

PROFESSIONAL ETHICS

(MODULE-II)

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8 PROFESSION

8.1 Definitions

- A. **PROFESSION** is defined as any occupation/job/vocation that requires advanced expertise (skills and knowledge), self-regulation, and concerted service to the public good. It brings a high status, socially and economically. The characteristics of a profession are:
1. *Advanced expertise:* Many professions require sophisticated skills (do-how) and theoretical knowledge (know-how and why). Formal education, training, continuing education, updating are needed.
 2. *Self regulation:* Professional societies play important role in setting standards for admission to profession, drafting codes of ethics, enforcing standards of conduct, and representing the profession before the public and the government.
 3. *Public good:* The occupation provides some important public good, by concerted efforts to maintain ethical standards. For example, a physician promotes health, a lawyer protects the legal rights, an engineer provides a product or a project for use by the public towards their health, welfare, and safety. Teaching is also claimed as a profession as it helps shaping and training the minds of the students, young as well as old.

Some argue that jobs such as carpenter, barbers, porters, and drivers are to be recognized as professions. It is open for discussion. Such things can not be decided by referring to dictionary alone. A thorough analysis of the activities expected of these jobs is to be made and checked with explanation of the requirements of a profession before deciding it as profession. For example, having been engaged for driving one's vehicle is not a profession. But an ace driver who is engaged by a travel agency to drive different types of cars for tourists extends courtesy to the customers, requires education, expertise (a valid driving license), and respect to the public. His job may be termed as a profession. A mercenary is not a professional as he acts against public good

- B. **PROFESSIONAL** relates to a person or any work that a person does on profession, and which requires expertise (skills and knowledge), self-regulation and results in public good. The term professional means a 'person' as well as a 'status'.
- C. **PROFESSIONALISM:** It is the status of a professional which implies certain attitudes or typical qualities that are expected of a professional. According to **Macintyre**, professionalism is defined as the *services related to achieving the public good, in addition to the practices of the knowledge of moral ideals.*

The short definition is that professionalism means behaving in an ethical manner while assuming and fulfilling your rightful responsibilities in every situation every time, without fail. To get a bit more granular, one can say that it means, in part, conducting your affairs in such a way as to engender trust and confidence in every aspect of your work. It means having the requisite ability to be worthy of the confidence others place in you. It means having already made the right choices so that you attract the right sort of client and work under good circumstances rather than having to continually make the best of bad circumstances and take whatever is tossed your way, regardless of its quality.

Perhaps most importantly, professionalism means, in every situation, willfully gathering responsibility rather than avoiding it. Doing so is important because if you don't acknowledge and assume the onus of responsibility in every aspect of your work you will seldom if ever make the right choice to do what is necessary to achieve consistent success for your employer, your employees, your clients, or yourself.

Quite simply, if the buck doesn't stop with you, you're not a professional. For example, you might now be thinking:

"This is silly, you're making this all too

The *criteria* for achieving and sustaining professional status or professionalism are:

1. *Advanced expertise*: The expertise includes sophisticated skills and theoretical knowledge in exercising judgment. This means a professional should analyze the problem in specific known area, in an objective manner.
2. *Self-regulation*: One should analyze the problem independent of self-interest and direct to a decision towards the best interest of the clients/customers. An autonomous judgment (unbiased and on merits only) is expected. In such situations, the codes of conduct of professional societies are followed as guidance.
3. *Public good*: One should not be a mere paid employee of an individual or a teaching college or manufacturing organization, to execute whatever the employer wants one to do. The job should be recognized by the public. The concerted efforts in the job should be towards promotion of the welfare, safety, and health of the public.

The fundamental characteristics of a profession:

1. **Great responsibility**
Professionals deal in matters of vital importance to their clients and are therefore entrusted with grave responsibilities and obligations. Given these inherent obligations, professional work typically involves circumstances where carelessness, inadequate skill, or breach of ethics would be significantly damaging to the client and/or his fortunes.
2. **Accountability**
Professionals hold themselves ultimately accountable for the quality of their work with the client. The profession may or may not have mechanisms in place to reinforce and ensure adherence to this principle among its members. If not, the individual professional will (e.g. guarantees and/or contractual provisions).
3. **Based on specialized, theoretical knowledge**
Professionals render specialized services based on theory, knowledge, and skills that are most often peculiar to their profession and generally beyond the understanding and/or capability of those outside of the profession. Sometimes, this specialization will extend to access to the tools and technologies used in the profession (e.g. medical equipment).
4. **Institutional preparation**

Professions typically require a significant period of hands-on, practical experience in the protected company of senior members before aspirants are recognized as professionals. After this provisional period, ongoing education toward professional development is compulsory. A profession may or may not require formal credentials and/or other standards for admission.

5. **Autonomy**

Professionals have control over and, correspondingly, ultimate responsibility for their own work. Professionals tend to define the terms, processes, and conditions of work to be performed for clients (either directly or as preconditions for their ongoing agency employment).

6. **Clients rather than customers**

Members of a profession exercise discrimination in choosing clients rather than simply accepting any interested party as a customer (as merchants do).

7. **Direct working relationships**

Professionals habitually work directly with their clients rather than through intermediaries or proxies.

8. **Ethical constraints**

Due to the other characteristics on this list, there is a clear requirement for ethical constraints in the professions. Professionals are bound to a code of conduct or ethics specific to the distinct profession (and sometimes the individual). Professionals also aspire toward a general body of core values, which are centered upon an uncompromising and un-conflicted regard for the client's benefit and best interests.

9. **Merit-based**

In a profession, members achieve employment and success based on merit and corresponding voluntary relationships rather than on corrupted ideals such as social principle, mandated support, or extortion (e.g. union members are not professionals). Therefore, a professional is one who must attract clients and profits due to the merits of his work. In the absence of this characteristic, issues of responsibility, accountability, and ethical constraints become irrelevant, negating any otherwise-professional characteristics.

10. **Capitalist morality**

The responsibilities inherent to the practice of a profession are impossible to rationally maintain without a moral foundation that flows from a recognition of the singular right of the individual to his own life, along with all of its inherent and potential sovereign value; a concept that only capitalism recognizes, upholds and protects.

Professional Accountability:

Accountability means the obligation of one party to provide a justification and to be held responsible for its actions by another interested party.

There are many models of accountability, but one way to view it is as having three components:

- (1) The individual's professional accountability for the quality of his or her own work.
- (2) The accountability for own health of professionals within the organisations in which they work.
- (3) Accountability (with others), as a member of staff, for the organization's performance.

Characteristic features of a professional accountability.

1. The capacity to understand and act on moral reasons
2. Willingness to submit one's actions to moral scrutiny and be responsive to the assessment of others. It includes being answerable for meeting specific obligations, i.e., liable to justify (or give reasonable excuses) the decisions, actions or means, and outcomes (sometimes unexpected), when required by the stakeholders or by law.
3. Conscientiousness: It means:
 - (a) Being sensitive to full range of moral values and responsibilities and
 - (b) The willingness to upgrade their skills, put efforts, and reach the best balance possible among those considerations, and lastly
4. Blameworthy/Praiseworthy: it means:

Own the responsibility for the good or wrong outcomes. Courage to accept the mistakes will ensure success in the efforts in future.

Professional accountability is the accountability of a worker or employee in an organization to others in areas related to professional judgment and activities.

It is ensuring professionals and non-professionals practice in a sound and sustainable manner, maintain accountability for their practices and are held accountable for any deficiencies in their professional activities.

Professional risks:

When we talk of professional risks, we are not talking about safety and risk in doing a professional job. We are talking about the personal risks involved in the performance of one's duties as a professional. Actors, for instance are always in public eye and their personal lives are often a subject of popular debate among fans, in online forum and social networking sites. This is an actor's professional's hazard. Murder or physical injury of a person due to his over honesty in a profession is his professional risk.

Profession and craftsmanship:

Conflict of interest:

You've seen the headlines, "Politician caught in conflict of interest " or "professional denies conflict of interest allegations. " You probably were thankful that you were not the subject of the newspaper story. But you also may have wondered what exactly is a conflict of interest, why such conflicts are ethically significant, and what you can do to avoid being in one.

Definition

I define a conflict of interest as "a situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties. " There are three key elements in this definition.

First, there is a private or personal interest. Often this is a financial interest, but it could also be another sort of interest, say, to provide a special advantage to a spouse or child. Taken by themselves, there is nothing wrong with pursuing private or personal interests, for instance, changing jobs for more pay or helping your daughter improve her golf stroke.

The problem comes when this private interest comes into conflict with the second feature of the definition, an "official duty" — quite literally the duty you have because you have an office or act in an official capacity. As a professional you take on certain official responsibilities, by which you acquire obligations to clients, employers, or others. These obligations are supposed to trump private or personal interests.

Third, conflicts of interest interfere with professional responsibilities in a specific way, namely, by interfering with objective professional judgment. A major reason clients and employers value professionals is that they expect professionals to be objective and independent. Factors, like private and personal interests, that either interfere or appear likely to interfere with objectivity are then a matter of legitimate concern to those who rely on professionals — be they clients, employers, professional colleagues, or the general public. So it is also important to avoid apparent and potential as well as actual conflicts of interests. An apparent conflict of interest is one which a reasonable person would think that the professional's judgment is likely to be compromised. A potential conflict of interest involves a situation that may develop into an actual conflict of interest. With this in mind, consider the following types of typical conflicts of interest listed by Canadian political scientists Ken Kernighan and John Langford in their book, "The Responsible Public Servant". They list seven categories:

[1] Self-dealing. For example, you work for government and use your official position to secure a contract for a private consulting company you own. Another instance is using your

government position to get a summer job for your daughter.

[2] Accepting benefits. Bribery is one example; substantial [non token] gifts are another. For example, you are the purchasing agent for your department and you accept a case of liquor from a major supplier.

[3] Influence peddling. Here, the professional solicits benefits in exchange for using her influence to unfairly advance the interests of a particular party.

[4] Using your employer's property for private advantage. This could be as blatant as stealing office supplies for home use. Or it might be a bit more subtle, say, using software which is licensed to your employer for private consulting work of your own. In the first case, the employer's permission eliminates the conflict; while in the second, it doesn't.

[5] Using confidential information. While working for a private client, you learn that the client is planning to buy land in your region. You quickly rush out and buy the land in your wife's name.

[6] Outside employment or moonlighting. An example would be setting up a business on the side that is in direct competition with your employer. Another case would be taking on so many outside clients that you don't have the time and energy to devote to your regular employer. In combination with [3] influence peddling, it might be that a professional employed in the public service sells private consulting services to an individual with the assurance that they will secure benefits from government: "If you use my company, I am sure that you will pass the environmental review."

[7] Post-employment. Here a dicey situation can be one in which a person who resigns from public or private employment and goes into business in the same area. For example, a former public servant sets up a practice lobbying the former department in which she was employed.

Some tests

How do you determine if you are in a conflict of interest, whether actual, apparent, or potential?

The key is to determine whether the situation you are in is likely to interfere or appear to interfere with the independent judgment you are supposed to show as a professional in performing your official duties. A good test is the 'trust test': would relevant others [my employer, my clients, professional colleagues, or the general public] trust my judgment if they knew I was in this situation. Trust, in my opinion, is at the ethical heart or core of this issue. Conflicts of interest involve the abuse, actual or potential, of the trust people have in professionals. This is why conflicts of interest not only injure particular clients and employers, but they also damage the whole profession by reducing the trust people generally have in professionals.

In fact, the 'trust test' suggests one very good way of dealing with a conflict of interest: reveal your private interest in the matter to relevant parties. Often if we let others know what might be influencing our judgment, they can be on their guard and not caught unaware.

But sometimes it isn't enough to know that there is a particular private interest influencing a professional's judgment; the client, employer, etc. expects that the professional will stay out of such situations. So the second way to avoid conflicts of interests is to absent yourself from decision making or advice giving if you have a private interest. So in the case of potential self-dealing, the conscientious professional will say that she can't be involved in a situation where she is both bidding on a government contract and deciding as a public servant who is awarded the contract. She will either step aside and completely [and, I mean, completely] absent herself from determining who gets the contract or refrain from bidding on such contracts in the first place — which is probably the wisest course of action.

A final word

It may take some skill and good judgment to recognizing that you are in a conflict of interest situation. This is because private and personal interests can cloud a person's objectivity. So it may be a lot easier to recognize when others are in a conflict, than when you are. This suggests that it may be useful to talk to a trusted colleague or friend when you are in doubt. But once you recognize that you are in or are headed into a conflict of interest situation, the ethical responses are straightforward: get out of the situation, or, if you can't, make known to all affected parties your private interest. These responses will preserve the trust essential to professional objectivity.

It is important to realize that avoiding conflicts of interest is only one part of being a conscientious professional. Another part is the difficult task of making choices when the ethics of the situation aren't clear or when there are good moral reasons for acting in diametrically opposing ways. This is

typical in the case of whistle blowing, in which a duty of loyalty to a client or employer counsels confidentiality but these conflicts with a duty to warn the public of a serious harm or danger.

2.2 Distinguishing features of professionals:

The distinguishing features of the 'profession' as distinct from 'non-professional occupation' are listed as follows:

1. Extensive Training:

Entry into the profession requires an extensive period of training of intellectual (competence) and moral (integrity) character. The theoretical base is obtained through formal education, usually in an academic institution. It may be a Bachelor degree from a college or university or an advanced degree conferred by professional schools.

2. Knowledge and Skills:

Knowledge and skills (competence) are necessary for the well-being of the society. Knowledge of physicians protects us from disease and restores health. The lawyer's knowledge is useful when we are sued of a crime, or if our business is to be merged or closed or when we buy a property. The Chartered Accountant's knowledge is important for the success of recording financial transactions or when we file the income return. The knowledge, study, and research of the engineers are required for the safety of the air plane, for the technological advances and for national defense.

3. Monopoly:

The monopoly control is achieved in two ways:

- (a) The profession convinces the community that only those who have graduated from the professional school should be allowed to hold the professional title. The profession also gains control over professional schools by establishing accreditation standards
- (b) By persuading the community to have a licensing system for those who want to enter the profession. If practicing without license, they are liable to pay penalties.

4. Autonomy in Workplace:

Professionals engaged in private practice have considerable freedom in choosing their clients or patients. Even the professionals working in large organizations exercise a large degree of impartiality, creativity and discretion (care with decision and communication) in carrying their responsibilities. Besides this, professionals are empowered with certain rights to establish their autonomy.

Accordingly physicians must determine the most appropriate medical treatments for their patients and lawyers must decide on the most successful defense for their clients. The possession of specialized knowledge is thus a powerful defense of professional autonomy.

5. Ethical Standards:

Professional societies promulgate the codes of conduct to regulate the professionals against their abuse or any unethical decisions and actions (impartiality, responsibility) affecting the individuals or groups or the society.

2.3 ROLES AND RESPONSIBILITIES OF PROFESSIONALS:

2.3.1 Different roles of the professionals: Personal role:

Professionals are human beings who have personal life. They play many roles in their personal lives, such as son, daughter, husband, wife, father, mother just like others. We are looking at whether professional spirit

and professionalism has any influence on its personal life or not?

The personal role is also important for their professional image. There are many factors which influence the personal life of a professional, these are, religion, culture, social status, educational qualification, financial standard, legal constraints etc. in addition, they have to set their own moral and ethical standards to be followed.

Social role:

A professional is not only the a member of professional association but also lives in a community and hence is also a member of a society and community. The social roles includes, Welfare of the community Problem solver of the community, etc. For these the professional must have, knowledge, skills, strengths and special training to handle different roles.

Ethical role:

Many ethical issues are related to profession in everyday life. A professional must promote ethical behaviour among the people or community in which he/she lives.

Professional Role:

Professional role is what we will be dealing with one's responsibilities as a professional or in terms of different roles one plays in the practise of one's profession, these are,

Leader:

colleague;

subordinate:

Savior:

The engineer as a savior, save the society from poverty, illiteracy, wastage, inefficiency, ill health, human (labor) dignity and lead it to prosperity, through technological development and social planning.

For example, R.L. Stevenson.

b. Guardian:

He guards the interests of the poor and general public. As one who is conversant with technology development, is given the authority befitting his expertise to determine what is best suited to the society. For example, Lawrence of Arabia (an engineer).

c. Bureaucratic Servant;

He serves the organization and the employers. The management of an enterprise fixes its goals and assigns the job of problem solving to the engineer, who accepts the challenge and shapes them into concrete achievements.

For example, Jamshedji Tata

d. Social Servant:

It is one who exhibits social responsibility. The engineer translates the interest and aspirations of the society into a reality, remembering that his true master is the society at large.

For example, Sir M.Viswesvarayya

e. Social Enabler and Catalyst:

One, who changes the society through technology,. The engineer must assist the management and the society to understand their needs and make informed decisions on the desirable technological development and minimize the negative effects of technology on people and their living environment. Thus, he shines as a social enabler and a catalyst for further growth.

For example, Sri Sundarlal Bahuguna

f. Game Player:

He is neither a servant nor master. An engineer is an assertive player, not a passive player who may carry out his master's voice. He plays a unique role successfully within the organization, enjoying the

excitement of the profession and having the satisfaction of surging ahead in a competitive world. For example, Narayanamurthy, Infosys

2.3.2 Different responsibilities of professionals: A. Senses:

There are different senses of responsibility, such as:

Characteristic Quality: Primarily responsibility implies duty with care and efforts.

Obligations: These are one's moral responsibility i.e., duty to act right and in moral ways.

The obligations such as honesty, fairness, and decency are incumbent on every one.

In addition to this, we have role responsibilities assigned by taking up various roles, such as parents, inspectors, and employees.

For example, a Safety Engineer has a responsibility to make regular inspections in a factory shops.

General Moral Capacity: One has the general capacity for moral agency, including the understanding and action on moral reasons.

Liability and Accountability: Liability and Accountability for actions. It means that one is liable (with a legal sense) to meet the obligations in better ways. The person is likely to respond legally, if necessary.

Accountable means that one is willing to justify or defend the decisions, actions or means and outcomes. It could include offering a reasonable excuse or accepting the shame for not having met the end results or accepting the guilt for harming others. One is also answerable to the assessment by others on one's actions (means) or outcomes.

Praiseworthiness/Blameworthiness: When accountability for wrong actions or results is at issue, responsibility means blameworthy. When the right conduct or successful result is at issue, responsible is synonymous with praiseworthy.

B. Types:

Different types of responsibilities exhibited in human transactions are:

I. Moral Responsibility:

Moral responsibility as applied to a professional: A professional must be responsible morally, in creating internal good or good outcomes, and eliminating /minimizing un-intended side-effects, from engineering and technology. It includes:

Obligations: A commitment to moral actions (primary obligation to protect the safety of the human beings and respect their rights),

Conscientious: A comprehensive perspective to accept the duties, and diligently do the right things by putting their heart, head and hands (awareness of the experimental nature of the product/project, anticipating possible and unexpected outcomes and putting efforts to monitor them),

Accountability: (being accountable for the decisions, actions, and the results of product/ project including safety)

Praiseworthy/Blameworthy: Applied to context of doing things right/doing things wrongly, respectively.

II. Causal Responsibility:

It is being a cause of some event. For example, a child playing with matches cause a house to burn.

The child is causally responsible, but the parent who left the child with matches, is morally responsible.

III. Job Responsibility:

It consists of assigned tasks at the place of employment and achieving the objectives.

IV. Legal Responsibility:

It is the response required by law and includes legal obligations and accountability to meet them. Many of these responsibilities overlap with moral responsibility.

V. Social Responsibility:

It consists of responsibilities of a professional towards the society within and beyond the organization.

Characteristic features of Responsible Professionalism:

This consists of five types of virtues, as follows:

- A. Self-direction** (Self-governance) virtues are fundamental and necessary in exercising moral responsibility. On the basis of 'understanding and cognition', it includes self-understanding, humility (proper assessment of one's character), and good moral judgment (termed as 'practical wisdom' by Aristotle). On the basis of 'commitment and action', it covers courage, self-discipline, perseverance, self-respect, and integrity. Honesty a virtue common to both bases as it implies truthfulness in thoughts and words and trustworthiness in actions.
- B. 2. Public-spirited** virtues focus on the good of the clients and the public. It includes the respect for rights (to make decisions and face the risk), non-maleficence (not harming others intentionally). Engineering codes go a step further and prescribe beneficence that includes preventing or removing harm to others and also promoting the public safety, health, and welfare, generosity (helping the community by voluntarily giving their time, talent, and money-voluntary service to the professional society and community), and justice (unbiased) in all decisions and actions.
- C. Team-work** virtues enable the professionals to work successfully with others. They include collegiality, cooperativeness, communicative ability, and respect for legitimate authority. Responsible exercise of authority and the ability to motivate other to achieve are also the relevant to team-work virtues.
- D. Proficiency** virtues, which mean the mastery of technical skills (called as Intellectual Virtue by Aristotle). It includes competence (having qualified, licensed, and prepared to execute the job that is undertaken), diligence (alert to dangers, careful attention, and avoidance of laziness or workaholic nature), creativity (learning to respond to the changing technological society), excellence (perform at the highest level), and self-renewal through continuing education.
- E. Cardinal** (chief) virtues: Wisdom (prudence), courage (fortitude), temperance and justice. Some of these may overlap other virtues. They are called 'cardinal' (Latin: *cardo*, hinge) because they are hinges on which all virtues depend. These are also called *moral* (Latin: *mores*, fixed values) because they govern our actions, regulate our passions, and guide our conduct according to faith and reason. Wisdom is perception of truth and ability to distinguish between the right and wrong. Courage means a firm and elevated mind. Temperance represents order in words and actions. Justice is preserving humanity and observing the faith of contracts. Although these virtues ring religious tones, they are very relevant to the engineering practice.