Business Ethics Competition Essay

Picture this: Manda, a conscientious employee who works for the company 'MakeStuff', has uncovered some significant concerns regarding the safety of a product. She reports these concerns internally, but to no avail. Going public could protect the public, though there's no doubt that this could be of risk to her too – her employment, financial security, even her personal life. Though with such grave concerns for the public, is she really justified in staying silent?

In this essay, I will argue that Manda does not necessarily have a moral obligation to externally whistle blow, though under certain uncommon contextual conditions, a moral obligation may arise. I will consider DeGeorge's account of our moral obligations to externally whistle blow, alongside Kenny's paper on the various forms of precarity and economic impacts involved for a whistleblower. I give note to the lack of humanisation from an approach such as DeGeorge's, and will deliberate upon the conditions necessary for externally whistleblowing, and the protections via law and regulatory bodies, that we may expect to see for those who whistle blow.

External whistleblowing refers to employees, reporting or making others aware outside of their company, of misconduct or unsafe procedures within their company. This could be the general public, a regulatory body, or a media outlet. In the case of Manda, externally whistleblowing would involve her reporting the concerns regarding the safety of the product, to the general public or a regulatory body that is external to MakeStuff. External whistleblowing comes with risks to Manda that internal whistleblowing (the disclosure of misconduct concerns to those relevant *within* the company) may not [Newey, 2024, Slide 2]. By externally disclosing the company's internal procedures, there is a potential breach of confidentiality and loyalty to the company that can lead to financial risks and consequent distress to Manda. For example, disciplinary consequences, an uncomfortable/hostile work environment, or dismissal; each potentially impacting Manda's mental health [Newey, 2024, Slide 10]. With various, convoluted risks associated with externally whistleblowing, Manda's moral obligation to do so, is called into question.

One of the most notable views regarding external whistleblowing and our moral obligation, comes from DeGeorge. DeGeorge argues that workers are morally *permitted* to publicise internal information *if* internal whistleblowing has already taken place, been ignored, and that the harm done by not going public will be significant. Although, a moral obligation is not present, it would be morally permissible for a worker to go public if they decided to. In Manda's case, she has already internally whistle blew and been ignored. Therefore, DeGeorge would attest that external whistleblowing would be morally permissible providing the defective product's potential harm is significant. An *obligation* would only arise from *documented* evidence that would convince an impartial external party that Manda's view regarding the safety of the product was the correct view and that MakeStuff's conduct was incorrect. In addition to this, there must be strong evidence that making the information public would genuinely prevent serious harm; DeGeorge notes that such evidence would be quite difficult to obtain. In Manda's case, without such evidence, external whistleblowing is not morally *obligated*. [DeGeorge 1981, Page 6].

Initially, I do believe that DeGeorge has a reasonable suggestion regarding evidence based external whistleblowing. It would not be reasonable for Manda to whistle blow without evidence-backed reasoning regarding a *genuine* threat to the public. Without such evidence, external whistle blowing could easily back fire. Externally whistleblowing exposes Manda to public opinion and judgement which may require her claims to have substantive evidence to be acknowledged as a genuine concern. Without genuine concern and public conviction, the management of MakeStuff may dispense disciplinary measures and disregard the public's reaction to the safety of their product; there may be no reaction to manage if Manda's claims are not substantively evidenced or convincing. It does not seem reasonable then for Manda to whistleblow without extreme confidence in the ability of her claims to be heard, as the personal repercussions for Manda may not be offset by the possible good of disclosing the safety concerns to a third party. Despite this, I don't believe DeGeorge holds an entirely reasonable view on Manda's *obligation* to whistle blow. DeGeorge's reliance on obtainable evidence to determine when a moral obligation to externally whistleblow arises, seems to lack clear guidance. The use of photo or video evidence alone, of the product production or policies surrounding its production, may allow a third party to take concern in MakeStuff's internal procedures. Furthermore, it seems clear that in cases of workplace misconduct, obtainable evidence which would convince a third party, varies greatly. For example, for Manda it may be that her position within the company does not enable her to gain access to robust and convincing evidence. Though in the case of engineers, their hands on involvement within the company may allow them to obtain evidence that others couldn't, which may create a consistent moral obligation for engineers by DeGeorge's account, to externally whistle blow. However, if the workplace misconduct is not as clearly of a physical nature, as is the case with harassment, then the ability to convince a third party is much lower. With the difficulty of obtaining such evidence varying circumstantially, the conditions for a moral obligation to externally whistle blow by DeGeorge's standards may be extremely low and would require us to almost always disclose to a third party. Or, they may be extremely high, in which case we would *never* be obligated to externally whistleblow – even if we are *unequivocally* sure of extreme safety concerns. And so for Manda, it seems difficult to decipher where her moral obligation lies according to DeGeorge. It *could* be the case that her ability to obtain evidence is so clear, that in almost all cases of experiencing unsafe work policies or procedures, an obligation would immediately arise to externally whistle blow, disregarding the personal risks for Manda.

In addition to this, DeGeorge's reasoning for a moral requirement from Manda does not seem to align with the nature of external whistleblowing. DeGeorge argues this moral requirement arises as we are ‘morally obliged to prevent harm to others at little expense to ourselves’, and furthermore ‘we are morally obliged to prevent great harm’ to many others even when ‘there is considerable expense to ourselves’. However, it seems for someone like Manda, externally whistleblowing carries much deeper, life-changing risks than what would be described as ‘little expense’ or even ‘considerable expense’ [DeGeorge in Davis, 1996, Page 16].

In contrast to DeGeorge’s account, Kenny and Fotaki can emphasise the idea of these various risks and the precarity involved for employees such as Manda, externally whistleblowing. Their research showed a 63% dismissal rate for whistleblowers, with 28% resigning. Of those not dismissed, 62% were demoted [Kenny et al, 2021, Page 349]. 67% of the time, whistleblowers experienced financial loss [Kenny et al, 2021, Page 350]. This alone I believe provides good reason for Manda to not have an obligation to whistleblow, without even considering the future risks involved; 64% of whistleblowers experienced formal blacklisting within their industry, and 21% experienced informal blacklisting [Kenny et al, 2021, Page 349]. Financial and future risks will possibly impact Manda’s mental health also, with 65% of their sample experiencing negative effects to their mental health after disclosure. And where financially viable, such mental health issues require treatment, with the average cost being £1,000 a year [Kenny et al, 2021, Page 351]. Thus far, it does not seem viable for someone such as Manda to risk as many impacts to her wellbeing and finances, especially when considering it is possible Manda’s publicised concerns will not be heard by MakeStuff, resulting in no changes to the product at all. One potential criticism to Kenny and Fotaki’s research is that it does not specify or focus entirely on external whistleblowing, stating the sample involved those who had spoken out to ‘a party that was expected to act on it’ [Kenny et al, 2021, Page 348]. This could include internal regulatory bodies within the company, or HR/management that is expected to act on such concerns. It could be the case, that if the sample focused solely on external whistleblowing, the statistics would suggest fewer negative impacts to those such as Manda speaking out. Ultimately though, I don’t believe this would be the case. External whistleblowing comes with deeper risks and hostility created between the employer and employee which is not present from internally whistleblowing. For Internal whistleblowing, as DeGeorge notes, depending on her role within the company it can be generally assumed that she would have some sort of duty to report these concerns to her superiors. Especially if she is hands on with this product and the production or engineering of it. Engineers for example, hold an ethical responsibility to do their jobs and report their observations to management [DeGeorge, 1981, Page 5]. I don't believe this is the case for external whistleblowing, as it extends beyond this duty and breaks a confidentiality and loyalty to the company that internal whistleblowing does not. Therefore, the financial and legal issues surrounding such disclosure clearly could carry greater harm to someone like Manda. Research supports this too; a study from Dworkin and Baucus found managers 'frequently' attempt to discredit and prevent external whistleblowers from going public, utilising defamation, isolation and expulsion at a higher frequency than that of internal whistleblowing [Dworkin et al, 1998, Page 1295]. Cases even showed managers faking documentation to discredit employees, even when credit was abundantly due. [Dworkin et al, 1998, Page 1295]. And so, whilst Kenny and Fotaki's sample may not involve *only* external whistleblowing, I don't believe this to be a downfall for a suggestion of the undeniable risks for Manda as an external whistleblower. The risks for an external whistleblower I believe will be accentuated compared to her previous internal disclosure. With the risks clearly significant and worsened compared to internal whistleblowing, I believe this can only give weight to the idea of Manda only having a moral *permissibility* to externally whistleblow.

Furthermore, Kenny and Fotaki suggest that the emphasis on whistleblower's such as Manda, and the risks and precarity found from externally whistleblowing, should be viewed from a deeper perspective. A whistleblower's ability to overcome the authority and legal standings of a company such as MakeStuff, seems largely determined by the social attitudes and support available to them. And whilst emphasis should be on the whistleblower's rights, organizational status, and obligations, these factors deviate from a holistic approach. Kenny and Fotaki argue that such an approach 'fails to capture their dependencies on others, as well as their corporeal vulnerability'. Suggesting that new kinds of support are needed for whistle-blowers, support that is not only of legal status, but also involves a change in social attitudes towards whistleblowers such as Manda [Kenny et al, 2021, Page 355]. *This* is what an approach such as DeGeorge's can ignore, it disembodies and dehumanises whistleblowers. This is to say that, a view such as DeGeorge's can ignore the corporeal element to business ethics. Corporeal ethics refers to the ethical concern for the effects of an action upon the real, genuine, lived experience of the body. For example, as statistically shown above, 65% of whistleblowers find their mental health to be affected by whistleblowing. Kenny and Fotaki argue that such an approach is typically ignored within business ethics [Kenny et al, 2021, Page 345]. Businesses instead, to date, focus on general ethical standards. For example, businesses may operate upon cost-benefit analysis of their employees, ensuring they, as loosely as possible, abide to ethical rights of employees. And so, when discussing ethics within business, we may lose sight of the lived experience of the employees, dehumanising their decision, because we ignore their various personal risks. Discussion upon Kenny and Fotaki above can give way to this deeper, corporeal approach mentioned above. Their statistics on the effects of the lived experiences of those who have whistle blown, can humanise a whistleblower and ensure that their decision to whistle blow is not simply based upon conditional circumstances, and instead considers the varying effects that external whistleblowing can have on the lived experience of the individual.

DeGeorge's approach fails here, simplifying a whistleblower's decision making down to certain contextual circumstances. For example, DeGeorge's moral *obligation* for someone to externally whistle blow focuses on whether evidence could be obtained that could convince a third party of potential harm, as well as having strong reason to believe that going public would genuinely prevent serious harm [DeGeorge 1981, Page 6]. Such an approach towards a moral obligation to whistle blow very clearly ignores above corporeal ethical concerns here. Our obligation to whistleblowing on DeGeorge's account gives no consideration to the risk to our financial position, mental health or future employment – the whistleblower is dehumanised, with the effects of such an action on the human experience, dismissed.

As shown by statistics above by Kenny and Fotaki, If we are to create an account of external whistleblowing that truly takes into thought a whistleblower's body, vulnerability, and interaction with the world around them, it is essential that there are legal rights and support in place. Without implementation of such support, the risk to future employment, financial loss, and mental strain, would only be exacerbated. An example of this could be support and education surrounding the costs financially or time-wise of external whistleblowing and the corresponding legal advice. An example that Kenny notes, is a 'match-making' connection between lawyers and whistleblowers that provides advice and guidance [Kenny et al, 2021, Page 356]. A potential element of this could be at the corporate level; companies could set out and provide the protections for whistleblowers when disclosing information to third parties. Though I believe this would have to go further. Allowing companies like MakeStuff, to create their own conditions and policies that 'protect' individuals like Manda from the harms presented by the papers above, leaves too much up to the bias and interests of the company. Their personal interests are shown above by Dworkin and Baucus – with managers exploiting individuals like Manda when they externally whistleblow, via expulsion and false-documentation [Dworkin et al, 1998, Page 1295]. Instead, laws that regulate and dictate the say that a company has in Manda's choice to externally whistleblow, as well as protections surrounding her future employment and financial situations, are essential, as suggested and exemplified by Kenny and Fotaki. Deeper than this, regulatory bodies could be a legal obligation for a company to have, a body that would eliminate concern regarding bias and interests towards the company, due to their third party nature. Without such regulations and/or regulatory bodies, the only cases of obligation that I believe arise for someone like Manda, are cases in which the risk to the public is to a detrimental extent – one involving a genuine, undeniable risk of death. If such a risk is not presented by the safety of the product at

MakeStuff, then Manda is *not* morally obligated to externally whistle blow; the harms to her are almost always unjustifiably high.

In conclusion, whilst DeGeorge's account is reasonable to suggest evidence is necessary for Manda to externally whistleblow, it does not suggest an *obligation* is present. The harms/costs to Manda presented by Kenny and Fotaki, are significantly too high to justify an obligation. Additionally, an account such as DeGeorge's dehumanises individuals like Manda, and ignores the various, complex personal risks for a whistleblower. Therefore, without regulations and changes in protection for whistleblowers which encompass this complexity, a moral obligation can never reasonably be suggested in most cases for Manda.

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