



Building on a Strong Foundation - The Dialogue Continues

A Case Study Approach to Values and Ethics in
the Public Service

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Building on a Strong Foundation - The Dialogue Continues

**A Case Study Approach to Values
and Ethics in the Public Service**

Including dialogues on:

- **transparency**
- **compassion for employees**
- **risk management**
- **servicing the public with respect and understanding**
- **accountability for government scientists**

This handbook and other materials are available on the CCMD web site at:

<http://www.ccmd-ccg.gc.ca>

Information on values and ethics is also available on the web site of the Office of Values and Ethics, Treasury Board Secretariat at:

<http://www.tbs-sct.gc.ca/veo-bve> (Internet) and
<http://publiservice.tbs-sct.gc.ca/veo-bve> (Publiservice Intranet)

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Management Development (CCMD) has played a key role in encouraging this dialogue.

In 1995, the Study Team on Public Service Values and Ethics, led by the late John Tait, was established at CCMD. This led to the publication in 1996 of the groundbreaking report, *A Strong Foundation*.

More recently, our learning activities for managers in the public service have come to integrate discussions on values and ethics. Since February 2000, within the context of our Armchair Discussion program, we have also been presenting roundtable discussions on values and ethics. With this handbook the richness of these exchanges is now at your fingertips.

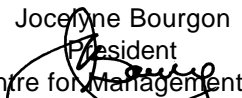
For the general reader, the handbook sets out the main reasons why dialogue on values and ethics is crucial to the future of the Public Service. It provides a full account of five lively discussions on dilemmas of the day, ranging from transparency and risk management to accountability. For those who are involved in setting up values and ethics discussions throughout the public service, the handbook also provides a detailed description of how the series has been designed and conducted.

The roundtable discussions are chaired by the co-champions of values and ethics in the Public Service, Scott Serson, President of the Public Service Commission, and Janice Cochrane, Deputy Minister, Citizenship and Immigration. The co-champions were appointed by the Clerk of the Privy Council to continue John Tait's work. They have both played an active role in selecting cases of pertinent ethical dilemmas, choosing the right panelists to present various viewpoints, and then leading each session.

Our partner in supporting the work of the co-champions on the roundtable discussions is the Office of Values and Ethics (OVE) of the Treasury Board Secretariat. This office supports a variety of communications and development initiatives, such as regional meetings and functional workshops and can be contacted for advice on structuring departmental initiatives. We extend our sincere appreciation to the OVE team for their many contributions to our joint efforts.

On behalf of Scott Serson and Janice Cochrane, the Canadian Centre for Management Development is pleased to make this practical handbook widely available to public service employees. We hope you will benefit from the knowledge, the tools and good practices it contains. We encourage you to engage in an ongoing dialogue with your colleagues about the values and ethics that provide the strong foundation for this "great national institution" – the Public Service of Canada.

Jocelyne Bourgon
President
Canadian Centre for Management Development



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FOREWORD

Pursuing the dialogue on values and ethics is a top priority for the Public Service of Canada. Over the years, the Canadian Centre for



Building on a Strong Foundation - The Dialogue Continues

Introduction

by the Co-Champions of Values and Ethics in the
Public Service

Janice Cochrane, Deputy Minister of Citizenship and
Immigration Canada

Scott Serson, President of the Public Service
Commission of Canada

Why Values and Ethics Now?

Talk of values and ethics seems to be everywhere today. The public is becoming more demanding of government, with increasing expectations of fairness, honesty and accountability. The media regularly present the public with stories and allegations on these issues, reinforcing the need for federal organizations to be very clear about their values and ethics.

At the same time, the workforce is becoming more culturally diverse, and younger workers are bringing new expectations for what makes a good workplace. It is no wonder that values and ethics have also been identified as the critical foundation, the unifying element, for the new public service management.

The Clerk of the Privy Council, Mel Cappe, has repeatedly stated his strong support for the creation of a values-based environment in the public service. Working with the right values is fundamental to managing for results in citizen-focused public service.

We were honoured last year when the Clerk appointed us to be Co-Champions of Values and Ethics to stimulate the dialogue in this area among public servants at all levels. One of our key initiatives is the development of a tool kit including best practices and training modules to facilitate and sustain the dialogue, and to ensure that public servants see the benefits of this dialogue rooted in the challenges and realities of their daily work.

Values and ethics must be fully integrated into every public service initiative from the beginning and throughout its operation. Let us take a look at two examples of initiatives where the key role of values and ethics has been highlighted: modern comptrollership and human resources renewal.

Modern comptrollership

Modern comptrollership means that four commitments are integrated into the heart of all management practice:

- a citizen focus (the primary goal),
- managing for results (rather than rules),
- responsible spending (supported by performance

- information), and
- a grounding in public service values (the foundation).

-

Each of these, identified in Treasury Board's *Results for Canadians*, depends on the others. In fact, a values-based environment is also critical to the tools needed to improve relations with citizen-clients: risk-management and delegation of authority. Risks must be evaluated within a framework of organizational values, the same values that will guide front line-employees called upon to exercise increased discretion.

Human resources renewal

Human resources renewal is required by the very high rates of attrition forecast in the coming years. The renewal involves the integration of young new workers coming from increasingly diverse backgrounds with existing staff having increased responsibility for maintaining continuity. New recruits and future leaders will need to know:

- what we stand for,
- what the public expects from us, and
- what we expect from each other.

- **The Tait report**

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The focus on values and ethics in the public service goes back to 1996, when a Deputy Minister Task Force under John Tait published *A Strong Foundation*. Tait's report identified the need for the public service "to rediscover and understand its basic values...to recommit and to act on these values at work". (See the four families of core values from the Tait report on the Treasury Board Secretariat card - *Dialogue on Public Service Values and Ethics* - in Appendix 1.)

The report recommended that all Deputy Ministers take the lead and initiate an 'honest dialogue' with their employees. The primary focus of the dialogue was to identify real issues or problems in the workplace and to identify actions to address or remedy these problems. The capacity for 'honest dialogue' is the essence of modern public service leadership. (The Tait report and a summary are available on the CCMD Web site.)

creating a type of safe haven

To give 'honest dialogue' a chance, it is essential for all of us to encourage the creation of work environments where such dialogue can flourish. In these environments, or safe havens, the dialogue should:

- be open and free from perceptions of possible recrimination, involve senior management and staff,
- continue over time, and
- deal with real issues of concern to staff.
-
- The CCMD Armchair Discussions on Values and Ethics have succeeded in creating one type of safe haven, at least at the level of managers and managers-in-training.

We turn now to a description of the case study method we used. This section is especially intended for anyone setting up and running a values and ethics case study.



Building on a Strong Foundation - The Dialogue Continues

Case Study Sessions - A How-To Guide

There are many ways to do case studies on values and ethics. The use and application of the case study method is best determined by the organizational context, whether in a department, a regional forum or a functional grouping.

At CCMD, we have experimented with one method that has worked well, which consists of sessions for 70-80 participants lasting 1 ¼ hours. The cases present short, generic dilemmas chosen to stimulate learner centred problem solving. The audience consists of managers at all levels as well as management trainees in all departments and agencies.

The case studies were fitted into our ongoing Armchair Discussions. Once a week, from 8:30 to 9:45 a.m. exactly, we hold sessions on a variety of topics:

- Leaders and Leading Visions;
Beyond the News; and
- Serving Canadians in the Knowledge Age.
-
- To this list was added a monthly roundtable discussion on values and ethics – every second Thursday of the month.

The components of this method are set out below. You are encouraged to adjust them to your circumstances.

Purposes

The primary purpose of case study sessions is to increase awareness of values and ethics issues, to provide practice in discussing concepts related to values and ethics, and to initiate the 'honest dialogue' proposed by John Tait for the public service. A second purpose is to illustrate a method for resolving values and ethics dilemmas – the open discussion of an issue with clear statements of differing positions, and teamwork in seeking

resolutions. This method can be used by departments and agencies to explore organization-wide issues and draw out common values. The method also demonstrates the kind of discussion that work units can use to resolve specific dilemmas before they reach crisis proportions.

It is to be noted that the purpose of our case studies is not to resolve the specific issues raised, but to discuss factors, values, options, and consequences, as well as to explore the different approaches of various stakeholders. Actual resolution would require more information on the case, more time, and a decision-maker (an individual or group duly charged with reaching a conclusion).

Suitable topics

Topics must be concrete and realistic – they must reflect the experience of the participants and engage their interest. Topics must, however, be set out in a generic or hypothetical style, so that the values and ethics of a situation are addressed, not the specific complaints of specific individuals.

Topics used to initiate a case study series should be less complex than cases used later on in the series, so that the organizers and presenters, as well as the participants, get used to the format before tackling more complicated material.

The five topics of the first CCMD series included:

- transparency versus confidentiality in releasing information, balancing compassion for employees with operational constraints,
 - professional values – new risk management versus
 - traditional prudence,
 - following the rules versus being humane in serving the
 - public, and
 - accountability – the case of government scientists and S & T
 - managers.
-
- Potential topics were identified by an interdepartmental group established for this initiative, assisted by a consultant, and then final topics were selected by the co-champions of values and ethics in the public service. As part of this process, recurrent themes were identified in existing collections of public service cases (Citizenship and Immigration, Public Works and

Government Services, National Defence, etc.). It is important to consult widely when choosing topics and developing cases.

Case descriptions

The cases present frequently experienced dilemmas in the grey areas where values conflict or where the relative importance of particular values is in doubt. The cases are thus about the application of organizational values in an ethical manner, rather than about the correct administration of rules such as those on conflict of interest. (See the Treasury Board Secretariat card – *Dialogue on Public Service Values and Ethics* – in Appendix 1 for definitions of values, ethics and ethical dilemmas.)

The cases illustrate situations where the players need to act to resolve a problem. A less useful kind of case would be one where the actors have already acted in a questionable manner and remedial action is called for – the aim of 'honest dialogue' is precisely to help public servants avoid questionable acts in the first place.

Some cases are written in such a way that the participant is put directly onto the horns of a dilemma (e.g. you serve the public in a 'single window' office where you face a particular problem of conflicting values). However, our cases were written with at least two players involved (usually an officer and a manager), and the audience is invited to see the case from each point of view. This provides a good stage for balancing the interests of different stakeholders, an essential component of 'honest dialogue'.

The case descriptions should not be too detailed – otherwise time is wasted on quibbling over minor aspects of the problem. A very useful aspect of less detailed cases is that they force the participants to decide what additional information would be necessary in an actual resolution of the case.

In our cases, the players in the situation generally have letter names (such as C. and M.) to avoid male-female and Anglophone-Francophone identification. This is somewhat contrived, but helps to focus discussion on the values and ethics of the public service as a whole.

Session outline

The structure of each session can be readily seen from a typical timetable:

- 8:30 a.m. Introductions by host and by moderators (Co-Champions)
- 8:35 a.m. Three panelists presenting different points of view speak 5-7 minutes each in turn
- 8:55 a.m. Discussion at tables of 8-10 participants for 20 minutes
- 9:15 a.m. Representative of each table gives highlights of table's discussions (up to 2 minutes each)
- 9:35 a.m. Panelists are each given 3 minutes to wrap up
- 9:44 a.m. Closing of the session with reminder to fill in evaluation sheet

Before the session begins, there is a short meeting of moderator and panelists, and the all-important check of the sound system. During this time, participants are signing in, getting coffee, reading the case, and introducing each other at their tables.

Choosing panelists

Our case study sessions have generally been organized with senior officials (at the ADM level) as panelists. The sessions are an opportunity for senior officials to show their willingness to discuss values and ethics with managers at all levels. Their participation provides visible, high level support for such discussions and underlines the importance of the issues. Their involvement also gives the senior officials practice in 'honest dialogue'. They can learn something about the concerns of other levels in the organization and benefit from the unexpected insights that often emerge during the discussion period.

Panelists from other levels in the organization are also possible – even a mix of panelists from differing levels would be an interesting variant. What is important is that the panelists have credibility and authority on the issue being discussed, and can communicate enthusiasm for the position they are presenting. Ability to use both official languages is important in bilingual sessions (more on this below).

Briefing panelists

Panelists should set out different positions on the case, in order to stimulate discussion. The panelists may choose to represent a point of view on the dilemma, or to role-play as one of the players in the case. (A danger of role-play is that it may portray a caricature rather than important position to consider.)

The moderator should tell the audience clearly that the panelists have been asked to take differing positions. When panelists' personal views differ from the position they are presenting, they should make their own real position very clear in the wrap-up at the end in order to preserve the honesty of the dialogue.

In our sessions, three positions were sketched in advance, and shown to prospective panelists. The panelists then chose a basic stance, and prepared their own remarks.

For example, for the discussion in Case 1 on transparency versus confidentiality in releasing information, the following notes were provided to prospective panelists.

Possible Individual Positions (to enliven the discussion)

Panelist 1 could argue more on the side of full disclosure of pertinent information not covered by confidentiality rules as a key requirement of democratic systems (the initial position of C., the employee in the case). The panelist might note that the privacy issue raised at the beginning of the case is a red herring. Other possible issues:

- What values would predominate if you were C.: integrity and objectivity, loyalty and accountability to your superiors, or other values?
- Should C. protest the deletions in the response because the department would be misleading the original requestor?

Panelist 2 could argue more on the side of prudent, cautious release of information to try to avoid misunderstandings and misuse as much as possible – perhaps the request originates from an Opposition M.P. (This is the position of M., the senior executive in the case.) Other possible issues:

Which values would predominate in this grey area if you were M.?

- If M. overrules C., how can M. maintain trust in the workplace and show that employees continue to be respected?

Panelist 3 could try to make the case more serious by introducing more negative consequences if information is withheld (for example, the media are working on the same issue and would make reticence by the department part of the story). To lead into the discussion phase, the panelist could provide a reasonable answer to the initial question:

How much transparency is enough?

- To see how the panelists actually represented these positions, see the report on the discussion of the first case in the next chapter.

Panelists should **not** open with a definitive statement on the resolution of the case from their point of view – this inhibits dialogue. They should take some risks in challenging the members of the audience to contribute their own thinking. Working on a case is much more useful for the participants when they are encouraged to draw conclusions themselves.

Audience parameters

Our audience has been composed mainly of managers and managers-in-training. However, the basic approach to case study can easily be modified to include staff in general, and such 'mixed' sessions will be essential as the case study technique rolls out through departments and agencies. There will also be a continuing need for sessions designed for the special needs of managers.

Registration for the sessions was cut off when the 70-80 person limit was reached, and individuals who could not be accommodated were given priority at the next session. For this audience, 10 round tables were provided, making small groups of 7-8. Some larger sessions are planned with suitable changes in the design, but the aim to encourage frank exchanges of views will always limit the size of the small groups, the number of small groups, and so the size of the session. We have made all sessions to date bilingual, with panelists and moderators using both languages without simultaneous translation. All documentation is of course bilingual. Participants

can sit at English or French tables, and table representatives could speak in either language. Sessions in one language are desirable in some situations, as long as speakers of the other language also have opportunities to do case study in their official language.

The first five sessions have been conducted in the National Capital Region; however plans are underway for sessions in other centres. The range of topics of interest in the regions may vary somewhat from the range found important in the NCR – it will be important to consult local organizers and potential participants.

Moderator's role

The moderators (one or both co-champions) introduce the case study and keep everyone to the very tight timings required by the 1 ¼ hour session. Allowing anyone to exceed the time limits, whether it is a panelist or a table representative, deprives others of their turn to speak and diminishes the value of the dialogue.

In the introduction, it is useful to mention very briefly some of the background to this initiative, appropriate to each audience – the Tait report, the Clerk's continuing support, and the link with numerous initiatives in the public service (see Introduction above for details).

The moderator can point to the documentation:

the case,

biographical notes on the panelists,

the Treasury Board Secretariat card – *Dialogue on Public*

- *Service Values and Ethics* – which contains definitions of
 - values and ethics, a process for dealing with ethical
 - dilemmas, and examples of values from the Tait report (see Appendix 1), and
- the session evaluation form (see Appendix 2).

The moderator should not read out the case (which takes too

- much time, especially in both official languages), but should underline the point that no final resolution to the case is sought during this case study – the work on that day is the beginning of a process.

During the discussion period, the moderator and panelists may circulate around the tables to listen and perhaps comment very

briefly. In this way, they support communications in two directions – that is, dialogue.

In the wrap-up, the moderator may refer to the fact that the audience has been exposed not only to a specific case, but also to a method for discussing values and ethics issues generally. The moderator should also encourage everyone to fill in the evaluation form.

Recording the session

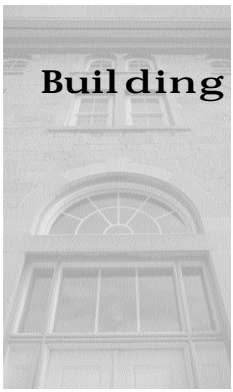
CCMD has experimented with some video recording of the panelists' presentations for possible use in learning materials. However, the lights and cameras tend to create a somewhat artificial environment to the opening of each session. The discussion periods were never taped because participants indicated that recording would inhibit frank exchanges.

Rather, notes were taken during the sessions and these were synthesized into the reports presented in the next chapter. These notes do not include speakers' names, and re-arrange content to focus on specific issues.

Session evaluations

Participants are encouraged to fill out a one-page evaluation form asking about satisfaction with content and format, usefulness to one's job, and suggestions for improvements and future sessions (see Appendix 2).

The evaluations have been filled in with high response rates. Many topics for future sessions have been suggested and the organizers have been strongly encouraged to broaden their efforts. The consensus to date is firm: these sessions provide important and useful information and techniques related to values and ethics in the public service today.



Building on a Strong Foundation - The Dialogue Continues

Five Case Studies

The five case study sessions were co-sponsored by the Canadian Centre for Management Development (CCMD) and Treasury Board Secretariat, Office of Values and Ethics (OVE).

Moderators for the sessions were the co-champions of values and ethics in the Public Service, Janice Cochrane (Deputy Minister, Citizenship and Immigration Canada) and Scott Serson (President, Public Service Commission of Canada)

The sessions were opened and closed by Louis Vadeboncoeur (CCMD) and Ted Marks (OVE).

The panelists, whose contributions are gratefully acknowledged, were:

Margaret Amoroso (The Leadership Network)
Verna Bruce (Veterans Affairs Canada)
Michel Cardinal (Public Works and Government Services Canada)
Dr. John Davis (Fisheries and Oceans Canada)
Bill Doubleday (CCMD)
Jean-Guy Fleury (Privy Council Office)
Ralph Heintzman (Treasury Board Secretariat)
Nicole Jauvin (Privy Council Office)
Marc Lafrenière (Canada Information Office)
Huguette Labelle (formerly of CIDA)
Judith Moses (Agriculture and Agri-Food Canada)
Michel Smith (Treasury Board Secretariat)
Joanne Toews (Treasury Board Secretariat)
Georges Tsai (Citizenship and Immigration Canada)
Diane Vincent (Agriculture and Agri-Food Canada)

Case 1 - "How much is enough?"

Transparency versus Confidentiality in Releasing Information

Over the course of the last year, C. has heard several times that transparency is the bedrock of democracy, with only limited exceptions such as privacy rights.

C. has now received a request for some general information from the office of M., a senior executive. The request originates from a Parliamentarian. C. has prepared a full response, with detailed facts and appropriate background. During the course of finalizing the response, M. requests the deletion of aspects not specifically asked for, including some material that is uncomplimentary to the department.

What are the ethical issues? What would you do if you were C., who prepared the response, and how would you deal with the matter if you were M., the senior executive?

This generic case is hypothetical. It has been produced for discussion purposes only, and does not refer to a particular instance of unethical conduct.

THREE PERSPECTIVES ON THE DILEMMA

Approach 1: Managing Transparency and Public Trust

The Government should, wherever possible, release information not protected by privacy or confidentiality rules.

Several arguments back up this position.

The release of information can be viewed from the utilitarian standpoint – what are its consequences? Secrecy has apparent advantages in allowing a Government to retain control of an issue. (Some secrecy is of course justified in certain military situations, police affairs, and international negotiations.) But openness reduces distrust of Government and allows for a richer public debate of policy options. In the modern day facts not released by the Government have a way of emerging anyway – the Government is then put in a reactive mode, wasting time to manage self-inflicted crises.

The release of information can also be viewed from the standpoint of moral standards. The public requires information to

make informed and intelligent democratic decisions; as well, truth and honesty must be preserved between the public and Government. But the employee C. also owes loyalty to the senior executive M. who wishes to withhold some information. To reconcile this conflict C. should protest the deletion of material – how far depends on how distorted the final note appears to be. C.'s protest should remain within public service channels (unless the case were to involve loss of life, issues of public safety, or illegality.)

Approach 2: Being Honest, Law Abiding, and Fair

Government is moving in the direction of more information to more Canadians, e.g. Web sites. This information should be simple and interesting.

There are three key sets of underlying values:

1. Integrity, honesty and the rule of law. There must be no distortion of facts going to Parliament.
2. Trustworthiness and loyalty. A politically impartial public service is necessary to preserve the trust of Parliament and Canadians. Public servants must work as a team; too much 'freelancing' by individual public servants is a mistake. As well, public servants thinking on paper and prematurely documenting personal opinions can be detrimental to a department.
3. Objectivity and fairness. Public servants should avoid providing more information to one side of a court case or a debate than to another – this may be difficult, especially when the case goes on for a very long time. M., the manager, is acting correctly if the request for information is fully met. Government should be open so that Canadians do not have to make special requests so frequently.

Approach 3: Harmony and Balance Based on Mutual Respect

People face values dilemmas as in this case every day – to the extent of damage to the careers of some people. Employees continue to leak information in brown paper envelopes, but leaking should not be necessary.

In the new public service the traditional value of loyalty between employee and manager must be seen as being based on mutual respect.

Loyalty is no longer simply a master-servant relationship, but requires mutual responsibility as well as empowerment.

The discussion between C. and M. will take into account such questions as:

Has C. discovered something illegal?
Is something being done that offends C.'s personal sense of conscience or morality?

- Has C. been overzealous?
- Are there other factors in the work environment or the political arena that need to be considered?
-
- M. is responsible for the content of the final note in this case, but M. is also responsible to C. to explain the reasons for decisions on content.

M. probably has more background on the policy issues involved. But it is essential to note that M. and C. share the same core values – together they must balance the conflict between transparency and confidentiality in this case. There is no bottom line or correct answer; resolving the conflict in this dilemma is a judgement call and others may not agree fully with the resolution.

Implementing values is a journey with no end and is fundamental to what we are trying to achieve in the new public service. The standard for public servants, which includes the public interest, is higher than in other organizations. Honesty and other core values must be practised every day.

FACTORS CONSIDERED AND SOLUTIONS PROPOSED

CONTRIBUTIONS BY PARTICIPANTS

Participants repeatedly reaffirmed:

- the importance of the public service values of transparency, impartiality, responsibility to Parliament, and trust between the public service and Canadians, and trust within the public service itself;
- the importance of achieving balance when resolving conflicts between the claims of transparency and confidentiality; and the danger of 'freelancing' by individual public servants.
- Participants also reaffirmed that although the senior executive M. should know more about the broader situation, M. needs
-

to give reasons for decisions to C. In fact, M. and C. must work together to solve the problem.

The following further issues were raised by participants.

The case can be approached in a strictly systematic way beginning with its origins as a Parliamentary request to which the public service must respond. The analysis would include the identification of several values and multiple stakeholders in such a way as to circumscribe the 'grey area' of decision making.

Resorting to brown paper envelopes is a sign of individual or organizational ill health in the area of values and ethics.

It is easy to espouse transparency until one is faced with an actual case – we must be realistic. Public servants must follow the law but must not hide behind it.

The argument that facts have a way of emerging even when Government tries to keep them secret must not be used to justify indiscriminate release of information.

The public service could benefit from a clear policy framework on the release of information.

Transparency involves not only relations with the public and Parliament, but also relations between C. and M.

In a case like this, methods should be found to dialogue with the original requester to determine what information is actually required.

The object of the discussion of values and ethics is to reach a mutual understanding.

When a junior or inexperienced employee faces an ethical dilemma the manager can often help by providing information on the context which can in turn help to resolve the issue.

The goal in answering the requester is to provide useful information, not just facts. The facts must be in a context to be of use.

Government should provide more information to the public proactively so that access to information provisions need not be used as much as they are at present.

WRAP-UP BY MODERATORS AND PANELISTS

An apparently simple case raises significant values and ethics issues.

What we need is dialogue on these issues at all levels in the organization about the four types of values included in the Tait report (see the Treasury Board Secretariat card - *Dialogue on Public Service Values and Ethics* - in Appendix 1).

The discussion clearly showed the key importance of mutual respect and communication between C. and M. leading to shared application of values.

Trust between public servants is as important as trust between public servants and the public, the Government and Parliament.

The senior executive M. should not allow C. to do a great deal of work on the case before discussing with C. what kind of response is required – of course, this is often difficult operationally.

The goal in releasing information should be to make recourse to formal access requests unnecessary.

The discussion between C. and M. on this case is itself part of the larger dialogue on values and ethics called for by John Tait.

It seems that in the past the Government's virtues were made public and its vices kept secret. Now it almost seems as if the virtues are a 'best kept secret' but the vices are made public. We need a balanced approach to transparency.

The discussion did not focus enough on Ministerial accountability as a value underlying the whole case – public servants (both C. and M.) work on behalf of the elected Minister.

There is still a general tendency to inflate security classifications, which reduces openness.

The Public Service should work towards a framework on the release of information based on transparency.

The core values of the Public Service are collective values (as opposed to personal). These values must be the subject of dialogue and their application must be a shared activity.
Case 2 - "Things fall apart!"

Balancing Compassion for Employees and Operational Constraints

How should managers show support for their employees in a values-based public service? A range of values may be relevant – the question is how to balance the values.

B. manages a small work unit. One employee, N., often arrives late and disappears for lengthy stretches of time. Friendly approaches to fix the problem have not worked. N. happens to be a single mother. She feels that she's doing her job, and occasionally gets permission to take some work home to make up required hours of work.

At the same time, another employee, S., is risking his physical and mental health by taking on additional work. B. fears that S. may soon require extended sick leave.

What are the ethical issues? If you were B., the manager, what would you do about N., who arrives late, and about S., who takes on extra work?

This generic case is hypothetical. It has been produced for discussion purposes only, and does not refer to a particular instance of unethical conduct.

THREE PERSPECTIVES ON THE DILEMMA

Approach 1: People Values – Compassion and Respect

Questions of human resources are receiving increasing attention in the private sector, and government is following suit (for example, *La Relève* and subsequent initiatives).

Government must recognize the importance of the balance between work life and home life if it wants to be an exemplary workplace (note that according to the recent public service survey, workload is a serious issue).

Work teams need to be treated fairly but work needs to get done. The two different employees in this case are reflections of the work life versus home life balance.

Possible solutions for N., the single mother. She could work at home, or go on a compressed work week or variable schedule.

The manager B. must have a conversation with N. about family needs and possible solutions. Perhaps N. needs technical support such as computers or computer software. Adjustments in the office may also have to be made to support N. On the other hand, N.'s problem may be illness or school related. Arranging for a substitute to cover for N. during the time of the problem might help, as might the Employee Assistance Program (EAP).

Possible solutions for S. who is working too hard. The manager B. should have a conversation with S. about taking on extra work and showing signs of stress. Is S.'s behaviour a question of an organizational culture that says that taking on extra work is a way to get ahead? Is the manager actually the model for S.'s behaviour? Is S. simply not managing a normal workload well? Does S. need time management training, support, or EAP counselling? Is there a systemic problem in the unit? The only way to find out is to work with the team and investigate the problem. Would adding a part-time employee help S.'s problem? Are deadlines too tight? Are there conflicting on-the-job priorities? Are there problems with work processes or procedures?

Conclusions. Management needs to support employees and can expect good work from well supported, happy employees. People values are the key (respect, concern and caring, reasonableness). These people values must be balanced with professional values (effectiveness and teamwork).

Approach 2: Professional Values – Excellent Service and Operational Constraints

Compassion is important but doesn't solve management's problems. Managers must maintain operational values while also instilling some self-discipline in the work unit.

One person can't be allowed to impair service to clients. The ultimate goal is the greatest good for the greatest number.

Possible solutions. There must be standards of excellence for service to the public. All members of a team must understand and demonstrate the importance of excellent service. Work should be redistributed to be fair and equitable for the whole team. Perhaps flex time should be used to solve N.'s problem. Team members must be empowered to correct problems together. B. has a management problem – B. may have to take a course on getting the team members to work together effectively. S. seems to be the best performer and the team needs S., so B.

should talk to S. about the problem of overwork and the possibility of using the Employee Assistance Program. The key values are: effectiveness, excellence, public interest, quality of service, teamwork, honesty, reasonableness, decency, and tolerance.

Approach 3: Balancing People Values and Professional Values

It is important to stand back and examine what types of values are in conflict.

A framework with five levels is suggested, following John Tait (see the Treasury Board Secretariat card - *Dialogue on Public Service Values and Ethics* - in Appendix 1). For each value involved in the conflict, ask:

1. Is it a core or fundamental democratic value such as rule of law?
2. Is it a professional public service value such as effectiveness and teamwork?
3. Is it an organizational value – what Tait called an ethical value – such as honesty and public trust?
4. Is it a workplace or people value such as respect and reasonableness?
5. Is it a personal value such as family?

The conflict in this case is between personal and workplace values. N.'s value on family and children must be reconciled with the workplace values of service and work standards. Note that personal values change over the course of a person's life.

Possible solutions. The goal is fairness in workload distribution and mutual problem solving. The manager may have to adjust, but not compromise, high standards for service to the public. There is a need for dialogue to solve problems. We must make more room for the expression of both personal and workplace values in such dialogue. Employees may need support services.
FACTORS CONSIDERED AND SOLUTIONS PROPOSED

CONTRIBUTIONS BY PARTICIPANTS

Participants reiterated the importance of fairness, equitable treatment of employees, and integrity. Managers must walk the talk and also look at themselves. Conflicts between workplace values vs. personal values must be resolved by balancing the values, not picking one over the other. Resolutions must include improving teamwork and communicating on the issues. The following further issues were raised by participants.

This is a very good, relevant human resources case.

The main values in conflict seem to be public service professional values and personal values. Note that the employees may need to learn more about the public service professional values involved.

We don't really know enough about B. as a manager – B. seems to be an absentee manager. The manager must get involved, set standards, and come up with solutions.

The manager should foster teamwork and broker a common understanding of working hours, workload expectations, and moral competence.

The manager should build a sense of community in the team centred around the importance of the work and balanced workplace values.

The manager B. must come to an understanding with N. about N.'s behaviour and personal situation, and what is expected from N. at work before taking action. Is single motherhood really the cause of N.'s workplace behaviour? One solution could be as simple as putting a notice on a board when N. is gone and giving her home number.

The manager B. must help S. to understand that S.'s physical and mental health is deteriorating. There may be many reasons why S. is working so hard. S. may have an unrealistic idea of work expectations. Perhaps S. is staying at the office late simply to avoid going home.

The manager B. must avoid being overly paternalistic but still set service standards high enough.

Work arrangements and hours may need to be clarified and formalized. Of course, flex time can be used more easily in headquarters than in front line regional operations such as border crossings or prisons. The manager must encourage feedback on the working out of any solution.

Initially, better analysis and diagnosis of the situation in which the unit finds itself needs to take place. For example, more information is needed about how much N. and S. are really working and producing – N. may actually be producing more and S. may in fact be producing less.

Advice to this work unit: Take a group approach to the solution of problems – have conversations about the problems of the two employees taking the organizational culture into account.

Don't just fix the specific problems of the two employees. Do the reverse: look at the whole team and gauge the effect of possible solutions on the individuals. Among other things, N. needs to learn what the rest of the team thinks about her behaviour.

Remember the unions in a case like this – the manager may be setting a precedent.

The supervisor should set expectations, values, and measurement standards for outputs, but managers don't always have the right tools to measure output.

In order to resolve the case, there is a need for dialogue, 360-degree feedback, and clearly defined and stated team values.

The manager B. must clarify objectives but may also need help from the organization – flex time policies, computers to work at home, etc.

Some participant discussions avoided trying to find an optimal solution. They noted that:

The case does not present a real moral conflict but concerns how we integrate different values.

- The question of values is not a question of one size fits all – there should be the flexibility to have different emphases on values.

The question is how to demonstrate and model moral competency in an organization, especially when values

- conflict (for example, being compassionate and fair, and showing respect for individuals vs. organizational effectiveness, efficiency, and excellence). This is not a question of a choice – neither set of values should be dismissed.
The public service should assist managers to learn how to integrate sets of seemingly competing values like this.

- **WRAP-UP BY MODERATORS AND PANELISTS**

There should be clarification of team values and work expectations.

Teams need to discuss and develop definitions and understandings of peer expectations concerning outputs. There should also be dialogue about values to help the whole team work together and develop moral competence.

In this case, the manager doesn't seem to have done anything yet – managers must encourage dialogue and communication. Managers must learn to listen to and understand their employees, particularly those with problems. Managers must also look at themselves and their effect on the work unit.

If a manager is managing operations in the regions, that manager cannot let employees have certain types of flexibility and at the same time deliver quality service.

Fostering moral competency in an organization requires better diagnostic tools to assess dilemmas and the sensitivity to get to the right solutions.

We should also look at the problems in this case as systemic issues and not as specific workplace problems. We all face dilemmas when workplace values clash or are in conflict. Dialogue (active listening and discussion) is the only way to deepen understanding and find solutions.

Case 3 - "Just following orders!"

Professional Values – New Risk Management versus Traditional Prudence

L. has a good job and likes it. L. enjoys trying to make the world a somewhat better place. Then along comes a new boss, P.

Acting in line with new risk management practices in the department, P. orders L. to streamline an important application process in such a way as to grant automatic acceptance to most candidates. L. has argued that a more cautious, thorough approach has caught numerous problems in the past. L. is not convinced that the department will actually save in the long run with streamlined applications.

P. disregards L.'s intervention. A new application process must be set up at once.

What are the ethical issues? What would you do if you were L., who favours a more cautious approach? How would you deal with the matter if you were P., the new boss with new methods?

This generic case is hypothetical. It has been produced for discussion purposes only, and does not refer to a particular instance of unethical conduct.

THREE PERSPECTIVES ON THE DILEMMA

Approach 1: L.'s Perspective – The Employee Who Favours a Cautious Approach

L. believes that professionalism is fundamental to good public service. L. understands that risk management and economy are new objectives. However, L. has many years on the job, and feels the best advice for the organization is to take a long-term view and not to focus on short-term benefits.

The work unit should take the time to examine the changes being suggested more closely before implementing them. The main issue is public trust and what the public thinks of the proposed changes.

Approach 2: P.'s Perspective – The New Boss with New Methods

For P., there is actually no ethical problem here. L. is a good, hard worker with long experience in the public service, but those qualities now weigh L. down.

P. has taken the time to tell L. why the changes were necessary, but L. did not get the point. P. believes that you cannot use old methods to manage risk because at the end of the day there may be actual risks and L. may simply not be able to deal with situations in which risks are involved.

L. must be more flexible, more co-operative and must see new ways of doing business, rather than complain. The old methods of doing business were costly. Creativity means going against conventional ways of doing things.

Managers need to be action-oriented to invent the new future where service quality and risk are managed and are not seen as conflicting.

P. expects loyalty, accountability, and teamwork from L., and is confident that L. will see the value of the new methods when they are put into place.

Approach 3: Balancing the Conflicting Perspectives

This is a good case, portraying an actual situation faced all over government every day.

In fact, all public servants behave like L. and P. at different times of their careers. The clash is typical of all organizations, private and public.

Managing such duality and paradox is a challenge in both public and private organizations.

There are, in fact, two cultures in the public service:

One emphasizes prudence, probity, and professionalism.

(These are sometimes called “guardian” values: see Jane

- Jacobs, *Systems of Survival – A Dialogue on the Moral Foundations of Commerce and Politics*, Random House, 1992.)

- The other culture emphasizes result-seeking, entrepreneurialism, and risk-taking. (“Break a rule a day!” and “Just do it!” are common slogans.)

The public service must balance the conflicting values of citizens, that is, competing public interests or competing views of the public good – this is true in both public policy and public management.

These conflicts of values rarely involve good versus bad. Usually they involve one good versus another good. The key to resolving these conflicts is **responsiveness** of four types:

1. to external clients (citizens and ministers whose interests must be seen from the outside in);
2. to people, that is, staff – management must listen to and show respect for staff’s professionalism;
3. to leaders (sometimes, early in a person’s career, opposing the leader may seem to be the appropriate thing to do, but it must ultimately be recognized that leaders do embody the values of an organization); and
4. to higher values, principally to the public interest, which will assist public servants to resolve management issues.

FACTORS CONSIDERED AND SOLUTIONS PROPOSED

CONTRIBUTIONS BY PARTICIPANTS

L. and P.’s Interaction

A central problem in this case is not the ethical dilemma but the relationship between L. and P., which shows lack of respect and integrity. The whole problem should be seen as a communications problem.

L. is focused perhaps too much on efficient and effective use of public funds. P. is focused perhaps too much on risk management. L. and P. are not listening to each other. L. and P. should learn to use each other’s words: L. has to learn to think in terms of “risk management” and P. has to think in terms of long term risks.

There is a conflict between new and old corporate cultures; L.’s corporate memory must be valued along with P.’s new management methods.

Participants in such conflict situations have to recognize that public servants need each other to serve the public well.

It is important to recognize the power relationship between P. and L. – employees often feel that they must give way, when they should in fact approach management frankly with their own values.

L. and P. may need a third party acting as an arbitrator or facilitator to help them to determine how their individual commitments can complement each other and how best they can co-operate. Bringing in other staff to any such meeting might help – note that expectations should be kept low at first.

Resolving the Dilemma

It is important to know what the application process in the case consists of – do decisions affect life or death, do they involve the possibility of public protest, are they merely fiscal?

An important question: Does the manager P. have a corporate mandate to introduce the new application process, or is P. pursuing this for other reasons (perhaps as a personal career move)?

Both P. and L. have their own ethical values, but there is not enough responsiveness from either the employer or the employee. L. and P. seem wrapped up in their own values – they seem to have lost their impartiality, objectivity, and balance.

To resolve this case, P. and L. must step back and re-examine the situation and their own behaviour. They must go beyond the personal and look at the effect of their behaviour on their clients.

In general, to resolve such a case, you should start with basic values where there may be some agreement before moving into personal issues. P. and L. should determine key objectives together, looking underneath the issue to clarify mutually held underlying values such as serving the public interest and respecting the public purse.

The common objective is to meet clients' true needs (note the saying that "serving the public well is not necessarily serving the public good").

L. must learn to take reasonable risks within L.'s own values. Public servants must adjust to taking some risks without spending years to study them.

The manager, P., should consider a pilot project to test the new system to see what works and what doesn't. In the new framework, P. must avoid delegating to L. tasks that L. does not understand.

In managing risks, risks must be justified by an actual return in meeting clients' needs. Implementation of new methods must be scrutinized using such techniques as self-monitoring and audits.

Training courses may also help – for example, courses in risk management, effective listening, coaching, etc.

In general, part of a manager's function is to clarify issues in order to improve the adaptability of the team to new methods. Conversely, the new boss must be adaptable to the team already in place.

Both P. and L. must build on what is already there, and above all else, show respect for each other. Balancing conflicting values too often means being led into the false dichotomy of choosing one value over another rather than crafting a new view of the future which integrates seemingly conflicting values.

WRAP-UP BY MODERATORS AND PANELISTS

The importance in cases like this of frank and honest dialogue and respect for those with whom we work cannot be overemphasized.

It is also important to note that any coaching by the manager requires the prior existence of a relationship with the employee.

Participants in a situation like this should avoid hiding their unease with conflict and focus on the future. (P. and L. are too preoccupied with unfortunate events that have already happened.)

In fact, there are two "real world" factors that complicate situations like this:

- the power position of the manager means that dialogue is not one between or among equals; and
- time pressures on public servants means that there is not always enough time to dialogue.

In any resolution of the case, corporate culture and corporate memory must be respected and built upon – this is sometimes difficult for change agents to recognize.

In cases of conflicting values like this, there is never a single right answer. Both sides must understand the mutual benefits of co-operating and establishing a "learning contract" between leaders and followers.

Case 4 - "May I help you?"

Following the Rules versus Being Humane in Serving the Public

G. manages a unit that provides front-line service to the public, delivering a range of social benefits from a "single window". Already, there are serious workload pressures on everyone in the unit because people look to the unit to provide assistance in numerous areas outside its core mandate. G. has tried to reduce the time spent on this assistance, but recognizes that his staff is firmly convinced of the importance of some extra help for certain needy clients.

Now one of the officers, D., has been upset by a troubling case. Strict application of the rules regarding eligibility would take a benefit away from the client, but the facts are not completely clear. The damage to the otherwise deserving individual from losing the benefit would be great. D. is pressing strongly for a generous interpretation of the rules.

G. must decide whether to insist that D. follow the letter of the rules, or allow for some compassion in interpreting the situation. The resolution of this case will clearly have an impact on the resolution of future cases by the other officers.

What are the ethical issues? What would you do if you were G., the manager? What would you do if you were D., the officer directly facing the clients?

This generic case is hypothetical. It has been produced for discussion purposes only, and does not refer to a particular instance of unethical behaviour.

THREE PERSPECTIVES ON THE DILEMMA

Approach 1: Rules that Are Fair

Following rules is not in opposition to being humane. In a caring, democratic society you must have appropriate rules to be fair to all and to avoid chaos which leads to the suffering of those in real need.

Programs must be administered objectively for the benefit of the community rather than subjectively for the good of particular individuals. When public servants help someone they personally think is in need, their action may harm others who are also in need.

Arbitrariness equals injustice. Subjectivity leads to misunderstanding between public servants and clients as well as among public servants. Following the rules prevents unfairness and abuse of power.

Public servants should also be protected from undue pressure from individual clients. Employees deserve to have rules to fall back on. If the rules are clear, clients will know what to expect. If rules are not clear, public servants do not serve clients well. Rules are there to protect both clients and public servants.

In a caring society public servants must treat clients with dignity, even-handedness and fairness, but community interest must be put before individual interest.

Approach 2: Caring for Citizens

Employee D. is pressing strongly for a generous interpretation of the rules. This position rests on three underlying ideas:

1. The interpretation of rules and regulations should be broad and fair. Our legislative framework is not intended to be a straitjacket. We must interpret the rules so as to put citizens first.
2. All public servants must act with humanity. Caring is a fundamental concern for us. This sense of mission is the reason that many people become public servants.
3. As public servants we must show courage in putting forward points of view that may be unpopular. The front line public servant is responsible for assessing cases and the manager's responsibility is to provide the necessary tools and resources.

There is a scale that goes from serving the citizen on one end to implementation of the strict legislative framework on the other.

D. must find the appropriate place on the scale, respecting the rules but standing up for the client.

Approach 3: Involving Staff in Resolving the Dilemma

This is a very real and interesting case showing a situation that public servants frequently find themselves in.

Employees in citizen-centred organizations, including many departments of government, were heartened by the Speech from the Throne with its focus on serving the public which they felt validated their work. They are also encouraged by the Clerk of the Privy Council's stress on quality services to the public.

Public servants have been and are professional, non-partisan and fair. Public servants are accountable to the government for good service to the public. Attention must be paid to both objectivity and fairness because the public expects both. No two Canadians have the same need for service.

Public servants must be prepared to take a step back and ask how rules are being applied to make sure that current applications are appropriate. Managers must involve staff in discussions on how to do this.

Of course, discussions cannot take ten days if timely delivery of services is to be ensured; a couple of hours should be enough to suggest possible changes to the application of the rules. It is essential to use opportunities such as this to increase understanding.

This case has three key features. It is about

1. taking away a benefit,
2. taking it from a deserving person, and
3. causing serious damage to the person.

It is possible that the rules did not foresee this particular situation but we must resolve it and be willing to set a precedent.

The underlying issue is how much discretion or flexibility in interpreting rules do we have now. Do we have values to guide us? Are these values documented? Are we sure they are the right values?

We must be willing to make recommendations to decision makers on how to serve clients and adjust our ways of doing business in order to reflect these values.

FACTORS CONSIDERED AND SOLUTIONS PROPOSED

CONTRIBUTIONS BY PARTICIPANTS

This is a fascinating case illustrating a flashpoint of competing pressures on public servants. The resolution of this case requires a classical compromise between competing values.

In cases like this, work groups must be very clear about the mandate and basic objectives of the program and evaluate case decisions in terms of those mandates and objectives. Establishing service standards may be helpful.

Another reason for staff to understand the mandate of the organization is that policies may contradict each other.

There are many pressures on public servants. On the one hand, the single-window approach raises public expectations with regard to service. On the other hand, the public service is supposed to be increasingly entrepreneurial. Public servants are expected to co-operate horizontally across departments and to be accountable vertically as well.

Many public servants find themselves in either D.'s or G.'s situation. It is important for them to reach a timely decision. To this end, D. should work with the client to get more facts and examine possible solutions. The manager G. must work with staff as well as G.'s own superiors to maintain standards. It may be necessary to enter into a dialogue with the policy and/or program delivery specialists.

We need some rules; we cannot dispense public funds fairly without them.

There is a scale of rigidity and quantity of rules which goes from huge numbers of very specific rules to the simplicity of the two-rule system used by Nordstrom Inc. (a large U.S. clothing retailer): 1) Use your own judgement. 2) No more rules!

If the rules could be exhaustive, you would not need public servants to administer them; a computer could do so. We must train and empower public servants to interpret rules as

well as establish feedback systems to correct and monitor implementation of the rules.

Contrary to earlier opinions, G., the manager, and D., the employee, should work not to change the rules or develop new policies but to use an appeal process to resolve this case. This opinion was itself challenged – this case should not be resolved on appeal since we should as a general rule be working to reduce the number of appeals.

The consequences of action or lack of action in this case must be considered – if the benefit is not given to the client, the client may become a burden on another part of the system, e.g., welfare.

All four families of Tait's values are involved – democratic, professional (traditional and new), ethical, and people.

Resolution of the case is easy if there is lots of money to go around, but much more difficult with limited resources. Furthermore, time taken to resolve client issues on a case by case basis may result in creating workload management problems. There is also a danger that unusual cases take limited resources away from the ordinary ones.

Policy interpretation of the sort seen in this case is an on-going problem – any new rules that are created will always have their own boundary issues to resolve (i.e., a grey zone where their application is not clear).

A way to resolve cases like this is regular, perhaps weekly, discussions that create a collective sense of responsibility and collective wisdom (which may ultimately have an effect on future policy.) Public servants want to do the right thing – they deserve to know that they are being listened to.

The main dilemma in this case revolves around fairness to clients, but is this one client or all clients? The case contains both ethical and operational issues. The operational question revolves around knowing the mandate of the organization, which will minimize personal interpretation and subjectivity. The ethical question revolves around knowing the public good. Is it serving the most people, or the neediest?

In this case, there is a basic distinction to be made between equality (the same treatment for all) and equity (recognizing

differences). Making this distinction will lead to greater clarity in the definition of service.

The work unit should collaborate with other program parts to achieve coherence in its interpretation of policies and its procedures on service to the public.

The only way to achieve consensus on the interpretation of rules is to look at the spirit behind the rules. A 'fairness panel' can be used. In any case, decisions must be explained to officers and to clients so that they can all continue to have confidence in the system.

WRAP-UP BY MODERATORS AND PANELISTS

The panelists were much impressed by the depth of the discussion at the tables.

The answer to the officer D. must include a statement recognizing the values of D.'s feelings but indicating that we cannot all follow the heart because doing so would not produce justice or equity.

Saying no to the client should not diminish the public servant's empathy with the human worth of the client. Managers must take special care not to stifle the humanity of employees.

We must bring respect for the following principles to the interpretation of rules – judgement, empathy, flexibility, creativity, and transparency in decision making.

One way to deal with such a dilemma is to establish an ethics committee that meets regularly to examine cases in the context of a changing clientele to determine whether the decisions that are being made are ethical.

Another way to deal with such dilemmas is to look not at rules but at results and outcomes in the context of equity. One department is trying this, but it is not yet clear what happens to the rules themselves in such a system.

We are putting pressure on employees to be flexible. The framework for the exercise of such flexibility includes risk management, better information systems, improved accountability systems (learning, not blaming), and most important, an active dialogue on values and ethics.

Case 5 - "Go - No go"

Accountability – The Case of Government Scientists and S & T Managers

S. is a government scientist who has just completed an experiment that shows a potential for serious problems with an industrial product that was approved for production a few months ago. S.'s colleagues had done some experiments on an earlier version of the product that showed no specific problems.

S.'s findings have been sent up the line to departmental executives who have called for an internal peer review of S.'s work before any publication of S.'s results. The peer review might take several weeks.

In the meantime, departmental executives have decided to allow production to continue. The executives appear to believe that this one experiment, still under review, is not strong enough evidence to demonstrate risk. The executives also appear to believe that reversing their decision under these circumstances would injure the credibility of the organization.

S. together with several colleagues ask to see their manager, G., to express their strong disagreement with allowing production to continue. The manager G. agrees to meet with them.

The dilemma

The scientist S. feels accountable:

- as an employee, to the manager and government department;
- as a scientist, to scientific peers and science itself; and
- as a public servant, to the public and its health and safety.

How should S. balance these accountabilities in this situation? What ethical actions should S. consider?

What is the manager's accountability? What ethical action should the manager, G., consider?

This generic case is hypothetical. It has been produced for discussion purposes only, and does not refer to a particular instance of unethical behaviour.

THREE PERSPECTIVES ON THE DILEMMA

Approach 1: The Scientist

Imagine the scientist S., confronted by this dilemma, talking it through with a colleague in a departmental cafeteria just before meeting management. S. has concluded an experiment that shows a problem with a product; the department approved a similar product some time ago.

S. is convinced that the experiment shows serious health risks including the possibility of injury and even the death of children. S.'s assessment is based on twenty-five years' experience, and one hundred scientific publications. S. is using his own new testing techniques that are not yet well known, but a number of colleagues have already examined S.'s results and agree that there is a problem with the product.

S. believes that management will call for a peer review before halting production; in S.'s considered opinion this delay will pose unacceptable risks. S. believes that government scientists, as public servants, serve the public and protect the public interest; as scientists, they are to do good science and to make known their results.

The decision about allowing or stopping production will affect large amounts of money and an important partnership with the private sector. The Minister has talked publicly about the benefits of the product, and so the credibility of the department is at stake.

Science must be open and transparent to the public. The public must be given the opportunity of hearing scientific evidence when making choices about products.

This cannot happen if the scientist is muzzled. Thus, S. is considering including the results in a presentation to a conference coming up the following week, or even informing a colleague in the media.

S. is not sure what is going to happen at the meeting with management.

Approach 2: The Science and Technology Manager

The S & T manager G. feels accountable for:

- serving the public good
- serving the department and the Minister
- sustaining the reputation of the scientific organization.

Of course, responsibility for the public good and serving the Minister bear on the scientific reputation of the organization.

G. must nurture scientists in the organization and maintain the confidence of its clients.

A scientific organization that reverses its position in rapid flip-flops risks appearing incompetent and losing its credibility. New research must be reliable. If new results contradict earlier evidence, it is prudent to verify the results before issuing them. In G.'s view, hasty action would not be in the public interest. All scientific results should be subject to quality controls such as peer review.

Any appearance of suppression of results can damage an organization's credibility and would be hard to justify.

Furthermore, any hint that the department is putting loyalty to commercial interests above loyalty to the public interest would be likely to damage the organization's reputation, especially if the information is provided by the vendor. Thus, peer review must be credible and swift; the use of scientists from outside the department could increase credibility significantly.

Key stakeholders must be informed immediately that a problem has been identified and is being studied: departmental senior management, the communications division, and the Minister's office.

S & T managers must respect and support staff in order to avoid 'brown envelopes'. This means that they recognize the validity of scientists' views and defend them to higher management. G. would say, "Let's be sure research is sound before going ahead, and let's not be seen to be dragging our feet."

Approach 3: A Values Framework

In cases like this, we must be sure that the full array of values is on the table. This includes all four families of core values from the Tait report: democratic, professional, ethical and people values.

In this case a number of values are on the table for each of the participants, but not all values have been mentioned. There is a values gap.

Values mentioned for scientists are mainly professional – excellence, etc. For S & T managers with broader responsibilities, professional, ethical and people values have been mentioned. For executives, the professional value of corporate credibility has been mentioned, but this is clearly not sufficient.

Something frequently missing from discussions of science in government is the importance of democratic values, which are in fact fundamental.

All values are NOT equal – the first value is to uphold the rule of law; the legislation which establishes the organization should be used to set the priorities for action.

In this case, the department's primary mandate appears to be to protect the safety of the public. Public trust, public confidence, and the credibility of the department are at stake.

In this case, the corporate level has lost track of the core value of public safety. The primary responsibility of the corporate level is to protect this core value and to ensure the orderly application of values flowing from it by all players.

The next most important values are professional values; these should be commonly held by both executives and scientists. To this end stakeholders should be brought together. Ministers, DM's and central agencies should be kept informed.

A communications plan should be created and implemented. People values such as support for staff must be implemented. In this case it appears that the corporation that made the product was not made aware of the problem at an early stage; in fact, the corporation should be involved and bear responsibility for dealing

with the problem along with the department. A communications process should address public credibility and involve, as appropriate, the media, provinces, communities, international jurisdictions, etc. The goal must be **timely truth** to all parties.

FACTORS CONSIDERED AND SOLUTIONS PROPOSED

CONTRIBUTIONS BY PARTICIPANTS

In a case like this, scientists, policy makers and industry representatives must communicate with each other, thus providing a forum for scientists to vent their concerns and for scientific information to flow to industry. One topic of such discussion would be the liabilities of each player. The process in such a forum must be kept transparent.

The issue is not whether to inform the corporation, but how much – there should be dialogue in a case like this, but the corporation should not be involved in government decision making.

The question of when to inform the public hinges on the extent of the threat to public safety posed by the flaw in the product.

Departmental scientists and executives must communicate better to let off steam so that the whistle doesn't blow!

Proposed action plan:

- Short term: act quickly to establish a package of measures involving the corporation, embodying transparency, and setting up an expert panel to examine issues.
- Medium term: the process for dealing with such cases should be standardized in order to protect the public interest.
- Long term: work towards integrating the cultures of scientists and policy makers.

The validity of the scientist's results hinges on an understanding of the different research methodologies which may apply in a case like this – the corporation may be of help in supplying more data.

In principle, scientists alert their managers to emerging issues, they do not make them public. Managers support

scientists, validate their methodologies, and take the information up the line with a recommendation. Ministers then take a decision.

Three values must be understood by all and shared:

1. The main value in this case is related to the mandate of the department – public safety.
2. Peer review – the value of dialogue – should be built in at the beginning, not at the end of the scientific process.
3. The various special interests of players must be recognized; this is the value of acknowledging reality. For example, tobacco company CEOs said that smoking was not detrimental to health. This principle is especially important when bridging the gap between the public and private sectors.

The principle of 'timely truth' is important, but what does 'timely' mean and what does 'truth' mean? The public has high expectations about timely truth and government science has not met these expectations yet.

The precautionary principle applies in a case like this – there is need for caution which increases with both the likelihood of a bad outcome as well as with the nature and scale of that bad outcome. In other words, for decisions based on scientific information, there is an ethical requirement to err on the side of caution in cases of uncertainty.

It is important to remember that the product could have advantages. However, the public will not trust the product if negative experimental results are published and then must be withdrawn after peer review.

In a case like this, adherence to the mission statement should dictate the course of action; for example, the quick recall of the product in the Tylenol case protected the reputation of the corporation.

In this case, the department could highlight the emergence of new information in its public communications – preliminary tests were favourable, but now a new derivative product may be flawed. Further investigation is required using a peer review process.

It is essential to keep the scientists working on this product informed of actions taken elsewhere in the department. Decisions should not be made in isolation from the corporation.

Note that partnerships may require the department to split product development from product approval in order to avoid potential conflicts of interest; clear accountabilities are required.

Important facts that could alter the decision are missing from this case:

- What is the size of the market for this product?
- What exactly are the risks associated with this product?
- What is the scientific validity of the experiment?
- What are the benefits of this product?
- Does it replace another product that has significant risks? The risks must then be measured against each other.
- What are the differences between the version of the product tested previously and the current version?
- What is actually in the partnership agreement?

In the absence of this information, the product should probably not be withdrawn, the experiment should be reviewed by third parties, the Minister should be informed, a communications' strategy should be devised and central agencies kept informed. The department should also improve its capacity to manage such crises.

In a case like this, the protection of the health and safety of the public supercedes the possible loss of credibility of the Minister in importance. A risk management framework, including external review, is needed to protect the public interest.

The department should seek legal advice on liabilities, etc., regarding stopping or continuing production.

The department should establish an ethics program focussing on awareness and developing the ethics reflex – which will also reduce employees considering recourse to 'brown envelopes' and whistle blowing at conferences.

Our primary obligation is to respect the law, but what if the law contains competing values as many laws do? Public health and safety must take precedence.

WRAP-UP BY MODERATORS AND PANELISTS

This case is the most sensitive and complex in the series to date. The quality of the dialogue has been rich and highly professional.

The public has very high expectations of government with respect to the safety of health and food. Public safety is the overriding value, but the tensions in science management are real. The credibility of the organization is crucial as well.

The public interest is the basic goal, but defining the public interest is not simple!

A healthy organization with open communications is essential. Transparency will also help to avoid brown envelopes and whistle blowing. There must be no perception of the muzzling of scientists; scientists have a very high credibility with the media.

All values must be on the table to avoid grey areas. This is also a good process to achieve scientific consensus.

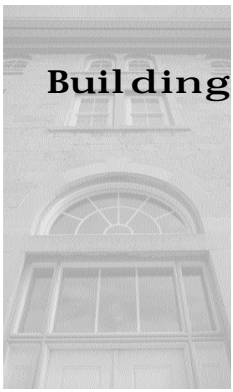
A point that no one mentioned is the role of NGOs such as organizations focussed on a particular illness that have a clear interest in specific medical products. Such groups should be brought into the process at an early stage.

Should scientific decision-making be quick or should it be thorough? There is no one answer. This will depend on the details of each situation.

The Tait framework for values has shown its effectiveness in this case.

The focus on values is also an integral part of modern comptrollership.

The other principles of modern comptrollership are effective stewardship of public resources and results based management. In order to implement this new way of doing business, we must get better at identifying our values and balancing competing ones. To this end, we must engage in frank and honest dialogue at all levels of the organization. Here the journey is more important than the destination. We will all benefit from achieving a better common understanding.



Building on a Strong Foundation - The Dialogue Continues

Conclusion

These five cases are only examples of the many important topics within values and ethics that deserve to be discussed. In fact, each organization and functional group in the public service has its own particular dilemmas and issues. It is discussion of these most relevant topics, rising directly out of the experience of the participants, that provides the greatest return on time and energy invested.

Case studies bring at least two benefits. The discussion provides guidance on identifying and resolving specific workplace problems. Case studies also give participants ease and confidence with 'honest dialogue' in their workplace. It is only through sincere exchanges with colleagues and other stakeholders that mutual understanding will be reached, and the complex issues facing the public service will be resolved. This sounds like a simple solution for the issues of the day, but it is one that has been found time and again to work.

For further information on values and ethics in the public service, the never-ending process of determining the right thing to do, see the Web sites of CCMD and the Office of Values and Ethics of the Treasury Board Secretariat listed at the front of this handbook.

APPENDIX 1

DIALOGUE ON PUBLIC SERVICE VALUES AND ETHICS

WORKING DEFINITIONS

VALUES - are enduring beliefs that influence attitudes, actions and the choices and decisions we make.

ETHICS - is that dimension of human thought and behaviour which is guided by standards and principles of right conduct. It involves a commitment to do the right thing.

AN ETHICAL DILEMMA - is a situation in which:

- You are unsure of the right thing to do.
- Two or more of our values may be in conflict.
- Some harm may be caused, no matter what you do.

HOW DO YOU DECIDE WHAT TO DO?

- You consider your obligation to act.
- You consider the options you have.
- You choose the best option that considers:

AUTHORITY TO ACT	VALUES
CONSEQUENCES	CARE FOR OTHERS

- If unsure, you talk to others, to those you trust, to your friends, to your ombudsman (if applicable), to your superiors or authorities. Someone is prepared to listen and help, anytime you have a concern or problem.
- You decide. You act. You accept responsibility for your actions.

PUBLIC SERVICE VALUES AND ETHICS

Extract from *A Summary of the Tait Report (February 97)*

The four families of core values:

The *DEMOCRATIC VALUES* of:

Responsible government. Rule of law. Support for democracy. Loyalty. Respect for authority of elected office holders. Neutrality/non-partisanship. Accountability. Due process. Public interest/public good.

The "*TRADITIONAL*" *PROFESSIONAL VALUES* of:

Neutrality. Merit. Excellence. Effectiveness. Economy. Frankness. Objectivity and impartiality in advice. Speaking truth to power. Balancing complexity. Fidelity to the public trust.

The "*NEW*" *PROFESSIONAL VALUES* of :

Quality. Innovation. Initiative. Creativity. Resourcefulness. Service to clients/citizens. Horizontality (collaboration). Teamwork.

The *ETHICAL VALUES* of:

Integrity. Honesty. Probity. Prudence. Impartiality. Equity. Selflessness. Discretion. Public trust.

The *PEOPLE VALUES* of:

Respect. Concern/caring. Civility/courtesy. Tolerance. Openness. Collegiality/participation. Fairness. Moderation. Decency. Reasonableness. Humanity. Courage.

EVALUATION FORM - ARMCHAIR discussions

Session Attended (date) _____

Is this your first CCMD Armchair Discussion? Yes **9** No **9**

(Please circle only one)

Not satisfied Very Satisfied

Were you satisfied with the content of the session? 1 2 3 4 5

Were you satisfied with the presentation? 1 2 3 4 5

Were you satisfied with the Roundtable discussion format? 1 2 3 4 5

Was the session: Too short? **9** The right length? **9** Too Long? **9**

Was the discussion period: Too short? **9** The right length? **9** Too Long? **9**

Do you feel we should videotape the whole event, including the Roundtable discussions? Yes **9** No **9**

Do you consider that this learning event was useful to you:

In your job? Yes **9** No **9**

Personally? Yes **9** No **9**

Please list any suggestions you have for improving the Armchair Discussions

Are there specific topics or speakers you would be interested in seeing presented?

Do you intend to register for upcoming Armchair Discussions? Yes **9** No **9**

If no, why not?

THANK YOU FOR PROVIDING YOUR COMMENTS

NOTES
