Case I: Ethics Analysis

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Instructor: Rude
To: Dale Rude
From: Jane Samplecase
Re: Truck Overloading

Executive Summary

At my company, there has been an ongoing problem with loading delivery vehicles over legal weight capacities for some time. Due to increasing circulation and publication size, the problem is becoming worse. I have discussed the situation with the CEO, but have been repeatedly rebuffed. In the following pages I have detailed the following three potential solutions to this problem: continuing the current inaction, writing a strongly worded memo to the owner, and informing the authorities. I have also examined the ethical implications of each solution and decided that the second solution, sending a strongly memo to the owner, is the appropriate action to take.

Problem Analysis

The vehicles used for delivering publications are loaded beyond their recommended and legal limits on a daily basis. When delivery routes were originally formed, all vehicles were carrying less than the prescribed weight limits. However, due to the efforts of the sales and marketing departments, the weight of the individual publications has increased and the number of publications delivered to each vendor has also increased dramatically. A slight overload would not be of great concern, but the workloads are now well above any safe limits. Additionally, because the publication’s success continues, the overloading problem will worsen.

I have discussed this problem with the CEO repeatedly, but to no avail. He has quite firmly instructed me to uphold the responsibilities of my position and continue to ensure that the
publications are delivered in the most efficient and cost effective manner. Our last conversation on the subject was somewhat heated and he explicitly stated that the delivery routes were to be kept at their current size in order to avoid hiring more drivers and/or purchasing more vehicles.

At this point in time, I believe continuing to overload the vehicles may cause an accident which would result in the injury or death of one of the delivery drivers or a member of the public. Below are three different options I might take, the option I chose, and my rationale for choosing that option.

**Option #1 - Continue Current Status**

This is the "hope and pray" solution to the overloading problem. I would continue to try and reason with the CEO, and in the meantime hope no accident occurs, and pray that no one is hurt in the event one does occur.

There are basically two potential outcomes associated with this option. First, an accident may not occur. This outcome would will only impact the CEO, myself and our increasingly strained relationship. Although I doubt I will be terminated, my career at the company may rapidly reach a dead end.

The other potential outcome associated with this option is an accident. The effects of this outcome would be far more severe and wide ranging. It is quite possible a driver or a member of the public would be maimed or killed. Less importantly, lawsuits related to the accident might bankrupt the corporation. Finally, it is highly likely I would be made the scapegoat of the accident. At best, I could expect immediate unemployment. At worst, I might face civil or criminal legal action. And, of course, any injuries or deaths would be on my conscience.

There are numerous ethical principles and rights to consider in regards to taking this
option. Perhaps most importantly, I would be violating the principle of harm. If an accident occurs due to my failure to correct the problem, I might as well have cut the brake lines on the vehicles. I also feel I would be violating the principle of fidelity, in that I would not be fulfilling my commitment to protect the drivers' right to safety. It could also be argued that the principle of autonomy would be violated. If the drivers were not told of the weight overloads and the accompanying safety hazards, then they could not make an informed decision as to whether they wished to continue driving, and their right to know about information that could greatly affect them would be violated. If they were told of the problem, coercion would likely be necessary to make them continue driving.

Finally, the principle of lawfulness would be ignored. Sending the trucks out loaded beyond their legal limits is a violation of state and federal laws.

Ethical principles and rights that would be upheld by this solution are few and far between. I would be upholding the principle of confidentiality as far as the company was concerned, by not revealing information about truck overloading to outsiders. It is also conceivable that I would be upholding the corporation's right to make a profit, because revealing the information would likely result in fines or bankruptcy for the corporation. It could also be argued that I would be maintaining my fidelity to the company by acting faithfully in fulfilling my duty to distribute the publications in the most efficient manner possible.

Option #2-Inform the Authorities

To follow this option, I would inform OSHA, the Texas Department of Public Safety, and/or the Federal Department of Transportation of the illegal overloading of the trucks. Several outcomes could be predicted if I took this course of action. First, and most obviously, the trucks
would not be overloaded anymore. The drivers would no longer be at risk, nor would the public. The company would incur additional costs from either purchasing more trucks and/or hiring more drivers.

Second, the company would most likely be heavily and publicly fined by the authorities. This would result in a loss of profits, a damaged reputation, and possibly bankruptcy. If the latter occurred, I would be unemployed, as would be the very drivers I was trying to protect, along with all the rest of the company's employees.

Finally, if the company was not bankrupted, I most likely would be fired. There is a good chance I would be blackballed and my career ruined. I do not relish the thought of being unable to support my family and myself.

There would be multiple ethical principles that would apply if this option was chosen. The principle of harm would be upheld insofar as the drivers and public would be safe, but it would be violated due to the damage that would be done to the company and myself. The principle of fidelity would be violated by my betrayal of my company, as would the principle of confidentiality. The company's right to a profit would be violated because the authorities' intervention would result in heavy expenses and decreased income.

In addition to the principle of harm, several other ethical principles and rights would be upheld. The drivers' right to safety would also be upheld because delivering the publications would no longer entail dangerous working conditions. And, of course, the principle of lawfulness would be upheld because the authorities would be enforcing the law.

Option #3-A Strongly Worded Memo

The third option would be writing a strongly worded memo to the owner detailing the
problem with the vehicular overloading and its associated risks. Copies of this memo would be sent to the CEO and several people in the company whose integrity is of a high level. Implicit in the widespread distribution of the memo is that the threat that it would find its way to the authorities of action is not taken about the problem. The widespread distribution of the memo also would provide at least a certain level of protection against unjustified termination.

There are only two major potential outcomes if this option is pursued. The first is that the owner of the company and the CEO would discuss the situation and take necessary action to resolve the problem, either because of an accident or the desire to avoid intervention by the authorities. Several likely impacts would occur. The drivers and the public would no longer be in danger. The company would no longer be risking financial ruin from an accident or enforcement action by the authorities. The company would incur additional expense with this outcome, but that is preferable to bankruptcy. The CEO of the company would be quite upset with me possibly to the point of terminating my employment. The above impacts would be virtually guaranteed. It is harder to predict what might befall me in regards to my position in the company. I might be terminated, as mentioned above, I might be "dead-ended" in my career at this company, or I might be placed in a managerial "purgatory" for a year or two. Alternatively, I might gain a measure of respect from the owner and the CEO for showing such nerve and moral courage. On a personal level, my conscience would be clear, which is actually more important to me than any possible impacts on my career.

The second possible outcome would involve the owner and the CEO disregarding my memo and continuing to insist that deliveries continue with overloaded trucks. If this were to take place, I would find it necessary to inform the authorities (Option 2), but with the following
exception: I would have greater protection against termination because the widespread distribution of the memo would provide me grounds for legal recourse in the event of an unjustified termination. The widespread distribution of the memo might also furnish protection against being made a scapegoat because I would have proof that the was written before the authorities were informed.

The ethical considerations associated with this option are as follows, assuming the situation with the trucks is corrected. The principle of harm would be upheld, because the drivers and public would no longer be at risk. However, it could be argued that the principle of harm would be violated as concerns the CEO, because his reputation with the owner might be damaged. The principle of fidelity would be upheld, because I would be fulfilling my commitment to the drivers by resolving the safety issue (and therefore upholding their right to safety) and also fulfilling my commitment to the company by reducing the risk of financial devastation. The principle of confidentiality would be partially upheld. Although the information about the overloading would be spread where perhaps it shouldn't be, at least the information would remain within the company. Because the trucks would no longer be loaded beyond their legal limits, the principle of lawfulness would be upheld. And although the company's profits might be diminished in the short run, the company would not be bankrupted as might be the case if an accident occurred or the authorities became involved. Thus, the right to a profit is upheld. The only principle that would be seriously violated by this outcome would be the principle of autonomy. Because the intention of the memo is to coerce the owner and the CEO into resolving the problem, I would not be enabling them to act in a way that was free from duress.

If the second outcome were to occur, namely no action on the part of the owner and
CEO, then the authorities would be informed. The ethical implications of informing the authorities are discussed in the previous section.

**Decision and Rationale**

In examining the three options, I feel it is clear that writing a strongly worded memo is the most desirable. This solution by far least sacrifices ethical values, and most importantly maintains the principle of harm to a higher degree than either of the other solutions. If the yardstick of equal consideration of interests is applied to all three options, then writing a strongly worded memo would seem to strike the best balance between the interests of the drivers, the public, the company, and myself. Continuing the current status places the interests of the company and probably myself well above the interests of the drivers and public. Informing the authorities goes to the extreme opposite direction, and may well be against the drivers' interests if the end result was bankruptcy for the company. Writing a strongly worded memo is also optimal because it maintains a degree of flexibility and has an element of fair warning to the CEO and owner that is not present if authorities are informed.