

Whistle blowing term paper sample

[Sociology](#), [Violence](#)



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Introduction

Whistle blowing refers to the process through which an employee or employees reveal information concerning the organization that is harmful and detrimental in nature. Often, the information is brought out to the public domain do the chagrin of the organization and its management. Whistle blowing should be divorced from investigations, spying or other kinds of cover ups and revelations. It also must be noted that whistle blowing must not be in bad faith or in the interest of the employee who reveals the information. This paper shall examine the elements of whistle blowing with a keen coverage on the paradoxes of whistle blowing, the dilemma between employee loyalty and whistle blowing and finally examine the standard theory versus the complicity theory in the context of whistle blowing. It is this paper’s contention that on overall, the essence of whistle blowing cannot be gainsaid. In modern management and organizational structures, whistle blowing is relied upon to limit losses, illegalities and promote fair

competition. This is indeed the spirit of the substantive Sarbanes Oxley Act which specifically advances for the protection of whistle blowers.

Paradoxes of whistle blowing

While whistle blowing at first instance is positive and indeed an ethical obligation conferred on all employees, it is essential to appreciate the overriding paradoxes that accompanies whistle blowing activities. According to De George, whistle blowing comes with three main paradoxes which shall inform this section's content. These are the paradoxes of burden, harm and failure. The concept of paradoxes arises from the fact these issues represent negative consequences attendant to the whistle blowing processing. One would expect that whistle blowing given its positive nature should attract to the employee involved only positive repercussions.

The paradox of burden refers to the consequential burdens the employee faces upon embarking on a whistle blowing mission. These burdens include the risks of financial insecurity, loss of job and strain of career and the effect on the personal relations. This is often premised on two factors. One the employee is often at a weaker position. In a bargaining relationship, the employee as a party is weaker as opposed to the other party usually the organization represented by the management. The other premise is the fact that this employee must work somewhere for a living. Whistle blowing as a public character in that the information and its source often gets to the public. Other organizations and personnel in the industry would be cautious in dealing with the whistle blower. Consequently, the reporting often comes with its attendant risks. It would be essential for the employee to ensure that the nature of moral wrong is big enough to justify incurring this burden.

Otherwise, in the event the wrong doing is minimal or subject to insufficient proof, the employee stands at the inevitable position of incurring the paradox of burden.

The paradox of harm refers to the actual harm that the organization stands to commit in the absence of whistle blowing. It is this harm that the employee attempts to prevent or mitigate through the whistle blowing activity. However, it must be appreciated that the harm may as well continue even with the whistle blowing. A good example is the occurrence at Enron where a Vice President identified the flawed and misleading accounts too late in the day. By the time she was warning the chief executive officer, the harm has already been committed. It is noteworthy that in many cases, the harm may assume multiple characters falling within financial, physical, and psychological, among other formations. The employee needs to be motivated with the desire to protect public interest rather than his or her own interests. Whistle blowing, therefore, paradoxically favours the public against the individual employee that brings the events to light. In fact, one benchmark that is advanced by Michael Davis is that this discovery by the employee must arise in the ordinary discharge of duties. The employee must not engage in efforts that would appear as attempts to investigate or spy. In relation to that, an additional burden of proof is placed on the employee to adduce sufficient evidence that any third party would be convinced about the harm intended by the organization's actions either deliberately or unanticipated. This burden of harm equally places the responsibility on the employee to meet two essential requirements. First, the employee needs to report the discovery to his seniors. He must be convinced and so prove that the

reporting of the information to his seniors did not yield desirable results. This could be through inaction by the senior. Secondly, the employee is required to exhaust the internal mechanisms of addressing such issues. It must be proved by the employee that the internal mechanisms were either unfavourable or technically unable to solve the problem. Upon pursued of the two options the employee can then proceed to make the information public. From that discussion, it becomes evident that whistle blowing is devoid of any malice. The organization is indeed allowed time to restructure and amend its activities in line with what is morally acceptable. Again, it becomes clear that whistle blowing is driven by the desire to protect public good. It is on that premise that it is remarked that whistle blowing is purely an ethical concern and duty.

Finally is the paradox of failure. This refers to the employee's failure to prevent the harm from occurring. It is often not the case that the employee would necessarily prevent the occurrence of the harm. There could be technicalities, resistance, challenges and miscalculations that in the end defeat the employee's preventive efforts. Often, the failure to prevent the harm could occasion two divergent consequences. First, the employee could be appreciated within and without the organization for his efforts to save the public interests. This would relate positively for the employee and posits no paradox. However, in the same breadth, the failure could antagonize the employee against the management and or his fellow peers. This posits an enormous challenge on the part of the employee. It could equally be facilitative of the paradox of burden. It is consequently essential for the employee to approach whistle blowing objectively and with sufficient and

exonerating details. It would be imprudent to contest managerial activities without sufficient proof for the failure would leave the employee at the disposal and mercy of the management. In relations to this paradox, Michael Davis advocates for sufficiency and timely action. The employee must act in a way that is reasonable and justified. His actions must be congruent with the overriding objectives of justice and natural moral good.

Whistle blowing and Employee loyalty

Whistle blowing has occasioned a divisive and contentious debate. The discourse has been whether the employee should be loyal to the organization or protect the public interest over the organizational interest. It is imperative to appreciate Davis' argument that in whistle blowing, the employee must be convinced that though the business is legitimate, the actions of the organization are morally unacceptable. The dilemma then arises on whether the employee should be consistently guided by the need to protect the organization hence employee loyalty or protect the public interest hence whistle blow. It is this paper's contention that the employee should be guided by professional codes of conduct. Ordinarily, businesses or organizations do not exist in isolation. The organization must be appreciative of the social, economic and political context of operation. The beauty with professional conduct is that their formulation is usually in appreciation of the overall environmental context. On this premise, it is this paper's contention that public interest should come above employee loyalty. In addition, it can be well founded that legitimate and progressive organizational objectives cannot in any way be inconsistent with the overall public good. It is, therefore, a mistake on the part of the organization to demand for employee

loyalty to the defeat and frustration of public good. Such a situation could be a recipe for disorder and unfair competition which in the long run discourages the rule of law and fair competition in society. It will be accepted that any progressive society would not want to lead in the front towards illegalities and the rule of the jungle in businesses or in whatever concern. On that premise the dilemma between employee loyalty and whistle blowing ought to be settled in favour of the latter.

Standard versus complicity theories

The two main theories within in this context are the complicity and the standard theory. Both of them attempt to explain whistle blowing but offer different approaches and support for the same. It is this paper's position that the standard theory by Michael Davis serves the overall interest in adequate manner and should, therefore, be relied upon. The standard theory is predicated on the need to avoid moral wrongs. This is the entire premise on which ethics and codes of conducts are informed. For a balanced and stable society, stakeholders including business organizations must ensure that the moral rights are protected while the moral wrongs are not entertained. In addition, the nature of the standard theory effectively creates a societal obligation on each and every employee that is over and above the organizational obligations. This aspect goes deep in solving potential clashes in the dilemma between employee loyalty and whistle blowing. On the overall an employee should be motivated by the need to protect and ensure that moral rights are respected and observed. It can be surmised that ethical concerns resonate around the protection of morals for the ultimate creation and maintenance of stability and fairness in the society. In addition, the

three paradoxes of whistle blowing ought to be examined in relation to the costs and benefits accrued in protection of societal morals.

In conclusion, whistle blowing is not a new discovery. However, in recent times, with competition, economic rivalry and scarcity of resources, business organizations determined to achieve economic accumulation objectives are tempted to apply unethical means of survival. The place of whistle blowing has become inevitable in light of these developments.

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