Report on a Case by the Board of Ethical Review

Case No. 71-5

Boycott of Public Agency Engineering Employment

Facts:

Following several years of charges of irregularities in the conduct of a metropolitan public authority with a large engineering staff, and with the assistance of the local chapter and state professional engineering society, the trustees of the authority selected and appointed John Doe, a registered engineer, to head the authority's operations. Doe exercised his authority with a strong hand and rebuffed efforts of some trustees to influence his actions with regard to operations policy and personnel appointments. His administration was generally highly regarded as nonpolitical and efficient, but his method of operation developed political opposition by some trustees and other political figures in the state and local area. In due course, the political opposition to Doe grew to a point that the chairman of the board of trustees called a special meeting at which Doe was fired on a split vote of the trustees. The chairman of the board of trustees called Doe into his office after the vote, advised him that he had been fired, and refused to tell Doe, the press, or others the specific reasons or basis for the action.

Subsequently, a state legislative committee held a hearing on the Doe case, and a representative of the state society of professional engineers testified in opposition to the action of the trustees and urged that the state legislature prescribe procedures to require that in such cases the trustees be required to file formal charges against an incumbent, provide for a formal hearing on the charges, and that the incumbent be given a full opportunity to answer such charges at a public hearing. Pending legislative action on such recommendations, the society spokesman publicly urged all engineers to refuse to consider appointment to engineering or other positions in the authority. Some members of the society have questioned the ethical propriety of the call upon engineers to boycott the authority.

Questions:

Q1. Was it ethical for the society spokesman to call upon all engineers to boycott the public authority pending a change in procedures to protect the rights of employees?

Q2. Would it be ethical for engineers, individually or jointly, to boycott the public authority and urge others to do the same?

References:

Code of Ethics-Section l(f)- "He will not actively participate in strikes, picket lines, or other collective coercive action."

Section 2(a)-"He will regard his duty to the public welfare as paramount."

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Section 2(b)-"He shall seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and wellbeing of his community."

Section 13-"The Engineer will not associate with or allow the use of his name by an enterprise of questionable character, nor will he become professionally associated with engineers who do not conform to ethical practices, or with persons not legally qualified to render the professional services for which the association is intended."

Discussion:
We first disclaim any desire or intention to indicate or imply any judgment on the merits of the work of Doe or whether he should or should not have been retained in his position. That is a question of fact, law, and policy and is only for decision by a duly constituted public body with appropriate authority. We would only comment that as engineers enter into high-level public positions (which is to be encouraged) they must recognize their status and vulnerability to political pressures.

Regardless of the merits of Doe's performance, however, we are concerned with the reaction and statements of the society's spokesman following the legislative hearing and the subsequent reaction or action of engineers individually or jointly in heeding the advice to boycott the authority.

Section 1(f) of the code is not directly pertinent but is cited as some indication of the ethical impropriety of coercive action with regard to employment practices. In its full context, however, it clearly refers to coercive action on behalf of the economic interests of engineering employees rather than in connection with a political situation not directly involving those who are called upon to or may boycott a public employer.

Sections 2(a) and 2(b) are likewise not directly in point but again are cited to indicate the principle that the engineer does have a duty to protect the public interest, and in fact to emphasize that that duty is paramount to others under the code. There is no reason to doubt that the boycott call by a society spokesman was in the framework of a sincere belief that allowing the authority to be unduly influenced by political considerations would jeopardize the efficiency of the engineering staff and thereby endanger the public health, safety, and welfare.

Finally, Section 13 provides some basis for believing that engineers may ethically "boycott" enterprises which operate in an unprofessional manner. While the reference here to "enterprise" would normally have the connotation of private industry, we believe it can fairly be read to embrace any type of organization which employs engineers.

Taken together, then, and under the somewhat unusual facts of the case, we believe that the "boycott" call by the society spokesman was motivated by professional concern for the public good rather than for selfish reasons and for that reason was ethical.

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There can be no question of the right of engineers as individuals to refuse to consider working for an employer which they believe does not conform to professional standards and ethical conduct. What one engineer may do individually others may do in concert, short of a conspiracy or mutual action for selfish reasons or personal aggrandizement.

Conclusions*:

Q1. It was ethical for the society spokesman to call upon all engineers to boycott the public authority pending development of acceptable professional employment practices.

Q2. It would be ethical for engineers, individually or jointly, to boycott the public authority and urge others to do the same.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

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