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Ethical Issues in Engineering Practice

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Defining Ethics

Everyone’s ethics are defined by what they will tolerate when it is done to others

William Greider

What:

• Intent
• To be achieved
• Do we believe will ensure that we achieve it
Issues Facing Engineers

- Technical
- Ethical
  - health
  - safety
  - welfare of general public
  - climate change
  - natural environment
- Commercial
Types of Issues

- Technical incompetence or mis-representation of competence
- Conflicts of interest
- Discrimination, favouritism, or harassment
- Misuse of resources, client and company
- Failure to protect public health, safety or welfare
- Improper relations with clients or contractors
- Improper political or community involvement
- Mishandling sensitive information
- Failure to protect the environment
- Poor quality control or quality of work

Koehn: 1993
Specific to South Africa?

- Circumventing BBEEE
- Fronting
- Cartels/Oligopolies
Administrative Corruption

• Accept bribes to distort the prescribed implementation of laws, rules and regulations

• Includes bribes to:
  - gain access to political favours
  - win tenders
  - obtain delivery of public service
Corporate Corruption

- Collusive practices
- Pay bribes
  - distort laws and regulations
- Sponsorships
Dilemmas

Moral Choices of society

VS

Moral choices of individual within society

Doing what is morally right

Doing what is morally wrong

Bad outcome or bad effects

Good or at least better effects or outcomes
Laws

- Prevention of Organised Crime Act No 121 of 1998 (anti-corruption measures)
- Employment Equity Act No 55 of 1998 (promotion of development of human capital)
- Labour Relations Act No 66 of 1995 (employment practices between employees and employers)
- Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000 (fair treatment of employees, anti-racism etc.)
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Financial Intelligence Centre Act 38 of 2001
- Securities Services Act, No 36 of 2004
- Protected Disclosures Act, No 26 of 2000
Laws

- Foreign Corrupt Practices Act (USA)
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1997
- SADC Protocol against Corruption 2001
- Inter-American Convention Against Corruption 1996,
- European Convention on the Fight Against Corruption 1997,
The Jungle of Ethics

- Laws
- Dilemmas
- Costs
- Profit
- Behaviour
Quality of Life, Legislation and Ethical Behaviour

- Laws **DO NOT** prevent unethical behaviour

King Report Protocol on Corporate Governance in the Public Sector etc.

Complex array of different but linked paradigms

- Compliance system based on legal requirements alone is not enough to curb unethical behaviour within the business community
Consequences

- Rob the poor
- Stunt growth
- Loss of trust
- Loss of freedom
- Violent protests
The Roots of Violence

• Wealth without work
• Politics without principles
• Commerce without morality

Mahatma Ghandi
Best Practice

- Optimum use of human & monetary “capital”
- Not Industry specific
- Multi-disciplinary fields
- Apply in all walks of life
Ethics and Best Practice – A Futile Exercise?

- Best Practice and Ethics imply stresses and tensions
- The rightness or wrongness of the actions and
- The goodness or badness of the consequences of the actions
- Best Practice imply profit ethics are neglected?
- Lobbying, pedaling influence, circumventing laws are the order of the day
The Solution?
Good Governance

Fiduciary Obligations
– Legislation

• Liability and Accountability
  – Social codes

• Peer Review Mechanisms
  – Independent and objective process

Ethics *not part* of a process; it is the *framework* within which business must be conducted
Implement Monitoring System

• Monitoring of corruption levels
• Plan of action
  - civil society participation
  - analysis of corruption issues and the roots of corruption
  - mid and long-term anti-corruption initiatives
  - monitoring baselines, targets and indicators
Public Sector vs Private Sector

Public Sector
• Focus on society
  - Companies Act
  - PFMA
  - Corporate Governance (Protocol + King)
  - Prevention and Combatting of Corrupt Activities Act

Private Sector
• Focus on profit
  - Companies Act
  - Prevention and Combatting of Corrupt Activities Act
Performance Indicators

- Prevention of corruption
  - number of public and private sector systems examined
  - number of implemented and pending measures of the Programme
  - implementation of Programme within set timelines
- Investigation of corruption related offences
  - number of criminal cases filed and completed
  - number of reports investigated and charges laid
Performance Indicators (Cont.)

- number of persons convicted and acquitted vs numbers of charges laid
- ratio of anonymous reports to official reports about alleged crimes

• Anti-corruption education and awareness-raising of the public
  - number of speeches at conferences, seminars, workshops
  - awareness campaigns in media
  - assessment of success in the fight against corruption as reflected in public opinion polls
Conclusion

Vigilant protection of our hard-won freedoms

Our efforts, obligations and conduct must materialize in practice

Respect dignity of individual, promotes and supports sustainable human, economic, environmental development

Make actions/policy/regulations relevant to our own activities

Strengthen organs of civil society
Thank You

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