ETHICS - NO ONE WANTS TO BLOW THE WHISTLE: WHEN MUST YOU?

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BLOW THE WHISTLE – IS IT REQUIRED!!!

- Under what circumstances?
- Imagine yourself as a licensed professional, where you will lose your license if part of some illegal activity that you are aware of
- We will address the situation as you might view it
- Interrupt and ask questions
WHO IS A WHISTLEBLOWER?

- According to wikipedia.org,
- the definition of whistleblower is an employee or former employee of an organization who reports misconduct to people or entities that have the power to take corrective action.
- Generally the misconduct is a violation of law, rule, regulation and/or a direct threat to public interest –fraud, health, safety violations, and corruption are just a few examples (Wikipedia, 2007).
Legality / Professional Issues

- Licensed Professional
- Violations of law
- Life safety issues
- Code enforcement issues
- Moral issues
- Etc.
DISCUSSION EXAMPLE

- Licensed Professional wrote report
- Company took report, altered, and distributed it
- Report case
- Protected state?
- See series of slides on this discussion
Licensed Professional Issues

- Obligated as a professional under the member society ethics policies
- Becomes a violator by not reporting
- Lose license
- Etc.
REPORT WHERE?

- Newspaper
- Radio
- TV
- Employer/Boss
- Sherriff
- Police
- Other?
BURDEN OF COSTS

- Employer?
- Self
- Other?
PROTECTED STATE

- Meaning?
- Provisions
- Other
Whistle Blower’s Protection Act

- Summary review
- Protected?
- Concerns?
Example -

- You are author of a report
- The report is changed by firm paying for work, despite your attempts to reconcile the differences
- The firm ships out your report over your objections
- Copyrighted under today’s rules
- You become a part of an illegal report and you are a registered PE
- What do you do? (Lose PE?)
Contractual Violations

- Company part of committed research
- Supply of $$ for NSF research
- Supply of specimens
- Requested all suppliers to send to a different location
- Adjutant Attorney General Reviewed
**Ethical vs Legal Issues**

- National Institute of Engrg. Ethics
- Federal Whistleblower’s Protection Act
  - only covers federal employees,
  - state laws continue protections for individuals under their jurisdiction.
  - For example, Iowa State Code 70A.29
Whistleblower’s Act

- Reprisals - identifies the protections enacted for individuals in a position of employment by a political subdivision of the state of Iowa (Iowa State Code, 2007).
- Fines
- Jail sentence
- Call Sheriff’s office
OUTCOMES OF WHISTLE BLOWING

- Is there justice?
- The person reporting the problem may have to pay the bill
- The person doing the reporting may have other repercussions
- Reputation impinged
- Nothing is done
Difficulty by Engineers to Report Whistle Blowing:

- Engineers are used to calculating outcomes
- Engineers are used to scientific evidence
- Engineers are used to regulatory codes to dictate outcomes
- However, the outcomes of whistle blowing may not turn out as thought
When is it questionable that you should blow the whistle?

- When blowing the whistle may do more harm than good?
- Ask yourself, if you were giving a lecture and halfway through your address were told the materials used in your demonstration contained enough radiation to contaminate the entire room and everyone in it, would you openly profess the concern en masse? Cont’d.
Certainly, a tactless and blundering statement may cause mass hysteria and potentially cause more bodily harm than simply exiting the building into an improvised containment area.

The example is improbable, but the concept is plausible.

One must be completely aware of sociological perceptions when considering potential outcomes regardless of the severity of current risk.
Ethics Dictates Whistle Blowing

- Ethically bound to identify the deficiencies
- The National Society of Professional Engineers (NSPE) identifies specific guidelines to engineers:
  - “If engineers’ judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate” (National Society of Professional Engineers, 2006).
  - Report to higher code authority in some cases
LEARNING ETHICS, ETC

- NIEE
- NSPE
  - Code of Ethics
  - Case Studies
- ASCE
- Other Professional Societies

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CONCLUSIONS/CONSEQUENCES

- The messenger (the whistleblower) tends to be crucified for reporting the incident.
- The rate of harassment will increase in current (and potentially future) relationships whether business or personal.
- Professional Societies partially exist to assist ethical concerns.
- Legislative efforts are underway to improve the legal implications.
- The remedial process will have begun.

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CONCLUSION:
BLOW THE WHISTLE – MAY BE REQUIRED!!!
[Legal, Ethical, Moral, Life Safety, Codes]

But, One should never underestimate the level of responsibility taken when practicing engineering, please don’t underestimate the consequences.