



AFRICA ASSOCIATION OF QUANTITY SURVEYORS

PROFESSIONAL SKILLS STUDY GUIDE 1

PROFESSIONAL ETHICS

1st EDITION – November 2020

DEMONSTRATE AN UNDERSTANDING OF PROFESSIONAL ETHICS

MODULE CONTENT

SECTION

ORGANISATIONAL CONTENT

STUDY COMPONENT

PROFESSIONAL ETHICS AND PRINCIPLES

CODES OF CONDUCT IN THE BUILT ENVIRONMENT PROFESSIONS

ETHICAL STANDARDS AND PROFESSIONAL PRACTICE

ORGANISATIONAL COMPONENT

GENERAL PREMISE AND EDUCATIONAL APPROACH

The general objective with this module is to emphasise **understanding** rather than **memorising** and to develop the learner's skill to apply the principles in a practical way. A problem-driven approach to learning is followed. Learner-centred and co-operative learning is encouraged in order to optimally develop the skills outlined in the study component.

The module comprises four parts, each one contributing to an understanding of the aspects of the construction sector that are impacted by ethical standards, the legislative environment within which codes of conduct and ethics are practised, and characteristics of ethical behaviour which should be aspired to. The breakdown of the module is as follows:

Part 1 – Describe professional ethics and principles.

Part 2 – Identify the importance of taking professional responsibility for own actions.

Part 3 – Recognise professional codes of conduct related to Built Environment practices.

Part 4 – Explain the application of ethical standards in Built Environment professional practice.

Each of these sections has specific learning outcomes which are identified in the module outline.

LEARNING ACTIVITIES

The delivery of this module is by an alternative approach to learning and teaching. Theoretical content within the primary reader is limited, rather you will be asked to work through a series of linked learning sources, predominantly extending your theoretical knowledge base through focussed readings, as

well as undertaking a variety of specified activities. Once you have undertaken the required readings indicated, the module proposes that you complete a short 'self-test' (Addendum A). Should you wish to engage with this subject for gaining CPD 'credits' only, you are required to undertake the readings and the short test at the end of the module. In this event, the study material is considered to be equivalent to approximately 30 hours of study time.

This study guide was originally compiled for use in the South African construction sector, and neighbouring territories using the same documentation and protocols. Accordingly, references within the main body of this document may refer to that region's structures and learners in other countries may have to establish their own local equivalents for comparison. In certain cases, the main document may be complimented by use / reference to alternative documents / examples which apply to other regions.

LEARNING ASSUMED TO BE IN PLACE

NQF level 6 (360 credits) qualification or equivalent.

Although 360 credits is the minimum level for learning assumed to be in place, it is recommended that learners develop actual project experience and discuss issues with appropriately qualified professionals at every available opportunity.

CREDITS

The credit weighting of this module is 5. This translates roughly into 50 'notional hours' of study time, inclusive of tests, assignments and examinations.

STUDY COMPONENT

The competencies, skills and range statement stated in this section are those as contained in the South African Qualifications Authority Unit Standard no 31: Demonstrate an understanding of professional ethics.

CANDIDATES WHO SUCCESSFULLY COMPLETE THIS MODULE WILL GAIN THE FOLLOWING COMPETENCIES:

The ability to

- describe professional ethics and principles
- identify the importance of taking professional responsibility for their own actions
- recognise professional codes of conduct related to built environment practices
- explain the application of ethical standards in built environment professional practice

TO DEMONSTRATE TO ACCREDITED ASSESSORS THE SCOPE OF PROFESSIONAL COMPETENCE GAINED BY STUDYING THIS MODULE, THE CANDIDATE WILL BE REQUIRED TO :

Illustrate that he/she is capable of

- identifying built environment professional legislation
- describing acceptance of responsibility for one's own actions
- explaining built environment professional legislation and codes of practice
- describing codes of professional ethics
- identifying unprofessional conduct
- appraising codes of ethical practice adopted by employer groups
- explaining differences between 'professions' and 'professional practice'
- identifying ethical attributes within professions
- describing ethics relative to the rendering of professional services
- demonstrating professional integrity related to self-evaluation

RANGE STATEMENT

Learners are expected to demonstrate their acquired skills through their ability to perform the following in their place of employment :

- a) develop an awareness of legislation and professional conduct codes within the built environment professions
- b) apply an ethical approach to workplace issues
- c) combine facts, ideas and proposals into a complex whole

Successful completion of this module will contribute towards the full development of a professional community of Quantity Surveyors. The skills, knowledge and understanding to be demonstrated by qualifying learners are essential for economic transformation and social upliftment within environments related to construction and property development

THE SKILLS GAINED BY SUCCESSFUL COMPLETION OF THIS MODULE WILL EMPOWER A LEARNER TO ACCESS A VARIETY OF EMPLOYMENT OPPORTUNITIES, FOR EXAMPLE IN

- 4.1 banking
- 4.2 construction economics
- 4.3 construction management
- 4.4 education and training
- 4.5 equipping / refurbishment / management e.g commercial / retail enterprises and hospitality / tourism industry
- 4.6 housing
- 4.7 project management

- 4.8 property development
- 4.9 property economics
- 4.10 property valuation
- 4.11 quantity surveying
- 4.12 real estate management

It is considered essential that the highest degree of ethical standards is applied in all of these vocations, no matter whether or not they are considered as 'professions'

AIMS AND OBJECTIVES

The primary objective of this module is to provide learners with an understanding of the theoretical concepts underpinning ethical behaviour, and to contextualize this within the framework of professional activities within the built environment. Whilst the focus of the applied material is largely on the quantity surveying profession, much of the content is also valid for other professional disciplines.

The complexity of ethical challenges encountered in practice often requires one to have developed a 'mature' understanding of both the environment within which the issues are to be considered, as well as being equipped to understand and resolve matters which reflect the many different individual approaches to moral and ethical behavior. Whilst it is not possible within this module to deal with the experiential aspect referred to, It is intended that it will provide learners with sufficient knowledge to manager ethical issues in a confident manner.

RECOMMENDED READING

The reference sources listed below are intended to provide with details of texts which can contribute to an extension of the basic knowledge base provided by the study material provided. Some of these may be cited in the paper below. Whilst you will not be examined directly on the content of these sources, it is suggested that a study of their contents will enhance your ability undertake their professional activities in an effective manner.

Abbott, A. (1988) *The System of Professions. An essay on the division of expert labor*, The University of Chicago Press., Chicago and London.

Bennion, F.A.R. (1969) *Professional Ethics*; Charles Knight & Co. Ltd., London.

Brincat, C. (2000) *Morality and the professional life: values at work*; Prentice-Hall Inc.

Greenhalgh B (1997) *Practice Management for Land, Construction and Property Professionals*; E & FN Spon, London

Larson, M.S. (1977) *The rise of professionalism – a sociological analysis*; University of California Press, Berkeley.

MacDonald, K.M. (1995) *The sociology of the professions*; Sage Publications.

Martin, M. W. and Schinzinger, R. (1989). *Ethics in engineering*; McGraw-Hill Inc, New York.

Moore, W.E. (1976) *The professions: roles and rules*; Russell Sage Foundation, New York

Oldenquist, A.G., and Slowter, E.E. (1979) Proposed: A single code of ethics for all engineers, in *Professional Engineer*, Vol. 49, May, pp. 8 - 11.

PROFESSIONAL ETHICS AND PRINCIPLES

On completion of this section you should be able to :

- *identify built environment professional legislation*
- *describe acceptance of responsibility for one's own actions*
- *explain built environment professional legislation and codes of practice*
- *demonstrate professional integrity related to self-evaluation*

INTRODUCTION

This module is intended to provide you with a comprehensive guide to the subject of ethics within the construction industry. You should use this reader as a reference source to topical literature in this field, primarily drawn from text books, academic journal articles, and peer-reviewed conference proceedings. Wherever possible, the material attempts to reflect global views, although much of the published material is locally sourced.

BUILT ENVIRONMENT LEGISLATION

Six years after the 'democratic revolution' in South Africa, a broad suite of statutory legislation was promulgated which now prescribes the manner in which built environment development is conducted. Perhaps two of these documents have the greatest impact, namely the Construction Industry Development Board Act (2000), and the Council for the Built Environment Act (2000)

The function of the Council for the Built Environment (CBE), which was established in 2000 with the creation of this new statute, is to promote, protect and monitor the activities of professional councils working within this domain, and further to promote and protect the interests of the public in terms of a sustainable and natural environment. As a result, a number of professional councils, some established, and some new, represent different vocational groupings, under the 'umbrella' of the CBE. The statutes involved are:

- (i) Architectural Profession Act, 2000 (Act 44 of 2000);
- (ii) Landscape Architectural Profession Act, 2000 (Act 45 of 2000);
- (iii) Engineering Profession Act, 2000 (Act 46 of 2000);
- (iv) Property Valuers Profession Act, 2000 (Act 47 of 2000);
- (v) Project and Construction Management Professions Act, 2000 (Act 48 of 2000); and
- (vi) Quantity Surveying Profession Act, 2000 (Act 49 of 2000).

You should download each of these statutes and compare their contents before continuing with this module. An alternative route to this documentation is to download

them from the South African government website (<http://www.gov.za>). You will note that these documents are similar to one another in structure, primarily governing aspects relating to educational standards for practitioners, and also professional registration conditions. You will be required to undertake certain exercises based on the contents of these documents in Part 4 of this module.

Through the CBE, the construction sector has therefore largely been 'professionalised'. In a later module, concepts related to professional practice are debated. However, a common theme in these debates is that any association with the terms 'profession', 'professional', or professionalism' is linked to the concept of 'ethics', and more specifically 'professional ethics'.

ETHICS – A CONCEPTUAL INTRODUCTION

Ethics is a developing aspect of business behaviour attracting increasing attention globally. Ethics is about making decisions on what are good and bad acts, about right and wrong in practical situations. It is concerned with judging what people do and the consequences of what they do. Tenets of right and wrong arise from the values, beliefs, and attitudes on behaviour of a person's community encompassing their social, religious, educational, business and other environments.

There is a vast set of literature describing different ethical viewpoints and theories. The brief notes below summarise some of the published views. You are encouraged to read as widely as possible in this subject as new material is being compiled all the time. In fact, African scholars are amongst the most widely published authors internationally, representing circumstances in many countries of the continent.

ETHICAL THEORIES

It is clear that not all standards are moral standards as moral standards are the basis for moral behaviour and differ significantly from non-moral standards. For example, the decision as to the colour of a new motor car would be a decision based on a non-moral standard, such as fashion or taste. What then, is the origin of moral standards ?

Ethical theories are about justifying our moral actions (Rossouw, 1994). They propose the appropriate reasons on which our moral decisions should be based and attempt to justify moral standards. It has been suggested that the wide range of ethical theories could be divided into four basic categories, namely:

- Consequence based theories
- Principle based theories
- Virtue based theories
- Narrative based theories

A short overview of these four categories of moral theories is presented below.

Consequence based theories

Consequence based theories emphasize that we should look at the possible consequences or practical implications of our intended actions in order to determine whether an action is right or wrong. If the bad consequences outweigh the good ones, the proposed action should be abandoned and it should be regarded as morally wrong.

The best-known consequence based theory is utilitarianism developed by Jeremy Bentham (1748-1831) and John Stuart Mill (1806-1873). Utilitarianism is the moral doctrine that we should always act so as to produce the greatest possible balance of good over bad for everyone affected by our action. Bentham argued that when evaluating an action or making a choice one ought to take into account not only the consequences of that action itself, but its consequences to all those affected by the act as well. He believed that people ought to act so as to promote the greatest good for the greatest number.

Bentham believed that the interests of the community were simply the sum of the interests of its members and advanced the notion that an action promoted the interests of an individual when it added to the sum total of the individual's pleasure or diminished the sum total of the person's pain. For Bentham, pleasure and pain were merely types of sensations, which differed only in number, intensity and duration.

John Mill thought Bentham's concept of pleasure was too simple. He viewed human beings as having elevated faculties that allow them to pursue various kinds of pleasure, including pleasures of the intellect and imagination. Thus, for Mills the utility principle allowed consideration of the relative quality of pleasure and pain. This basic form of utilitarianism is referred to as act utilitarianism.

Professor Richard Brandt of the University of Michigan proposed a different form of utilitarianism known as rule utilitarianism. The theory maintains that the utilitarian standard should be applied not to individual actions, but to moral codes as a whole. As Brandt (1983) explains

"A rule-utilitarianist thinks that right actions are the kind permitted by the moral code optimal for the society of which the agent is a member. An optimal code is one designed to maximise welfare or what is good (thus, utility). This leaves open the possibility that a particular right action may not maximise benefit... On the rule-utilitarianism view then, to find what is morally right or wrong we would need to find which actions would be permitted by a moral system that is optimal for the agent's society".

Thus, according to rule utilitarianism, we ought always to act on those rules which if generally followed would produce the most good for the most people and individual actions are right when they conform to those rules (Martin and Schinzinger, 1989).

Egoism contends that an act is moral when it promotes an individual's long term interests. It should be noted that the term individual, used in this context, refers to a single person, a group, organisation, society or nation. From an egoistic perspective, an act contrary to one's self interest is an immoral act.

Distinction is drawn between two kinds of egoism, namely personal and impersonal. Personal egoists claim that they should pursue their own best long-term interests, but do not prescribe what others should do. Impersonal egoists claim that everyone should follow his or her best long-term interests.

A closely related doctrine, called psychological egoism, is founded on the notion that human beings are, as a matter of fact, so constructed that they must behave selfishly. While ethical egoism is a normative theory stating how people ought to behave, psychological egoism is a descriptive theory that states that people do, in fact, act solely to promote their own interests.

Principle based theories

Principle based theories emphasize that our moral actions should be in accordance with a pre-established rule, or set of rules (Rossouw, 1994). They are also referred to as deontological theories. These theories contend that there is more to the determination of right and wrong than the likely consequences of an action. In other words, what matters is the nature of the act in question, not merely its results.

Kant's Duty Ethics. German philosopher Immanuel Kant (1724-1804) believed that moral rules can, in principle, be known as a result of reason alone and not based on observation. In contrast to consequence based theories, he believed that we do not have to know any likely results in order to know that an action is immoral. In Kant's words, "The basis of obligation must not be sought in human nature, nor in the circumstances of the world". In essence, he regarded duties, rather than good consequences, as fundamental to moral decision making.

Kant believed that the origin of moral duty lay in moral commands, which he referred to as categorical imperatives. These categorical imperatives, which are absolute, unconditional, logically consistent and free from internal contradiction, must conform to three principles

Universalisation. Categorical imperatives are binding on us only if they are also applicable to everyone. That is, moral reasons and principles are those that we are willing to have everyone act upon and which we can conceive of all people heeding. For Kant, the notion of a universal moral principle, or set of principles, is at the heart of morality.

The Principle of Humanity. Kant valued goodwill, the intention to do one's duty and believed that people have an inherent worth as rational beings insofar as they have the capacity for good will. This capacity makes people worthy of respect (Martin and Schinzinger, 1989). Rational creatures should always treat other rational creatures as ends in themselves, and never as only means to ends.

The Principle of Universal Acceptability. Kant believed that moral law must be universally acceptable because each person, through his or her act of will, legislates the moral law. The principle of acceptability is a function of the fact that each moral being gives himself or herself the moral law. The test of the morality of a rule is not whether people in fact accept it, but whether all rational beings thinking rationally would accept it regardless of whether they are the doers or the receivers of the actions.

In making ethical decisions about actions, Kant held that we should ask ourselves whether we would be willing to have everyone take that action. In other words, one should not only ask “What shall I do ?” but also “What should I do ?”.

Rawls's Duty Ethics. John Rawls developed the theory advanced by Kant by suggesting that valid principles of duty are those which would be voluntarily agreed upon by all rational persons in a hypothetical contracting situation which he refers to as the “original position”.

Locke's Rights Ethics. John Locke (1632-1704) argued that to be a person entailed having human rights, to life, liberty and the property generated by one's labour (sometimes referred to as Lockean rights). He viewed rights primarily as entitlements that prevent other people from meddling in one's life. These are referred to as negative or liberty rights that place duties on other people not to interfere with one's life (Martin and Schinzinger, 1989).

Melden's Welfare Rights Ethics. Melden argued that having moral rights presupposes the capacity to show concern for others and to be accountable within a moral community. He further proposed the notion of positive welfare rights, which he defined as rights to community benefits needed for living a minimally human life. Not all moral rights are human rights, some arise from special relationships and roles which people may have. For example, a promise gives rise to the special right to have the promise kept. However, for Melden, promises create special rights because people have human rights to liberty and because breaking a promise is a way of interfering with the liberty of the person to whom one has committed one's help by making a promise.

Virtue based theories

Virtue based theories emphasize that moral behaviour presupposes a well-formed moral character. It is only when the character of the individual has been properly formed that one might expect prolonged moral behaviour from any person. Proponents of virtue based theories thus shift the emphasis from our moral actions to our moral character (Rossouw, 1994). These theories have the advantage of striking a balance between external and internal control, without sole reliance on external measures such as laws and rules to ensure moral behaviour. Examples of one classical and one contemporary virtue ethicist are as follows:

Aristotle (384-322 BC). Aristotle defined virtues as acquired habits that enable us to engage effectively in rational activities. He defined virtues such as foresight, efficiency, perseverance and creativity as intellectual virtues necessary for rational activity to distinguish them from moral virtues. He used the term, ‘The Golden Mean’, to describe moral virtues that are tendencies, acquired through habit formation, to reach a proper balance between extremes in conduct (Martin and Schinzinger, 1989). For example, courage is the approximate middle ground between foolhardiness and cowardice.

MacIntyre. Alasdair MacIntyre advanced the notion of practices as being cooperative activities towards achieving social goods that could not otherwise be achieved. These goods (or outcomes) are internal to the practices in that they provide definition in the

practice. They differ from external goods (or outcomes) such as fame and prestige, which can be achieved through many kinds of activities and do not define any specific practice ((Martin and Schinzinger, 1989).

Narrative based theories

Narrative moral theories do not take their starting point in either the moral action or the character of the moral agent, but in a certain understanding of morality (Rossouw, 1994). Religious ethics (sometimes referred to as divine command ethics) are best described as narrative based ethics. Actions are considered as being moral if they can be harmonised with the comprehensive narrative and are rejected if they cannot be accommodated therein.

Although religion is the most obvious example of this type of ethical theory, many businesses base their moral culture on a narrative approach.

Ethical relativism, although not strictly a moral theory, is best grouped under narrative based theories. This is a view that there is no one universal standard or set of standards by which to judge an action's morality. It is a theory that states that what is right is determined by what a culture or society says is right. If this view is held, the same act may be morally right for one society and morally wrong for another.

MORALITY AND VALUES

Values can be distinguished from morality and ethics in that not all values can be considered moral values. Only those values that seek the well being of other people can be considered as moral values. Ernest Hemingway supported this distinction between values and morals in his book *Death in the Afternoon*, when he wrote "What is moral is what you feel good after and what is immoral is what you feel bad after". Thus the notion of morality incorporates the notion of considering and protecting the interests of others as opposed to a simple application of personal interests. Velasquez (1982) describes this view of morality as "The moral point of view, that is, is a point of view that does not evaluate standards according to whether or not they advance the interests of a particular individual or group, but that goes beyond personal interest to a universal standpoint in which everyone's interests are impartiality, counted as equal". We will see later that this is an extremely important consideration when assessing professional behaviour and associated codes of ethics.

What is the difference between morality and ethics ? The word ethics arising from the Greek word *ethos* meaning character or custom, is defined as the *science of morals, moral principles or code*. Some philosophers distinguish ethics from morality in that 'morality' refers to human conduct and values, whereas 'ethics' refers to the study of those areas. This implies that 'morals' refers to the conduct itself and 'ethics' refers to the study of moral conduct. In everyday parlance, the terms 'ethical' and 'moral' are interchanged to describe people and actions, resulting in a dominant trend in recent publications where the two concepts are treated as synonymous (Rossouw, 1994).

A question arises from the comparison of morality and law inasmuch as whether the law is a reliable standard for determining moral conduct. For this to be true, what is legal must always be moral and what is not prohibited by law must always be moral. In considering the first condition, there are many examples in the South African context where actions were taken in terms of apartheid laws, such as forced removals and detention without trial, which were clearly legal but immoral. The numerous international examples of business profiteering at the cost of human misery (e.g. manufacturing at slave labour rates in certain countries with the support of the local government) serve as examples of cases where what is not prohibited by law is not necessarily moral. Thus, although useful in alerting us to moral issues and informing us of our rights and responsibilities, the law cannot be taken as an adequate standard of our moral conduct.

ETHICS AND BUSINESS

It has often been said that business and ethics don't mix, with many believing that the term *business ethics* is a contradiction in terms. Milton Friedman (1970) an economist and Nobel Laureate, saw little scope for business ethics and the resultant social responsibility, in stating "There is one and only one social responsibility of business – to use its resources and engage in activities designed to increase its profits as long as it stays within the rules of the game, which is to say, engages in open and free competition, without deception or fraud".

Not everyone agrees with this sentiment. De George (1993) refers to Friedman's statement as 'The Myth of Amoral Business', arguing that "business, like most other social activities, presupposes a background of morality and would be impossible without it". In recent years there has been an emerging consensus among business leaders – in small and large organisations alike – that the role and responsibility of business extends well beyond the critical importance of wealth creation. Many feel that the application of ethics and an adoption of social responsibility form an appropriate long-term strategy.

While socially responsible companies might lose ground in the short term to those organisations that indulge in sharp practices, they may well reap long term benefits, the ethical approach ensuring future profits. It is argued that business ethics are a critical element between a business and its customers. Fundamental to all customer relationships is a foundation of integrity, ethics and trust.

It has been suggested that there is a distinction of three levels of moral responsibility for business, namely:

- The Macro-economic level. This deals with the moral legitimacy of the various economic systems incorporating issues such as distributive justice, etc.
- The Meso-economic level. The roles, responsibilities and proper relationships between business, the state and society form the basis of this level. The social responsibility of business being the key focus area.
- The Micro-economic level. This deals with the moral problems and choices of business people.

Whilst there are other opinions on categorisation, what is important is an understanding that moral pressure and the associated need for ethical practice arises at a number of levels, resulting in complex and expansive ethical issues and problems.

No discussion of business ethics related to issues in South Africa is complete without consideration of the application of business ethics in developing countries. Businesses dealing in the international arena are often confronted with two different sets of moral standards, one for developing countries such as South Africa and one for the developed countries.

Rossouw (1994) suggests that this difference in moral standards stems from the following issues,

1. Most businesses, in developing countries, are involved in a struggle for survival and therefore cannot afford morality.
2. Businesses simply persist with a style of doing business, which stems from an earlier phase. For example, much of the style of doing business in South Africa today stems from practices in the apartheid era.
3. Certain structural deficiencies in developing societies which restrain business from developing a moral code.

Morality and ethical codes

Somewhere between etiquette and law, lie professional codes of ethics. Various definitions of ethical codes have been proposed, but no commonly accepted definition has yet been reached. Nevertheless, in recent publications three common themes emerge:

- An ethical code is a formal and written document
- The content of such document consists of morally oriented policies
- These policies are formalised in order to guide the behaviour of users

For the purpose of this study, the definition of Schwartz (2001) is therefore used because it encompasses all these themes. An ethical code is defined as 'a written, distinct and formal document which consists of moral standards used to guide employee or corporate behaviour'. A variety of factors has pressured organisations to develop ethical codes. External to the organisation, governments, public opinion and consumers increasingly call for responsible behaviour or organisations. They may respond to these pressures by formulating ethical codes and showing a concern for ethics. In fact, several authors propose that limiting legal responsibility and promoting the public image are important motives in this process. However, one may question the morality of developing ethical codes if they are mainly used as a tool to silence and pacify society. Also, internally, employees increasingly ask for clarity on ethical issues and request a codification of the organisation's ethical values. Several studies indicate that ethical codes are used to solve ethical contradictions and inconsistencies in organisations and to transmit the organisation's moral principles to the employees. Despite the wide range of potential marketing purposes, perhaps the overriding objective of personal codes is to influence the behaviour of employees by serving as guidelines in moral issues.

CODES OF CONDUCT IN THE BUILT ENVIRONMENT PROFESSIONS

On completion of this section you should be able to :

- *describe codes of professional ethics*
- *appraise codes of ethical practice adopted by employer groups*

PROFESSIONAL CODES

Whereas ethical codes are developed within an organisation, many professional associations also develop codes or rules in order to guide the behaviour of their members. Generally, members of a professional body are considered to have agreed to abide by the rules of the particular profession, as a condition of their engaging in that profession. Violation of these rules could result in the individual losing their right to practice the particular profession. In many cases, parts of the code of ethics are unwritten and are part of a common understanding of what constitutes professional conduct.

Martin and Schinzinger (1989) advance four views of how members of professions acquire ethical obligations.

- Via the law. This issue has been discussed above, concluding that the law is not an adequate standard for our moral conduct
- By joining a professional society and thereby agreeing to live in that society's code of ethics. This view places the emphasis on the voluntary act of the individual agreeing to abide by a code rather than being enforced to via laws. Since many professional codes of ethics are no more than a set of basic guidelines, this cannot be the sole origin of ethical obligation
- Via contractual agreements forming the basis of their appointment. This may introduce specific responsibilities, but most clients or employers would expect professional ethics to be an unwritten part of an appointment of contract
- By entering the profession, individuals have made a broad tacit promise to the public and society as a whole to act ethically in considering the interests of the public as well as their own interests. It can be argued that it is for this reason that society affords many professions (engineers, architects, quantity surveyors, etc) a 'privileged' status reserving specific types of work, etc.

Thus it can be seen that the nature and origin of professional codes of ethics is broad and as a result, what constitutes acceptable professional conduct cannot easily be defined. Given their nature, professional codes of ethics are often considered to be neither a complete, nor a completely reliable guide to one's moral obligations.

THE NEED FOR PROFESSIONAL CODES OF ETHICS

It has been shown above that codes of professional practice are an extension of rules of conduct used in business generally. In this section, a closer look at various codes used is undertaken, seeing how they address the moral dilemmas that professionals may encounter.

It should be clear that the need for a particular form of codification is driven by the nature of professional activity. We will take a detailed look at these underlying factors in the third part of this module. However, a fundamental aspect within the concepts discussed is that a person entering a professional discipline is understood to be technically competent, committed, learned, and a person of integrity.

Increasingly, the law regulates all aspects of business life. Whereas unwritten moral codes used to guide the actions of managers and professional men and women, today ethical codes, guidelines and the rule of law seem to be taking over. The danger of this, however, is that what is moral becomes confused with what is legal. It was illustrated in an earlier part of this module that these concepts are fundamentally different.

The professional person needs to have their status substantiated by credentials, in order to reassure the public of their trustworthiness. All professional credentials have one reference point, and that is exclusivity, resulting from some sort of selection procedure. For registration, or membership of a professional body to be meaningful, registration or membership must be restricted. These restrictions need to relate to public perceptions of standards and also to professional aspirations, and take the form of codes.

Greenhalgh (1997: 227) appropriately states that “The codes have three main functions. One is to provide present and future credibility for the organisation. They afford values to the organisation which otherwise would be lacking. This cannot be understated but it is intangible, and is a product of the other two functions. These other functions are to produce a yardstick standard for the organisation – a level above which many, it is hoped, will attain but below which none will be included, and also to provide a mechanism and structure within the organisation for preserving these standards and for removing or censuring those members who fail to comply”.

The public often knows that certain organisations are professional and august bodies, whose members have attained a high standard and have been admitted to membership on a selective qualitative basis. It further knows that the members of these institutions are subject to codes of practice which are intended to protect the interests of their clients and the public, and that if they fail to comply with these codes then they will be subject to sanction of some form.

Internationally, membership of these organisations is discretionary, and codes are enforced more as a preventive measure than as a retrospective judgement. This is based on the philosophy that it is little comfort to a client to learn that their errant surveyor has been ‘struck-off’ after the client has suffered the damage. The prestige of membership and consequential commercial advantages, acts as a positive incentive for the surveyor to maintain eligibility for membership of the organisation.

The previously mentioned yardstick standards take various forms, but generally include the provision of some method of qualitative assessment such as examination and assessment of professional competence. This is linked to a framework of structured learning, usually through higher education or Continuing Professional Development (CPD). The public is aware of these yardsticks even if it is ignorant of the precise mechanisms. In South Africa, two different scenarios are in place for quantity surveyors. Membership of the Association of South African Quantity Surveyors (ASAQS) is voluntary (and therefore can be compared with the majority of overseas professional organisations), whilst all quantity surveyors wishing to practice as such, 'quantity surveying' being 'protected' in terms of an Act of Parliament, must be registered with The South African Council for the Quantity Surveying Profession (SACQSP). The implications of sanctioning authority wielded by the SACQSP are therefore more severe than that of the ASAQS which operates in the interests of its members. A similar situation pertains to many other African countries.

THE NATURE OF CODES

Professional codes enable ethical reflection and development, and are a means of developing the integrity of the professional body. The public declaration of the principles and views on responsibility and practice of a professional organisation provide a benchmark against which the practice of the profession can be evaluated.

Ethical behaviour is an essential component in effective human societies. The aim is to enable collaboration between individual members, thereby improving the overall quality of life and fulfilment in the society, by creating an atmosphere of trust. The increasing awareness of social, international and global issues has expanded our awareness and is moving towards a sense of responsibility which extends far more widely than was the case when professional standards were first formulated.

The changing context in which professionals practice requires a review of traditional ethical practices and requirements. There is a need in many areas to enhance professional standards and to increase awareness of the changing perceptions of the community at large as to the nature of professional integrity and practices. Environmental and human issues, the interests of minority groups, international competition, and the growth in information technology, all affect our activities.

That which distinguishes the ethical person from the well-behaved is a belief in values. The development of a personal value system results in 'moral maturity' – a state in which the individual has developed the capacity to take responsibility for ethical decision making. The importance of the virtues in ethical practice is clear. It is said that there are four fundamental virtues (Plato's 'Divine Virtues'). They are:

- Wisdom
- Temperance
- Fortitude
- Justice

In the nature of things, hierarchies arise in societies, reflecting, in healthy communities, the different levels of understanding of the members of those societies, and their consequent different responsibilities. It has been said that the levels of responsibilities of society can be formalised as ranging across a wide spectrum. These can be summarised as what is good for:

- the environment
- mankind
- my associates (other professionals, citizens, countrymen)
- my family
- me

Many apparent conflicts of interest can be resolved by reference to the next level 'up' in this hierarchy of values. On the assumption that members are individually responsible for their own and their families' welfare, the rules (codes) of practice are concerned primarily with the upper three categories.

Armstrong *et al* (1999) include an interesting comparison of ethical codes used within the engineering sector in Europe. The reader is encouraged to undertake a similar study of international professional bodies, both within and outside of the built environment. Details of these organisations are generally freely available through the World Wide Web. Sometimes the terminology used to identify the codes is not that clear. In addition, codes can vary from very short (for example that of the International Cost Engineering Council [ICEC]), to more complex, such as that of the Engineering Council of South Africa (ECSA).

One of the more important considerations when drafting or evaluating a code of conduct relates to that of the public interest. In recent times, much has been said in particular about the responsibilities of professionals with respect to the environment, much of it slanted towards the ecological and topographical impact of projects. There are two views on the issues, one maintaining that retention of current environmental circumstances must prevail at all costs, whilst others believe that it is important to maintain a balanced view of the overall needs of societies, to consider economic, social and political interests as well as those of the physical environment. It is clear therefore, that great challenges face the authors of professional codes of ethics when accommodating such different viewpoints.

The key qualities of the professional in these general areas are concern for the public interest and evident integrity. Public confidence in the integrity of the professions is essential to the provision of a responsible service. To this end professional practitioners must not only be competent and trustworthy, but must be seen to be so.

Armstrong *et al* (1999: 44) state that the key factors concerning integrity and the public interest, from the point of view of drafting codes of conduct are:

- "The adoption of a balanced, disciplined and comprehensive approach to problem solving. It should be clear to all that professional judgement and skill are being

used to enhance human welfare and diminish negative effects of developments. Working practices should be efficient and economical.

- The discharge of public functions reasonably and lawfully. Conflicts of interest must be avoided, advice must be independent and impartial, free from any personal interests of the professional.
- As far as possible all information should be freely available. It should not be misused to mislead or deceive, nor should confidential material be disclosed. Public statements must be made only in an objective and truthful manner.
- Procedures should be established and followed for reporting irregularities and conflicts of interest. Requirements by clients for the professional to accept instructions which are perceived to be against the public interests must not be accepted.”

An approach adopted by some is to apply the so-called Seven Principles of Public Life. These are:

Selflessness. Such persons should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity. In carrying out business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their position.

Openness. Holders of public office should be open as far as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty. Such persons have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that prospects the public interest.

Leadership. Holders of these positions should promote and support these principles by leadership and example.

CREATION AND APPLICATION OF CODES

As mentioned previously, the South African quantity surveying fraternity is generally subject to the rules of both the ASAQs and the SACQSP. Until June 2007, these organisations were strongly linked, sharing a common secretariat. Interestingly however, the two organisations had separate codes of conduct which are found on the website of

the ASAQs (<http://www.asaqs.co.za>), and through links on this site to the SACQSP portal. Candidates are urged to access and download the individual codes for professional reference purposes.

It has been suggested that certain aspects should be taken into consideration when writing a code of ethics. Candidates should critically study both the ASAQs and the SACQSP codes to see how they shape up in terms of the issues listed.

1. What will be the *purpose* of any new code? Is it to regulate behaviour? To inspire?
2. Different kinds of documents serve different purposes. Is the new document intended to *guide* people or to set out *requirements*? Is it really a Code of Ethics that you need? One might consider creating a Statement of Values, a Policy, a Mission Statement, a Code of Conduct. How do these differ from one another?
3. A code of ethics should be tailored to the needs and values of one's organisation.
4. Many ethics codes have two components. First an *aspirational* section, often in the preamble, that outlines what the organisation aspires to, or the ideals it hopes to live up to. Second, an ethics code will typically list some *rules* or *principles*, which members of the organisation will be expected to adhere to.
5. Will a new ethics document include some sort of enforcement? If so, what kind?
6. Often the principles or values listed in an ethics document will be listed in rough order of importance to the organisation. The ordering need not be strict, but generally the value or principle listed first will have a natural prominence.
7. Think carefully about the *process* by which a new code is created. Who will be involved? A small working group? Or all the people affected by the code? How will one distil the needs of the organisation and the beliefs of the members into a document? The process may matter as much as the final product.
8. How will the new code be implemented? How will it be *publicized*, both inside and outside of the organisation? What steps, if any, will be taken to ensure that the values embodied in the code get implemented in organisational policies and practices?
9. How / when will the code be reviewed / revised?

Both the ASAQs and the SACQSP codes were compiled at about the same time (2000). How do they compare with one another? It is suggested that candidates compare both codes in terms of the criteria indicated in the literature as being of prime importance.

A further consideration in appraising codes relates to their relevancy. In some instances, the codes were formulated many years ago, or otherwise the original 'old fashioned' code has merely been modified in more recent times. Several of the professional codes of South African built environment professions have developed in this fashion. Some academic papers have been written on issues which typically may be deficient in such cases. For instance, does the code of ethics reinforce old 'colonial' approaches or does it adopt a more modern, 'inclusive' approach? Does it reflect the broader views of the politically democratised society, or does it still reflect outdated discriminatory practices?

Pearl *et al* (2004) critically comment on many of these issues. The important issues of health and safety and environmental awareness are also dealt with in some detail by Pearl (2005).

How then does an individual decide whether or not an action is ethical? Codes of Ethics are not always able to assist in this process. It has been suggested that the following '8 steps to sound ethical decision making in business' can provide guidance in this regard. The steps (in order) that are suggested are:

1. Gather the facts
2. Define the ethical issues
3. Identify the affected parties
4. Identify the consequences
5. Identify the obligations
6. Consider your character and integrity
7. Think creatively about potential actions
8. Check your 'gut feel'

Perhaps the best common-sense approach described is that if a person would be embarrassed by someone close to one (parent, spouse, child etc) becoming aware of the dubious action through public disclosure (e.g. a newspaper expose'), one's conscience should be followed and the action should not be implemented.

On completion of this section you should be able to :

- *Explain differences between 'professions' and 'professional practice'*
- *Identify ethical attributes within professions*
- *Identify unprofessional conduct*
- *Describe ethics relative to the rendering of professional services*

IDENTIFYING A PROFESSION

This module describes the essential features of a profession, what it means to engage in a profession, and what it means to be a professional or exhibit professionalism. There is a significant body of literature, most particularly in the field of sociology that deals with these issues.

Many of these sources contradict one another, and are often the product of abstract academic arguments, rarely considering empirical evidence. The study of professions is particularly relevant at this time. Perlstadt (1998) takes a fairly 'middle ground' approach in describing a profession as referring "to the umbrella covering both discipline and practise that fosters status and respect by establishing entrance examinations, practice standards, and codes of ethics to assure quality and protect the public". An important component here is the "discipline and practise", described by Khurana *et al* (2004) as including "a common body of knowledge resting on a well-developed, widely accepted theoretical base". The nature of this component is however, not universally accepted. Perlstadt (1998) takes a fairly isolated view in stating that 'discipline' refers to "the development of abstract knowledge and instruction within and across academic institutions", whilst 'practise' is described as referring to "the application of the knowledge system to diagnose, advise, counsel, intervene, and/or treat within an independent or entrepreneurial setting".

In contrast, Abbott (1988: 112) found, "in terms of the public's [and clients] perception

1. that the essence of a profession is its work, not its organisation,
2. that many variables affect the content and control of the work, and
3. that professions exist in an interrelated system"

In essence however, the key concepts identified by most authors are that the occupational value of practitioners is based on trust, competence, a strong occupational identity and co-operation. In confronting these concepts, you are directed to read the paper by Knight and Morledge (2005) which admirably describes the various abstract considerations.

Khurana *et al* (2004) use a fairly mundane approach to the definition of a profession in stating that the criteria they use in its identification are as follows:

1. a common body of knowledge resting on a well-developed, widely accepted theoretical base
2. a system for certifying that individuals possess such knowledge before being licensed or otherwise allowed to practice
3. a commitment to use specialised knowledge for the public good, and a renunciation of the goal of profit maximisation, in return for professional autonomy and monopoly power
4. a code of ethics, with provisions for monitoring individual compliance with the code and a system of sanctions for enforcing it

The primary focus of their approach rests on the so-called 'body of knowledge'. A profession's body of knowledge is sometimes referred to as the abstract knowledge used by practitioners to perform the profession's work. Using this approach, abstract knowledge in our context is what a quantity surveying practitioner knows and applies to a construction project. This is not to be confused with the skills QS's need to practice or tasks that are required to be performed. It is the currency of a profession; it is what makes a profession legitimate and valued by the public (Abbott, 1988). Once the profession's abstract knowledge is identified, one can communicate with and beyond the profession about such work. One can also determine if the knowledge areas identified represent quantity surveying practice today. By knowing where the profession is today, based on the body of knowledge, one can determine where the profession wants to be in the future and the path to get there.

A profession's claims to validity in the use of this term involves three parts – claims to classify a problem, to reason about it, and to take action on it. Theoretically, these are the three acts of professional practice, and such practice is tied directly to a system of knowledge that formalizes the skills on which the work proceeds. The expert knowledge amounts to an internally consistent system of abstract propositions that describes the classes of phenomena comprising the profession's focus of interest. Theory serves as a base in terms of which the professional rationalizes his or her operations in actual situations. It is the linking of professional skill with the prior or coincidental mastery of the underlying theory that is the true distinction of a professional.

Professional expertise is a mixture of several kinds of practical and theoretical knowledge, both the standardised variety (that which can be taught, often referred to as the 'science'), and the cognitively indeterminate (the so-called 'art'). This raises the issue of the nature of the 'expert knowledge'. In post-industrial societies the concept of 'knowledge' has gained an increasingly complex meaning, referring both a stable domain of expertise and a rapidly changing texture of concepts and skilled performance. This complexity is illustrated in an ever-broadening view of knowledge and skills requirement ranging from relational skills and an increased demand for authenticity of feeling on the one hand, to hard skills and images of professionals as entrepreneurs and creators of knowledge on

the other. Abbott (1988) clearly demonstrates that the definition of professional jurisdiction (the tasks) must be linked to a formal system of knowledge that legitimizes and 'expertizes' the profession's jurisdiction, delineating the foundation of their expertise in the figure below.

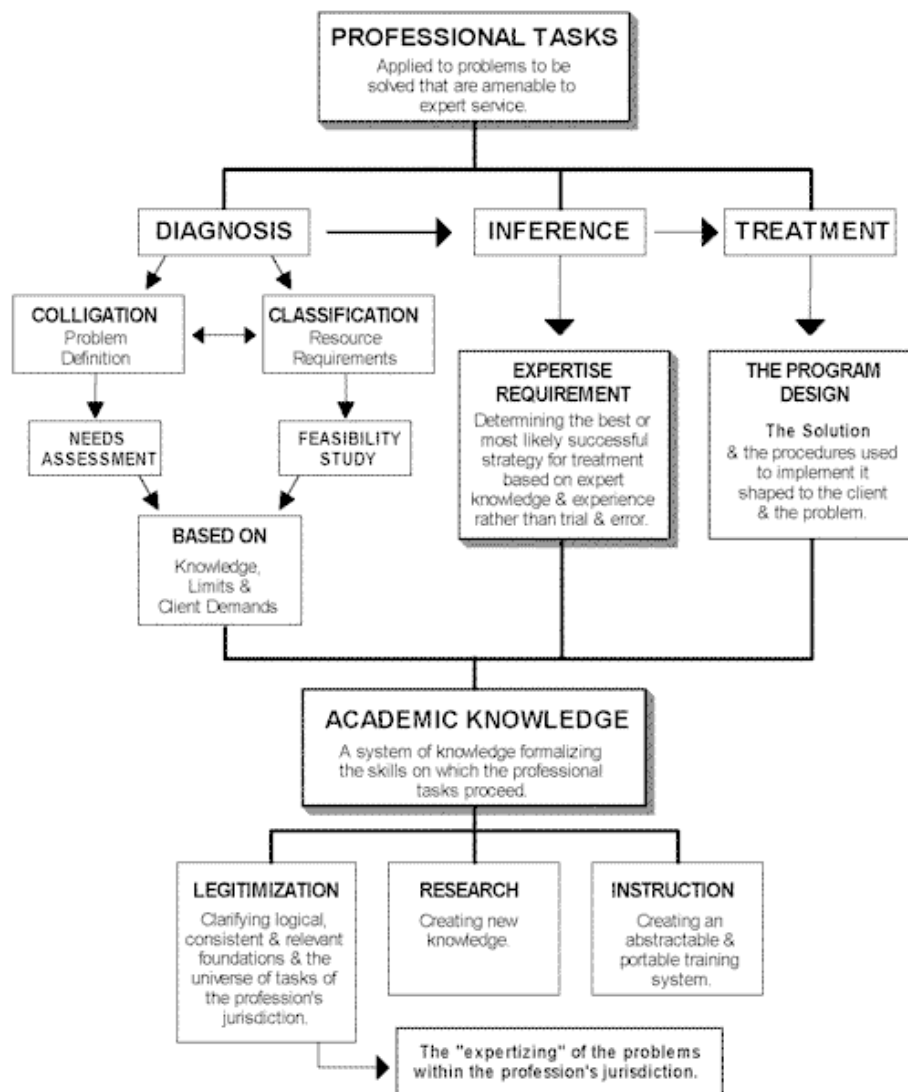


Figure 1: The nature of professional knowledge (Abbott, 1988)

Is it therefore necessary that the 'expert knowledge' be the unique preserve of that specific profession? This surely cannot be. Professions exist in a system in which one jurisdictional boundary bumps into the adjacent one; an increase in the boundary of one automatically produces the loss of jurisdiction in another, or as commonly occurs, creates an overlap of expertise and knowledge.

A more compelling argument rests on the principle that the work is of special value to the client. Education, training and experience are fundamental requirements but once achieved (and sometimes licensed) then the exercise of discretion based on competencies is central and deserving of special status. The practitioners have special knowledge and skill and (especially if its practice is protected by licensing) there is a need to trust professional's intentions. As a consequence externally imposed rules governing work are minimized and the exercise of discretion and good judgement, often in highly

complex situations and circumstances, and based on recognised competencies are maximised.

An alternative important consideration is the opinion of some authors that a profession's ability to adapt to changing conditions and survive is dependent upon continued enhancement of its body of knowledge. This view is based upon the contention that professionalism is aimed at maintaining 'market closure', 'monopoly control of work' (Larson, 1977), and occupational dominance. These 'jurisdictional boundaries' (Martin and Guerin, 2006), are often blurred in the modern business world as a result of rapid technological growth and availability, creating an overlap of expertise and knowledge. Knight and Morledge (2005) comment that the quantity surveying profession is currently in a satisfactory state, but note that future status and growth is dependent upon continued development of abstract knowledge.

Professional authority, while conceptually distinct from knowledge, is intimately linked to the profession's body of theory. Most clients find a sense of security in the professional's assumption of authority. In a classical sense, authority signifies a power that is in some sense legitimate and justified, and therefore compels trust and confidence. Historically, professionals drew authority from their 'high' social position. Although status still retains a diminished place in determining authority, the principal basis for confidence these days depends upon assumed scientific expertise.

In the modern-day professional-client relationship, it is the professional who possesses authority, through his implied expertise, with the client being in a subordinate position. Thus, professional authority is actually an expression of social control. This type of authority depends upon two sources for validity – legitimacy and dependence. As for legitimacy, academic knowledge legitimizes professional work by clarifying its foundations and tracing them to major cultural values, typically those of rationality, logic, and science. With regards to dependence, the kind of authority claimed by professions here involves not only skill in performing services, but also the capacity to judge the experience and needs of clients. Professional authority calls for voluntary obedience; it is usually enough that clients recognise they ought to follow their professional's advice in awareness of the adverse consequences that may befall them if they do not.

Professional authority suggests a relatively wide knowledge gap between the client and the professional. In the past, this gap has constituted the historical and logical basis for two well-known professional taboos – advertising and fee-bidding for professional services. In both of these instances, professional ideology holds that clients lack the ability-the discriminating capacity-to capably select from among competing practitioners or forms of service. In recent times this has proven to be an area of significant change for many professions.

In the latter part of the nineteenth, and the first decades of the twentieth centuries, quantity surveying, like other 'non classical' professions such as engineering, experienced a gradual shift from "rule of thumb" to "rule of science". During this period, education became the institutional locus for the cultural ideal of science, but professionals only

reluctantly embraced it-ostensibly because of the value they placed on “practical know-how” as opposed to “theory”. Nevertheless, by the mid-twentieth century, higher education and professionalism for various construction-centred disciplines were firmly emplaced.

The primary purpose of positioning learning in universities is to transmit formally a body of expert knowledge that will enable the professional to practice his or her skills as at acceptable level of competence. A secondary purpose of higher education-not always acknowledged because it is achieved not through formal instruction, but through contact with learned academics and peers-is the transmission of values, attitudes, and commitments that serve to assimilate the novice to a set of professional attitudes and controls, professional conscience, and solidarity. In addition to transmitting professional knowledge and values to students, an equally important responsibility of the university is to develop new and better knowledge and theory on which professional practice is based.

Professional occupations have their own unique forms of organisation and control, with the professional association, or society, being one obvious example. The professional associations constitute an expression of group consciousness and unity born of members’ common vocational experiences, interests and aims. Their broader purpose is to strengthen and elevate the profession’s status, which they do through defining professional issues and priorities, maintaining standards of performance, and controlling access to the group.

The professional associations seek strong-ideally, full membership from the practitioners such that, externally, the associations may profess to speak for the collective interests of the group. Because the professional person is strongly oriented toward his or her peers, even when he or she competes with them for clients and for public and professional prestige, there exists a high potential for networking and establishing professional relationships. Younger members have the opportunity to see the acknowledged leaders in their chosen field, and perhaps meet them informally. Rank and file members, elite practitioners, and the isolated professional who has no colleagues in his or her firm-all may participate in the business of their society through presenting, listening to, or discussing technical papers, sitting on committees and the like, and as such they may affirm their identity as representatives of their chosen professions.

If professional associations are the obvious case of professional organisation and control, only slightly less obvious are the monopolization aspects of professional work. Professions seek the formal sanction of society-a *de facto* monopoly over their particular area of jurisdiction. The profession’s official monopoly exists through their control over training centers, use of the professional title, the professional licence, and other privileges and powers.

Professional autonomy corresponds to the degree to which trust actually occurs in the professional-client relationship. In other words, autonomy indicates how much the client (or society) actually believes the profession’s authoritative claims. For example, the client might completely trust the professional’s skill and competence (at the individual level) as well as the larger professional structure, including its development of theory, educational

and training centres, licensing process, professional ideals, and the like (the occupational level). Such complete trust will translate into full autonomy for both the individual practitioner and the profession; they are free to act, with the only proviso being the expectation that they do what they think is best. However, for a number of reasons, the client might not fully trust in the ability of the profession or a particular practitioner to capably handle his or her affairs. In this case the client will grant only limited autonomy and will require other reassurances besides the word and acts of the professional.

From a professional consultant's perspective, the ideal situation is one where full autonomy is granted, granting the freedom to act as they judge best. Such freedom is not without obligation. The professions exercise great care to explain why professional autonomy is not a matter of self-interest, but is a requirement for offering the best possible service to the public. These explanations reside in the professions' ethical codes.

The ability of professionals to operate effectively within the environment described has guaranteed significant privileges (monopolies, restrictive arrangements, self regulation) and rewards (high income, status, discretion) which have often been criticised and resisted in other areas of the economy, but which, in this context, are justified and accepted through rhetorics of quality and public interest.

This explains the material and symbolical appeal of professional careers and has transformed professionalisation (the process through which occupations accomplish or at least claim professional status) into a reliable strategy for upward mobility and social advancement; thus fuelling over the years the steady expansion of the system of the professions (Larson, 1977). The common approach adopted is illustrated in figure 2.

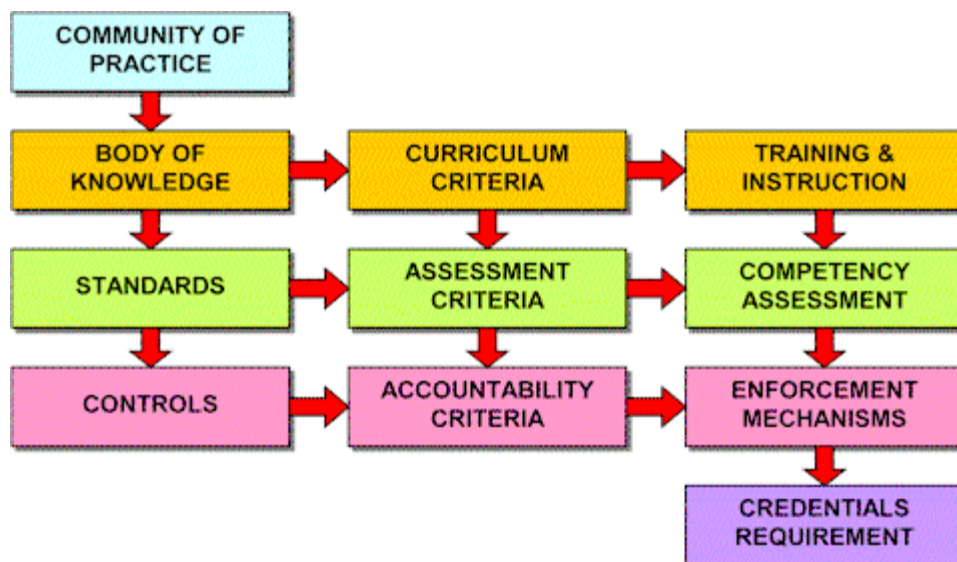


Figure 2 – Professionalisation process model (Silvers, 2003)

Throughout most of the twentieth century, the professionalisation of everyone was thought to be a credible prognosis for the future of work, being the standard organisational solution for the production and delivery of expertise in knowledge-based occupational groups. Yet a series of broader developments ultimately connected with the radical reworking of the relationship between markets and state, has vigorously shaken its

institutional and ideological scaffolding whilst advancing the competing logics of entrepreneurship, managerialism and consumerism. In particular, professions have been the targets internationally of sustained deregulatory efforts on behalf of many administrations; professionals have been exposed in the workplace to the increasing routinisation, rationalisation and commoditisation of their work and of their expertise; finally, and perhaps most importantly, professionalism, as a distinct occupational ideology and work organisation method, has been increasingly demystified and discredited in the wider political economy (Lawson, 2004).

In this context, there is a strong indication that the trajectory of change for the professions is, inevitably, one of long-term decline. Indeed, professionalism has lost its historical stronghold on expert services, as new forms of knowledge-based occupations are shunning traditional recipes, centred on occupational closure, and developing more entrepreneurial and managerial modes of organisation and operation. There is no doubt that the professions are confronted by considerable challenges but it is also true that they are well placed to manage such challenges and that they have, historically, proven to be particularly flexible and resilient (Evetts, 2005). In particular, they have succeeded to develop new patterns of organisation and new modes of operation which are considered more appropriate for the new ideological and institutional climate.

PROFESSIONALISM

In recent times the focus has moved away from whether or not a discipline 'qualifies' to be termed a profession (as a distinct and generic category of occupational work), and professionalisation (the process to pursue, develop and maintain the closure of the occupational group), to the analysis of the concept of professionalism and how it is being used (Khurana *et al*, 2004).

Professionalism "consists of a skill or quality component and a relational component. The skill component requires that a professional be competent in performing the tasks of his or her work, while the relational component requires that the work the professional does will not be harmful to persons or society. Each of these, when actualized. Allows an individual to exhibit professionalism" (Brincat, 2000: 21).

It is evident from the material above that being a professional, and exhibiting professionalism, are good things. Although work in and of itself has no moral status, the execution of work or how it is done has moral status. This moral status comes into effect as we appreciate the way an occupation is executed relative to our criteria for judging action in general. Our work often puts us into situations where we must bracket our personal commitments in order to uphold the commitments we have made to our work or our profession, but we still find the same things worth prizing; it is just that the criteria by which they are judged valuable is often more complicated in an occupational situation.

Evetts (2005) pertinently points out that there are two different forms of professionalism in modern-day knowledge-based private sector work. She describes these as organisational and occupational professionalism. Organisational professionalism is "a discourse of

control used increasingly by managers in work organisations. It incorporates rational-legal forms of authority and hierarchical structures of responsibility and decision-making. It involves the increased standardisation of work procedures and practices and managerialist controls. It relies on externalised forms of regulation and accountability measures such as target-setting and performance review. In contrast, and again as an ideal-type, occupational professionalism is a discourse constructed within professional occupational groups and incorporates collegial authority. It involves relations of practitioner trust from both employers and clients. It is based on autonomy and discretionary judgement and assessment by practitioners in complex cases. It depends on common and lengthy systems of education and vocational training and the development of strong occupational identities and work cultures. Controls are operationalised by practitioners themselves who are guided by codes of professional ethics which are monitored by professional institutes and associations". (Evetts, 2005: 4)

The notions of trust, competence and professionalism have been inextricably linked and interconnected throughout the ages, when doctors, lawyers and clergymen were expected to provide altruistic advice within a community of mutually dependent middle, and upper class clients. Friedson (2001) has drawn attention to this class-based nature of professional relationships. Interesting academic studies relating to the concept of trust have been conducted by Wong *et al* (2000), and Smyth (2006)

It is noted that the conditions of trust, discretion and competence have in the past 50 years been continually challenged and / or changed. An increasingly litigious culture, fuelled by knowledge of large financial gains from negligence cases (Particularly in the USA), is further undermining trust and professionalism. Does the increased use of the discourse of professionalism as a managerial instrument of occupational control mean the further decline of trust? Does the expansion of target-setting and accountability mean competences can no longer be relied upon? As service and knowledge-based work expand, are professional occupational groups becoming less distinct and more like other organisational employees?

Perhaps Lawson (2004: 34) best describes this situation. "Understanding professionalism today by reading the literature is like a genealogical search for family likeness through examining reproductions of old and faded photographs, some of which may never have had high image quality in the first place. Part of the meaning of professionalism is now obscure or lost; descriptions of the traits are reduced to simple lists, professional roles are confused, and implications of the traits for professional practice lie buried and unrecognisable. And this is all inexorably complicated by the fact that professionalism has not remained constant, but is changing, even as society has changed. The result is that the contemporary meaning of professionalism is now out of focus".

BUILT ENVIRONMENT PROFESSIONS

As noted in the second part of this module, the structure of the built environment development structures in South Africa have been significantly amended through national legislation which has been promulgated since 2000. In some instances, changes

of this kind were long overdue, as described in Pearl (2004). From a view of 'professionalisation' perhaps the most significant event to date has been the recognition of construction managers (representing the broad spectrum of the formal construction sector) and project managers as 'professional bodies' and consequently, their members as 'professionals'. The relevancy of this action can be established by consideration of the review of international corruption within the construction sector as described in Transparency International's 2003 report, and the Chartered Institute of Building (CIOB) (2006) report on corruption in the UK construction industry.

This has had the effect of theoretically changing the relationship between consulting professionals acting on behalf of clients, and the constructors. The paper by Jefferies and Kirk (2004) describes efforts within the Australian construction industry to encourage different participants in the construction sector to adhere to industry-wide codes of practice. Further studies have also been published by Rogers (1980) as well as Jackson (2000) dealing with the United States, and Zarkada-Fraser and Skitmore (2000) in another Australian report. It seems as if the Far East is currently the prime area in the world where ethics amongst built environment professionals (particularly quantity surveyors) is a topic of interest amongst the academic fraternity. There have been many significant papers written by academics resident in that area such as Dabson et al (2007), Fan et al (2001a) and Fan et al (2001b), as well as Ho and Ng (2003). Of particular interest are studies of student perceptions regarding ethics, as described by Axford (2005) and Jackson and Murphy (1998). No research has been conducted to date on the results of these efforts or the local changes, so the research papers referred to in this part of the module refer to circumstances prevailing within the traditionally adversarial relationship between constructors (not subject to adhering to professional norms), and consultant practitioners. A considerable amount of research has been conducted into the field of ethical behaviour in the construction industry, much of it being based in South Africa. Readers are required to access the papers by Shakantu (2003), as well as Bowen et al (2007) which describe the situation from a broad construction industry basis.

A slightly different viewpoint is adopted by looking specifically at professional ethics. This was initiated by a paper by Vee and Skitmore (2003), looking at the situation within the Australian construction industry. In time, comparative South African studies were undertaken by Pearl et al (2005), and Bowen et al (2006). This field of study remains one where there is vast scope for further research, both within South Africa, and across international boundaries. The published 'body of knowledge' in this field has been enhanced in recent years by studies on both built environment disciplines, as well as other occupations. In this regard, published work by Khurana et al (2004) and Martin and Guerin (2006) provide useful insights into views on ethics as practised in other fields.

Whilst there is a large body of literature on corruption in the construction industry world-wide, it is encouraging that several papers and reports deal with ways to prevent or minimise such practices. Papers which fall into this category include Transparency International (2005), Knight and Morledge (2005), Poon (2003), Poon (2004a), Poon (2004b), and Ray et al (1999).

A further specific area of research which is an offshoot of broad studies in ethics relates to matters of trust and culture. Prominent amongst these studies are the works of Liu et al (2004), as well as Swan et al (2002).

REFERENCES

The reference sources indicated below are a list of published material cited in the paper above with electronic links. You are expected to read / review as many of these sources as possible prior to undertaking tutorials and the final module examination. Electronic versions of all these sources (other than for books) are lodged in an archive which may be accessed via the AAQS website (Closed User Group) in the Education section. Alternatively, most of these sources are freely available via the internet.

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SELF-ASSESSMENT QUESTIONS

EXERCISE 1

It is usual to distinguish between professional and general ethics because of differences in audience, content and method. Give an example of a way in which the following concerns are relevant to us generally and to the specific profession of quantity surveying. That is, give an example of a way in which justice is a concern to everyone (general ethics) and then how justice is a concern in the quantity surveying profession by means of discussing justice relative to audience, content and methodology (professional ethics).

OR

EXERCISE 2

Determine if you are a holist or a separatist for the following commonly understood moral goods. First, answer if you are a holist or a separatist. Next, give an example of how the value would be held to or violated in both your professional and personal life (holist), or give an example of how the value would not be held or violated in both your professional and personal life (separatist).

OR

EXERCISE 3

- (a) Ethical behaviour in the general business arena has been described as “behaviour that is consistent with the principles, norms and standards of business practice that have been agreed upon by society”. What happens if a society hasn’t agreed? And what happens if you’re doing business in a society different from your own? How would you define ethical behaviour then?
- (b) Is diversity management an ethical issue? Discuss and substantiate your answer.
- (c) Is sexual harassment as important an issue for men as it is for women? Discuss and substantiate your opinion.
- (d) What conditions would make accepting a gift from a business associate acceptable?
- (e) Why do certain professions – bankers, accountants, lawyers, quantity surveyors, physicians, clergy have fiduciary responsibilities? (agents legally responsible for managing property, finances etc for the benefit of another individual or a group)
- (f) What conditions would have to be present for you to ‘blow a whistle’ about unethical conduct you observed at work? How would you go about it?

EXERCISE 4

You work for Red Co. You and a colleague, Pat Brown, are asked by your manager to attend a week-long conference in Cape Town. At least 25 other employees from Red Co. are attending, as well as many customers and competitors from other institutions. At the conference, you attend every session and see many of the Red Co. people, but you never run into Pat. Although you left several phone messages for her, her schedule doesn’t appear to allow room for a meeting. However, when you get back to the office, the department secretary, who’s coordinating expense reports, mentions to you that your dinner in Cape Town must have been quite an affair. When you ask, “What dinner?”, she describes a dinner with 20 customers and Red Co. employees that Pat paid for at a posh Cape Town restaurant. When you explain that you didn’t attend, she shows you the expense report with your name prominently listed as one of the attendees. Describe at least two ways in which you could handle this situation.

OR

EXERCISE 5

A definition from Molander (1987: 619), is that a code of ethics is a written expression of “*the principles of right and wrong conduct which guide the members of a group, profession, or society*”. Codes of conduct generally require that members maintain a higher standard of conduct than that called for by law (Greenhalgh, 1997).

One of the functions of codes is to influence the decisions which individuals make so that the resulting behaviour is considered acceptable (Ferrel and Fraedrich, 1991). Further, the use of a code of conduct assists the profession in its ongoing relationship with society and its desire for self-regulation (Cohen and Dent, 1991). The code is therefore a vehicle which assures the public, clients and colleagues that members are competent, have integrity, and that the profession intends to maintain and enforce high standards (Ward, 1993). However, since codes should be brief to be effective, and because it is not possible to foresee the potential range of moral problems that can arise, they contain mostly general guidance.

It is the opinion of Wotruba *et al.* (2001), that codes of ethics can serve three major purposes in organizations, namely:

1. Demonstrating a concern for ethics by the organization,
2. Transmitting ethical values of the organization to its members, and
3. Impacting the ethical behaviour of those members.

An alternative view of the primary objectives to be met by codes of ethics is that of Oldenquist and Slowter (1979). They state that core concepts in professional codes, in order of significance, deal with:

- (1) the public interest,
- (2) qualities of truth, honesty, and fairness, and
- (3) professional performance.

As part of the course activities in this Module, you were required to study the typical composition and structure of the code of conduct / ethics relating to Quantity Surveying in South Africa (SACQSP or ASAQS). Critically discuss the relevant clauses which comprise this code in the context of the issues listed above, commenting on their potential to meet these specific criteria.

OR

EXERCISE 6

Lawson (2004) uses three attributes to depict the professional ideal - knowledge, organization, and the ethic of service - in the belief that these three attributes subsume the detail ordinarily intended and expressed by expanded lists. More explicitly, his conceptualization of the professional ideal consists of the following:

- *Knowledge*, as expressed and reflected in a body of theory, professional authority, and higher education;
- *Organization*, as expressed in professional associations, monopoly and licensing, and professional autonomy; and
- *The ethic of professional service*, as expressed in the service ideal, codes of ethics, and the career concept.

Describe in detail either your own profession, or alternatively, one of the professions recognized by the Council for the Built Environment in relation to these attributes, in determining their current standing as a ‘*profession*’. You should reflect upon the specifics of the profession by comparison either with other professions, or professional disciplines as practiced overseas.

OR

EXERCISE 7

It is generally accepted that there are four types of 'Moral Theories'. Identify them and describe the primary nature of each system, together with any subsets that are associated with each primary grouping. Wherever possible, indicate who the promoters of each system have been

OR

EXERCISE 8

You are a young engineer / quantity surveyor / project manager in a professional consultancy, and have been advised by the senior partner of your firm that the organisation is considering promoting you to an associate partner. You are responsible for contract administration on a large milling project and it has been agreed with the contractor that monthly payments will be based on itemised claims that they will compile. You are, however, still contractually responsible for submitting a monthly valuation to the Architect for certification.

In checking the contractor's claim this month, you note that they have made a significant error (R 28 000) in the calculation of the index-based cost-reimbursement amount. You are of the opinion that the contractor will be unlikely at a later stage to notice this under-claim. You apply high professional standards, however, and correct the contractor's claim when compiling your payment valuation document. This comes to light at a subsequent management meeting (before the Architect's payment certificate has been compiled), and the building client is scathing in his criticism of your action. Although your firm has been the sole financial consultant for his organisation for many years, the client CEO threatens that he will take his business elsewhere, unless you modify the valuation in line with the contractor's claim.

How best do you handle this situation ? If you were able to reverse the process experienced, would you handle it differently, and if so, how?

Your commentary should incorporate all viewpoints on the processes, particularly describing in detail the ethical choices you are confronted with.

OR

EXERCISE 9

The professional ethics literature often indicates that a framework for moral analysis which may be appropriate for the compilation of a professional code of ethics should take into consideration the following aspects:

- Integrity
- Respect
- Justice
- Compassion
- Beneficence / non-maleficence
- Responsibility

Discuss these features in detail, providing examples of how they may be applied in practice by a professional person (most particularly quantity surveyors) in the built environment.

OR

EXERCISE 10

The professional ethics literature often indicates that a person called upon to make ethical decisions in a business environment should ideally follow the following 8 steps to support a decision:

- Gather the facts
- Define the ethical issues
- Identify the affected parties
- Identify the consequences
- Identify the obligations
- Consider your character and integrity
- Think creatively about potential actions
- Check your 'gut'
-

Discuss these features in detail, providing examples of how they may be applied in practice by a professional person in the built environment

OR

EXERCISE 11

- a) A common excuse for carrying out a morally questionable action is, "If I don't do it someone else will." This rationale may be tempting for quantity surveyors who typically work in situations where someone else might be ready to replace them on a project. Do you view this as a legitimate excuse for engaging in projects which might be unethical?
- b) Another commonly used phrase, "I only work here," implies that one is not personally accountable for the company rules since one does not make them. It also suggests that one wishes to restrict one's area of responsibility within tight bounds as defined by those rules. Respond to the potential implications of this phrase and the attitude represented by it when exhibited by quantity surveyors.

Your answers should incorporate practical examples of typical instances within quantity surveying practice where these approaches may be encountered.

OR

EXERCISE 12

Comment on the following passage: "A code only sets the limits beyond which behaviour will be condemned, and the moral level is not high when all or most of those who live under it always act within a hairline of those limits. Codes, in fact, are for criminals and competitors, not for professionals that want to be known as dedicated" (Barzun, 1978: 67). Specifically, is this true of the quantity surveying code studied by you as part of the module? Provide reasoned, practical discussion as it relates to particular aspects of the relevant code.

OR

EXERCISE 13

Apply utilitarianism, duty ethics, and rights ethics in resolving the following moral problems. Be sure to consider alternative versions of each theory, such as act-utilitarianism and rule-utilitarianism. Do the theories lead to the same or different answers to the problems? Give fully reasoned explanations of the choices made, indicating the linkage between your selected choice and the specific ethical theories adopted in each case. You should answer any 5 of the 6 problems described.

- a. A train is approaching a switch, and it is traveling too fast to stop before a tragedy occurs. Tied to one fork of the track are the leaders of three important nations (who are vital to current efforts to achieve world peace and prosperity), Tied to the other fork are four people who are your closest friends and relatives, but who have no international or even national social importance. If you were in control of the switch, which fork in the track ought you to select?
- b. A doctor can save the lives of three important national leaders by making transplants of the kidneys and heart of a local convicted mass murderer who is serving a life sentence. The operations would be done in secrete and would involve the full co-operation of the local police officials, who would claim the murderer was killed, while trying to escape from prison. Is it morally permissible (i.e. all right) to make the transplants?
- c. George had a bad reaction to an illegal drug he accepted from friends at a party. He calls in sick the day after, and when he returns to work the following day he looks ill. His supervisor asks him why he is not feeling well. Is it morally permissible for George to lie by telling his supervisor that he had a bad reaction to some medicine his doctor prescribed for him?
- d. Jillian was aware of a recent company memo reminding employees that office supplies were for use at work only. Yet she knew that most of the other engineers in her division thought nothing about occasionally taking home notepads, pens, computer discs, and other office 'incidentals'. Her 8-year old daughter had asked her for a company-inscribed ledger like the one she saw her carrying. The ledger costs less than R 100, and Jillian recalls that she has probably used that much from her personal stationery supplies during the past year for work purposes. Is it all right for her to take home a ledger for her daughter without asking her supervisor for permission?
- e. Robert is a fourth year quantity surveying student who has been placed on probation for a low grade-point average, even though he knows he is doing the best work he can. A friend offers to help him by sitting next to him and 'sharing' his answers during the next exam. Robert has never cheated on an exam before, but this time he is desperate. Should he accept his friend's offer?
- f. Because he had been mugged before, Bernard Goetz (who happened to be a land surveyor) illegally carried a concealed revolver when he rode the New York subway. When several young men confronted him in a threatening way, asking for money, he drew the revolver and fired several shots that resulted in permanent injuries. Did his right to life and his right to defend himself justify his acts of (i) carrying the revolver, and (ii) using it as he did?