



## **BLOWING THE WHISTLE IN A HOSPITAL**

### **BİR HASTANEDE ISLIĞI ÇALMAK**

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#### **Abstract**

Whistle blowing, meaning denouncing of wrongdoings in an organization by an employee is a frequently seen fact in organizations.

Although the history of whistle blowing is new, there is a quite wide literature that defines and tells the ways and results of it.

This paper examines the tendency of nurses to whistle blowing, by which reasons they decide to whistle blow and what results they get.

Results revealed that human health is very important for the nurses. Although it has frequently negative results for them, they whistle blow when it is necessary and keep at till the end.

**Keywords:** Ethics, whistle blowing, social responsibility

#### **Öz**

Bir çalışanın çalıştığı kurumda gördüğü yanlış uygulamaları kamuoyuna duyurması, ya da kelimenin İngilizce 'den çevrilmiş anlamıyla "ıslığı çalması ya da başka bir deyişle "ihbar etmesi" kurumlarda oldukça sık rastlanan bir olaydır.

Oldukça yeni bir kavram olmasına rağmen, çalışanların bu hareketini tanımlayan, yollarını ve sonuçlarını ortaya koyan oldukça geniş bir literatür bulunmaktadır.

Bu çalışmada hemşirelerin bu konuya eğilimleri, hangi nedenlerle bu yola başvurdıkları ve bu hareketlerinin sonuçları incelenmektedir.

Yapılan araştırma sonucunda insan sağlığının hemşireler için her şeyden önce geldiği ve yanlış gördükleri bir uygulamayı ihbar etmeleri halinde onlar açısından çoğunlukla olumsuz sonuçlar çıkmasına rağmen kararlarından vazgeçemedikleri ve sonuna kadar konunun takipçisi oldukları ortaya çıkmıştır.

**Anahtar Kelimeler:** Etik, ihbar etme, sosyal sorumluluk

#### **Introduction**

“There are situations in your life when you cannot remain silent

You simply have no choice

You must blow the whistle”

Barry Adams

Whistle blowing is a frequently seen fact in an organization. Because there are many times that something goes wrong in an organization , the people working there will be the ones who will first realize this and “blow the whistle” if they think they have no other choice.

If people are concerned about serious wrong doing in an organization they have three options. These are:

- a. to stay silent,
- b. to blow the whistle internally or with the responsible person,
- c. to blow the whistle outside to the authorities or the media (Dehn 1996: 2).

Whistle blowing is the two options mentioned above and the whistleblowers are those who don't stay silent and “blow the whistle”

The aim of this study is to examine why people decide to whistle blow and the results of this.

### **Theoretical Framework**

The term whistle blowing was first used in the 1963 publicity about Otto Otopka who had given classified documents about security risks in the new US Subcommittee on Internal Security (Hersch 2002: 243).

There are many definitions of the tem that must be listed in order to make the it completely clear.

Whistle blowing is (a) bringing an activity to a sharp conclusion as if by the blast of a whistle , (b) raising concerns about misconduct within an organization or within an independent structure associated with it , (c) giving information (usually to the authorities) about illegal and underhand practices , (d) exposing to the press a malpractice or cover-up in a business or a government office, (e) (origins) police constable summoning public help to apprehend a criminal, referee stopping play after a foul in football (Groeneweg 2001: 1).

It is a practice in which employees who know that their company is engaged in activities that (a) cause unnecessary harm, (b) are in violation of human rights, (c) are illegal (d) run counter to the defined purpose of the institution or (e) are otherwise immoral, inform the public or some governmental agency of those activities (Werhane, Freeman 1999: 654) .

The great American campaigner, Ralph Nader, defined whistle blowing as “an act of a man or woman who believing in the public interest overrides the interest of the organization he serves, and publicly blows the whistle if the organization is involved in corrupt, illegal, fraudulent or harmful activity” (Lewis 2001:1).

Dawson (2000:4) defines whistleblowing as follows: ‘Whistleblowing is the deliberate, voluntary disclosure of individual or organisational malpractice by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control. The disclosure may be internal or external and may or may not enter the public record’.

After giving the meanings of whistle blowing, it is time to define the people who put the term in action; the “whistleblowers”.

Whistleblowers are those who sound the alert on scandal, danger, malpractice, or corruption. In addition to overtly illegal activities such as bribery, theft, and fraud, and more recently created legal offences like discrimination in employment, it also includes negligence, resource wastage, misrepresentation, and safety violations (Dawson 2001:1).

According to Martin (1999:1) whistleblower is a concerned citizen, totally or predominantly motivated by notions of public interest, who initiates of her or his own free will, and open disclosure about significant wrongdoing directly perceived in a particular occupational role, to a person or agency capable of investigating the complaint and facilitating the correction of wrongdoing.

The main issues about whistle blowing can be listed as:

- a. under which conditions the whistle blowing should be done (when it is permissible or required),
- b. how should it be done,
- c. and the results of whistle blowing.

In 1997 the Nolan Committee on Standards in Public Life recommended the setting up of procedures for whistle blowing, which would allow individuals to raise concerns internally within an organization and externally

The purpose of this policy is to provide a procedure for individuals to raise concerns about malpractice and wrongdoing within this organization.

According to this policy (Policy For the Disclosure of Malpractice and Wrongdoing - Whistle blowing Policy) the examples of concerns are:

- A criminal offence has been committed, is being committed or is likely to be committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he\ she is subject
- A situation where the health and safety of an individual has been, is being or is likely to be endangered

- The environment has been or is likely to be damaged
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- Information on any of the above has been is being or is likely to be deliberately concealed

The whistle blowing is permissible if these conditions are satisfied:

- The whistle blowing should be done for the purpose of exposing unnecessary harm, violation of human rights, illegal activity, or conduct counter to the defined purpose of the corporation, and should be done from the appropriate moral motive, that is not from a desire to get ahead, or out of spite or some such motive

- The whistleblower should make certain that his or her belief that inappropriate actions are ordered or have occurred is based on evidence that would persuade a reasonable person

- The whistleblower should have acted only after a careful analysis of the danger: (a) how serious is the moral violation? (Minor moral matters need not be reported.), (b) how immediate is the moral violation? (The greater time before the violation occurs the greater chances that internal mechanisms will prevent the anticipated violation.), (c) is the moral violation one that can be specified? (General claims about a rapacious company, obscene profits, and actions contrary to public interest simply will not do.)

- Except in special circumstances, the whistleblower should have exhausted all internal channels for dissent before informing the public. If there are personnel in the company whose obligation it is to monitor and respond to immoral and/or illegal activities, it would be their responsibility to address those issues. Thus, the first obligation of the would-be whistleblower, would be to report the unethical activities to those persons, and only if they do not act, to inform the general public.

- The whistleblower should have some chance of success. If there is no hope, then one needlessly exposes himself (Werhane, Freeman 1999: 655).

After these conditions are satisfied, genuine concerns of malpractice or wrongdoing should be raised through this following procedure:

Stage 1: Informal, formal procedure

In this stage concerns are raised informally with an individual's line manager / supervisor and resolved effectively at this stage

Stage 2: Hearing

In this stage, the individual raise their concern with a higher authority level for example with the Director of Human Resources

### Stage 3: Final stage (Appeal)

In this last stage, the individual may write to who will either deal with the concern personally or delegate it to the most appropriate member of the executive team

If these are all done and the individual sees no solution he may decide to “whistle blow.” In this situation there are various tactics a whistleblower can use to improve the chances of success and to protect himself (Humphreys 2003: 15-16; Coull 2004: 64-65).

- To avoid a conflict of interest and maintain ethical autonomy separate you from the accused

- Make sure your premises are sound and your facts are correct, and then proceed with communicating your concerns in a professional manner

- Record everything, write down all relevant events with dates, times, and people present.

- Check local policies and lines of responsibility all units should have a formal whistleblowers policy and you should find out what this policy is and follow it

- Never report serious concerns in formally put them in writing at the earliest possible opportunity

- Be non-judgmental and stick to the facts, write balanced, factual and problem based reports and letters.

- In dealing with informants you may be approached by other members of staff, or the public who have important information but who do not wish to be named publicly. If you do agree to keep their identities secret, warn them that there are circumstances when this will not be possible

- The threat of going to the press is a powerful one, but actually doing so can be dangerous to all concerned. It is difficult to control a story after the press has become involved, so passing information to the press is usually a last resort. Check your employment contract and the whistleblower policy in your unit to minimize the risk of disciplinary action and, of course, be careful not to divulge patient sensitive information without explicit consent.

Although these are one correctly, the main truth is that whistle blowing generates considerable hostility by the organization and from the people targeted by the whistle blower.

Whistle blowing and whistleblowers are not always viewed favorably. The terms commonly associated with whistleblowers include: stool pigeons, rats, squealers, or tattlers agitators, troublemakers, and traitors (Taylor 2003: 1).

The reasons for this are:

- a belief that the whistleblower is disloyal,

- acting against basic instincts of solidarity and mutual protection,
- destroying security (jobs and income) of colleagues,
- stealing information
- is a dabbler

Because of these, the results of whistle blowing, the risks and costs of this action to the whistleblower are the prices that a whistleblower has to pay.

These can be listed as (Andersen 2002; Taylor 2002; Lennane 1995; Martin 2001):

- elimination of the job or deep-freeze the careers
- being assigned low social status often as a “deviant”,
- rejection by family, friends and others,
- symbolic marking or stigmatizing
- being put at a distance,
- loss of continuity with one’s surroundings
- forced to see psychiatrists
- threatened with defamation actions and disciplinary actions
- criticized, fined, subjected to internal inquiries, adverse reports

Because of these whistle blowing programs and laws come to the agenda and take an important place in literature.

Kaplan (2001: 1) indicates that whistleblower protection laws are intended to make it safe for employees to disclose misconduct that they discover during the course of their employment. Indeed, when accompanied by other initiatives, such laws can actually foster an environment that rewards and encourages whistle blowing.

In the United States statutory protection for whistleblowers has existed for twenty years. Other members of the international community have recently begun to enact their own laws to protect and encourage their whistleblowers. Indeed, whistle blowing protection is receiving the attention of multinational organizations.

The basic examples of whistleblower legislation are (Bowden 2004: 9):

United States: False Claims Act

Great Britain: The Public Interest Disclosure Act, July 1999

New Zealand: Protected Disclosure Act, January 2001

Canada: Common Law

In the United States, the law focuses on whistleblowers among federal employees. According to Billy Garde, a lawyer who was a member of BP's Alaska inquiry team, they "have fewer rights than prisoners". A bill introduced by Senator Daniel Akaka to improve

protection for them is currently bogged down in congressional committees. In Britain, the Public Interest Disclosure Act came fully into force recently. Described by one American as "the most far-reaching whistleblower protection in the world", it treats whistleblowers as witnesses acting in the public interest. This separates them from people who are merely pursuing a personal grievance. But even in Britain, the protection is limited (Economist Staff 2002:2).

In the light of these mentioned above, three underlying dimensions of whistle blowing are used in this paper. These are "when do people whistle blow", "how do they whistle blow" and "the results of whistle blowing.

### **Methodology**

In this research, qualitative interviewing was used to determine :

1. if the nurses think to whistleblow when they tried all the inside channels and had no result,
2. by which reasons they decide to whistle blow,
3. if the positive results of whistle blowing encourage them,
4. if there are negative results, do they withdraw or support their complaints
5. what are the negative results will of their whistle blowing action

Qualitative interviewing method was used for collecting data because the data we want may not feasibly be available in any other form, so that asking people for their accounts, talking and listening to them was the only way to get at what we were interested in. Also the people's knowledge, views, understandings, interpretations, experiences and interactions are meaningful properties of the social reality which our research questions were designed to explore.

The sample is composed of nurses working in Trakya University Hospital. The sample size was 15 including 14 female and 1 male nurses. Respondents were from ages 20 to 45+. Their education was high school to university and their seniority was from the beginning to 20+.

The sample is composed of nurses because human health is a very important subject and the nurses are the ones who are appointed to protect this.

In this situation, the nurses' primary commitment are to the patient, they have to practice with compassion and respect for the inherent dignity, worth and uniqueness of every individual and the nurses promote, advocate for and strives to protect the health, safety and

rights of the patient. Also the nurses should collaborate with other health professionals and the publics in promoting community, national and international efforts to meet health needs (Code of Ethics for Nurses 1-2).

So, according to these responsibilities a nurse should realize the problems in a hospital and tell them in order to have a solution and even whistle blow when required.

15 questions were asked to the respondents one of which is according to Lickert scale and SPSS was used to analysis the demographic factors.

### **Results and Discussion**

The main aim of this study is to determine if the nurses have tendency to whistle blow as it is not a valued fact in an organization.

To find this 15 questions are asked to the nurses who four of them are about the profession and the practices of their colleagues while the others are about whistle blowing.

According to the answers the main problem about their profession is the lack of job description. They think that if they have definite duties they will be at ease and more successful. The most important issue about their duties is that the nurses must have the ability to feel as the patient feels. They complain about the inexperience, intolerance, lack of attention to problems and nonchalant behaviors of their colleagues.

When they meet with wrong practices of them, most of them prefer to talk face to face and declare it according to the hierarchical order. Because they think that they can solve the problems by talking as their colleagues and managers are intolerant. They take care of declaring it hierarchically because if they do not so, the declaration will turn back to the nursery directorate and they will be blamed of going over the management.

But they are strict about declaring the practice anyway if it damages the human health, the patient and the environment.

The nurses say that when they react to the wrong practices of their colleagues, although the reaction changes from person to person most of them give negative reactions like opposing and arguing. But they point out that the colleagues take great pains to correct their faults later when they understand the reason of the reaction.

Although the majority thinks that the reactions will be negative, they are sure that their reactions will bring positive and beneficial results as the person will learn his\her fault and try to correct it. But again they think that getting these positive results will take a long time.



According to the results the level of tendency of nurses to whistle blowing is equal to the level of tendency to not to whistle blow.

In case of whistle blowing they think that the reactions will be more negative. Most of them are sure that they will be externalized and feel lonely. The nurses who works with contract are especially afraid of being dismissed while the permanent ones from the change of their workplace.

The positive results of whistleblowing encourage the nurses and make them think positive. Furthermore, although they get negative results most of them are determined to keep at because the human health and the protection of the environment is very important for them and they think that it is their duty to protect the patient rights particularly.

They refuse to withdraw because according to them the most important decision is to decide to whistle blow and the whistle blowing will make no use if they withdraw. They prefer to keep at as they want to get the results of their action. But only a few of them has a tendency to withdraw as whistle blowing has financial results especially in the case of dismiss.

Most of the nurses believe that when they whistleblow, the problems will not remain as they are. First as it will be declared, the people will learn the problem and be awake. The related person will be warned and the others will not dare to do. The effect of press is also very important because it may force the management to correct the wrongdoing. So the management will take measures to lessen the negative results of the event in the press. But a few nurses believe that there will be no change after whistle blowing and the result of it will be only to be known by the press.

### **Conclusion**

In short, although the level of tendency to whistle blow is equal to the level of tendency to not to whistle blow the nurses have an inclination for whistle blowing because human health is very important for them. If they realize that it is in danger they do not hesitate to whistle blow even if it costs to their job.

But they don't slander their institution and they take care of the hierarchial order because if they do not so they will be blamed of going over the order and of being disloyal.

Most of them believe in the power of the press and think that when they whistle blow things will not be the same and the management will take measures.

The result of this paper shows that although whistle blowing is not a valued fact in an organization and the whistleblowers frequently get negative reactions and results both from

the management and the colleagues, the ethic code of a profession and personal beliefs are very important and the people will whistle blow whatever the results will be.

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