**Ethics and Whistle Blowing**

**Managerial Relationships and Responsibilities**

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August 7, 2018

Whistle blowing is breaking loyalty to a company to point out illegal or unethical actions within a company to outside officials or the public itself. Whistle blowing is often looked down on because it is a betrayal of fidelity, but still others cheer it as a stand against unethical actions. The question is, would whistle blowing pass an evaluation using duty-based ethics criteria? Is this duty-based evaluation sufficient or are there other factors to consider?

Let’s clearly define whistle blowing. Whistle blowing is exposing an illegal and/or unethical action to the public or a regulating agency. This definition could be more specific, but only at the risk of excluding other instances of whistleblowing. So, this will be used as the base action to be evaluated according to duty ethics.

To test whistle blowing’s ethics, three tests will be applied. The first test is to ask, *can the everyone whistle blow without a contradiction occurring from continued whistle blowing*? Let’s assume everyone whistle blows on wrong doing instead of being silent. The result would be that company agents would refrain from committing offenses that they wouldn’t want anyone outside the company finding out about. This would result in greater accountability, or at the very least exposure of wrong doing. Because everyone could whistle blow, it passes the first categorical imperative test.

The next categorical imperative test is to see if the action has respect for rational persons. *Does whistle blowing respect the people involved as ends and more than just a means to an end*? In most instances a whistler blower performs the act on their own, or if as a group, they work together to expose the wrong doing. In either case no one is used as a means to an end. This isn’t to say that someone couldn’t use someone as a means to whistle blow.

For example, an employee could use a janitor as a means to gain access to a restricted file area to gather incriminating evidence to give authorities when they blow the whistle... But this is only hypothetical and doesn’t apply to all whistle blowing instances and can even be considered a separate action entirely. So, whistle blowing in and of itself passes the second test of not using people as means alone.

The third test of categorical imperatives is testing if all rational individuals *would want to be on the giving and receiving end of whistle blowing?* We can say that a rational person would say yes to be on the giving end of whistle blowing. A rational person being on the receiving end is uncomfortable but will resolve as necessary. But does it being necessary mean that a rational person would want to be on the receiving end, and pass this test? Yes, and I’ll explain why.

A rational person would have conflicts deciding if they should be on the receiving side of whistle blowing. They would likely have an internal conflict because rational persons instinctually don’t want to be caught doing wrong, so they don’t feel shame or the consequences. But a rational person would also know what they’ve done is wrong and should have justice served upon them. Ultimately this internal conflict would result in a rational person wanting to be on the receiving end because although judgment isn’t desired, the rational person knows it is necessary. So, whistle blowing passes the third test for categorical imperatives.

Because whistle blowing passes the categorical imperative tests, whistle blowing is justifiable in all circumstances, and considered good in and of itself, without consideration of consequences and can be considered a prima facie duty. But there is an issue with this; consequences do matter especially when you don’t have to sacrifice any perfect duties to achieve more desirable results.

Before resorting to whistle blowing, the company should be confronted internally. Often times companies are so large leadership may not even realize an unethical practice is being exercised. Company leadership should be provided the opportunity to correct behavior, and they can’t do that unless first aware that a behavior is even happening.

Let’s look at an example to articulate this thought. Wells Fargo’s company-mandated quotas for new customer accounts pressured employees to willingly commit fraud by signing up unknowing customers for premium accounts. Guitron says, “I kept complaining and complaining, and nothing ever gets done. I was doing what my conscience was telling me to do. It's fraud. That's what it is.” (“Whistleblower: Wells Fargo fraud ‘could have been stopped’” 2018, par. 5)

Guitron was right to blow the whistle, but would it still be right if she didn’t first tell Wells Fargo management of the fraud and just went straight to OSHA? If she didn’t go to corporate management, how would she have known whether these were company-wide accepted practices of fraud and not just a bad apple in the bunch? Often times leadership isn’t all knowledgeable about the specific practices of all operations.

Whistle blowing, as previously defined, passes the three tests for a categorical imperative, but what about the duty to your employees, shareholders, investors, clients, and other stakeholders? Would any costs of whistle blowing be justifiable because there is a prima facie duty to whistle blow? I argue no. Whistle blowing is acceptable *only if* it the whistle blower informed the company of the issues before acting because the consequences of doing so prematurely could cost many innocent persons their retirement 401k, stockholders’ financial returns, or could even cost everyone in the company their jobs. All because an extra step to resolve an ethical issue internally wasn’t attempted.

Now it seems obvious that if after leadership is informed and still do not change anything, then you should blow the whistle. Communicating with the company to resolve the issue before resorting to whistle blowing doesn’t compromise your ethics as long as reasonable urgency was exhibited.

It can also be argued that although whistle blowing is a prima facie duty it is potentially in conflict with other prima facie duties, such as fidelity or noninjury. Whistle blowing is neglecting the duty of fidelity by breaking confidentiality agreements with a company. It can cause considerable harm to the innocent workers in the company that did nothing wrong but may lose their jobs as a result of it; this neglects the duty to do no injury. W.D. Ross explains that we should act on the prima facie duty that has the greatest rightness, and in this case, it could be argued that the other prima facie duties outweigh the duty to whistle blow.

Some could argue that telling management isn’t required or sometimes isn’t even an option, and therefore should resort to whistle blowing immediately. These opponents might say if you go to management asking them to stop a certain behavior you are making yourself vulnerable to physical harm. A company could harm or even kill a potential whistle blower that threatens to expose a multi-million-dollar operation based on unethical practices. This would be a strong argument to blow the whistle without giving any opportunity to change their company practices.

Ultimately, the answer to whether it is ethical to whistle blow is - *it depends*. Circumstances matter, consequences matter, and duty matters. It is not black and white, but what is clear is that the severity of the consequences requires a certain amount of deliberate effort to resolve the issue internally. But if coming forth is too dangerous then whistle blowing without attempted resolution is justified. Too much is at stake for countless stakeholders to not attempt to salvage the ethics of a company before exposing some unethical practice. (1264)

Bibliography

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