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FEATURE

Business Ethics and Human Resources

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Abstract – Business ethics has not always been understood in business circles. Indeed, it is sometimes perceived as being contrary to the spirit of business. This paper attempts to define business ethics and show its importance in the business setting, specifically in regards to human capital. Because business ethics is applied ethics, the paper does not deal with any philosophical study of ethics. Rather, it explores the factors that contribute to the development of an ethical (or unethical) environment within the organization and how to manage those factors in order to ensure that the organization becomes an example of integrity.

The news hits the headlines of local and international magazines all too often. A well-known firm had seen its reputation sullied–and profits diminished–because of some unethical action. From major law suits to petty thefts, many organizations suffer financial loss because of unethical and fraudulent actions. While ethical conduct is generally expected from employees and their managers, the understanding of what actually constitutes ethical (or unethical) conduct is often lacking. Most businesses do not concern themselves with ethics. Not that they would qualify themselves as unethical, but they would rather pursue profits and ignore ethics. After all, isn't the motive of businesses to make a profit? It is much easier to deal with net income, dividends, and debt-equity ratios than try to solve ethical dilemmas. Further, the firm's performance is still considered in terms of financial analysis by the shareholders.

Yet the reaction of the general public towards unethical moves proves another reality. Individuals in the community do not remember a firm's past financial success or its dividends lavishly distributed once it is known that the organization went astray on ethical grounds. The ethical standard of the firm comes under scrutiny. Trust, which is the base of customer loyalty and a pillar of a firm's competitive edge, is earned when a firm is honest in all its transactions. All things being equal, customers would rather deal with an honest firm than a dishonest one (Le Clair, Ferrel, & Fraedrich, 1998). While individuals do not usually discuss their ethical standards, in general, people and organizations do care about ethics as an end in itself.

Definition

The term “ethics” is not always clearly understood except that it is related to morality. According to Trevino and Nelson (1995), “ethics are the principles, norms, and standards of conduct governing an individual or group” (p. 12). Ethics investigates morality (Buchholz & Rosenthal, 1998; Velasquez, 2002). The nature of “right” or “wrong” has to do with the potential of benefitting or harming oneself or other human beings. But it goes beyond that first concern. It encompasses the potential harm done to the physical and social environment, inasmuch as this harm will sooner or later lead to the deterioration of living conditions for human beings.

People start gaining insights of moral standards from childhood within the circle of their own families and social environment. As individuals mature, these standards are confirmed and/or revised. The study of ethics allows us to determine which moral standards are correct and which are wrong, and challenges us to act according to our conclusion. Business ethics is the process of rationally evaluating our moral standards and applying them to business situations (Velasquez, 2002).

Ethics and Business Settings

Businesses are the primary economic institutions of our world. Entrepreneurs decide what goods and services to produce based on consumers’ demand and distribute those goods and services to the end users. Thus, businesses provide a system through which individuals can satisfy their needs and wants. As new theories and technologies are developed in an effort to deliver the goods and services in a better way, the system becomes complex. Organizational structures undergo changes in order to allow the entrepreneurs to reach their objectives more effectively. At the core of these activities and concept development, the presence of individuals plays a crucial role. Internally, the management team and employees, externally, the consumers and suppliers of resources and the public in general, are the reasons why the economic institutions started to begin with.

The presence of individuals makes it imperative for businesses to include ethical consideration as part of their culture. Yet, for many individuals the concept of morality and ethics staying side by side in a business setting is inconceivable. They believe that the pursuit of wealth should exclude any consideration of environmental health, worker safety, or the interest of consumers (Hosmer, 1991). This belief was especially prevalent during the decades of the industrial revolution from around 1750 until the first part of the 20^{th} century. The result has been a one-sided concentration on profit at the expense of the individuals who were contributing to that profit and at the expense of the environment at large (Shied, 1997). Later the situation changed. It had to, because otherwise industrialization, which was supposed to bring prosperity and progress, was doomed to end (Nash, 1993; Mintzberg, 1989). The managers and scientists in leadership sensed that something was amiss. At about the same time, social movements started to emerge to improve the lot of workers. Eventually, the human element was given its proper place in the system. For it to retain that place, ethical standards were set. Indeed, we are told, we have an obligation to be concerned with ethics because we are people (Trevino & Nelson, 1995).

Human Resources and Ethics

Normally a firm deals with people who are on the outside and on the inside. The external group consists of shareholders, customers, suppliers, competitors, and the public in general. The employees constitute the internal group with which the organization deals on a regular basis. Employees are hired and trained to fit into the organization's system in order to reach the firm's objectives. The employees' everyday experiences with the firm affect the way they work, influence their level of satisfaction with their work, and bring a certain degree of security or uncertainty to their lives outside the firm. Recent decades of technological advances, efficiency theories, zero defect concepts, and decentralization have brought a sense of accomplishment to some employees. For other employees, though, the changes have brought a sense of frustration. Still worse, others have seen their net personal savings diminished and their sense of self-worth destroyed. Some of the problems that have surfaced are boredom for the blue-collar workers with repetitive jobs, heavier and heavier responsibilities for managers who are left behind after major downsizing measures, pressures felt by superiors and subordinates, health problems related to unsafe working conditions, conflict of interest, and invasion of privacy (Hill, 1997).

Basic ethical responsibilities in the area of human resources focus on two major reciprocal obligations: those of the employee toward the employer and organization, and those of the employer towards the employee. The obligations differ for each party and are spelled out in a contract. However, a contract cannot possibly cover all the situations that may be encountered by employees and employers. There needs to be more than a legal contract to bind the two parties. A contract states the legal rights of both parties, but its existence does not necessarily mean that the ethical rights of either party will be respected (Pfeiffer & Forsberg, 1993). These ethical rights come from ethical principles which ought to be in the "other unseen contract" that binds employee and employer. This contract is spelled out in various forms in many organizations: mission statements, codes of ethics, and codes of conduct. Their very existence is intended to create an environment where performance counts, where expectations are understood and met, where prejudices and biases are reduced to a minimum to allow the individual to reach the highest level of development (Trevino & Nelson, 1995).

Management of Ethical Issues

As the general public reads the news, even those who are not experts seem to be able to easily identify-and judge-unethical practices in the workplace. Still, the same stories with different scenarios are repeated over and over again. It seems that there is a difference when the issue actually comes up on the factory floor and when it appears in writing in the newspaper. Often, although mission statements declare the good intention of the firms, the gap between what is promised and what is accomplished is real and large. In order to analyze this problem and come up with an understanding of the situation, Le Clair, Ferrel, and Fraedrich (1998) designed a model and drew some interesting conclusions. Their model is chosen because it is simple to understand but has profound implications. Other studies have been done on the same subject and all point to those same factors as major determinants to understanding and managing integrity in the workplace.

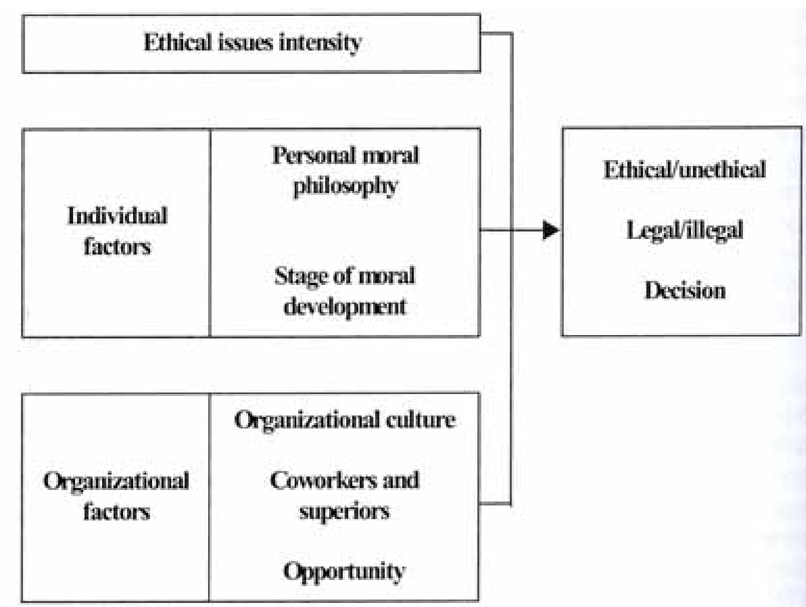

Figure 1. Model for understanding ethical decision making in the workplace ethical
issues intensity.
Source: *Integrity Management* by LeClair, Ferrel, and Fraedrich (1998, p. 33)

The intensity of an ethical issue implies the degree of its importance in the eyes of the decision-makers within the firm. Some issues are relevant to some firms and irrelevant to others. Clearly, a hospital setting will have more ethical issues than a small downtown supermarket. The management of the firm is responsible to ensure that the managers are unified in their perception of issue intensity. Whenever there is a diverse opinion on what is important and what is not among managers, employees get confused. Further, employees need to receive communication about any matter of relative importance concerning ethical issues. The more this information is communicated, the less employees will be tempted to act unethically concerning the issue (Le Clair, Ferrel, & Fraedrich, 1998).

Individual Factors

All employees have their own principles of right or wrong and tend to act according to these principles in the absence of external pressures. These moral standards tend to undergo changes as time passes and as the person matures. An organization that has a workforce composed of individuals with good moral standards and integrity has a real asset.

A number of instruments have been designed to assess the individual's level of moral maturity. At the lowest level of moral maturity, the individual acts ethically for fear of being punished. The next level is an exchange motivation, where the individual calculates how much he or she can benefit and acts accordingly. A step higher would involve trying to avoid the superiors' displeasure by meeting their expectations. The fourth level of maturity is to act according to the hierarchic and legal authority setting. The fifth level is to act in the interest of the future of the organization even if it is sometimes at the expense of personal interests. The individual reaches the highest level of moral development when he/she acts ethically because it is right to do so (Petrick & Quinn, 1997). In this stage, the individual obeys principles that are broader than the principles established in the organization. Nash (1993) states that "personal morality and the ethical norms of commerce are inextricably linked" (p. 48).

Yet, the firm cannot rely on the individual's moral standards at the time of hiring to guarantee that he/she will act ethically on the job all the time. Situations may occur which the person has never encountered outside of the workplace and therefore would be unable to face unless trained to do so. In some cases, good character and moral conduct are not enough to guide decision making. Often values are conflicting and specific on-the-job skills and knowledge are required in order to settle the matter (Trevino & Nelson, 1995). Training, exposure, and experience on the job in the area of ethical decision making are important factors that need to be added to the employee's individual moral standards.

In order to apply business ethics, some absolute principles are needed that would create dependability. These principles would consider all the stakeholders of the firm. They should be a reflection of the firm's mission statement.

As a step further, in order to apply these principles to the actual life of the organization, some firms have designed a written code of conduct about the operations of the firm. The manner in which the code is written and organized will determine whether employees will use it as a reference or not. If misunderstood, the code can be a mere list of dos and don'ts or the firm's reaction to accidents with legal claims that happened in the past. Such a document is not relevant to the present of the organization, and certainly not to its future (Hall, 1993).

A code of conduct may be ineffective because of three main factors. First, the code of conduct is often written by a group of executives and addressed to the other members of the workforce. These executives hardly have an idea of the nature of ethical conflicts happening elsewhere in the firm. Hence the code cannot be easily applied as it should, because of lack of participation when it was designed. Part of the participation process is to disclose *why* one is doing what is enforced by the rule (Newton, 1998). A second factor that hinders the usefulness of a code is that the code is written by officers who themselves are not bound by it. The result is that the other employees do not follow the code because there is no role model. It is imperative that those writing the code comply with it themselves for others to emulate them (Newton, 1998). The third factor that can indirectly rob a code of its usefulness is the variety of codes that exist. The business world encompasses many professional groups: medical, engineering, accounting, legal (attorneys and lawyers), to name a few. Each one of these groups has distinct obligations. None of these groups can claim to deal with all aspects of the total business environment. The code of ethics of one professional group cannot be used to sanction the actions of another. Designing a business code, therefore, is a formidable task with potential risk of trial and errors.

Critical Issues Concerning the Obligations of Employees

The main obligation of employees is to obey superiors and pursue the firm's goals, as long as this does not impinge on their own moral standards (De George, 1995). Employees should carefully avoid any activity that would prevent them from reaching the firm's goals. There are many ways in which employees might not follow business ethics and allow themselves to act contrary to the interests of the firm. The most common ways are stealing company property (including time), acting on a conflict of interest at the expense of the firm, or insider trading.

Some thefts are easy to detect and classify as unethical. Petty thefts, manipulation of expense accounts, loafing on the job, and embezzlement belong to this category. Employees are expected to be on duty when they should and use their time at work for the job. Other thefts are more complex in nature and do not lend themselves so easily to analysis. The use of computers has opened the way to misuse of data and appropriation of trade secrets that rightfully belong to the organization, but are used by employees without formal authorization. Just as an individual has a right to privacy, a firm also has a right to its "privacy" when it comes to production processes, trade secrets and decision-making discussions. Ethics requires that this privacy be respected.

Conflict of interest in the business context occurs when a person acts in a way that is to his/her advantage at the expense of the employing organization. At the time of hiring, when an employee agrees to the terms of a contract, there is also an implicit agreement that the employee will not sacrifice the interests of the organization for his or her personal interest (Shaw, 1999). Conflict of interest violates the principles of impartiality. The "interest" may be financial or not.

Two common factors that create conflict of interest are commercial bribes and gifts. A commercial bribe can be in the form of money, tangible goods, or services. An employee receives something from a person outside the firm with the understanding that when there is a transaction between that person or the firm he or she represents and the employee's firm, the employee will intervene in favor of that person or firm. Commercial extortion occurs when an employee demands consideration from a person outside the firm as a condition to intervene in favor of the firm when a transaction occurs. Such a consideration affects the judgment of the employee and prevents him/her from acting objectively in the transaction. In either case, the employee's firm is the loser.

Accepting a gift is unethical if it acts as a bribe or extortion in that it influences the impartial judgment of the employee (Donaldson & Dunfee, 1999). The value of the gift, its purpose, the circumstances surrounding the actual presentation of the gift, the accepted business practice in the region, and the company policy regarding gifts should all be taken into consideration when evaluating whether or not ethical issues are involved.

Insider trading is the act of buying or selling a firm's stock on the basis of leaked confidential information that is not yet public but would significantly affect the price of the stocks when it is known. For example, an insider buys a firm's stocks at a lower price because he/she knows that the value of the stocks will increase at a later date. Insider trading is illegal and unethical, similar to theft. The insider trader "steals" the information that is not yet public and acts upon it at the expense of those stockholders who are still ignorant of what is happening (Hill 1997). Further, the presence of inside traders tends to create a spirit of distrust and encourages entrepreneurs to leave the stock market. The result is a reduction in the size of the market, causing the market mechanism to not operate as it should.

Organizational Factors

Organizational factors play an important role in decisions about ethics. Often ethical and legal choices are made within committees, group meetings, or at least discussed with colleagues. Each of these situations can change an individual's mindset. In particular, corporate identity, the influence of supervisors and coworkers all have a strong influence on an employee's perception and purpose. On one hand, strong corporate image and identity provide a source of motivation for the employee/manager to do his/her very best. On the other hand, that same source of motivation can bring managers to think only of the firm's financial interest at the expense of private conscience and human consideration.

Individuals do not truly know how to behave in ambiguous circumstances in which they suspect an ethical dilemma. Rather, "they look outside themselves for cues about how to behave, particularly when the circumstances are ambiguous or unclear as they are in many ethical dilemma situations" (Trevino & Nelson, 1995, p. 9). Here organizational culture is useful. Elements such as norms, reward systems, communication systems, dress codes, and language codes provide cues as to what the company expects its employees to become. These elements are encrusted within the fabric of the organizations. They have existed and evolved during the life of the organization and have an enormous potential for good or evil. Nielsen (1996) speaks of this:

> There can be shared organization traditions with embedded biases that discourage ethical and/or encourage unethical behavior.... There can be biases against behaviors that are important for ethics, such as open and protected dialog about sensitive issues, including ethics issues. There can be strong punishment-based compliance systems that reward and teach unquestioning obedience more than concern for ethics. There can be organizational history of top management tolerating or encouraging unethical or illegal behavior (p. 27).

The human relations movement helped to rediscover a fact that has always played an important role in the sphere of human existence: the power and influence of peers. Individuals shape their moral standards and revise them as they interact with others. In the workplace, specifically, this shaping takes place on a continuous basis as workers interact with each other and with their superiors. Coworkers create the social network that forms a secondary, informal source of power. Petrick and Quinn (1997) state that within a team persons possess the ability to motivate each other, influence each other, and resist unwanted influence from outside. It is, therefore, important for the organization that each worker within its teams bring a positive influence to the group. While is not easy to detect the ethical standards of future employees, the hiring process is an important step in preventing future unethical problems.

An employee deals with coworkers as well as managers or supervisors. Supervisors are automatically role models, whether they like it or not. They can be either good or bad role models. “Being a role model involves more than simply doing the right thing. It also involves helping your employees do the right thing. A role model inspires employees, helps them define gray areas, and respects their concerns” (Trevino & Nelson, 1995, p.129).

The influences coming from individuals (coworkers and managers) and the culture of the organization, create conditions that either encourage or discourage misconduct. This opportunity variable affects the immediate job context of the worker (Le Clair, Ferrel, & Fraedrich, 1998). Unethical actions are encouraged when there is a lack of standards regarding what is reprehensible or not. Further, the existence of compensation, promotion, and termination systems create a motivation base for employees. They are motivated by the pay, the promotion opportunities, or other kinds of recognition. They soon learn how to behave based on the existing rewards or punishments. The organization consciously or unconsciously reinforces the behavior that it rewards. For example, a treasurer who covers up some murky transactions and gets a reward for it will most likely continue this behavior. Formal codes of conduct can prevent this type of thing from happening, if the codes are enforced as they should be (Petrick & Quinn, 1997).

Ethical Issues Concerning Employers’ Obligations

The employer’s main obligation towards the employee is to provide a fair wage and good working conditions. Wages take care of the basic economic needs of workers. They provide purchasing power to employees but constitute a major cost of production for the employers. If, on one hand, the wages are too low for the workers, their basic needs cannot be met. On the other hand, if the firm offers extremely high wages, its costs of production will preclude any profits. There is a delicate balance between the employers’ profit motivation and the employees’ economic interest. The issue is far from simple. Several factors can be of help, though, to determine the “right” (or nearly right) amount to be paid for wages and salaries: the industry rate, the cost of living in the region, the legal requirements, the nature of the job, or the capacity of the firm to pay what is being asked.

Working conditions should also be considered when talking about the firm’s obligations towards employees. Certain jobs are relatively safe from accidents and occupational diseases; others have a high level of risk. The employer should be aware of such risks and should inform potential employees about them. The employee needs to freely choose to engage in such activities. The employer should provide ways of protecting the worker as much as possible. Further, the employer has an obligation to offer higher compensation for the risk taken on the job. Inasmuch as the employer has provided clear information, provided safety devices, offered added compensation for the risk taken, that employer is said to have acted ethically. The employee, on the other hand, should heed the information provided and take the safeguards made available, in order to avoid unnecessary problems (Guy, 1990).

Working conditions may also refer to the influence of power in the organization. An employee's behavior could be influenced, not so much by objective organizational goals but by the subjective influence of the authority, the source behind information that could sway an employee towards an ethical or unethical action. The source may be formal or informal authority. In the light of this reality, ethical issues surface that focus on the acquisition and exercise of power within the organization. More directly, the following questions may be asked: "(a) What are the moral limits to the power managers acquire and exercise over their subordinates? (b) What are the moral limitations to the power employees acquire and exercise on each other?" (Velasquez, 2002, p. 465). Although employees are under contract morally and legally to achieve the goals of the organization, human resource is different from capital resource as a factor of production. The capital resource is there solely for the firm and because of the firm. The life of employees goes beyond the boundary of the firm. They are unique, with their own character and idiosyncrasies (which may not necessarily show when they are at work), and have a social life with family and friends, as well as a religious life. As long as these do not hinder the firm's smooth operations and allow workers to fulfill their responsibilities as workers, employees have a "right" to their private life, that which they are not willing to disclose. Yet that "right" tends to be overridden by other rights that often tend to protect not only one person but many individuals (De George, 1995; Hill, 1997).

An individual has no right to take illegal drugs. While it might appear that whatever a person does at home is of no concern to the employer, yet, research in industrial psychology has demonstrated that the performance and productivity of an employee on the job is influenced by his/her private home life. Human wholeness does not allow a person to be totally different and "unrelated" at home and at work, and thus practice dual morality (Hill, 1997). There is always a spillover. And the effect is often "shared" by others. The concern about the majority demands that the "safety of the public outweigh the employee's right to privacy" (De George, 1995, p. 393). In that sense, employers want to know something about the individual in question. With today's modern technology, firms have access to this kind of information and can bypass the authorization of the owner. This may raise ethical issues. "Informed consent, a significant justice concern, requires employers to limit the scope of inquiry and to appropriately handle peripheral information" (Hill, 1997, p.171). A balance needs to be respected between the employee's right to lead a private life and the need for the employer to inquire regarding the person's background.

A further analysis of the fact that human beings are distinctively separate from their employing organization leads to the point that they have distinctive beliefs and convictions of their own. Their moral standard may not be the firm's. No matter the prevailing influence in the firm, an employee may feel the firm is not acting ethically. In that case, the employee may feel a duty to speak out. Hence the practice of whistle blowing. Internal whistle blowing happens when the employee goes to a higher authority within the organization to report an unethical action. If at that level the person is not heard, he/she may have the courage to report to external bodies such as government agencies or newspapers. The right to speak up (or the right to express freedom of conscience) is in conflict with the duty towards the organization. An authority higher than that of the firm compels the worker to act. Yet, whistle blowing is not always morally justified. It is justified only when: (a) there is evidence that the organization has caused harm to other parties; (b) serious attempts to prevent the wrong have failed; (c) it is certain that by whistle blowing the wrong can be prevented; (d) the wrong done is serious enough to justify the cost inflicted on all the parties within the firm and the whistle blower in particular (Velasquez, 2002).

Some consider the right to participate in decision-making processes very important. It is part of the satisfaction derived as an employee working for an organization. It means that some employees feel they should be able to receive accurate information, discuss alternatives, and make suggestions about decisions concerning their work. Recently, the issue has come up forcefully because many firms have had to close down or at least downsize. Firms have the obligation to inform and communicate about major changes that will affect the employee's life. Anything short of this is considered unethical.

Human resource management involves the management of termination. Employees may choose to leave the organization or employers may choose to let them go. The ethical issue comes up in employment at will. Employment at will is contrasted with employment at term. For the first, there is no cessation date for the employee; the employer is thus free to hire or fire an employee for any cause or no cause at all (Fisher, Schoenfeldt, & Shaw, 1990). For the second, the final date of employment is established at the time of hiring. The laws governing employment at will lasted almost two centuries and only recently have some measures been taken to reduce ethical concerns. One measure is the requirement for companies to ensure due process. This ensures that employees are given notice of termination and have time to give a version of their perception of the situation. There are also measures ensuring that the employee be terminated only for reasons considered "just" by the court (Halbert & Ingulli, 1990).

In conclusion, while an individual's personal values and moral standards help him/her make the right decision on an ethical issue, it should be considered that an individual's behavior is not solely the result of that individual's personal ethics. The organization creates an atmosphere that has a powerful influence on individual behavior. The organization's culture, the managers, coworkers, and the work environment provide a base of knowledge for the employee to use when confronted with ethical dilemmas.

Individuals are becoming increasingly convinced of the importance of living in an ethical way. The problem is expressed in questions like: "How did we get there to begin with?" "What went wrong?" The frustration comes from not knowing how to deal with such issues when confronted with them. While all the answers cannot be given to all those questions, attempts such as discussed through this paper have been made to answer some of them. It is hoped that more answers will be found. Most importantly, it is hoped that as answers are found, they will be implemented for the good of society and the well-being of individuals in their work and private spheres.

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