The Ethics of Whistle-Blowing

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Objectives

- Whistle-Blowing
  - Defined
  - Motivation (Ethical Theories)
  - History
  - Case Studies
  - Consequences of Whistle-Blowing
    - Advantages and Disadvantages
Whistle-Blowing Defined

• American Encyclopedia of Law
• Santa Clara University
  – Whistle-Blowing in the Public Sector
• Government Accountability Project

4 Ways to Blow the Whistle

• Government Accountability Project
  – Reporting wrongdoing or a violation of the law to the proper authorities
  – Refusing to participate in workplace wrongdoing
  – Testifying in a legal proceeding
  – Leaking evidence of wrongdoing to media

Motivation - Ethical Theories

• Kantian Deontology
• Utilitarianism
• Others
U.S. History

- False Claims Act of 1863
- Lloyd – La Follette Act of 1912
- Environmental
- Employee Protection
- Wall Street
- Military
- Organizations
  - OSHA's Office of the Whistleblower Protection Program
  - Government Accountability Project

False Claims Act - Penalties

- Pfizer - $2.3B
- Tenet Healthcare - $900M
- HCA - $731M
- Merck - $650M
- HCA - $631M

False Claims Act – Public Sector Cases

- NY State and NY City (#9) - $540M
- CA State and Los Angeles County (#59) - $73.3M
- University of Washington - $35M
In the Movies

In the Movies

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In the Movies
In the Movies

Hot Topic

• Whistleblowers named Time Magazines “Persons of the Year” 2002
Public Sector Cases

• University of Washington
• Abu Ghraib

Consequences

• Advantages
  – False Claims Act Pay-Out
  – Public Safety
  – Moral Responsibility
• Disadvantages
  – Retaliation
    • Firing
    • Blacklisting
    • Demoting
    • Intimidation
    • Threats
  – Conflicts of Interest

Where are they now?

• Mark Erickson
• Sergeant Joseph Darby
• Jeffrey Wigand
Consider the following questions:

– Who is likely to be harmed if the misconduct is left unpublicized?
– Is one’s judgment about the misconduct prejudiced by a dislike for the perpetrator?
– How severe are the repercussions likely to be on the person who blows the whistle?
– If there is significant likelihood that whistle-blowing will bring harm to the perpetrator’s reputation or to the employing organization, is there some other way to stop the harmful practices?

Resources

• Codes of Ethics
• Ethics Officers
• Ethics “Hotlines”
• Employee Assistance Programs
• Community Development
• Philanthropy

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• Evaluations
• Sign-In Sheet
• Certificates of Completion
References