UNIT – III

RESPONSIBILITIES TO EMPLOYERS

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- Collegiality and Loyalty
- Respect for Authority
- Collective Bargaining
- Confidentiality
- Conflicts of Interest
- Occupational Crime

COLLEGIALITY AND LOYALTY

- Collegiality and Loyalty are essential aspects of team work in engineering.
- Collegiality is an important virtue, when there is competition among engineers from different companies.
- The central elements of collegiality are respect, commitment, connectedness, and cooperation.

Collegiality

- Collegiality is an amorphous concept and refers to an environment characterized by professionalism, a general sense of well-being, and spirit of cooperation.

Techniques for achieving collegiality:

- Development recognition and articulation of shared values
- Establishing / restoring a sense of professionalism
- Vision
- Defining expectations
- Paying attention to structure
- Paying attention to gender and diversity issues

- Score-keeping
- Compensation
- Trust
- Practice and Leadership
- Selection process
- Helpfulness
- Balance of power
- Partner evaluations
- Problem partners
- Business development

Two Senses of Loyalty

- Loyalty to an employer can mean two things:
- Agency-Loyalty is acting to fulfill one's contractual duties to an employer.
- Agency-Loyalty is entirely a matter of actions, whatever its motives.
- Identification-Loyalty, by contrast has as much to do with attitudes, emotions, and a sense of personal identity as it does with actions.

Obligations of Loyalty

- **There are two obligations:**
- **First, employees must see some of their own important goals as met by and through a group in which they participate.**
- **Second, employees must be treated fairly, each receiving (roughly) his or her share of benefits and burdens.**

Misguided Loyalty

- Both loyalty can be shown toward corporations or toward smaller divisions within corporations.
- Conversely, an engineer might identify with the corporation but not with a particular team to which he is assigned.
- Sometimes, inappropriate or misguided loyalty to a project team or supervisor can harm corporations, as well as the general public.

Professionalism and Loyalty

- There are three points about the relationship between professional responsibility and loyalty to companies and employers.
- First, acting on professional commitments to the public can be a more effective way to serve a company than a mere willingness to follow company orders.

- **Second, it is clear that loyalty to companies or their current owners should not be equated with merely obeying one's immediate supervisor.**
- **Third, suggested how an engineer might have professional obligations to both an employer and to the public.**

RESPECT FOR AUTHORITY

- Salaried engineers have obligations to respect their employers' legitimate authority.
- What is the nature of this authority?
- How far should it be recognized by salaried professionals as being morally justified?

Institutional Authority

- Institutional authority is acquired, exercised, and defined within institution.
- It may be defined as the institutional right given to a person to exercise power based on the resource of the institution.
- It is given to individuals in order to meet their institutional duties, that is, their assigned tasks within an organization.

- **Institutional rights and duties are for the most part two sides of the same coin, and they deal with precisely the same activities and functions.**
- **Project engineers have the institutional duty to ensure that the projects they supervise are successfully completed, and they are given the institutional rights.**

Institutional vs. Expert authority:

- Institutional authority should not be equated with expert authority.
- Expert authority is the possession of special knowledge, skill, or competence to perform some task or to give sound advice.
- In this sense, doctors are authorities on health and civil engineers are authorities on structures or transportation.

- One of the key competencies for management is leadership ability, which has its own kind of expert authority that has been called the "authority of Leadership": the expertise to effectively direct others.
- It is possible for engineers to have expert authority in matters in which they have little or no institutional authority to make decisions.

Authority vs. Power:

- Institutional authority must be distinguished from power.
- People who are especially effective may acquire great power or influence.
- Highly respected engineers of proven integrity may have power within an organization exceeding their explicit institutional rights.

Morally Justified Authority

- The preceding distinctions clear the way for making two observations:
- First, an employer may have the institutional authority to direct engineers to do something that is not morally justified.
- Second, engineers may have an institutional duty to obey a directive that is morally unjustified, but their moral duty, is not to obey.

Accepting Authority

- Our present concern is to obtain a clear idea of what accepting authority under normal conditions should and should not involve.
- Administrative behaviour, Simon states **"A subordinate is said to accept authority whenever he permits his behaviour to be guided by the decision of a superior, without independently examining the merits of that decision".**

Paramount Obligations

- Recent codes of ethics state that an engineer's paramount obligation is to protect the public health, safety, and welfare, rather than the obligations of loyalty and faithful service to employers.
- Is this true? In my view is yes. As long as "paramount" is understood to mean "chief in importance or deserving primary emphasis".

- The basic moral task of salaried engineers is to be aware of their obligations to obey employers on the one hand and to protect and serve the public and clients on the other hand.
- Most of the time there is no conflict between the two.
- But when, occasionally, genuine conflict arises, it must be resolved by the exercise of an autonomous moral judgment.

COLLECTIVE BARGAINING

- Is it possible for engineers to be professionals, dedicated to the highest ethical standards of professional conduct, and loyal to their companies while simultaneously being members and supporters of a union?

- **In Engineers and their Professions, John Kemper writes: Professionalism holds that the interests of society and of the client are paramount.**
- **Unions are collective bargaining agents that sometimes place the economic interests of the members ahead of those of the client or employer.**

Historical Note

- Most contemporary engineering unions had their origin during the 1940s.
- These groups remained independent of the large national unions like the AFL – American Federation of Labor, and the CIO – Congress of Industrial Organization.

- At their peak during the late 1950s, engineering unions had only 10% of the total number of engineers as members.
- As of 1985 about 25,000 engineers, scientists, and technicians belonged to unions.

- **Decline due to:** Job insecurity, unhappiness with salaries and lessened professional recognition
- **Let us now turn to the two arguments in support of this stand as advanced by the NSPE:** The first we will call the **"faithful agent argument"** and the second the **"public service argument".**

Faithful Agent Argument

- The argument given was concise, “the engineers have a higher standard than self-interest: they have the necessary ethical duty to act for their employer as a faithful agent or trustee.”
- Under discussion involves several features, any one of which might seem inconsistent with loyalty to employers:

- (1) it goes against the desires or interests of the employer
- (2) it uses coercion or force against the employer, and
- (3) it involves collective and organized opposition.
- Some incidents suggest two generalizations.

- First, employee duty to employers does not entail unlimited sacrifice of economic self-interest.
- Second, as the NSPE code itself states, the duty to employers is limited by the more paramount duty to protect public health, safety, and welfare.

- **The NSPE recommends the use of a sounding board, composed of a mix of employees and managerial engineers, to settle disputes with employers through reasonable dialogue.**

Public Service Argument

- By definition union seek to promote the special interest of their members, not the interest of the general public.
- Strikes are the ultimate source of power for unions.
- Professional societies can be seen as vehicles to establish principles of fair employment.

Union Critics:

- They are the main source of inflation, which can devastate the economy of a country.
- Unions encourage adversarial, rather than cooperative, decision making.
- Unions promote mediocrity and discourage initiative by emphasizing job security and by making job promotion and retention rest on seniority.
- Unions encourage unrest and strained relations between workers and management.

Union Supporters:

- Unions have been the primary factor in creating healthy salaries and the high standard of living enjoyed by today's workers.
- Unions give employees a greater sense of participation in company decision making.
- Unions are a healthy balance to the power of employers to fire at will.
- Unions yield stability by providing an effective grievance procedure for employee complaints.

CONFIDENTIALITY

- Keeping confidences is one of the most central and widely acknowledged duties of any professional.
- What is meant by the term "confidential information" and how can we identify what data should be kept confidential?

- Confidential information is information deemed desirable to keep secret.
- "Keep secret" is a relational expression.
- It always makes sense to ask," Secret with respect to whom?"
- Engineers and other employees are usually expected to withhold information labeled "confidential" from unauthorized people both inside and outside the organization.

- What are the criteria for identifying what information is "labeled" confidential at the workplace?
- One criterion is suggested in the code of ethics of the ABET:
- "Engineers shall treat information coming to them in the course of their assignments as confidential".

- **Related Terms:** Privileged information is an expression often used as a synonym for “confidential information.”
- Proprietary information is information that a company owns or is the proprietor of.
- A rough synonym for “proprietary information” is “trade secrets.”
- Patents differ from trade secrets.

Justification and Limits

- What moral basis does the confidentiality obligation rest, with its wide scope and obvious importance?
- Why are employers allowed to determine what information is to be treated as confidential?
- And what are the moral limits or restrictions on the confidentiality obligations of employees?

The obligation of confidentiality can be justified at two levels.

- **The first level is to appeal to three ordinary moral considerations: respect for autonomy, respect for promises, and regard for public well-being.**
- **The second level of justification of the confidentiality obligation is to appeal directly to the major ethical theories: Rights ethicists, duty ethicists, and rule-utilitarianism**

Changing Jobs

- The obligation to protect confidential information does not cease when employees change jobs.
- Many engineers value professional advancement more than long-term ties with any one company and so change jobs frequently.
- Engineers in research and development are especially likely to have high rates of turnover.

Management Policies

- What might be done to recognize the legitimate personal interests and rights of engineers and other employees while also recognizing the rights of the employers in this area?
- And how can obligations to maintain confidences of former employers are properly balanced against obligations to faithfully serve the interests of new employers?

- In this complicated area, some general management policies are being explored.
- One approach is to use employment contracts that place special restrictions on future employment.
- Other tactics aside from employment contract provisions have been attempted by various companies.

CONFLICTS OF INTEREST

- Professional conflicts of interest are situations where professionals have an interest which if pursued might keep them from meeting their obligations to their employers or clients.
- Sometimes it is as a consultant for a competitor's company, other times it is a more personal interest.

Impairment of Judgment and Service

- Conflicts of interest threaten good judgment in faithfully serving an employer and client.
- Thus, to refine the definition of conflicts of interest by saying that they typically arise when two conditions are met:

- **(1) the professional is in relationship or role that requires exercising good judgment on behalf of the interests of an employer and client, and**
- **(2) the professional has some additional or side interest that could threaten good judgment in serving the interests of the employer or client**

Gifts and Bribes

- Companies give gift to selected employees of government agencies or partners' in trade.
- Many such gifts are unobjectionable, some are intended as bribes, and still others create conflicts of interest, strictly speaking, involve bribes.
- What are the differences?

- 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.
- Bribes are made in secret.
- Bribes are illegal or immoral.

Interests in Other Companies

- Some conflicts of interest consist in having an interest in a competitor's or a subcontractor's business.
- One blatant example is actually working for the competitor or subcontractor as an employee or consultant.
- Another example is partial ownership or substantial stockholdings in the competitor's business.

- Does holding a few shares of stock in a company one has occasional dealings with constitute a conflict of interest?
- Usually not, but as the number of shares of stock increases the issue becomes blurry.
- Again, is there a conflict of interest if one's spouse works for a subcontractor to one's company?
- Usually not.

Insider Information

- An especially sensitive conflict of interest consists in using "inside" information to gain an advantage or set up a business opportunity for oneself, one's family, or one's friends.
- The information might concern one's own company or another company with which one does business.

Moral Status

Why conflicts of interest are prohibited?

- The professional obligation to employers is very important in that it overrides in the vast majority of cases any appeal to self-interest on the job
- The professional obligation to employers is easily threatened by self-interest in a way that warrants especially strong safeguards to ensure that it is fulfilled by employees.

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."

- Industrial Espionage
- Price Fixing
- Endangering Lives
- The cases are offered as further exploration of the central themes: professionalism, loyalty, conflicts of interest, and confidentiality.

- Employers who expose their employees to safety hazards usually escape criminal penalties.
- It is motivated by personal greed, corporate ambition, misguided company loyalty, and many other motives.