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Chair's Statement – AGM 2001

The Chinese curse of “may you live in interesting times” has become a reality. We are now in the midst of the first major conflict of the new Century. The war on international terrorism will pose a major challenge to many segments of our society not the least of which will be the ethics practitioners.

Some years ago, a Canadian strategic thinker defined national security as “the preservation of a way of life acceptable to the Canadian people and compatible with the needs and legitimate aspirations of others. It includes freedom from military attack or coercion, freedom from international subversion and freedom from the erosion of the political, economic and social values which are essential to the quality of life in Canada.” The key is the preservation of our Canadian values during and after the current campaign on international terrorism.

Over five years ago, EPAC took on a challenging mission of supporting ethical behaviour in organizations by enhancing the quality and availability of ethics advice and services across Canada. The Association has come a long way since then. In 2001 we have almost 160 members on our way to 200. These individuals span the whole of Canada and share similar goals. They all know others who are also interested in applied ethics and continually expand our sphere of influence. Members continue to make a difference by communicating with each other and their friends.

EPAC's web site has brought very favourable reviews but more importantly, it has allowed us to communicate better with each other. It lists coming events and is a source of contacts for non-members wishing to learn more about EPAC. We also have a very successful series of electronic bulletins that keeps all aware of recent development and ideas in applied ethics. Finally, this year saw the birth of our very own Magazine. It is rich in content and will inevitably continue to grow.

The growth of EPAC is due in no small part to members across Canada who have put together regional events to promote our mission. There was a successful national event in Truro NS last winter, another successful event in Québec in May, and the list of events in Western Canada continues to grow particularly in Alberta. We joined hands with the Canadian Centre for Ethics and Corporate Policy to put

together a lunchtime panel discussion in Toronto in April that was very well received. Finally, the Ottawa Ethics Round Table luncheons continue to grow in size and frequency.

After years of work, EPAC finally released its *Competency Profile of an Ethics Practitioner* document. The document addresses three areas: the functions that ethics practitioners carry out, the knowledge that ethics practitioners must have, and the skills they must possess. At the time of the release I said that the *Competency Profile* is a significant contribution to the self-governing framework of ethics practitioners. The *Profile* sets a threshold standard for competent ethics practitioners. Making this *Profile* readily available will certainly have a major impact on the growing field of ethics advice and services to organizations in Canada”. This information will assist potential employers and clients to engage professionally competent ethics practitioners, as well as enabling educators to design programs to train ethics practitioners. Most important, the *Profile* establishes a common standard for those who work to enhance the ethical orientation of organizations in Canada.

We have now turned to the self-assessment that follows the Profile and the education element necessary to support ethics practitioners across Canada. We have begun by working with others to establish an inventory of ethics education available in Canada. There is also a possibility of developing ethics practices standards, measurement tools, and international education programs in cooperation with national and international partners. These will be specifically designed for ethics practitioners and complementary to our current Competency Profile.

None of these activities can become reality without financial support. EPAC this year developed a sponsorship policy that will assist us in obtaining financial support for future projects. Here again, money without dedicated people will make little difference in the quality and availability of ethics advice across Canada. It is really the people who make a difference. EPAC has been blessed with highly motivated and capable professionals.

Regrettably, one of our strongest supporters has had to retire from the Board for personal reasons. We are very sad to lose Chantal Plamondon from the Board but we rejoice in the knowledge that she remains an active member of EPAC and will continue to work on our Web Site.

In conclusion, I am sure that you will agree with me that this last year of operations has been very successful for a pan Canadian independent volunteer organization dedicated to the support of ethical behaviour in our society. Thank you for the honour you conveyed upon me in allowing me to Chair the Board of Directors of EPAC. Thank you also to all who have provided EPAC with superb support during the last year. Without you nothing is possible.

Marc Terreau

Marc Terreau is a retired Air Force Major-General who has taken a leadership role in ethics consulting as an Associate of KPMG Ethics & Integrity Services in Ottawa.



Message du Président – Assemblée annuelle 2001

Les Chinois souhaitent à leurs ennemis qu'ils « vivent dans une période historique intéressante. » Nous devons aujourd'hui faire face à la réalité du premier conflit important du 21^e siècle. Cette campagne contre le terrorisme international offrira un défi considérable à tous les Canadiens mais particulièrement aux praticiens en éthique.

Durant les années quatre-vingts un penseur canadien avait dit que la sécurité nationale consistait en « la préservation des mœurs et coutumes canadiennes compatibles avec les aspirations légitimes des autres gens. Ceci inclus ne pas être attaqué militairement ou d'être assujéti à des contraintes, de ne pas être sujet à la subversion internationale, et aussi de ne pas voir l'érosion de nos valeurs politiques, économiques, et sociales qui sont essentielles à la qualité de vie canadienne. »

La clef pour nous est la préservation de nos valeurs nationales durant et après cette campagne contre le terrorisme international.

Il y a plus de cinq ans que l'APEC a adopté pour mission d'encourager le comportement éthique dans les organisations en améliorant la qualité ainsi que l'accessibilité des conseils et des services professionnels reliés à l'éthique au Canada. Nous voici

maintenant avec 160 membres à travers le Canada et la croissance continue. Nos membres connaissent aussi plusieurs autres personnes qui croient en notre mission. Nous continuons donc d'élargir notre sphère d'influence. Notre mission s'accomplit en grande partie en communiquant entre nous et avec nos collègues.

Le site Web connaît beaucoup de succès mais ce qui est encore plus important, il nous permet de communiquer plus effectivement entre nous et avec ceux qui désirent se familiariser avec l'APEC. Il y a également un calendrier d'événements importants ainsi qu'un répertoire des membres. Nous avons aussi un bulletin électronique de haute gamme et cette année, nous avons publié un magazine pour nos membres. Là aussi nous avons mis l'accent sur la qualité des sujets en espérant voir là aussi une croissance continue.

La croissance de l'APEC est due en grande partie aux membres à travers le pays qui ont mis sur place des activités soutenant notre mission. Il y a eu une conférence nationale à Truro Nouvelle-Écosse en février dernier, un colloque au Québec en mai, et la liste des événements dans l'Ouest canadien continue de s'allonger, particulièrement en Alberta. Nous avons participés conjointement avec le Canadian Centre for Ethics & Corporate Policy de Toronto en avril dernier pour offrir un panel afin de discuter de l'avenir des initiatives en éthique au Canada. De plus, la table ronde d'éthique à Ottawa a de plus en plus de succès.

Après des années de recherche et de travail de rédaction, l'APEC a publié son *Profile de compétences des praticiens en éthique*. Le document se concentre sur trois grandes lignes soit : les fonctions des praticiens, les connaissances nécessaires aux praticiens, et, les habilités que les praticiens doivent posséder. Au lancement j'ai mentionné que ce document aura certes un effet dans notre programme d'auto réglementation des praticiens en éthique. Rendre ce document public aura un effet salutaire dans tout le domaine de l'éthique appliquée. Le contenu du document saura aider les employeurs et les clients à trouver des praticiens de qualité et aussi à aider les académiciens à produire des programmes éducatifs à l'intention des praticiens en éthique. Ce qui est peut être plus important encore, c'est que le *Profile* établit un standard commun pour tous ceux qui oeuvrent en éthique.

Nous nous tournons maintenant vers l'auto évaluation liée au profile ainsi que vers le domaine de l'éducation nécessaire pour soutenir les praticiens à travers le

Canada. Nous collaborons avec d'autres personnes pour compléter un inventaire de l'enseignement en éthique au post-secondaire. Il y a aussi une possibilité de développer des barèmes de pratique, des outils permettant de mesurer l'effet de nos efforts, et un programme d'éducation internationale en partenariat avec des organisations nationales et internationales. Ces initiatives seront alignées aux besoins de nos praticiens et viendront soutenir notre *Profile des compétences*.

Aucune de ces activités n'est possible sans un fondement financier solide. L'APEC a développé une politique soutenant nos activités de financement. Même là, l'argent est secondaire sans des personnes de talents pour en faire bon usage. Ce sont donc les individus qui font une vraie différence. L'APEC a été bénie de membres bien motivés et dédiés à notre mission.

Malheureusement, nous perdons une personne importante de notre conseil qui doit quitter pour des raisons personnelles. Nous sommes attristés du départ de Chantal Plamondon mais nous nous réjouissons de savoir qu'elle restera au sein de l'Association et qu'elle continuera son travail de soutien de notre site Web.

Je suis certain que vous serez d'accord avec moi que nos activités durant la dernière année ont eu du succès pour une organisation pan-canadienne de volontaires dédiés à encourager le comportement éthique dans notre société. Je vous remercie de l'honneur que vous m'avez fait en me demandant de servir comme président du conseil. Je tiens particulièrement à remercier tous ceux et celles qui ont travaillé directement au sein de L'APEC. Sans vous, rien n'est possible.

Marc Terreau

Marc Terreau est un major général d'aviation à la retraite qui est devenu un leader dans les services de conseils en éthique principalement chez les Services d'éthique et d'intégrité de la firme KPMG à Ottawa.



Lead Article

How EPAC came to have a Competency Profile of Ethics Practitioners

by Cornelius von Baeyer

Abstract: *The Profile arose out of an interest in professionalizing the work of ethics practitioners, but a reluctance to commit to moving towards the formal approaches of some organizations. The development of the Profile proceeded in two separate stages, beginning with work on skills and knowledge, and subsequently integrating work on functions of practitioners. The two stages met the needs of different users, with the skills and knowledge stage being more oriented to educators, and the functional stage more to managers. The resulting Profile appears unique in the literature on competencies. The description of its development sheds light on its strengths (as a succinct statement of what ethics practitioners do and should know and be skilled at), as well as its limitations (notably that it is only the first step in producing a job description or curriculum outline). Questions were also faced about the extent of moral relativism in the Profile, and special considerations in applying it in French-speaking Quebec. An Education and Competencies Committee has been set up to undertake projects flowing from the Profile, including a self-assessment guide for practitioners.*

On June 5, 2001, EPAC took a giant step in the process of improving the professional standards for practitioners in the field of organizational ethics. On this day, the Competency Profile of Ethics Practitioners was published on EPAC's Web site (www.epac-apec.ca) and widely distributed to professional and media organizations.

This was by no means the first step in the process of improving the voluntary standards in the field. EPAC was founded in 1996 with By-Laws that clearly set out its mission and its various objectives related to doing good in organizational ethics. In 1997, EPAC issued its Ethical Standards for Members, including core values and a code of ethics, which have been signed by every member, and a guidance document for applying the standards.

Then in 2000, EPAC first waded into the murky waters of what an ethics practitioner should be good at. This article sets out some of the achievements resulting from that adventure and also examines some limitations in the final product.

I begin with a heartfelt ‘thank-you’ to the many participants in the process – some 30 members of EPAC contributed directly and many others from inside and outside the association participated in our workshops. Not only would the product be inferior without their individual input, the product would be largely meaningless without their collective support for the enterprise.

The work on competencies grew out of positive and negative stimuli. EPAC directors were interested in pursuing greater professionalization of the work of ethics practitioners. However, many were not prepared to develop certification measures as these were known in other groups such as the North American fraud examiners or the British social and ethical auditors. Such formal systems seemed inappropriate at this time, given the small size of EPAC and its diverse membership, and given that its major task was perceived to be stimulating networking rather than policing.

On the positive side, it was clear that most, if not all of EPAC would support an examination of the competencies of practitioners. Many groups and associations were examining professional competencies. We had examples from a number of countries, and a number of fields (including some related to ethics): the Public Service Commission of Canada, Canadian Society of Association Executives, Canadian Council on Health Services Accreditation, Canadian Technology Human Resources Board, Public Service Education and Training Australia, and American Society for Bioethics and Humanities. However, we could not find a description of the competencies of an ethics practitioner as we understood this concept – we realized that we would have to do our own description from scratch.

For us, ‘ethics practitioners’ refers to both ethics officers in organizations and consultants to organizations. ‘Organizations’ includes the public, private and voluntary sectors. The term competencies, however, is used in various ways in the current literature. Some use it to refer to very high-level,

holistic proficiencies (such as showing leadership), while others use it to refer to particular skill sets accompanied by specific performance criteria. Some use ‘competencies’ for abilities acquired through demonstrable experience and training coupled with good character, while others use ‘competencies’ for knowledge and skills abstracted from specific training, work and personal accomplishments.

Our own path through this terrain produced a unique result, which advances the description of competencies generally as well as the description of the competencies of ethics practitioners in particular. Let me first describe the result, and then our roundabout process of getting there that highlights the unique aspects of the result.

We define a competency profile in very broad terms, namely as a statement of the threshold standard for a competent ethics practitioner to be active in the field of organizational ethics. In detailing the elements of the standard, we abandon the notion of competencies in favour of more concrete concepts that are selected to provide the high level of generality necessary for the Profile to be used in many varied contexts.

Thus we describe in detail:

- Part I the *functions* that an ethics practitioner carries out, such as working with organizations to identify organizational values and develop ethics programs, and promoting ethical leadership and decision-making;
- Part II A the *knowledge* that an ethics practitioner should possess, such as understanding the application of major theories of ethics and decision-making models, and understanding the basics of organizational management; and
- Part II B the *skills* that an ethics practitioner should possess, such as facilitating constructive dialogue on ethics-related issues, analyzing ethics issues and problems, and providing coherent, realistic solutions to ethical issues.

The Profile adds a short section on desirable personal traits. This is closely related to the Ethical Standards and not a formal part of the description of functions, knowledge and skills. Personal traits, like experience and training, are the characteristics that individuals bring to their work. These are important, but do not

provide the objective means of describing the work itself that are provided by functions, knowledge and skills.

The results-oriented description of *functions* is particularly suited to the needs of ethics officers and line managers intent on staffing a position, for example. The description of *knowledge* and *skills*, on the other hand, is particularly useful for staff advisors and educators engaged in curriculum development, for example. All three lists are needed when it comes to a fully rounded picture of organizational ethics work, such as is required for effective self-assessment of competency (taken up below). Finally, selecting elements from all three lists is useful in some cases, for example, when practitioners are preparing to present themselves to prospective employers and clients.

It will be clear to the reader by now that the Profile is a high-level summary. It is not a job description, a staffing test, or a set of performance indicators. It is not a set of learning objectives for courseware or accreditation criteria for institutions. It is not a certification tool for practitioners. The Profile takes the first step in producing such documents by providing a consistent overall framework for their development.

How did we come up with this model? We began at the end (although we did not know it at the time). In the summer of 1999, we held a brainstorming session in Ottawa on the skills and knowledge required by ethics consultants. The resulting document separated basic and advanced skills and knowledge. It was circulated to an advisory group across Canada and refined in many particulars. It was shown to a standards consultant at Human Resources Development Canada (HRDC), and became the subject of a well-attended workshop in Toronto.

The commentators were enthusiastic, but advised us to eliminate the basic versus advanced distinction, focussing on what a competent practitioner needed to possess. The commentators also told us that what made ethics practitioners unique, was their body of knowledge. Their skills were generally not unique to work in the ethics field. Thus, knowledge of ethics should come first, and the skills should focus on the various uses of that unique knowledge.

While these revisions were being made, a second front opened up. A member of the EPAC Board felt strongly

that ethics officers and line managers needed a much more succinct statement of 'core competencies' to use in their work. We challenged him to show us what he meant, and with a colleague he produced the first draft of the present section on functions. At first, this was treated as a completely separate exercise. The document was thoroughly revised by some members of the task force, and circulated to the advisory group and the EPAC Board. It was also shown to the standards consultant at HRDC, and became the subject of a workshop at an international ethics congress in 2000. The commentators approved of the initiative, but told us that the new document did not describe competencies. It was actually a list of activities or functions of ethics practitioners. The commentators also told us that this list should be closely linked with the earlier work on knowledge and skills, since neither document by itself satisfied all those concerned.

When these revisions were completed, two further sets of detailed commentaries were received, from two more members of the EPAC Board. The first was based on the view that the Profile appeared excessively relativistic. Moral relativism is always an issue for those active in the field of ethics. Its various types, and some thorny questions that it raises, are discussed by Michael Sutton elsewhere in this issue. The problem raised by the commentator related to the apparent absence of absolutes in the Profile, in line with a type of moral relativism where addressing right and wrong is replaced with talk about feelings, and where respect for the differences between participants leads to inaction in the face of wrongdoing.

The Task Force had on numerous points along the way faced the realization that there is no single accepted standard for values and ethics programs in organizations. In fact, ethics practitioners need to approach this issue with creativity, making full use of the fact that they come from a variety of disciplines. However, far from implying that anything goes, we recognized that there are core concepts, a recognized use of language, and an extensive literature in the field of organizational ethics. We had built a number of absolutes and normative elements into the emerging professional standards for ethics practitioners. Let me name a few.

The Ethical Standards set out EPAC's core values, such as fairness, respect and integrity. The Standards use concepts such as 'long-term well-being of our clients

and stakeholders', 'honest' and 'responsible' professional activity, and 'professional behaviour that meets the test of the highest internationally available ethical standards'.

The Profile recognizes specific *functions* related to such matters as 'differences between ideal ethical standards and existing organizational practices', 'differences between personal, professional, corporate and societal values, ethics and goals', 'ethical decision-making techniques to recognize and deal with ethical issues faced by staff', and 'national and international ethical standards for individual and organizational conduct'.

The Profile also sets out *knowledge* related to such elements as 'language used in discussing ethics and ethical issues', 'ethical theories and their application', 'strengths and weaknesses of different approaches to ethics', 'major national and international ethics cases and trends', 'actual and best practices in ethics in public and private sectors'.

Finally, the Profile sets out *skills* related to such elements as 'constructive dialogue on ethical issues', 'being a team player with clients, other stakeholders and other specialists', and 'integrating what the organization ought to be asking for into project design'.

Once seen in this light, the critique related to moral relativism loses strength. But it remains a fact that the Profile does not contain actual lists of best practices in ethics guidance or reinforcement, for example, or characteristics of good social audit. Here, it was generally felt that the Profile should remain succinct and high level. In fact, best practices in social audit, to remain with that example, are evolving and ethics practitioners should be aware of the latest state of development. The view that the Profile is too relativistic led to a number of specific improvements throughout the text. Furthermore, we have all been put on notice to be vigilant to this potential problem whenever the Profile is used to create other products, such as performance indicators or curriculum outlines.

The second set of commentaries came about as a result of translating the document into French. During editing of that version, it appeared that the Profile did not adequately recognize approaches to ethics programming favoured in Quebec. A number of adjustments were made to improve the text in both languages, including a note to the effect that some elements of the Profile are

more important in some regions and sectors than others. For example, dialogue as a technique is particularly important in Quebec and in the federal public service.

The reader can imagine the delight of the Task Force and Board when the Profile finally emerged in both languages from its two-year gestation. It was decided to make the Profile available on the Web, authorizing individuals to retain single copies without payment. The Profile is one of EPAC's important contributions to the field.

Response to the initial distribution of the Profile has been positive, especially from other professional groups, but muted from the media. Some of the next steps in this enterprise, which together should provoke a larger reaction, are clear. One small step relates to what the concept of ethics means in our association. This is nowhere set out in present documentation. This magazine contained in the previous edition a column devoted to the subject, and it is to be hoped that an operational definition will be developed to round out the Profile as well as other EPAC products.

As well, an Education and Competencies Committee has now been established (its terms of reference are on the EPAC Web site). Its current activities will focus on projects flowing from the Profile. A self-assessment guide is being developed to help practitioners determine their competencies and gaps that need attention. To help in finding training for such gaps, the committee is working with other organizations to establish an inventory of Canadian education and training resources. The committee is also exploring the development of new and improved courses and learning events for practitioners. Finally, the committee is exploring options for the recognition of practitioners and courses, examining the whole voluntary certification issue from the vantage point of an association that is fortunate enough to have an approved Competency Profile in place.

Cornelius von Baeyer

Cornelius von Baeyer is Vice-Chair of EPAC, and heads the Education and Competencies Committee. In between, he is principal of Workplace Ethics Consultancy in Ottawa (<http://ethics.hypermart.net>).



Article vedette (résumé)

Comment APEC en est venue à élaborer le profil des compétences des praticiens en éthique

par Cornelius von Baeyer

Le profil découle d'un besoin d'établir des normes professionnelles pour les praticiens en éthique, sans suivre les voies formelles empruntées par certaines organisations. Il a été élaboré en deux étapes distinctes : le travail a d'abord porté sur les habiletés et les connaissances, puis ces notions ont été intégrées aux fonctions des praticiens. Ces deux étapes visaient à répondre aux besoins des différents intervenants : les habiletés et les connaissances intéressent plus particulièrement les éducateurs et les fonctions, les gestionnaires. Le profil ainsi élaboré est unique dans la littérature spécialisée sur la question des compétences. La connaissance du processus d'élaboration du profil permet de mettre en lumière les points forts de ce profil (qui constitue un sommaire du rôle des praticiens en éthique, ainsi que des connaissances et des habiletés que ceux-ci devraient posséder), aussi bien que ses limites (notamment le fait que le profil est utile seulement à la première étape de rédaction d'une description de poste ou pour l'établissement des grandes lignes d'un curriculum). Au cours du processus d'élaboration, des questions ont surgi en ce qui concerne la portée du relativisme moral dans le profil, et une attention particulière a été portée à l'application de ce profil aux francophones du Québec. En outre, un comité de l'éducation et des compétences a été formé pour mettre en œuvre les projets résultant de l'établissement du profil, y compris la rédaction d'un guide d'auto-évaluation pour les praticiens.

M. Cornelius von Baeyer est vice-président de l'APEC et président de l'Education and Competencies Committee. Il est le directeur de Workplace Ethics Consultancy (<http://ethics.hypermart.net>), à Ottawa.



Commentary

Shades of Moral Relativism

by Michael Sutton in collaboration with Cornelius von Baeyer

Abstract: *Moral relativism is complex, and different types may be viewed along an 'authority' continuum. On one end, everyone's opinions are of equal value and no universal rules apply; in the middle, a limited number of sets of rules allow for a kind of pluralism; on the other end, there is a monolithic set of universal rules. The article discusses the nature of moral relativism in four subject areas that might confront an ethics practitioner: looking the other way, dirty tricks, secrecy and loyalty.*

Introduction

In the course of development of the *Competency Profile of Ethics Practitioners* (see the EPAC Web site www.epac-apec.ca), arguments were put forward several times that the competencies should include specific requirements that ethics practitioners be able to demonstrate either by experience or by training that 1) they adhered to identifiable and acceptable principles of right and wrong and that 2) they knew 'how to do the right thing'. Without these requirements, it was argued, the door would be left open for practitioners to indulge in various forms of moral relativism.

So what exactly is moral relativism?

Moral relativism is more complex than is usually thought. One way to view this complexity is to examine different types of moral relativism along what might be called an 'authority' continuum.

On one end of this continuum would be the situation in which everyone's 'mere' opinions are of equal quality, value and status, and no general or universal rules apply at all. (Although post-modernists argue that there are, indeed, no universals, that all opinions are of equal value, and that post-modernity is by definition a state of philosophical (and moral) free-for-all, most people would still agree that some rules must apply if civil society is to exist.)

In the middle of the continuum would be a limited number of specified sets of rules probably including a number of universal principles allowing for a kind of pluralism.

At the other end of this continuum would be a single set of rigid, undeniable, inalienable, and universal rules or commandments to which one must adhere at all times.

According to the common use of the term, 'moral relativism', most people may associate the term more with the 'mere' opinion end of the continuum. This point of view is simplistic. In pluralism there is inherent moral relativism. When one accepts the idea of pluralism, one accepts the idea that various value systems exist, are valid, and perhaps should be maintained.

Even at the rigid end of the scale there is the potential for moral relativism where two or more monolithic sets of rigid and conflicting rules exist. Witness most religious/ideological conflicts.

Now that the EPAC competencies, which already include some general principles, have been presented and accepted by the EPAC Board of Directors, the question of moral relativism may arise again as EPAC continues to discuss the question of qualifications, certification and training, and where EPAC should situate itself on the 'authority' continuum proposed above.

Here, I would like to introduce a number of thorny questions that should be considered during these discussions. (My own primary point of reference is the public sector and there is no doubt that other equally thorny, and equally important, questions exist in the private and voluntary sectors. I hope that what I have written below will suggest other questions and promote on-going discussion of them in all sectors of ethics practice.)

Some Questions that Need to be Asked

What should ethics practitioners do if confronted with an example of real, seeming, or potential grey areas in the course of their work?

1) Is looking the other way or the bending of laws and regulations acceptable?

2) Are 'dirty tricks' involving cover-ups, half-truths, obfuscation of the truth, deception or outright lying ethically unacceptable in all their forms? What should ethics practitioners do if confronted with 'dirty tricks' in the course of their work?

3) What types of secrecy are and are not ethically acceptable?

4) How ethically acceptable or unacceptable is the behaviour expected of civil/public servants in Westminster-style parliamentary democracies where the principle of singular, first-rank importance (almost never stated as such in mission and values statements) is still loyalty to one's Minister and other superiors? On the definition of loyalty Arthur Isak Applbaum notes:

'One may think a particular policy concept to be a square circle, and indeed within the confidence of Whitehall one may argue fervently to that effect,' writes Sir Michael Quinlan, onetime permanent secretary of Britain's Ministry of Defense, 'but once the decision is taken, it is a matter not just of duty but of professional pride to help make the very best square circle that effort and imagination can contrive.' On this view, unelected officials occupy roles that demand (with only rare exception) the loyal and unstinting devotion of energy and expertise to serve the ends of one's elected superior, no matter what the end or who the elected. [See Arthur Isak Applbaum. (1999). *Ethics for Adversaries: The Morality of Roles in Public and Professional Life*. (Princeton, NJ: Princeton Univ. P.), 61.]

What should ethics practitioners do if confronted with examples of this principle when in conflict with the public good in the course of their work?

Some Possible Ways to Approach these Questions

1) Looking the Other Way

Most people will agree with the general idea that illegal acts are also unethical, but there may be exceptions. Some may argue that peaceful acts of civil disobedience are more ethical than the laws that these acts violate. Others might argue that all laws are not hard and fast, that they need to be interpreted, that they may be bent, or that they may even be out-of-date or unjust, with the result that all violations of some laws may not necessarily be unethical.

2) 'Dirty Tricks'

Again at first blush the answer to the question whether all forms of 'dirty tricks' involving cover-ups, half-truths, obfuscation of the truth, deception and lying are ethically acceptable or unacceptable is that all forms of 'dirty tricks' are really forms of lying, and that lying and therefore all forms of 'dirty tricks' are ethically unacceptable. Sissela Bok has dealt extensively with the problem of lying [See Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage, 1974.)], and concludes that all forms of lying involve violations of the rights and trust of others, and so are ethically unacceptable. And then there is the problem of what forms of secrecy, which some view as a form of lying, may be ethically acceptable or unacceptable. [See Question 3.] (For a Canadian perspective on lying please see Maureen Mancuso et al., *A Question of Ethics: Canadians Speak Out, Chpt. 6, Lying* (Toronto: Oxford Univ. P., 1998).)

But in the real world many of us accept the idea that there are white and black lies, that there is a scale of badness which may be applied in cases of lying and deception, and that the violation of promises may not be lying at all (especially in the political arena). (For a Canadian perspective on 'dirty tricks' with examples please see Ian Greene and David P. Shugarman, *Honest Politics: Seeking Integrity in Canadian Public Life, Chpt. 7, Dirty Hands* (Toronto: James Lorimer & Co., 1997) which discusses what I have here called 'dirty tricks' and related topics.)

3) Secrecy

Sissela Bok [See Bok, *Secrets* (New York: Pantheon Books, 1982.)] argues convincingly that some secrets, the ones that create a private, personal sphere that is a person's own, are perhaps as important for the integrity of persons as the freedom to make plans and commitments. Notions of confidentiality and proprietary rights are sanctioned and defended under law. But are there exceptions and if so, what are they? Is it ethically acceptable to keep the ingredients, formulas, and supplies of life-saving drugs under the lock and key of confidentiality and proprietary rights? Is it ethically acceptable to be bound by the conventions of confidentiality in the case of possibly unethical business deals or in the case of knowledge of a danger to public safety? What about not labeling genetically modified organisms as such? Are there any limits in

business and elsewhere to the ethical acceptability of concealing information (by measures ranging from silence to active lying) that would affect or shape the actions of others so as to advance the purposes of the concealer -- even when this kind of strategic secrecy may restrict (or even violate) the autonomy of others and may harm their interests. Bok argues in *Secrets* that such secrecy is ethically unacceptable.

And then there is the sometimes related question of the ethical acceptability of secrecy in the 'secret world' of state security, intelligence, and counterintelligence. Most people would acknowledge that state security is a valuable and necessary value in civil society, but the problem comes in agreeing about what measures are ethically acceptable in ensuring and defending that security. What sorts of secrets are and are not ethically acceptable in the name of 'national security' and 'the defense of the realm'? Many would agree that defense systems must be kept secret. Many others would argue that government business and trade deals (including international trade deals and treaties under negotiation) should not be kept secret.

Phillip Knightley's assessment [See *The Second Oldest Profession: The Spy as Bureaucrat, Patriot, Fantasist and Whore* (London: Deutsch, 1986).] that the world's second oldest profession and its 'secret world' have never contributed much in the way of valuable intelligence in defense or security, not even in times of war, and that a 'secret world' engaged in practices that in less extreme circumstances are ethically unacceptable, if not abhorrent, is an example of a serious criticism of an allegedly 'necessary office'. However, for many it is sufficient to tolerate unethical practices involving secrecy and the 'secret world' by imposing limited oversight mechanisms and accepting the argument that secrecy is important in protecting both national security and those engaged in a legendarily dangerous and necessary profession.

4) Loyalty

In Westminster-style parliamentary democracies (Canada is one like Britain and other Commonwealth countries, the U. S. is not) unelected officials (and so virtually all civil/public servants) are expected (with only rare exceptions) to be unswervingly loyal and unstintingly devoted to contributing energy and expertise to serve the ends of their elected superiors, no matter what the end and who the elected. Does such

obedience demand more than one morally ought to give? What should civil/public servants do when personal and/or professional ethics conflict with the idea of loyalty and duty to elected officials? Are refusal, disobedience, disclosure, public protest, the exercise of administrative discretion or any other means of dissent that intends to effect a change in policy ever options permitted to civil/public servants in Westminster-style parliamentary régimes? Or is the convention of quiet withdrawal or resignation the only ethical course of action permitted to such civil/public servants? Ethical purists might argue that the obedience required of civil/public servants is indeed excessive and more than one ought reasonably to give. And increasingly members of the general public are either perplexed by or opposed to the requirement of more or less absolute obedience imposed on civil/public servants, especially when they are opposed to policies of elected officials, believe that they are still entitled to be heard and taken seriously by these elected officials, and when the requirement of obedience restricts their access to information, or to contributing to the process of political decision making. To such members of the general public, custom convention, tradition, precedent, authority and power may be used to justify the requirement of obedience, but these justifications may appear to be arbitrary and unethical. In view of the fact that levels of trust in elected politicians and their bureaucrats are pretty much at an all time low, are they?

Michael Sutton

Michael W. Sutton is a consultant on organizational values and ethics specializing in learning materials development. Michael collaborated on the development and production of the EPAC Competency Profile of Ethics Practitioners.



Commentaire (résumé)

Nuances du relativisme moral

par Michael Sutton en collaboration avec Cornelius von Baeyer

Le relativisme moral est une notion complexe qui peut emprunter différentes formes dans un continuum "d'autorité". À une extrémité, les opinions de chacun sont d'égale valeur et aucune règle universelle ne s'applique. À l'autre extrémité existe un ensemble rigide de règles universelles. Au centre se trouve un nombre limité de règles permettant un certain pluralisme. L'article présente la nature du relativisme moral sous quatre différents angles auxquels le praticien en éthique peut être appelé à faire face : fermer les yeux, les sales tours, la dissimulation et la loyauté.

M. Michael W. Sutton est un conseiller en valeurs organisationnelles et en éthique, spécialisé dans la production de matériel didactique. M. Sutton a collaboré à l'élaboration et à la production du profil des compétences des praticiens en éthique de l'APEC.



Viewpoint

EPAC Dreams

by David Nitkin

Abstract: *Debates about competencies, certification and assessment are indications of a healthy profession and organization. EPAC Directors raised a number of questions about these related topics at our National Program in Truro last winter. To stimulate substantial debate, I have captured eleven typical reservations and concerns voiced about these topics and attempted to answer them, in the hope of stimulating debate. Completing these discussions will provide answers about not only growth, personally and professionally,*

but also – increasingly – about reputation and ethical assurance. An organization with a short history can create a bold mature future – for practitioners, corporations and organizations, teachers of ethics, clients, partners, investors, consumers, and ethical assurance. [Editorial note: this article is based on an e-mail sent by David Nitkin to the EPAC Board after the National Conference in Truro, February 2001].

There is no more recurrent strategic issue facing EPAC than that of "certification". In other words, should EPAC issue minimum criteria of experience and/or training for practitioner members, whom it already recognizes and lists as members in good standing?

Originally, what role did calls for a professional, collegial, self regulating and publicly recognized organization play in our minds when we initially founded EPAC? What does certification mean to our future? Paradoxically, as we reflect on what our *raison d'être* is as an organization, the myths and misapprehensions about this topic of certification increase.

We should revisit this strategic topic now, precisely because this is a time when serious income or revenue streams are on the potential horizon. Those national revenue streams are promising: customizing our Core Competencies for application in other associations / specialties; reprinting or reproducing our Standards, Guidance and Core Competency Profile (Functions, Knowledge and Skills); producing individual and organizational diagnostic / benchmark tools; offering nationally-approved education programs (like the proposed National Ethics Education Program, NEEP); sponsorships; and referral registry services (independent investigators, consultants, et cetera).

There are a surprising number of ready answers to the many "problems" or questions about certification that were voiced at Truro:

1. What if I or other existing members don't qualify? We can readily "grandfather" existing practitioners: in other words, that they retroactively satisfy most or all requirements. (OK, "grandmother" too.) Or give them/us conditional certification, including ample time to take recommended remediation training or mentoring placements in certain skills, knowledge areas.

2. It is difficult and discomforting to assess one's peers. Aren't there hopeless conflicts of interest? An independent body is a desirable possibility as an answer. So too are written exams with the writer's name kept confidential. So too is independent verification, rather than credentialization through the Board or a subcommittee of the Board.

3. Isn't it impossible to establish measureable standards? In truth, we haven't yet tried in a concerted fashion. There has to be a some definitional blend of academic training, experience, test results and/or proportion of time spent on ethics matters that will represent our best judgement of competence. Logically, that definition may change over time.

4. Doesn't certification threaten personal privacy, or require giving up one's client list to competitors? No and nonsense. Client lists are and will remain proprietary. Disputed claims can be investigated privately, if necessary, by that arms-length, independent certifying body paid for out of membership fees, referral and other income.

5. Won't certification and credentializing mean an increase in the number of requests for proposal (RFPs) that identify EPAC membership as a qualification? Good-- and isn't that a justifiable boost to our professional reputation, public credibility, and membership revenues? As well as business engagements for teachers, officers or consultants?

6. Won't certification necessitate a public complaints mechanism? Wouldn't it mean a mechanism for independent verification of resume contents or perhaps even suspension of membership if substantive errors are found to be contained in qualifications or experience summaries? All these processes are longer term, and the rare case circumstance, but arguably necessary and healthy professional elements of any professional organization's public reputation.

7. Surely we cannot certify practitioners if there are no right answers in professional services, as it says in our Core Competencies. No, the document (thanks to gifted wordsmithing from Michael Sutton and Cornelius von Baeyer) says that there is no single recognized standard. As consultants, we are advisers, not expert decision-makers. As ethics officers, we advise or enhance decisions, not provide "go to" or definitive answers. As

teachers, we are learned advisers, not gurus. As courtroom experts, we offer best opinions, not truth.

8. Aren't personal informal self-assessment guides preferable to independent professional and formal credentials? Some of us see the former as a growing pain to birth the latter. Both can and will proceed in parallel. If I'm right, the bulk of our Board activities have to date been more professional and business development, rather than lobbying. Our EPAC mandate is not only to help or assist with the former self assessment instrument (as a want), but also I'd suggest, to deliver professional assurance with measurable standards and credible public credentials / listings / referrals (as a need).

9. Can't we avoid certification with a self-assessment guide? No, as suggested in 8 above. We already encourage practitioners who either tender for business or apply for employment to identify EPAC membership as a qualification. At issue, is what lies behind that membership. Would the public not be upset to learn that this means only signing a piece of paper?

10. Surely EPAC can't certify until we differentiate general membership from expertise in specific specialties or applications like conflict resolution, social or ethics audits, or forensic accounting? In reality, generalists and specialists both sign the same Ethical Standards and Guidelines document. At present, both types of practitioners are listed on our web-site. Over time, we'll need to develop particular skills, knowledge and experience profiles / standards that serve to certify specialized experience or warrantee competence for particular specialties. In many cases, other professional associations can/could/will co-operate in such definitions, with profit to both partners.

11. Won't we need a lawyer and legal protection for directors? Yup, like yesterday. EPA C's membership list "endorses" now, whether we say it or not. Falsification of experience or misrepresentation already is or should be reasonable cause or grounds for revocation of membership.

Franklin Roosevelt said, "We have nothing to fear but fear itself." Lets get on with certification. We're mature enough. In addition to courage and good will (EPAC has demonstrated that we've got both), we will need self-confidence, maturity, and the following:

1. Director liability insurance
2. An independent body to apply standards, investigate complaints, and test and verify competency, paid for out of revenues
3. A disciplinary mechanism, probably reporting directly to the President
4. Leadership on national and international practice standards and education

EPAC allows us to act as role models for one another. We offer camaraderie and friendship and professional support. EPAC is wonderful vehicle or opportunity to enhance our profession's development. With the regions up and running, its time for the national group to raise our sights.

David Nitkin

David Nitkin is a founder and Director of EPAC, and President of EthicScan. He can be reached at Tel. (416) 783-6776 or by e-mail at ethic@look.ca



Point de vue (résumé)

Vision de l'APEC

par David Nitkin

L'existence de débats sur les compétences, l'agrément et l'évaluation signifie que la profession, ainsi que les organisations s'y rattachant, se portent bien. Les membres du conseil d'administration de l'APEC ont soulevé un certain nombre de questions sur des sujets connexes au cours de notre conférence nationale, qui s'est tenue à Truro l'hiver dernier. Dans le but d'alimenter les débats, j'ai tenté de répondre à onze réserves ou préoccupations se rapportant aux sujets discutés lors de cette conférence. La poursuite de ces discussions permettra de fournir des réponses non seulement en ce qui concerne la croissance personnelle et professionnelle, mais aussi - dans une plus large mesure - en ce qui a trait à la réputation et à l'assurance de normes en matière d'éthique. Une organisation encore jeune peut veiller à l'assurance de normes en matière d'éthique, et faire en sorte que l'avenir

s'annonce prometteur pour les praticiens, les entreprises et les organisations, les formateurs travaillant dans le domaine de l'éthique, les clients, les partenaires, les investisseurs et les consommateurs. [Note de la rédaction - Cet article est basé sur un courriel envoyé par M. David Nitkin au conseil d'administration de l'APEC à la suite de la conférence nationale, qui s'est tenue en février 2001 à Truro.]

M. David Nitkin est membre fondateur de l'APEC et siège au conseil d'administration de cette association. Il est président de EthicScan. On peut le joindre par téléphone au numéro (416) 783-6776 ou par courrier électronique à l'adresse ethic@look.ca.



Book Review

Ethical Issues in Business: Inquiries, Cases and Readings

Peg Tittle
Broadview Press, 2000
ISBN 1-55111-257-4

Reviewed by Susan Quinn

Peg Tittle says in her introductory Note to the Reader that "... this is, after all, a book *for students*, not a book for other professors. But not *just* for students: my hope is that anyone in business who is new to philosophy will find this an exciting book and that those in philosophy who don't know much about business will find something of value here as well."

Ms. Tittle intended to write a book that is aimed at the introductory level and is easily readable. She has succeeded admirably in these goals. All of the real cases used in the book (under each of the twelve issues) are Canadian.

There are four sections to the book. The first is an Introduction to Ethics in Business. Here, Ms. Tittle lays the foundation for a discussion of ethics. Her coverage of the section called "How to think about Ethics" is particularly useful to get students to think about their reasoning and the process for arriving at a solution to an ethical dilemma.

Her next section is an Introduction to Ethical Theory. This is the most simple and straightforward coverage of the major ethical theories that I have ever seen. Granted, there is not a lot of coverage and philosophy majors may cringe at the brevity. Kantian Ethics and Rights Theories for instance, are both covered in 1½ pages. Utilitarianism takes a little over 4 pages, and includes an intriguing exercise applying Bentham's hedonistic calculus. The whole section though is easy to read, well presented and provocative.

The third section of the book is the longest, entitled "Ethical Issues in Business". Here, Ms. Tittle includes twelve of the most major ethical issues, including whistleblowing, advertising, product safety, employee rights, the medical business and ethical investing. In each of these chapters, Ms. Tittle has a short opening what-to-do (fictional) case, a short (2 – 4 page) introduction, 2 readings and a real case study. All cases are roughly one page long. As mentioned earlier, all of the real cases are Canadian. The readings range from eight to thirty pages in length. The readings are on-topic and written by well-known and respected authors. The combination of materials included in each topic area is reasonable and results in well-bundled packages of information for the reader. The instructor could easily pick and choose the topics that would be of most interest or the ones most suitable for the situation.

The fourth section is titled "Institutionalizing Ethics". In this short section, there is some discussion of ethics offices, programs and codes.

There are also two appendices. The first appendix provides some excerpts from original, classical theorists (the same theories described in Part two of the book). The second appendix provides a summary of relevant Canadian case law for the same topic areas as Part three of the book (Ethical Issues in Business).

Peg Tittle's book is clear, well written, up-to-date, Canadian and very user-friendly. It is useful for the newcomer to the topic of business ethics, because it is

engaging and provocative. This book is a very welcome addition to the topic of Business Ethics for the Canadian student.

Susan Quinn

Susan Quinn is a consultant (Just Solutions) and instructor (Mount Royal College) in Calgary. She specializes in the areas of business ethics, strategic planning, corporate culture and change, human resource management and diversity. Susan can be reached at (403) 283-1787 or susan-quinn@home.com



Critique de livre

Questions d'éthique dans le domaine des affaires : interrogations, cas et lectures (Ethical Issues in Business: Inquiries, Cases and Readings)

Peg Tittle
Broadview Press, 2000
ISBN 1-55111-257-4

compte rendu par Susan Quinn

Mme Peg Tittle précise, dans son avis au lecteur, que [traduction] " après tout, c'est un livre pour les étudiants, et non pour les autres professeurs. Toutefois, ce livre ne s'adresse pas qu'aux étudiants : j'espère que n'importe quelle personne dans les affaires, pour qui la philosophie est un nouveau domaine, sera enthousiasmée par le sujet, et que ceux évoluant dans le domaine de la philosophie mais ne s'y connaissant pas beaucoup en affaires y découvriront matière à intérêt. "

L'intention de Mme Tittle était d'écrire un livre d'introduction à l'éthique, facile à lire : elle est admirablement parvenue à son but. Mentionnons que

tous les cas réels qui y sont présentés (pour chacun des douze thèmes) ont été répertoriés au Canada.

Le livre comprend quatre parties. La première consiste en une introduction à l'éthique des affaires, où l'auteure jette les assises d'une discussion sur l'éthique. Dans la section intitulée Comment réfléchir sur l'éthique [How to think about Ethics], les étudiants sont amenés à réfléchir sur leur manière de raisonner, ainsi que sur le processus de règlement d'un dilemme éthique.

La partie suivante consiste en une introduction à l'éthique. Les principales théories y sont présentées de la manière la plus simple et la plus directe qui soit. Les descriptions étant très sommaires, les étudiants en philosophie risquent certes de rester sur leur faim. Par exemple, l'éthique de Kant et la théorie des droits sont couvertes en moins de deux pages. L'utilitarisme, qui comprend un exercice fascinant qui applique le calcul hédoniste de Bentham, ne compte guère plus de quatre pages. Cependant, toute la matière contenue dans cette partie est facile à comprendre et bien présentée, et elle ne laisse pas le lecteur indifférent.

La troisième partie, intitulée Questions d'éthique dans le domaine des affaires [Ethical Issues in Business], est la plus longue. Mme Tittle y présente douze des principales questions d'éthique, dont la dénonciation, la publicité, la sécurité des produits, les droits des employés, le contexte médical et l'attention accordée à l'éthique. Chaque chapitre, qui est amené par une courte description d'un cas fictif à régler, contient une brève introduction (de deux à quatre pages), deux lectures et une étude de cas réel. Toutes les descriptions de cas sont d'environ une page et, comme il a été mentionné plus haut, tous les cas réels ont été répertoriés au Canada. Les lectures de (8 à 30 pages), qui ont un lien étroit avec les thèmes à l'étude, sont l'œuvre d'auteurs bien connus. Les divers éléments présentés sur un thème donné sont regroupés de manière à ce que le lecteur puisse bien comprendre la matière. De même, un formateur pourra y retrouver facilement toute l'information sur les sujets qui l'intéresse ou ceux qui sont les plus appropriés pour la situation.

La quatrième partie, qui n'est pas très longue, est intitulée Institutionnaliser l'éthique [Institutionalizing Ethics]. Elle présente certains sujets ayant trait aux bureaux, aux programmes et aux codes d'éthique.

Le livre contient également deux appendices : le premier regroupe divers extraits de textes rédigés par des théoriciens et portant sur des théories classiques et originales (les mêmes théories qui sont présentées dans la deuxième partie du livre). Le deuxième appendice constitue un sommaire de la jurisprudence canadienne se rapportant au sujet traité dans la troisième partie du livre (Questions d'éthique dans le domaine des affaires).

Le livre de Mme Tittle, qui est propre au contexte canadien, est clair, bien rédigé et très facile à consulter. Les différents sujets y étant abordés de manière invitante, ce livre constitue un outil précieux tant pour le profane que pour l'étudiant canadien, ainsi qu'un ajout important pour l'éthique dans le milieu des affaires.

Susan Quinn

Mme Susan Quinn est conseillère, Just Solutions, et instrutrice au Mount Royal College, à Calgary. Elle est spécialisée dans les domaines de l'éthique, de la planification stratégique, de la culture et du changement organisationnels, de la gestion des ressources humaines et de la diversité. On peut joindre Mme Quinn par téléphone au numéro (403) 283-1787 ou par courriel à susan-quinn@home.com.



About This Magazine

This is the second edition of the bi-annual EPAC Magazine. In this magazine we want to provide a forum for the in-depth discussion of issues of interest to EPAC members. All EPAC members are welcome to submit their experiences and advice, analyses and critiques, views and opinions. Please send them in French, English, or both languages to Marc Saner, saner@magma.ca, Fax: (613) 520-3962.

Deadlines for contributions are 1 September (Fall edition) and 1 April (Spring Edition). All entries are © and responsibility of the undersigning authors.

Marc Saner and Michael Sutton

Marc Saner is a science and technology ethics consultant [www.saner.ca]. He can be reached at (613) 520-3942 or saner@magma.ca.

Michael W. Sutton is a consultant on values and ethics. Michael may be reached at (819) 595-2695 or by e-mail at msutton@comnet.ca.



À propos de cette revue

Voici le second numéro du magazine semestriel de l'Association des praticiens en éthique du Canada (APEC). Nous voulons faire du présent magazine une tribune pour discuter en profondeur des sujets d'intérêt pour les membres de l'APEC, qui sont tous invités à nous faire part de leurs expériences, avis, analyses et critiques, points de vue et opinions (en les faisant parvenir, en français, en anglais ou dans les deux langues, à Marc Saner; courriel : saner@magma.ca; télécopieur : (613) 520-3962).

Vos communications doivent nous parvenir avant le 1^{er} septembre (pour le numéro de l'automne) ou le 1^{er} avril (pour le numéro du printemps). Toutes les communications seront la responsabilité des auteurs et protégées par le droit d'auteur.

Marc Saner et Michael Sutton

Marc Saner est un expert-conseil spécialisé dans l'éthique des sciences et de la technologie [www.saner.ca]. On peut le rejoindre au (613) 520-3942, ou par courriel: saner@magma.ca.

Michael W. Sutton est conseiller en valeurs et éthiques. On peut le rejoindre au (819) 595-2695, ou courriel: msutton@comnet.ca.

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