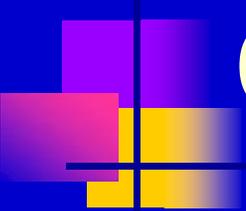


How to Handle Management/Employer Pressure to Attain an Incorrect Result

Charlotta E. Sanders, Ph.D, P.E

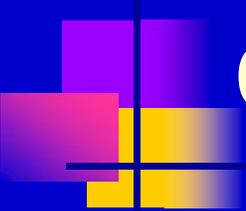
Sanders Engineering

2009 ANS Winter Meeting



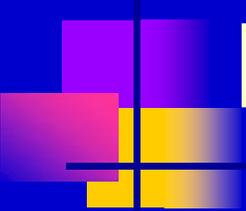
Overview

- Part 1: Your Ethical behavior and its Potential Consequences
- Part 2: Resolving/Preventing an Ethical Dilemma



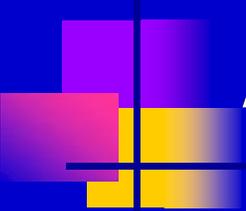
Your Ethical Behavior – Who decides?

- Though other forces may “squeeze” you into a corner, how you act in that corner is ultimately your choice.
- Only you can decide whether or not you will act in an ethical manner.



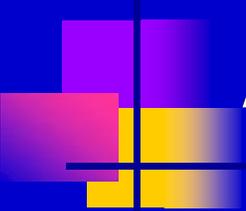
When do you decide on your behavior?

- *“The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country”* (Thomas Paine, The Crisis)
- You must decide today how you will act when the crisis occurs.
- Only if you are prepared can you endure to the end of the crisis.



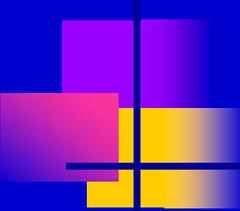
Norris v. Hawaiian Airlines, Inc.

- An airline mechanic who was licensed by the Federal Aviation Administration (FAA) noticed that the axle sleeve on the main landing gear of a DC-9 was "*scarred and grooved, with gouges and burn marks*".
- He wanted to replace the sleeve but his supervisor ordered him to smooth it with sandpaper then reinstall it.



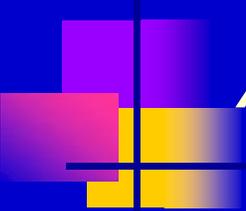
Norris v. Hawaiian Airlines, Inc.

- The supervisor then ordered him to certify that "*the repair had been performed satisfactorily and the aircraft was fit for return to service.*"
- The mechanic refused to certify, because he believed the sleeve needed to be replaced.
- The mechanic was fired for "*insubordination*".



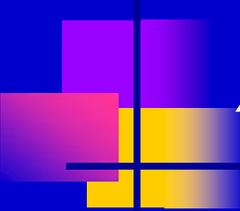
Norris v. Hawaiian Airlines, Inc.

The Hawaii Supreme Court held that the mechanic stated a claim for wrongful discharge and that the FAA regulations "*to protect the public from shoddy repair and maintenance practices*" were the relevant public policy.



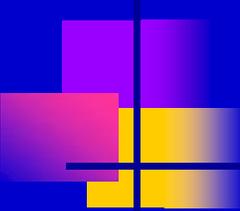
Anderson v. Evergreen Airlines, Inc.

- An airline mechanic alleged that he replaced a defective part in an airplane, was ordered by his supervisor to remove the good part, reinstall the defective part, and sign a false certification that the defective part had been replaced and the airplane was airworthy.
- The mechanic refused to sign the false certification and was fired.



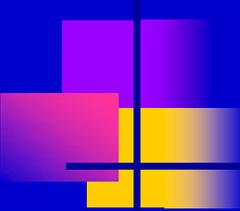
Anderson v. Evergreen Airlines, Inc.

The trial court dismissed the mechanic's claim for wrongful discharge. The Court of Appeals in Oregon reversed, holding that refusing to violate FAA safety regulations was within the public-policy exception to at-will employment.



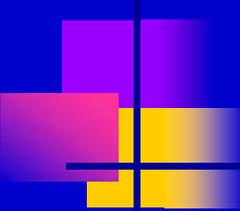
Burden of proof is on YOU.

- You have the burden to prove that the cause for dismissal was due to retaliation.
- Therefore, you must keep good records of transactions that occur if you are asked to act in an unethical manner.
- Back up records that show you are a good worker (e.g. yearly reviews, progress reports etc.)



Preparation is Key

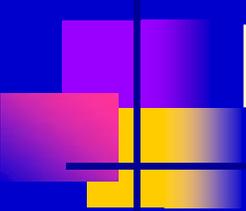
- Are you living a life that allows you to keep your ethical behavior?
- Could you financially survive if you lost your employment?
- Do you keep yourself free from actions where your behavior is/could be questionable?



Ethics – “doing the right thing”

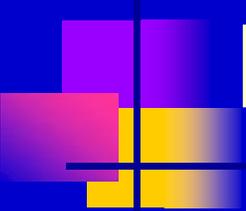
Many philosophers consider ethics to be the "*science of conduct.*"

Consultants Doug Wallace and John Pekel, of the Twin Cities-based Fulcrum Group, explain that ethics includes the fundamental ground rules by which we live our lives.



Resolving Ethical Dilemmas

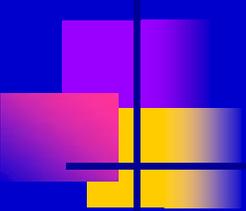
- There are numerous benefits in establishing an ethics program.
- Managing ethical values in the workplace legitimizes managerial actions.
- It strengthens the coherence and balance of the organization's culture.



Benefits of Ethics Programs

- Ethics programs improves trust in relationships between individuals and groups.
- It supports greater consistency in standards and qualities of products.
- Greater sensitivity to the impact of the enterprise's values and messages is cultivated.

(Donaldson and Davis, in "Business Ethics? Yes, But What Can it Do for the Bottom Line?")

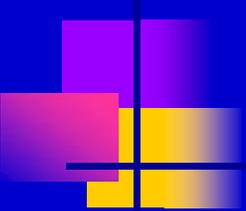


Ethical Checklist

(Wallace & Pekel)

1. Relevant Information Test

Have I/we obtained as much information as possible to make an informed decision and action-plan for this situation?

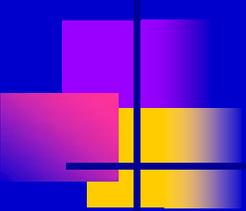


Ethical Checklist

(Wallace & Pekel)

2. Involvement Test

Have I/we involved as many as possible of those who have a right to have input to, or actual involvement in, making this decision and action-plan?

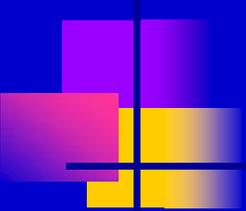


Ethical Checklist

(Wallace & Pekel)

3. Consequential Test

Have I/we attempted to accommodate for the consequences of this decision and action-plan on any who could be significantly affected by it?

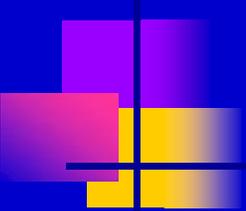


Ethical Checklist

(Wallace & Pekel)

4. Ethical Principles Test

Does this decision and action-plan uphold the ethical principles that we think are relevant to this situation?

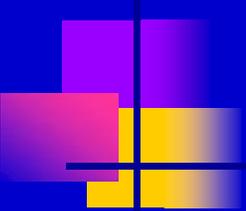


Ethical Checklist

(Wallace & Pekel)

5. Fairness Test

If I/we were assigned to take the place of any one of the stakeholders in this situation, would I/we perceive this decision and action plan to be essentially fair, given all of the circumstances?

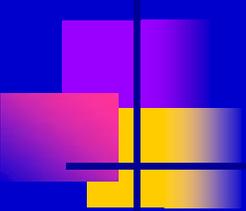


Ethical Checklist

(Wallace & Pekel)

6. Universality Test

Would I/we want this decision and action-plan to become “universal law” so it would be applicable to all - including ourselves - in similar situations?

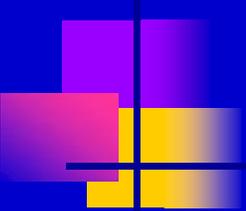


Ethical Checklist

(Wallace & Pekel)

7. Preventive Test

Does this decision and action-plan prevent or minimize similar situations from happening again?

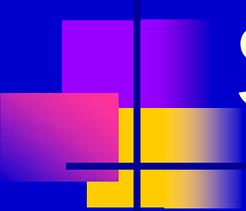


Ethical Checklist

(Wallace & Pekel)

8. Light-Of-Day Test

How would I/we feel and be regarded by others (working associates, family, etc.) if the details of this decision and action plan were disclosed for all to know ?



Summary

- Understand the values of the company
 - Do they put money where the mouth is?
 - Do they keep good-will?
 - Is it a "one off"?
- Develop your own traditions
 - Your habits becomes a part of you!