Rights and Responsibilities...
- Do rights appropriately offset responsibilities?
- Do engineers have the right to refuse?
- Do they have the right to be believed?
- Should they be protected?
- Whose rights take precedence?

Rights of Engineers

6.4 Pleddermann

Human Rights
- **Fundamental Freedoms**
  - a) freedom of conscience and religion;
  - b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
  - c) freedom of peaceful assembly; and
  - d) freedom of association.
- **Democratic Rights**

Employee Rights
(Can be limited by legitimate Employer rights – burden of proof -> Employer)
- Pursue outside activities
  - Includes political or special interest groups
  - Other employment pursuits
  - No right to harm or sabotage employer, on or off the job
- **Privacy**
  - Unwarranted search, drug testing
- **Due Process (fair treatment, process, appeal)**
- **Non-discrimination**
  - Extension of human right to employment environment

- **Mobility Rights** (leave, stay)
- **Legal Rights**
  - Life, liberty, security
  - Not be arbitrarily detained, tortured
- **Equality Rights**
  - No discrimination based on race, ethnicity, colour, religion, sex, age, mental or physical disability
- **Language** (2 official languages)
  - English or French education

No [sexual] harassment
- No physical, psychological attacks, coercion, abuse, provocation
- Often related to female as employee, but applicable to any relationship of unequal power
- Many small, or even one flagrant incident
Professional Rights

- Right of Professional Conscience
- Not participate or condone unethical activity
- Talk publicly about work, involved in professional organization (respecting confidentiality)
- Recognition, including fair remuneration
- Protect public interests

Right of Professional Conscience

- The right to exercise professional judgement in carrying out one’s duties, and to exercise this judgment in a moral and ethical manner

  *This is the most fundamental professional right; essential for engineers in order to carry out their professional duties.*

Right of Professional Conscience

- “Professional conscience requires that the engineer can make their own decisions (autonomous moral judgement) and hence freely pose questions.”
  - These rights to question do not mean that everything must be challenged (abuse of the right!!!)

The Right for Recognition

- Right to professional recognition for their work and accomplishments
  - Right to speak about work (remember confidentiality) and receive external recognition
  - Also internal recognition (e.g. patents, promotion, raises)
  - Includes “fair remuneration”

Right of Conscientious Refusal

- Refusal to participate in or condone unethical behaviour/activities
  - Based on their belief that it is so
  - Generally two categories:
    - Those generally considered to be so within the profession (e.g. forging, lying, bribes etc.)
    - Differing yet reasonable opinions (e.g. weapons)
  - Also includes right to protect public interests, safety
  - Again, must not be abused

Whistle Blowing

6.5 Fleddermann

- “An act where an employee or former employee releases information about a significant moral problem outside normal organizational channels to someone in a position to act on the problem” (my note)

- “The act by an employee of informing the public or higher management of unethical or illegal behaviour by an employer or supervisor”
  - Fleddermann, page 14
Main Features...

- The act of disclosure
  - Intentional conveying of information
- The topic
  - E.g. criminal behaviour, safety issues
- The agent
  - The person who speaks out
- The recipient
  - The person who may be able to act

Types

- Internal versus External
  - Kept inside an organization versus making it public
- Open versus Anonymous
  - The agent is known versus providing the information anonymously
- Active versus Passive
  - The agent seeking out a recipient versus being sought and questioned

Whistleblowing...

- Morally permissible when (De George):
  - Threat to public is serious, considerable and imminent
  - Tried superiors first
  - Have exhausted other [normal] internal channels
- Mandatory when:
  - Have convincing documented evidence
  - Evidence that the act will remove the threat

Another view: Four conditions... 
Harris, Pritchard and Rabins, 2000, Page 93 Fleddermann

- Need:
  - will harm occur if it is not corrected?
  - If harm is not immediate, could it become a problem over time
- Proximity
  - The whistle blower must have first hand indisputable evidence (no hearsay) based on his/her area of expertise

- Capability
  - Can you actually stop it?
- Last resort
  - Are there others more knowledgeable than you to present the case
  - Have all other lines of action been exhausted

- If these four conditions have been met, you may blow the whistle if the matter is sufficiently important
- Professionals have the moral obligation to whistle blow if the safety of the public is at stake or if a criminal activity has occurred.
Martin and Schnizinger have summarized some common sense procedures for whistle blowing

- Work though established channels first; understand formal and informal procedures.
- Do it right away!
- Keep it very impersonal and in professional tones (use soft rhetoric); this helps to minimize accusations of personality attacks.

- Use memos, which record your concerns at all possible times and copy yourself. When sending email, copy yourself at all times (a good thing to do anytime)
- Be meticulous in your calculations or observations; keep an accurate diary with dates and events document

- Consult colleagues for advice – technical and personal; be careful, they now are obligated to report issues if the safety of the public is of concern. If information is not confidential, then have a consultant look at your work but at your own expense
- Go to your professional organization for assistance and help
- Get a lawyer (all professionals should have a good lawyer that they can consult at all times).

Basic questions about whistle blowing

- Is it:
  - An act of moral conscious?
  - An act of disloyalty?

Considerations:

- How much information is really needed to justify whistle blowing?
- What is the grey area that defined public safety?
- When does whistle blowing become slander or defamation?
- Where does the consequences come in?
  - To the job?
  - To the family?
Protection for Whistleblowers...

- Their employers could have a mechanism (an ombudsman for example) in which concerns could be mediated.
- Such a mechanism is in the interest of all.

Many professional societies and organizations are now publicly supporting whistle blowers but only if they have followed correct procedures, including contacting their professional organizations first and exhausting all paths of mediation.

Preventing Whistle blowing

- Set an environment that negates the need to whistle blow
  - The company should have a culture which encourages ethical behavior in all aspects of its operation
  - There should be clear lines of communications in the company

- There should be no reprisals for raising concerns to high level managers and the employees should feel free to do so
- Management/the company should be willing to admit within the company or indeed, publicly (where appropriate) that a mistake has been made.

Cases...

- BART
- Challenger disaster

Basic rights (for all)

- Right to privacy
- The right to participate in activities of one’s own choosing outside of work
- The right to object to company policies without fear of reprisals
- The right to due process
Professional rights

- Martin and Schinzinger define three rights:
  - The basic right of professional conscience
  - The right of conscientious refusal
  - The right of professional recognition

Right of Conscientious Refusal

- Are these rights respected by the employer?

- This could be viewed as a limited right because the employer may not be able to assign someone else to the task

When to whistle blow!!

- Think the situation through very carefully
- Understand the consequences
- Do your home work first and make sure you are right

- If it is judged that human safety is involved, then refusal must be the option and the consequences must be accepted if wrong.

Reference: