

# Scenario of an ethical dilemma (part 2)

In our last feature article, we discussed an ethical dilemma, which can be summarized as follows:

Engineer Tremblay<sup>1</sup> has worked in the computer field for C-Za Inc. since 2007. His immediate supervisor, Engineer Sansfaçon, suggested Engineer Tremblay take part in a meeting with a man from India who had developed innovative software and wanted to sell it exclusively to C-Za Inc. Two days later, Engineer Sansfaçon invites Engineer Tremblay to join him in a meeting with the CEO of C-Za, during which he intends to submit “their” creation, that is to say a copy of the very same software.

Engineer Tremblay tosses and turns the whole night before the meeting, pondering a thousand questions. Should he go to the meeting and act as if everything was normal? Could he simply withdraw from the project and do nothing? Or, on the contrary, does he have an obligation to act? If he blows the whistle and tells the Ordre des ingénieurs du Québec’s Office of the Syndic about the situation, what will happen to him? Will he lose his job? And what will his superior, who had been his teacher in University and mentor during his internship, be exposed to? In short, what should he do?

## A DECISION THAT REQUIRES STEP BY STEP CONSIDERATION

First piece of advice for Engineer Tremblay: avoiding dealing with this dilemma or simply ignoring it could lead to actions which could adversely affect those involved, their team members, and their clients. It is not always easy to take the time to ponder an ethical dilemma, but doing so could turn out to be very beneficial. What’s more, having other people participate in the process could provide perspectives he hadn’t considered. Even conflicting opinions are rarely irreconcilable when people have confidence in one another and ideas are exchanged in a respectful environment.

### 1. Analyze the situation

#### *What is the cause of the problem?*

Presenting the software as “their” creation when Engineer Tremblay knows full well that it is the work of someone else.

#### *What is the ethical dilemma?*

Engineer Tremblay’s superior has been his mentor and role model. However, in this particular case, Engineer Sansfaçon asks Engineer Tremblay to betray the software developer’s confidence and usurp his work.

#### *What are the consequences and repercussions for those involved?*

**For Engineer Tremblay:** if, one day, the truth comes out, his reputation will be tarnished. Even if the truth is never disclosed, will he be able to live with this secret? By claiming someone else’s work as his own, he will have taken part in an illegal act. And what if Engineer Sansfaçon expects something

in return for his silence? Will Engineer Tremblay’s participation be seen as some sort of complicity? Will he have to commit more illegal acts at his superior’s request?

**For Engineer Sansfaçon:** he seems to be aware of what he is doing, but what does he expect from Engineer Tremblay? Does he simply want to know if he can be trusted? Is this a “test”? Or, if he has a habit of acting this way, does he want to involve his subordinate in his illegal activities? If the developer requests that the Office of the Syndic carry out an inquiry, will Engineer Sansfaçon be stricken off the roll?

**For both engineers:** what will the CEO expect from them following their presentation of this innovative product? Will he express his gratitude with a salary increase? Will he ask the engineers to create another high performing software?

**For the software developer:** what will happen to him if Engineers Tremblay and Sansfaçon present his work as their own creation? In addition to losing the product of years of labour, he may lose his copyrights. Will he sink into a deep depression?

**For the CEO:** will the company lose profits it could have made with other software the developer could have invented? If the scam is uncovered, will his future and reputation be compromised?

#### *What standards and regulations among the following govern this situation?*

#### – Statutory or regulatory provisions (including the Code of ethics of engineers)?

In order to carry out its mission, namely ensuring the public’s protection, and guarantee that the profession serves the public’s interests, the Ordre des ingénieurs du Québec needs the cooperation of all its members. If an engineer believes that a fellow member has violated one or more provisions of the Code of ethics of engineers, he must advise the Ordre’s Syndic without delay. Omitting to do so constitutes an “act that is derogatory to the dignity of the profession”, pursuant to section 4.01.01 g) of the *Code of ethics of engineers*.

Furthermore, section 3.02.08 of the Code of ethics provides that “an engineer shall not resort nor lend himself to nor tolerate dishonest or doubtful practices in the performance of his professional activities”.

What’s more, in the case at hand, various statutory provisions are applicable. Consequently, and these are merely a few examples, the engineers in our story could be prosecuted for theft or use of information (criminal or penal offences); the software developer could file a civil suit and claim damages; with respect to copyright, Engineers Tremblay and Sansfaçon could be accused of infringement.

#### – Professional or workplace rules?

The engineering profession identifies with four important

values<sup>2</sup>: competence, a sense of ethics, responsibility and social commitment. Among them:

- a sense of ethics implies that engineers put society's and their clients' interests before their own and that their actions are in line with their conscience as true professionals;
- responsibility dictates that engineers are accountable for their choices and actions, namely by vouching personally for their work with respect to their clients and society in general.

Many companies have adopted a code of conduct or a code of ethics. If this is the case for C-Za Inc., Engineer Tremblay must take it into consideration.

#### – Moral standards?

"Morality (from the Latin *moralitas* "manner, character, proper behavior") is the differentiation between intentions, decisions, and actions between those that are good (or right) and those that are bad (or wrong). A moral code is a system of morality (for example, according to a particular philosophy, religion, culture, etc.) and a moral is any one practice or teaching within a moral code. The adjective moral is synonymous with good or right."<sup>3</sup>.

## 2. Clarify conflicting values

### *What values are in dispute in this situation?*

"Loyalty", in a situation like this one, would imply that Engineer Tremblay keep quiet; in other words, it would entail his participation and collaboration, even in a passive manner, to an illegal act committed by his superior. Glory and peer recognition also come into play. On the opposite side are honesty, responsibility, autonomy and a sense of ethics, among other things.

### *What is the main conflict of values?*

Loyalty vs responsibility

## 3. Make a reasonable decision

### *Which value should take precedence in this situation?*

In order to avoid other sleepless nights, Engineer Tremblay should prioritize responsibility and his sense of ethics.

### *Which means of action should be chosen in order to reach a balance between the two conflicting values?*

A discussion between Engineer Tremblay and his superior regarding the situation and the possible outcomes would allow them to see things clearer. If this is not possible, it bears reminding that speaking to others would help Engineer Tremblay approach the situation from different angles.

Another piece of advice for Engineer Tremblay: loyalty towards a person implies that this person is honest, credible and reliable and therefore worthy of such loyalty. In the case at hand, Engineer Sansfaçon is no longer reliable. He lost his credibility once he suggested Engineer Tremblay act illegally and against his values, thereby putting him in a difficult and conflicting situation. Such action could jeopardize Engineer Tremblay's career and future entirely.

## 4. Establish a dialogue with those involved

### *What are the main arguments justifying the decision towards others?*

The values that must take precedence are, namely, honesty, a sense of ethics and responsibility. Once we open the door to committing an illegal act or violating our values, it is very difficult to go back in time. Once we find ourselves in a troubling situation, we should be able to make a decision that would keep us from other sleepless nights.

### *Can the decision get everyone's approval?*

In this case, Engineers Tremblay's superior is also an engineer: both have to respect the same professional values, both have the same code of ethics. Thus, it should be easier for Engineer Tremblay to address the issue with Engineer Sansfaçon.

## Conclusion

Even if it proves to be difficult, we must take the time to analyse each dilemma. This article is meant to be thought-provoking; when it comes to ethics, the answers are not necessarily clear-cut.

In the case at hand, Engineer Tremblay should attempt a dialogue with Engineer Sansfaçon. As a professional, he must do something and avoid committing an illegal act. If Engineer Tremblay is unable to stop Engineer Sansfaçon from presenting the software as his creation, he can report him to the Ordre's Syndic.

Each case being different, it is important to know that in certain circumstances, a complainant can ask the Syndic to remain anonymous and not be forced to testify before the Disciplinary Council. However, anonymity cannot always be guaranteed.

It is important to note that the Ordre has a defense fund for ethical matters. The purpose of this fund is to provide financial support to engineers who have suffered a prejudice, reprisal or damages, incurred costs, lost their job or have been suspended for having refused to violate their duties pursuant to the Code of ethics<sup>4</sup>.

1. This story and the names therein are fictitious.

2. Cf. <http://gpp.oiq.qc.ca>.

3. Cf. <http://en.wikipedia.org/wiki/Morality>.

4. Every application for support must be justified and sent in writing to the Ordre's secretary, within sixty (60) days of the event.