

SELECTED REFERENCES

INDUSTRIAL RELATIONS SECTION

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WHISTLEBLOWING**

I. GENERAL

Anderson, Robert M. *et al.* *Divided loyalties: whistle-blowing at BART*. West Lafayette, IN 47907. Purdue University (Office of Publications, Bldg. D, South Campus Courts), 1980. 397 pp. (*Science and Society: A Purdue University Series in Science, Technology, and Human Values*, vol. 4). \$4.95, paper.

In 1957 the California State Legislature created the Bay Area Rapid Transit District (BART) and charged it with designing, building, and operating a rail-based rapid transit system linking the city of San Francisco with its surrounding counties. In 1972 three BART engineers were fired for blowing the whistle on safety-related technical problems in the still-uncompleted project. The authors first discuss the historical background of the project, and then present the "BART incident" in detail from the various perspectives of those involved. Finding no real villains or heroes, the authors conclude that it was the particular combination of individuals, type of organizational structure, and political, social and economic environment that set the stage for inevitable conflict. They feel the BART incident serves as a lesson for planners in the future. In a related article, "Whistle-blowing: professionals' resistance to organizational authority" (*Social Problems*, December 1980, pp. 149-164, Anderson *et al.* suggest that the attributes and working conditions of professionals within large organizations can be expected to produce an increasing number of whistleblowing incidents.

Conway, John H. "Protecting the private sector at will employee who 'blows the whistle': a cause of action based upon determinants of public policy." *Wisconsin Law Review* (University of Wisconsin Law School, Madison, WI 53706), vol. 1977, no. 3, pp. 777-812. (Order from: William S. Hein & Co., 1285 Main St., Buffalo, NY 14209). \$6.00.

This article explores some of the legal questions surrounding the employment at will doctrine and whistleblowing. Conway believes that whistleblowers face a dilemma: there is a civic and moral duty to report wrongdoing, yet such reporting subjects the employee to possible discharge under the U.S. common law tradition of "terminable at will" employment relations. To examine this dilemma, he first discusses the at will employment doctrine in general. Then he reports the developing public policy exceptions to this doctrine, using court cases to define the legal parameters of these exceptions. Lastly, legal precedents are brought to bear on the issue of whistleblowing, and legal advice is provided for whistleblowers. Conway explains how successful cases have been argued.

Elliston, Frederick *et al.* *Whistleblowing: managing dissent in the workplace*. New York, NY 10175. Praeger Publishers (521 Fifth Avenue). 1985. 147 pp. \$35.95.

One of a pair of volumes providing an in-depth analysis of whistleblowing, this book focuses on whistleblowing to examine organizational methods for

* Prepared by Kevin Barry, Librarian, Industrial Relations Library and Michael Coco and Sandra Hambrecht.

** Items from this list should be ordered directly from the publisher. Addresses are given in connection with each reference.

resolving differences in professional judgement. The authors analyze the different strategies used by whistleblowers to protect their rights, and by organizations to prevent such problems from arising. Legal and historical precedents are given, followed by case studies representing seven possible types of whistleblowing. These avenues of dissent are examined for effectiveness and appropriateness. The last section of the book summarizes the authors' beliefs about the pros and cons of whistleblowing.

Elliston, Frederick *et al.* *Whistleblowing research: methodological and moral issues*. New York, NY 10175. Praeger Publishers (521 Fifth Avenue), 1985. 179 pp. \$33.95.

This companion volume to the one above presents the structure and methods of the authors' research. The book is divided into four parts, beginning with precise definitions of whistleblowing which are used to support a number of hypotheses for explaining such behavior. The second part of the book covers information-gathering techniques, the process for using this information, and moral problems encountered during gathering and processing. The third section discusses cases of whistleblowing which empirically support some of the hypotheses. The last section brings the authors' ideas about whistleblowing into an ethical framework, comparing it to other forms of disobedience.

Ewing, David W. *"Do it my way or you're fired!": employee rights and the changing role of management prerogatives*. New York, NY 10158. John Wiley and Sons (605 Third Avenue), 1983. 387 pp. \$19.50.

This book is designed as a guide for understanding the changing positions of managers and employees today. Ewing has compiled articles, interviews, and other factual records of cases involving employee objectors or whistleblowers in an attempt to define the ways in which the manager's prerogative of "do it my way or you're fired" has been undermined. The book begins with an examination of the employer-employee relationship, defining areas where either employer rights or employee rights dominate. The second part examines problems which managers have begun to encounter with employee relationships, and how several organizations have adapted to the movement for broader employee rights. The last section provides an ethical evaluation and some idealistic solutions.

Individual rights in the corporation: a reader on employee rights. Edited by Alan F. Westin and Stephan Salisbury. New York, NY 10022. Pantheon Books, 1980. 473 pp. (Order from: Random House, Inc., 400 Hahn Road, Westminster, MD 21157). \$16.95.

This reader offers over fifty essays reprinted or excerpted from diverse sources. Among the topics covered are the debate over an Employee Bill of Rights, rights of employee privacy, rights of fair procedure and due process, the right of participation, the right to information, the right to free expression and dissent on the job, and the right to blow the whistle.

Miceli, Marcia P. and Janet P. Near. "Characteristics of organizational climate and perceived wrongdoing associated with whistle-blowing decisions." *Personnel Psychology: A Journal of Applied Research* (9660 Hillcroft, Suite 337, Houston, TX 77096), Autumn 1985. pp. 525-544. \$10.00.

This study suggests that organization members tend not to reveal wrongdoing unless they perceive the problem to be quite serious, well-documented, and directly affecting them. Where the organization seems dependent on the wrongdoing and where retaliation seems probable, whistleblowers are more likely to report it to someone outside the organization, if at all. The authors believe that organizations can increase effectiveness by encouraging internal reporting and protecting whistleblowers from negative consequences.

Near, Janet P. and Tamila C. Jensen. "The whistleblowing process: retaliation and perceived effectiveness." *Work and Occupations: An Interna-*

tional Sociological Journal (Sage Publications, 2111 W. Hillcrest Drive, Newbury Park, CA 91320), February 1983. pp. 3-28. \$8.00

The authors concentrated on a homogeneous class of whistleblowers, women who had filed sex discrimination complaints. The women detailed their post-complaint experiences in a questionnaire, giving their perception of organizational retaliation, the effectiveness of their action, and the amount of support received from different management levels. Three conclusions were reached: whistleblowing is more likely to occur if the worker perceives that it will be effective; perceptions about retaliation do not affect the whistleblower's decision greatly; and employers seem to react strategically, manipulating the situation as best they can.

U.S. Congress. House. Committee on Post Office and Civil Service. *Whistleblower protection. Hearings*. 99th Congress, 1st Session. Washington, DC 20402. Superintendent of Documents, U.S. Government Printing Office. 1985. 412 pp. o.p.

This is one of several hearings conducted to examine the handling of whistleblowers and whistleblower complaints, and the effectiveness of protection for Federal employees who divulge information about agency mismanagement and wrongdoing. Although such protection was guaranteed following passage of the Civil Service Protection Act in 1978, many whistleblowers in the public sector continue to feel threatened. Particular attention is paid to the role of the Office of the Special Counsel (OSC) of the Merit Systems Protection Board in investigating whistleblower allegations and prosecuting these cases. A related article by Lynn P. Weidberg, "Whistleblower protection under the Civil Service Reform Act" (*Federal Bar News & Journal*, vol. 30, 1983, pp. 106-112), explains how an employee may raise a claim of reprisal before the Board, whether statutory protections are adequate, the Board's definition of reprisal, and other key issues.

U.S. Merit Systems Protection Board. Office of Merit Systems Review and Studies. *Blowing the whistle in the Federal government: a comparative analysis of 1980 and 1983 survey findings*. Washington, DC 20402. Superintendent of Documents, U.S. Government Printing Office. 1984. v.p. Stock no. 062-000-00020-1, \$3.25.

This volume is the second study released by the Board concerning whistleblowing under the Civil Service Reform Act. Since the original study, additional experiences had changed attitudes toward whistleblowing, and this study is a comparative analysis of the changes. It provides longitudinal data tracking Federal employee attitudes over the course of several years. The comparisons are organized into three sections. The first details what Federal employees say they know about fraud, waste, and abuse. The second section examines the actions followed by employees who uncover fraud. Lastly, retaliatory consequences of whistleblowing for the employee are presented.

U.S. Merit Systems Protection Board. Office of Merit Systems Review and Studies. *Whistleblowing and the Federal employee: blowing the whistle on fraud, waste and mismanagement—who does it and what happens*. Washington, DC 20402. Superintendent of Documents, U.S. Government Printing Office. 1981. v.p. o.p.

This report presents findings from over 2,500 self-reported experiences of Federal employees. It is intended not only to assess the extent of employees' awareness of illegal or wasteful activities, but also to trace what those employees did (or failed to do) with that information, and what, if anything, resulted. The information is compiled in a form which is useful for policy makers, marking out specific trends and problems. One interesting finding: 45% of employees surveyed had seen Federal malfeasance.

Whistleblowing: the report of the Conference on Professional Responsibility. Edited by Ralph Nader, Peter J. Petkas, and Kate Blackwell. New York, NY 10020. Bantam Books (666 Fifth Avenue). 1972. 302 pp. o.p.

This book is the record of a conference organized by Ralph Nader at which a group of successful whistleblowers gathered to explore the possibilities of whistleblowing. Speeches given during the conference by four keynote speakers and a dozen whistleblowers comprise about two thirds of the book. The remaining third is a summary of subsequent panel discussions concerning the effects of whistleblowing on corporations and the government.

2. PERSONAL ACCOUNTS

Glazer, Myron Peretz and Penina Migdal Glazer. "Whistleblowing." *Psychology Today* (1200 Seventeenth St., N.W., Washington, DC 20036), August 1986. pp. 36-43. \$1.95.

Based on in-depth interviews and correspondence with fifty-five whistleblowers and many of their spouses, the authors present these "ethical resisters" as loyal employees motivated by a strong belief in individual responsibility. While nearly all suffered some form of retaliation, often severe, most sought vindication of their actions and were able to rebuild their lives afterwards. This article is an overview of the authors' forthcoming book, entitled *The courage of their convictions: an ethical odyssey in government and industry*. A related article by Myron Glazer is "Ten whistleblowers and how they fared" (*Hastings Center Report*, December 1983, pp. 33-41), which analyzes the three distinct paths the individuals followed to public disclosure, and the positive or negative reactions of their superiors.

Whistleblowing!: loyalty and dissent in the corporation. Edited with an Introduction and Conclusion by Alan F. Westin; with the assistance of Henry I. Kurtz and Albert Robbins. New York, NY 10010. McGraw-Hill Book Company (1221 Avenue of the Americas). 1981. 181 pp. o.p.

This volume presents ten first-person accounts of whistleblowers who spoke out on corporate policy, product safety, or a right guaranteed them by law. The consequences of this behavior for themselves and their families are fully explored. While the Federal government has passed laws protecting the right of civil service employees to speak out against improper employer practices and behaviors, the situation in the private sector continues to be more difficult and complicated.

3. BIBLIOGRAPHIES

Bowman, James S., Frederick A. Elliston, and Paula Lockhart. *Professional dissent: an annotated bibliography and resource guide*. New York, NY 10016. Garland Publishing (136 Madison Avenue). 1984. 322 pp. (Public Affairs and Information Series, vol. 2) (Garland Reference Library of Social Science, vol. 128). \$43.00.

This very thorough bibliographical guide introduces a broad range of literature on professional dissent. Its several sections include listings of articles and books, many annotated, on dissent and corruption in either private business or the governmental workplace. Science and engineering are areas of special focus, as is the legal profession. Philosophical and theoretical literature is also well represented. Special sections cover daily newspaper and popular magazine articles, congressional documents, court cases, Federal and state anti-reprisal statutes, a bibliography of bibliographies, a guide to resources, personal guidance books, and personal accounts.

Bowman, James S. "Whistle blowing: literature and resource materials." *Public Administration Review* (American Society for Public Administration, 1120 G Street, N.W., Washington, DC 20005), May/June 1983. pp. 271-276. \$7.00.

This review essay provides a penetrating evaluation of highly recommended literature on whistleblowing. Bowman breaks the literature down into the following categories for discussion: nature of the issue, legal doctrines, self-help guides, case studies, scholarly analyses, and resource materials.