



# PROFESSIONAL ETHICS

(HUT 200)

Module IV  
RESPONSIBILITIES AND RIGHTS

# Syllabus

- Collegiality and loyalty – Managing conflict- Respect for authority- Collective bargaining- Confidentiality-Role of confidentiality in moral integrity-Conflicts of interest- Occupational crime- Professional rights-Employee right- IPR Discrimination.

# Collegiality

- Collegiality is the term that describes a work environment where responsibility and authority are shared among the colleagues.
- Collegiality is the tendency to support and cooperate with the colleagues.
- Colleague is taken to mean a fellow member of the same profession, a group of colleagues united in a common purpose, and used in proper names,

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- The main factors of collegiality
  - Respect: Results in support and cooperation with one's colleagues.
  - Commitment: towards moral decisions, actions, goals of the organization, and values of the profession.
  - Connectedness: means shared commitment and mutual understanding

# Loyalty

- Loyalty is a devotion and faithfulness to a nation, cause, philosophy, country, group, or person
- Loyalty is the faithful adherence to an organization and the employer.
- Loyalty to an employer can be either of the two types
  - Agency-loyalty – acting to fulfil one's contractual duties to an employer
  - Attitude-loyalty – has a lot to do with attitudes, emotions and a sense of personal identity as it does with actions.

# Managing Conflict

- Conflict — a “disagreement between two or more organisational members or groups arising from the fact they must share resources of work activities and/or from the fact that they have different status, goals, values or perceptions.”
- In short, conflict refers to any kind of opposition or antagonistic intersection between two or more parties.
- If it is managed correctly, it can be helpful (functional) in meeting the organisational goals.
- If it is mishandled or not managed correctly, it can be destructive (dysfunctional).

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- **Causes of Conflict**
  - Problems in communication
  - Personal relationships
  - Organizational structure
  - Interdependence of two or more groups to achieve certain common goals.
  - Personality characteristics

# Methods for Managing Conflict

- Collective Bargaining : Negotiations
- Conciliation : Series of conferences, including informal sitting between representatives of the two parties
- Mediation: Third party acts as a moderating influence on the two contending parties
- Arbitration: A third person is chosen as the Arbitrator by agreement between the employers and employees



# Conflict Management Process

- Preliminary step — knowing the conflict
- Diagnosing the issue
- Apply any Conflict Handling Modes
  - To avoid appearance of conflict
  - Not permitting conflict to surface
  - Mediation
  - Letting the parties in conflict to settle their scores
  - To solve the problems mutually

# Respect for Authority

- In order to meet the organizational goals, the professionals should possess respect for authority.
- The levels of authority maintained by the organization provides a means for identifying areas of personal responsibility and accountability.
- Types of Authority
  - Executive Authority – The corporate or institutional right given to a person to exercise power based on the resources of an organization.
  - Expert Authority – This is the possession of special knowledge, skill or competence to perform a particular task or to give sound advice.

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- According to the goals of the company, the hierarchical authority is distributed.
- Service oriented or engineer-oriented company concentrates on the quality of the products.
- Customer-oriented company, focuses primarily on the satisfaction of the customers.

# Collective Bargaining

- The process of voluntary negotiations between the employers and a group of employees to resolve the conflicts is called Collective Bargaining.
- It is the responsibility of an organization to look into the welfare of the section of people working in it.
- In order to deal with such complex situations, an Employee Union is formed wherein, each employee becomes a member and a leader is elected to represent the group whenever needed.
- The parties often refer to the result of the negotiation as a
  - Collective Bargaining Agreement (CBA) or as a
  - Collective Employment Agreement (CEA).

# Types of Collective Bargaining

- Distributive Bargaining – In this, one party's gain is another party's loss. Example – Wages
- Integrative Bargaining – In this, both the parties may gain or none of the parties may face a loss. Example – Better training programs
- Attitudinal Structuring – When there is backlog of bitterness between both the parties then attitudinal structuring is required to make smooth industrial relations.
- Intra-organizational Bargaining – There can be conflicting groups in both management and unions also. So, there is need to achieve consensus in these groups.

# Objectives of Collective Bargaining

- To increase mutual confidence between the employer and employees;
- To regulate terms and conditions of employment without intervention of a third party;
- To create cordial environment in the establishment;
- To protect the interest of the employees; through collective action and by preventing unilateral action on the part of the employer;
- To raise the socio-economic attributes of the employees.

# Process of Collective Bargaining

- Preparing for Negotiations
- Identifying Bargaining Issues
- Negotiations Procedure
- Reaching the Agreement
- Ratifying the Agreement
- Administration of the Agreement

# Advantages of Collective Bargaining:

- Effective in Protecting and Promoting Interests of Workers
- Control of Management's Autocracy
- Promotion of Durable Industrial Peace
- Conducive to the Enhancement of Managerial Efficiency
- Establishment of Industrial Rules and Creation of Labour Standards




# Disadvantages of Collective Bargaining

- Strikes
- Based on Power and Conflict
- Lacks Safeguards for Public Interest

# Confidentiality

- Confidentiality is that practice which helps to keep all information secret.
- Important responsibility of an employee or an engineer is to maintain the confidentiality of the organization or the employer.

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- *Moral principles justifying confidentiality*
    - Respect for Autonomy
    - Respect for Promise
    - Trustworthiness
    - Respect for Public Welfare

# Types of information under confidentiality

- Privileged information : “available only on the basis of special privilege” such as a privilege accorded an employee working on a special assignment
- Proprietary information : The information that a company owns or is the proprietor of, and hence is a term carefully defined by property law. It is simply called trade secret.

# Conflicts of Interest

- A conflict of interest occurs when the employee has more than one interest
- A professional conflict of interest is the situation where the professional has an interest that, if pursued, might prevent him from meeting his obligations to his employer or clients.
- Conflict of interest is different from conflicting interests.

# Types of Conflicts of Interest

- Actual Conflict of Interest
- Apparent Conflict of Interest
- Potential Conflict of Interest
  - Favorable Contract
  - Bribe and Gift
  - Moonlighting
  - Insider Information

# Occupational Crime

- Occupational crimes are defined as offenses that are committed by someone during the course of his or her employment.
- An occupational crime may be committed by
  - wrong actions of a person through one's lawful employment or
  - crime by an employee to promote ones own or employer's interest or
  - theft or pilferage by the employee or
  - damage to the property of an employee of one's organization.
- Also known as white-collared crimes.

# Common examples

- Embezzlement
- Altering company records without authorization
- Committing tax fraud
- Money laundering
- Misusing company data or property
- Committing stock and securities violations
- Racketeering



# Categories of Occupational Crimes

- Crimes of trust, or property crimes that involve deliberate contact with at least one victim or an attempt to conceal the fact that a crime has been committed;
- Offenses that were committed in the course of employment, such as accepting bribes;
- Crimes committed in furtherance of business operations, but not operations that are central to business purposes, such as misrepresentation in advertising; and
- Offenses in which crime is the central activity of the business, such as real estate fraud.

# Professional Rights

- The basic rights of engineers as other employees, include
  - the right to live freely and pursue their legitimate interests as any human being,
  - the right to be against racial or sexual discrimination,
  - receiving one's salary according to the work,
  - choosing of political activities, etc.,

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- The rights that engineers have as professionals are called Professional Rights. These professional rights includes:
  - The basic right of professional conscience: Moral right to exercise professional judgment in pursuing professional responsibilities.
  - The right of conscientious refusal: Right to refuse to engage in unethical behavior.
  - The right of professional recognition: Right to the recognition of one's work and accomplishments.
  - The right to warn the public about dangers: Done without damaging the reputation of the employer.
  - The right to talk publicly about the job: Done with in the limits of decency, confidentiality, and loyalty.
  - The right to engage in the activities of professional societies

# Employee Rights

- The moral and legal rights that are obtained by the status of being an employee.
  - Basic human Rights
  - Professional Rights
  - Institutional / Contractual Rights
  - Non- Contractual Employee Rights

# Non- Contractual Employee Rights

- Right to Privacy: Right to control the access to and use of information about oneself.
- Right to choose outside activities: Right to have a private life outside the job.
- Right to Due Process from Employer: Right to fair process or procedures in firing, demotion and in taking any disciplinary actions against the employees.
- Right to Equal Opportunity—Non-discrimination: Discrimination which means a morally unjust treatment of people in the workplace is damaging to the human dignity.
- Right to Equal Opportunity—Sexual Harassment in the Workplace: It is a display of arrogance and misuse of power through sexual means.
- Right to Equal Opportunity—Affirmative Action or Preferential Treatment: giving a preference or advantage to a person of a group (to women and minorities) that was denied equal treatment in the past.

# Intellectual Property Rights (IPR)

- It is the information and original expression that derives its original value from creative ideas, and is with a commercial value.
- Permits people to have fully independent ownership for their innovations and creativity, like that of own physical property.

# Need for Protection of IP

- This protection actually stimulates creativity, research, and innovation by ensuring freedom to individuals and organizations to benefit from their creative intellectual investments.
  - It prevents others using it,
  - Prevent using it for financial gain,
  - Prevent plagiarism
  - Fulfill obligation to funding agency.
  - Provides a strategy to generate steady income.
- Some of the challenges in the acquisition of IP are:
  - Shortage of manpower in the industry.
  - High cost of patenting and lengthy procedure.
  - Lack of strong enforcement mechanism.

# Types and Norms

- Patents

- Patent is a contract between the individual (inventor) and the society (all others).
- Patents protect legally the specific products from being manufactured or sold by others, without permission of the patent holder.
- Patent is given to a product or a process, provided it is entirely new, involving an inventive method and suitable for industrial application.
- Types: Utility, Industrial Design



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- Copyright

- The copyright is a specific and exclusive right, describing rights given to creators for their literary and artistic works.
- This protects literary material, aesthetic material, music, film, sound recording, broadcasting, software, multimedia, paintings, sculptures, and drawings including maps, diagrams, engravings or photographs.
- There is no need for registration and no need to seek lawyer's help for settlement.
- The life of the copyright protection is the life of the inventor or author plus 50 years.

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- Trademark
  - Trademark is a wide identity of specific good and services, permitting differences to be made among different trades.
  - It is a territorial right, which needs registration. Registration is valid initially for 10 years, and renewable.
  - The trademark or service mark may be registered in the form of a device, a heading, a label, a ticket, a letter, a word or words, a numeral or any combination of these, logos, designs, sounds, and symbols.

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- Trade Secret

- A trade secret is the information which is kept confidential as a secret.
- This information is not accessed by any one other than the owner and this gives a commercial advantage over the competitors.
- Not registered but only kept confidential.
- Given limited legal protection.

# Advantages of IPR

- Provides exclusive rights to the creators or inventors.
- Encourages individuals to distribute and share information and data instead of keeping it confidential.
- Provides legal defence and offers the creators the incentive of their work.
- Helps in social and financial development.