

Ethics in the Workplace

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calvin
and
HOBBS

by WATTERSON



Bill Watterson, Cartoonist

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GET WHAT YOU CAN WHILE THE GETTING'S GOOD - THAT'S WHAT I SAY! MIGHT MAKES RIGHT! THE WINNERS WRITE THE HISTORY BOOKS!



IT'S A DOG-EAT-DOG WORLD, SO I'LL DO WHATEVER I HAVE TO, AND LET OTHERS ARGUE ABOUT WHETHER IT'S "RIGHT" OR NOT.

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HEY!

SHOVE!

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WHY'D YOU DO THAT?!



YOU WERE IN MY WAY. NOW YOU'RE NOT. THE ENDS JUSTIFY THE MEANS.

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What is Ethics?

- Is it something tangible?
- Can you recognize it?
- How do you define it?

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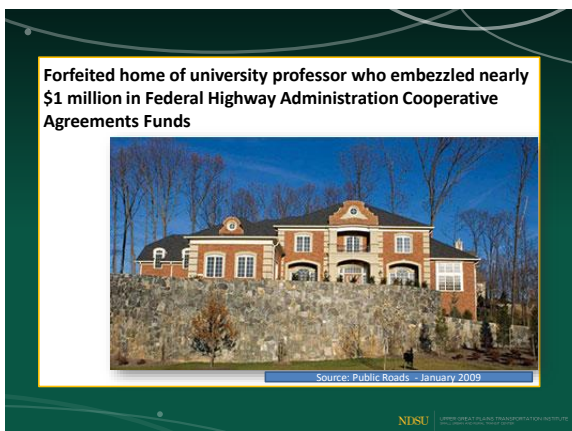
What is Ethics?

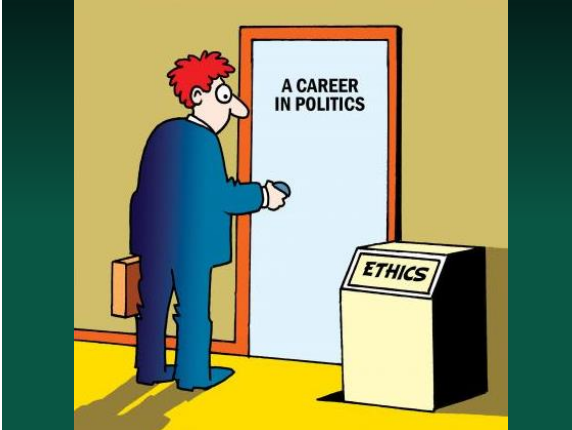
Feelings	Religion	Following the law	Cultural norms	Science

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Five Most Frequently Observed Unethical Workplace Behaviors:

1. Misusing Company Time
2. Abusive Behavior
3. Employee Theft
4. Lying to Employees
5. Violating Company Internet Policies

- Ethics Resource Center Survey

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Why be Ethical?

Fiscal Responsibility

Moral Responsibility/Obligation

Customers Choose / Appreciate Ethics

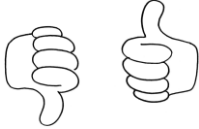
Employees are More loyal to an Ethical Company

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HOW DO WE APPLY ETHICS TO SITUATIONS?

What Standards and Tests Exist?



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Activity

- Think of an ethical dilemma you have faced before
- Could be at work, home, sports, church, school, etc.
- Write a brief paragraph describing at the top of the handout

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What Standards/ Tests Exist?



Smell Test



Justice Test



Character/Virtue Test

Source: J. Brooke Hamilton III, Ph.D.

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Smell Test

- What would Mom think?
- What if I read about this on the front page of the paper?
- How would I be treated on social media?



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Strengths and Weaknesses

- + Focuses on what other ethical people think
- + Shame can be powerful motivator
- Only as good as the society we live in
- Doesn't show why it is "right or wrong"



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Justice Test

- Ask yourself, "Is this a fair distribution of benefits and burdens?"
- What are some reasons for inequity?
 - Effort
 - Contribution
 - Need
 - Seniority
 - Contract



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Strengths and Weaknesses

- + Fairness is one of the most fundamental ethical instincts in humans
- Test is open to disagreement because there is no single criterion for fair distribution



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Character/Virtue Test

- Does this action represent the kind of person I am or want to be?
- Does it represent my organization's reputation or vision?"



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Strengths and Weaknesses

- + Think about what is truly good...not just a matter of following ethical rules
- Research shows most people do not act in consistent ways across different situations



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Values in decision making

- Accountability
- Balance
- Commitment
- Consistency
- Courtesy
- Dependability
- Honor
- Focus
- Fairness
- Teamwork
- Humility
- Openness
- Self-control
- Understanding
- Patriotism
- Enthusiasm
- Honesty
- Freedom
- Excellence
- Efficiency

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Activity

- Consider the ethical dilemma you described in your paragraph
- Apply the three tests using the handout matrix
- **What is your final assessment?**



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What if You Feel that You Have Not Been Ethical in Past Situations?

Tomorrow
is a new
day!

Ask
yourself
questions

Practice

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What if You Feel that You Have Not Been Ethical in Past Situations?

Seek feedback from ethical role models

Develop accountability

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Growing in Ethics

"Growing in ethics is a paradox: no one can do it for you, but at the same time you cannot do it on your own."

– Robert George
Professor of Jurisprudence at
Princeton University

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Accountability

- Who is in your accountability group?
- How will you apply the "tests?"
- How can you "grow?"
- Who can help you?



What will you do differently?

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A Growing Trend...

Every day 120 million people walk into a workplace somewhere in the United States

Almost half have personally witnessed some form of ethical misconduct

- Ethics Resource Center

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Whistleblowers

- Statutes and regulations
- Know your rights
- Reporting violations
- Some examples...
- How to handle whistleblowers?



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Statutes and Regulations

"Whistleblower or anti-retaliation provisions that generally provide that employers may not discharge or retaliate against an employee because the employee has filed a complaint or otherwise exercised any rights provided to employees."

U.S. Department of Labor

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Statutes and Regulations

- OSHA enforces the whistleblower provisions of 22 other statutes
- Sarbanes-Oxley
- Dodd-Frank
- False Claims Act (Lincoln Law)
 - Presenting a false claim for payment
 - 2009 Fraud Enforcement and Recovery Act
 - Whistleblowers entitled to % of settlement

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Statutes and Regulations

Specific to transportation

- Occupational Safety and Health Act
- Surface Transportation Assistance Act
- Federal Railroad Safety Act
- National Transit Systems Security Act
- AIR21 (Aviation Investment and Reform Act)
- MAP-21



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Know Your Rights

Under federal law, you are entitled to a safe workplace and have the right to speak up about them **without fear of retaliation**



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Know Your Rights

Employees have the right to:

- Be trained in a language they understand
- Be provided required safety gear
- Be protected from toxic chemicals
- Work on machines that are safe



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Know Your Rights

Employees have the right to:

- Report an injury or illness, and get copies of their medical records
- Get copies of test results done to find hazards in the workplace

...and may have the legal right to refuse to work

Protecting
Your Rights

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Know Your Rights

Protection from workplace retaliation...

- | | |
|------------------------|-------------------------|
| • Firing or laying off | • Failure to hire |
| • Blacklisting | • Failure to rehire |
| • Demoting | • Intimidation |
| • Denying overtime | • Harassment |
| • Denying promotion | • Making threats |
| • Disciplining | • Reducing pay or hours |
| • Denial of benefits | |

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Reporting Violations

- Employees file a complaint with the Secretary of Labor to request investigation
- USDOL does not release names of employees involved in complaints
- OSHA conducts interview with each complainant to determine if there is a need for an investigation

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Reporting Violations

- 30 days to file complaint (varies by statute, most transportation related statutes 60-180 days)
- May file with State and Federal (varies by state)
- May file in any language
- Online, fax form, telephone, letter



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Nat'l Rail Passenger Corp. - Amtrak

What happened:

- Retaliated against supervisory agent when he raised concerns about safety and fraud
- Given letter of reprimand
- First-ever negative performance review
- Amtrak said his position was being eliminated
- Not qualified for other positions



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Nat'l Rail Passenger Corp. - Amtrak

Whistleblower case:

- OSHA ordered corrective actions
 - Reinstatement
 - \$892,551 compensation plus attorney fees
 - Expunge all records and references to the termination
 - No additional retaliation or discrimination
 - Amtrak must post new notices



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Wells Fargo Bank N.A.

What happened:

- Secretly opened 2 million deposit and credit card accounts without customer approval
- 700 whistleblowers
- 1st whistleblower - 2010
- No action until 2016
- \$185 million in penalties
- 5,300 employees fired



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Wells Fargo Bank N.A.

One whistleblower case:

- Manager reported suspected fraudulent behavior to superiors and a bank ethics hotline
- Manager was terminated
- OSHA corrective actions:
 - Manager reinstated
 - Personnel file cleared
 - \$5.4 million compensation
 - Wells Fargo post new notices



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How to Handle Whistleblowers?

1. Handle with care!
2. Maintain anonymity of the whistleblower
3. Avoid real or perceived retaliation
4. Communicate to the employee your efforts to keep this confidential
5. Tell the employee to maintain the same confidentiality

New Hampshire Business Review

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How to Handle Whistleblowers?

6. Do not discourage (or encourage) reporting to the government
7. Understand the legal implications
 - Civil and/or criminal investigation
 - Preserve relevant evidence
 - Electronic documentation
 - Document your response to the complaint

New Hampshire Business Review

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How to Handle Whistleblowers?

8. Undertake an investigation
 - Keep an open mind
 - Quick and deliberate
 - Assure confidentiality
 - Possibility of a third party investigation?
9. Determine the appropriate output
 - Consider future litigation
 - No report – hiding something?

New Hampshire Business Review

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Resources and Acknowledgements

- Doing the Right Thing – A Six-Part Exploration of Ethics
- Ethics Resource Center
- Markkula Center for Applied Ethics
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