

Whistleblowing Practices Benchmarking for Top-ranking Public and Private Employers

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Abstract: The study concerns the legitimization and institutionalization of an emerging field of preoccupation – that of whistleblowing or integrity denouncement in Romania. The research design relies on a comparative best practice approach achieved through a parallel online analysis between 20 ministries as central administration entities, nine of the most profitable state-owned enterprises (SOEs) and a sample of private corporations tagged as premium employers in graduate surveys. Provisions on whistleblowing are included in the code of business ethics of corporations and due diligence governance policy of public-sector organizations. The conceptual model of comparative investigation relies on a benchmarking framework applied to official corporate websites and analyzes the following categories: coverage (types of misconduct), accessibility (internal and external communication means), addressability (targeted stakeholders), core principles, technical specifications and explanations on process stages. Organizational procedures on whistleblowing strive to be comprehensive enough to cover a fragmented, heterogeneous and highly atomized area of illegal, unethical, or offensive behavior. Findings suggest informal collective mechanisms involved in ethics should be integrated across any and all administrative procedures to enhance legitimacy and applicability of the latter. Moreover, the emerging concept of ethical crowdsourcing can play an important role as insider’s civil alarm that serves the purpose of prevention and early detection of misconduct across the three categories of investigated organizations. The article discusses solutions to upgrade such procedures aiming to maximize transparency and civic participation, involving counselling, training, mediation and arbitration techniques, dedicated ombudsperson, hybrid outsourcing strategies, through the lens of theoretical connections to agency and accountability.

Keywords: *Whistleblowing; integrity; compliance; corporate governance; benchmarking; accountability.*

Cuvinte-cheie: *Denunț de integritate; conformitate; guvernanta corporativă; analiză comparativă; responsabilitate.*

Introduction: topic relevance

Whistleblowing is one of the most important components of workplace behavior researched through the business ethics paradigm. The concept that signifies shedding light on corrupt, illegal, fraudulent or harmful activity has risen high on the public agenda with controversy sparked by high-profile whistleblowers, from Watergate to

Wikileaks. Its visibility is fueled by movies featuring memorable whistleblowers’ biographies about poor work conditions, breached consumers’ rights, poisoning scandals or other public hazards: Marlon Brando in “On the Waterfront” (1954), Jack Lemmon in “The China Syndrome” (1979), Al Pacino in “Serpico” (1973), Meryl Streep in “Silkwood” (1983), Julia Roberts in “Erin Brockovich” (2000), Russell Crowe in “The Insider” (1999) or, more recently, Will Smith

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in “Concussion” (2016 – exposing recurring brain damage of professional American football players).

Whistleblowing is currently a popular debate topic, as it is still viewed ambivalently – as positive function of criticizing with the purpose of correction or optimization of malfunctions, but also as sort of vindictive retaliation or act of treason which breeches the psychological contract of trust that sometimes entails silence from an accomplice-based perspective (Andrade, 2015; Callahan et al., 2002). Whistleblowing in dealing with corruption is mostly conceptualized as rational choice (Roman, 2014), cost-benefit analysis and rational planned behavior (Tshuridu and Vandekerckhove, 2008), however, other research highlights its emotional and impulsive dimensions, since whistleblowers’ actions often result not from a deliberate decision-making process. Instead, they carry out reactions of indignation, outrage, moral and cognitive dissonance generated by trespassed values or infringed reciprocity expectations leading to the stringent need to intervene.

The objectives of this study refer to the examination of disclosure mechanisms endorsed through whistleblowing regulations (strategies, policies and procedures) that organizations in both public and private sectors implement, in terms of encountered challenges, hurdles and their use of monitoring and follow-up mechanisms. A further objective is to inquire about processes by which whistleblowing is converted to a competitive advantage in the area of employer branding, by external communication to target audiences of potential candidates for job openings. Research questions derive from the connection between theoretical viewpoints and organizational insight. They are stated as follows:

- Are there standardized whistleblowing regulative prescriptions, valid across both public (including SOEs – state-owned enterprises) and private sectors?

How divergent or convergent are whistleblowing procedures in the two sectors?

- What updates or up-and-coming trends do public and private employers pursue, in terms of whistleblowing procedures and practices?
- What are the main operational and administrative challenges prone to critical reflection on whistleblowing?
- How can procedures help overcome barriers against misconduct disclosure?

The current article discusses the impact of whistleblowing (also known as integrity denouncement) for both public and private-owned organizations from a comparative analysis perspective. The theoretical section sets the framework for a conceptual delineation of whistleblowing in terms of root causes, implications and ambivalence or controversial aspects surrounding it. It portrays the functional outline of whistleblowing as catalyst for societal change towards democracy and transparency, while it reviews the main mechanisms for denouncers’ protection and reflects on labor market statistical trends concerning the distribution and particularities of private and public employers. The methodological approach is illustrated in the third section, whereas the fourth presents and explains empirical findings on whistleblowing procedures endorsed on official websites of central administration authorities, and contrasted to provisions of private organizations. The final section streamlines recommendations for employers to send a strong message in terms of zero tolerance for unethical conduct. It highlights the conclusion that procedures of abuse detection and disclosure contribute to organizational health and success, in terms of capital of trustworthiness, integrity and fairness. State-owned enterprises and central and local administration organizations, as well as corporations entangled in multi-fold secretive behavior and performing operations on the brink of illegality need to further

acknowledge the importance and value of integrity denouncers for boosting organizational performance, transparency and subsequently elicited civic trust.

Theoretical overview

Antecedents, consequences and controversies to whistleblowing

Antecedents of whistleblowing propensity involve potential denouncers' perceptions of procedural (related to reporting procedure perceived as fair), distributive (perception of fair outcome) and interactional justice (Seifert et al., 2010), as well as immaterial rewards under the shape of and cessation of offensive behavior and public recognition (Mesmer-Magnus and Viswesvaran, 2005). A proposed typology of the spectrum of wrongdoings that concern whistleblowing mentions: "misconduct for material gain (including bribery, corruption and theft), improper or unprofessional behavior, negligence, incompetence, and waste or mismanagement of organizational resources" (Teo and Caspersz, 2011, 240).

Significant antecedents of whistleblowing intentions consist of the following variables: impact of bystanders, wrongdoer power status, reporting channel administration (internal vs. outsourced), perceived personal responsibility, perceived seriousness of trespass, perceived personal cost associated to misdemeanor reporting (Gao et al., 2015; Mesmer-Magnus and Viswesvaran, 2005). Organizational commitment constitutes a consistent moderator of whistleblowing, which exerts a U-shaped influence on whistleblowing (Vadera et al., 2009; Stedham and Beekun, 2013; Dworkin, 2007).

Reasons for which corporate actors decide not to "blow the horn" or sound the alarm when they notice something dubious, unethical or unfair include:

- The by-stander effect (first documented by Latané and Darley, 1968) caused by the social psychological phenomenon of responsibility diffusion – applied to whistleblowing, states that, in the case there are multiple witnesses to an abuse, the likelihood of individual reaction decreases, compared to the case of observers scarcity that increases probability for one among few being responsive enough to get involved and sound the alarm;
- Fear of repercussions or retaliation by formal sanctioning (Kaplan et al., 2009);
- Under-estimated impact of questionable issue (Gao et al., 2015) – potential denouncers perceive observed wrongdoing too lightly or mildly, as negligible;
- Emotional costs – erosion of social capital by dilution of trust that entices a risk of social exclusion by means of the informal sanctioning and discrimination for whistleblower's alleged treason, infringement of solidarity norms, deviance from reciprocity expectations (Andrade, 2015);
- Expectation of passivity or void of responsibility from decision-makers – stemming from past experiences of non-intervention (Jones, 2004);
- Time strain, overcrowded schedule generating fatigue, exhaustion, feelings of hopelessness, indifference, indolence, passivity (Francis and Holloway, 2007; World Online Whistleblowing Survey, 2016);
- Expected vulnerability derived from direct reporting or subordination relationship between the whistleblower and the wrongdoer or high perceived asymmetry of power – high wrongdoer power status decreases whistleblowing intentions because of increased retaliation costs (Rehg et al., 2008).

Overly cohesive organizational cultures can ostracize or blackball whistleblowers described stereotypically as traitors, "moles",

“narks”, “canaries”, “tattlers” or “backstabbers” (Teo and Caspersz, 2011; Berry, 2004). These disloyal dissenters with hidden agendas of disobedience fueled by frustration foster discontent, deviance and disharmony (Contu, 2015) as they threaten and jeopardize group cohesion from the inside in clan-like organizational cultures that nurture feelings of belonging and affiliation (Callahan et al., 2002; Berry, 2004). Hence, whistleblowers are vulnerable to humiliation, isolation, labelling and social exclusion through more subtle or more obvious practices, more ambiguous or more overt workplace interactions. Beyond compliance with legal provisions, government regulations and all guidelines at national and international level, whistleblowing relies on fairness as binding principle of equal opportunities and equality of treatment within a frame of reference characterized by perceived correctness and overall acceptance. It incorporates feelings of organizational justice and concepts of moral responsibility, moral cognition and moral agency (Chen and Lai, 2014) that transcend mere juridical liability, blame and guilt, reaching accountability as obligation for an organization to be answerable to its stakeholders for the way it makes use of resources.

Denouncers’ protection: legislative provisions

In Romania, whistleblower’s protection is guaranteed by Law 571/2004, dedicated to “the protection of personnel from public authorities, public institutions and other entities that signal law infringement”. It belongs to an integrated package of anti-corruption laws, together with Law 78/2000 for the prevention, discovery and sanction of corruption acts, Law 161/2003 (for ensuring transparency in exerting public dignities, functions and across the business environment, preventing and sanctioning corruption), Law 7/2004 (regarding the code of

conduct for public functionaries, republished), Law 53/2003 concerning decisional transparency in public administration, Law 544/2001 (free access to information of public interest), as well as ratified international anti-corruption conventions (through Law 147/2002 and Law 365/2004).

Like most of the above-mentioned normative acts, Law 571/2004 is explicitly restricted to public sector staff inside organizations funded by public budget or those that manage public resources, whereas private sector employees remain unprotected if the corporation does not decide to implement a strategy or program dedicated to whistleblowing facilitation. The Romanian law was adopted two years after a US federal law, the Sarbanes-Oxley Act, which introduced corporate obligations to establish whistleblowing channels and effective anti-retaliation protection for insiders or outsiders who reveal fraud (primarily in accounting and audit) or ethics violations. It addressed private corporations and was promulgated in the wake of whistleblowing scandals such as Enron and Worldcom (Berry, 2004). Through Law 571/2004, the whistleblower is defined as the employee of budgetary units (e.g. in education, health, social assistance, justice, army, police, central and local government authorities, state-owned corporations etc.) who makes a notification of good faith that incurs no financial or material reward for its author, concerning any violation of law, human rights and freedoms, professional and deontological codes of conduct or principles of efficiency, anti-discrimination and transparency. In line with the principle of transparency as legitimate public interest, denouncers must also probe their allegations, which means that they must prove responsibility in providing hints, clues and data on the suspected wrongdoing.

Profiling public and private employers

According to the official statistical report issued May 2015 by INS (National Statistics Institute press release, 2015), 8.5 million from the total active population (aged 15 to 64) of 9.2 million took part in one form or another of employment. One third of them were self-employed, mostly in agriculture, the remaining two thirds are employees on typical work arrangements (i.e. full-time, open-end labor contract) or alternative ones (fixed-term, part-time etc.). 15.3% of the total workforce have contracts with public-owned entities (including SOEs), slightly over 1% – with mixed organizations (public-private co-ownership), while the private sector dominates the employment market, with 83.6% of total employed workforce belonging to this sector. Despite the state disinvestment and privatization trend, the SOE sector is still larger than the EU average, with about 1400 SOEs active at national, regional or local level and employing approximately 300,000 staff – about 25% of the total public service staff (Expert Forum SCOPE report, 2016). However, SOEs are weakly profitable, as their input is estimated at 8% of the total economic turnover.

Inside the private sector, according to the same INS report, 57.9%, of employees work for commerce and services, followed by industry – 39% and only 3.1% are contracted employees in agriculture – as opposed to non-contractual self-employed). It is important to track differences and commonalities between the two main sectors (private and public) in terms of integrity monitoring initiatives and programs, also considering the unbalanced distribution and regional diversity patterns of workforce employment.

Methodological design

The study involves a benchmarking approach to data collected by means of an

online research that targets stand-alone whistleblowing procedures embedded in the code of conduct, ethics and compliance statement for public (i.e. Ministries and SOEs) and respectively 57 private benchmarked corporations (MNEs – multinational organizations). The latter are included in the two employer ranking systems active in Romania: Dutch-based Top Employers Institute – author of Premium Employer ranking and German Trendence Institute – author of an yearly Graduate Barometer. Diversity of backgrounds (industry, automotive, FMCG, BPO etc.) allows nonetheless for blueprinting similarities, as well as discussing dissimilarities. Policies and procedures on integrity denouncement relevant for central administration were monitored via the website analysis of 20 ministries belonging to the current government structure. These investigated SOEs are active in four economic sectors: energy (Romgaz, Transgaz, Electroc centrale București, Nuclearelectrica), industry (Uzina mecanică Cugir, Carfil), transport (CNADNR, Aeroporturi București) and forestry (Romsilva).

Core elements of whistleblowing strategy included as comparative analysis milestones for benchmarking which underline research questions and methodological options are the following:

1. Addressability (target audience);
2. Accessibility (communication means);
3. Coverage – topics of misconduct;
4. Statistics on reporting;
5. Source (local, regional or central headquarters);
6. Core principles and institutionalization mechanisms.

In the first, descriptive stage of this inquiry, the investigation focused on investigating whistleblowing procedures presented on corporate websites, in the corporate governance, transparency, ethics and compliance section. Websites of public and private

organizations were analyzed throughout the second, explanatory phase of inquiry, by connecting them to theoretical categories, classification and conceptual models, in the light of research objectives and ensuing questions. Given the scarcity of research on corporate whistleblowing pursued previously in Romanian context, the study assumes an interpretive, qualitative and exploratory approach, aimed at developing a body of knowledge regarding whistleblowing. Data collection took place during January-June 2016, data processing was facilitated by the use of NVivo software for theme coding, concept mind maps, word clouds, word trees and coding comparison queries

(Teo and Casperzs, 2011). These tools of qualitative data mapping and data mining issued from whistleblowing procedures proved helpful for benchmarking whistleblowing practices (Burz and Marian, 2015).

Empirical findings

Analysis and discussion for public sector

The following table presents the whistleblowing outlook across 20 ministries.

Table 1: Synopsis of integrity denouncement provisions across Ministries

Institution	Integrity denouncement provisions
Ministry of Internal Affairs	No reference or contact point (only public information queries)
Ministry of Agriculture and Rural Development	No reference or contact point (only public information queries)
National Defense	No reference or contact point
Culture	Only transparency section – activity reports, budget figures, public acquisition and public information queries
Regional development and public administration	No reference or contact point
Economy, Commerce and Business Environment Relationships	Ethical code, reports (quarterly, since 2013, signed by ethics consultant hired by HR and PR departments, blanks – 0 cases of public employees who received training, counselling only one disciplinary hearing – no specified motives or sanctions for ethical misconduct) on compliance with ethical code
Energy	Integrity denouncer section – legislation, user guide
National Education and Scientific Research	No reference or contact point
Public Finance	No reference or contact point (only general access to communication, PR, mass media and transparency service)
European Funds	No reference or contact point
Justice	No reference or contact point
Environment, Waters and Forests	No reference or contact point (only email contact for petitions)
Work, Family, Social Protection and Elderly Persons	Anti-corruption KPIs included in institutional self-evaluation report (also for subordinated entities): ethical & deontological code, statements of property, acknowledgement of presents, activity of ethics advisor, conflicts of interest, incompatibilities, transparency in decisional processes, access to public information, protection of integrity denouncer, random distribution of job assignments, hiring interdictions and limitations (pantouflage) after contract termination

Institution	Integrity denouncement provisions
Communications and Information Society	Default section on Transparency in decision-making, outdated Action Plan for Anti-Corruption strategy implementation (2012–2015)
Health	No reference or contact point
Youth and Sports	Administrative transparency section – petition template form –contact data, dedicated email address. Standard reply: “We will answer asap” – no specified deadline – no update since 2013. Section located next to request for public access (including legislation modification projects) information
Transport	E-complaint template and available contact data for several transmission means, also follow-up mechanism (the denouncer can check the resolution stage of his/her denouncement)
Public Consultancy and Civic Dialogue	Q&A section – interpellation topic, FAQs, survey, frequent queries and petitions – dedicated email & contact with designated ethics consultant
Department for Relationship with Parliament	Only law extracts on decision transparency
External Affairs – Diaspora Relations	Miscellaneous – petitions, queries or requests – single contact email

Half of Romanian Ministries feature no reference or contact information on the topic of integrity denouncement. Others indicate only a standard form for miscellaneous petitions, sporadic ethical codes, archived ethical reports that feature blank sections, such as the case of Ministry of Economy, Commerce and Business Environment Relationships.

In line with the National Anti-corruption Strategy, the Ministry of External Affairs displays two types of online denouncement or intimation. Both are different from complaints, because the plaintiff is directly affected by the presented situation, whereas the denouncer is presumably not directly concerned in this case. Integrity denouncers can either signal on acts of corruption involving Ministry staff or issue a public interest warning regarding a legal or deontological infringement or a deficiency leading to poor administration, lack of efficiency, effectiveness, transparency or parsimony in use of resources. No anonymous petitions are taken into consideration, but the whistleblower’s identity is protected.

From the perspective of whistleblowing provisions – analyzed on both dimensions

(communication and denouncement processing regime), only the Ministry of Work, Family, Social Protection and Elderly Persons complies with good practices valid also for private MNEs. Hence, its yearly self-assessment report published on the Ministry’s official website contains an inventory of preventive anti-corruption measures and evaluation indicators (latest available version for 2015), valid for the Ministry itself and for its subsidiaries – subordinated institutions: Work Inspection, National Agency for Payments and Social Inspection, National Authority for Children’s Rights and Adoption, Department for Equality of Chances between Men and Women, State Authority for Disabled Persons, Management Authority for EU-funded programs, as well as for the two entities found under the authority of the Ministry: National Office for Public Pensions and the National Agency for Employment.

Indicators included in the self-assessment recordings for whistleblowers’ protection comprise the number of petitions regarding law infringement, types of normative trespassing, number of internal regulations harmonized with national legislation, number of specially assigned persons

to handle petitions, subordinated institutions in which there is implemented a mechanism for the integrity denouncers' protection, number of administrative measures taken to alleviate consequences of denounced infringements, number of denounced workplace reprisals, number of complaints that reached the court, number of cases wherein integrity denouncers received compensation, number of activities for the professional training of staff regarding integrity denouncements, number of trained employees.

Empirical findings indicate that profitability among the sample of most successful SOEs is uncorrelated with integrity denouncement policies. Whistleblowing provisions are altogether absent on the official websites of the nine organizations. The only exception is Romsilva, on whose website we encounter a public information section that includes a generic complaint template applicable overall to stakeholder petitions. Set against the backdrop of this widespread syndrome of poor corporate governance, the scarcity of active citizenship initiatives threatens central, regional and local administrative reform. Hence, the current study corroborates findings from the comparative research "State-Owned Companies – Preventing Corruption and State Capture" coordinated by Expert Forum (2016) on the phenomenon of clientelism and other manifestations of poor governance across SOEs from Romania (mostly coverage of local utilities and transport), Bulgaria, Czech Republic and Italy. It emphasizes the need for more integrity denouncers stepping up not only as whistleblowers but more vocally as hyperbolic "shout-box" supported by a facilitating legal framework to enhance transparency and drive performance of public for-profit organizations.

A comparative policy research by Amnesty International (Alistar et al., 2015) reveals that Romania is the only country from the analyzed group of states that adopted a specific legislation regarding integrity de-

nouncers' protection in the state sector (different from Bulgaria, Czech Republic, Estonia, Hungary, Ireland, Slovakia, Italy and Latvia). Despite the fact that Law 571 concerning anti-corruption by integrity warning and denouncers' protection is effective since 2004 (in theory, at least), the current analysis reveals that its top-down implementation has not yet started. Hence, 13 years after its adoption, a formal whistleblowing policy is not coherently communicated on the official websites of any of the 21 ministries and associated departments currently active in Romanian central administration, through either detailed reference or dedicated section.

NGOs that promote human rights such as Active Watch complain about attempts to intimidate and harass whistleblowers, carried out by high-rank officials of public authorities and SOEs. For instance, in 2015, three employees of CNADNR who denounced alleged administrative wrongdoing to the media were subjected to retaliation by their managers, who suspended their labor contracts (Toma, 2015). Such punitive action can be deterred by implementing adequate corporate governance procedures.

A probable hurdle encountered by potential public-sector whistleblowers is that they are guaranteed only limited confidentiality, contrary to private-sector staff whose denouncement is anonymized throughout the disclosure process. Hence, the disciplinary commission inside public entities safeguards confidentiality of whistleblowers' names and contact details only until the beginning of disciplinary hearings and only if this commission considers that the denounced parties could influence, pressurize or pose a threat to the denouncer. The law 571 (art. 7) invokes two stand-alone situations when confidentiality is explicitly required, respectively: when the whistleblower denounces his/her immediate superior or someone with control, audit or assessment attributions concerning the denouncer's work. A limitation that administrative procedures on whistle-

blowing introduce for public-sector employees is that these are constrained to bring forth the issue only to their immediate manager or to the disciplinary committee or, in the worst case scenario, to the prosecutor's office. However, any other intervention is considered misdemeanor, infringement of contractual term and leads to denouncer's sanctioning (Alistar et al., 2015).

Analysis and discussion for private sector

Benchmarking analysis suggests, as general trend, that whistleblowing procedures are integrated in the corporate governance strategy together with other procedures such as: anti-corruption, data protection, responsible sourcing, diversity and inclusion, health and safety, environmental care and risk management. This positioning goes to indicate that benchmarked corporations make use of whistleblowing as reputation catalyst, aimed to strengthen their capital of trust and the visibility, credibility and popularity as employers that care about the well-being of their staff, by conducting business in a fair manner that earns them legitimacy.

Corporate procedures claim a necessary delimitation between whistleblowing and two other (related, but not equivalent) types of formal denouncement, treated by separate procedures:

1. Complaints on quality of products and services (usually forwarded to customer relationship management (CRM) or quality assurance (QA) departments);
2. Grievance, wherein the employee reports dissatisfaction about employment terms and conditions, position, work content or career track perspectives including relocation, promotion or transfer.

Examined whistleblowing procedures emphasize the straightforward access to specific communication channels (online, by phone or postal correspondence) that are

open to all employees, regardless of rank or assignment. This is aimed to encourage also grassroots whistleblowing coming from those with a lower job level, who can feel more deprived and under-privileged, but also powerless to effect change. Anonymous reporting channels function in parallel with face-to-face interaction, and employees are generally advised to pursue the established organizational hierarchy and first consult with the direct supervisor, only afterwards approach alternative ethical alarms such as fraud detection hotlines. All investigated corporate procedures envision whistleblowing in its voluntary and discretionary dimension, stating that integrity allegations cannot function on an outward obligation basis, as compulsory requirement or pragmatic trade-off in exchange of a bonus, but rely on employees' moral imperative principles and altruistic motivation to intervene. Findings reveal an extensive array of envisioned topics, ranging from indiscretion or inappropriate, morally questionable conduct to severe criminal acts such as corruption (white-collar crime), aggression or theft. However, in minor or trifling matters (e.g. gossip, rumor spreading, inadequate attire) or work organization aspects (deadline compliance, handling of delays), employees are advised to address their line manager and not file a whistleblower's report.

Common patterns, opportunities, pitfalls and contrasts

Disciplinary investigations presented on websites imply several official hearings (through which, in both public and private organizations, the committee hears out most, if not all, major stakeholders such as: the denouncer(s), the denounee(s) or accomplices, witnesses etc.), collecting and storing material evidence, documents and testimonies. In SOEs and ministries, hearings are public, if the denouncer does not ask otherwise, for fear of retaliation. Provisions on

whistleblowing are more detailed in public organizations, relying on Law 571/2004, where grievance procedures are also placed in the category of integrity denouncement. However, examined big-scale private corporations make an explicit differentiation between whistleblowing and grievance. Contrary to the former, wherein the whistleblower is defined as independent observer of organizational misconduct, the latter implies personal involvement, as the employee is subjectively dissatisfied with work-related terms

and conditions (e.g. procedures perceived as unfair for recruitment, selection, performance appraisal, relocation, transfer, promotion, retrograding or dismissal and contract termination).

The following synopsis highlights the main types of incriminated behavior as object of whistleblowing across the investigated public and private-owned organizations:

Table 2: Typology of misconduct explicitly sanctioned across private sector (i.e. top ranking MNCs – multinational corporations) and public sector (i.e. ministries and most profitable SOEs)

Misconduct incriminated across both private and public sectors	Misconduct incriminated only in the private sector	Misconduct incriminated only in the public sector
Corruption, bribery	Transgressions against corporate financial interests	Infringement of administrative procedures or creation of such procedures that are contrary to the law
Trafficking influence	Preferential treatment or discriminatory practices in corporate functions: accounting, procurement, audit, logistics, HR, marketing etc.	Transgressions against financial interests of the state or the European Community
Negligence or incompetence in exerting job assignments	Monopolistic practices breaching free competition principles	Infringement of public acquisition law and regime of non-refundable funding
Abusive use of organization's material, financial or human resources	Insider trading (according to Merriam-Webster dictionary, abusive use of classified information, available only to insiders, to make profit in financial trading, e.g. by buying or selling stocks),	Elaboration/amendment of laws and administrative provisions that serve group or client interests
Abuse of office/appointment	Antitrust issues (violation of fair competition law by price fixing, bid and market collusion)	Position/appointment incompatibility or conflict of interest
False statements	Accounting inaccuracies	–
Theft and embezzlement (fraudulent appropriation of corporate funds or goods)	Breaches of health, work safety and security regulations	–
Kickbacks (undutiful commission or gift taken in return of help for dishonest business deals such as winning auctions)	–	–

Misconduct incriminated across both private and public sectors	Misconduct incriminated only in the private sector	Misconduct incriminated only in the public sector
Influence trading-trafficking (receiving gifts for using one's actual or presumed influence to persuade or dissuade some other colleague to intervene in favour of the buyer of influence)	–	–
Money laundering	–	–

Most types of misconduct are common across the two sectors, whereas commercial deficiencies (e.g. monopolistic practices) and other corporate malfunctions (e.g. in workplace health and safety) are incriminated specifically in the private sector and the public sector displays other varieties of financial wrongdoing, mostly referring to EU funding, public auctions and acquisition process.

Outsourcing the activity of allegation processing to a third-party is used as means to strengthen the commitment to protect whistleblowers against retaliation. Previous results (Gao et al., 2015; Kaplan et al., 2009; Berry, 2004) suggest that communication toolkits administered by an external provider increases likelihood of whistleblowing, compared to internally managed anti-corruption hotlines, advice-lines or help-lines. Independent, third-party suppliers are especially recommended for smaller-size organizations, wherein suspicions of non-compliance to confidentiality are more salient. The comparative analysis of whistleblowing procedural tactics reveals the recourse to a hybrid model (e.g. outsourced transmission of petitions, internal processing and resolution on complaints that expose fraudulent behavior) appears in the case of 14 among the 57 benchmarked private employers and, again, none of the public employers resort to such policies. As identity protection mechanisms, petitions and warnings can be sent via secured network connections and e-mail addresses that anonymize the petitioner's personal details. These details can be retrieved, with denouncer's permission, should a need

for providing further information arise in the course of investigation.

Ethical doubts and dilemmas involved in whistleblowing refer to a contradiction or self-assessed cognitive dissonance between individual, corporate and social responsibilities, with deliberative processes fueled by cost-trade-off balance. When in doubt, whistleblowing procedures advise would-be denouncers to ask themselves whether the specific conduct is legal, compliant to corporate values and procedures, justifiable to oneself, family and friends and equitable enough to feel confident and comfortable, should the story appear in the media.

Conclusions, implications and original contribution

In the context of open governance and transparency in the delivery of quality, public services need to remain sustainably both performance-centric and citizen-oriented. Transparency in external communication, in terms of visibility, accessibility and availability of whistleblowing procedures, can influence positively the likelihood of denouncement of fraudulent behavior. This, in turn, can lead to improvement in workplace and social conditions that affect significantly the overall quality of life and subjective wellbeing for both public and private-sector staff. Hence, whistleblowing serves a positive, pro-social function of correcting injustice and bringing forth a climate of trust based on equity, meritocracy and equality of chances and treatment.

However, formal regulations endorsed by consistent managerial involvement are not enough if not correlated with informal norms that deter a conspiracy of silence from being established. In a directive, prescriptive environment that nourishes hyper-conformism, uncritical acquiescence and unquestioned submissiveness as taken-for-granted, whistleblowing can exert a disruptive, disenchanting influence on embedded rules and play the role of eye-opener. This awakening experience can seem detrimental for organizational harmony on the short term, but can prove liberating as means of producing and defending truth and authenticity on the long run. Internalized legitimacy and social acceptance attached to whistleblowing enhances brand sustainability and can be helpfully corroborated by consistent regulatory support. Conversely, the interplay between structural (official) and cultural (unofficial) markers of whistleblowing propensity needs further exploration.

The study exposes the complexity of whistleblowing from a formal regulative perspective of norm setting, monitoring and reporting. It envisions top public and private employers because they are expected to represent models for best practice mapping and benchmarking. Analyzed organizational practices contribute to raising public consciousness on pro-social behavior, embedding civil initiatives through an attempted institutionalization of whistleblowing, an under-researched area in the context of Romanian corporate conduct. Stakeholder-sourced whistleblowing is analyzed as a form of ethical crowdsourcing, a co-regulative environment wherein workplace setbacks can be corrected not only by downstream, top-down intervention from management, but also by lateral, same-level cooperation and coordination between team members who share the goal of improving results of their work, in terms of quality and productivity, but also optimizing their workplace conditions and climate. Ethical crowdsourcing can be elucidated as a form

of organizational citizenship, whereas it represents a strategic means of participative vigilance, mindful watchfulness that deters negative organizational behavior by normative co-regulation aimed to involve a large mass of stakeholders (individuals and groups) in publicly denouncing any illegitimate act, so as to make everyone responsible for maintaining ethics in business.

A limitation traceable to all analyzed whistleblowing procedures involves a uniformity-based, mainstream approach based on assimilation rather than integration of diverse backgrounds and perspectives. Process standardization is presumably more binding in developing countries with a history of laxity towards corruption and quiescent acceptance thereof, hence suspicions of malpractice are deemed to require a strictly centralized approach. This business ethics model, present in whistleblowing procedures of top corporate employers, relies on zero tolerance and zero waivers for misdemeanor, unlike alternative public administration models that imply an optimal, tolerable level of corruption (Matei and Matei, 2009).

Current findings endorse the paradigm that relates self-government to governing others (Dean, 1999, apud Teo and Caspersz, 2011). Leadership plays an important role for the creation and dissemination of credible, unobtrusive integrity models that tell organizational players they have a distinct contribution for safeguarding ethics, not only by means of formal procedures, but also by cultural assumptions and expectation that corroborate written regulations. It is advisable to add to such early alarm onset procedure references to administration channel, power symmetry, measures to enhance personal responsibility, an adequate evaluation of misdemeanor impact, aiming to fight against the bystander effect, distance from authority or audience apprehension.

As per practical guidance and evidence-based input, further organizational methods for facilitating moral responsibility involve

an ethical behavior section in every job description requiring each employee's written agreement, or by intensified internal communication on workplace ethics and wrongdoing reporting, disseminated by handbooks, e-learning guides, Intranet, leaflets, newsletters, internal magazines and other programs. Compared to private-sector organizations, state-owned ones do not include in their few communicated provisions a system of progressive disclosure of wrongdoing – first, to internal stakeholders designated on purpose inside the organization, then to the regulative organism responsible for checking and reviewing procedures and afterwards, at the third stage, to the general public and media representatives.

To sum up, public entities have enough to learn from their private counter-parts that

are more advanced and better equipped in the field of integrity denouncement and communication of ethics and compliance as standard operating procedure serving an integrative good governance. Procedures cannot be expediently imitated and migrated from private onto public entities to form makeshift or jigsaw solutions, but must be rigorously documented and adapted to fit the different organizational identity, needs and objectives. In order to raise public awareness on the need for whistleblowing as pro-social mechanism, investigated state organizations are required to update and upgrade their official websites to include whistleblower-friendly policies and procedures that are not only archived, but dutifully applied and constantly monitored for feedback and follow-up.

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