



# KTU NOTES

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## **MODULE :4**

### **RESPONSIBILITIES & RIGHTS**

**Collegiality and loyalty – Managing conflict- Respect for authority- Collective bargaining- Confidentiality-Role of confidentiality in moral integrity-Conflicts of interest- Occupational crime- Professional rights-Employee right- IPR Discrimination**

Responsibilities and rights play an important role in any professional career because of their close association with the development and sustained maintenance of any organisation. Professional responsibilities and rights are the two basic criteria to be possessed by engineers who have the moral obligations to fulfil the basic duties towards the betterment of a society or community. The responsibilities and duties of engineers have a direct impact on the public community with regard to the **safety and risk assessment**. These two criteria would enable the engineers to become **creative entrepreneurs** to perform their duties with dedication and enthusiasm. Loyalty to corporations, respect for authority, collegiality and other teamwork are a few important virtues in the field of Engineering. Professionalism in engineering would be threatened at every turn in a corporation driven with powerful egos. Robert Jackall, a Sociologist criticizes professionalism saying, “what is right in the corporation is what the guy above you wants from you. That’s what morality is in the corporation.”

In order to understand how good the ethical factors in a corporate world should be, let us consider the following points –

- Ethical values in their full complexity are widely acknowledged and appreciated by managers and employees alike.
- In an ethical corporate climate, the use of ethical language is honestly applied and recognized as a legitimate part of corporate dialogue.
- Top management sets a moral tone in words, in policies and by personal example.
- The procedures should be followed for conflict resolution.

The various aspects of responsibilities and rights and their interactions with other professional factors are discussed in detail as below:

**Explain how can you improve collegiality in an organisation where you are presently employed? (7)**

**Differentiate collegiality & loyalty.(3)**

### COLLEGIALLY & LOYALTY

Collegiality and Loyalty are the two **important virtues** that are shown by engineers in performing their duties. According to engineering code of ethics, collegiality is considered to be an **act that constitutes disloyalty**. **Craig Ihara** defines the term collegiality as a **kind of connectedness** based on professional commitment to the goals and values of profession. The national society of professional Engineers (NSPE) code states that **engineers shall not attempt to injure maliciously or falsely, directly or indirectly, professional reputation, prospects, practice or employment of other engineers, nor untruthfully criticize other engineer's work**. Engineers who believe others are guilty of unethical or illegal practise shall present such information to the proper authority for action. Collegiality is a kind of support to a professional expert. It involves cooperation respect, commitment, connectedness and cooperation among colleagues.

**Define Loyalty.(3)**

### LOYALTY

Loyalty, in general use, is a devotion and faithfulness to a nation, cause, philosophy, country, group, or person. Philosophers disagree on what can be an object of loyalty, as some argue that loyalty is strictly interpersonal and only another human being can be the object of loyalty. The definition of loyalty in law and political science is the fidelity of an individual to a nation, either one's nation of birth, or one's declared home nation by oath (naturalization).

1. **Loyalties differ in basis according to their foundations.** They may be constructed upon the basis of unalterable facts that constitute a personal connection between the subject and the object of the loyalty, such as biological ties or place of birth (a notion of natural allegiance propounded by Socrates in his political theory). Alternatively, they may be constructed from personal choice and evaluation of criteria with a full

degree of freedom. The degree of control that one has is not necessarily simple; Nathanson points out that whilst one has no choice as to one's parents or relatives, one can choose to desert them.

2. **Loyalties differ in strength:** They can range from supreme loyalties, that override all other considerations, to merely presumptive loyalties, that affect one's presumptions, providing but one motivation for action that is weighed against other motivations. Nathanson observes that strength of loyalty is often interrelated with basis. "Blood is thicker than water", states an aphorism, explaining that loyalties that have biological ties as their bases are generally stronger.
3. **Loyalties differ in scope.** They range from loyalties with limited scope, that require few actions of the subject, to loyalties with broad or even unlimited scopes, which require many actions, or indeed to do whatever may be necessary in support of the loyalty. Loyalty to one's job, for example, may require no more action than simple punctuality and performance of the tasks that the job requires. Loyalty to a family member can, in contrast, have a very broad effect upon one's actions, requiring considerable personal sacrifice. Extreme patriotic loyalty may impose an unlimited scope of duties. Scope encompasses an element of constraint. Where two or more loyalties conflict, their scopes determine what weight to give to the alternative courses of action required by each loyalty.

Finally, **loyalties differ in the attitude that the subjects of the loyalties have** towards other people. (Note that this dimension of loyalty concerns the subjects of the loyalty, whereas legitimacy, above, concerns the loyalties themselves.) People may have one of a range of possible attitudes towards others who do not share their loyalties, with hate and disdain at one end, indifference in the middle, and concern and positive feeling at the other.

#### **Explain the types of loyalty? (4)**

Loyalty is the faithful adherence to an organization and the employer. Loyalty to an employer can be either of the two types :

- **Agency-loyalty:** Agency-loyalty is acting to fulfil one's contractual duties to an employer. This is entirely a matter of actions, such as doing one's job and not stealing from one's employer, irrespective of the motive behind it.

- **Attitude-loyalty:** Attitude-loyalty has a lot to do with attitudes, emotions and a sense of personal identity as it does with actions. It can be understood that people who work grudgingly and spitefully are not loyal; in spite of the fact they may adequately perform all their work responsibilities and hence manifest agency loyalty.

### **Define Collegiality. (3)**

## COLLEGIALITY

Collegiality is the term that describes a work environment where responsibility and authority are shared among the colleagues. When Engineering codes of ethics mention collegiality, they generally cite acts that constituted agency loyalty. The disloyalty of professionals towards an organization, reflects the attitude they have towards the work environment for the salaries they are paid and the trust the company has for them.

Collegiality is the relationship between colleagues. Colleague is taken to mean a fellow member of the same profession, a group of colleagues united in a common purpose, and used in proper names, such as Electoral College, College of Cardinals, and College of Pontiffs. Colleagues are those explicitly united in a common purpose and respecting each other's abilities to work toward that purpose. A colleague is an associate in a profession or in a civil or ecclesiastical office. Collegiality can connote respect for another's commitment to the common purpose and ability to work toward it. In a narrower sense, members of the faculty of a university or college are each other's colleagues.

Sociologists of organizations use the word collegiality in a technical sense, to create a contrast with the concept of bureaucracy. Classical authors such as Max Weber consider collegiality as an organizational device used by autocrats to prevent experts and professionals from challenging monocratic and sometimes arbitrary powers.

The National Society of Professional Engineers (NSPE) Code, for example, states that “Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of other engineers.

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Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action”.

### **Examine the major elements of collegiality. (7)**

The main factors that help in maintain harmony among members at a workplace is:

- **ELEMENTS OF COLLEGIALLY**

- **Respect:** In general terms it means valuing another person for the skill he has .For example doctors hold a very high esteem in the society In engineering it means the value given by other professionals.
- **Commitment:** It means a promise of accomplishing a task.In case of employees it denotes their enthusiasm to work for the company. The success and failure of the organization depends upon the commitment of the employees for the organization.
- **Connectedness:** It denotes cooperative undertaking created by sharing their skill. It is a sense of belonging to a particular organisation. In engineering it means a sense of utility among the engineers.

In detail, the colleagues are to be respected for their work and contribution towards the organizational goals and should be valued for their professional expertise and their dedication towards the social goods promoted by the profession. Commitment observed in the sense of sharing a devotion to the moral ideals inherent in one’s profession.Thecoordinationamongallthemembersataworkplaceortheawareness of participating in cooperative projects based on shared commitments and mutual support, also encourages the quality of thework.

### **MANAGING CONFLICT**

Conflict in any work environment is inevitable for the simple reason that whenever people have to work together they will not always be in perfect agreement on all issues, goals, or perceptions. From this emerges a definition of conflict — a **“disagreement between two or more organisational members or groups arising fromthefacttheymustshareresourcesofworkactivitiesand/orfromthefactthat theyhavedifferentstatus,goals,valuesorperceptions.”**Inshort,conflictrefersto any kind of opposition or antagonistic intersection between two or moreparties.

Conflict is inherently neither positive nor negative. If it is managed correctly, it can be helpful (functional) in meeting the organisational goals. If it is mishandled or not

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managed correctly, it can be destructive (dysfunctional). In order to manage conflict, a manager needs to understand why conflict arises or what are its sources?

### **CAUSES OF CONFLICT**

Conflict can occur throughout the organisation: between one individual and another, between groups, between groups and individuals and the organization. In general it arises due to problems in communication (e.g., misunderstandings due to semantics, unfamiliar language, or ambiguous or incomplete information), personal relationships (e.g., incompatibility of personal goals or social values of employees with the role behaviour required by their jobs, or organisational structure (e.g., power struggles between departments with conflicting objectives or rewards systems, competition for scarce resources, or interdependence of two or more groups to achieve certain common goals). Conflict may also arise due to certain personality characteristics, such as authoritarianism or dogmatism. Such conflict resolution is difficult.

**Explain the various steps in managing conflicts in a organization?(7)**

### **Methods for Managing Conflict**

1. **Collective Bargaining**: It is the process of direct negotiation on a collective or group basis between the representatives of employers and their employees for the settlement of disputes. The mutual rights and obligations of both parties that are agreed by them through negotiation are written down in the form of an agreement or contract, which is legally binding on them.

**Collective bargaining can also be defined as:**

- (a) Negotiations between the management and the union for agreeing on a written agreement covering the terms and conditions of settlement of the disputed issues.
- (b) A give-and-take process involving proposals and counterproposals.
- (c) Introduction of an element of democracy in the field of Industrial Relations.

Collective bargaining prevents unilateral actions related to employees, and it imposes certain restrictions upon the employer.

2. **Conciliation & Mediation**: If collective bargaining fails, then this may be adopted. Conciliation consists of a series of conferences, including informal sitting between representatives of the two

parties, which are designed to create a friendly atmosphere, give and take attitude with a view to ultimately smooth out the differences. When the conferences are held with an outsider as Chairman, the process is known as 'Mediation'. In this method, the presence of a third party acts as a moderating influence on the two contending parties. What they themselves cannot settle, maybe solved under the influence and with the suggestions of an outsider.

- 3. Arbitration:** When above two methods fail, then this can be adopted. In this, a third person is chosen as the Arbitrator by agreement between the employers and employees. He gives a hearing to both parties and then offers his own solution of the dispute.

In case of 'Voluntary Arbitration', the obligation to abide by his decision is moral one. Under 'Compulsory Arbitration', the parties have to abide by it under compulsion of law. In India, a legal provision for Conciliation and Arbitration has been made in the Industrial Disputes Act, 1947.

Unfortunately, it has been experienced that both the procedures are not popular either with the workers or the management. However, these have been found useful in removing industrial disputes. The Whitley Commission has recommended the establishment of such councils for the industries in India. In pursuance of this, Government of India established Indian Labour Conference, Standing Labour Committee and Industrial Committees for plantations, coal, mining and cotton textile industries. In the same manner, joint committees for factories are being established.

### **CONFLICT MANAGEMENT PROCESS**

When a conflict, arises whether intra-individual, inter-individual; intra-group or inter-group in an organisation, it must be resolved as early as possible. In an organisation, there must be someone to intervene before the situation goes worse and generally a superior helps to improve the situation. In order to resolve the conflict effectively the seniors or superior should handle the situation carefully and take the following steps:

- 1. Preliminary step — knowing the conflict;**
- 2. Diagnosing the issue;**
- 3. Applying any of the conflict handling modes.**

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## **1. Preliminary Step**

The first stage in resolving the conflict is to know the full details of the conflict. As soon as the conflict comes to the knowledge of the senior or superior, he should handle the conflict skillfully. The first thing to note in the stage of conflict because, if it is in its initial stage, it requires less efforts and much efforts will be needed at advanced stage of conflict. Even the strategies used may also differ from stage to stage though there is hardly a relationship between the stage of conflict and strategies used. Before analyzing the issues involved in the conflict, it should also be considered that the person who is being entrusted the responsibility to intervene and resolve the conflict, should be objective enough in handling the problem.

Though, it is very difficult to keep emotions and sentiments out of the job and attain absolute depersonalization, yet one can be objective if he keeps an open mind. For this purpose, one should listen to views of individuals who are in conflict though they may not be fully in agreement with him provided the individual concerned does not carry rigid perception. The seniors or superior must try to keep the individual's mind open.

## **2. Diagnosing the Issue:**

In diagnosing the issues, the issues involved in the conflict should be analyzed and it should be understood what this conflict is about. How far it has already involved. Thus, the nature of conflict should be found out. Generally, conflict may arise due to facts, goals, methods, and values. In other words, facts at the disposal of two parties may differ or their goals may differ or their methods to be used for doing a particular task may differ or their views about what is good, bad, wrong or right may differ. So, the person entrusted to handle the conflict must find out what the conflict is about.

The next thing in diagnosing the issue is to know why these differences between the two parties have arisen. The factors responsible for promoting the difference may be informational, perceptual, role factors can be like. At times, the information received by two parties may be different and therefore they may draw different conclusions. People may also have different backgrounds.

Their beliefs, attitudes, values, and cultural norms may differ and therefore their perception may differ. An individual may have different roles in different groups of which he is a member and

these roles may clash or the role of one individual may differ from the other individual. For Example — A senior or superior may have an urgency of getting a particular work done but the sub-ordinates does not think so. It may lead two persons to clash.

Once the problem is identified and what has caused the problem becomes known, the stage at which it has already reached can be properly understood. The next important step is to develop a strategy to deal with the situation.

### **3. Conflict Handling Modes**

There are a number of strategies which we may adopt to resolve the conflict and the important of them are as follows:

- (a) To avoid appearance of conflict;**
- (b) Not permitting conflict to surface;**
- (c) Mediation;**
- (d) Letting the parties in conflict to settle their scores; and**
- (e) To solve the problems mutually.**

**(a) To Avoid Appearance of Conflict:** This approach suggests that such conditions and atmosphere should be created in the organisation so that there may not be any conflict in the organisation. If any conflict arises it should be removed and redressed as early as possible. This situation is possible when the organisation is staffed with like-minded people and possibly keeps a watch over their inter-personal relations. They should always be submissive to their superior and should never be aggressive or in conflict with him. If there is a difference of opinion between the two, it should be removed or it should be ignored.

This kind of conformity and agreement may be necessary where blind faith in the leader of the group is required. It is very common in political and religious organisations which demand total commitment of members towards the goals and ideals of the organisation. But in this approach, the creativity of the members is lost and they are not able to put forward their ideas for the sake of simple conformity.

**(b) Not Permitting Conflict to Surface:** This strategy suggests that loyalty and

cooperation to the group is supreme and disagreement need not be tolerated and may be treated equivalent to disloyalty to group. People who are loyal and co-operative should be rewarded and those, who are not should be removed or should be punished. As soon as the conflict is known to the superior, the parties in conflict should be warned of the serious consequences and should be ordered to sink their differences or matters be referred to 'upstairs' or the superior should insist on his own way.

This kind of approach of repression and forcing may work where talent difference is not so important as the pressure of the time but such suppressed differences may erupt at any time appropriate for the organisation and may hit safe targets. This approach does not create a satisfying situation and if the matter is allowed to brew for long, the party concerned whose views are suppressed always looks for an opportunity embarrassing the position of authority holder.

- **Mediation:** Under this approach an attempt should be made by the authority holder to sweep out the difference and to smoothen the affair so that it looks as if the problem never existed. He may exercise persuasion, highlighting the merits and demerits of their cases. He may conciliate, mediate, bringing home to them the commonness in their view points and if necessary even go for arbitration. It is quite possible that both the parties may leave the case to the superior to give his judgement, in case of failure of finding any solution of the case, then both will accept this decision. It may also be just possible that a compromise takes place or they may arrive at a mutually acceptable agreement. Under this approach both parties make a shift in their stand on give and take basis. It may be with or without the intervention of the superior. This strategy is most commonly used.

**(c) Letting the Parties in Conflict to Settle their Scores:**

Sometimes, we find that the parties adopt a rigid attitude in the organisation and are not able to reason or appeal. They are allowed to fight out the issues. They are given an opportunity to test their strength and capacities and to bear the consequences whatsoever. In such cases it can be possible that the party may have the realization of each other's strength and leave their priorities, accept the ideas and interpretation of others and resort to bargaining. The parties, before this approach should assess the cost of such conflicts – economical and social.

This approach has far reaching consequences. In case the opposition feels defeated there will

develop personal distance that will never be reduced. The losing party will always try to find out ways how to take revenge. Besides such potentially disruptive consequences of this approach, it almost necessarily places strains on the status on power system in the organization. It acknowledges and legitimizes the heterogeneity of goals. This approach is not willingly or frequently adopted.

**(d) Mutual Problem Solving:** When two parties are conscious about the existence of a problem and try to resolve their difference themselves, it is called mutual problem solving or collaborating. As both parties are interested in finding a solution, there should always be made of the shared goals, generally the sub-ordinate goals. The perceptions of people are not rigid. This approach is better when time pressure is not serious though it is a very time consuming process to come across a common acceptable solution. If in the meanwhile a party loses patience, all efforts are likely to go waste. Therefore, a solution should be resolved before a party loses patience.

Whatever may be the approach for handling conflict, it is necessary to be sure that communication channels are neither blocked – nor broken down. Free flow of information must be maintained otherwise lack of information or blocked communication channels causes disruptive behaviors. As a result, the gap between the two parties widens and then it will be irreparable. It may also be suggested that whatever may be the nature, stage or class of conflict; it should always be regarded as individual (and not group conflict) and analytic conflict. In short, an impression should not be created that the conflict has engulfed the whole organization. The approach should be problem solving and persistent persuasion of the parties.

**Explain the significance of different types of Authority in an organization?(8)**

### **RESPECT FOR AUTHORITY**

It is pertinent to understand that those who are paid by the employers are supposed to show respect and regards to the concerned authority. In order to meet the organizational goals, the professionals should possess respect for authority. The levels of authority maintained by the organization provide a means for identifying areas of personal responsibility and accountability.

**Following are the major types of authority:**

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- **1. Executive Authority/Institutional Authority:** The corporate or institutional right given to a person to exercise power based on the resources of an organization.
- **2. Expert Authority:** This is the possession of special knowledge, skill or competence to perform a particular task or to give sound advice.
- **3. Accepting Authority:** When a person accepts someone as his or her superior then it is known as accepting authority.

#### **Differentiate institutional authority & Expert Authority.(4)**

##### **1. INSTITUTIONAL AUTHORITY**

The basic right given to a person to exercise his discretionary power based on the resources of the institution is known as **institutional authority**. This would serve to provide **personal responsibility and accountability** in order to meet the institutional duties of individuals.

Allocation of funds, resources of funds, policy decisions and supervision of projects are some of the managerial tasks that are included under the institutional duties. Both institutional authority (rights) and duties which represent the two sides of the same coin, play a major role in the successful supervision and completion of the projects.

##### **On the other hand, the Expert Authority is**

- (a) the possession of special knowledge, skills and competence to perform a job thoroughly (expertise),
- (b) the advice on jobs, and (c) is a staff function. It is also known as 'authority of leadership'.
- These experts direct others in effective manner, e.g., advisers, experts, and consultants are engaged in an organization for a specific term.

##### **INSTITUTIONAL VERSUS EXPERT AUTHORITY**

- It is relevant to point out that a competent person with high standard of technical qualification would definitely **serve for the upliftment** of the institution. In some cases, **incompetence** of the concerned professionals seem to block the progress of an institution. Thus, institutional authority is not equivalent to expert authority. The term **expert authority** refers to the presence of **special knowledge or competent skill** to execute a particular job or task. For example, medical doctors are thought to be special authorities on **health** and civil engineers are considered to be authorities on the architectural pattern or transportation.
- **Define accepting authority.(3)**

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### 3. ACCEPTING AUTHORITY

- Employee's recognition of the employer's authority need to be focused and understood in a right sense. It is a usual phenomenon that employees mostly accept and recognize their employer's authority thereby obeying their orders under the coverage of institutional authority. But in some cases, employees reject the employer's directives on certain moral grounds.

According to the goals of the company, the hierarchical authority is distributed. A service oriented or engineer-oriented company concentrates on the quality of the products which are decided by the engineers as they are the subject matter experts. Whereas a company when it is customer-oriented company, focuses primarily on the satisfaction of the customers. Hence the goal of the company decides the power between a General Manager and a Technical Manager or an Engineer.

Employee's recognition of the employer's authority need to be focussed and understood in a right sense. It is a usual phenomenon that employees mostly accept and recognise their employer's authority thereby obeying their orders under the coverage of institutional authority. But in some cases, employees reject the employer's directives on certain moral grounds,

**Herbert Simon** in his classic text on **Administrative Behaviour** points out that a subordinate accepts his employer's authority without assessing the merits **of his decision** to follow his superior's directives. Generally, authority relationships are based on situations in which suggestions are duly accepted **without any assessment or review**. Simon further focuses his view stating that subordinates possess the tendency to act in accordance with the wishes of their superiors. According to Simon, all employees strictly confine themselves to the **zone of acceptance** to accept their employer's authority.

#### **Define Collective Bargaining. (3)**

### COLLECTIVE BARGAINING

Collective bargaining is a process of negotiation between employers and a group of employees aimed at searching agreements to regulate working conditions. The interests of the employees are commonly presented by representative of trade union to which the employees belong. It is the responsibility of an organization to look into the welfare of the section of people working in it. Their issues need to be discussed. When we discuss issues, there can be issues which need to be discussed among the employees themselves and

resolutions can be found for the same. However, there can be issues which might require the intervention of the management. In order to deal with such complex situations, an Employee Union is formed wherein, each employee becomes a member and a leader is elected to represent the group whenever needed.

**The crucial questions that could be posed here are:**

**1. How far engineers could dedicate themselves to the highest ethical standards of professional conduct?**

**2. How far engineers could act as members and supporters of union activities?**

**These questions could be positively answered in terms of a complete knowledge on the basic pattern of union and its activities.**

At the time of conflicts or arguments, there will arise the need for negotiation between the parties. Conflicting situations which call for negotiation might occur on areas related to pay scales, working hours, training, health and safety, overtime, grievance mechanisms, rights in work places or company affairs, etc. The process of voluntary negotiations between the employers and a group of employees to resolve the conflicts is called **Collective Bargaining**. The parties often refer to the result of the negotiation as a **Collective Bargaining Agreement (CBA)** or as a **Collective Employment Agreement (CEA)**.

The underlying idea of collective bargaining is that the employer and employee relations should not be decided unilaterally or with the intervention of any third party. Both the parties must reconcile their differences voluntarily through negotiations, yielding some concessions and making sacrifices in the process. Both should bargain from a position of strength. There should be no attempt to exploit the weaknesses or vulnerability of one party. With such awareness, the necessity of formation of Unions was observed in all the organizations and the idea was strengthened to form larger labor unions. Both parties have, more or less, realized the importance of peaceful co-existence for mutual benefit and continued progress.

## **Types of Collective Bargaining**

## **Explain the types of collective bargaining?(8)**

There are four main types of collective bargaining

- **Distributive Bargaining:** In this, one party's gain is another party's loss.  
**Example** – Wages
- **Integrative bargaining:** In this, both the parties may gain or none of the parties may face a loss. **Example** – Better training programs
- **Attitudinal Structuring:** When there is backlog of bitterness between both the parties then attitudinal structuring is required to make smooth industrial relations.
- **Intra-organizational Bargaining:** There can be conflicting groups in both management and unions also. So, there is need to achieve consensus in these groups.

**1. Distributive Bargaining:** It involves haggling over the distribution of surplus. Under it, the economic issues like wages, salaries and bonus are discussed. In distributive bargaining, one party's gain is another party's loss. This is most commonly explained in terms of a pie. Disputants can work together to make the pie bigger, so there is enough for both of them to have as much as they want, or they can focus on cutting the pie up, trying to get as much as they can for themselves. In general, distributive bargaining tends to be more competitive. This type of bargaining is also known as conjunctive bargaining.

**2. Integrative Bargaining:** This involves negotiation of an issue on which both the parties may gain, or at least neither party loses. For example, representatives of employer and employee sides may bargain over the better training programme or a better job evaluation method. Here, both the parties are trying to make more of something. In general, it tends to be more cooperative than distributive bargaining.

This type of bargaining is also known as cooperative bargaining. The integrative strategies require that both management and the union drop combative attitudes and adopt a genuine interest in the joint exploration of solutions to common problems. To work effectively, integrative bargaining must become a way of life for the two parties that include continual efforts to improve relationships through regular discussions of problems at all levels and willingness to attempt to settle these problems with third party interventions. Solutions to the



most difficult problems can be approached by establishing special committees, whose members are drawn from both management and labour to study the issues and determine the facts.

**3. Attitudinal Restructuring:** This involves shaping and reshaping some attitudes like trust or distrust, friendliness or hostility between labour and management. When there is a backlog of bitterness between both the parties, attitudinal restructuring is required to maintain smooth and harmonious industrial relations. It develops a bargaining environment and creates trust and cooperation among the parties.

**4. Intra-Organizational Bargaining:** It generally aims at resolving internal conflicts. This is a type of manoeuvring to achieve consensus with the workers and management. Even within the union, there may be differences between groups. For example, skilled workers may feel that they are neglected or women workers may feel that their interests are not looked after properly. Within the management also, there may be differences. Trade unions manoeuvre to achieve consensus among the conflicting groups.

### **Describe the objectives of collective bargaining. (8)**

#### **Objectives of Collective Bargaining**

- i. To increase mutual confidence between the employer and employees;
- ii. To regulate terms and conditions of employment without intervention of a third party;
- iii. To create cordial environment in the establishment;
- iv. To protect the interest of the employees; through collective action and by preventing unilateral action on the part of the employer;
- v. To raise the socio-economic attributes of the employees.

### **Explain the process of collective bargaining? (7)**

#### **PROCESS OF COLLECTIVE BARGAINING:**

Collective bargaining is a process by which employers and employees confer in good faith and come to an understanding about the terms and conditions of work and other related aspects. The objective of bargaining is to settle matters on discussion tables with mutual consent and

cooperation. Management is usually represented by senior executives of the company and the workers are represented by the trade union leaders and officials. Among the different methods available for the settlement of industrial disputes and coming to a long-term understanding with labour, collective bargaining is the most important one.

### **The process of collective bargaining involves six major steps:**

**1. Preparing for Negotiations:** Preparing for negotiations involves preparation before negotiation with the other parties to reach to an agreement. Both the parties involved in collective bargaining should prepare before going for negotiation so that there can be proper negotiation at the time of discussion. The preparation would include the issue, parties involved, causes, costs and impacts. This would bring confidence in the participating parties and would result in effective negotiation. This is the first step of the process.

**2. Identifying Bargaining Issues:** Before going for negotiation, the issue and possible related areas for discussion are to be identified. The knowledge regarding these issues must be collected. All detailed information should be with the negotiator. During discussion, the confusions can be avoided. The negotiator on the basis of thorough knowledge of the issue for discussion would proper and effective discussion and the problem solution would become very easy.

### **3. Negotiations**

**Procedure:** The negotiation procedure means how the negotiation would take place. Negotiation procedure is the method of negotiation. It would show that the activities are to be performed, who would perform and sequence and timing of the activities. This would clear the position in mind of negotiator and would bring confidence in his mind.

**4. Reaching the Agreement:** The negotiation process begins when the concerned parties meet and submit their demand on the table to the other parties. It starts with submission of the demands of the trade union to the management. The negotiation starts with the submission and bargaining takes place. Through discussion they reach to an agreement. Negotiation completes with a mutually acceptable agreement.

**5. Ratifying the Agreement:** During discussion whatever they have discussed and reach to an agreement that is to be ratified by both the parties. Once the agreement is

ratified, the issue of difference or conflict is over and negotiation comes to an aid. Without acceptance of the agreement the negotiation cannot be completed.

**6. Administration of the Agreement:** Once the agreement is accepted and signed, the agreement will be administered as per the terms and conditions of the agreement. In future, the work would be performed according to the ratified agreement. If doubt is there then the agreement in written would be referred.

If the process completes the above mentioned steps it can be said the collective bargaining process has been completed. If not or some steps not followed, then it can be said the bargaining process was not effective or a failure. So these steps are important in this process.

### **Describe the merits & demerits of collective bargaining? (7)**

#### **ADVANTAGES OF COLLECTIVE BARGAINING:**

The main advantages of collective bargaining are as follows:

- 1. Effective in Protecting and Promoting Interests of Workers:** Collective bargaining has contributed much towards protecting and promoting the interests of workers, especially in regard to the terms and conditions of employment. Unions in many countries of the world have successfully contracted agreements with employers, for higher wages, improved fringe benefits and cash allowances, job security, better physical working conditions, social security benefits and so on. In many cases, the benefits accruing to the workers through collective bargaining have been much better than those available or expected under legislation or industrial awards.
- 2. Control of Management's Autocracy:** Collective bargaining has increasingly usurped the prerogatives traditionally enjoyed by the employers of unilaterally laying down the terms and conditions of employment of their employees. Apart from wages, hours of work and working conditions, many more subjects have come within the ambit of collective agreements. Thus, collective bargaining has tended to impose a substantial check on employers' autocracy in taking decision over matters of concern of their employees.
- 3. Promotion of Durable Industrial Peace:** Where the terms and conditions of employment of employees are determined by mutual agreement and understanding

between the employer and the union representing the employees, the scope of further differences over the subjects of agreement is considerably minimised. Besides, the parties are placed in a better position to understand and appreciate their respective problems and difficulties, which results in the development of a co-operative environment in the enterprise.

Solution of a contentious issue imposed from outside, such as an adjudication authority, may not satisfy either or both the parties. Besides, most collective agreements also provide for grievance procedure for redressing grievances arising out of the interpretation or application of collective agreements. Thus, collective bargaining is expected to ensure durable industrial peace in enterprises.

**4. Conducive to the Enhancement of Managerial Efficiency:** Collective bargaining enables managers to understand the problems of the employees in the right perspective. Similarly, the union is also enabled to understand the genuine problems facing the management and the enterprise. Negotiations taking place in a frank and free atmosphere can reveal the areas of deficiencies in managerial practices and thereby enable managers to adopt appropriate measures to rectify them. Besides, the suggestions of the trade union may provide a useful feedback.

**5. Establishment of Industrial Rules and Creation of Labour Standards:** Collective bargaining has also been helpful in the establishment of industrial rules and creation of useful labour standards. The rules and norms embodied in the labour contract of one firm often lead to the establishment of similar rules and norms in other firms, and the process goes on continuing.

In this way, a sort of uniformity in industrial rules and labour standards is established on a wide scale. It has been experienced that labour standards uniformly embodied in collective agreements of several firms on major issues of concern of a large bulk of workers such as bonus, gratuity, provident fund and soon have provided the basis for the adoption of legislation for ensuring their wider coverage.

### **DISADVANTAGES**

Collective bargaining also results in certain disadvantages to the parties to negotiate:

i. **Strikes:** The strike creates a dilemma for those who have accepted the institution of collective

bargaining because it is difficult to have collective bargaining without the right to strike. At the same time strikes can inflict considerable damage on the public image. Much attention has been given to the problem of how to maintain collective bargaining while preventing the damage that might be inflicted upon by the strikes. No effective solution has been found yet.

- ii. **Based on Power and Conflict:** Collective bargaining is based on power and conflict and does the most for the people who need it least. The stronger workers in the labor market could protect the income of their skills while the weakest workers in the work force have very limited ability to form unions and hence are unable to gain the benefits of collective bargaining.
- iii. **Lacks Safeguards for Public Interest:** Collective bargaining does not contain sufficient safeguards for the public interest, which might be ignored by collusion between strong unions and employers to fix prices. In the U.S.A., where collective bargaining is a feature of industrial relations, it is claimed that it has impeded the economy's growth, imparted an upward drift to the general price level and periodically imperilled the nation's health and safety.

### **Define confidentiality?(3)**

#### **CONFIDENTIALITY**

One of the most important duty of any engineering professional is to **maintain the confidentiality**. Just like defense lawyers are supposed to keep client's information's **confidential**, medical doctors to keep the information of their patients **confidential**, and teachers to keep the personal performances of students more confidential, so also, the engineers should keep the information of their companies and employees **confidential**.

To understand confidentiality, we need to understand what Intellectual Property is.

### **Define IPR.(6)**

#### **Intellectual Property**

This term is often used in the world of business. **Intellectual property** refers to creations of mind such as inventions; literary and artistic works, designs; and symbols, names and images used in commerce. The ideas and formulations in one's mind are put in action or may not be done so, but that idea is the result of one's intelligence and it cannot be stolen. Such problems are mostly encountered by scientists, engineers, business people or the upcoming entrepreneurs,

#### **MODULE: 4 RESPONSIBILITIES & RIGHTS**

and such. Intellectual Property, i.e., IP is protected by the law; **patents, trademarks and copyrights** enable people to earn recognition from what they invent or create.

While being associated with an organization, an engineer is expected to follow a few moral rules and avoid affecting the intellectual properties of anyone. These when adopted by an organization, through some agreement, it becomes the responsibility of every employee to maintain the confidentiality throughout that project.

### **CONFIDENTIALITY**

When the word **confidential** is added to any information, it means that it should not be shared with one and all. It is mostly a trade secret. Maintaining confidentiality and avoiding harmful conflicts of interest are especially important aspects of teamwork and trustworthiness. Confidentiality is that practice which helps **to keep secret** all information deemed desirable to keep secret. The maintenance of secrecy refers to the unrevealing of any data concerning the company's business or technical processes that are not already in public knowledge. Every company has some knowledge and can identify the individuals and groups that might have access to a particular set of information. The members of such groups share the responsibility of maintaining confidentiality.

### **TYPES OF INFORMATION**

The confidential information can be understood as Privileged Information and Proprietary information. **Privileged information** means "available only on the basis of special privilege" such as a privilege accorded an employee working on a special assignment. **Proprietary information** is the information that a company owns or is the proprietor of, and hence is a term carefully defined by property law. It is simply called trade secret. The patents legally protect the products from being manufactured and sold by other competitor unless a patent holder grants permission. Whereas the trade secret, has no such legal protection. Hence a reverse engineering can be done by analyzing a product to estimate its manufacturing so as to duplicate it or to develop something more than that, without any kind of permissions.

The information mainly include business trade secrets. These are generally applicable to top management only. Data like financial budgets, forecasts, employee list and the like.

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## **Explain the steps taken to protect confidential information.(6)**

### **Several steps could be taken to protect the confidential information**

- Separate folders for the confidential information as per its nature should be created in folder
- All confidential information should be kept in a locked file.
- All electronic information should be free from firewalls ,encryption and pass-words
- Never keep confidential information file on table and should be cleared off before going home.
- Refrain from showing confidential information on the computer screen.
- All confidential information should be marked as “**Confidential**”.
- Never discuss confidential information in public
- Never use emails to transmit confidential information as there is always a threat of hacking.
- Before disposing off the old computer wipe out the information or destroy the hard drive.

### **CONFLICTS OF INTEREST**

#### **What do you mean by conflict of interest?(3)**

It is situation where two different parties are in compatible. Or else is a situation where in a person has two interests which are competing each other. A person may have different types of interests. Such interests can be pursued according to the will, convenience and the laws prevailing. He might have multiple interests related to the job he is doing; if he does some side business which means he might be a competitor or he might work with a competitor, it might pose a problem for the employer. Such an employee is usually fired from the organization. For example, a person who wants to be loyal to his employer would like to work for long hours but his commitment towards his wife and children makes him confused.

Thus, we can refine our definition of **conflicts of interest** by saying that they typically arise when the following two conditions are met –

- **The professional is in a relationship or role that requires exercising good judgment on behalf of the interests of an employer or client.**
- **The professional has some additional or side interest that could threaten good judgement in serving the interests of the employer or client.**

## **Differentiate conflicting interests & Conflict in interest. (6)**

**DILEMMA:** *There occurs a usual dilemma between conflicts of interest and conflicting interests. To get a clear understanding between both, let us consider two examples.*

**Example 1:** Let us consider a girl who needs to choose from among her interests in order to fit in her timetable. She wants to attend the exam in college, to attend the music class, to go out for a movie, to deliver a seminar and also go visit her friend. As she is falling short of time, it is her interest to choose what to do and what not. The term used to mention this can be “**Conflicting interests**” and this cannot be morally wrong.

**Example 2:** If another instance is considered where a man works for a company, being in some crucial position where he has access to all the confidential information and if he works as an unofficial adviser to his wife’s company, it would be morally wrong, where a moral conflict definitely arises. This can be termed as “**Conflict in interests**”. Hence, the two concepts are different.

## **Explain the common types of COI? (7)**

### **COMMON TYPES OF COI**

- ❖ **Self-Dealing:** Here the employees may take decisions that will benefit the competitor and for which he may get some monetary benefits.
- ❖ **Gift Issuance:** Here the manager accepts gift from the client for doing certain things for the company which goes against the interests of the company.
- ❖ **Bribe:** A bribe is a substantial amount of money or goods offered beyond a stated business contract with the aim of winning an advantage in gaining or keeping the contract and where the advantage is unfair or otherwise unethical.
- ❖ **Insider Trading:** Providing confidential information to the client in order to gain personal mileage
- ❖ **Outside employment:** Part time jobs or a family that will affect productivity of the main organization.

At times, if the money or gift offered is substantial enough to threaten the fairness of competitive situations, then such gifts turn out to be bribes. They cannot be accepted as simple gratuities. Hence there is a thumb rule stating such condition



as, “If the offer or acceptance of a particular gift could have embarrassing consequences for your company if made public, then do not accept the gift”.

### **Explain the major steps to cope up with COI? (7)**

#### **How to cope with COI**

- Never ignore it and should disclose to your confidant.
- Report to institutions ethics group immediately.
- Never make important decisions when clouded with conflict
- Try to avoid such conflicts or else be prepped for dire consequences.

#### **Best practices to cope with COI**

Some of the best practices that could be implemented while coping with COI could be :

- Written policy should be there in all companies which could be reviewed by the board or updated the governance committee.
- Create a culture of openness rather than creating a culture of inquisition.
- Training should be provided by the company to its employees on a regular basis in order to COI.
- Reward staff for self-reporting.
- Appoint a staff to act as watch dog to notify any such COI with free access given to board members.

Thus, as an employee it's important to avoid COI. This is necessary waste time as well as tensions. By coming out with policies and signing documents COI could be prevented.

### **Define Occupational Crime.(3)**

#### **OCCUPATIONAL CRIME**

This is a crime committed by someone while in employment. Also known as workplace crimes, occupational crimes are defined as offenses that are committed by someone during the course of his or her employment. Occupational crimes encompass a wider range of criminal acts, but the most common include white collar offenses, such as embezzlement, money laundering, tax fraud, and the misuse of company information or property.

Although all white collar crimes tend to come with harsh penalties, occupational offenses are often accompanied by particularly severe consequences, including jail

time, hefty fines, and the loss of a professional license or practice, so if you have been accused of committing an occupational crime, it is critical to contact an experienced white collar crime lawyer who can help you present a strong defense.

### **DEFINING OCCUPATIONAL CRIMES**

Occupational crimes typically originate in an employee's unlawful use of company information, property, funds, or data and because they usually do not involve violence, are usually charged as white collar crimes. For instance, an accountant at a manufacturing business who purposely withheld information about company revenue from the IRS can be found guilty of corporate tax fraud because he or she used access to sensitive company information, namely revenue reports, to defraud the federal government.

**Examine the common forms of occupational crime? (7)**

### **COMMON FORMS OF OCCUPATIONAL CRIME**

The most common type of occupational crimes are actually white collar offenses, or financial crimes that are committed by employees or business professionals. It's important to note that occupational crimes are not limited to those who work in the private sector. The corruption of government officials, for example, also qualifies as an occupational crime. Other common examples of occupational crime include:

- **Embezzlement;**
- **Money laundering;**
- **Altering company records without authorization;**
- **Committing tax fraud;**
- **Racketeering;**
- **Misusing company data or property; and**
- **Committing stock and securities violations.**

These types of offenses are not always committed by a single individual, but often involve multiple employees, managers, supervisors, officers, and business owners. Regardless of how many people were involved in the offense, most occupational crimes fall under a few different categories, including:

- Crimes of trust, or property crimes that involved deliberate contact with at least one victim or an attempt to conceal the fact that a crime has been committed;
- Offenses that were committed in the course of employment, such as accepting bribes;
- Crimes committed in furtherance of business operations, but not operations that are central to business purposes, such as misrepresentation in advertising; and
- Offenses in which crime is the central activity of the business, such as real

### **MODULE: 4 RESPONSIBILITIES & RIGHTS**

estate fraud.

Occupational crimes are particularly common in certain professions. Over-billing by healthcare professionals, for example, is a common charge amongst medical professionals, while public officials and law enforcement officers are more at risk of being accused of offenses like bribery and corruption.

**Explain the rights of an engineer?(14)**

**Describe the professional rights of an engineer. (7)**

**Describe the employee rights of an engineer. (7)**

### **RIGHTS OF AN ENGINEER**

Just like an engineer has responsibilities he has the right to live freely and pursue his legitimate interest without fear or guilt. The basic rights of engineers include the right to live freely and pursue their legitimate interests as any human being, along with the right to be against racial or sexual discrimination, receiving one's salary according to the work, choosing of political activities, etc., as other employees. Apart from getting salary for the work done or choosing political affiliation an engineer has some special rights like Professional Rights, Employee Rights, Intellectual Property Rights and Rights Against Discrimination.

**I. PROFESSIONAL RIGHTS:** The rights that engineers have as professionals are called Professional Rights. These professional rights include

- (a) The basic right of professional conscience and moral autonomy
- (b) The right of conscientious refusal.
- (c) The right of professional recognition.

**(a) Right of Professional Conscience:** This is a basic right which explains that the decisions taken while carrying on with the duty, where they are taken in moral and ethical manner, cannot be opposed. The right of professional conscience is the moral right to exercise professional judgement in pursuing professional responsibilities. It requires autonomous moral judgement in trying to uncover the most morally reasonable courses of action, and the correct courses of action are not always obvious.

There are two general ways to justify the basic right of professional conscience.

- The exercise of moral reflection and conscience that justifies professional duties is necessary, with respect to that duty.
- The general duties to respect persons and rule-utilitarianism would accent the public good of allowing engineers to pursue their professional duties.

**(b) Right of Conscientious Refusal:** The right of conscientious refusal is the right to refuse to engage in unethical behaviour. This can be done solely because it feels unethical to the doer. This action might bring conflicts within the authority-based relationships.

The two main situations to be considered here are –

- When it is already stated that certain act is unethical in a widely shared agreement among all the employees.
- When there occurs disagreement among considerable number of people whether the act is unethical.

Hence it is understood that engineers and other professionals have a moral right to refuse the unethical acts such as bribery, forging documents, altering test results, lying, padding payrolls or coercing employees into acting by threatening, etc.

**(c) Right to Recognition:** An engineer has a right to the recognition of one's work and accomplishments. An engineer also has right to speak about the work one does by maintaining confidentiality and can receive external recognition. The right for internal recognition which includes patents, promotions, raises etc. along with a fair remuneration, are also a part of it.

The fulfillment of right to recognition motivates the employee to be a trustful member of the organization, which also benefits the employer. This makes the employee morally bound which enhances the ethical nature to be abide by the professional ethics.

**II.EMPLOYEE RIGHTS:** An employee right can be any right, moral or legal, that involves the status of being an employee. They involve some professional rights also, such as the right to be paid according to the salary mentioned in one's contract. Privacy and equal opportunity can be considered essential rights too. All employees have a right to basic amenities, hygiene and safe work place. They have the right for paid holidays, leaves, maternity leaves etc. Also employees have the right towards safety and health. Also these rights save the employees from discrimination based on gender, race and religion. Some of the

rights that are applicable to all employees include:

**(a) Privacy:** The right to privacy refers to the right of having a private life, off the job. It is the right to control the access to and the use of information about oneself. The examples of situations where the functions of employers conflict the rights of employees will be when the job-related queries or any other tests conducted in a job, includes questions relating to personal life such as alcohol usage or sexual conduct. The instances when a supervisor unlocks and checks the desk of his subordinate in his absence or when the management questions about his likes, dislikes or posts on social media regarding his personal opinions where it has nothing to do with the company. Employers should view the relationship with their employees concerning confidentiality that cannot break the trust. The personal information in such cases is given based on the special professional relation and trust.

**(b) Equal Opportunity-Non-Discrimination:**

The meaning of a person based on trivial factors such as one's sex, race, skin color, age or political or religious outlook can be understood as Discrimination. Such discrimination should never be allowed at any workplace; this is where everyone has to be treated equally. These things internally affect the person's self-identity and self-respect which is pernicious within the work environment, where the work itself should represent a person's self-image.

**(c) Equal Opportunity – Sexual Harassment:**

In today's world, there is an increase in the number of sexual harassment cases across the world. This is quite an unfortunate scenario. There were a number of cases where the charges were levied since last two decades, which kept on growing. A definition of **Sexual harassment** is, "The unwanted imposition of sexual requirements in the context of a relationship of unequal power". Sexual harassment is a display of power and aggression through sexual means. It takes two forms, quid pro quo and hostile work environment.

**Quid Pro Quo** includes cases where supervisors require sexual favors as a condition for some employment benefit (a job, promotion or raise). It can take the form of a sexual threat (of harm) or sexual offer (of a benefit in return for a benefit). **Hostile work Environment** by contrast, is any sexually oriented aspect of the workplace that threatens employee's rights to equal opportunity. It includes unwanted sexual proposals, lewd remarks,

sexual leering, posting nude photos and inappropriate physical contact.

**(d) Equal opportunity – Affirmative Action:** Affirmative action refers to the preference given to a person or a group who was denied equal importance in the past. For example, the women and the minority communities were not given equal treatment and were ill-treated in the past. So to compensate that, amendments were made in recent laws to provide them special quota for reservations in education, employment and social sectors. These preferential treatments are made in order to compensate the previous ill-actions. Ideally such compensations should be given to those specific individuals who in the past were denied jobs. But the practical possibilities of such actions are limited.

Sexism and racism still permeate in our society and to counterbalance their insidious impact reverse preferential treatment is warranted in order to ensure equal opportunity for minorities and women.

**(e) Employment agreement:** An employee is entitled for a written document duly signed by the employer before actually starting their work. This will help them to take a legal course so as to help resolve the dispute.

**(f) Leave:** An employee is entitled for leaves during the course of their work. They are four types : Casual leave, Paid leave, Sick leave and other types of leave.

**(e) Maternity Benefit:** A female employee is entitled to have a maternity leave or pregnancy leave for 26 weeks which could be availed during 26 weeks or after. In addition, maternity leave could be availed by the male as well.

**(g) Gratuity:** It is the retirement benefit paid to the employees after the retirement, resignation, death of employees.

**(i): Right to get insurance:** Every employee has the right to get insured under the State Insurance Act 1948, in case of any kind of miscarriage occurring during the course of employment.

**III. Intellectual Property Rights:** Intellectual property right is a type of property right which allows the creators or owners of patents trademarks or copyrighted works to benefit from their own work or investment. These rights enable the right person to benefit from the protection of moral and material interests resulting from the authorship of scientific, literary or artistic productions. These rights are outlined in the article 27 of the Universal declaration of Human rights. It includes inventions, designs, symbols, names, images etc. It is protected by law and enable a person to get recognition or financial benefit.

#### **MODULE: 4 RESPONSIBILITIES & RIGHTS**

## **PROTECTION OF IPR**

Like the other rights, the intellectual rights also should be protected and supported. The IPR (Intellectual property Rights) need to be protected in order to serve the following reasons

- The creations and inventions are the paths which lead to the progress of human development, either in technology or culture.
- These inventions should be protected legally in order to develop the commitment and interest for more creations.
- These intellectual properties must be protected and promoted which indirectly promote the economic growth that creates new jobs and industries, and enhances the quality and enjoyment of life.

### **Describe the various methods used to protect IPR.(8)**

The Intellectual property rights are protected by certain measures like patents, trademarks, industrial designs, copyrights, etc.

**(i) PATENTS:** A Patent is an exclusive right granted for an invention. It provides the patent owners with protection generally for a period of 20 years. With the patent rights one can access any material reward for their marketable innovations. Once the patent protection is granted, that invention cannot be commercially made, used, distributed or sold without the patent owner's consent. Courts provide the legal safety for these patent rights. Conversely, if a third party challenges the invention and is successful, the court can declare the patent invalid.

**(ii) TRADEMARKS:** We often come across certain distinctive marks or signs that identifies certain goods or services produced or provided by an individual or a company. These trademarks ensure the belongingness of products to the authorized owners. The owners can authorize other persons in return for some payment. The protection offered through the trademark is limited for a period, but can be renewed indefinitely upon payment of the corresponding fee. These trademarks can be one or a combination of words, letters and numerals. They may even consist of drawings or signs such as shapes, colors, holograms, sizes or some non-visible signs such as smell, taste and sound also. The collective trademarks are owned by an association whose members use them to indicate products with a certain level of

quality and who agree to adhere to specific requirements set by the association.

**(iii) COPYRIGHT:** Certain literary works, artistic paintings, sculpture; computer related programs, maps, and technical drawings are protected by copyright for at least 50 years. Also are the protected the rights of actors, singers, broadcasting organization etc. It is a legal term that describes the rights of the creators. It gives complete benefit to owners which was initially just an idea. He or she can sue a person who violates copyright laws.

**(iv) INDUSTRIAL DESIGN:** It is a professional service of creating and developing concepts and specifications that will optimize the function which will be compatible for both the customer and the user. In legal terms it is the ornamental aspect of the product. These could range from three dimensional, two dimensional to lines circles. In this case the owner has every right to protect it from being used by other parties.

**(v) GEOGRAPHICAL INDICATIONS:** These are the products which a sign is used to identify the origin and possess the qualities of origin. The product should be exclusively of that particular country of origin. For example: France and Italy have their famous brands of Champagne has a trademark as well as it is GI tagged. It also helps the users to identify the quality as well. Such tags are typically used for food, agricultural products, handicrafts, wine and the like. GI are protected by various countries and its regions with a wide variety of approaches. It has been developed using historical and economic backgrounds.

**(vi) TRADE SECRETS:** These are rights to sell or license confidential matters. Such secrets will be commercially viable and is limited to a small group. A confidential matter that gives competitive edge and is unknown as trade secrets. It consists of two types technical information and commercial information. It could be combination of elements as well. Some of the trade secrets could be formulas, recipes, source code and the like. It gives a legal protection against the unwanted competition. Trade secrets remain as long as one is able to keep it a secret, but as it becomes public, trade secret protection ends.

**WIPO:** The intellectual property rights are protected by an International organization called as the **World Intellectual Property Organization (WIPO)** which was established in 1970. This organization was established to ensure the protection of rights of creators and owners of Intellectual property across the world. The inventors and authors are therefore recognized and rewarded for their ingenuity.



## Describe the advantages of IPR? (7)

### ADVANTAGES OF INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights are advantageous in the following ways –

- Provides exclusive rights to the creators or inventors.
- Encourages individuals to distribute and share information and data instead of keeping it confidential.
- Provides legal defense and offers the creators the incentive of their work.
- Helps in social and financial development.

### INTELLECTUAL PROPERTY RIGHTS IN INDIA

To protect the intellectual property rights in the Indian territory, India has defined the formation of constitutional, administrative and jurisdictional outline whether they imply the copyright, patent, trademark, industrial designs, or any other parts of the intellectual property rights. Back in the year 1999, the government passed an important legislation based on international practices to safeguard the intellectual property rights. Let us have a glimpse of the same:

- The **Patents (Amendment) Act, 1999**, facilitates the establishment of the mailbox system for filing patents. It offers exclusive marketing rights for a time period of five years.
- The **Trade Marks Bill, 1999**, replaced the Trade and Merchandise Marks Act, 1958
- The **Copyright (Amendment) Act, 1999**, was signed by the President of India.
- The *sui generis* legislation was approved and named as the Geographical Indications of Goods (Registration and Protection) Bill, 1999.
- The **Industrial Designs Bill, 1999**, replaced the Designs Act, 1911.
- The **Patents (Second Amendment) Bill, 1999**, for further amending the Patents Act of 1970 in compliance with the TRIPS.

**(IV) DISCRIMINATION:** It is a prejudicial treatment of different categories of people based on race, age and sex. Workplace discrimination happens when an employee or a job candidate is treated unfavourably. It could be age, sex, disability, pregnancy, race, skin etc. Under the title of VII of 1964 it is unlawful to discriminate while hiring and firing. It could be based on sex, religion, national origin etc.

**Discrimination versus Harassment:** Harassment is a form of discrimination. It could be

### **MODULE: 4 RESPONSIBILITIES & RIGHTS**

of various types. Un-welcoming behaviour of the co-worker, manager, client or anyone in the workplace.

**Different types of Workplace Discrimination:** Workplace discrimination could be of various types. Nepotism could be one factor where there could be discrimination. Workplace discrimination could be of various types:

**(a) Retaliation Discrimination:** It's a common discrimination found in workplace. The employees are afraid to report as they will be exposed to bullying by the top management.

If the so called top management has a good influence on top management then they are afraid to speak out.

**(b) Racial Discrimination:** It is common in countries like USA where racial discrimination is quite prevalent. The person though hired but will not be given the same salary or promotions as his or her counterpart based on race. Even celebrities have experienced the same. Priyanka Chopra was bullied by whites in USA calling her brown. As far as workplace is concerned he may not be invited into the meetings which are quite discriminating.

**(c) Disability Discrimination:** Though people give lots of sympathy but they are reluctant to give jobs to them. Employers are not ready to make any adjustments related to hearing or vision as they feel that they can't do justice to the job. Ira Singhal IAS was a topper in UPSC 2014 examination was denied of the post due to her 62 percent disability owing to scoliosis which was spine related and affected both arms. Sometimes employers also feel that appointing a disabled person will not fit into the image of the company.

**(d) Sexual Discrimination:** Sexual discrimination is prevalent in workplace. Earlier women were not allowed to vote. No they make fun of transgender. Females are still discriminated in workplace. Some of the workers even create a disparity in wages. In Bollywood men are paid more as compared to women though acting skills are the same.

**(e) Age Discrimination:** Today majority of the seniors are unable to work because of their age. Some employers feel that in spite of their experience and credentials they

cannot work like young employees. They also feel that older employees in the industry will make industry old fashioned. Age discrimination is made in a subtle way by the employer as they complain lack of efficacy and productivity in the company. Airhostess often are recruited based on their age. Airline companies do not prefer older air hostess as they feel it will affect the image of their company.

As an engineer one should be aware of the responsibilities he has towards the organisation. It also enumerates upon the rights of the engineer.

## **QUESTIONS**

### **Part-A**

#### **(3 –Mark Questions)**

1. What is loyalty?
2. What is collegiality? Mention the elements of collegiality.
3. What is meant by commitment?
4. List various aspects of collegiality.
5. Mention the code of NSPE.
6. What are the senses of loyalty?
7. Mention the two conditions that determine obligatory loyalty.
8. What is misguided loyalty?
9. Mention the close interaction between professionalism and loyalty.
10. Differentiate agency loyalty and attitude loyalty.
11. What is expert authority?
12. What is the objective of institutional authority?
13. Define institutional authority with example?
14. What is collective bargaining?
15. What is confidentiality?
16. How do the ethical theories justify confidentiality?
17. What are related terms?
18. What is conflicts of interest?
19. Distinguish between bribes and kickbacks.
20. Mention two of the guidelines suggested by ABET with regard to bribes.

21. What are insider information?
22. What do you mean by proprietary information?
23. What are trademarks?
24. State the difference between bribe and gift
25. Explain conflict of interest? How can cope up with CO? Give examples
26. What is meant by occupational crime?
27. List various provisions under 'human rights'
28. List the features of employee rights
29. What is meant by intellectual property rights?
30. Differentiate between 'Patent' and 'Trade secret'
31. What is meant by 'industrial design patent'?
32. What is meant by 'copyright'?
33. What do you mean by trade mark?
34. List the provisions under professional rights

### **PART-B**

#### **ESSAY (14 Marks)**

1. Briefly explain about the interaction between collegiality and loyalty.
2. Write a brief note on misguided loyalty.
3. What is respect for authority? Explain the types of authority
4. How are conflict of interest solved? Explain with examples?
5. Write a short account on the various aspects of collective bargaining. Give any two merits and demerits of collective bargaining.
6. Explain the common types of COI?
7. Define Collective bargaining? Explain the major steps involved in collective bargaining
8. Write a short account on the various aspects of confidentiality.

- 9 .Define Conflict of Interest. Explain the various steps in resolving Conflict of Interest?
  10. Explain briefly about the management policies with regard to employee's rights.
  11. Briefly explain about the various features of gifts and bribes.
  12. Discuss briefly on the various features of occupational crime.
  13. Explain the various aspects of professional rights.
  14. Discuss in detail about employee rights?
  15. Discuss the various aspects of IPR.
  16. What is institutional authority? How do you correlate institutional authority, expert authority?
  17. What is meant by respect to authority? How far it should be recognized by salaries professionals as morally justified?
  18. Define Occupational Crime. Explain the common forms of occupational crime.
  19. Define Collective Bargaining. Explain the major types of collective bargaining?
  20. Explain in detail the rights of an engineer?
  21. Define IPR. Explain the six types of IPR?
  22. Explain discrimination and its types.
  23. Explain the different kinds of discrimination.
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# **UNIVERSITY QUESTIONS**

## **MODULE: 4**

### **RESPONSIBILITIES & RIGHTS**

#### **SHORT ANSWER (3 MARKS)**

1. Identify conflicts of interest with an example
2. Recall confidentiality
3. What is the significance of intellectual property rights?
4. What is the difference between bribe & gift?
5. Differentiate between copyright & trademark.
6. What is meant by occupational crime?
7. Explain collegiality & loyalty.
8. Differentiate between Patents & Trademarks.
9. What is confidentiality and why is it needed?

#### **ESSAY**

10. Explain the different steps in managing conflicts in an organization. (7)
11. Describe the major steps involved in the process of collective bargaining. (7)
12. Exemplify conflicts of interest and conflicts in interest. (6)
13. Illustrate the various rights of an engineer as a professional. (8)
14. Discuss the methods to improve collegiality and loyalty. (7)
15. Explain collective bargaining. (7)
16. What are occupational crimes? Give examples. (8)

## **UNIVERSITY QUESTIONS: MODULE 4**

17. How conflicts can be managed in a work place? (6)
  18. Explain the methods for managing conflict? (7)
  19. Explain the types of Collective Bargaining. (7)
  20. Explain the steps taken for Conflict management? (14)
  21. Explain the various justifications for confidentiality? (7)
  22. Explain how you can improve collegiality in an organisation where you are presently employed. (7)
  23. Explain the significance of different types of Authority in an organisation? (7)
  24. Discuss about the various rights of an engineer.(7)
  25. Execute collegiality with respect to commitment, respect and connectedness.(8)
  26. Identify conflicts of interest with an example. (6)
  27. Explain in detail about professional rights & employee rights. (8)
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