responsible, but they are as fallible as anyone else. People do not like to hear about mistakes they may have made or gaps that may exist in the organization.

Therefore, SH&E professionals must understand the motivational forces driving key stakeholders. Offer a solution or options for action when delivering news that requires action. Know the costs in advance. Understand the organization's culture and determine whether it values conformity or fosters creativity and opinions.

Harnessing Dissent

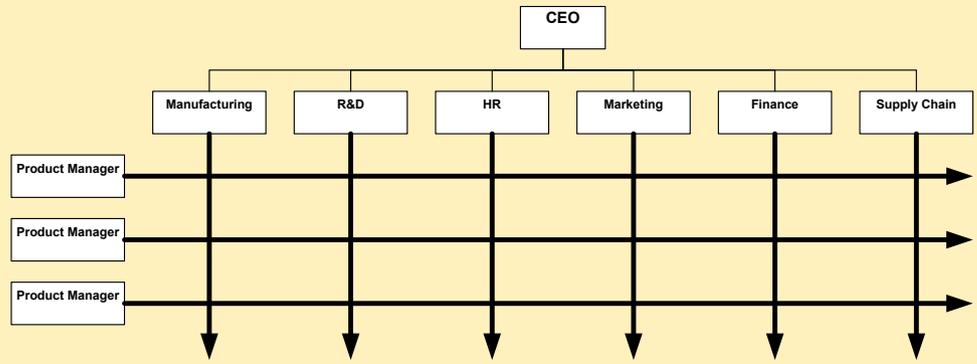
Harnessing the power of dissent means identifying the processes a company follows and understanding how the company treats dissent. Safety professionals are constantly challenged to show that they deliver value. Safety systems are driven by information and reports from workers—information they must decide to report. What is their return for reporting a hazard or near-hit? Seeking out and responding to principled dissent can produce better near-hit reporting, better engagement and better safety performance. According to O'Brien (2012), engaged employees had 40% fewer safety incidents.

Engaged safety committees can be a powerful mechanism for harnessing dissent. For companies that avoid the bureaucratic model and mind-set, dissent can help advance organizational goals (Hutton, 2011; Shahinpoor & Matt, 2007). These organizations build capability and flexibility in a robust and respectful learning environment (Campbell, 2011).

Companies that value conformity and pay lip ser-

Figure 2

Dual Authority Matrix Structure



Note. Adapted from *Organization Theory and Design*, 1st Canadian ed., by R.L. Daft and A. Armstrong, 2009, Toronto, Canada: Nelson Education.

vice to whistleblowing consistently fail when creativity and flexibility are needed. Their safety performance will suffer and such cultures inevitably lose top talent (Campbell, 2011). The right to disagree is a basic one without which good ethics cannot survive (Shahinpoor & Matt, 2007).

Demonstrate Value: Provide Solutions

SH&E professionals have a moral and professional responsibility to speak up about work hazards. Doing so in the wrong manner can be costly and ultimately unsuccessful. Being right and having the moral high ground are no guarantee of success, because speaking out can be risky.

Communications and influencing skills are essential in today's work environment. By communicating solutions and options, SH&E professionals can show management that they are solution providers who add value. Knowing the organization, the stakeholders and their motivations can reduce the risk of being branded as a dissenter. **PS**

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