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# WORKPLACE ETHICS

SOME PRACTICAL AND FOUNDATIONAL PROBLEMS

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## ABSTRACT

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The aim of the present thesis is twofold: first, to analyse some practical ethical problems that stem from the workplace and the working environment and to offer guidelines concerning how such problems can be solved; second, to illuminate how the specific nature of work and the working environment is intimately connected to the relation between the employee and the employing entity, as set forth in an employment contract, and how the form and content of such contracts are, among other things, determined by culturally and socially established ideas. The normative question to be addressed is thus: which of these ideas should be maintained? This can be seen as a second-order, or more fundamental, ethical question whose answer depends on determining which normative principles are right. An additional aim of this thesis is thus to illuminate that the contract relation has relevance to practical ethical problems in the workplace context in this second-order mode.

The thesis consists of an Introduction and five papers. In *Paper I* (written together with Sven Ove Hansson) we argue that employees have a *prima facie* right to privacy, but that this right can be overridden by competing moral principles that follow, explicitly or implicitly, from the contract of employment. A set of ethical criteria is developed and summarized in the form of a guideline for determining the moral status of infringements into workplace privacy. In *Paper II* these criteria are applied to three broad classes of privacy-intrusive workplace practices: (1) monitoring and surveillance, (2) genetic testing, and (3) drug testing. In relation to some scenarios on these themes, it is shown that it is possible to handle such practical ethical problems systematically by way of the proposed guideline. *Paper III* deals with the fact that employees are protected by health and safety standards that are less protective than those that apply to the general public. Emphasis is put on the distinction between exposure and risk, and this distinction is claimed to be a key determinant for the relevance of arguments put forward in support of such double standards. In *Paper IV* the nature of the contract of employment is explored from an ethical point of view. An argument is developed against the claim that (a) the individual's freedom of decision and (b) the practice of institutional arrangements are sufficient to justify a contract of employment. *Paper V* questions the standpoint that the voluntariness of the contracting parties in an employment relationship has substantial value. One overarching issue concerns the meaning of voluntariness in the employment context, another, its normative importance. It is argued that it is indeterminate exactly where the line should be drawn between voluntary and non-voluntary agreements in this context. Concerning the latter issue, it is claimed that even if we were able to draw such a line, this fact does not tell us anything about the normative importance of the voluntariness condition, nor how much normative weight we should assign to the fulfilment of its conditions in the workplace context.

*Keywords:* contract of employment, ethics, ethical criteria, health and safety standards, privacy, work, work environment

## LIST OF PAPERS

This doctoral thesis consists of the following Introduction and:

- I Persson, A. J. and Hansson, S.O. "Privacy at Work – Ethical Criteria", *Journal of Business Ethics* 42: 59–70, 2003.
- II Persson, A. J. "Applying Ethical Criteria for Privacy", pp. 137–156 in S.O. Hansson & E. Palm (eds.), *The Ethics of Workplace Privacy*, P.I.E.-Peter Lang S.A., Brussels, 2005.
- III Persson, A. J. "Occupational and Non-occupational Health Risks – Can Double Standards be Justified?", *International Journal of Risk Assessment and Management*, in press, 2006.
- IV Persson, A. J. "The Contract of Employment – Ethical Dimensions", *Journal of Business Ethics*, in press, 2006.
- V Persson, A. J. "The Employment Relation – The Meaning and Importance of Voluntariness", *submitted manuscript*.

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## PREFACE

This doctoral thesis, composed of five papers that deal with different aspects of ethical problems in working environment contexts, can be described as a work in the field of applied ethics. Applying ethics to practical problems is a discipline with a long history; it is probably older than Socrates and the Sophists. But even if such problems have persisted throughout all the subsequent history of philosophy, time has not left them wholly unchanged. That is to a large extent because our society and our way of living are changing constantly, to the effect that new kinds of practical ethical problems emerge at the same rate. I am not sure whether the working environment should be described as a new area for applied ethics or not, but I am certain that there are urgent practical ethical problems in that area that need to be solved. How problems connected to the working environment should be handled and, it is hoped, solved, depends on their character. Some problems are technological, some are legal, and some are ethical. Ethical problems pose questions to be answered from within the field of moral philosophy. Consequently, the writing of the present thesis has been an endeavour to answer, or at least clarify, some questions connected to the working environment, from that particular point of view.

For help in carrying out the endeavour which this thesis represents, I have many people and some institutions to thank, though none of them has the slightest responsibility for its shortcomings. First of all, I wish to express my gratitude to my supervisor, Professor Sven Ove Hansson, for his generous support, and extremely helpful comments and suggestions on all the written material in this thesis. Frankly, without his help I would not have been able to write this thesis.

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Stockholm, June 2006

Anders J. Persson

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## INTRODUCTION

Almost all of us have to work. Many of us spend more time at work than in any other facet of our lives. The conditions that affect that part of our lives are, or at least ought to be, of substantial significance to us. Work for remuneration is even considered to be a vital part of an adult individual's life and the primary means by which the productive output of society is generated. Therefore, it is natural to think that important values are connected with workplace activities. This fact, in combination with the idea that the working situation as such has special preconditions, may motivate us to consider "workplace ethics" as a separate field of moral philosophy.

The modern concept of "working environment" refers to a diversity of activities and other relevant factors, a great variety of occupations as well as work forms, and several other conditions relevant to the institution of work, such as labour law, collective contractual relations, and also workers' physiological and psychological comfort and well-being. We may say that almost everything that surrounds an individual in everyday work for remuneration comprises "the working environment." On the worker's behalf it involves societal aspects, such as systems of wages, career opportunities, personnel administration, etc. as well as medical aspects.

Certain ethical problems are specific to this area. Today, circumstances have brought issues of privacy and risks in the employment context to the forefront of the legal and policy agendas in several countries. Foremost among these circumstances is, probably, technological development. New technologies have in many cases alleviated work and improved work conditions, but at the same time they have caused new problems for workers. How problems connected to the working environment should be handled and, hopefully, solved, calls for answers of a different character, depending on the nature of the problem. Some problems are technological, some are legal, and some problems are ethical. The latter group poses questions to be answered from the camp of moral philosophy.

Besides practical problems in this area, stemming from the current working situation and the societal institutions which regulate it, there are also ethical issues of a somewhat more fundamental character. It has been claimed that the workplace is a separate case that needs special treatment in the analysis of, for example, privacy infringement, but if that is true, one may ask: what is so special about work and the workplace? It is certainly not the work or the workplace, as such, that makes this area special. I am more inclined to think that the employer-employee relationship, as set forth in an employment contract, is the determining factor. Therefore we need to ask: what is in a contract of employment? Or, rather, what ought to be in such a contract? The latter issue is of a more fundamental character than most of the practical problems stemming from the workplace context. This is so because an analysis of the latter type of issue presupposes in some sense the

contract of employment as an institution, already having a certain form and content in the relevant society. An inquiry into the institution of the contract of employment is thus more fundamental in the meaning that the normative results of such an inquiry determines how we ought to solve practical problems in the workplace context, whereas the reverse does not hold.

In this thesis, the treatment of these issues will be moral rather than legal, i.e., it is not an investigation into the contents of current laws but instead a discussion concerning the moral rights and other moral considerations on which laws in these areas should be based. This is not to say that the legal and moral areas are distinct and unrelated to each other. It has, for example, been claimed that the employment relation, among other things, is a vital means through which the identity of individuals is shaped and expressed (Beatty, 1980). If this is true, then it is important that the prevailing contract theory of employment grant significance to this purpose. If it does not, this would be at odds with our social intuitions and our convictions about the nature of employment, and one could therefore also claim that legal contract theory concerning employment *ought* to be reformed in respect of this.

In the present thesis, I explore two general practical problems, central to work and the working environment, namely privacy in the workplace and occupational health risks. The focus is on ethical justification, i.e., on if and how we, due to the specific nature of work and the working environment, might have reasons to accept certain infringements of workers' privacy or certain risk levels affecting the workforce.

The specific nature of work and the working environment is intimately connected to the relation between the employee and the employing entity, as set forth in an employment contract. The form and content of such contracts are, among other things, determined by culturally and socially established ideas. The normative question to be addressed is thus: which of these ideas should be maintained? This can be seen as a second-order, or more fundamental, ethical question whose answer depends on determining which normative principles or normative principles are right. The contract relation has relevance to practical ethical problems in the workplace context in this second-order mode. In the latter part of this thesis, I reflect on such second-order problems. That discussion can consequently be apprehended as a step back from the first-order problems of normative ethics that will occupy us in the first three papers of this thesis.

## **AIM OF THIS THESIS**

The overarching aim of this thesis is to address and analyze some important ethical problems that stem from the workplace and the working environment. My intention is to make a constructive contribution to problems of practical concern within this context, a contribution based on methods

and ideas originating from analytical philosophy and moral theory. More precisely, the thesis aims at investigating the underpinnings of the different normative statements made in this context. For example, what is the basis of the statement that an employee's privacy is intruded in a morally wrong way? What is the basis for the fact that employees are protected by health and safety standards that allow for higher exposures than those that apply to the general public? Are there morally relevant features, in the working situation, that give us reasons to answer differently than in a situation where the person in question is off duty?

Concerning the workplace privacy issue, the present thesis has two related purposes: first, to provide an account of "privacy in the workplace" and develop a set of criteria for when intrusions into an employee's privacy are justified; second, to show that these criteria are both reasonable and practicable and that they can be used for determining the moral status of infringements into workplace privacy.

My aim with regard to the occupational health risk issue is to develop an argument for the conclusion that double-risk standards, occupational and non-occupational, cannot be justified. I will do this by way of exploring the distinction between exposures and risks.

As mentioned above, the second main purpose of this thesis is to discuss the form and the content of the relationship between an employer and an employee. A tentative analysis of existing work contracts is the starting point for the ethical analysis. The aim is to show what a legitimate contract of employment may require from an ethical point of view.

The aim of the discussions of the occupational health-risk issue and the contractual relationship between an employer and an employee is that it will result in a more distinct picture than what, to my knowledge, has been offered so far, of the complexity of these issues. My hope is that an increased clarity of that complexity will shed some light on what employers and employees have to deal with from an ethical point of view.

### **WHAT IS "WORKPLACE ETHICS"?**

"Workplace ethics" concerns issues about the rightness and wrongness of actions that impact the workplace or the working environment. It is reasonable to claim that in order for people to live and work together peacefully and productively, there must be certain standards they are required to comply with. Compliance to such ethical standards or principles may also be essential to create a stable and productive work environment. These standards are based on individuals' as well as the organisation's values, which may serve as a basis for establishing a code of ethics.

"Workplace ethics" can, according to this description, be interpreted in at least two different directions, depending on what goal one has when

pursuing workplace ethics. First, in accordance with some literature often labelled as business ethics, the aim of a workplace ethics program is to manage people's values and conflicts among them, aiming at a productive work environment and good business results. The second interpretation is to understand "workplace ethics" more literally as a field of moral philosophy, meaning that productiveness and business results may be wanted, but they are nevertheless subordinated to issues about what we ought to do or what is ethically right. The latter interpretation does not necessarily imply that there is a conflict between aiming at a flourishing business and aiming at doing what is morally right, but business interests do not determine what is required for reaching the latter goal.

In this thesis, I discuss ethical problems related to the workplace in accordance with this second meaning of "workplace ethics." In order to cover this special field of applied ethics, a few words should also be said about another concept, closely related to "the workplace," namely "the working environment".

The concept of "working environment" is of recent origin, even if issues that relate to this concept probably have been discussed as long as employers and employees have existed. Worker protection legislation can in Swedish jurisdiction be dated back to 1739 (Hansson, 1999). That law established that children should have reached the age of ten or twelve, depending on the character of the job tasks, in order to be allowed to work in a factory. One hundred and sixty years later, the first law concerning adult workers was established. The motives for the laws were similar, to prevent risks and protect workers' health and safety. Another explicit motive for the earlier law was to assure those who would become workers a certain level of education and religious awareness. These two motives can be said to be at the core of the working environment concept: health and safety and personal development.<sup>1</sup> One can also see a shift in vocabulary concerning worker and workplace issues in the development of the law, from a focus on occupational hazards via the protection of workers towards the much wider working environment concept, involving both the physiological and psychological comfort and well-being of the worker. Our current understanding of the concept also involves societal aspects, such as the system of wages, career opportunities, personnel administration etc., as well as medical ones. The modern concept of "working environment" thus has several connotations, and includes almost everything that surrounds an individual in everyday work.

The described conceptual change has important practical implications. The statement that a certain issue is a working-environment issue seems, for example, to imply some kind of responsibility for the employer. This state of the facts together with technological developments in this area has created several new practical problems.

Some of these problems, with regard to workplace issues of an ethical character, are analyzed in this thesis: first, matters of privacy and integrity, e.g. conflicts in the application of screening and surveillance practices, drug

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testing and so on; and second, work hazards and risks, e.g. allowable limits of harmful work exposures. Scholars and practitioners from a variety of fields have discussed these issues, but so far, at least to my knowledge, no attempts have been made to provide a unified theory of workplace ethics – at least not in the meaning of “workplace ethics” proposed in this thesis.

### **THE STRUCTURE AND SCOPE OF THIS THESIS**

This summary, which comprises three more chapters, is followed by five papers. The latter are referred to by the Roman numerals I–V, and are commented upon in Chapter 4. In Chapter 2, methodological issues for pursuing ethics are discussed in general terms, and the relation between applied ethics and normative theory is spelled out. In Chapter 3, the use of “the contract of employment” is explained and delimited for the purpose of this thesis.

The scope of this thesis is limited to an analysis of some of the problems in the field of workplace ethics. A unified theory for this area of applied ethics is, as far as I know, still to be created.

## APPLIED ETHICS AND NORMATIVE THEORY

The nature of moral philosophy is disputed in many ways, but most of us would agree that there is a large body of beliefs and convictions to the effect that there are certain acts that ought to be done and certain things that ought to be brought into existence. It would be a mistake to assume that all of these convictions are true, or even that they are all clear. A proposed task for moral philosophy, which I profess myself an adherent of, is to compare such convictions and beliefs with one another, and to study them as such, with a view to seeing which of them best survive such an examination, and which must be rejected, either because they are ill-grounded or because they contradict other convictions that are better grounded. All the more so as I am a disciple of the so-called analytic tradition, trying to clear up the ambiguities that loiter in expressions of moral convictions is vital in such an exercise. These tasks are at least an essential part of what I believe to be “the method of ethics.”

In this thesis this method is applied to practical ethical problems that stem from a special area, namely work and working environment contexts. The concept of “applied ethics” is often referred to as the application of moral philosophy to practical problems. Consequently, the theoretical subject field of this thesis is applied ethics. Since I am concerned with practical problems related to work and the working environment, one may also label this particular field as “working environment ethics” or “workplace ethics” in the same fashion as we designate ethical problems from the medical area as bioethics.

Irrespective of the application area, however, some sort of normative theory is necessary for such an exercise. In order to explain my use of normative theories in this thesis, it is illuminating to consider two different views concerning the rightness/wrongness of acts and how we ought to act: a utilitarian view, and a rights-ethicist<sup>2</sup> view.

According to the utilitarian view, as developed by Jeremy Bentham (1789) and several well-known proponents, for example, Henry Sidgwick (1874), John Stuart Mill (1871), George Edward Moore (1912), Richard Hare (1981), and Peter Singer (1979), an action, A, is right if, and only if, A produces at least as great an amount of utility as every alternative action open to the agent. If we transfer this idea to the working environment context, the utilitarian seems to prescribe that the working environment should be devised in such a way as to satisfy the utilitarian criterion of rightness so that the overall welfare of all sentient beings should be maximized. In order to relate this view to the working environment, it may be useful to distinguish two versions of the utilitarian view, a global version and a local one. The former considers and values the working environment in terms of the welfare of every sentient being (during the whole history of sentient beings), while according to the latter, the relevant welfare is only that of



the people within the institution of workplaces.<sup>3</sup> An obvious objection to this suggestion is, of course, how to understand the notion of “people within the institution of workplaces.” However, the important point is that even the latter view is consequentialist. What matters, also according to this version, are *the consequences*. It is the consequences of adopting certain policies or applying certain practices in working environment contexts that should be evaluated. The answer, for example, to the question if a certain intrusion into an employee’s privacy is morally right or wrong is to be found among the consequences of the action.

Despite some initial plausibility, the various versions of utilitarianism are problematic. First, just what exactly is “utility?” The sum total of “the good things of life” is one suggestion that classical hedonists reduce to the mental qualities of pleasure and pain. But, even if it were possible to quantify diverse sorts of happiness and suffering, we have to take a further step, according to the utility principle, and make a public measure of an intersubjective quantity of utility. Second, in either version of utilitarianism, it is impossible to know whether a certain act, a certain policy, and so forth, leads to better consequences than those of every other alternative. These problems, as well as several others, reduce the practical value of a strictly utilitarian theory.

Nevertheless, despite these shortcomings, we may make rough evaluations of outcomes, and at least in some cases we may have strong reasons to believe that a certain act or certain kinds of acts will lead to bad consequences. We may, for example, have good grounds for believing that an act emanating severe intrusions into workers’ privacy is such an act. And if we have good reasons to presuppose that the good consequences far from outweigh the bad ones, and that the same end were reachable by means of an alternative, less intrusive, action, most of us would say that the latter action is the morally preferable one.

The core idea of the utilitarian view is thus the moral importance of the consequences of action. Arguing with reference to consequences in this manner seems to be very reasonable. And it appears to be both possible and reasonable to do so without commitment to any strictly utilitarian theory. Furthermore, this sort of argumentation, in terms of moral values, seems also to be compatible with a more rights-ethicist approach, one that is based on the notion of *prima facie* rights and duties. Since that notion is frequently used in this thesis, it is appropriate to explore the meaning of it. By way of doing that, I also intend to explain how that normative idea can be used for a moral reasoning also in terms of consequences.

The notion of *prima facie* rights and duties is primarily associated with the work of W. D. Ross.<sup>4</sup> According to Ross’ influential view, such a duty, with its corresponding right, is a moral obligation, which is binding unless there is a stronger and overriding obligation. An actual duty, in contrast, is a remaining duty, all things considered.<sup>5</sup> This means that in complex cases where more than one moral principle applies, there will be only one duty proper.<sup>6</sup> A *prima facie* duty, according to Ross, is to be understood as a

conditional duty:

[A]s a brief way of referring to the characteristic (quite distinct from that of being a duty proper) which an act has, in virtue of being of a certain kind (e.g. the keeping of a promise), of being an act which would be a duty proper if it were not at the same time of another kind which is morally significant. Whether an act is a duty proper or actual duty depends on *all* the morally significant kinds it is an instance of.<sup>7</sup>

The core of the idea is that every *prima facie* duty and right has moral significance, but that they can be overridden by other such duties and rights.

In a similar manner, we can hold that we universally have a duty not to infringe upon the privacy of others; every action that intrudes into the privacy of a person has a tendency to be morally wrong. On the other hand, moral principles do not, according to this view, define what determines an actual duty. Which principle prevails or overrides others will depend upon how the relevant properties are instantiated in that particular situation. In other words, when *prima facie* duties conflict, what one ought to do is what satisfies all of them best.

A rights-ethicist view like this is certainly not compatible with the utilitarian criterion of rightness. However, in normative reasoning, concerning practical ethical problems, it can still be fruitful to use some essential ideas from both these views. My contention is that essential ideas from both these normative positions can appear as important arguments in applied ethics. Accordingly, I find essentials from both of the views fruitful to use in this essay.

Thus in this thesis we will use a consequentialist way of reasoning - in terms of Ross' idea of *prima facie* duties. And maybe Ross himself has given support to this. He has conceded, in contrast to his general critique of utilitarianism, that public support of the proposed *prima facie* principles can be justified on utilitarian grounds.<sup>8</sup>

However, some limitations of this approach should be noted. First, it suggests that the issue between deontology and consequentialism is raised by the question: should we act so as to bring about the best possible result on the whole, or are there certain kinds of acts that we must do, or are prohibited to do, whatever the consequences? According to non-cognitivists, for example John L. Mackie (1977), a question in that form is misleading, because it (wrongly) gives the impression that there are such entities as objective moral prescriptions. If we deny the existence of objective moral values, the question should be reformulated to something like this:

'Are all the guides to conduct that we want people to adopt, and all the constraints on conduct that we want them to accept, of the form "Act



so as to bring about  $x$  as far as possible," or are some of them of the form "Do" (or "Do not do...") "things of kind  $y$ ?"<sup>9</sup>

The point is that even utilitarians have to accept deontology at this secondary level of normative principles. Such secondary principles framed in terms of kinds of action that should/should not be performed will often "be our immediate guides."<sup>10</sup> According to this line of thought, what we at best can do in practice is to rely on secondary principles as guides to what we reasonably can predict to be most beneficial.

Arguably, a (legitimate) way of practicing applied ethics is to study moral principles on this level and examine which best survive such examination in application to practical problems. This is similar to what R. M. Hare (1981) suggests for moral reasoning about practical issues.<sup>11</sup> In his vocabulary, secondary principles operate at an intuitive level. At this level, conflicts between principles or duties seem impossible to solve, but such conflicts are solvable at the critical level where first-order principles operate.

Without adopting either Hare's full-fledged utilitarianism or Ross's rights-ethicist view, important arguments from such theories can be used. This can be done in order to examine and assess principled solutions to practical problems, in spite of the fact that we have to cope with that we may not aim at the highest moral levels.

Therefore, in this thesis, practical ethical issues are treated as they can be reasonably discussed, at the same time that issues about which normative theory is true, and which meta-ethical theory is true, are left open.

## THE CONTRACT OF EMPLOYMENT

As the employer–employee relationship, as set forth in an employment contract, plays a crucial role in this thesis, I will begin with a few remarks on what “the contract of employment” is. I will also explain and delimit my use of this concept in the present thesis.

In the legal context, the relationship between an employer and an employee is determined by several branches of labour law. “Individual employment relations” as well as the making, modification, and termination of individual employment relations and the resulting obligations for the parties, and certain aspects of promotion, transfer, dismissal procedures, and compensation, are all treated by labour law. In this context, every person who works for someone else, whether that someone be an individual, company, or another entity, is in a contractual relationship with that person. This is so, irrespective of whether the terms of that relationship are articulated or not and whether or not there is anything in writing (Fagan, 1990).

The contract of employment has very specific features that make it different from other types of contracts: it directly affects the relationship among people “in the very core of their lives: their working environment” (ibid., p. 2). Undoubtedly, we have reasons to believe that there are such specific features. However, issues concerning which features really exist in current employment contracts are legal matters. Even the question of whether or not a certain contract of employment exists is a legal matter. This is so because the contract of employment is, first and foremost, a legal concept and, consequently, its terms and conditions are determined by law. The question, “What is in a contract of employment?,” is a factual question whose answer is determined by what actually is in such a contract according to a certain legal system. In other words, a statement that a certain contract of employment has such-and-such features states a fact about a legal system.

Practical ethical issues arise in many social settings; for instance, video surveillance in public places and phone-tapping for law enforcement purposes are examples of issues that are not primarily workplace-related. However, if it is true that workplaces are a separate case that requires special treatment in the analysis of, for example, privacy infringements, one may ask: what is so special about work and the workplace? It is certainly not the work as such or the workplace as such that is special. Hence, the determining factor is arguably the employer–employee relationship, as set forth in an employment contract. The question, “What is in a contract of employment?,” may thus be turned to “What ought to be in a contract of employment?,” which is a normative question; e.g. answers to the latter question will say something about the ways things ought to be.

In this thesis, my focus is on the latter question, but it will not quite be treated independently from the first – in spite of the fact that they may be logically independent. A reason for this is that it seems fruitful to make

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a departure from some of the contents of current laws, covering the employment contract, as well as several socially established ideas about employment contract contents. However, my treatment of the employer–employee relationship as set forth in a contract of employment will nevertheless be moral, rather than legal; i.e., in this thesis I will not investigate the contents of current laws, but instead discuss what are the moral rights and other moral considerations on which laws in these areas should be based.

## PREVIEW OF PAPERS I-V

In this chapter, I summarise the five papers and comment upon them. They have been written as separate articles, and should accordingly be possible to be read independently. They are reproduced as they stand, and some repetition is consequently unavoidable.

The present thesis is, in several aspects, a heterogeneous work. However, a subject matter that all the articles have in common is their relation to the working environment. In Papers I, II, and III practical ethical problems in the workplace context are addressed. Papers IV and V address issues related to such problems, but the problems discussed in the latter essays are of somewhat more fundamental character in which the form as well as the contents of the contract of employment are questioned as a legitimate basis against which practical issues can be solved.

Methodologically, the main thread is what I called “the method of ethics” above, a method rooted in the tradition of analytical philosophy. Throughout this thesis, it has been at least my ambition to use that method consistently.

### PAPER I

In Paper I (written together with Sven Ove Hansson) we argue that employees have a *prima facie* right to privacy, but that this right can be overridden by competing moral principles that follow, explicitly or implicitly, from the contract of employment. The focus is on how and when infringements into a worker’s privacy can be morally justified. Three types of justification are specified, namely those that refer to the employer’s interests, to the interest of the employee, and to the interest of third parties.

A set of ethical criteria is developed and summarized in a form of a guideline for determining the moral status of infringements into workplace privacy.

### PAPER II

In Paper II, I intend to show how certain practices can be handled according to the criteria mainly elaborated in Paper I. The criteria are applied to three broad classes of privacy-intrusive workplace practices: (1) monitoring and surveillance – under which, if any, circumstances are, for example, monitoring of employees’ use of telephones, electronic mail, computer terminals and the Internet, morally acceptable? (2) genetic testing – to examine workers for possible genetic predispositions may be

a helpful tool for disease-prevention, but is it morally justifiable to adopt such programs at the expense of privacy intrusions? (3) drug testing – is it legitimate to override an employee's privacy by using such tests?

In relation to some scenarios on these themes, I try to show that it is possible to handle such practical ethical problems systematically by way of the proposed guideline. It is argued that certain practices, which may be adopted in current workplaces, emerge as dubious. By means of the criteria, it is argued that at least some of these practices can be replaced by less intrusive means of insuring, for instance, efficiency or safety in a workplace.

### **PAPER III**

Paper III deals with the fact that employees are protected by health and safety standards that are less protective than those that apply to the general public. Emphasis is put on the distinction between exposures and risks, and this distinction is claimed to be a key determinant for the relevance of arguments put forward in support of such double standards. The analysis of "double standards," for public and occupational (risk) exposures, aims to show that a justification of such standards is closely linked to two separate issues, namely empirical and normative ones. Whether we have reasons for accepting a double standard for protection depends on how it is to be understood in relation to the distinction between exposures and risks, and emphasis should be placed on the need for normative support for double standards concerning *risks*. The relation between work-related risks and occupation is discussed and analyzed, and it is argued that our assessments in direction to double standards of risks are linked to certain activities rather than to certain occupations. In the concluding section of Paper III, it is claimed that a justification of this kind of differentiation seems neither to be supported by a reasonable conception of the contract of employment nor by any obvious ethical principle that is applicable to workplaces or work situations in general.

### **PAPER IV**

In Paper IV, the nature of the contract of employment is explored from an ethical point of view. It is argued that certain normative arguments should be taken into account in order to justify such a contract. Furthermore, an argument is developed against the claim that (a) the individual's freedom of decision and (b) the practice of institutional arrangements are sufficient to justify a contract of employment. The dimensional analysis offered shows that further conditions are needed for the contract: (a) must be elaborated and interpreted to the extent that this condition is not sufficient – rather sub-criteria regarding

the agent's state of knowledge must be met; and (b) should be supplemented by a demand for fairness.

A comprehensive analysis of existing work contracts is the starting point of the ethical analysis. The aim is to show what a legitimate, or reasonable, contract of employment will require. Finally, some important normative implications and consequences regarding the contract's normative status are discussed.

## **PAPER V**

In Paper V, a statement, entrenched in the concept of "free labour," is explored from an ethical point of view: that the voluntariness of the contracting parties in an employment relationship has substantial value, and due to that, should be ensured. One overarching issue concerns the meaning of that statement; another is which normative importance we shall assign to it. The analysis in this essay shows that the voluntariness of the contracting parties demands that certain conditions must be fulfilled, but that it is indeterminate where exactly the line should be drawn between voluntary and non-voluntary agreements in this context. Concerning the latter issue, it is claimed that even if we were able to draw such a line, it would not tell us anything about the normative importance of the voluntariness condition, or how much normative weight we should assign to the fulfilment of its conditions in the workplace context. Furthermore, it is argued that the best-suited normative theory for support of the voluntariness condition is of a contractualist brand.

## NOTES

<sup>1</sup> I am indebted to Lars Lindblom for this point, as well as for other parts of the description of the concept of working environment.

<sup>2</sup> The term “rights-ethicist” has several connotations. In this thesis, it is primarily associated with the work of W. D. Ross. See Ross (1930) and Ross (1939).

<sup>3</sup> I am aware of that this version may not be called utilitarian at all.

<sup>4</sup> See Ross (1930) and Ross (1939).

<sup>5</sup> Ross (1930), chapter 2.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid. pp. 19-20.

<sup>8</sup> See Ross (1930), ch. 2.

<sup>9</sup> Mackie (1977), pp. 154-55.

<sup>10</sup> Mackie (1977), p. 155.

<sup>11</sup> This is at least true in one description of his exposition in Moral thinking, notwithstanding, of course, his background suppositions about the logical properties of the moral words, universalizability and prescriptivity, and utilitarian reasoning at the so-called critical level.

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