



## HANDOUT #2

**CE5226 Civil Engineering Law, Ethics and Contracts**

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### 1. Profession and Ethics

#### 1.1. What is profession?

- It referred to a free act of commitment to a way of life. The act or fact of professing – when a person occupies a special social role that carries with it stringent moral requirements.
- It referred to anyone who professed to be duly qualified
- It also means that an occupation which one professes (admits, agrees) to be skilled and to follow.
- It is a vocation in which professed knowledge of some branch of learning is used in its application to the affairs of others
- It is an example of social practice that has one or more aims or goods that are especially associated with it or internal to it. It also provides a moral criterion for evaluating the behavior of those who participate in the social practice and for resolving moral issues that might arise in the practice.

#### 1.2. A Socratic Account of Professionalism (based on Greek philosopher Socrates as proposed by philosopher Michael Davis)

- A profession is a number of individuals in the same occupation voluntarily organized to earn a living by openly serving a moral ideal in a morally permissible way beyond what law, market, morality, and public opinion would otherwise require. Thus, a profession should:
  - a. Cannot be composed of only one person, rather composed of a number of individuals
  - b. Involves a public element – should openly “profess” to be a professional (engineer, physician, etc.)
  - c. It is a way people earn a living and something that occupies them during their working hours
  - d. It is something that people enter into voluntarily and that they can leave voluntarily
  - e. It advocates of the social practice approach – serves morally praiseworthy goal by morally permissible means

#### 1.3 Key Characteristics of Modern Profession

- a. substantial intellectual and practical training
- b. provision of a specialized skill and service
- c. high degree of professional autonomy and responsibility
- d. an occupational organization controlling the profession
- e. embargoes/restrictions on methods of attracting business
- f. a trust relationship with the client

#### 1.4 Difference between Ethics and Morality

**Ethics** – derived from the Greek word *ethos* (Latin means “mores”) which means “characteristic way of acting” which is proper to man as a rational being. As a science, is to investigate the nature of the human act or human conduct. It is a practical science that guides us in our actions that we may live



rightly and well or it lays down the principles of right living. It is guided by standards and judgments which people create.

**Morality** – refers to the quality of goodness or badness in a human act. Good is described as “moral” and bad as “immoral”. **Morals** is the rules for right conduct for all individuals. It implies judgment and refers to what we would call moral standards and moral conduct.

Therefore, it is viewed that **MORALITY IS NOTHING ELSE BUT A DOING OF ETHICS**. **ETHICS** is used to refer to the formal study of those **MORAL STANDS AND MORAL CONDUCT**.

## 2. Engineering Professional Ethics

### 2.1 Two Models of Professionalism

- a. **Business Model** – an occupation that is primarily oriented toward making a profit within the boundaries set by law (regulations imposed by law)
- b. **Professional Model** – an occupation that have an implicit trust relationship with the larger public – trust relationship means as “social contract” with the public, are that professionals agree to regulate their practice so that it promotes the public good. In other words, of most engineering codes, they agree to hold paramount the safety, health and welfare of the public. They agree to regulate themselves in accordance with high standards of technical competence and ethical practice so that they do not take unfair advantage of the public.

### 2.2 Three Types of Ethics or Morality

- **Common Morality** – is the set of moral beliefs shared by almost everyone. It is the basis or at least the reference point compare to other types of morality. It primarily negative or it does contain a positive or aspirational component in such precepts as “prevent killing.” It also makes a distinction of action based on an application of the types of moral precepts we have been considering, but an evaluation of the person himself is based on intention.
- **Personal Morality** – or personal ethics is the set of moral beliefs that a person holds. This is closely parallel the precepts of common morality. For Example, we believe that murder, lying, cheating, and stealing are wrong. However, our personal moral beliefs may differ from common morality in some areas.
- **Professional Ethic** – is the set of standards adopted by professional in so far as they view themselves acting as professionals. It is usually stated in a formal code. It is focus on the issues that are important in that profession. It is supposed to take precedence over personal morality. It also differs from personal morality in its degree of restriction of personal conduct. It has a negative and a positive dimension – preventing and avoiding evil and doing or promoting good. It related to “role morality” - it is the moral obligations based on special roles and relationships.

## 3. Importance Roles of Professional Code of Ethics

- a. **Serving and protecting the public or society**
- b. **Guidance for the primary responsibilities**



- c. Inspiration, motivation and collective commitment
  - d. Shared standards for excellence and fair competition
  - e. Positive Support for responsible professionals
  - f. Education and mutual understanding about moral responsibilities of professionals
  - g. Deterrence (prevention/restriction) and discipline
  - h. Contributing to the profession's positive image
4. **Professional Conflicts of Interest** – These are situations where professionals have an interest that, if pursued, might keep them from meeting their obligations to their employers or clients. These interests involve serving in some other professional role, or making substantial private investments in a competitor's company. These conditions may arise when these two conditions are met: (a) the professional is in a relationship or role that requires exercising good judgment on behalf of the interest of an employer or client, and (b) the professional has some additional or side interests of the employer or client.

There ways that conflicts of interest may arise such as: gifts, bribes, kickbacks; interest in other companies; and insider information.

Note that conflict of interest is different from “conflicting interests”. Conflicting interests means that a person has two or more desires that cannot all be satisfied given the circumstances.

5. **Professional Rights** – These are special rights that arise from professional role and the obligations it involves. Three professional rights have special importance: (a) the basic right of professional conscience, (b) the right of conscientious refusal, and (c) the right of professional recognition.

The right of professional conscience – is the moral right to exercise professional judgment in pursuing professional responsibilities and duties. Pursuing those responsibilities involves exercising both technical judgment, and reasoned moral convictions.

The right of conscientious refusal is the right to refuse engage in unethical behavior and to refuse to do so solely because one views it as unethical.

Right of Recognition – This is the right of professional for their work and accomplishments which involves fair monetary remuneration, and nonmonetary forms of recognition.

Employee Rights –These are any rights, moral or legal that involves the status of being an employee.

Privacy Right – This is a right to pursue outside activities can be thought as a right to personal privacy in the sense that is means the right to have a private life off the job. It is also means the right to control the access to and the use of information about oneself.

Right to equal opportunity: preventing sexual harassment – It is the unwanted imposition of sexual requirements in the context of a relationship of unequal power.

Right to equal opportunity: nondiscrimination – It is relates to sex, color, age, or political or religious outlook or affiliations.

Right to equal opportunity: affirmative action – It is giving preference or advantage to a member of a group that in the past was denied equal treatment, in particular, women and minorities (indigenous people) or people with disabilities.