

Safety Ethics: Who Comes First, the Employer or the Employees?

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Introduction

Perhaps every safety professional has been confronted at one time or another as to his allegiance, the employer or the employee. The thought process might have gone like this: My employer hired me and expects my support in their safety decisions even if, in my opinion, it may be ethically wrong. Or, I know that OSHA's regulations require a different path be taken to protect the employee in the workplace whether it involves a process, procedure or utilizing the proper safety equipment. Do I shut an unsafe job down and cause havoc to a scheduled project or walk away to avoid a confrontation?

What's the best approach for the safety professional to take? Say nothing and go with the flow to protect their job? Confront management and fall out of favor for not being a team player? Or take extreme measures and become a whistle-blower and sue the company for unsafe practices? This presentation will look at these challenges and discuss the options available for a win-win solution. Audience participation and feedback will be used to share ideas to take back and utilize at the local level.

Today, more than ever, the issue of safety ethics has been the main topic in the media from the White House to the board rooms of many multinational corporations. President Obama showed his outrage specifically about the lack of safety procedures with the BP environmental oil disaster in the Gulf to the coal mining disasters in West Virginia. Both incidents caused the loss of many employee lives. Was greed a factor to keep production going and keep profits up?

Greed was a factor in so many ethical scandals of very recent history. Wall Street; banks; the housing market; Ponzi schemes, elected political figures in federal, state and local governments such as senators, representatives, council members, and mayors, and we also saw it happen to well-known religious leaders. We have lost trust in those we have held in high esteem, and one wonders if this has had a "trickle down" effect on all levels of society. If those we trust have lost their value system, then what about society overall. Is it now OK to cheat and steal without thinking of the consequences? There are no more heroes to look up to anymore, and the vast majority of people are turning back to basic moral principles and ethical codes.

What is ethics? Or ethical code?

1. The discipline dealing with what is good and bad and with moral duty and obligation
2. A set of moral principles or values
3. A theory or system of moral values
4. The principles of conduct governing an individual or a group

Let's take a look at the codes of ethics in the business world:

1. **Corporate or Business Ethics**—a code of ethics often focuses on social issues. These are general principles about an organization's beliefs on matters such as mission, quality, privacy or the environment. It delineates proper procedures to determine whether a violation of the code of ethics has occurred and, if so, what remedies should be imposed. The effectiveness of such codes of ethics depends on the extent to which management supports them with sanctions and rewards.

2. **Employee Ethics**—a code of conduct is a document designed to influence the behavior of employees. They set out the procedures to be used in specific ethical situations, such as conflicts of interest or the acceptance of gifts, and delineate the procedures to determine whether a violation of the code of ethics occurred, and, if so, what remedies should be imposed. The effectiveness of such codes depends on the extent to which management supports them with sanctions and rewards.

3. **Professional Ethics**—A code of practice is adopted by a profession or by a governmental or non-governmental organization to regulate a profession. A code of practice may be styled as a code of professional responsibility, which will discuss difficult issues and difficult decisions that will often need to be made, and will provide a clear account of what behavior is considered "ethical" or "correct" or "right" in the circumstances. In a membership context, failure to comply with a code of practice can result in expulsion from the professional organization.

Examples of Ethical Codes:

1. The Ten Commandments
2. Uniform Code of Military Justice
3. Ethics of Reciprocity (Golden Rule)
4. Pirate Code of Brethren (even pirates had a code)

Case Studies of Companies and their Disasters

1. **Union Carbide and Bhopal**—the case gives the overview of the Bhopal gas tragedy. On December 3, 1984, more than 3,000 people were killed and over 15,000 injured when the chemical methyl isocyanate (MIC) was inadvertently released from a Union Carbide Chemical Plant in Bhopal, India. The case brings out the ethical issues involved in the disaster.

2. **BP Gulf Oil Spill**—the causes of the disastrous blowout and gas explosion on BP's leased Deepwater Horizon offshore drilling rig in the Gulf of Mexico are a long way from being determined.

3. Upper Big Branch coal mine disaster in West Virginia—29 miners were killed April 5, 2010 in the mine explosion.

Employers' Expectation of Safety

1. Problem Identification: JSA, risk analysis, design review
2. Develop and implement solutions
 - Machines/presses, dangerous materials, environment and sustainability, protective equipment
 - Safety management, safety culture, maintenance planning
3. Training, information, communication
 - Inform, discuss, train, safety campaign
4. Inspect, research
 - Accidents, incidents, statistics, inspections, audits

Employees' Expectation of Safety

1. Keep workers safe with quality supervision and management
2. Provide the tools and processes they need to work safely
3. Involve and empower them in safety decisions
4. Address other related safety and health concerns such as excessive workloads

The above list of expectations shows an ideal safety world that safety professionals strive to accomplish. Most of us can remember that time in our safety careers when we started our very first job or were promoted to a higher position where we had the passion to succeed. Sometimes the challenges were enormous, working with management, unions and employees.

We tried to work with these groups to change the culture so everyone was on the same page to reduce injuries and accidents. It may have taken months to learn the best approaches to make safety a success, and who the movers and shakers were who could back you in your safety endeavors. We would become team players and safety would grow to be an essential part of the organization. We supported management and, in return, they supported our programs as well as the employees. Yet somehow as time progressed, incidents would arise when we might find ourselves challenging the decisions of management based on our knowledge of safety rules and regulations. What is the best approach in handling such dilemmas before they become confrontational and lead to a loss of confidence by management and the employees?

Discussion Questions

How many of you have been in such a confrontation with management on ethical issues? How did you handle it? Was it a losing proposition? Were you better off from the challenge or power play? Did you lose the support of management? The employees? Would you do it again if a similar situation presented itself? Did you find there were options for a win-win solution?

All of us are faced with ethical dilemmas in our daily lives. Few of us have trouble with the "Right vs. Wrong" choices; with some exceptions, we all recognize that killing, stealing, and

lying are wrong, and we have little trouble when faced with choices about committing them. The dilemmas that make up the “Tough Choices” are the “Right vs. Right” dilemmas, in which neither choice is as clearly or widely accepted as wrong. (From: *How Good People Make Tough Choices*).

Usually this is the case when we are dealing with safety issues. Management’s perception is that they are right in meeting production schedules in keeping with the company’s mission to make a product and a profit. Safety may also be right in the procedures in how that may be accomplished. Would this be a situation where the job may have to be shut down if it is a gray area, or definitely if it is a blatant safety hazard? All of us face tough choices: Sometimes we duck them. Sometimes we address them.

What about compromise? Should we look at both sides of the picture and come up with a solution that is pleasing to both sides? At times this may be possible, but it won’t be the answer in most cases when it is a safety issue. Compromise is a tricky subject and compromising on anything never feels completely right or satisfying. And it is always challenging to look at a problem when you are not sure there is any other option. Don’t compromise if it involves giving up something that matters more to you for something that matters less—given a full understanding of your options, alternatives, true costs, and payoff over the long term. In some cases you may have to be willing to put your job on the line all the time. But be sure you always have an exit strategy planned if it comes to this.

Of course there is the worst-case scenario where you may decide that the situation needs to be reported to the proper authorities. Whether or not to blow the whistle on misconduct in an organization is the most difficult decision to make. The stakes are high. Yet many say they could not have lived with themselves if they had stayed silent. The decision is also difficult ethically, because whistle-blowing involves a conflict between two competing duties: to protect the public and to be loyal to an organization. Though there are laws to protect the whistle-blower, the facts show that in the end it might be a career-breaker for the safety professional even if they win the case.

Three Principles for Resolving Dilemmas

1. “Do what’s best for the greatest number of people” (Ends-based thinking).
2. “Follow your highest sense of principle” (Rule-based thinking).
3. “Do what you want others to do to you” (career-based thinking).

Make your decisions based on the integrity guideline of the Golden Rule. What are the benefits of using the Golden Rule as the guideline for personal ethical conduct? For business? What drawbacks do you see?

What are you currently using as an ethical guideline? Describe it?

Think about someone you trust completely. Why do you trust them? List the qualities describing that person.

Try to find at least three individuals in management who you can trust and have built up a trusting relationship with. These are the people who can cover your back in a time of crisis. History has shown us that becoming a winner in any field of endeavor requires a trusted team of advisors who can offer guidance and help to hold us accountable to achieving our goals. It is the reason PhD candidates have advisor teams, top executives have boards, world-class athletes have fitness coaches, and presidents have cabinets.

Conclusion

As we celebrate the 100th anniversary of the American Society of Safety Engineers, we can recall the reason why the organization was created. It goes back to the outrage over the Triangle Shirtwaist Factory fire in 1911 when 148 employees were killed in New York. The theme for 2011 is. “Your Safety is Our Business. Your future is Our Mission.”

Our future mission is to take a critical look at safety ethics so we can influence all levels of our companies and agencies from the board room to the field employees. Become known as the conduit for ethical behavior by practicing the fundamental principles of the American Society of Safety Engineers.

ASSE values the protection of people, property, the environment, and the profession. It maintains the highest level of professional ethics, mutual trust, and treats all with dignity and respect. ASSE provides the highest quality of service to members and customers while making responsible use of resources.

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