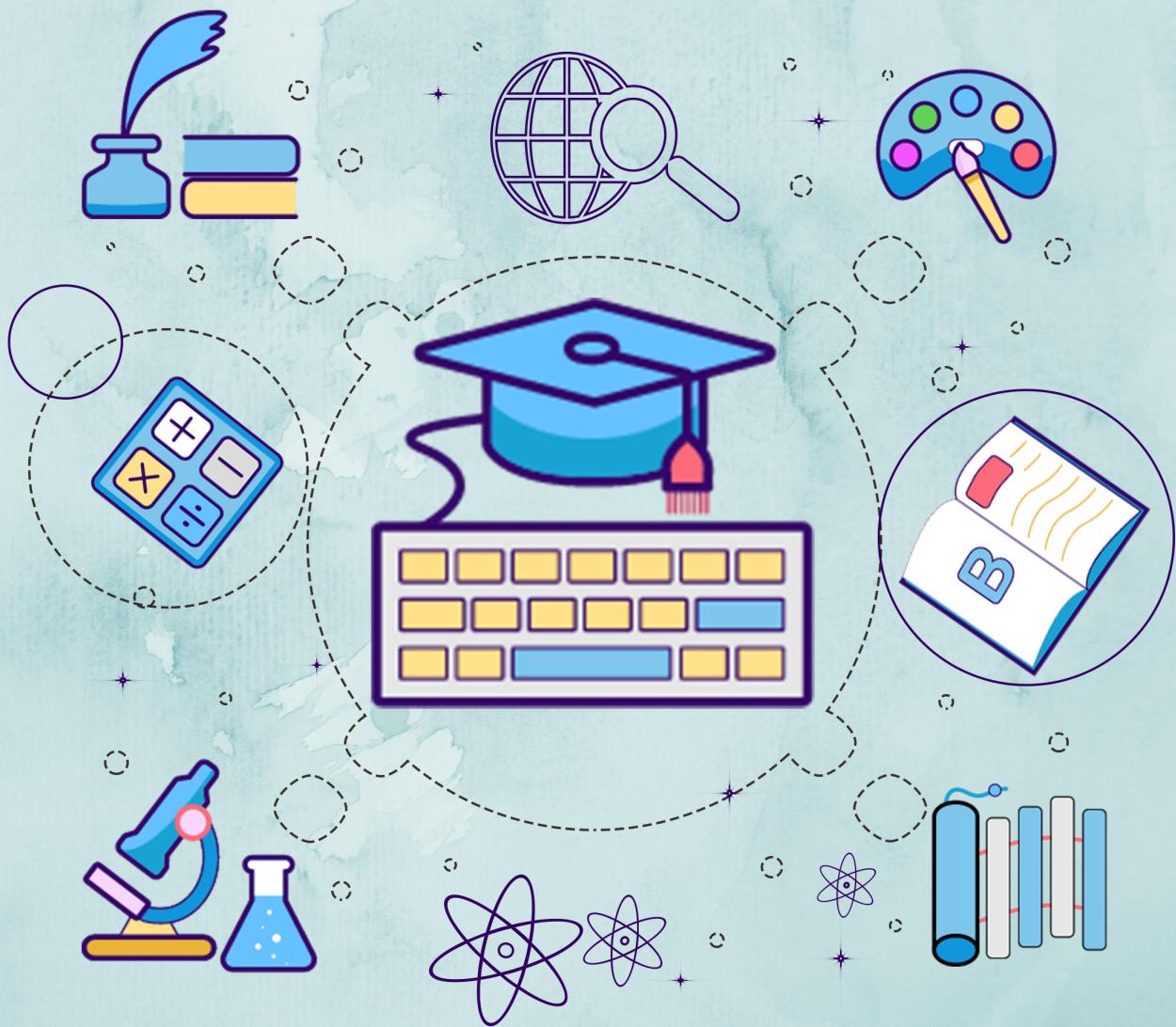


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Module 4

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Module 4

Professional Ethics

Responsibilities and Rights

Respect for Authority

Collegiality & Its Elements

Collegiality is a kind of connectedness grounded in *respect for professional expertise* and in a *commitment to the goals and values of the profession* and as such, collegiality includes a disposition to *support and co-operate with one's colleagues*.

The central elements of collegiality are *respect, commitment, connectedness and co-operation*.

Respect: Acknowledge the worth of other engineers engaged in producing socially useful and safe products.

Commitment: Share a devotion to the moral ideals inherent in the practice of engineering. Connectedness: Aware of being part of a co-operative undertaking created by shared

commitments and expertise.

Collegiality, like most virtues, can be misused and distorted.

It should not be reduced to „group interest” but should be a shared devotion for public good.

It is not defaming colleagues, but it does not close the eyes to unethical practices of the co-professionals, either.

Classifications of Loyalty

Agency-Loyalty

- Fulfill one’s contractual *duties* to an employer.
- Duties are particular *tasks for which* one is *paid*
- *Co-operating* with colleagues
- *Following legitimate authority* within the organization.

Identification-Loyalty

- It has to do with attitudes, emotions and a sense of *personal identity*.
- Seeks to meet one’s moral duties with personal *attachment and affirmation*
- It is against
- *detesting* their employers and companies, and do work
- *reluctantly* and *horribly* (this is construed as *disloyalty*)

This means

- Avoid conflicts of interest,
- Inform employers of any possible conflicts of interest,
- Protect confidential information,
- Be honest in making estimates,
- Admit one’s errors, etc.

Loyalty - *Obligation of Engineers*

Agency-Loyalty

- Engineers are *hired* to do their duties.
- Hence *obligated* to employers within proper limits

Identification-Loyalty

Obligatory on two conditions;

1. When some important *goals are met* by and through a group in which the engineers participate
2. When employees are *treated fairly*, receiving the share of benefits and burdens.

But clearly, identification-loyalty is a *virtue* and *not* strictly an *obligation*.

Relationship - Professionalism and Loyalty

1. Acting on professional *commitments* to the public is *more effective* to serve a company than just *following* company orders.
2. *Loyalty to employers* may not mean *obeying* one's immediate *supervisor*.
3. Professional obligations to both an employer and to the public might *strengthen rather than contradict* each other.

Need for Authority

Authority is needed since

- a) Allowing everyone to exercise *uncontrolled individual discretion creates chaos* (confusion).
- b) Clear lines of authority *identifies areas of personal responsibility and accountability*.

Institutional Authority and Expert Authority

Institutional authority

The institutional right given to a person to exercise power based on the resources of the institution.

- o It is acquired, exercised and defined within institutions.
- o It is given to individuals to perform their institutional duties assigned within the organisation. There is not always a perfect match between the authority granted and the qualifications needed to exercise it.

Expert authority

The possession of special knowledge, skill or competence to perform some task or to give sound advice.

Engineers may have expert authority but their institutional authority, *may only be, to provide management* with analysis of possible ways to perform a technical task, after which they are *restricted to following management's directive* about which option to pursue. In large companies, *engineers, advisors and consultants* in staff function carry *expert authority*, while *institutional authority* is vested only with *line managers*.

Authority Vs Power

Ineffective persons, even if vested with authority by their institution, *may not be able to summon* the power their position allows them to exercise. On the other hand, people who are *effective* may be *able to wield greater power* that goes beyond the authority attached to the positions they hold. Highly respected engineers of proven integrity belong to this class.

Authority - Morally justified

Observations on authority.

- o An employer who has institutional authority may *direct engineers* to do something that is *not morally justified*.
- o Engineers may feel that they have an institutional *duty to obey* a directive that is *morally unjustified*, but their moral *duty*, all things considered, is *not to obey*.
- o To decide whether a specific act of *exercising institutional authority is morally justified*, we need to know whether the institutional *goals are themselves morally permissible* or desirable and whether that *act violates basic moral duties*.

'Zone of Acceptance' of Authority

A subordinate is said to accept authority whenever he permits his behavior to be guided by the decision of a superior, without independently examining the merits of that decision

- Herbert Simon

- o Simon notes that all employees tend to have a „zone of acceptance” in which they are willing to accept their employer’s authority.
- o Within that zone, an individual, relaxing his own critical faculties, *permits* the decision of the employer to guide him.
- o Employees generally *do not make an issue* of questionable incidents on morality, *out of a sense of responsibility* to give their employer leeway within which to operate and often *not to risk their jobs*.
- o The problem increases when employees slowly *expand* the boundaries of *tolerance and rationalize* it.

This only shows that engineers should *never stop* critically *reviewing* the employer’s *directives* especially *on moral issues*.

'Faithful Agent Argument'

Board of Ethical Review argued that engineers *have a higher standard* than self-interest and that their ethical duty is to act for their employer as a faithful agent or trustee.

Collective bargaining

Collective bargaining is *inconsistent with loyalty* to employers because it is against the desires of the employer uses force or coercion against the employer and involves collective and organized opposition.

But every instance of such conduct *need not be unethical*.

An example:

Three engineers sincerely feel that they are underpaid. After their representations to their bosses are in vain, they threaten their employer, politely, that they would seek employment elsewhere. Here, even though, they act against the desires of their employer and have acted collectively, they have not acted unethically or violated their duty.

Conclusion: *Faithful agency* only concerns with performing one’s duty but does not mean that safety, salary and other economical benefits cannot be negotiated from a position of strength. Employee’s duty to employer does not mean unlimited sacrifice of self-interest.

Public Service Argument- Collective bargaining.

- o Public Service Argument is an *argument against* collective bargaining. o The paramount duty of engineers is *to serve the public*.
- o Unions, by definition, *promote the interests of their members* and whenever there is a clash of interests, the interest of the general public is ignored by them. Though the argument is a valid one, it looks at the worst possible scenarios with unions and *decides that engineering unions act only irresponsibly*.
- o A body of engineers can *promote engineers' interest* within limits set by *professional concern* for the public good.

Benefits of Collective Bargaining.

- a) Unions have created *healthy salaries* and *high standard of living* of employees.
- b) They give a *sense of participation* in company *decision making*.
- c) They are a good *balance to the power* of employers to fire employees at will.
- d) They provide an *effective grievance redressal* procedure for employee complaints.

Harms Caused by Collective Bargaining.

- a) Unions are devastating the economy of a country, being a main source of inflation
- b) With unions, there is no congenial (friendly), cooperative decision making.
- c) Unions does not promote quality performance by making job promotion and retention based on seniority.
- d) They encourage unrest and strained relations between employees and employers.

Confidentiality

'Confidentiality or confidential information'

- Information considered desirable to be kept secret.
- Any information that the employer or client would like to have kept secret in order to compete effectively against business rivals.
- This information includes how business is run, its products, and suppliers, which directly affects the ability of the company to compete in the market place
- Helps the competitor to gain advantage or catch up

Privileged information, Proprietary information and Patents.

o Privileged information:

- Information available only on the *basis of special privilege* such as granted to an employee working on a special assignment.

o Proprietary information:

- Information that a company *owns or is the proprietor of*.
- This is primarily used in *legal sense*.
- Also called *Trade Secret*. A trade secret can be virtually any type of information that has *not become public* and which an employer has *taken steps to keep secret*.

o **Patents:**

- Differ from trade secrets.
- Legally protect specific products from being manufactured and sold by competitors without the express permission of the patent holder.
- They have the drawback of being public and competitors may easily work around them by creating alternate designs.

Obligation of Confidentiality

1. Based on ordinary moral considerations: **I. Respect for autonomy:**

- Recognizing the legitimate control over private information (individuals or corporations).
- o This control is required to maintain their privacy and protect their self-interest.

II. Respect for Promise:

- Respecting promises in terms of employment contracts not to divulge certain information considered sensitive by the employer

III. Regard for public well-being:

- Only when there is a confidence that the physician will not reveal information, the patient will have the trust to confide in him.
- Similarly, only when companies maintain some degree of confidentiality concerning their products, the benefits of competitiveness within a free market are promoted.

2. Based on Major Ethical Theories:

- All theories profess that employers have moral and institutional rights to decide what information about their organization should be released publicly.
- They acquire these rights as part of their responsibility to protect the interest of the organization.
- All the theories, rights ethics, duty ethics and utilitarianism justify this confidentiality but in different ways.

Effect of Change of Job on Confidentiality

- Employees are obliged to protect confidential information regarding former employment, after a change of job.
- The confidentiality trust between employer and employee continues beyond the period of employment.
- But, the employee cannot be forced not to seek a change of job.
- The employer's right to keep the trade secrets confidential by a former employee should be accepted at the same time, the employee's right to seek career advancement cannot also be denied.

Conflict of Interest

Conflict of Interest arises when two conditions are met:

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

judgment in serving the interests of the employee or client. E.g. *When an engineer is paid based on a percentage of the cost of the design and there is no incentive for him to cut costs-* The distrust caused by this situation compromises the engineers' ability to cut costs and calls into question his judgement.

“An act of gift and An act of bribe”

A *gift* is a *bribe* if you can't *eat, drink or smoke it in a day*

If you think that your offer of acceptance of a particular gift would have *grave* or merely *embarrassing consequences for your company if made public*, then the gift should be considered a bribe. *Bribe* can be said to be 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. Here *substantial* means that which is *sufficient to distort the judgment* of a typical person.

Conflict of Interest created by Interest in other companies

- When one *works actually for the competitor* or subcontractor as an employee or consultant.
- Having partial *ownership or substantial stock holdings* in the competitor's business.
- It may not *arise* by merely having a *spouse working for sub-contractor* to one's company, but it *will arise* if one's *job also includes granting contracts* to that subcontractor.
- Tempting *customers away* from their current employer, while still working for them *to form* their own *competing business*.
- Moonlighting usually creates *conflicts* when working for competitors, suppliers or customers but *does not conflict when working for others without affecting* the present employer's business.
- Moonlighting *means working in one's spare time for another employer*.

Conflicts of Interest created by Insider information

- Using *inside information to set-up a business opportunity for oneself or family or friends*.
- Buying *stock* in the company for which one works is *not objectionable* but it should be based on the *same information* available to the public.
- The *use of any company secrets* by employee to *secure a personal gain* threatens the interest of the company.

Avoiding Conflicts of Interests

- Taking guidance from *Company Policy*
- In the absence of such a policy taking a *second opinion from a coworker or manager*. This gives an impression that there no intention on the part of the engineer to hide anything.
- In the absence of either of these options, to *examine one's own motives and use the ethical problem solving techniques*.
- One can look carefully into the professional codes of ethics *which uniformly forbid conflicts of interest*. Some of these codes have very explicit statements that can help determine whether or not the situation constitutes conflict of interest.

Occupational Crime

Types Of Crime

- **Domestic crime** Non-accidental crime committed by members of the family
- **Professional Crime** When crime is pursued as a profession or day to day occupation
- **Blue collar crime (or) Street crime** Crime against person, property (theft, assault on a person, rape)
- **Victimless crime** Person who commits the crime is the victim of the crime. E.g. Drug addiction
- **Hate crime** Crime done on the banner of religion, community, linguistics

Occupational Crime

- Occupational crimes are illegal acts made possible through one's lawful employment.
- It is the secretive violation of laws regulating work activities.
- When committed by office workers or professionals, occupational crime is called „white collar crime”.

People Committing Occupational Crimes

- Usually have high standard of education
- From a non-criminal family background
- Middle class male around 27 years of age (70% of the time) with no previous history
- No involvement in drug or alcohol abuse
- Those who had troublesome life experience in the childhood (Blum)
- People without firm principles (Spencer)
- Firms with declining profitability (Coleman, 1994)
- Firms in highly regulated areas and volatile market -pharmaceutical, petroleum industry. (Albanese, 1995)

Price Fixing

An act was passed, which forbade (prevented) companies from jointly setting prices in ways that restrain free competition and trade. Unfortunately, many senior people, well respected and positioned were of the opinion that „price fixing” was good for their organizations and the public.

Employees Endangering Lives of Employees

Employers indulge in exposing their employees to safety hazards. They escape criminal action against them, by paying nominal compensations even if their crimes are proved in court. And even this happens only when the victim sues company for damages under civil law.

Engineers' Moral Rights

Engineers' moral rights fall into categories of human, employee, contractual and professional rights.

Professional rights:

- 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.

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*.
- This basic right can be referred to as *the right of professional conscience*.

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*.

Two situations to be considered.

1. *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.
2. *Where there is room for disagreement among reasonable people over whether an act is unethical.*

Here, it is possible that there could be *different ethical view points* from the professional and the employer.

In such cases the engineers can have a *limited right to turn down assignments* that violates their personal conscience *only in matters of great importance* such as threats to human life. This right also depends on the *ability* of the employer to *reassign* the engineer to alternate projects *without serious economic hardships* to the organ.

The *right of professional conscience does not extend to the right to be paid for not working*.

Right to Recognition

Right to Recognition involves two parts.

The right to *reasonable remuneration* gives the moral right for fighting against corporations making good profits while engineers are being paid poorly. Also is the case where patents are not being rewarded properly by the corporations benefiting from such patents.

The other *right to recognition* is non-monetary part of recognition to the work of engineers.

But what is reasonable remuneration or reasonable recognition is a difficult question and should be resolved by discussions between employees and employers only.

Professional Rights & Ethical Theories

1. Rights Ethics:

- o 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.
- o 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.

2. Duty Ethics:

- o I have a right to something only because others have duties or obligations to allow me (and not interfere) to do so.
- o 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.

3. Utilitarianism:

- o Public good can be served by allowing professionals to meet their obligations to the public.
- o These obligations arise due to the professional's role in promoting public good.
- o The basic goal of producing the best for the greatest number of people is enough to justify the right of professional conscience.

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.

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*.

A great deal of introspection and reflection are required before WB. Motive should neither be for revenge upon fellow employee, supervisor or company nor in the hope of future gains like book contracts or speaking tours etc.

Conditions to be satisfied before Whistle Blowing

Richard T. De George suggests the following:

1. The *harm* that will be done by the product to the public is *serious* and considerable.

2. The individual makes his/her concern *known to his/her superiors*

3. 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.

4. 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.

5. There must be *strong evidence* that making the information public will in fact *prevent the threatened serious harm*.

Prevention of Whistle Blowing

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

1. 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.

2. This gives greater freedom and promotes open communication within the organization.

3. Creation of an Ethics Review Committee with *freedom to investigate complaints and make independent recommendations* to top management.

4. Top priority should be given to *promote ethical conduct* in the organization by *top management*.

5. Engineers should be *allowed to discuss in confidence*, their moral concerns with the ethics committee of their professional societies.
6. When there are differences on ethical issues between engineers and management, *ethics committee members* of the professional societies *should be allowed* to enter into these discussions.
7. *Changes and updation* in law must be explored by engineers, organizations, professional societies and government organizations on a continuous basis.

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.
- The employee *will not be deprived of* any enjoyment of *reasonable privacy* in his/her workplace.
- *No personal information* about employees *will be collected* or kept other than what is necessary to manage the organization efficiently and to meet the legal requirements.
- *No employee* who alleges that her/his rights have been violated *will be discharged* or penalized *without a fair hearing* by the employer organization.

Some clear examples: falsifying data, avoidance on the safety of a product

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

Patent

1. Derived from the Latin word „LITTERAE PATENTES” which means „Open Letters” or Open Documents to confer rights and privileges.

2. A contract between an Inventor and the Government

- An exclusive privilege monopoly right granted by the Government to the Inventor
- Invention may be of an Industrial product or process of manufacture
- Invention should be new, non-obvious, useful and patentable as per Patents Act
- The right to the inventor is for limited period of time and valid only within the territorial limits of a country of grant.

Examples: a drug compound, a tool, maybe software effects

DESIGN

- Meant for beautifying an industrial product to attract the consumer public
- Shaping, Configuration or Ornamentation of a vendible Industrial product
- Exclusive „Design Rights” to the originator for a limited term

- Patents & design embrace the production stage of an industrial activity

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

Examples: Channel No.5's smell, Jacque Villeneuve's face!

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
- SOME databases

Example: Picasso's Guernica, Microsoft code, Lord of the Rings

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 commercialisation.
- Provides an inducement to invest capital in the new lines of production and thus , help for technical development and upgradation.
- One may get a very good return of income through Patent Right on the investment made in R & D.

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.
- The Government ensures full disclosure of the invention to the public for exchange of exclusive monopoly patent right to the inventor.

Bhopal Gas Tragedy.

On December 3, 1984, Union Carbide's pesticide-manufacturing plant in Bhopal, India leaked 40 tons of the deadly gas, methyl isocyanate into a sleeping, impoverished community - killing 2,500 within a few days, 10000 permanently disabled and injuring 100,000 people. Ten years later, it increased to 4000 to 7000 deaths and injuries to 600,000.

Risks taken:

- Storage tank of Methyl Isocyanate gas was filled to more than 75% capacity as against Union Carbide's spec. that it should never be more than 60% full.
- The company's West Virginia plant was controlling the safety systems and detected

leakages thro' computers but the Bhopal plant only used manual labour for control and leak detection.

- The Methyl Isocyanate gas, being highly concentrated, burns parts of body with which it comes into contact, even blinding eyes and destroying lungs.

Causal Factors:

- Three protective systems out of service
- Plant was understaffed due to costs.
- Very high inventory of MIC, an extremely toxic material.
- The accident occurred in the early morning.
- Most of the people killed lived in a shanty (poorly built) town located very close to the plant fence.

Workers made the following attempts to save the plant:

- They tried to turn on the plant refrigeration system to cool down the environment and slow the reaction. (The refrigeration system had been drained of coolant weeks before and never refilled -- it cost too much.)
- They tried to route expanding gases to a neighboring tank. (The tank's pressure gauge was broken and indicated the tank was full when it was really empty.)
- They tried to purge the gases through a scrubber. (The scrubber was designed for flow rates, temperatures and pressures that were a fraction of what was by this time escaping from the tank. The scrubber was as a result ineffective.)
- They tried to route the gases through a flare tower -- to burn them away. (The supply line to the flare tower was broken and hadn't been replaced.)
- They tried to spray water on the gases and have them settle to the ground -- by this time the chemical reaction was nearly completed. (The gases were escaping at a point 120 feet above ground; the hoses were designed to shoot water up to 100 feet into the air.)

In just 2 hours the chemicals escaped to form a deadly cloud over hundreds of thousands of people incl. poor migrant laborer's who stayed close to the plant.

Discrimination

- o Discrimination generally means *preference* on the grounds of *sex, race, skin colour, age or religious outlook*.
 - o in everyday speech, it has come to mean *morally unjustified treatment of people on arbitrary or irrelevant grounds*.
 - o Therefore to call something „Discrimination” is to condemn it.
 - o But when the question of justification arises, we will call it „*Preferential Treatment*”.
1. The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
 2. The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
 3. Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.