

BUSINESS ETHICS: Moving Beyond Legalism

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Abstract:

Managing human resources effectively has become vital to organizations of the twenty-first century. The heightened levels of global competitiveness have alerted all firms to the fact that all their resources must be utilized well than ever before. Human resource management has received increased attention recently because of the recognition that much more could be gained from a better handling of the field. Consequently academics have begun to devote more attention to the topic

Academics and human resource management professionals together have identified several human resource activities that are critical for organizational survival. Survival is enhanced because of the ability of effective human resource management to attract, retain, motivate and retrain employees. These goals have become particularly important over the past decade because of the rapidly changing environmental forces such as global competition. For human resources to be effective, however, requires that not only do the several human resource activities need to be performed effectively, but also that the human resource departments in organizations need to play several roles and that those in these departments need to have a broader and deeper range of competencies than previously required.

Appraising employee behavior

The performance of employees must be appraised. If they are not doing well it is necessary to diagnose the reasons¹. It may show that employee

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training is necessary or that some type of motivation should be provided, such as more rewards, feedback or a redesigned job. The human resource department cooperating with line managers in gathering performance appraisal information and utilizing performance appraisal information accomplishes all of this often.

Not all employees are 'good' ones. Some may be continually absent, some may be alcoholics or some may be late to work all the time. With the rise of employee rights, the greater concern for social responsibility and the increasing cost of replacing employees, however, some organizations find it preferable to retain employees and improve their performance rather than dismiss them. This means that employees should be told when they are not doing well and offered help to improve themselves. Performance appraisal can be helpful also in identifying training needs and determining employee compensation.

Compensating employee behavior

Employees are generally rewarded on the basis of the value of the job, their personal contributions and their performance. Although providing rewards based on level of performance can increase an employee's motivation to perform, rewards are often given only according to the value of the job. Other rewards (namely, indirect fringe benefits) are provided just for being a member of the organization. The compensating activity includes: (1) administering direct compensation; (2) providing performance-based pay; and (3) administering indirect benefits².

Improving the work environment

Improving the work environment is a crucial activity of human resource management. As domestic and international competition increase, organizations have to improve their competitiveness. This may mean

implementing organization improvement programs: (1) to train employees and provide management development opportunities; (2) to raise the level of product or service quality; (3) to enhance innovation; or (4) to reduce costs. This may also mean redesigning jobs and improving communications with employees. All these programs come under the activity of organization improvement. Making these available to employees can result in higher employee satisfaction and better retention rates. They can also ensure that the firm has the necessary employee competencies and flexibility³.

Establishing and maintaining effective work relationships

This function is composed of the following sets of activities: (1) respecting employee rights; (2) providing a safe and healthy work-place; (3) understanding the reasons and methods used by employees when organizing; and (4) bargaining and settling grievances with employees and the organizations representing them. A crucial activity here is improving the physical and socio-psychological workplace to maximize employee safety and health. Failure to improve conditions for health and safety can be illegal and very costly.

Increasingly, employees are gaining more rights. Consequently, employment decisions such as dismissals, layoffs and demotions must be made with care and evidence provided. It is important that the managers of the organization be aware of all employee rights. The human resource manager is in an excellent position to inform line managers of these rights

This activity is particularly important for organizations that have unions. For example, unions can be instrumental in developing new programs for the improvement of human resources (which result from joint union-management programs)⁴

Professionalism in human resource management

Like any profession, human resource management follows a code of professional ethics. All professions share the code of ethics that human resource management follows. Practitioners must regard the obligation to implement public objectives and to protect the public interest as more important than blind loyalty to an employer's preferences⁵.

In daily practice professionals must understand thoroughly the problems assigned and must undertake whatever study and research are required to ensure continuing competence and the best of professional attention. Practitioners must maintain a high standard of personal honesty and integrity in every phase of daily practice. Professionals must give thoughtful consideration to the personal interest, welfare and dignity of all employees who are affected by their directions, recommendations and actions.

Professionals must make very sure that the organizations that represent them maintain a high regard and respect for the public interest and that they never overlook the importance of the personal interest and dignity of employees.

Moving Beyond Legalism: Business Ethics

Business ethics comprises principles and standards that guide behavior in the world of business. A specific behavior is ethical or unethical is often determined by stakeholders: investors, customers, community, employees, and legal system⁶.

Ethics involves moral issues and choices and deals with right and wrong behavior. Only recently ethics has been fully integrated into study of organizational behavior. It is now realized that not only individuals

and groups but also a number of relevant factors from the cultural, organizational, and external environment determine ethical behavior⁷.

Cultural influences on ethical behavior come from family, friends, neighbors, education, religion, and media. Organizational influences come from ethical codes, role models, policies and practices, reward and punishment systems. The external forces having an impact on ethical behavior include political, legal, economic, national and international developments. These factors often work interdependently in shaping the ethical behavior of individual, groups in organizations⁸.

Ethics, which is a set of moral principles, should play a very significant role in guiding the conduct of managers and employees in the operation of any enterprise. Although there are those who would say that any action that optimizes profit and that conforms to the established laws of the land is justified, such a standard is clearly insufficient. The traditional “ethics of the market place” are no longer adequate in our society, if indeed they ever were⁹.

Ethics is concerned with what is right and what is wrong in human behavior. It is normative and prescriptive, not neutral. It addresses the question of what ought to be. Ethics refers both to the body of moral principles governing a particular society (or groups) and to the personal moral precepts of an individual.

A guide to the ethical conduct is the codes and standards formulated by particular organizations, professions, fraternal groups, and business groups. One major source has been the doctrines—primarily religious and political, country laws, the bill of rights, the constitution, values and norms of the society, religious teachings, customs and traditions¹⁰.

Some moralist subscribe to the utilitarian reference in determining what is wrong and what is right. They hold that a proposed course of action should be judged from the standpoint of the greatest good for the greatest number of people. From this point of view there are no absolute standards and each issue must be judged by assessing its impact on all affected parties¹¹.

There is a considerable disagreement over what is and what is not an ethical conduct. For example, ethics vary from society to society. To take bribery, although repugnant in most societies, is an accepted and even necessary aspect of business behavior in many parts of the world. Thus, ethical principles are the standards of behavior generally accepted by a society. Note that ethics goes beyond laws, which establish the minimum rules a society agrees to follow. Thus, it is possible to behave legally but still be unethical¹².

We see frequent discussions on ethical issues in articles in management journals. One wonders whether the general level of morality and ethical behavior is rising or declining among personnel in our organizations-public or private- measurement is difficult in this area but various observers have offered qualitative evaluations. Clarence Walton¹³ is of the opinion that personal morality in America is declining yet the level of moral performance of institutions is rising. He attributes the improvement in organizational morality to the internally enforced standards and controls of the formal organization upon the individual members. In other words the bureaucracy has been a positive force for righteous conduct¹⁴.

Ethical issues are problems or situations, or opportunities requiring an individual to choose among actions that may be evaluated as right or wrong, ethical or unethical. Ethical issues arise because of

conflict among personal/ organizational values, societal values, and behavior of the supervisor/senior management, internal drive to succeed, performance pressure, threat of punishment, opinions of friends and co-workers.

History of Business Ethics:

Before 1960 theological discussions emerged in catholic social ethics. These discussions included a concern for morality in business, worker's rights and living wages. Protestants developed ethics courses in their seminaries and schools of theology. They also encouraged frugality and hard work as a model of descent living.

In 1960 social consciousness emerged. JKF's consumer's Bill of Rights ushered in new era of consumerism, i.e. right to safety, to be informed, to choose, and to be heard. Consumer protection groups fought for consumer protection legislation.

In 1970s business professors began to write about social responsibility. Philosophers became involved in business ethics and business magnates became more concerned with their public image and addressed ethical issues more directly. Conferences were held and centers were developed to resolve ethical issues: bribery, deceptive advertising, price collusion, product safety, and the environment safety, safety and health of the worker as well as individual satisfaction and performance.

In 1980s, membership in business ethics organizations increased. Ethics centers provided publications, courses, conferences and seminars. Business firms established ethics committees.

In 1990s, institutionalization of business ethics started. Guidelines for the organizations set the tone for ethical compliance and they took actions against misconduct. Those guidelines were the

standards and procedures capable of detecting and preventing misconduct, high level oversight, care in delegation of authority, effective communication (training), systems to monitor, audit and report misconduct, consistent enforcement, continuous improvement.

Today, force of business ethics has moved from legally based ethical initiatives to culturally or integrity based programs and realized that business ethics programs are good for business and businesses are working more closely together, globally, to establish standards of acceptable behavior.

Ethical issues in Centralized organization

In centralized organizations, decision-making authority is concentrated in the hands of top management and very little authority is delegated to lower levels. Centralized organizations stress formal rules, policies and procedures supported with systematic control system, codes of ethics may specify the techniques for decision makers. These organizations tend to be very bureaucratic and the division of labor is well defined. Ethical issues that may arise in centralized organizations are as follows:

- Blame shifting or ‘scapegoating’—transferring blame for one’s own actions to others
- Specialization limits the ability of the individual to understand how one’s own actions affect the overall organization
- Top-level managers may not be aware of problems because of minimal upward communication.

Ethical issues in Decentralized organization

In decentralized organizations, decision-making authority is delegated as far down the chain of command as possible. Each structure has a unique influence on decision-making and ethical behavior. Decentralized

organizations have few formal rules, and coordination and control are usually informal and personal. They are adaptable and well aware of external change. Managers can react quickly to changes in the external and internal environment. Ethical issues that may arise in decentralized organizations are as follows:

- Difficulty in responding quickly to changes in policy and procedures established by top management
- Employees have extensive decision-making authority

Monitoring, and enforcing ethical standards in centralized /Decentralized organizations

If a company has determined that its ethical performance has not been satisfactory, management may want to recognize the way ethical decisions are made. A decentralized organization may be centralized so that top-level managers can ensure that ethical decisions are made. A centralized organization may be decentralized so that lower level managers can play their active role in decision making process.

Bad apple-bad barrel theory

Bad apple notion that blames for unethical behavior rests with a few unsavory individuals (difficult for organizations to influence ethical decision making). Bad barrel views that people are not inherently ethical or unethical, but are influenced by corporate culture surrounding them (more organizational control.)

The role of corporate culture in ethical decision-making

Corporate Culture may be explicit statements of values, beliefs, and customs coming from upper management in the form of memos, codes, handbooks, manuals, forms, and ceremonies. Corporate Culture may be

expressed informally through direct and indirect comments that convey management's wishes, dress codes, promotions, legends, and extracurricular activities. Top management provides what a corporate culture should be. Organizational ethical decisions have a strong impact on corporate culture. A failure to monitor and manage corporate culture may lead to questionable behavior. Rewards and punishments need to be consistent with Corporate Culture¹⁵.

Corporate Culture gives members of an organization meaning and provides them with rules for behaving within the organization. A company's history and unwritten rules are a part of its culture. Some cultures are so strong that they dictate the character of the entire organization to outsiders.

Role of leadership

A leader must respect followers and provide a standard of a role model. Leadership style influences how employees act, and affect ethical behavior. Managers can use rewards and punishments to encourage employees in behaviors that support the organization's goals.

Role of motivation

Motivation offers incentives to encourage employee's to work towards organizational goals. Career stage, age, organization size, and geographical location influence needs¹⁶. Maslow's need hierarchy theory specifies that there are five human needs that are arranged so that lower-level, more basic needs must be satisfied before higher-level needs become activated and suggests that an individual's hierarchy of needs may influence motivation and ethical behavior.¹⁷ According to Adam's Equity theory an employee can be motivated by equitable payment to behave ethically and achieve organizational goals.¹⁸ Equitable payment

is the state in which one person's outcomes/ input ratio is equivalent to that of another, comparison person and avoiding overpayment inequity and under payment inequity.¹⁹ Overpayment inequity is the condition, resulting in feelings of guilt, in which the ratio of one's outcomes to one's inputs is more than the corresponding ratio of another person. Under payment inequity is the condition, resulting in feelings of anger, in which the ratio of one's outcomes to one's inputs is less than the corresponding ratio of another person. Alderfer's ERG theory²⁰ asserts that there are three basic human needs: existence, relatedness, and growth. Alderfer postulates that any need may be activated at any time and satisfying these needs is an important part of motivating behavior on the job and behaving ethically²¹.

Role of power

Exerting power is one way to influence ethical behavior. Reward power, coercive power, legitimate power, expert power, referent power, possessed by managers can force the employees to behave ethically.

Ethical compliance Audit

Ethical compliance Audit is a systematic evaluation of an organization's ethics program and / or performance to determine its effectiveness. ECA can help in establishing codes and programs, should provide a systematic and objective approach to surveying the ethical condition of the organization, and may be more effective if performed by an external entity (organizations should participate in the development of their ethics audit instrument.)

Codes of ethics

Codes of ethics are formal statements of what an organization expects in the way of ethical behavior. Codes of ethics will not solve every dilemma. Codes of ethics provide rules and guidelines. A code of ethics reflects senior management's desire for compliance with values, rules and policies in support of an ethical climate. Codes of ethics should be specific enough to be reasonably capable of preventing misconduct.

There are six main steps to implement a code of ethics

1. Distribute the code comprehensively: employees, subsidiaries, and associated companies
2. Assist in interpretation and understanding
3. Specify management's role in implementation
4. Make employees responsible for understanding
5. Establish grievance procedures
6. Provide a conclusion or closing statement

Effective communication of ethical standards provides guidance for ethical behaviour or activities that integrate the functional areas of business. It helps employees to identify ethical issues and guides them as how to address them and resolve them. It can help reduce criminal, civil, and administrative consequences including: fines, penalties, judgments, etc.

Training programs in ethics should reflect organizational size, culture, values, management style, and employee base, improve employees understanding of ethical issues, influence the organizational culture, significant others, and opportunity in the ethical decision making process, overall, provide for recognition of ethical issues, understanding of culture and values, and influence ethical decision making²².

Ethical issues in human resource organizations

Increasingly, human resource professionals are becoming involved in more ethical issues. Some of the most serious issues involve differences in the way people are treated based on favoritism or discrimination by the top management. In a recent survey, conducted by the US-based Society for Human Resource Management (SHRM) and the Commerce Case Clearing House (CCCH), human resource professionals identified more than forty ethical incidents, events and situations relevant to human resource activities²³. The 15 'most serious' ethical issues reported by human resource managers are listed below:

1. Employment, training or promotion based on favoritism (friendships or relatives)
2. Allowing differences in pay, discipline, promotion, etc. due to friendships with top management
3. Sexual harassment
4. Gender discrimination in promotion
5. Gender discrimination in compensation
6. Gender discrimination in recruitment or employment
7. Enforcement discipline for personnel inconsistently
8. Not maintaining confidentiality
9. Non-performance factors used in appraisals
10. Bribery
11. Arrangements with consulting agencies (personal gain)
12. False advertising
13. Exaggerated claims
14. Lying
15. Plagiarism

Causes of unethical behavior

- Meeting overly aggressive financial or business objectives
- Meeting schedule pressures
- Helping the organization to survive
- Rationalizing that others do it
- Resisting competitive threats
- Saving jobs
- Personal values
- Attitudes and behavior of supervisor and senior management
- Internal drive to succeed
- Performance pressures
- No threats of punishment
- Friends and co-workers influences

Why not report organizational misconduct?

- Afraid of not being considered as a team player
- Did not believe corrective action would be taken
- Fear retaliation from management
- No one cares for ethical norms why should I?
- Fear lack of confidentiality

Conclusions

Business ethics comprises principles and standards that guide behavior in the world of business. Whether a specific behavior is ethical or unethical is often determined by stakeholders: investors, customers, community, employees, and legal system. More and more we see discussions of ethical issues in articles in management journals. One wonders whether the general level of morality and ethical behavior is rising or declining

among personnel in our organizations-public or private- measurement is difficult in this area but various observers have offered qualitative evaluations. Corporate Culture gives members of an organization meaning and provides them with rules for behaving within the organization. A leader must respect followers and provide a standard of ethical conduct. Leadership style influences how employees act, and affect ethical behavior. Exerting power is one way to influence ethical behavior. Ethical compliance Audit can help in establishing codes and programs should provide a systematic and objective approach to surveying the ethical condition of the organization. Codes of ethics should be specific enough to be reasonably capable of preventing misconduct. Effective communication of ethical standards provides guidance for ethical standards and activities that integrate the functional areas of business. It can help reduce criminal, civil, and administrative consequences including: fines, penalties, and judgments, etc. Causes of unethical behavior were found to be meeting overly aggressive financial or business objectives, meeting schedule pressures, helping the organization to survive, rationalizing that others do it, resisting competitive threats, saving jobs, personal values, attitudes and behavior of supervisor and senior management, internal drive to succeed, performance pressures, no threats of punishment, friends and co-workers influences. Why not people report organizational misconduct? The answers to this question were that they are afraid of not being considered as a team player, they did not believe corrective action would be taken, they fear retaliation from management, no one cares for ethical norms why should I and fear lack of confidentiality. As a result the organization begins to deteriorate.

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