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**Steve Ortquist discusses
the 2005 Fraud &
Compliance Forum
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James Sheehan



Lewis Morris



Kimberly Brandt

Keynoters (invited)

Letter from the CEO

Roy Snell

The Hidden Whistleblower

*Stop worrying about the
Whistleblowers; it's the
hallway conversations that will kill you*

It just dawned on me that the problem is not that we ignore whistleblowers; it's that we ignore the hallway conversations. Whistleblowers, whose reporting masquerades as a hallway conversation, are what's killing us. Imagine the following scenario: someone stops a supervisor in the hallway, and casually mentions to the well intentioned supervisor that they think there is a problem. The supervisor doesn't get the point of the message. They don't think they have just blown off a whistleblower (which they would not do because of the excellent compliance training they've received); they think that a conversation occurred with an employee about an operational issue.

Whining, screaming, tortured, fingernails on the chalk board whistleblowers are not the problem. They make it clear that they think that a law has been broken. They also, either directly or indirectly, give you the impression that if you don't do something about it now, they are going to turn you in. Supervisors typically come a-running after those conversations. However, supervisors are vulnerable to these hallway conversations that don't sound like whistle blowing.

Many know that ignoring whistleblowers is wrong. What they don't understand is that whistleblowers come in all shapes and sizes. What they fail to understand is that some whistleblowers scream and some are shy. Some are outgoing and some are reserved. Some use the hotline and make their

intentions clear, and others mutter in the hallway. To the enforcement community, there is no difference. It was reported to you; you had a chance to fix it; you didn't fix it; and now you need to be sent a message.



Many organizations are making employees sign a policy to commit to report wrongdoing. I am not sure that all of these policies go far enough with regard to how to report. Imagine yourself in the DOJ's office, listening to the whistleblower and their attorney reporting their complaint to the agent, "What I told my supervisor was: "I think we have a problem in pediatrics." The agent is going to think it was made clear, and that if there is a problem in Pediatrics, this organization ignored a whistleblower. The newspaper will say; "Hospital ignores whistle-

"the next time someone comes to you with a suspected problem and jumps up and down screaming, "Oh the humanity", smile and say thanks."

blower!" What are you going to say, "They did not make it clear; they did not jump up and down; they did not threaten us?" The reality is that it was not fair to the supervisor. That is true, but you will never win the debate. We must do something to help turn up a supervisors' sensitivity to "the

hidden whistleblower." We must do something to help ensure that employees understand their responsibility to report clearly. We must ensure that our employee policy for reporting problems helps them understand that casual hallway conversations are not enough,

If you look back on some of the problems that were ignored, you will find that it was because the supervisor thought that they were just having a conversation in the hallway. It was not the same level as taking a hot line call, in which someone says "I'm going to the government, if you don't do something about it." Supervisors are busy helping run the organization, have other pressing problems, and can miss the seriousness of the issue. The supervisor may think that the employee is discussing yet another operational issue, not fraud and abuse. The supervisor takes it under advisement

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Hidden whistleblowers

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and will deal with it later. Of course this doesn't happen all of the time but if it happens once, its one too many times.

One of the greatest injustices in our business is that some whistleblowers make themselves very clear and some whistleblowers do not. They don't express themselves well. They don't threaten. They don't use words like: "a law has been broken". They sometimes calmly and casually mention that they think something is wrong, and the extraordinarily overworked supervisor doesn't make one important connection. The enforcement community gets one side of the story, a side that looks very bad. Look at your reporting policy and talk to your supervisors. Turn up the sensitivity and help them understand. Don't just talk about the danger of ignoring whistleblowers, talk about "The Hidden Whistleblower." Also the next time someone comes to you with a suspected problem and jumps up and down screaming, "Oh the humanity", smile and say thanks. ■



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