

2. Did Nordyne's management violate its ethical duty by not providing safer testing equipment?
3. Who wins, and why?

20.8 Ethics Whirlpool Corporation (Whirlpool) operated a manufacturing plant in Marion, Ohio, for the production of household appliances. Overhead conveyors transported appliance components throughout the plant. To protect employees from objects that occasionally fell from the conveyors, Whirlpool installed a horizontal wire-mesh guard screen approximately 20 feet above the plant floor. The mesh screen was welded to angle-iron frames suspended from the building's structural steel skeleton.

Maintenance employees spent several hours each week removing objects from the screen, replacing paper spread on the screen to catch grease drippings from the materials on the conveyors, and performing occasional maintenance work on the conveyors. To perform these duties, maintenance employees were usually able to stand on the iron frames, but sometimes they found it necessary to step onto the wire-mesh screen itself. Several employees had fallen partly through the screen. One day, a maintenance employee fell to his death through the guard screen.

The next month, two maintenance employees, Virgil Deemer and Thomas Cornwell, met with the plant supervisor to voice their concern about the safety of the screen. Unsatisfied with the supervisor's response, two days later, they met with the plant safety director and

voiced similar concerns. When they asked him for the name, address, and telephone number of the local OSHA office, he told them they "had better stop and think about" what they were doing. The safety director then furnished them with the requested information, and later that day, one of the men contacted the regional OSHA office and discussed the guard screen.

The next day, Deemer and Cornwell reported for the night shift at 10:45 P.M. Their foreman directed the two men to perform their usual maintenance duties on a section of the screen. Claiming that the screen was unsafe, they refused to carry out the directive. The foreman sent them to the personnel office, where they were ordered to punch out without working or being paid for the remaining six hours of the shift. The two men subsequently received written reprimands, which were placed in their employment files.

The U.S. Secretary of Labor filed suit, alleging that Whirlpool's actions constituted discrimination against the two men in violation of the Occupational Safety and Health Act. *Whirlpool Corporation v. Marshall, Secretary of Labor*, 445 U.S. 1, 100 S.Ct. 883, 63 L.Ed.2d 154, Web 1980 U.S. Lexis 81 (Supreme Court of the United States)

1. Under OSHA regulations, can employees engage in self-help in certain circumstances?
2. Did Whirlpool act ethically in this case?
3. Does the U.S. Secretary of Labor win this case? Why or why not?



Internet Exercises

1. Go to www.dir.ca.gov/dwc/WCFaqIW.html#1 to learn more about workers' compensation. Read the first four questions and answers.
2. Go to www.ohiobwc.com/basics/guidedtourt/generalinfo/empgeneralinfo22.asp. Read the section "Spotting injured worker claim fraud."
3. Go to www.osha.gov/dep/oia/whistleblower/index.html and read OSHA's article "The Whistleblower Protection Program."
4. Use www.google.com to determine the current amount of the federal minimum wage. Go to the website www.dol.gov/esa/minwage/america.htm. What is the minimum wage for your state?
5. Visit the website of the Social Security Administration, at www.ssa.gov. Go to www.ssa.gov/online and find the SS-5 form. What is this form used for?

Endnotes

1. 29 U.S.C. Sections 553, 651-678.
2. For example, the Railway Safety Act and the Coal Mine Safety Act regulate workplace safety of railway workers and coal miners, respectively.
3. 29 U.S.C. Sections 201-206.
4. 29 U.S.C. Sections 2601, 2611-2619, 2651-2654.
5. 26 U.S.C. Sections 1161-1169.
6. 29 U.S.C. Sections 1001 et seq.
7. 26 U.S.C. Sections 3301-3310.
8. 26 U.S.C. Sections 3101-3125.
9. 26 U.S.C. Sections 1401-1403.