PATCHWORK PARADOX: CRITICAL ANALYSIS OF U.S. WHISTLEBLOWER LEGISLATION

Namya Nayyar, LLB, Chandigarh University

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ABSTRACT

Whistleblowing is commonly referred to as the practice of disclosing information which may be detrimental to the public at large. It is an essential element of corporate governance, particularly seen since the decline of the laissez-faire era. Since the importance of corporate governance has become an integral part, the significance of whistleblowing and the protection thereof has been globally recognised. The US stands to be known as one of the most extensive statutory legislations, aimed at protecting those who 'blow the whistle'. This paper extensively delves into the statutes of various acts, including the Sarbanes-Oxley Act, False Claims Act and the Dodd-Frank Act, examining their ineffectiveness in practical life, owing to the 'patchwork' of legislation. Through analysis of the aforementioned acts, the author aims to reflect the complex statutes, time-bound filing and inconsistencies in the laws, causing many complaints to get dismissed during the screening process. Furthermore, the paper aims to throw light on the real sufferers of the system- the whistleblowers and how, despite the various protections provided on paper, such employees face retaliation in many forms, whether it be harassment or the end of their career. Such has been exemplified through the tragic case of John Barnett, a whistleblower who illustrated the harrowing personal and professional consequences due to administrative failures. The paper further hardens the argument of ineffectiveness through the failure of the judiciary, such as with the narrowing definition of 'protected activity'. To address these inconsistencies, the paper proposes an alternative system, including, but not limited to, the European model of whistleblowing, reversing the burden of proof onto the employer after a specific amount of time, and the establishment of separate adjudicatory tribunals. Ultimately, this paper

concludes that there needs to be a better and unified act which will help in a more transparent and effective system, while protecting the people.

I. INTRODUCTION

Whistleblowing is regarded as an activity wherein an individual, particularly an employee, reveals information about a private or public company that may be detrimental to the public at large, whether it be immoral, illegal, illicit, unsafe, or misleading and fraudulent.

'Blowing the whistle' is perhaps one of the many threats that companies, whether public or private, face. However, a whistleblower ensures transparency and helps uphold the integrity that companies may, from time to time, forget. As the National Whistleblower Centre notes, 'A whistleblower typically works inside the organisation where the wrongdoing is taking place; however, being an agency or company "insider" is not essential to serving as a whistleblower. What matters is that the individual discloses information about wrongdoing that otherwise would not be known.'[1] Therefore, the 'insider' status is not essential; rather, the public disclosure of the matter is. Despite support from international forums, whether it be the African Union Convention on Preventing and Combating Corruption or the Organisation for Economic Co-operation and Development (OECD)[2] or whistleblower protections having been enacted in 59 countries, many laws still fall short of supporting effective whistleblowing.[3]

The US is one of the leading countries with the most comprehensive whistleblower legislation, known for protection in both private and public sectors. The country acts as a global example of protection, especially in the private sector. US whistleblowing legislation, especially in the aforementioned sector, seems vast, ranging from the Sarbanes-Oxley Act (SOX) and Dodd-Frank Act of 2010 among many others. On the face of it, private sector whistle-blowers have an ample amount of protection.

[1]What *is a Whistleblower?*, NAT'L WHISTLEBLOWER CTR., https://www.whistleblowers.org/what-is-a-whistleblower/ (last visited Nov. 15, 2025).
[2]African Union Convention on Preventing and Combating Corruption art. 5(8), July 11, 2003, 43 I.L.M. 5. *See also* ORG. FOR ECON. COOP. & DEV. [OECD], *G20 High-Level Principles for the Effective Protection of Whistleblowers* (2019), https://www.oecd.org/g20/common-actions-for-g20-countries/G20-High-Level-Principles-for-the-Effective-Protection-of-Whistleblowers.pdf. (last visited Nov. 15, 2025).
[3]*Major International Whistleblower Laws*, NAT'L WHISTLEBLOWER CTR., https://www.whistleblowers.org/major-international-whistleblower-laws/ (last visited Nov. 15, 2025).
[4]18 U.S.C. section 1514A.
[5]15 U.S.C. section 78u-6.

Sarbanes Oxley Act has provided a civil cause of action for employees in publicly traded companies.[4] Similarly, the Dodd-Frank Act has expanded on this concept with incentives for whistleblowers and protection in cases of violations.[5] Despite what it seems on paper, this 'strong' legislation is merely a patchwork. The question at hand is- are these statutory provisions truly enough? Or is there a lack of effectiveness and administration which requires careful consideration? Even if certain laws have been placed, there exists an inadequacy.

II. BRIEF EXPLANATION OF LEGISLATIVE STATUTES

A. False Claims Act (FCA), enacted in 1863

Enacted during the civil war[6], FCA became an important whistleblowing mechanism in business-related fields, wherein private citizens could file lawsuits against individuals in case of any federal fraud they became aware of(qui tam actions), on behalf of the US government.[7] The law applied broadly, covering businesses, employees, contractors, and others involved in submitting false claims for payment from the government.[8] The whistleblower, known as the realtor, blew the whistle, the meaning of which is the same as in the modern world.[9] The realtor, for this, got incentives as well: 15-25% recovered damages if the government intervenes and up to 30% with no interference.[10] However, the provision was limited to just private citizens; therefore, the restrictive criterion for acquiring the provision was problematic, to say the least. It excluded tax claims[11] and didn't cover fraud that harmed private investors, shareholders, or the general public.[12] Tax claims were excluded, and the policy did not cover fraud against

[6]Christoph Henkel, *Whistleblower Rights and Protection Under U.S. Law in the Private Sector* 3 (2017).
[7] Id.
[8]*Id.*
[9]*Id.*
[10]*Id.* at 4.
[11]. *Id.* at 3.
[12]*Id.*
[13]*Id.*
[14]*Id.* at 5.
[15]*Id.* at 5, 9.
[16]*Id.* at 5.
[17]*Id.* at 7.
[18]*Id.*
[19]*Id.*
[20]*Id.* at 10.
[21]*Id.* at 7 (citing n.70).
[22]*Id.* at 7 (citing Richard E. Moberly).
[23]*Platone v. FLYi, Inc.*, ARB Case No. 04-154 (ARB Sept. 29, 2006); *Sylvester v. Parexel Int'l LLC*, ARB Case No. 07-123 (ARB May 25, 2011), *cited in* Henkel, *supra* note 6, at 7.
[24]Henkel, *supra* note 6, at 11.
[25]*Id.* at 12.
[26]*Digital Realty Tr., Inc. v. Somers*, 138 S. Ct. 767 (2018).
[27]*Id.* at 778.
[28]Henkel, *supra* note 6, at 14.
[29]*Id.* at 3.
[30]*Id.*
[31]*Id.*

private investors, shareholders, or the general public. The statute is legally complex, with hundreds of federal court interpretations, often conflict.[13] This made outcomes unpredictable and litigation burdensome for whistleblowers. Whistleblowers faced unpredictable outcomes and burdensome litigation due to the complex statute and conflicting federal court interpretations. Lastly, A civil action (*qui tam* action) under the FCA must be filed by the later of two possible deadlines- Within 3 years after the date when the material facts were known or reasonably should have been known by the responsible U.S. official (specifically, the Attorney General or their designees), but in no event more than 10 years after the date the violation was committed. Whistleblowers might miss the deadline if fraud is discovered later. The FCA dealt with financial fraud against the government, but not broader misconduct like public safety risks, corruption, or corporate fraud. The FCA addressed government financial fraud but overlooked broader misconduct like public safety risks, corruption, or corporate fraud, leaving many whistleblowing areas unprotected until later laws. In spite of this, (FCA) is still in work and is the primary tool the U.S. government uses to combat fraud against federal funds, particularly in healthcare and increasingly in cybersecurity.

B. Sarbanes-Oxley Act

After the failure FCA and the subsequent whistleblower protection act 1989, SOX was enacted by Congress in light of several corporate scandals, such as those on Enron and WorldCom.[14] Since corporations were on the rise, they focused more on profits and none on transparency.

[6]Christoph Henkel, *Whistleblower Rights and Protection Under U.S. Law in the Private Sector* 3 (2017).
[7] Id.
[8]*Id.*
[9]*Id.*
[10]*Id.* at 4.
[11]. *Id.* at 3.
[12]*Id.*
[13]*Id.*
[14]*Id.* at 5.
[15]*Id.* at 5, 9.
[16]*Id.* at 5.
[17]*Id.* at 7.
[18]*Id.*
[19]*Id.*
[20]*Id.* at 10.
[21]*Id.* at 7 (citing n.70).
[22]*Id.* at 7 (citing Richard E. Moberly).
[23]*Platone v. FLYi, Inc.*, ARB Case No. 04-154 (ARB Sept. 29, 2006); *Sylvester v. Parexel Int'l LLC*, ARB Case No. 07-123 (ARB May 25, 2011), *cited in* Henkel, *supra* note 6, at 7.
[24]Henkel, *supra* note 6, at 11.
[25]*Id.* at 12.
[26]*Digital Realty Tr., Inc. v. Somers*, 138 S. Ct. 767 (2018).
[27]*Id.* at 778.
[28]Henkel, *supra* note 6, at 14.
[29]*Id.* at 3.
[30]*Id.*
[31]*Id.*

This eventually affected shareholder trust in corporations. Therefore, to reinstate trust, Sox was enacted to encourage insiders to blow the whistle before it reached catastrophic levels.[15] It attempted to fill the gap regarding the eligibility criterion, wherein it now applied to public traded companies (issuers of securities registered under the Securities Exchange Act) and contractors, subcontractors and agents of the company,[16] such as the mandatory auditors. It covers employees in various roles such as accounting, auditing, compliance, etc. It allows for disclosure to either be internal(to the auditor) or external(SEC, other enforcement agencies). Remedies are extended in case of proven retaliation, including criminal penalties as per section 107 of the act.[17] The major role is in relation to the investigating body of OSHA[18]; however, an appeal or failure in the investigation within 180 days allows the whistleblower to file a lawsuit in federal court.[19]

Furthermore, a retaliation complaint under OSHA can be filed within 180 days of the alleged retaliation (or within 90 days earlier).[20] Despite repeated efforts, this act falls short for many reasons. Firstly, retaliation claims, after the enactment of this act, were rarely ever won.[21] Many cases were dismissed at the administrative level itself. Others were thrown out of the court. The time frame given for filing the retaliation case was extremely short, especially since retaliation gradually grows over time. The time frame was considered to be the shortest among other labour laws and discriminatory laws.

Long delays (cases dragging on for years) discouraged whistleblowers. Only after 180 days without resolution could they move to federal court.

[6]Christoph Henkel, *Whistleblower Rights and Protection Under U.S. Law in the Private Sector* 3 (2017).
[7] Id.
[8]*Id.*
[9]*Id.*
[10]*Id.* at 4.
[11]. *Id.* at 3.
[12]*Id.*
[13]*Id.*
[14]*Id.* at 5.
[15]*Id.* at 5, 9.
[16]*Id.* at 5.
[17]*Id.* at 7.
[18]*Id.*
[19]*Id.*
[20]*Id.* at 10.
[21]*Id.* at 7 (citing n.70).
[22]*Id.* at 7 (citing Richard E. Moberly).
[23]*Platone v. FLYi, Inc.*, ARB Case No. 04-154 (ARB Sept. 29, 2006); *Sylvester v. Parexel Int'l LLC*, ARB Case No. 07-123 (ARB May 25, 2011), *cited in* Henkel, *supra* note 6, at 7.
[24]Henkel, *supra* note 6, at 11.
[25]*Id.* at 12.
[26]*Digital Realty Tr., Inc. v. Somers*, 138 S. Ct. 767 (2018).
[27]*Id.* at 778.
[28]Henkel, *supra* note 6, at 14.
[29]*Id.* at 3.
[30]*Id.*
[31]*Id.*

"While touted as a major improvement, it is questionable whether this administrative procedure is sufficiently effective in incentivising complaints where necessary."[22] Cases were known to have been time-consuming and draining, thus discouraging whistleblowers. The time limitation was such that they could move to federal court only after 180 days. This was yet another reason for the act's inefficiency. Furthermore, Early court and administrative decisions narrowly defined "protected activity."

If reporting was considered part of someone's regular job duties (e.g., an auditor questioning irregularities), courts often ruled they weren't acting as whistleblowers.[23]

This discouraged professionals in accounting and compliance, the very people best placed to detect fraud.

C. Dodd-Frank Act

A legislative response to the 2008 financial crisis, the Frank Act of 2010 was considered to be a step towards making the laws better and removing any gaps in the SOX Act, focusing on the financial sector. It doubled the time for whistleblowers to complain, from 90-180 days. It also allowed them to go directly to federal court without filing a complaint with the Department of Labour or OSHA first, and increased the deadline for reporting to 3 or 6 years from the time they got to know about the wrongdoing, but not more than 10 years.[24] The Dodd-Frank Act also significantly increased the monetary awards or financial bounties a whistleblower may collect if

[6] Christoph Henkel, 'Whistleblower Rights and Protection Under U.S. Law in the Private Sector' (2017) 3.
[7] ibid.
[8] ibid.
[9] ibid.
[10] ibid 4.
[11] ibid 3.
[12] ibid.
[13] ibid.
[14] ibid 5.
[15] ibid 5,9.
[16] ibid 5.
[17] ibid 7.
[18] ibid.
[19] ibid.
[20] ibid 10.
[21] ibid 7, citing n 70.
[22] ibid 7, citing Richard E. Moberly. .
[23] *Platone v FLYi, Inc*, ARB Case No 04-154 (ARB 29 September 2006); *Sylvester v Parexel Int'l LLC*, ARB Case No 07-123 (ARB 25 May 2011), cited in Henkel (n 6) 7.
[24] Henkel (n 6) 11.
[25] ibid 12.
[26] *Digital Realty Trust, Inc v Somers* 138 S Ct 767 (2018).
[27] ibid 778.
[28] Henkel (n 6) 14.
[29] ibid 3.
[30] ibid.
[31] ibid.

they report information that ultimately results in successful securities enforcement actions or monetary sanctions exceeding $1 million,[25] provided they disclose their identity before collecting the bounty. However, its effectiveness has been questioned as well. While it included the provision of bounty, it gave the exception stating that no monetary benefits shall be given in case the complaint is not registered with the SEC. Its protections apply narrowly to securities law violations reported directly to the SEC, but it excludes many sectors. This was included especially after the case of Digital Realty Trust, Inc. v. Somerss,[26] wherein it was held that whistleblower status and associated protections, as defined under the SOX Act and Dodd Frank Act, only apply to cases wherein the whistleblower reported directly to the SEC(Securities and Exchange Commission). As stated in the case- "In sum, the definition of 'whistleblower' in section 78u–6(a)(6) is clear and conclusive.. Somers did not provide information 'to the Commission' before his termination, Section 78u–6(a)(6)... Somers is therefore ineligible to seek redress under Section 78u–6(h)."[27]

Retaliation remains common despite legal prohibitions, and the heavy focus on monetary rewards often overshadows ethical motivations. Moreover, corporate tactics like gag orders and NDAs, along with long delays in investigations and limited enforcement, continue to deter whistleblowers.[28]

[6] Christoph Henkel, 'Whistleblower Rights and Protection Under U.S. Law in the Private Sector' (2017) 3.
[7] ibid.
[8] ibid.
[9] ibid.
[10] ibid 4.
[11] ibid 3.
[12] ibid.
[13] ibid.
[14] ibid 5.
[15] ibid 5,9.
[16] ibid 5.
[17] ibid 7.
[18] ibid.
[19] ibid.
[20] ibid 10.
[21] ibid 7, citing n 70.
[22] ibid 7, citing Richard E. Moberly. .
[23] *Platone v FLYi, Inc*, ARB Case No 04-154 (ARB 29 September 2006); *Sylvester v Parexel Int'l LLC*, ARB Case No 07-123 (ARB 25 May 2011), cited in Henkel (n 6) 7.
[24] Henkel (n 6) 11.
[25] ibid 12.
[26] *Digital Realty Trust, Inc v Somers* 138 S Ct 767 (2018).
[27] ibid 778.
[28] Henkel (n 6) 14.
[29] ibid 3.
[30] ibid.
[31] ibid.

As a result, Dodd-Frank, the most prevalent provision in the US today, falls short of ensuring safe, effective, and inclusive whistleblower protection.

Therefore, from what extensive research regarding various legislations put up by the US for whistleblower protection directs, there is no comprehensive whistleblower protection law.[29] Instead, there is a patchwork of over 30 different federal laws. Each of these 'patchworks', as mentioned, protects only specific kinds of employees, such as airline workers, truckers, financial sector workers, etc, and narrowly defines misconduct, whether it be environmental, safety, securities violation, etc.[30] Furthermore, employees must satisfy very specific criteria to qualify for protection.[31]

[32]Stephen M. Kohn, The Whistleblower's Handbook: A Step-by-Step Guide to Proving Illicit Corporate Practices and Reporting Them to the Government 5 (2011).
[33]Robert G. Vaughn, The Successes and Failures of Whistleblower Laws 11–14 (2012).
[34]Occupational Safety and Health Admin., Whistleblower Investigation Data – FY 2024 Statistics (2025).
[35]Richard Moberly, *Unfulfilled Expectations: An Empirical Analysis of Why Sarbanes-Oxley Whistleblowers Rarely Win*, 49 Wm. & Mary L. Rev. 76 (2007).
[36]Geoffrey Christopher Rapp, *Beyond Protection: Invigorating Incentives for Sarbanes-Oxley Corporate Whistleblowers*, 87 B.U. L. Rev. 91, 109–11 (2007).
[37]Tom Devine & Tarek F. Maassarani, The Corporate Whistleblower's Survival Guide: A Handbook for Committing the Truth 34 (2011).
[38]Miriam A. Cherry, *Whistling in the Dark? Corporate Whistleblowing after Sarbanes-Oxley*, 39 Creighton L. Rev. 673, 681 (2006).
[39]*See* Digital Realty Tr., Inc. v. Somers, 583 U.S. 149 (2018).
[40]15 U.S.C. section 78u-6.
[41]Lampkin v. Cnty. of Los Angeles, No. B284534, 2019 WL 2404473 (Cal. Ct. App. June 7, 2019).
[42]Cal. Lab. Code section 1102.6.

III. Analysis of Ineffectiveness

As a whole**,** whistleblower protection's ineffectiveness can be traced to its complexity stemming from a multitude of laws and regulations governing whistleblowing. They often confuse both the whistleblowers and employers, making it challenging to navigate through appropriate channels and for the whistleblowers and companies to understand the full extent of their rights and duties.[32] Whistleblowers receive some legal protections, but these are often insufficient. Over thirty federal laws provide safeguards on issues like workplace safety, environmental concerns, public health, and corporate misconduct. The scope of such laws is restricted to specific issues or statutes, with certain criteria that the person requires to fulfil, and applies only if the whistleblower works for an organisation governed by that statute. Even if the conditions are fulfilled and the whistleblower falls within the provided statute, there are still restrictions to avail protection.[33]

Procedural requirements vary widely, making the use of such statutes difficult for those who require their protection. Some laws allow whistleblowers to file directly in federal court; others require filing through administrative bodies like OSHA. In some cases, only the agency can act; in others, employees may pursue claims independently. The time limit for making a complaint ranges from 30 to 300 days from the date of retaliation (different time limits for different acts), adding to the system's complexity. Ultimately, protections depend on multiple factors: the employer, industry, type of misconduct, method of disclosure, and, in some cases, whether an agency is willing to act. SOX Act, particularly for employees of publicly traded companies who report fraud, was enacted with the hopes of providing the most comprehensive protection for whistleblower provisions. In FY 2024, OSHA received approximately 2500-3000 cases, out of which 160 were filed under the SOX Act. These 160 cases represent a multitude of 'docketed' cases, whereby most were screened out because they did not fulfil the 180-day minimum of filing a complaint, or were not regarded under 'publicly traded

[32]Stephen M. Kohn, The Whistleblower's Handbook: A Step-by-Step Guide to Proving Illicit Corporate Practices and Reporting Them to the Government 5 (2011).
[33]Robert G. Vaughn, The Successes and Failures of Whistleblower Laws 11–14 (2012).
[34]Occupational Safety and Health Admin., Whistleblower Investigation Data – FY 2024 Statistics (2025).
[35]Richard Moberly, *Unfulfilled Expectations: An Empirical Analysis of Why Sarbanes-Oxley Whistleblowers Rarely Win*, 49 Wm. & Mary L. Rev. 76 (2007).
[36]Geoffrey Christopher Rapp, *Beyond Protection: Invigorating Incentives for Sarbanes-Oxley Corporate Whistleblowers*, 87 B.U. L. Rev. 91, 109–11 (2007).
[37]Tom Devine & Tarek F. Maassarani, The Corporate Whistleblower's Survival Guide: A Handbook for Committing the Truth 34 (2011).
[38]Miriam A. Cherry, *Whistling in the Dark? Corporate Whistleblowing after Sarbanes-Oxley*, 39 Creighton L. Rev. 673, 681 (2006).
[39]*See* Digital Realty Tr., Inc. v. Somers, 583 U.S. 149 (2018).
[40]15 U.S.C. section 78u-6.
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[42]Cal. Lab. Code section 1102.6.

companies'.[34] previous statistics from OSHA show that not a single Sarbanes-Oxley whistleblower won a claim before OSHA in fiscal year 2006 out of 159 decisions during that year.[35] 95% of complaints received by SOX were dismissed based on legal technicalities, not even reaching a full hearing on facts. OSHA, the investigating body, has limited resources and expertise, particularly in complex fraud or corporate cases.[36]

There exists a jurisdictional maze.[37] For someone reporting an environmental hazard, the whistleblower will file the violation through a completely different act. Moreover, the act of the act will determine the rights and time limits that the whistleblower gets, or even whether or not the particular employee can or cannot file the complaint. A territorial difference also exists in different states, because there exist different degrees of laws in different states of the US. This is in reference to how, in states like California, laws are stricter. While in others, they aren't as strict. This unevenness means that a worker's right depends not only on their occupation and position, but also on the territorial area they live and work in.[38] The debate over internal and external reporting is still unanswered. While the Dodd-Frank Act mandates reporting directly to the SEC(Securities and Exchange Commission), SOX encourages internal reporting first.[39] Corporate sectors encourage internal reporting as well in order to resolve the matter in a quick and efficient manner, and to maintain trust. On the other hand, the latter believe that internal reporting is hazardous in its own way since it alerts corporate managers and directors. Their being alerted to the matter would lead them to try to cover the wrongdoing while also putting the whistleblower at risk of retaliation. Retaliation in itself is two-faced- a full-blown retaliation (demotion, firing) and soft retaliation(quietly blacklisted from the company, shunned from the industry and a negative effect on the reputation of the employee). This, therefore, creates a fear of unemployment which no amount of compensation can rectify. While speaking of monetary benefits to blowing the whistle, it is vital to talk about the compensatory inequalities that exist in this facet as well. A whistleblower who blew the whistle

[32]Stephen M. Kohn, The Whistleblower's Handbook: A Step-by-Step Guide to Proving Illicit Corporate Practices and Reporting Them to the Government 5 (2011).
[33]Robert G. Vaughn, The Successes and Failures of Whistleblower Laws 11–14 (2012).
[34]Occupational Safety and Health Admin., Whistleblower Investigation Data – FY 2024 Statistics (2025).
[35]Richard Moberly, *Unfulfilled Expectations: An Empirical Analysis of Why Sarbanes-Oxley Whistleblowers Rarely Win*, 49 Wm. & Mary L. Rev. 76 (2007).
[36]Geoffrey Christopher Rapp, *Beyond Protection: Invigorating Incentives for Sarbanes-Oxley Corporate Whistleblowers*, 87 B.U. L. Rev. 91, 109–11 (2007).
[37]Tom Devine & Tarek F. Maassarani, The Corporate Whistleblower's Survival Guide: A Handbook for Committing the Truth 34 (2011).
[38]Miriam A. Cherry, *Whistling in the Dark? Corporate Whistleblowing after Sarbanes-Oxley*, 39 Creighton L. Rev. 673, 681 (2006).
[39]*See* Digital Realty Tr., Inc. v. Somers, 583 U.S. 149 (2018).
[40]15 U.S.C. section 78u-6.
[41]Lampkin v. Cnty. of Los Angeles, No. B284534, 2019 WL 2404473 (Cal. Ct. App. June 7, 2019).
[42]Cal. Lab. Code section 1102.6.

on a financial fraud will get higher benefits(if any) than one who blew the whistle on other serious offences. For example, a financial analyst who blew the whistle through the Dodd-Frank Act can get up to 30 million for a 100 million penalty.[40]

Whereas a maintenance engineer who blows the whistle through the FAA or OSHA will get no financial rewards except for job security at best. Furthermore, administrative law judges have, on various instances, narrowed the scope of protections, for example, limiting the SOX protection from 'adverse to investors', excluding internal complaints. In the case of Lampkin v. County of Los Angeles, even though the whistleblower proved that retaliation existed and happened, a mere technicality led to him not getting any bonus he initially deserved[42]. In the state of California, owing to the superior precedent set by the higher court, if the employer proves the same defence (that they would have done the same thing more morally and legally as well), the whistleblower gets nothing- no damages, no relief, no injunction.[42] The legal framework fails, instead of legislative fragmentation, procedural restrictions, remedies which barely highlight the reality of retaliation, and, as previously mentioned, every legislative action is merely a patchwork. One act fails, the other is enacted to fill in the little gaps, whichever may be possible, while neglecting, in one way or the other, the whistleblowers.

[32]Stephen M. Kohn, The Whistleblower's Handbook: A Step-by-Step Guide to Proving Illicit Corporate Practices and Reporting Them to the Government 5 (2011).
[33]Robert G. Vaughn, The Successes and Failures of Whistleblower Laws 11–14 (2012).
[34]Occupational Safety and Health Admin., Whistleblower Investigation Data – FY 2024 Statistics (2025).
[35]Richard Moberly, *Unfulfilled Expectations: An Empirical Analysis of Why Sarbanes-Oxley Whistleblowers Rarely Win*, 49 Wm. & Mary L. Rev. 76 (2007).
[36]Geoffrey Christopher Rapp, *Beyond Protection: Invigorating Incentives for Sarbanes-Oxley Corporate Whistleblowers*, 87 B.U. L. Rev. 91, 109–11 (2007).
[37]Tom Devine & Tarek F. Maassarani, The Corporate Whistleblower's Survival Guide: A Handbook for Committing the Truth 34 (2011).
[38]Miriam A. Cherry, *Whistling in the Dark? Corporate Whistleblowing after Sarbanes-Oxley*, 39 Creighton L. Rev. 673, 681 (2006).
[39]*See* Digital Realty Tr., Inc. v. Somers, 583 U.S. 149 (2018).
[40]15 U.S.C. section 78u-6.
[41]Lampkin v. Cnty. of Los Angeles, No. B284534, 2019 WL 2404473 (Cal. Ct. App. June 7, 2019).
[42]Cal. Lab. Code section 1102.6.

IV. The Curious Case of John Barnett

The implication of narrow and complex provisions can be understood through the well-known case of John Barnett.

The case of this whistleblower is not a stranger to anyone. Having been the former manager at Boeing Airlines, John Barnett had previously, after enlisting in the U.S. Air Force, worked at Rockwell International in Palmdale, California, building parts for the Space Shuttle program. He joined Boeing in 1988. In 2010, he worked at the North Charleston plant, where he began noticing certain discrepancies in the quality of safety in Boeing 787. He uncovered major safety hazards, including, but not limited to, discarded metal shavings near electrical wiring, faulty oxygen systems, with about 25% failure rate in some tests, missing parts, and the recovery and reuse of substandard parts from scrap bins to meet production timelines.[43] Despite repeated complaints to the management, they allegedly ignored his complaints or punished him with demotions and reassignment by mid-2016. In short, John Barnett faced retaliation for voicing his concerns. He retired from the company in March 2017 due to health concerns and filed a whistleblower complaint under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century ("AIR21") via OSHA.[44] The FAA, after investigation, confirmed Barnett's claims that Boeing had failed to properly track at least 53 non-conforming parts. However, OSHA dismissed any retaliation claims after an investigation of 4 years, from 2017-2021.[45] Barnett and his advocate appealed this decision. In the year 2024, while in Charleston for his deposition in the case, Barnett was found dead in his hotel with a self-inflicted gunshot, with a handwritten note blaming the company for his demise[46](*John M. Barnett v. The Boeing Company* 2021-AIR-00007).

After John Barnett's death, his family filed a wrongful death lawsuit against Boeing, suspecting and alleging the company's role in contributing to his death. The lawsuit, filed by his mother and brother on behalf of his estate, claims Boeing subjected Barnett to harassment and a hostile work environment, leading to the PTSD, depression, and anxiety directed to his death **(***Estate*

[43]*Barnett v. Boeing Co.*, No. 2021-AIR-00007 (U.S. Dept. of Labor Oct. 20, 2020).
[44]49 U.S.C. § 42121 (2018).
[45]*Barnett v. Boeing Co.*, Case No. 2021-AIR-00007 (ALJ Jan. 21, 2021) (Order of Dismissal).
[46]*Estate of Barnett v. Boeing Co.*, No. 2:25-cv-02110 (D.S.C. filed Mar. 19, 2025).
[47]Julie Johnsson, *Boeing Settles Whistleblower Suit Over Suicide of Quality Inspector*, CLAIMS J. (Sept. 29, 2025), https://www.claimsjournal.com.
[48]*Boeing Whistleblowers: 32 Retaliation Complaints Filed in Four Years*, AL JAZEERA (May 7, 2024), https://www.aljazeera.com.
[49]*Id.*
[50]Dominic Rushe, *Second Boeing Whistleblower Dies After Short Illness*, GUARDIAN (May 2, 2024), https://www.theguardian.com.
[51]*See generally* ROBERT G. VAUGHN, THE SUCCESSES AND FAILURES OF WHISTLEBLOWER LAWS 11 (2012).

of John M. Barnett v. The Boeing Company). Lawsuit settles in September 2025[47], guaranteeing a hollow victory and further confirming the failure of statutory provisions in protecting his career and life when he blew the whistle, in efforts of saving people from any avoidable tragedies.

Since then, between December 2020 and March 2024, 32 people have blown the whistle and have alleged retaliation from the company. While some of these cases were resolved with monetary restitution, many were closed by OSHA for various reasons, including the whistleblower failing to meet the required timeframe for filing.[48] As reported by Al Jazzira May 2024, the complaints filed with OSHA included- 13 complaints related to aviation safety, 15 related to workplace safety, 2 related to fraud, and 1 related to the control of toxic chemicals.[49]

In 2024, Joshua Dean, a former quality auditor at Spirit AeroSystems—a key supplier for Boeing, passed away due to health concerns. His death came shortly after he raised concerns with the Federal Aviation Administration (FAA) about what he called "serious and gross misconduct by senior quality management of the 737 production line" at Spirit.[50]

The one thing that can be understood through the story of John Barnett is that the statutory provision has failed not just him but many others who came after him. The legal framework remains a patchwork buried under procedural hurdles and the heavy burden of proof placed on the individual. [51]

[43]*Barnett v. Boeing Co.*, No. 2021-AIR-00007 (U.S. Dept. of Labor Oct. 20, 2020).
[44]49 U.S.C. § 42121 (2018).
[45]*Barnett v. Boeing Co.*, Case No. 2021-AIR-00007 (ALJ Jan. 21, 2021) (Order of Dismissal).
[46]*Estate of Barnett v. Boeing Co.*, No. 2:25-cv-02110 (D.S.C. filed Mar. 19, 2025).
[47]Julie Johnsson, *Boeing Settles Whistleblower Suit Over Suicide of Quality Inspector*, CLAIMS J. (Sept. 29, 2025), https://www.claimsjournal.com.
[48]*Boeing Whistleblowers: 32 Retaliation Complaints Filed in Four Years*, AL JAZEERA (May 7, 2024), https://www.aljazeera.com.
[49]*Id.*
[50]Dominic Rushe, *Second Boeing Whistleblower Dies After Short Illness*, GUARDIAN (May 2, 2024), https://www.theguardian.com.
[51]*See generally* ROBERT G. VAUGHN, THE SUCCESSES AND FAILURES OF WHISTLEBLOWER LAWS 11 (2012).

V. Journey to a Better Tomorrow

In light of the numerous gaps and inefficiencies of the dozens of legislations that have been put up, it becomes vital to expedite a comprehensive plan for the protection of all employees in a much more effective manner.

To begin with, the debate regarding the internal and external reporting can be tackled when there exist external auditors who serve their period on a rotational basis. When auditors are not just internal, it allows for transparency and a better structure for corporate governance.[52] Furthermore, independent directors should be encouraged in greater numbers since they limit powers and would allow internal reporting to go more smoothly without much retaliation.[53] Confidentiality can remain a key, but it should be more widespread, covering all possible sectors.

A major problem with the statutory provisions has been a complex framework and a patchwork of acts. Therefore, a unified whistleblower act should be in place which covers all sectors and employees. It should include all the employees of different sectors, clearly define what counts as protected disclosures- financial, environmental, fraud, abuse or any such violation.[54] Rules and regulations for such must be made consistent across all channels. Furthermore, the whistleblower cases should not be scattered across different agencies like they currently are. A whistleblower tribunal with skilled judges who have experience in retaliation and employment laws should be put in place. A judicial system should be set in place wherein appeals can be made to specific federal courts dealing with such issues for fair and speedy justice. This would end the confusion over which employee is eligible for which forum.[55]

The main fear when blowing the whistle for an employee is career destruction. Therefore, a positive method of encouraging whistleblowers would be monetary compensation. In other words, the provisions of Dodd-Frank Act and the False Claims Act should be expanded in all sectors, not just in finance. A central whistleblower fund can be created by collecting penalties from such whistleblowing, and 10%-30% of rewards should be offered to successful enforcements.[56]

[52]*See* Sarbanes-Oxley Act of 2002 § 301, 15 U.S.C. § 78j-1.
[53]Council Directive 2019/1937, 2019 O.J. (L 305) 17 (EU).
[54]*See* Tom Devine, *The Whistleblower Protection Act of 1989: Foundation for the Modern Law of Dissent*, 51 ADMIN. L. REV. 531, 542 (1999).
[55]15 U.S.C. § 78u-6; 31 U.S.C. § 3730(d).
[56]31 U.S.C. § 3731(b)(1).
[57]Council Directive 2019/1937, art. 21(5), 2019 O.J. (L 305) 17, 39 (EU).

The time limit for filing the reports should be made longer, at least up to 6 years, matching the statute of limitations found in successful frameworks like the False Claims Act.[57] Furthermore, stronger remedies for retaliation, such as double back pay with interest and considerable pay for emotional and reputational harm, should be put in place. Right now, the burden of proof of retaliation is on the employee. This should be reversed, with any retaliation rebuttably being presumed if it occurred within 2 years of blowing the whistle. As seen in European models, in such cases, the burden of proof would shift onto the employer to prove that there is concrete and convincing evidence that the firing is not retaliatory. This puts some amount of responsibility onto the shoulders of the employer as well. A strong and unified protection act will not only guarantee protection for employees but also make corporations think twice before taking a step which can harm their employee who blew the whistle. Apart from this, such a statutory provision allows for greater transparency and efficiency in corporate governance as well.

[52]*See* Sarbanes-Oxley Act of 2002 § 301, 15 U.S.C. § 78j-1.
[53]Council Directive 2019/1937, 2019 O.J. (L 305) 17 (EU).
[54]*See* Tom Devine, *The Whistleblower Protection Act of 1989: Foundation for the Modern Law of Dissent*, 51 ADMIN. L. REV. 531, 542 (1999).
[55]15 U.S.C. § 78u-6; 31 U.S.C. § 3730(d).
[56]31 U.S.C. § 3731(b)(1).
[57]Council Directive 2019/1937, art. 21(5), 2019 O.J. (L 305) 17, 39 (EU).

VI. Conclusion

To conclude, it is necessary to examine, rather intrinsically, the role of major whistleblower acts that have been enacted by legislation. Whether it be the False Claims Act or the Dodd-Frank Act, there have been gaps and complexities that have not been overcome. A major issue with these provisions has been the complexity and the patchwork that they create from reporting to the very end. This complexity stems from the limited time for filing to the lack of protection against retaliation. The fact of the matter remains that the provisions provided are simply 'on paper'. Their practical application has been proven to be ineffective in many facets. The success rate has been low. The repercussion of this is discouraging whistleblowers, thus hampering the effectiveness of corporate governance in itself. The paper demonstrates that despite noble intentions, these laws are undermined by crippling limitations, procedural complexities, and inconsistent application, ultimately creating a façade of protection that often crumbles under real-world pressure.

The analysis highlights the legislative failure and the negative consequences of dozens of complex laws put in place. This fragmented approach, with its disparate statutes of limitation and varying procedural requirements, creates a bewildering and hazardous landscape for employees to navigate.

The paper touches upon a rather famous case of whistleblowers- the John Barnett case. It helps scrutinise the main issue and look at the broader picture, especially when it comes to retaliation. It throws light on the darkest consequences of ineffective laws, which lead to only one path- injustice. This is not an isolated incident, but part of a larger pattern of whistleblowers facing professional and personal ruin. Furthermore, legal precedents such as *Lampkin v. County of Los Angeles* expose critical loopholes where an employer can admit retaliation yet evade accountability, securing a hollow victory for the whistleblower without damages or relief. This demonstrates that even when a whistleblower successfully navigates the legal maze, a just outcome is not guaranteed.

Ultimately, this paper concludes that there needs to be a better and unified act which will help in a more transparent and effective system, while protecting the interests of whistleblowers.