

Example assignment one

Topic

Do you agree with the action proposed for Sally? Justify your answer.

Sally must discuss her concerns with Wei about the actions of Robert, her supervisor, regarding the performance of the CLX-500 chlorine analyser.

Part A: Summary of arguments

For

1. Sally must raise her concerns at a senior level because a faulty analyser has implications beyond the company. It could impact markets, and if there is falsification of quality data, may even be criminal.
2. Robert is probably expecting Sally to misrepresent the testing results of the analyser at the briefing and therefore to protect herself and the company, she should bring the probable action to the attention of Wei.
3. "Following orders" is not a defence for not taking correct action. Sally could be held responsible by the Company and by the relevant authorities for any actions she takes which she knows to be false.
4. By raising her concerns with senior staff, Sally shows that she will not automatically be compliant with all requests from her immediate supervisor. Robert will know that he cannot push Sally around.

Against

1. Only if Robert continues to press her to mis-represent the results should she express her concerns to Wei. Sally has a duty to act within the limits of her authority. Thus, it would be better for Sally to first clarify the test results and what Robert expects her to say to the regulator.
2. Going above her immediate supervisor will be likely to cause friction between with Robert. It may displease the Company senior management and could lead to Sally losing her job.
3. The implications of the testing are probably beyond Sally's responsibility. Thus, because Sally is junior to Robert, she would be better not to go to senior people.
4. Sally should avoid attending to the meeting, such as by saying she is sick.
5. Sally should ignore Robert's directions and present the true situation to the regulator without forewarning Robert. This may make it difficult for Robert to do anything.

(296 Words)

Part B: Correct Course of Action for Sally to Take

Sally should first clarify the test results and Robert's expectations and only express her concern to Wei if Robert expects her to present anything other than the truth to the regulator.

This is because Sally is bound by two professional requirements. The first is that she must respect the authority and bureaucratic structures of Valley Water Systems (VWS) as required by industrial law and workplace codes of conduct. The second is that, as a professional engineer, she must respect the demands of the professional code of ethics (Engineers Australia (EA), 2019). An ethical employer will expect this of her. Furthermore, if Sally wishes to act as a person who attempts treat others as she would like them to treat her, she should strive to be truthful. She should also be as tactful as possible and treat others with respect.

Sally's should not immediately go to Wei because it is not clear if Robert wants her to misrepresent the performance data. This is consistent with Principle 1.1, "Act on the basis of a well-informed conscience, (EA, 2019). The status of the independent test results is not evident from the scenario. Are they essential for approval, or are they an additional level of certainty sought by VWS beyond the minimum requirements of the law? Furthermore, Robert may see the independent testing results as an anomaly, not having any impact on the approval process. These are matters which Sally must first clarify with Robert. To approach Wei before she has clarified what Robert's expectations are would be wrong as she may misrepresent Robert's position, potentially and unnecessarily damaging Robert's reputation with senior management or making herself look foolish to senior management. Her actions would fail to respect Robert's authority over her.

Sally should only approach Wei if her discussion with Robert shows that either Robert's judgement is poor or mistaken, or if he is demanding that Sally mislead the regulators. If so, Sally has a duty to raise her concerns with Wei so that VWS senior management has an opportunity to take action to ensure that the regulators hear the truth. Sally must also take this action so that she does not breach the professional trust in her (EA 2019, principle 1 and 3). She should also take this action to protect her reputation.

If Sally finds it necessary to approach Wei, it is up to senior management to take charge of the situation. Going to Wei would likely damage Sally's relationship with Robert. It is not certain if Sally and Robert could work together after this. It could be treated as a relatively minor incident, and therefore Sally could continue reporting to Robert, especially if Robert takes a rebuke from senior management positively. At the other extreme, it may lead to either Robert or Sally leaving the company. If Sally is forced to leave, so be it. Although it may be inconvenient to Sally in the short term, it would be better that Sally does not work for a company willing to breach professional ethics and possibly the law.

An appealing way out for Sally may be by avoiding the situation by not presenting the briefing through an excuse such as feigning illness. But there will likely be future situations where Robert may demand similar unprofessional conduct. And worse, Sally would have allowed Robert to mislead the government regulators (a breach of Principle 1.2, "be honest and trustworthy", EA, 2019). In these circumstances, Sally could bear responsibility for defective equipment being put into service. She would have also been dishonest about her reasons for not attending the briefing.

Finally, a Machiavellian way of handling the situation would be by wedging Robert by presenting the truth to the regulators without warning Robert. Although truthful, she would likely lose Robert's trust through her duplicity and may well have breached Principle 1.2 "be honest and trustworthy" and 1.3 "respect the dignity of all person" (EA, 2019). The action may also backfire as VWS management may be unimpressed by her actions.

In summary, Sally must be clear about what Robert is asking of her and take prompt action by informing VWS senior management if Robert expects her to misrepresent the performance of the analyser.

(698 words)

References

Engineers Australia. (2019) *Code of Ethics and Guidelines on Professional Conduct*. Retrieved from: <https://www.engineersaustralia.org.au/ethics> Accessed on 23 February, 2020.

Fair Work Australia. (2020) Extensive information is available on the rights and obligations of employees. Retrieved from: <https://www.fwc.gov.au/> Accessed on 23 February, 2020.