

Repercussions and responsibility:
An analysis of the relationship between privilege and
the moral expectation to whistle blow

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Blowing the whistle on inappropriate or dangerous conduct in workplace contexts is undoubtedly an intimidating thing to do. Being the person to expose one's own employer often comes with the title of *traitor* or *snitch*. But often times, it is of great importance that someone be willing to put their reputation and security on the line, for the good of the public. Whistleblowers can do a great and important service to the general public, and it is largely for this reason that anyone risks reporting at all. However, due to the unpleasantness, and serious repercussions, that may befall the whistleblower at the hands of their employer, coworkers, and/or community, ethicists are divided on whether or not anyone can ever be *obligated*, versus *permitted*, to whistle blow. The aversion to obligate whistleblowing is in connection with the negative personal consequences that accompany blowing the whistle. The concepts of intersectionality and privilege appear highly relevant in this area of discussion, as the severity of the social and professional consequences that a whistleblower faces are likely to have some relationship with their status in society and the workplace. Current discussions of moral permissibility versus requirement of whistleblowing largely fail to consider privilege dynamics, and it is this hole in whistleblowing ethical theories that I will address.

This paper will be divided into three main sections; the first section will discuss my proposal for a general framework

revision to whistleblowing theories of ethics, in order to integrate intersectionality and understandings of power dynamics into whistleblowing moral theories. Following this, I will explore the significance of discrepancies in privilege in a professional context, and why these unequal power dynamics *should* matter in the formulation of whistleblowing criteria. The third section will outline two prevailing whistleblowing moral theories, and here I will examine how these theories largely fail to consider the likelihood of unequal repercussions to the whistleblower, and reflect a problematically homogenous ‘Whistleblower identity’.

I. Integrating Whistleblowing Ethics And Intersectionality

This section will suggest some general changes to the framework of whistleblowing ethical theories to allow for fairer, privilege-aware theories of whistleblowing. The primary change that is necessary is to explicitly acknowledge in the theories that privilege discrepancies among potential whistleblowers *do* exist, and also *do* impact the experiences one has as an individual. To allow for a more multi-dimensional model of a “Whistleblower identity” that acknowledges diversity of experience based on one’s privilege identity, the criteria that dictate the permissibility/obligation of whistleblowing must reflect the varying degrees of risk that accompany blowing the whistle depending on *who* blows it. Intersectional-analysis allows for the consideration of the interaction of “a [broad] range of oppressions...or social groupings” (McBride et al. 332), and thus facilitates the understanding of a whistleblower as more than one *type of person*. For example, intersectionality can be a useful concept in analyzing how a transgender, working-class, Caucasian

woman may experience discipline at the hands of her employer for a multitude of privilege indicators. She would simultaneously be at a systematic disadvantage because of her gender-identity and her income level, while also holding white privilege. The interaction of multiple *types* of privilege and oppression that are present for any person are complicated, and being sensitive to and aware of overlaps and degrees of privilege and power is important.

To integrate intersectionality into whistleblowing ethics, I suggest that there should exist some positive correlation between level of privilege of a potential whistleblower, and the moral expectation/duty of that person to whistle blow. This proposal would mean tailoring whistleblowing criteria to fluctuate in response to differences in whistleblower identity and circumstances. People of greater privilege in society and the workplace ought to also hold a greater duty to whistle blow on ethically problematic corporate behaviour, as their personal identity makes likely less severe repercussions than people of less privileged identities. This sliding-scale model of whistleblowing ethics does not encourage or obligate workers to whistle blow any more than the existing theories do, but rather removes some of the moral responsibility to report ethical misdeeds from whistleblowers of lesser privilege, who are likely to experience unreasonably serious or damaging repercussions as a result of reporting.

II. Privilege in the Workplace, and Why it Matters

This paper is intended to demonstrate the flawed nature of whistleblowing ethics as they currently stand. This flaw exists, I argue, in the indifference that whistleblowing criteria

show towards how people of different levels of privilege may experience differences in severity of repercussions for reporting workplace concerns. In simple terms, what this section will contribute towards my argument is background knowledge of workplace discrimination, inequalities, and power dynamics. This research reinforces my assertion that people with less privilege in the workplace *are* likely to experience more serious consequences for whistleblowing than those with more privilege, as patterns in delegation of power, the fear of persecution that can stem from discriminatory practices, and the often subtle nature of prejudice, all act to reflect predictable patterns of unequal experience based on people's personal identities and status.

Personal attributes impact one's experiences, as differences in age, race, sex, etc. "influence quality of life and life chances" in workplace contexts (Stainback 2). These life chances may include being hired, promoted, fired, trusted with more or less significant tasks, and so on. Quality of life may involve the respect one is paid in the workplace, how safe one feels, how happy one is in their work environment (again, this is not an exhaustive list). And with the range of success and/or satisfaction that any given person may have in their quality of life and apparent opportunities, the issue of privilege is always intertwined. Biases in management are especially concerning, as "people in positions of situational power, such as supervisors and managers, are more likely to fall back on stereotypic assumptions about social out-groups" (Stainback 6). In simpler terms, what is alarming is that people in positions of greater power and influence in the workplace, tend to be biased in ways

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that label certain minority and/or societally disadvantaged groups as “other” or “lesser”.

‘That is not awesome,’ one might say, ‘but how do stereotyping and bias really play into life quality and chances?’ To assess this, let us first consider a scenario:

Ayah is a Muslim woman working for S&G Advertising Inc.. She has been a loyal and effective employee for eight years, and has recently put her name in for consideration for a promotion. Up for the same promotion is John, who has worked for S&G for four years, and has been reprimanded on several occasions for careless work, and showing up to work late. The manager in charge of hiring, Greg, thinks that Ayah is the more competent and reliable choice for the promotion, but is hesitant to give her the job, because he believes that as a moderately young woman of Islamic faith, she is likely to want children, and Greg does not want to have to pay for a maternity leave at the significantly increased salary that accompanies the promotion.

Regardless of whether or not Ayah gets the promotion, this example can be used to illustrate how biases and stereotypes impact experience. What should be taken away from the S&G example? The two main points are that (1) Ayah is, even in the eyes of her employer, the more qualified and deserving candidate, and yet (2) Ayah may not get the promotion, because of assumptions made regarding her gender and religion. Clearly, attributes of Ayah’s that are not connected to her success as an S&G employee are wrongly treated as relevant to her work, thus decreasing her chances of attaining a better job and the satisfaction of recognition for her work. So, to discuss Ayah’s job prospects without considering her identity-

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related privilege seems to fail at capturing the whole picture; her identity as an ‘employee’ alone, without factoring in her identity as a ‘young, Muslim woman’, may not explain her experiences in the promotion-process.

The issue of unequal privilege in the workplace is made more complex, moreover, by the often obliviousness of the perpetrator of bias, as “prejudice in the workplace often manifests in subtle ways” (Jones et al. 52). Employers and coworkers that may be commonly acknowledged as very ‘good people’ in many respects, may perpetuate inequality in the workplace without realizing or intending it. This can make addressing cases of discrimination, prejudice, and inequality difficult. In the S&G example, for instance, let us assume that Greg is a well-liked and compassionate manager in most respects. Ayah herself has had only positive interactions with him, and feels that he is a kind man and employer. However, from the example, we know that, despite his potential unawareness of it, Greg is making important employment decisions based on gender and religious stereotypes. Because of the subtle/potentially unintentional nature of Greg’s prejudice, Ayah may be unaware of the bias that is colouring his decisions, or else may fear confronting him about it, as she has an otherwise amiable relationship with him, which she may not wish to jeopardize by questioning his objectivity. Employees, like Ayah, are often “enmeshed in a web of interpersonal [and] structural...relationships that may enable or constrain not only the experience of discrimination but also their capacity to redress it” (Hirsh 261). After all, no one likes to be told that they are being racist/sexist/classist/homophobic (the list goes on). Having one’s decisions and morals questioned can cause to

feelings of “discomfort”, “irritation” and “antagonism” (Czopp et al. 532), all of which may lead to potentially toxic backlash.

So, what we see so far is a framework where some people are placed in more disadvantaged positions in society and the workplace, but are often simultaneously unsure of the intentions of perpetrators of specific instances of unequal treatment, or else left in awkward or personally harmful positions if they wish to address prejudice/bias behaviour. This is where I hope to connect whistleblowing to the issue of privilege discrepancies in the workplace. When a person blows the whistle, they often suffer unpleasant consequences for their breach of confidentiality or loyalty to their employer (De George 268). But, moreover, “decision-makers are more likely to rely on stereotypes under conditions of threat or uncertainty” (Stainback 6). What does this mean? It means that bias is relevant (maybe even especially so) when in threatening and complicated circumstances – such as whistleblowing. And since “status hierarchies, such as the mapping of ascriptive hierarchies (sex, race, ethnicity, age) onto organizational ones (occupation, job, work group)” overlap, people with more privilege in society (white, male, straight, cis, etc.), tend to hold positions of more power in the workplace (Hirsh 262). With this positive correlation of identity-related privilege and workplace role-related privilege, it seems to follow that differences in privilege *do* matter in corporate contexts. It is therefore reasonable that a person that is treated unequally in many domains of life, expect that they may be treated unequally as a whistleblower, as “employment discrimination often finds its victims among those who are in subordinate positions on multiple social axes and are most vulnerable to the social and

economic repercussions of speaking out...” (Hirsh 263). So then, if privilege discrepancies are such an important consideration in workplace politics, hierarchies, and treatment, are they reflected in whistleblowing ethical theories? This is what I will proceed to discuss in section (iii).

III. Ethical theories of whistleblowing (and what’s missing)

Two prevailing whistleblowing theories that highlight criteria for permissible and/or obligatory whistleblowing are the Dominant Theory, and the Complicity Theory (Davis 534). While these are by no means the only sets of criteria of importance in whistleblowing discussion, they will be my primary focus in this section.

The Dominant Theory evolved from De George’s work on distinguishing what qualifies an instance of whistleblowing as morally permissible versus morally required (Davis 533). The Dominant Theory consists of three criteria that are supposedly jointly sufficient in deeming an act of whistleblowing permissible, and an additional two criteria that, when fulfilled along with the first three, may deem an act of whistleblowing morally *obligatory* (Davis 533-534). To facilitate my dissection of the theory, I have paraphrased the five criteria below:

D1. The organization committing the misdeed poses significant harm to the public.

D2. The potential whistleblower has reported the issue to their immediate superior and “concluded that the superior will do nothing effective”.

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D3.The whistleblower has “exhausted other internal procedures within the organization” to the greatest extent as is reasonable and safe for the individual.

D4.The whistleblower can access evidence that “would convince a reasonable, impartial observer that her view of the threat is correct”.

D5.The whistleblower is justified in believing that reporting the issue will prevent/significantly reduce harm to the public, and at a reasonable risk to their own wellbeing. (Davis 533-534).

The Complicity Theory revolves around the work of Michael Davis, and focuses more on personal implication or contribution by a potential whistleblower to an ethical concern (Davis 534). Like the Dominant Theory, Davis outlines a set of criteria to evaluate when it is morally required to blow the whistle. Again, paraphrased, these six criteria are:

C1.One’s knowledge of the issue/misdeed is due to their involvement in the organization causing the problem.

C2.One is a “voluntary member of that organization”.

C3.One considers the action(s) of the organization “morally wrong”.

C4.One believes that their involvement in the organization to some degree contributes towards the problem, and that the problem is likely to continue if one does not report it. C5.One is justified in believing C3 and C4.

C6.Beliefs C3 and C4 are true (Davis 534).

In my discussion of these two theories, I will not attempt to assert the superiority of either the Dominant or the Complicity Theory over the other. What is at issue is not the difference in focus and intent of the opposing theories. Rather, I

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will examine how both theories fail to incorporate privilege discrepancies into their whistleblowing criteria, and how this flaw is reflected in implicit assumptions within the theories.

At the heart of whistleblowing ethics is the weighing of ‘risk and reward’, where both the risk and the reward will differ depending on the specific circumstances. What is consistent, however, is that “the whistleblower usually fares very poorly at the hands of his company” (De George 268). While De George *does* identify something important, namely, that whistleblowers tend to suffer undesirable consequences, he also reinforces what I will call the “Whistleblower identity”. Like most whistleblowing ethics, De George discusses the potential experiences, motivations, and responsibilities of “the Whistleblower”. However, to assert that there is any single set of experiences that can be considered an accurate guideline for all (or even most) whistleblowing procedures is terribly misinformed, I argue. The concept of “the Whistleblower” treats all whistleblowers as a single and homogenous identity – one where the repercussions they face are hypothesized/discussed solely on the basis of their *actions* and not on their *persons*. De George is right in the sense that consequences for whistleblowing *can* be described in general terms as ‘unpleasant’ or ‘bad’. But, this does not mean that all whistleblowers will experience *equally* bad consequences, and through considerations of privilege and power, it is likely possible to hypothesize about the degree of ‘badness’ of repercussions that a specific whistleblower experiences.

In analyzing the Dominant and Complicity Theories with an intersectional focus, the most obvious issue is that neither theory includes any criteria or guideline for how the identity of

the whistleblower ought to factor into the permissibility/obligation to whistle blow. In this way, both theories seem to assume the non-discriminating “Whistleblower identity” discussed earlier in this section. Further assumptions are evident in the Dominant Theory, such as the idea that the whistleblower has internal procedures and resources available to them, and that pursuing these internal methods is usually safe and/or productive to the cause of fixing the problem. This criterion does not take into account that internal reporting may *often not* be safer nor more advisable as a first step to whistleblowing, for reasons beyond the whistleblowing itself. Prejudice and power inequalities may make internal reporting of concerns to management more likely to silence the concern before it can be remedied or revealed to the public, while still punishing the whistleblower for insubordination or disloyalty. Some people are safer and have more “leverage” to alert their superiors of their concerns, and these are usually people with “tenure”, “position status” and “credibility” (Mesmer-Magnus et al. 280). And, as discussed in section (ii), this organizational privilege correlates to ascriptive privilege, meaning that people with tenure, position status, and credibility in the workplace are more likely to be people with greater race/gender/age/etc. related privilege. So, to imply, as the Dominant Theory does, that a necessary and *generally advisable* first step in whistleblowing is to report internally to the company, ignores the relevant issues of who has the “leverage” to do so. Rather, this assumption seems to highlight the problematic nature of the homogenous “Whistleblower identity”, as it treats a potential whistleblower with the leverage and safety to report internally as the whistleblower norm. The theories *do* recognize whistleblowing as an “ethically complex act that involves

several different overlapping understandings of obligation, honesty, loyalty, and duty” (Paeth 559); unfortunately the equally pertinent and complicated consideration of privilege is *not* present (in any explicit or sufficient way) in either theory.

IV. Conclusion

While my paper ends here, I do not mean to imply that I have proposed any complete or sufficient revision to whistleblowing ethics. Rather, this paper has highlighted the significance of privilege and power in the workplace, and how current whistleblowing ethics fail to reflect issues of inequality. Further research and insight is necessary for the development of a whistleblowing ethical theory that is sensitive to the intersectional nature of workplace experiences and repercussions of reporting corporate misdeeds. All that I have provided in the area is a discussion of a flaw in existing theories, and a suggestion for a more flexible framework of whistleblowing criteria, in order to appropriately relate the duty one has to whistle blow to the likely severity of the resulting consequences.

References

- Czopp, Alexander, Monteith, Margo. “Confronting Prejudice (Literally): Reactions to Confrontations of Racial and Gender Bias”. In *Personality and Social Psychology Bulletin*, Vol 29, Issue 4 (2003). 532-544.
- Davis, Michael. “Whistleblowing”. In the *Encyclopedia of Applied Ethics (Second Edition)*. Edited by Ruth Chadwick. Elsevier: 2012. 531-538.

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- De George, Richard. "Whistleblowing". In *Business Ethics*, 1999. 267-274. Print
- Hirsh, Elizabeth. "Beyond Treatment and Impact: A Context-Oriented Approach to Employment Discrimination". In *American Behavioral Scientist*, Vol 58, Issue 2 (2013). 256-273.
- Jones, K., Arena, D., Nittrouer, C., Alonso, N., Lindsey, A. (2017). "Subtle Discrimination in the Workplace: A Vicious Cycle". *Industrial and Organizational Psychology*, 10.1 (2017). 51-76. Print.
- McBride, Anne, Hebson, Gail, Holgate, Jane. "Intersectionality: are we taking enough notice in the field of work and employment relations?" In *Work, Employment and Society*, Vol 29, Issue 2 (2014). 331-341.
- Mesmer-Magnus, Jessica, Chockalingam Viswesvaran. "Whistleblowing in Organizations: And Examination of Correlates of Whistleblowing Intentions, Actions, and Retaliation." In *Journal of Business Ethics*, Vol 62, no. 3 (2005). 277-297.
- Paeth, Scott. "The Responsibility to Lie and the Obligation to Report: Bonhoeffer's 'What Does it Mean to Tell the Truth?' And the Ethics of Whistleblowing". In *Journal of Business Ethics*, Vol 112, no. 4 (2013). 559-566.
- Stainback, Kevin. "Organizations, Employment Discrimination, and Inequality". In *The Oxford Handbook of Workplace Discrimination*. Accessed through *Oxford Handbooks Online*. Edited by Adrienne Colella and Eden King. Online publication, Nov. 2015. 2-6.