

UCS1704 – Management and Ethical Practices

UNIT – IV

Professional Rights, Employee Rights, IPR and
Discrimination

Semester – VII



OUTLINE

- Safety and Risk
 - Assessment of Safety and Risk
 - Risk Benefit Analysis and Reducing Risk
 - Respect for Authority
 - Collective Bargaining
 - Confidentiality
 - Conflicts of Interest
 - Occupational Crime
 - Professional Rights
 - Employee Rights
 - Intellectual Property Rights (IPR)
 - Discrimination
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Rights of Engineers

- Types of Rights
 - Human Rights
 - Employee Rights
 - Contractual Rights
 - Non-Contractual Rights
 - Professional Rights
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Human Rights

- Rights possessed by virtue of being people or moral agents
 - Rights to Life
 - Rights to Liberty
 - Rights to security of person
 - Rights not to be held in slavery
 - Rights not to be tortured
 - Rights to recognition before law
 - Rights to impartial trial and protection from arbitrary arrest
 - Rights to freedom of movement
 - Rights to marriage
 - Rights not to marry without free consent
 - Rights to property ownership
 - Rights to freedom of thought
 - Rights to peaceful assembly and participation in government
 - Rights to social security & work
 - Rights to education
 - Rights to participate in trade union
 - Rights to minimal standard of living
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Employee Rights

- Rights that apply or refer to the status or position of employee
 - Types:
 - Contractual Rights
 - Non-Contractual Rights
 - **Contractual Rights**
 - Rights that are institutional rights that arise due to specific agreement in employment contract
 - Ex: right to receive salary, right to receive other benefit like bonus, increment etc.,
 - **Non-Contractual Rights**
 - Rights existing if not formally recognized in the specific contracts or company policies
 - Ex: Right to choose outside activities, Right to privacy and employer confidentiality
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Professional rights

- Rights possessed by virtue of being professionals having special responsibilities
 - Example:
 - ❑ The right to form and **express one's professional judgment freely**
 - ❑ The right to **refuse** to carry out illegal and **unethical activity**
 - ❑ The right to **talk publicly about one's work** within bounds set by confidentiality obligation
 - ❑ The right to **engage in** the activities of **professional societies**
 - ❑ The right to **protect the clients and the public from the dangers** that might arise from one's work
 - ❑ The right **to professional recognition** of one's services.
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Right of Professional Conscience

- There is one basic and generic professional right of engineers, the moral right to **exercise responsible professional judgment in pursuing professional responsibilities**.
- Pursuing these responsibilities involves exercising both technical judgment and reasoned moral convictions.
- Two important specific rights are:
 - Right of Conscientious Refusal
 - Right of recognition

Right of Conscientious Refusal

- The right of Conscientious refusal is the right to refuse to engage in unethical behavior and to refuse to do so solely because one views it as unethical
 - Arises under 2 situations
 - Where there is widely shared agreement in profession as to whether an act is unethical
 - Here, professionals have a moral right to refuse to participate in such activities.
 - Where there is room for disagreement among reasonable people over whether an act is unethical.
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Right to Recognition

- Extrinsic reward
 - Cash bonus
 - Increased Salary
 - Intrinsic Reward
 - Appreciation letter, certificates
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Professional Rights & Ethical Theories

Rights Ethics

- Right Ethics Emphasizes that all should have human moral rights, and any action that violates these rights is unethical.
- The most basic human right, which needs no justification, as per A.I.Meldon, is to pursue one's legitimate (those that do not violate others rights) interests.
- The right to pursue legitimate interests gives a person right to pursue professional moral obligations.
- o This may be viewed as a human right of conscience directly derived from the basic human right.

Duty Ethics

- Perform duties without consider much more about moral rights
- I have a right to something only because others have duties or obligations to allow me (and not interfere) to do so.
- If we derive the meaning of „others“ as employers, then the basic professional right is justified by reference to others“ duties to support or not interfere with the work related exercise of conscience by professionals.

Utilitarianism:

- Public good can be served by allowing professionals to meet their responsibilities to the public.
 - These responsibilities arise due to the professional's role in promoting public good.
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Whistle-blowing and Its Features

- Whistle blowing is an act of conveying information about a significant moral problem by a present or former employee, outside approved channels (or against strong pressure) to someone, in a position to take action on the problem.
 - Definition:
 - It occurs when an employee or former employee conveys information about a significant moral problem outside approved organization channels to someone in a position to take action on the problem
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The features of *Whistle blowing* are:

- **Act of Disclosure:** Intentionally conveying information outside approved organizational channels when the person is under pressure not to do so from higher-ups.
- **Topic:** The information is believed to concern a significant moral problem for the organization.
- **Agent:** The person disclosing the information is an employee or former employee.
- **Recipient:** The information is conveyed to a person or organization who can act on it.

Types of Whistle Blowing

- **External Whistle blowing:** The act of passing on information outside the organization.
- **Internal Whistle blowing:** The act of passing on information to someone within the organization but outside the approved channels.
- Either type is likely to be considered as disloyalty, but the second one is often seen as less serious than the latter. From corporations' point of view both are serious because it leads to distrust, disharmony, and inability of the employees to work together.
- **Open Whistle blowing:** Individuals openly revealing their identity as they convey the information.
- **Anonymous Whistle blowing:** Individual conveying the information conceals his/her identity.

Procedures to be followed before Whistle Blowing

- Except for extreme emergencies, always try working through normal organizational channels.
- Be prompt in expressing objections.
- Proceed in a tactful manner with due consideration to the feelings of others involved.
- As much as possible, keep supervisors informed of your actions, both informally and formally.
- Be accurate in observations and claims and keep all formal records documenting relevant events.
- Consult colleagues for advice and also to avoid isolation.
- Consult the ethics committee of your professional society before going outside the organization.
- Consult a lawyer regarding potential legal liabilities

Conditions to be satisfied before Whistle Blowing

Richard T. De George suggests the following:

- The harm that will be done by the product to the public is serious and considerable.
- The individual makes his/her concern known to his/her superiors
- If one does not get any proper response from immediate superiors, then one should exhaust the channels that are available within the organization including the board of directors.
- One must have documented evidence that would convince a reasonable and impartial observer that one's view of the situation is correct and the company policy is wrong.

Prevention of Whistle Blowing

The following *actions* will *prevent/reduce* whistle blowing:

- Giving direct access to higher levels of management by announcing “open door” policies with guarantee that there won’t be retaliation. Instead such employees should be rewarded for fostering ethical behavior in the company.
 - This gives greater freedom and promotes open communication within the organization.
 - Creation of an Ethics Review Committee with freedom to investigate complaints and make independent recommendations to top management.
 - Top priority should be given to promote ethical conduct in the organization by top management.
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Employee Rights

Employee rights are any rights, moral or legal, that involve the status of being an employee. Employee rights are:

- There should be no discrimination against an employee for criticizing ethical, moral or legal policies and practices of the organization.
 - The organization will not also discriminate against an employee for engaging in outside activities or for objecting to an organization directive that violates common norms of morality.
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- Rights to outside activities
 - Right to privacy
 - Rights to due process
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Intellectual Property Rights

Intellectual Property is a product of the *human intellect* that has *commercial value*

- Many of the rights of the ownership common to real and personal property are also common to Intellectual Property
 - Intellectual Property can be bought, sold, and licensed
 - Similarly it can be protected against theft and infringement by others
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Patent, Design & Trademark together with Copyright form TOTAL INTELLECTUAL PROPERTY

Patent

- Derived from the Latin word „LITTERAE PATENTES“ which means „Open Letters“ or „Open Documents“ to confer rights and privileges.
 - A contract between an Inventor and the Government
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DESIGN

- Meant for beautifying an industrial product to attract the consumer public
 - Shaping, Configuration or Ornamentation of a vendible Industrial product
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TRADE MARK

- Trade Mark is a name or symbol adopted for identifying goods
 - Public can identify from the Trade Mark from whom the product is emanating
 - Trade Marks protection is given for an industrial product by the Government.
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COPY RIGHTS

The right to original literary and artistic works

- Literary, written material
 - Dramatic, musical or artistic works
 - Films and audio-visual materials
 - Sound recordings
 - Computer Programmes/software
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Need For A Patent System

- Encourages an inventor to disclose his invention
 - Encourages R & D activities as the industries can make use of the technology, & avoids redundant research
 - Provides reasonable assurance for commercialization.
 - Provides an inducement to invest capital in the new lines of production and thus , help for technical development and up gradation.
 - One may get a very good return of income through Patent Right on the investment made in R & D.
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Effect of Patent

- A patentee gets the exclusive monopoly right against the public at large to use, sell or manufacture his patented device.
 - A patentee can enforce his monopoly right against any infringement in the court of law for suitable damages or profit of account.
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Discrimination

- Unequal treatment of individual intentionally or unintentionally
- Discrimination generally means preference on the grounds of sex, race, skin color, age or religious outlook.
- In everyday speech, it **has come to mean morally unjustified treatment of people on arbitrary or irrelevant grounds.**
- Therefore to call something Discrimination is to condemn it.
- But **when the question of justification arises, we will call it Preferential Treatment**
 - Weak Preferential Treatment
 - Strong Preferential Treatment