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RESEARCH ARTICLE

WHISTLE-BLOWERS- LET THE LID BLOW OFF

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Abstract

Most of the time, whistleblowing is looked at from the point of view of professional ethics. The idea of freedom and the needs of professionals are seen as immoral by morality. But because people who speak the truth are often punished horribly, morality needs to leave a way out of blowing the whistle. This is why it creates rights (which are sometimes called duties) to take precedence over the duty to the public set by professional rules. It's not a matter of duty to blow the whistle, but this makes it look like it is while hiding the truth. Remember that blowing the whistle was either the right thing to do, which no one wants to do. People still judge it based on why the person who blew the whistle did. In a way, people who blow the whistle should try to be good. But it doesn't make sense to say that spies are heroes or saints and that they have to blow the whistle. That's not what morals is all about. It makes the good deeds of a few people seem more important than the lives of many. But being consistent isn't a big part of being decent at work.

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Introduction:-

Content

Whistle blowing is used of whistle to alert or warn the public or crowd about the criminal activity or violation of rules during sports. In the 19th century, law enforcement personnel who used a whistle to warn the public or other officers were referred to as whistle-blowers.

Samuel Shaw was the first person to blow the whistle. He along with Richard Marven, a midshipman in the US Continental Navy, told everyone that the Continental Navy's commander, Commodore Esek Hopkins, was mistreating British prisoners of war. The law to protect people who blow the whistle was passed by the Continental Congress on July 30, 1778.

What is Whistleblowing?

Whistle-blowing is nothing but an action by an employee (or former employee) who sees behaviour that he/she think is wrong or illegal, they can report it to higher management (internal whistle-blowing) or to a public authority or an outside authority (external whistle-blowing).

The Phrase "Whistle blower" refers to someone who informs a higher authority about an illegal activity, particularly within a government agency or business.

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If someone sees waste, fraud, abuse, corruption, threats, or real or potential damage to health and safety or the environment, they should tell someone who can fix the problem. Usually, the person who blows the whistle works for the company where the wrongdoing is happening.

It can be Internal as well as external.

Personal grievances / interests (for example bullying, harassment, discrimination, to get popularity) are not covered by whistle-blowing, unless your particular case is in the public interest.

Some people see whistle-blowers as betraying their company or breaking rules about loyalty, while others see them as heroes who stood up for ideals that were more important than the company's loyalty.

An important part of the whistleblowing is that the person has the RIGHT INFORMATION & he/she should give it to the RIGHT PERSON.

Those who (without knowledge, experience, capacity, or a plan) encourage others to be whistle-blowers are analogous to generals who send soldiers to be killed; the one giving the order suffers no negative consequences. It's not a sacrifice to tell other people to make sacrifices.

Being a hero in an armchair is always easier and more convenient than becoming one on the battlefield. Let us figure out what kind of heroes we are.

The purpose of whistleblowing

Main purpose of Whistle blowing is to disclose the observed misconduct in areas as mentioned below:-

- Business Integrity (Bribery, Corruption)
- HR, diversity & respect in workplace (Including Discrimination,Harassment or bullying in addition to general HR issues.
- Human rights violation and occupational health & safety.
- Breaches of law and crimes
- Maladministration or mismanagement
- Buying or selling of a company's securities
- Misuse of data
- Environment
- Supply chain violations

Personnel traits of Whistle-blower

- Males were more inclined to come forward than females when the likelihood of reprisal rose,
- There was no gender effect.
- Age may have an impact on the intention of Whistle-blowers. Age and the intention to report frauds are significantly positively correlated.
- Extroverted personalities.

Other Factors

1. Cultures:-In "collectivistic" cultures like China, Taiwan, and Japan, people who blow the whistle are less likely to be praised than in "individualistic" cultures like the US. This is because collectivist cultures value cohesion, loyalty, and respect among the group more than individualistic ones.
2. "Closeness" affects choices about whether or not to report wrongdoing. In other words, it is simpler to expose a member of an organisation who is unknown than it is to expose a supervisor or other reliable employee.

It's not that someone will blow the whistle just because they say they will.

Who can be whistle-blowers?

Individual don't have to work for the agency or company to be a whistle-blower. It's important that the person tells about crime that would not have been known otherwise. The act of an employee (or former employee) telling upper management about what he perceives to be unethical or unlawful behaviour, or revealing it to the public or an

outside authority, is known as whistleblowing. It also depends on the type of misconduct, associated personal costs & the social benefits of reporting it all influence the motivation to do so.

Most of companies in India/ BD/Pakistan/Nepal/Sri Lanka do not have effective Whistle blowing system.

"Right Information"—what is it?

"Right Information" refers to any information that a person has a reasonable belief proves wrongdoing. A violation of a law, rule, or regulation; egregious mismanagement; egregious financial waste; abuse of power; or a serious and particular risk to public health or safety are all considered wrongdoing. Policy conflicts, management disagreements, and other minor or insignificant issues are not considered wrongdoing.

The "Right People" are who?

Those referred to as "authorised recipient(s)" are the "Right People"

Right people means who have the authority to rectify the misconduct that has been reported to them are known as authorised recipients.

Effectiveness of Whistleblowing:-

The degree to which a dubious or improper practice (or omission) is stopped, at least in part, and within a reasonable amount of time, is how we define the effectiveness of whistleblowing.

Three pillars for successful reporting program.

- Awareness- **Employees should know how to raise their concerns and file a report at any time**
- Confidence-**employees should feel safe and afforded a high degree of confidentiality**
- Responsiveness-**Every report should be investigated promptly, with appropriate action taken.**

Reporting Channels for Whistle-blowers

- Emails,
- Personal visits,
- Telephone,
- Letter, Hotline/Call centres (if available),
- Web based Whistleblowing system (if available),
- Mobile based application (if available) &
- Social media.

Constituents of an effective Whistle blower system

1. The Organisation shall have policy on Whistle blowing.
2. Ensure the confidentiality of the whistle-blower,
3. Complaint needs to be properly investigated,
4. Independent advice for the whistle-blower is one of the system's competencies.
5. Good practice would be to provide financial incentives to whistle-blowers or send him/her on a paid leave.
6. To provide financial support to enable whistle-blowers to obtain legal advice or psychological support (as the case may be),
7. Companies shall investigate the case thoroughly and hand it over to government authorities depending on the nature of the case.
8. Intent on the part of management to take decisions.

Why workers refrain from Whistleblowing

- Workers don't report a whistle-blower because they're afraid of getting in trouble with management, and the company may think the whistle-blower has betrayed them.
- Blowing the whistle can change the thoughts and feelings of co-workers, the trust between co-workers, and the relationships that workers have with their workplace.
- Most workers are afraid to tell someone who has done something wrong at work. People who have reported wrongdoing have been punished by being left alone, losing their jobs, or being threatened with revenge.
- Whistleblowing can have consequences.

- Whistleblowing is the act of telling people internally or externally about the wrongdoing. It is a moral action to stop a sense of duty to stop anyone in a company from doing something wrong, illegal, or harmful. So, the company should have good ways for people to tell problems before they get bad enough to hurt the company's reputation.
- Organisations do not have proper whistle-blower reporting mechanisms in place before the concerns grow serious enough to cause harm to the organization's reputation.

Influence or No Influence factors related to Whistleblowing:

Whistleblowing is important for bringing wrongdoing, corruption, and strange things happening in companies and organisations to light. But what makes people want to come forward and report wrongdoing?

There are many areas due to which people come forward & report wrong doings:-

1. **Individual personal traits-** These are the traits or personality characteristics that normally all whistle-blowers share; these include Bravery, Honesty, Moral values, Accountability, "Cannot see wrong things around them". Workers with strong moral & personal values are likely to report wrongdoing. Age, Gender, Education level, and Experience (work history) are also motivators to report wrongdoing. Affective commitment (Emotional connection to organisation) & normative commitment (sense of Obligation an employee feels toward the organisation) are also motivators for reporting wrongdoings.
2. **Working & Organisational culture:-** Motivating Whistle-blowers requires an open, upbeat corporate culture that supports the reporting of wrongdoing. Recent studies have shown how important group support and moral leadership are. Employees are more likely to report a problem if they believe their company promotes good behaviour and corrects it when it happens. The decision to report misconduct is also influenced by the workplace culture and the connections with co-workers and superiors. It is also dependent on the willingness of employee and their confidence in the whistle-blower procedure supported by their leadership.
3. **Attitude & Perceived Organizational Support:-** What an employee thinks about the wrongdoing and how serious they think it is affects their readiness to blow the whistle. Employees will report wrongdoing if they think that it will affect the company or users or society. Some new scientific research suggests that how people see wrongdoing affects their likelihood to report it. Whistle blowing is also dependent on the extent employee feels that their company values them.
4. **Trust that the system for reporting wrongdoing will work and keep them safe:** Employees are more likely to report wrongdoing if they believe the system is safe and will protect them. Potential whistle-blowers may be put off by the fear of being discriminated against, getting in trouble, or having their careers suffer. When a business promises secrecy and strong protections, employees are more likely to report wrongdoing. People are more likely to report wrongdoing if they believe the process works and they won't get in trouble for it. It is a fact that hotlines and whistle-blower systems that work from outside enhance the employee trust to blow the whistle because they think that chances are less that it will be misused within the company. Leader credibility is also indicator of employee confidence & belief. The more is the leader credibility, the more is the reporting on wrongdoings.
5. **Personal cost of reporting:-** Workers often decide to come forward as a whistle-blower after weighing the pros and cons of doing so. People who work for a company may weigh the pros and cons of reporting wrongdoing. The pros include feeling good about doing the right thing or making the company's processes better. The cons include facing retaliation or having their jobs suffer. More people will report misbehaviour if they believe that the benefits are greater than the possible downsides.
6. **Group Cohesion:-** Group cohesiveness boost the employee morale and employees are more likely to report wrongdoing if they believe that their co-workers, bosses, or other whistle-blowers are on their side.
7. **Emotional stress:** Employees may blow the whistle when they are not happy with or dislike what they see as unfair treatment. People may also decide not to tell problems because they are stressed out and mentally drained from seeing wrongdoing.
8. **Continuance Commitment & Past experiences:** Continuance Commitment is a (measure) to find out how much an employee wants to stay with a company. Employees who want to serve more in the organisation are more likely to report wrongdoing. Reporting on wrong doings is also based on the past good experiences they had in the past. It would be helpful for the company to share stories of people who were brave enough to report wrongdoing and show examples of cases where whistle-blowers were successful.
9. **Training and educating:** When organisations teach workers more about the rules and procedures that go along with it, they are more likely to report wrongdoing. Workers who are well-informed and know how to report wrongdoing are more likely to feel like they can blow the whistle.

Regular training and education events should be held by businesses to help people learn more about how to be honest and how to blow the whistle.

10. **Incentive system:** Another reason is that workers may be more likely to report wrongdoing if they are rewarded because they worked hard and were honest, businesses can thank people who blow the whistle by giving them money or a way to be recognised. The risk-reward ratio of people who might blow the whistle on wrongdoing can be made better. If they are given these kinds of benefits, they will be more likely to do so. As you might guess, this could also cause a lot of "fake whistle-blowers." This is why organisations should be careful using money as a prize at first. Based on their past and the type of business they run, this step might still be right for some.
11. **Fear of retaliation & Mobbing:**-Fear of being in danger and bullying by group will discourage the employee to report the wrong doings & Whistleblowing.

EU Whistleblowing Directive

Whistle-blowers are very important for keeping society open and honest because they reveal wrongdoing or secret threats. On December 16, 2019, EU Directive 2019/1937 on the safety of whistle-blowers went into effect. This is to make sure that they are better protected against bad things happening to them.

The goals of the EU Whistleblowing Directive are:

- To detect and prevent misconduct and breaches of laws and regulations,
- To improve law enforcement by establishing effective, confidential and secure reporting channels to effectively protect whistle-blowers from fear of retaliation,
- To protect and enable whistle-blowers by helping them to raise concerns confidently without fear of retaliation, by ensuring anonymity.

The EU Directive is mostly about protecting people who blow the whistle on wrongdoing

Protecting people who blow the whistle is what this order is all about.

The most important points are:

- Reporting wrongdoing in line with EU law is only protected. This includes reports of tax fraud, money laundering, public procurement offences, product and road safety, environmental protection, public health, consumer and data protection, and job applicants, former employees, supporters of the whistle-blower, and journalists.
- The person reporting the wrongdoing is protected from being fired, demoted, or treated unfairly in any other way.
- The whistle-blower can choose to report the problem within t If the story doesn't get any attention or if the person who made it thinks it's in the public interest, they can also go straight to the public. In either case, they are safe

Conclusion:-

Even though it has problems, blowing the whistle is good for the public and should be protected by the law. Unfortunately, the way things are done now is not meeting standards. According to one study, more than 80% of workers who reported corporate fraud thought that their actions had made them less important in their jobs. Democratic societies around the world should make it a top goal to set up safe and effective ways for people to report what they see as wrongdoing.

A lot of different and complicated things make people decide to blow the whistle. Companies and groups should learn a lot about the psychological aspects of leaking in order to create an environment that encourages and supports reporting wrongdoing. There are things that businesses can do to find wrongdoing and make the workplace more ethical by thinking about the situational, organisational, and personal factors that affect reporting. Companies can make money by recognising whistle-blowers as a valuable asset. They can do this by being open about the reasons and motivations listed above, as well as the psychological reasons behind people's readiness to blow the whistle. They can also make an environment that pushes people to blow the whistle, which is good for their business and keeps whistle-blower channels from being abused.

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