

Business ethics- changing jobs and changing loyalties



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1) What should Cynthia do? What ideals, obligations, and effects should she take into account when asking her decision? Cynthia should re-consider her decision to shift to Crytex Systems. Moral obligations and interpersonal responsibilities have been increasingly differentiated both in the philosophical and in the psychological literature. Moral obligations in the Kantian tradition define duties or obligatory actions that we owe to everybody under all circumstances.

They include, for example, the obligation to keep a promise or to be veridical. These obligations have been subsumed under the principle of justice and fairness. On the other hand, expectations and responsibilities in office relationships that Cynthia refers to concerns about the well being of Altrue Company. In general, at least in the Western cultural context; they define actions that are less obligatory, that we do not owe to everybody equally, and which depend more on the circumstances of the situation.

In philosophy and psychology these responsibilities have been addressed under the topics of sympathy and empathy, pro-social or altruistic concerns and the principle of beneficence or care. It has come to be increasingly accepted that both justice and care or solidarity are necessary components of morality. Research in moral development has been differentially concerned with the two principles of justice and care. This can be supported with the research in the Kohlberg-tradition has focused primarily on the principle of justice.

The principles of justice and care have been related differentially to cognition and feelings, and they have been addressed in empirical research with

different methodologies and assessment strategies. In moral dilemmas that were presented to persons in the Kohlberg-oriented justice-tradition predetermined moral obligations or rights conflict with each other. In the famous Heinz dilemma, where a husband has to consider whether he ought to steal a medicine in order to save his wife's life, the right to life conflicts with property rights.

In the care-oriented Gilligan-tradition as well as in the context of research on empathy and altruism moral obligations or interpersonal responsibilities conflict with selfish needs. Moreover, dilemmas in the Kohlberg tradition were designed to address conflicts outside the reality of everyday life in order to assess "moral competence." In the care-tradition dilemmas were designed to address concerns of everyday life and to establish a stronger identification of the persons with the protagonist in a dilemma.

As a consequence of this approach, moral reasoning relative to issues of empathy and care has been conceptualized as more dependent on the context of the particular situation than research concerning the principle of justice. Further, in these tradition interpersonal feelings such as sympathy and empathy and moral feelings such as guilt or shame claimed attention as topics of research. In contradistinction to this polarization of the two moral principles it has also become increasingly clear that moral reasoning about issues of justice and care cannot be separated so neatly.

Justice issues are not merely the objects of purely cognitive reasoning processes, but may arouse specific feelings as in the case of a justice feelings or motives or a feeling of moral outrage when justice is failed.

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Empathy, on the other hand, requires more than affect when moral choices about conflicting claims are made. In Cynthia's case, she is just like a normal person in her everyday life does not consider moral obligations as strictly obligatory under all circumstances, but she take the conditions of the situation into account when weighing different claims against two companies just like how the husband advised her.

In this situation of conflicting claims involving her and the husband who interprets the meaning of the situation depending on the particularities of the situation, Cynthia now has to make up her mind including both self-interest and obligations or responsibilities towards both companies. Persons vary in their sensitivity for the moral aspects of a conflict situation, both developmentally and differentially. When interpreting the meaning of a situation they may not spontaneously take into account the moral aspects of a situation, but may be concerned with other; selfish or pragmatic aspects.

They may be sensitive to different types of obligations and responsibilities and pragmatic-egoistic concerns of the self may achieve priority over obligations and responsibilities in situations in which moral and selfish concerns are in conflict. Hence, Cynthia has to consider her obligations with Altrue as the company has been treating her fairly and if she bolts the huge project might be jammed up as she's the driving force of the project before she can even consider her opportunities in Crytex.)Would it be unprofessional of Cynthia to drop everything and move to Crytex? Would it show a lack of integrity? Could moving abruptly to Crytex have negative career consequences for her? Before we look at would it be unprofessional of Cynthia to drop everything and move to Crytex, let's look at what constitutes <https://assignbuster.com/business-ethics-changing-jobs-and-changing-loyalties/>

unprofessional conduct. Unprofessional conduct is defined in the Health Professions Act (HPA) as meaning any or all of the following:

- 1) Displaying a lack of knowledge or a lack of skill or judgment in the provision of professional services
- 2) Contravention of the HPA, the Code of Ethics, or Standards of Practice
- 3) Contravention of another enactment that applies to the profession
- 4) Representing or holding out that a person was a regulated member and in good standing while the person's registration or practice permit was suspended or cancelled
- 5) Representing or holding out that a person's registration or practice permit is not subject to conditions when it is or misrepresenting the conditions
- 6) Failure or refusal to comply with the requirements of the continuing competence program or with the competence committee, or with a person conducting a practice visit
- 7) Failure or refusal ? To comply with an agreement that is part of a ratified settlement ? To comply with a request of or cooperate with an investigator To undergo an examination to assess capacity to practice under section 118 of the HPA ? To comply with a notice to attend or a notice to produce under Part 4 of the HPA (Professional Conduct)
- 8) Contravening an order under Part 4 of the HPA conditions imposed on a practice permit, or a direction under section 118 (Assessing Capacity)
- 9) Carrying on the practice of the profession with a person who is contravening an order under part 4 of the HPA or conditions imposed on a practice permit or a direction under section 118(4)
- 10) Conduct that harms the integrity of the profession.

Unprofessional conduct encompasses any conduct which demonstrates a lack of skill or an ethical concern.

Any conduct which fails to meet the standard of professional services which might reasonably be expected of the ordinary, competent practitioner in the profession can be considered to be demonstrating a lack of skill. Similarly, a lack of skill exists where a member, in carrying out their professional duties, fails to exercise the degree of care and skill ordinarily exercised by other members of the profession in a similar setting. This includes incompetence or neglect. The standard that must be met is the minimum threshold level of skill necessary to practice. It is not a lofty goal or a standard that practitioners should aspire to. This applies if Cynthia literally bolts from Altrue and joins Crytex for her personal interests being unprofessional.

It is said as such because a huge project is handled by Cynthia in Altrue, so if she leaves, she's eventually neglecting the responsibilities given to her based on trust and capabilities by Altrue. It's even worse when unprofessional conduct done where there is an ethical concern can include incompetence or neglect but also deals with transgressions of a much more serious nature, or where the infringing conduct was deliberate or intentional. Having said such, Cynthia should complete the project that she has been handling before making any decision to leave Altrue as if she leaves now, it's pretty obvious that besides being unprofessional she is intentional in doing such. Ethical concerns include whether the impugned conduct is harmful to the public or the profession and whether it is disgraceful or dishonorable.

Hence, what guarantee that Crytex has that Cynthia will not bolt from Crytex when a much better company cuts a deal with her? So, Cynthia has to consider from so many angles before making this huge decision. In deciding if conduct amounts to unprofessional conduct, she is uniquely and best <https://assignbuster.com/business-ethics-changing-jobs-and-changing-loyalties/>

qualified to establish the objective standards of professional conduct and to determine whether the conduct of a fellow member has fallen below the requisite standard. Even if these standards are unwritten, they are nonetheless real. One of the most difficult goals for business owners is to find, recruit and hire the right people who will assist them to be successful in their business. What they should look for in potential employees can be confusing.

It is my opinion that the most important characteristic business owners will want and need from their employees is exceptional Integrity. Integrity of employees is critical and the most important ingredient because without it the business owner cannot count on receiving the results expected and promised. No matter how qualified, how experienced, or how skilled a person is; if they cannot be trusted then they have practically no value to the owner or the business. If a highly qualified employee cannot be counted on to use their skills, knowledge, and experience to perform and produce the results promised and paid for, then what good are they? Business owners hire people to produce results. Owners get no value from potential results.

So, if Cynthia decides to bolt from Altrue and join Crytex, there is no guarantee that David Newhoff is going to treat her the same as his other loyal employees as he knows, Cynthia will definitely bolt again when there is a better company that cuts a deal with her. He would probably make the full use out of her skills that she gathered from years of experience with Altrue and use it against Altrue to bring them down. Most probably when Altrue has gone down, David Newhoff wouldn't mind to lay off Cynthia as well. Integrity is a word that has developed many different definitions and nuances. The <https://assignbuster.com/business-ethics-changing-jobs-and-changing-loyalties/>

specific types of integrity that owners will need from their employees can be clearly defined.

There are two components of Integrity that owners will need their employees to have within them and exhibit. Owners will need their employees to understand and practice both of the following two components of Integrity at all times which are responsibility and honesty. Employees will take full responsibility for all of their actions, by completing all agreed upon or expected tasks, to achieve required results at or before the expected times. Employees will also immediately and fully disclose to the owners and all other affected parties any obstacles to success they encounter, so that emergency actions can be taken to reverse and/or reduce the impact of failure.

This way, owners can count on the timely and full delivery of expected results from all employees, and will have the confidence to know they will be immediately alerted to possible delays or shortcomings, so that corrective actions can be taken beforehand. Based on this theory, if Cynthia leaves now from Altrue, she is literally leaving without completing the task and responsibility given to her and she is planning on leaving on a very short notice where Altrue might not be prepared with a proper succession plan to handle the project that's been done halfway by Cynthia. When it comes to honesty, employees will have to be completely honest and open with the owner, by immediately volunteering, and freely reporting any and all negative reactions from clients, other employees, and or people who have interacted with the employees.

Employees will also provide their reasons for their negative reactions and the full honest behavior (without any omissions) by the employees prior to the negative reaction. The purpose is to create possible solutions to convert the negative reactions into positive bonding ones. Any withholding of information or delays in admitting mistakes or of having possibly created negative responses is considered a violation of TRUST. Cynthia will be violating the trust that Altrue has for her capabilities if she switches sides. It's just not a matter of loyalty at the end of the day, but its about the people Cynthia works with and things are never going to be the same again.

If Cynthia bolts from Altrue, going to Crytex and make new friends, Cynthia will not have true friends as they will be afraid to mix with Cynthia as she is not a trustworthy person. If we look at the possibilities of Cynthia having negative career consequences by moving to Crytex abruptly is pretty high.

a)She'll be affected mentally and physically in terms of her health. She may experience a high level of depression, anxiety, stress, and loss of self-esteem and identity. Physical health complaints are most prominent during the period of anticipation. Physiological changes suggest an increased likelihood of coronary disease, diabetes, peptic ulcer, gout, arthritis, and hypertension. Job-related stress and life stress are related to Cynthia's physical health and illness.)From the social psychological perspective the relationship between the co-workers and Cynthia plays an important role in her co-worker's perceptions, attitudes, and behavior. Thus, a triangle of relationships between co-workers, the Cynthia, and attitudes toward the organization needs to be examined. c)When the Cynthia is leaving her close friends in Altrue, her friends in Altrue may be particularly traumatic and panic as they

will feel like they just lost a wing of theirs. For career-oriented friends who have worked with the Cynthia for a long time, the departure of Cynthia is evaluated and considered very seriously by the co-workers. d) Cynthia might also find that Altrue might not provide a good testimony for her when she puts Altrue as a reference of previous employment on her resume for future employment.) Cynthia also might have a hard time coping with the new environment that might slow her down on her performance which eventually not satisfy Crytex. f) Crytex might not give huge responsibilities to Cynthia as they wouldn't trust her as she bolted from her previous responsibility intentionally. 3) Is it morally wrong, morally permissible, or morally required for Cynthia to take the new job? Examine Cynthia's choice from a utilitarian point of view. How would Kant look at her situation? It is morally wrong for Cynthia to take the new job because Crytex is Altrue's big competitor and everyone else will look down on her as she switched sides abruptly. In addition, the company always treated her fairly.

From utilitarian point of view, Cynthia should not quit the job because she is the driving force behind the project and her project team will be down and can't do the project without her. If she quit the job now, the company may have losses and the company reputation will be affected. Besides that, her co-workers will be spreading hidden critics about herself. From Kant situations, she will a higher compensation and will be provided with more perks and new challenges for herself in the new environment. Besides that, the Crytex Company needs someone now and it would be a great step for her to enter the company because she has long admired the company and the position the company was offering her was perfect.) What does loyalty to

the company mean, and how important is it, morally? Under what circumstances, if any, do employees owed loyalty to their employers? When, is ever, do they owed loyalty to their coworkers? Employees should have the obligation to work for the organization. As an employee, they should show their loyalty toward company by helping company to gain more profit.

Loyalty is a real and important value. Employees willing make sacrifices for the organization, features the time and energy. The importance of employee's loyalty toward the organization is that the organization cannot survive without employees. The collaboration among employees with employer plays the main role in an organization.

It should go without saying that an employee is bound to furnish service to the employer in accordance with the terms of any express employment contract, whether it is oral or written. But over and above the agreed employment terms, the employee is also obligated to render loyal, diligent and faithful service to the employer even in the absence of any specific agreement to that effect. This means, among other things, that an employee owes a duty to act with the utmost good faith in the furtherance and advancement of the employer's interests. The question, then, is how these duties of loyalty and good faith translate into the day-to-day obligations of an employee to an employer.

Among other things, the duty of loyalty includes an employee's duty not to act or to agree to act during the period of his employment for persons whose interests' conflict with those of the employer in matters for which the employee is employed. Thus, in the absence of the employer's consent, " no man can serve two masters," at least where the interests of those masters

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conflict. An agent is a fiduciary with respect to matters within the scope of the agency, and is required to act solely for the benefit of her principal in all matters concerned with the agency. As a result, when an individual is employed to acquire business opportunities for one company, it is a breach of the employee's duty of loyalty to divert business to a competing company with whom the employee has agreed to accept employment.

Further, it is a violation of the duty of loyalty to use an employer's time or resources in order to locate or procure replacement employment. Likewise, even in the absence of a signed confidentiality agreement, it is a violation of the employee's duty of loyalty to divulge an employer's trade secrets to a competitor, and also a violation of the duty of loyalty to use trade secrets acquired in the employment of one employer for the benefit of another. Yet there are limits to the duty of loyalty. It is obviously not a violation of the duty of loyalty for an employee to seek employment with a competitor, so long as the job search is conducted outside of company time and not in violation of any written covenant against competition.

Further, an employee may solicit or accept customers of a former employer after the termination of the previous employment, unless there is a written covenant prohibiting such solicitation. However, an employee who expects to terminate his employment may not solicit customers for a rival business before the termination of the employment, nor may he do other similar acts in direct competition with the employer's business. Nor is it a violation of the duty of loyalty for an employee to use in his new employment the

experience, knowledge, memory and skill which he gained in the old. In

order for an employee to be prohibited from using particular information as a
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trade secret or confidential information, that information must be more than the general skill and knowledge acquired by the employee in the course of employment.

Instead, in order to be protected against disclosure to or for competitors, the information must be the particular secret of the employer, not readily discoverable by ordinary means, and not merely the general secrets of the trade in which one is engaged. Thus, regardless of whether there is a written covenant against the employee's use or appropriation of trade secrets, the employee will be permitted to use his general skills and knowledge in later employment, but will not be permitted to use or reveal any information that could not be discovered by independent investigation. In other words, the duty not to divulge trade secrets arises not as a function of a written confidentiality agreement, but as part and parcel of the employee's fundamental duty of loyalty.

A written confidentiality agreement typically serves as little more than evidence of the confidential nature of the data sought to be protected. Accordingly, an employee may not use a list of customers made surreptitiously during the employment without the knowledge or consent of the employer, when the list is a confidential one. Indeed, the government prohibits the theft or unlawful appropriation of a trade secret, but further provides that it is a complete defense to a prosecution to show that the information comprising the alleged trade secret was rightfully known or available to the employee from a source other than the owner of the trade secret.

Criminal prosecution for the misappropriation of trade secrets is the exception, and not the rule, particularly in cases where the employee initially came upon the information by lawful means. But in any case where a breach of the duty of loyalty can be established, the employee can be held liable in a civil action for any financial losses the employer can prove it suffered as a result of the employee's breach. The potential damages recoverable against the employee include not only the profits lost to the employee's misappropriation of business opportunities or trade secrets, but also, in the case of deliberate and knowingly wrongful conduct, punitive damages as well. In Japan, their employees have strong loyalty towards the company. For example, they will show their loyalty and not to betray once they get the job in organization.

The employer-employee relationship should not be looked at simply in economic terms. It is a significant human relationship of mutual dependency that has great impact on the people involved. A person's job, like a person's business, is highly valued possessions that pervasively affect the lives of the employees and their families. With stakeholders everywhere, the relationship is laden with moral responsibilities. The employer has a moral obligation to look out for the welfare of employees. It is not a question only of fair pay and good working conditions, there should be a real and enduring concern for employees. Companies should be loyal to workers as well as shareholders.

Layoffs, plant closings, and other dramatic events of this nature should be handled with caring and sensitivity and as acts of great moral significance.

The use of new euphemisms such as "down-sizing" or "right-sizing" may make managers feel better about the decision to terminate jobs, but it does <https://assignbuster.com/business-ethics-changing-jobs-and-changing-loyalties/>

not change anything from a moral perspective. As already discussed, employees are entitled to be treated fairly and with respect, and it is the company's obligation to see that individual managers do not abuse their power or mistreat their subordinates. Kill-the-messenger behavior at any management level is improper, as is any active or passive encouragement of dishonest reporting. Employees should feel free to raise ethical or other issues without fear of retaliation.

Employees are entitled to count on the commitments of the employer especially about central matters such as pay, raises, and promotions.

Employers who chisel employees, renege on promises, or treat them as if they were simply instrumentalities of the organization's interests rather than ends in and of themselves fail to meet their moral responsibilities.

Employees also have moral obligations, and they go beyond giving a full day's work for a full day's pay. Loyalty goes both ways. Employees have moral duties to the organization, co-workers, and customers. If an employer were secretly to look for a replacement for an employee by conducting interviews behind the employee's back, most employees would consider that an act of betrayal. Why didn't you tell me my job was at risk? " " Why didn't you tell me that you were unhappy with my work so I had a chance to improve? " Does the employee owe the employer less? When an employee, without any notice to an employer secretly looks for a new job, often covering up interviewing time with deceptions or lies, is the conduct any less untrustworthy? When an employer decides to let an employee go, it is generally thought that the employer should give the employee ample notice or severance pay. But what of the ethics of the employee who walks into the

boss' office and says, " I have an opportunity I can't turn down and they need me to start this Friday"?

Because of the disparity in power, many employees adopt a double standard that gives them more leeway than they afford the employer. One aspect of this attitude draws on the doubtful assertions of necessity. Another is the implicit belief that if an offer is too good to refuse, there is no moral obligation to refuse. It doesn't take much scrutiny to see that these are self-serving rationalizations. The moral obligations of an employee include loyalty, candor, caring and respect. The mismatch in economic strength between the employer and the employee does not change that. People of character take into account their moral obligations to their employer before they interview for another job.

If they know that their departure will jeopardize the organization, co-workers, or customers they should make it clear at the job interview that they are not available until they have provided a reasonable transition which is what exactly Cynthia is supposed to do. If we are not certain how much hardship departure may cause, the principle of respect suggests that the parties most affected be given an opportunity to participate in a discussion to suggest the least harmful alternative. Because the employee-employer relationship operates in the context of business, there is a tendency to play by different rules dictated by who has the leverage, and principles of expediency; what you can get away with, rather than moral principle.