

Speaking out about malt

[Business](#), [Industries](#)



Speaking Out about Malt Case 8. 3 Page 404-405, Moral Issues in Business

The case of Whitewater Brewing and Mary Davis touches upon several views and moral issues that are not specifically black or white. Case 8. 3

specifically deals with a business called Whitewater Brewing Co. Whitewater Brewing, as its name sounds, is a manufacturer of alcoholic refreshments, selling its brands to various consumers. The article in particular focuses upon a specific Whitewater product, Rafter.

Rafter is being targeted to match other similar products that are bottled in a 40 ounce size. The unfortunate part is that these 40 ounce size refreshments are not only popular with inner-city teenagers but in the area where Whitewater sells these 40 ounce products there is already a community alcohol related problem. Whitewater is not in foreign territory, numerous other companies already have sold similar products in the same area targeting the same clientele. More importantly due to its popularity this product produces good revenue for Whitewater.

Enter into this scenario an employee of Whitewater Brewing Co. , Mary Davis, an Associate Vice President. Mary has decided to further her education and is attending a course at an outside school, with her husband who was pursuing his MBA. My intention is to try to determine whether or not Mary or Whitewater were following any ethical practices, determine why they made the choices they did, and to attempt to determine if there is any validity to their reasoning. Mary begins working on a term project studying the making of wine and beer.

Research shows Mary that several companies' market products that are high alcohol based and sold at a very low price point, and not considered a premium product, strictly to satisfy a specific market niche. As Mary's investigations continue she begins to insert her own feelings and viewpoints into her findings and her paper become a reflection of her personal viewpoints, and not necessarily those of her employer. For the opposite side of the case Whitewater Brewing is basically working like it should; trying to maximize profits for its shareholders marketing products to satisfy consumer needs.

In this case, that need is a malt liquor sold in 40 ounce containers and targeted to specific customers. This is nothing new, as other businesses are already in this market. The one caveat here is that none of the companies markets their malt liquors under their name; almost to distance themselves from the negative social implications resulting from the sales of malt liquors, specifically to this target audience. Separately and apart neither Mary Davis or Whitewater marketing products would have been a "Case 6. 3" were it not for the fact Mary Davis IS an employee of Whitewater.

More so it never would have bubbled to the surface had Mary Davis done what she did; which was to ultimately write an article for a paper discussing her personal views on malt liquors wherein she states, again her views, as to the social responsibilities of businesses that produce malt liquors. In stating her personal opinions Mary now has pitted herself against the views of the business. Because Mary's article is viewed negatively by Whitewater, the

CEO of Whitewater fears the article will have a negative impact to profits and to the product(s) they sell.

They also feel this could lead to legislation that would ultimately result in direct product loss and loss of revenue. These would be fairly legitimate concerns for any business, in my opinion. So if a socially responsible company produces bad products are they bad? One can argue especially in the case of liquor manufacturers that there is heavy investment to provide a product that is intended for good use and that they aggressively help to pass legislation helping to address those who use their products in a negative manner.

So morally and ethically Whitewater, in my opinion, is doing what they are intended to do. Specifically they are trying to make money, and to do so in an ethical manner. No company can be wholly responsible, in every circumstance (but in a specific few), for the immoral or unethical behavior of others utilizing their products. Ralph Jenkins, CEO of Whitewater, writes to Mary Davis to express the company's views on her behavior and to ask her to first clear all further comments (regarding her personal views on liquor production) with the business. Mary feels this to be an invasion of her right to free speech.

Additionally Mary informs Ralph Jenkins that she seeks to pursue her article further and even speak at an engagement about her views (personal ones). Mr. Jenkins remains adamant that Mary adhere to his requests further escalating things to state she can either comply or resign. So does Davis have a moral right to free speech in the workplace, or can Whitewater

determine the extent to her ' free' speech? Also what would Davis's best path ethical path be? The second is the easiest to answer so I will do that now. Davis could simply put resign, enabling her to champion her beliefs and become a martyr for her cause, as it were.

As for the first question the answer is not a simple clear cut one, and ultimately will be an individual one. Currently there is already legal precedent that allows companies to require employees not to " act or speak disloyally". Take the following case: In *Korb v. Raytheon*, 574 N. E. 2d 370, 410 Mass. 581 (1991), Raytheon terminated Lawrence Korb after receiving complaints of his public involvement in an anti-nuclear proliferation nonprofit known as the Committee for National Security (CNS) and his advocacy of reduced defense spending.

On February 26, 1986 The Washington Post ran an article describing Korb's speech at a press conference held the day prior as " critical of increased defense spending. " Following the publication of the article, several military officials " expressed their disapproval" of Korb's comments. [77] Despite writing a letter of retraction which ran in The Washington Post, Raytheon terminated Korb's position after it continued to receive " Navy, Air Force, and Armed Services Committee objections. [78] In adjudicating Korb's claim of wrongful discharge, the Supreme Judicial Court of Massachusetts found " no public policy prohibiting an employer from discharging an ineffective at-will employee. " His claim under the StateCivil RightsAct was dismissed as well. In affirming the lower court's decision to dismiss, Justice Abrams wrote: " Although Korb has a secured right to speak out on matters of public concern,

and he has a right to express views with which Raytheon disagrees, he has no right to do so at Raytheon's expense. [79] The above article shows one perspective of the courts on this matter. Furthermore Mary Davis needed to be sure her personal opinions could withstand the scrutiny of being challenged for slander, unless there was very strong specific data supporting her views. Despite Mary's strong personal views, even if validated, she is in conflict by the very nature of working for Whitewater and having such strong personal views. She may have morally sound arguments about liquor products but she is ethically wrong then for working in the liquor industry.

My view is that Mary's intent, though ethically sound, is still less ethical than that of Whitewater. Mary attempts to peanut butter spread the first amendment right to free speech across the board, when in fact Whitewater too has rights and expectations within the first amendment. While Mary is entitled to do as she chooses outside of work; there are limitations when her choices can have specific negative impacts to her employer. And for these impacts she can be held accountable legally, despite her moral righteousness.

In conclusion there is no clear path to moral righteousness and ethical behavior. What I feel is important is that in the end we can do either in a manner that withstands legal implication (much of it already established) and exercise our own personal moral conviction in a manner that does not leave us conflicted. QUESTIONS FROM THE BOOK. 1. Do you think Mary Davis acted irresponsibly or disloyally? I don't believe at the time Mary Davis intended to act irresponsibly or disloyally; however Mary should have

thought more about the big picture and talked with her management first about her intentions.

This is a particularly tough issue; as this does touch upon the right to free speech. Depending upon what sort of agreement the company has with Mary would speak volumes as to her 'rights' outside of work and expectations as to how she is expected portray her company. Mary also should have known that media sensationalism is what they are in business for. Her views were liable for their interpretation and hence liable to be misconstrued or misutilized; as they were. Does Whitewater have a legitimate concern about her speaking out on this issue?

Mary's concern is legitimate; of that there is no doubt. However as an emissary of her company she is responsible both inside work and outside work to present an image of her company that is positive. Or she could choose to work elsewhere. If Mary were to choose her moral high ground and leave the company she would be commended for her actions that follow her beliefs. Does the company have a right to abridge her freedom of expression? The company does have some right to abridge her freedom; particularly if they have a company handbook which specifies their expectations (within reason).

Mary's views and activities outside of work have no real concern to her company; but ethically Mary is working in an industry where serving liquor is the nature of business. These companies often display and rely on laws and policies to inflict rules regarding consumption and abuse. That individuals abuse their products is really not completely their fault. Ethically they are

trying to be responsible and they are after all in the business to sell and make a profit. 2. Is your answer to question 1 affected by whether you agree or disagree with the views Mary Davis expressed?

I think for the zealots on either side of the spectrum individual views would impact whether they agreed or disagreed with Mary Davis. However, it is my belief that you need not side nor disagree with Mary to realize that her behavior and that of Whitewater brewing are dealing with ethical grey matter. The company has rights as much as Mary does; and each can make choices that would resolve this conflict. Mary can leave Whitewater and then no longer be under their scrutiny or Whitewater can have specific policies on expected behavior that reflects the company position.

Communication is at the core of the problem. If either side had communicated among themselves could have avoided this situation; and who knows; perhaps Whitewater being community responsible may have given Mary a different tact to utilize that would have made her and Whitewater happy. 3. Should there be any limits on an employee's freedom of expression? If not, why? If so, under what circumstances is a company justified in restricting an employee's right to speak out? This is a tenuous issue as there are already many amendments to current laws of free speech.

I understand that businesses have a right to ensure viability and employee comments can adversely affect them. I think so long as there is clear communication up front about business policies regarding this and that they are communicated regularly and clearly then it becomes a buyer/employee beware situation. Again within reason individuals should still be able to

express themselves; particularly when there is no direct verbiage that is specific about a business. I am an opponent to a business screening by Facebook etc as what a person does on their time does not necessarily prove they would be bad at work.

Statistics aside we all know you can make data to support whatever view you want today. The bigger question is the legal one; and companies basically in my opinion wield a heavy sword (meaning they have deep pockets for legal issues) to drive their views and challenge you to dispute them. So one question we should be asking is once hired by a business “ Are you now their property which can be used in any way, and discarded when no longer needed? ” After all, today one can be dismissed without cause, employee at will. Take for instance the following article: [http://www. bs2. com/freespch. htm](http://www.bs2.com/freespch.htm) The First Amendment to the U. S. Constitution establishes freedom of speech in the USA. There are several major limitations on this freedom: Only the government is prohibited from restricting speech. Private corporations are free to censor speech of their employees. Freedom of speech is not absolute, even when government regulation or law is concerned.

For example, freedom of speech does not give one the right to commit perjury. See the beginning of my essay on infotorts for more examples. Since 1977, the U. S.

Supreme Court has retreated from protecting freedom of speech even for government employees, as explained in my separate essay. Fundamentally, an at-will employee in the USA can be terminated at any time, and for any reason – or no reason at all – and the courts will not intervene to protect the

ex-employee from allegedly unfair treatment by the employer. Courts have repeatedly recognized that "any reason" includes a "morally wrong" or "morally reprehensible" reason. I have briefly discussed the history of at-will employment in the USA and criticism of this doctrine in a separate essay. The combination of: o legal protection for freedom of speech of employees of for-profit and non-profit corporations and other non-governmental employers, and the freedom of employers to terminate employment at any time, for any reason means that employees in private industry have no legal rights to freedom of speech. (end of article) The case presentation doesn't specify whether the newspaper article identified Mary Davis as an employee of Whitewater. Is that a relevant issue? Whether Mary Davis was identified or not is not necessarily relevant. Once stated, today there should be an assumption that someone, anyone, can ultimately determine ownership.

This is especially true if the information is anything but verbal and has been recorded in any way, manner, or form. Does it matter what position in the company Mary Davis holds? To a degree the fact that Mary Davis is high up in the corporate chain bears a more significant impact. In a higher position Mary is more an emissary of the business and as such expected more to promote the business image. However despite her position as an employee of a business she is bound to the requirements of that business, especially once specified to her. Or she can choose to follow her conscience and resign. . What do you think Mary Davis ought to do? Clearly Mary Davis should resign; or fold to the demands of her boss and refrain while employed by Whitewater from expressing her personal views on any liquor related issues. What moral considerations should she weigh? Mary simply needs to weigh

what is important to her; her work, money, job and family stability or her moral considerations and the possibility that she would need to shift employment in order to not have direct involvement in an industry she believes to be practicing unethical behavior. Does she have conflicting obligations?

Mary does have conflicting obligations. If so what are they? They are her obligations to survival, money, job stability, employment, etc. On the other side is her obligation to her conscience and her moral beliefs, particularly the one that is contrary to the production and sale of malt liquor to individuals (specific individuals). 5. Is the company right to be worried about what Mary Davis writes or says, or is the board of directors exaggerating the potential harm to Whitewater of her discussing these issues? The company is totally right to be worried about Mary Davis.

There is many a story about David and Goliath where a single individual toppled a business based upon their personal beliefs. 6. Assume a CEO like Ralph Jenkins is legitimately worried that an employee is making damaging statements about the company. How should the CEO handle the situation? My opinion is that the CEO would need to sit with the employee and state the business doctrine as it were. Next would be to ask open ended questions to see if there was an option where both needs could be met satisfactorily without any negative repercussions to either party involved. Is discharge or some sort of discipline called for?

Initially, discharge or discipline may not be called for; unless policies had been clearly stated beforehand. Should the company adopt a formal policy

regarding employee speech? All companies should have formal policies regarding employee speech. Moreover these should be communicated in plain simple language and reiterated yearly to ensure everyone remains cognizant of the policies. If so, what policy would you recommend? I recommend a policy that is developed with the individuals at all levels of the business to ensure varied concerns are addressed and the needs of the business (their viewpoint) is clearly understood.

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