

Henry West's Commentary on "Requested to Falsify Data"

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Requested to Falsify Data

I

Some ethical decisions are a matter of principle, such as whether an action would be honest or dishonest. It would be dishonest of Stephanie to rework the report. But ethical decisions often involve considerations of consequences as well. One is sometimes justified in telling a lie to avoid hurting someone's feelings or in professional undercover work, such as espionage. Would dishonesty in Stephanie's situation be justified?

Stephanie could be persuaded by Adam's claim that the few gallons don't matter, that the regulations are an unnecessary nuisance anyway, and follow his order. On this one occasion, by this one company, the few gallons don't make much difference in the preservation of a clean environment. But what if every company reasoned the same way. The question, "What if everyone did that?" is ethically relevant. What if everyone who did just a little damage to the environment rationalized that it was so little as to be negligible? If each company violates environmental standards by just a little, rationalizing that such a little bit is negligible, the sum total of so many little bits is a lot and is not negligible.

Another issue here is the question of legality. Even if the spill is so minor as to hardly be worth reporting, to falsify data to avoid reporting it is breaking the law. In some cases, breaking the law is justified, when the law is unjust, such as racist laws in South Africa. If a law is regarded as a nuisance, as these regulations are regarded by Adam, is that grounds for ignoring it?

If Stephanie isn't willing to rework the report, she still has several options. She can resign from the company. Or she could ask to be reassigned to another department.

Or she can try to keep her job but ask Adam to get someone else to rework the report. In any of these ways, she can maintain her personal integrity by not being a participant in a dishonest and illegal manipulation of the figures. Is that all that is ethically required of her, or does she have an obligation to engage in a stronger protest, such as by making a public issue out of Adam's asking her to do something dishonest and illegal? She could begin by pointing out to Adam, on the spot, that is what he is trying to do. She could also try to report it to his superior. If Adam proceeded to have the figures reworked by someone else, she could report it to the press or to state investigators.

II

Stephanie is refusing to be dishonest and standing up to Adam. She is maintaining her integrity and self-respect. She is also taking herself away from the company, which will probably continue its practices as before. She is looking out for her future career, but not doing everything that she could to make an issue out of Adam's unethical demand upon her. Should she do more, and would it be worth the trouble? The record of whistleblowers isn't very good. Usually they are personally hurt by demotions and firings and don't get anything done to change improper practices. Is that grounds for taking care of herself and leaving the company to carry on in its harmful ways?

III

Bruce's position may be different from Stephanie's. He might have much more difficulty getting another job. The spill may not have so clearly exceeded the minimum requiring its report. He hasn't yet been ordered by Adam to fudge any data. But in other respects it is the same. If he deliberately changed the figures, it would be dishonest and illegal. And he could still ask, "What if everyone did that?"

IV

The state's environmental protection agency is charged with enforcing regulations, but sometimes the violations are so minor that it is not worth the trouble to make an

issue of them. The agency would, however, want its data to be accurate in order to make informed decisions. Falsified reports interfere with informed public policy.

The CEO of XYZ has a responsibility to owners to run an organization with a good reputation, and spills, even minor ones, are bad publicity. But then engaging in falsifying data, if found out, might be even worse publicity. The CEO, however, ought to want XYZ to be an organization operating within the law, even aside from the bad publicity if illegal activities became known.

Attorneys for XYZ would find it very difficult if data clearly indicated that the spill should be reported, and it came to be known that data was falsified to avoid that. But they are paid to defend the company in such situations; their job is to present the company's point of view in the adversarial system, and it is environmental regulations and their apparent violation which keeps them in business. The adversarial legal system makes attorneys the agent of their employers, not judges as to whether the company was correct or incorrect in its practices. If the attorneys think that they are defending the company in irresponsible practices, should they refuse to represent the company?

Other industries faced with similar environmental problems may be in competition with XYZ. They might regard it as unfair competition if XYZ is failing to acknowledge spills and not having to spend the money to clean them up or the public relations money to combat the bad publicity. Or they may take the attitude that it is common practice to fudge data when a little rounding off would save a lot of grief, and feel justified in doing the same. If it is common practice, does that make a difference in the ethics of the matter?