

ETHICAL CONSIDERATIONS FOR PERSONNEL ADMINISTRATORS
AND HUMAN RESOURCES MANAGERS*



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Human resource professionals and personnel administrators are directly linked to efforts to organize human resources to improve organizational performance. In their professional role they will make decisions that will inevitably affect the welfare of the organization and its people. Acting in the face of competing claims, finite resources, cases of personal hardship and conflicting values is intrinsic to their role, and understandably affects judgements regarding the proper course of action.

Determining the "proper course of action" is predicated on a variety of factors, including economic, political, technical and legal considerations. But after all the "facts" are considered, the decision is ultimately a value judgement about which of the options available is to be preferred. (Of course, even the interpretation of the "facts" is colored by the values that individuals bring to the process.) A decision raises ethical concerns when the choice is likely to impact on the welfare of human lives. Ethical concerns increase when those likely to be affected exert little or no influence on the decision process.

Ethical Analysis

Through ethical analysis we develop guidelines to help us distinguish between right and wrong in what are often morally ambiguous situations. Ethical analysis helps us to identify values worth preserving or pursuing; it aids us in avoiding action that might endanger those values; and it provides a means for balancing values that are in conflict. By bringing a measure of rationality to the assessment of value conflicts, ethical analysis can keep us from being led astray by morally irrelevant considerations and can help guard against irrationality and misguided prejudice. It also compels us to focus attention on our moral responsibilities to others.

Ethical decision-making may, on the one hand, involve the assessment of the costs and benefits associated with alternative courses of action. For each alternative, one might ask: Who will benefit? Who will be placed at risk? How imminent or substantial are the benefits or risks? In this approach, the ultimate decision is linked to the evaluation of the consequences of choice. The criterion for judging the moral correctness of an act is the comparative good over ill produced. Another approach to ethical decision-making involves the appeal to basic moral principles, such as justice, honesty and autonomy, the adherence to which is required without regard to consequences. From this point of view, an act may be morally correct even if it does not promote the greatest possible balance of good over ill. In such cases, certain principles override the value produced by the act.

The Employer-Employee Relationship

Ethical concerns do not arise in a social vacuum, but rather are intimately linked to interpersonal relationships. Any assessment of the ethical issues associated with personnel administration must include an appreciation for and understanding of the employer-employee relationship. The act of hiring a person creates a set of rights and obligations for both parties--the employer and employee--and the relationship is governed by an implied covenant of good faith and fair play.

A person's career choice is linked closely to his/her self-development and self-image. In addition to contributing labor to the organization, the employee adopts a lifestyle that reflects his/her employment situation. A whole network of relationships beyond the work environment--in neighborhoods, schools, community clubs, etc.--develops based on the employee's association with the organization.

These relationships enable the worker to lead a fuller and more productive life, but the advantages are not all skewed in one direction.

The employer has much to gain from such relationships as well. The more the employee establishes firm roots in the community, the less likely he/she will be to accept an offer elsewhere. An employee who appreciates the value of such relationships is encouraged to express his/her loyalty to the organization which has helped to make them possible. And an employee who takes pleasure in his/her private life is likely to be a more productive worker.

On the job, the employee expects and is entitled to: (1) appropriate compensation, (2) a safe work environment, (3) reasonable and fair opportunities for advancement, and (4) open channels of communication to air grievances or to make recommendations. Above all, the employee expects to be treated with respect. The employer expects and is also entitled to: (1) the worker's application of his/her knowledge and skills to the advancement of the organization, (2) worker adherence to organization policies and procedures, (3) worker deference to authority within the organization and (4) worker loyalty.

While in principle I suspect that most of you would accept this list as a reasonable description of the employer-employee relationship, you would no doubt hasten to add that the matter is not so cut and dried. The nature of those expectations and entitlements is open to interpretation by the various parties involved, and all too often the employer's notion of whose expectations and entitlements should prevail will clash with those of employees. Careful ethical analysis should, at the very least, help us to sort out the relevant arguments in determining which values should prevail when the expectations and entitlements of employers and employees conflict. I shall proceed with such an analysis in respect to three issues of increasing importance to personnel professionals: (1) pre-and post-employment screening, (2) the notion of comparable worth and (3) the integration of one's work and personal lives.

Pre-and Post-Employment Screening

An employer expects to be free to hire the most productive and least risky employees available. Pre-and post-employment screens are now widely used and will undoubtedly be increasingly employed in the future as their technical sophistication and cost-effectiveness improves. The case in behalf of such screening can be summarized as follows: First, there is a duty on the part of employers to protect workers from workplace hazards; second, employers are obligated to use their resources as efficiently as possible, including the prevention of losses due to employee fraud or theft or to employee illness or injury; and third, employers are entitled to protect themselves from the risks of liability if they fail to take expected precautions for protecting their workers.

All three contentions are initially appealing, but how much weight should they be given in assessing the ethical implications of the use of screening? In addition to whether such screening techniques do indeed promote job safety and organizational efficiency, any ethical assessment of their application should also evaluate their effect on worker rights, the number of persons potentially affected and the relative and absolute risk to which workers may be exposed. A small risk, for example, may not justify foreclosing certain job opportunities to large numbers of people when their employment options are limited.

While society has a strong interest in ensuring that employers achieve their safety and efficiency objectives, it also has a compelling interest to ensure that screening techniques are used fairly and do not unduly impair individual rights. At a minimum, then, employers should be required to justify their employment decisions by demonstrating that their use of screening is rationally related to proper business objectives. The use of screening as a mask for employer biases or prejudices when

decisions are likely to affect employment opportunities adversely is immediately morally suspect.

There are at least five ways in which the use of pre-and post-employment screening raises significant ethical concerns. As a just society, we expect citizens to treat each other fairly in their employment practices. Screening procedures which do not further important social goals (e.g., safety or efficiency) and are used to rationalize discriminatory behavior based on morally irrelevant properties (e.g., race or sex) are presumptively unfair and intolerable in a just society.

Let's apply this assessment to medical and genetic screening in the workplace. Such screening could be used to exclude workers from jobs where they had a biological or genetic condition believed to heighten their susceptibility to hazards on the job. The ethical concern is compounded by the fact that in some cases the medical or genetic factor is irreversible and beyond the control of the individual worker. Consider, for example, the use of genetic or medical screening to bar fertile women from work that would risk their fertility or the health of an unborn child.

In recent years women have entered the labor force in large numbers, filling jobs that formerly had been barred to them. They have suffered the effects of discrimination in the past and, consequently, any practice which impedes their employment opportunities must be subject to close scrutiny. At a minimum, then, proponents of such screening must demonstrate a scientific basis for treating women differently than men. That is, if male fertility would also be at risk from exposure to certain hazardous materials, then screening practices involving only women are morally suspect. A separate issue relates to the welfare of the fetus which might be endangered by the mother's or father's exposure to hazardous materials. If it is determined that the fetus deserves special

protection, it is still not clear that such protection should be achieved at the expense of its parents. It raises the question of who ought to bear the burden of protecting a potential child of workers from the hazards of the workplace. To force parents to choose between job and a prospective child would appear to be cruel and unjust. It is a matter that should concern all society and not simply be left to the discretion of individual employers.

Additional ethical concerns arise from the fact that such screening techniques as psychological testing, polygraphs and genetic tests are intrusive procedures which threaten personal privacy. We must be concerned, therefore, with the conditions under which such screening is administered. Are prospective or current employees informed about the nature of the procedures and how the information gathered will be used? A worker's right to privacy is surely violated if the results are evaluated arbitrarily or if the data are indiscriminately disseminated without regard to the effect on the employee. Is the administration of the screen a condition of employment? If the worker must choose between employment and undergoing the screening procedure, then he/she cannot be said to freely consent to the intrusion into his/her personal life.

Society and the employee both have an interest in preserving and enhancing individual autonomy, a person's freedom to pursue his/her goals to the fullest extent possible. Employment screens, by restricting employment opportunities, impair the worker's autonomy. Such restrictions must be weighed against the employer's interest in efficient production and the safety interests of co-workers. The value derived from personal autonomy would justify reducing efficiency or imposing risks on others only if the benefits of autonomy exceed probable costs. But regardless of such an assessment, irrational or morally irrelevant criteria should not be permitted to justify decisions to restrict autonomy.

A fourth ethical concern stems from the potential use of employment screens as an excuse to avoid one's responsibility for and the costs of reducing workplace risks. Employers may face a choice between an immediate and substantial expenditure for safety-related capital improvements and the use of less expensive screening techniques to weed out at-risk employees. It is much easier and less costly to exclude fertile women from a workplace that exposes them to toxic chemicals rather than to institute changes that would decrease the exposure of all employees. But if changing the workplace or the use of employment screens will achieve a similar degree of safety, then other interests, such as worker autonomy, present a strong case for requiring modification of the workplace. For example, an employer who screens fertile women out of the workplace containing toxic chemicals eliminates the risk to them. But efforts to reduce the chemical exposure of all workers would reduce the risks to a larger number of employees and, at the same time, preserve the autonomy of women.

Finally, the fallibility of employment screens raises additional ethical issues. The validity and reliability of employment screening techniques are, at best, questionable when applied in certain instances. They undoubtedly exclude some employees who are well qualified for a job and approve others who are high-risk individuals. While absolute perfection in the use of such screens is unrealistic, individual employees should be protected from their arbitrary and capricious use by employers. The latter are obligated to demonstrate that the employee's test results are reasonably predictive of his/her performance on the job.

Comparable Worth

The notion of "comparable worth" requires equal pay for different jobs of comparable value. Proponents of comparable worth argue that current salary systems are inequitable in their treatment of working women. The statistics are rather persuasive in that regard. In 1982, for example, full-time working women earned an average of 62 cents for every dollar paid to men. Furthermore, the figures show that jobs dominated by women are almost always lower paid than jobs requiring a comparable level of skill and responsibility that are held predominately by men. While the difference between male and female wages is not due entirely to the undervaluing of women's work, a 1981 study by the National Academy of Sciences reported that at least half of the gap can be attributed to sex discrimination.

The moral imperative underlying concern for comparable worth derives from the principle of justice. One acts justly towards a person when that person is given what he/she deserves. Conversely, an injustice occurs when a person is denied a benefit to which he/she is entitled without relevant reason or when some burden is imposed unfairly. The basic premise underlying the principle of justice is that "equals ought to be treated equally and unequals treated unequally." While the premise itself is rather uncontroversial, it says nothing about who is equal and who is unequal. How do we begin to make such a determination? In order to apply the principle of justice in a meaningful and useful way, we must be able to identify those morally relevant properties which enable us to determine and justify when equal or differential treatment is called for.

In the comparable worth debate, proponents argue, in effect, that one's sex is not a morally relevant property that justifies unequal

compensation in the workplace. According to the principle of justice, such a salary system places an unjust burden on women and grants an undeserved benefit to men. But why is gender unacceptable as a morally relevant property under the principle of justice? The most widely accepted reason for excluding it is because it would require us to treat people differently in ways that profoundly affect their lives because of differences for which they bear no responsibility. Moreover, the moral unacceptability of gender in terms of justice is compounded by the fact that it is not a property that one can reasonably be expected to acquire or overcome. Advocates of comparable worth recognize this and contend that a just system of compensation must be blind to workers' sex.

But on what criteria should such a system be based? Justice refers not only to the ultimate effects of some system or process, but to the means as well. Thus, a process which equalized pay for men and women in comparable jobs by reducing the salaries of men would produce a just result in the sense that gender was eliminated as a criteria for determining salary. Yet, if the former salary of men was originally judged to be fair exchange for their labor, then reducing their salary would be denial of benefits to which they are entitled. Such an injustice may be permitted only if two conditions hold: (1) it permits the elimination of a more compelling injustice and (2) no morally acceptable alternative exists. It should be clear that the alternative of raising the salary of women makes the reduction of men's salaries morally impermissible.

Determining which jobs are comparable to others will be formidable task. How does one begin to compare the job of a typist with that of a dockworker? Or the job of an accountant with that of a nurse? I have no ready answers, but the criteria must be genuinely task-related if they are to be judged

morally relevant. Some initial criteria that come to mind include: (1) knowledge and skills, (2) responsibilities and (3) working conditions. Ultimately, however, such criteria are merely the initial steps in a more crucial and value-laden process--the determination of the relative importance (value) of jobs in our society.

Integration of Work and Personal Lives

It is increasingly being recognized that an employee's work and personal lives are not independent. The time, energy and resources that one commits to his/her work over a lifetime can touch many lives--at home and at work--for good or ill. Personal problems, whether precipitated by events at work or by non-work related factors can affect individual and organizational performance. Consequently, both the employee and the employer have an important stake in ensuring a congenial melding of life at the workplace and life at home.

The labor force is changing and with it comes a change in the needs, attitudes, expectations and commitments of American workers. The dual-work family and the single-parent family are having a significant impact on the relationship between the workplace and home. The difficulties associated with coordinating work and family life when both parents or a single parent work are well documented. For these persons, their home responsibilities weigh heavily when making career decisions and their commitment to their job is, in many cases, defined and limited by the nature of their obligations at home. These workers are evaluating alternative approaches to work and, more than ever before, they are looking for organizations willing to accomodate their personal and family needs through innovative and flexible working conditions.

Just as the personal lives of employees influence their career choices and job performance, so does their work affect their personal and family

situation. Many routine organizational demands on employees, such as travel, transfer and heavy and unpredictable time commitments, can contribute to problems at home. A transfer can have a profoundly disruptive affect on the family, as spouses and children are uprooted from friends, jobs and schools and thrust into a new community without status, personal contacts or familiar surroundings. A heavy travel schedule separates the employee from his/her family, can disrupt social relations and imposes a serious burden on the home spouse. And a heavy demand on an employee's time can disrupt family plans and lead to worker stress or burn-out with all its complications for family and work.

An important moral principle operating in both one's work and personal lives is loyalty. Loyalty to members of one's family and to one's friends is a powerful force that bonds our personal and social relationships. Many qualities of human interaction would be impossible if persons could not rely on one another to act loyally. Loyalty assumes a critical moral status in our personal lives because a breach of loyalty or a subordination of loyalty to other considerations may have a devastating impact on our relations with family and friends. But loyalty also assumes considerable importance in our work lives.

Loyalty is a phenomenon that many of us experience in connection with the organizations for which we work. And those organizations count on employee loyalty. For any organization to thrive, its members or employees must be loyal to it, placing its interests above those of other organizations or of other competing objects of one's loyalty.

But loyalty to any given organization is conditioned by two considerations. First, the importance and intensity of loyalty is conditioned by the value of the object of loyalty. Does the organization warrant

our loyalty? Does it deserve to thrive? Loyalty that is blind to the nature and consequences of the organization's actions invites irresponsibility and is unlikely to withstand moral scrutiny. A second condition relates to the value of the organization relative to the value of competing objects of loyalty. The organization may merit our loyalty, but so does one's family. The organization which makes employees feel that they must choose between a career and family does a disservice to the employee, the employee's family and itself. Such conduct violates the covenant of good faith and fair play embedded in the employer-employee relationship by failing to distinguish and respect the difference between the worker as employee and as a private person. Whatever loyalty the worker owes to the organization as an employee, the same cannot be demanded of the worker as a private person. Consequently, a worker's refusal to work overtime or to accept a transfer should not be viewed by the organization as a disloyal act. Rather, it should be interpreted as a worker's conscious decision to place loyalty to his/her private life above that of life in the workplace.

Today's worker enters the workplace with private needs, expectations and concerns that will affect the organization. The employer who anticipates and is responsive to the demands of the worker's private life will be more likely to avoid the adverse repercussions that are the inevitable consequences of an employee's divided loyalty.