

CIfA Professional Practice Paper: An introduction to professional ethics



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ClfA Professional Practice Paper: An introduction to professional ethics

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Introduction

This document is a discursive starting point to help archaeologists develop awareness of ethical issues in the profession. It examines what ethics are and what comprises ethical behaviours, and then illustrates the generalities with some specific case studies relevant to archaeology. If at any point the reader has doubt over the legal position arising from a situation, they should seek independent legal advice.

Ethics is the study of moral philosophy, which helps us to decide what is right and to act accordingly. Moral philosophy may be viewed as the *abstract* and ethics as the *application* – where abstract concepts may become very real indeed.

Ethics and the law are not the same, but they are related. The law deals with situations in which a government has decided that the issues involved are of such importance that rules and sanctions are needed, of such severity as to effect significant financial penalties or to deprive citizens of their liberty. Ethics pick up where the law leaves off – there is more to ethics than complying with the law. Acts that infringe an ethical code, such as a code set by a professional body, may involve less severe sanctions according to a ‘contract’ freely entered into by the individual. This makes ethics, in some ways, more ‘interesting’ than the law. For example:

- is it possible to obey the law and still act unethically?
- can it be ethical to disobey the law?
- is it ethical to disobey unjust laws?

With the law things tend to be lawful or unlawful, and the decision has been made for us, but with ethics there is no such comfort in black-and-white certainties and instead we face sometimes infinite shades of grey.

1 Ethics in professional life

One of the hallmarks of professional institutes is that they have developed codes of ethical behaviour that all members are required to abide by. The Advisory Council of the Chartered Institute for Archaeologists appointed a committee of practitioners to consider a range of ethical issues and to create guidance notes to assist the wider membership in developing greater awareness and expertise in considering ethical issues. This Professional Practice Paper synthesises the results of that committee's workings.

Professional ethics are founded on values and transcribed into rules by professionals acting collectively in the form of a professional association. These rules are created by professionals to deal with complex situations where right and wrong are not easily perceived and may not even be fixed. It is conventional for professional ethics to be seen through a prism of consequentialism: what would be the consequences of each of the courses of action a member might choose to take to resolve the situation in which they find themselves? Professionals tend to look at who will benefit and who might be harmed, and weigh them in a balance. Professionals tend to take a utilitarian approach – seeking the best outcome for the most people. This can obviously be tricky. Take a parallel in criminal sentencing, where we are prepared to sacrifice the rights of liberty of an individual to secure a marginal increase in safety for many potential victims. Or, closer to home ground, we may make a single developer pay a substantial sum for archaeology to secure a benefit for many (the public), none of whom would be otherwise likely to consider the benefit worth paying that same amount for personally.

This approach may be helpful when considering for whom we are working: to whom is our first responsibility?

- our employer
- the profession
- a client
- a public authority
- the public

The questions here revolve around whom we serve, who our audiences and stakeholders are and what we owe them. Clfa members will be familiar with the statement about the Institute working for the public interest – not in the first instance working for their own benefit, for the benefit of their organisation – but for the public. This can hardly be over-emphasised. Atul Gawande, writing in a very different context (The Checklist Manifesto, 2009), has this explicit observation:

All learned occupations have a definition of professionalism, a code of conduct. ... all have at least three common elements. First is an expectation of selflessness: that we who accept responsibilities for others ... will place the needs and concerns of those who depend upon us above our own. Second is an expectation of skill: that we will aim for excellence in our knowledge and expertise. This is an expectation of trustworthiness: that we will be responsible in our personal behaviour toward our charges.

When should we refuse to provide a professional service? For example, what if a client were to ask us to do some work that we would like to do because it is potentially interesting, but it is work that the client does not really need us to do to comply with planning law?

Working through ethical issues may be 'interesting' in an intellectual sense – perhaps because there are few 'right' or 'wrong' answers but many answers of varying 'rightness'. However interesting and intellectually challenging this may be, the process of working out the best ethical response is often uncomfortable and can cause considerable anxiety. This feeling of anxiety is an important clue that you are dealing with an ethical dilemma.

One of the best and most usable books on the application of ethics is *Ethicability* by Roger Steare (2014). This approach is widely used and respected in many and diverse professional contexts and has been tested over nearly a decade of use – it is a proven approach to ethical behaviour.

Loyalty is always multifaceted, but our primary loyalty must always be to the public. Do I also owe loyalty and a duty of care to my employers? To other stakeholders and individuals? We address this question below, using Steare's recognition of different ethics of 'care', 'reason' and 'obedience'.

Steare proposes a useful mnemonic device to aid a balanced approach to ethical problems based on doing the RIGHT thing.

- R** what do the **R**ules say?
- I** how do I act with **I**ntegrity – that is, how do I integrate my values into my actions?
- G** to whom would the possible courses of action do the most **G**ood?
- H** to whom would the possible courses of action do the most **H**arm?
- T** am I being **T**ruthful? How comfortable would I feel explaining why I acted the way I did to a group of my professional peers? If I think I wouldn't be comfortable, it is a bad sign!

Steare also outlines three moral consciences that may be helpful to practitioners facing moral or ethical issues.

An **Ethic of Care** is linked to the philosophy of 'consequentialism' or 'utilitarianism' and asks us to decide what is right by considering the consequences, good and bad, of our actions upon others. Based on feelings such as love, care and empathy, an ethic of care is a crucial part of our moral character and helps us to decide what is right in both personal and professional relationships. We tend to act with empathy and this may be most easily seen within families and close friendship groups. As a weakness, it tends to marginalise minorities and may lead to the conclusion that the end justifies the means.

An **Ethic of Reason** is based upon virtues, principles such as wisdom, and self-control as defining aspects of who we are. This allows us to decide what is right by thinking through our actions and making rational choices, and to exercise self-control and restraint. The Ethic of Reason develops and grows as we gain experience in making good – and bad – decisions. We tend to act with reason, and this may be most easily seen in businesses, academia and bureaucracies. As a weakness, it tends to be perhaps too rational and decisions may be flawed unless we have very good and complete information.

The **Ethic of Obedience** is based upon 'deontology' – that what is right and wrong comes from rules which are external to ourselves, e.g. God-given or law-given. We tend to act with fear of the consequences of being 'caught' and, like reason, this ethic may be most easily seen in businesses, academia and bureaucracies. The real weakness is that it may absolve us from thinking for ourselves on the basis that all we have to do is follow all the rules (but there are never rules for everything, which leaves us to drift with little guidance). One reason why some business sectors or parts of life become intensely regulated may be that we cannot rely on people stopping to think carefully about what is right.

A concept that recurs in every discussion of ethics is integrity. Integrity means, primarily, the sum of the principles that define our moral values and guide the way we live and behave with others; integrity can be seen as the extent to which we base our behaviour upon and act in harmony with our principles and values. For example, fairness helps us respect rights and duties, while kindness, patience and trust help make the world a better place. Who would argue with a life guided by principles such as wisdom, fairness, courage, patience, trust, optimism, generosity, honesty, and respect? When we identify principles that we value and think are good, those principles should guide all our actions. This in turn means that personal and professional integrity (and ethics!) should always be consistent. We have integrity when we live according to a set of moral values, and if we act against those values then we lose our integrity and are hypocrites.

Ethics is also a way to resolve conflicts of desire in our personal lives, conflicts of interest in our professional and business lives, and conflicts of principle when values conflict with each other.

Lest a practitioner/reader think that this discussion is too idealistic and not directly related to the hard work of running a business or a large organisation, Steare points us toward persuasive analyses of business and leadership by Goleman (2000), Collins (2001 & 2009) and George & Sims (2007). These should disprove any such concern.

2 Ethics in summary: balancing conflicting priorities

There is a consistent theme throughout the case studies included in this paper: each involves a balancing of conflicting priorities – but not of conflicting values. Honesty and a care for the feelings of other people are values and should hold true always, but a need to be honest may involve harming an individual's feelings. This is where ethics comes in – in deciding which takes priority and in deciding how to communicate decisions to other parties.

Stea provides a set of 20 questions arranged in three stages to help us resolve conflicts of desire or conflicts of interest.

Preparation

- 1 Time out!
- 2 How do we feel?
- 3 Who's involved?
- 4 What are the facts?
- 5 What sort of dilemma is this?
- 6 What are our intentions?
- 7 What are our options?
- 8 Have we thought creatively?

These preparatory questions should be considered before tackling the details of the RIGHT methodology to ensure we have the right mind-set and questioning frameworks to ask 'what if' or 'what difference does this make' types of questions.

Decide what's RIGHT

- 9 What are the **R**ules?
- 10 Are we acting with **I**ntegrity?
- 11 Who is this **G**ood for?
- 12 Who could we **H**arm?
- 13 What's the **T**ruth?

These five questions are examined in each of the case study situations below, using the RIGHT mnemonic as a structure.

Testing our decision

- 14 How would we feel in their shoes?
- 15 What would be fair and reasonable?
- 16 What would be the adult thing to do?
- 17 What would build trust and respect?
- 18 What would stand the test of time?
- 19 Have we the courage to do what is right?
- 20 What can we learn from this dilemma?

These questions should be considered after tackling the details of the RIGHT methodology, as a self-reflexive learning exercise.

The discussion so far has been quite general and theoretical; now we need to apply these generalities to more specific terms and contexts familiar to archaeologists. In the example case studies presented below we will refer to legal codes and/or the ClfA Code of Conduct, which sets out the shared moral and ethical values that the Institute has agreed and to which all ClfA members agree to adhere. We will also use Steare's RIGHT framework to guide you in asking yourselves questions and to help in making recommendations.

3 Case study: archaeology

Example 1: Should a field archaeological investigation include the careful trowelling or hoeing of the base of archaeological trenches dug to inform a planning application?

Example 2: Should an archaeological post-excavation analysis programme include detailed analysis of Roman pottery when the primary research interest is on prehistoric remains?

What do you do?

R What do the Rules say?

The ClfA *Standard and guidance for archaeological field evaluation* is silent on these issues, but the general point is made: *'An archaeological field evaluation will determine, as far as is reasonably possible, the nature of the archaeological resource within a specified area using appropriate methods and practices. These will satisfy the stated aims on the project, and comply with the Code of conduct and other relevant regulations of ClfA'*.

The ClfA documents set the outcome required and advise on approach in broad terms. Other 'rules' may be included in the employer's site manual or similar, and in the WSI.

I How do I act with Integrity – how do I integrate my values into my actions?

Both case-study questions involve 'cutting corners', probably with the motivation of saving time and money. How does this relate to our avowed motivation of providing an excellent service, or to retrieve and record the appropriate/reasonable amount of data (given the aims of the project) from an investigation that cannot be repeated? (Here we use the equation quality = fit for purpose, and 'quality' therefore needs thoughtful definition, rather than being an abstract concept.)

G To whom would the possible courses of action do the most **Good**?

There might be minor 'good' for the organisation – and a commercial client – in saving time/money.

There might well be significant harm (via loss of irreplaceable information) to the general public – we would be harming the quality of our results by missing features or by not understanding the Roman phase of a site.

H To whom would the possible courses of action do the most **Harm**?

T Am I being **Truthful**?

How would this action, if revealed openly, relate to our overall *Code* and how comfortable would you feel explaining your actions to a group of your professional peers? Would you be honouring what we say we should be doing as professionals? If you think you wouldn't be comfortable it is a bad sign!

4 Case study: conflicts of interest

A conflict of interest arises when someone is 'confronted by competing loyalties, responsibilities or duties'. A professional archaeologist should be able to recognise when there is a conflict of interest, be it professional or personal, and has a duty not to undertake work that favours self-interest or has been subject to undue influence from the interests of other parties.

Example 1: A client is exerting pressure on the curator to sign off an area of investigation, when you know as an archaeologist that there is still work to be carried out in order to comply with the approved Written Scheme of Investigation.

Example 2: A project manager has to decide between two candidates for a project, one of which is their partner.

What do you do?

Given the many different spheres of practice archaeologists engage with (e.g. voluntary, professional, academic), it is impossible to define all potential conflicts of interest. Instead, individuals should try to be straightforward and honest in all professional and business relationships. As a small profession, interpersonal relationships are largely unavoidable, but where conflict arises, seeking the opinion of a third party can help ensure transparency and fairness in decision making.

R What do the Rules say?

These case studies are likely to involve the following clauses of the *Code of conduct* (published December 2004): Principle 1, Rule 1.1 and in particular Rule 1.13. Depending on the particular circumstances from which conflict arises, a number of other rules may also be relevant; in the examples provided, all rules in Principle 2 are applicable.

The *Code of conduct* says that archaeologists have a duty of care to avoid or manage conflicts of interest. Where a potential conflict of interest is identified it is imperative that all parties concerned are made aware, and that appropriate measures are put in place. This is necessary to avoid future dispute and accusations of bringing the profession into disrepute

I How do I act with Integrity – how do I integrate my values into my actions?

Act with honesty. You owe a client a duty of honesty, which may mean delivering unwelcome advice.

G To whom would the possible courses of action do the most **Good**?

The individuals involved? The archaeological organisations? Clients and other stakeholders?

Who would benefit in the long term if planning law were to be circumvented?

H To whom would the possible courses of action do the most **Harm**?

Which employees might be harmed or benefited if a decision were to be made based upon personal emotions rather than a rational assessment of skills?

T Am I being **Truthful**? How comfortable would I feel explaining my actions to a group of my professional peers? If I think I wouldn't be comfortable it is a bad sign!

In **Example 1**, how do you defend aiding one client at the expense of weakening the planning process, or allowing the loss of heritage remains?

In **Example 2**, how would you defend against an accusation of bias and dishonesty?

5 Case study: equality and diversity

Equality and diversity as a topic encompasses a wide range of issues relating to the discrimination faced by different groups and/or individuals on the basis of (among many reasons) their chosen gender[s], sexual orientation[s], ethnic origins, age, social class, physical and mental states, and religious beliefs. People may suffer many different forms of discrimination, including harassment and bullying, denial of work experience, promotion and training opportunities, and physical and verbal assault. The only consistent and defining element of this topic is that a group or individual experiences some form of discrimination by others.

Archaeology, although generally a welcoming working environment, suffers from particular social and cultural problems that can lead to discrimination. Historically, it is perceived as a white, male, middle/upper-class, heterosexual-dominated work area and the inherent biases of this social group remain firmly entrenched in much of the field to the present day. In addition, many archaeologists come into regular contact with non-heritage professionals who may act (either deliberately or accidentally) in a discriminatory way when working with archaeologists who may be of a very different background to them. Such discriminatory problems can be exacerbated by the physical working conditions experienced in some archaeological workplaces, such as limited private space (including washing and toilet facilities), and remote or inaccessible locations, including extended periods of working away from their homes and neighbourhoods, often in different types of rented accommodation.

Example 1: A newly arrived member of staff in a university archaeology department is sexually harassed by one of their colleagues at a work social event; Professor X makes a series of sexually inappropriate comments to them that they find offensive. When they mention this to their Head of Department they are told 'not to make a fuss' if they value their career, as Professor X is extremely distinguished and could make life very difficult for them, potentially ruining their career. Upon making discreet enquiries, they discover that Professor X has a track record of such behaviour and considers such 'teasing' as 'par for the course' in a university.

Example 2: A female project director on a commercial archaeological excavation faces continual verbal harassment of herself and her site crew by the construction workers on site. This harassment includes inappropriate sexual comments being made by the workers and the repeated placement of explicit pornographic images in the on-site toilets. Upon raising the issue with the site foreman (an older white man), she is told that this is normal 'banter' from 'the lads' and that he cannot (and will not try to) do anything about it. Upon complaining to her senior management, the project director is told that this is too major a client for the organisation to risk upsetting. She is subsequently reassigned to direct another project, although her manager denies that this move is connected to her complaint.

Example 3: A member of staff of a ClfA Registered Organisation who has a long history of excellent work researching and writing Desk-Based Assessments is registered deaf. For many years this has not been a problem, and adjustments were made – including the provision of special phone equipment and sign-language translators in meetings and events – in order to enable their full participation in the life and work of the organisation. However, a new Chief Executive arrives and implements a round of cost-cutting that includes asking if the organisation should continue to pay for any more sign-language translators. When the staff member challenges this suggestion, the Chief Executive suggests that they might be able to make do with reading meeting notes/minutes after any meetings or events and by submitting ideas and questions in writing before or after such events.

Example 4: A colleague who has long self-identified as male begins to transition to a female identity, with the intention of eventually undergoing gender reassignment surgery. As part of this, they ask to be known by their new chosen name, Jane, and begin to wear women's clothes and to live life fully as a woman. While the majority of colleagues are supportive, a few struggle with the transition, especially those who have known Jane for a long time. Some female colleagues admit that they find Jane using the women's toilet facilities particularly hard to deal with. As a result, Jane is asked to use the disabled toilets for the time being.

What do you do?

R What do the **Rules** say?

These examples, which arose during many discussions, all touch upon legal issues as well as ethical questions, and this is common. In each case there are clear instances of acts that are illegal – and are hence not questions of ethics

I How do I act with **Integrity** – how do I integrate my values into my actions?

What are the primary values at play here? Honesty? Fairness? Respect?

G To whom would the possible courses of action do the most **Good**?

The questions of Good and Harm are very apposite in these examples.

Minimising immediate harm to some individuals – by, for example, not forcing legal issues – conflicts with maximising good for the same and other individuals.

H To whom would the possible courses of action do the most **Harm**?

T Am I being **Truthful**? How comfortable would I feel explaining my actions to a group of my professional peers? If I think I wouldn't be comfortable it is a bad sign!

Do differences in, for example, gender or ethnicity justify unfair treatment?

And perhaps more interestingly, when does treating different people differently become unfair, or hypocritical?

6 Case study: professional competence

Projects need to meet time, budget and quality requirements to be successful. Achieving these results can be challenging and this is where professional competency plays a key role.

Example 1: An archaeological organisation wins a highly competitive tender for an archaeological project. They recover a major finds assemblage and in order to save time and money the project manager decides not to x-radiograph any of the ironwork and, instead of employing an experienced specialist, a junior and relatively inexperienced staff member is asked to write up the pottery assemblage.

Example 2: Salaried employees may be unlikely to receive additional pay for the hours in excess of the contracted hours per week when a consultant is working to tight deadlines and still expected to achieve high-quality analysis. There are many examples of how organisations and individuals cope with these kinds of conflicting interests. Some may involve illegal actions.

While professional reputation is important, so too is an effective work–life balance. This reveals a conflict between ethics involving respect and care for individuals and employees and a desire to maximise financial gain for the organisation and for individuals. This ethical quandary needs to be addressed by both the employer (assuming the employer is willing to recognise the excessive hours worked) as well as the employee. Both might acknowledge the situation and agree to a short-term solution, but equally note that long-term sustainability based upon care and respect between both parties depends upon a solution based upon fairness.

Comments

Individuals are required to maintain their professional knowledge and skills at the level necessary to ensure they provide clients and/or employers with service compliant with current best practice (Rule 1.4). Employers have a duty of care to ensure employees are able to balance work requirements and home commitments.

What do you do?

There are established guidelines published for the minimum standard expected for finds recording; compliance with these is a mark of best practice and adherence by all parties is expected. If there are budget constraints then it is for the organisation to investigate how this has occurred and seek specialist advice on how best to proceed.

The *Code of conduct* reminds members that the work aspirations of colleagues should be recognised and respected. It is up to an individual to decide if the work they are being asked to undertake falls outside their professional competency; it would be unfair of an employer to deliberately place an employee in such a position. It should also be noted that employees also have ethical responsibilities! It may be seen as a positive action to decline to undertake work that one is not yet qualified to do, because it can open up opportunities for mentoring and training. Line managers should be willing and able to arrange mentoring or facilitate the use of freelance specialists. Maintaining a CPD record can act as a safeguard by providing a record of competency and highlighting areas for improvement.

R What do the **Rules** say?

For cases involving professional competency, refer to the following clauses of the *Code of conduct* (Published December 2014): Principle 1, Rules 1.4, 1.6 1.13, 1.14, Principle 2, Rule 2.1, Principle 3, and Principle 5, Rule 5.8.

Individuals are required to maintain their professional knowledge and skills at the level necessary to ensure they provide clients and/or employers with service compliant with current best practice (Rule 1.4). Employers have a duty of care to ensure employees are able to balance work requirements and home commitments.

See also ClfA's policy statement on training:
www.archaeologists.net/sites/default/files/Policy%20statements_updated%20030816_0.pdf

I How do I act with **Integrity** – how do I integrate my values into my actions?

As with the previous case study, these examples involve 'cutting corners', possibly to save time and money, or secure the continued employment of an early-career specialist, or to provide opportunities for learning and professional development. How does this relate to our avowed motivation of providing an excellent service, or retrieving and recording the maximum amount of data from an investigation that cannot be repeated?

G To whom would the possible courses of action do the most **Good**?

Who benefits? The individuals involved? The archaeological organisations? Do you expect to work without pay, and if not, how do you justify expecting others to do so?

H To whom would the possible courses of action do the most **Harm**?

Who is harmed? The individuals involved? The archaeological organisations? Clients and other stakeholders?

Does profit justify loss of unique information?

T Am I being **Truthful**?

How comfortable would you feel explaining why you decided to cut corners to save some money, thus sacrificing archaeological knowledge, to a group of your professional peers? Can you confidently say that you were motivated by a desire to provide a developmental opportunity for an early-career specialist? If you think you wouldn't be comfortable it is a bad sign!

7 Case study: gifts and hospitality

Bribery is commonly illegal – in the UK see the Bribery Act 2010. Discussions of bribery are legal not ethical discussions. Less overt inducements, however, may give rise to ethical concerns.

Example 1: On a very large project the developer wants the archaeologists to ‘do things to fit into the programme’, thus cutting corners and underreporting the results of an archaeological investigation. This has been made clear but never expressly stated. The developer has arranged for the archaeologists to take delivery of a number of 4-by-4 vehicles for the use of the unit’s directors and has implied the vehicles may be kept.

Example 2: An archaeological contracting unit is very keen to win a large tender with a new foreign client and arranges a book launch with the intention of inviting the directors awarding the tender, wining and dining them, and paying for their travel and accommodation (note: genuine hospitality, as long as it is proportionate, is legal).

This discussion is thus far all about the rules – of law and those in the adopted code of conduct. What are the ethical issues here? Fairness and honesty most obviously – all the examples involve actions based on dishonesty by various individuals (not all illegal) or decisions based upon criteria that are not being fairly applied.

What do you do?

R What do the Rules say?

According to the Bribery Act 2010, it is illegal to offer, promise, give, request, agree, receive or accept bribes. What constitutes a bribe may be large scale, such as inducements and kick-backs allegedly proffered to secure an outcome, or more subtle, such as a supplier offering tickets to an FA cup final to a client in appreciation of their longstanding working relationship. The Bribery Act 2010 (http://www.legislation.gov.uk/ukpga/2010/23/pdfs/ukpga_20100023_en.pdf) provides guidance on how to comply with the law if there is any chance an inducement may be offered or accepted.

These case studies involve the following clauses of the *Code of conduct* (published December 2014): Principle 1, specifically Rules 1.6 and 1.9. Example 1 also breaches Principles 2 and 3 regarding the archaeological record. Principle 1 states that: ‘*A member shall adhere to high standards of ethical and responsible behaviour in the conduct of archaeological affairs.*’

Specifically, Rule 1.6 states that ‘*A member shall know and comply with all laws applicable to his or her archaeological activities whether as employer or employee, and where appropriate with national and international treaties, conventions and charters including annexes and schedules.*’

R (continued)	Clear breaches of the <i>Code of conduct</i> by a Registered Organisation should be reported to ClfA through the complaints procedure.
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I How do I act with Integrity – how do I integrate my values into my actions?	Act with fairness and honesty. Might the benefit offered influence your behaviour or decisions?
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G To whom would the possible courses of action do the most Good ?	<p>The individuals involved? The archaeological organisations? Clients and other stakeholders?</p> <p>A short-term immediate benefit for an individual (a bribe) should be weighed in the balance against the long-term widespread harm to many individuals and organisations arising from the lack of honesty and fairness.</p>
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H To whom would the possible courses of action do the most Harm ?	
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T Am I being Truthful ?	<p>Bribery is illegal, but the use of inducements involves dishonesty and unfairness – how would you justify that to your peers?</p> <p>For example, what about an explicit bonus for early completion? Is it okay to accept an explicit incentive to do what should be done, more quickly or better, with a clear definition of what the team is supposed to do?</p> <p>How comfortable would you feel explaining your actions to a group of your professional peers? Might the benefit offered be perceived as influencing your behaviour or decisions? If you think you wouldn't be comfortable it is a bad sign!</p>
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8 Case study: health and safety

Generally, health and safety considerations are almost always legal issues, because most legislatures have decided that the consequences of improper action are so serious (injury or death) that it is in the public interest for the government to legislate. Hence the issues are legal rather than moral or ethical. Rather than give advice on H&S or legal compliance here, we present examples and look at them differently, through the lens of the moral judgements (or lack thereof) that may underpin the hypothetical actions.

Example 1: At a tender interview for a remote job that has been estimated at a minimum of 15 days, the archaeological contractor intimated they could reduce costs by not having any welfare on site. The employer has relayed this to staff after winning the work.

Example 2: An organisation might try to avoid the costs of 'confined spaces training' on the basis that it is only one employee, in one small space for a short period of time, would be affected.

Setting aside the obvious legal breaches, the case studies clearly reveal thinking that lacks fairness or respect in the treatment of individuals. A short-term saving in not providing training or site welfare reveals a clear lack of respect for the individuals involved in either case, a lack of concern for their health and welfare, or fairness in the way these specific cases are being handled by the organisation.

What do you do?

A member of ClfA shall always act with integrity, and in both examples, there is a statutory duty on the employer and in example 2, also on the colleague who is aware of an issue. Both issues must be raised with the employer directly or via a work safety or trade union representative. With regards to example 2, concerns must be expressed immediately to the person in charge on site, as there is a clear and present danger. If the matter is not satisfactorily resolved, you can raise it with the relevant enforcing authority – in the UK this is the Health and Safety Executive (HSE).

R What do the **Rules** say? Legal issues should be raised with the Health and Safety Executive.

I How do I act with **Integrity** – how do I integrate my values into my actions? Act with respect, fairness, and care for others.

G To whom would the possible courses of action do the most **Good**? The individuals involved? The archaeological organisations? Clients and other stakeholders?

When H&S issues are involved it is often difficult to find any real beneficiaries (like anyone whose risk of harm is reduced or whose anxiety about harm to themselves or others is reduced).

H To whom would the possible courses of action do the most **Harm**?

On the other hand, those who may be harmed may be more obvious and more numerous – individuals, organisations, the general public, etc.

T Am I being **Truthful**?

Any act or decision that puts others at risk is may be unlawful, but certainly is negligent or careless and may involve dishonesty, a lack of respect and concern, and hypocrisy.

How comfortable would you feel explaining your actions to a group of your professional peers? If you think you wouldn't be comfortable it is a bad sign!

9 Case study: social media

The use of social media has increased exponentially in recent years and such media serve many valuable and useful purposes. These channels also bring risks that should be taken into account before use in professional contexts.

Example 1: An archaeologist is working on a large and exciting investigation and tweets (or posts on Facebook, Instagram, etc.) about some of the discoveries. This reveals to a wider audience that exciting discoveries have been made, leading a local group to engage with statutory authorities regarding formal protection for the site in order to preserve their local greenfield informal recreation area, and thus jeopardising the developer's investment in the land.

Example 2: An illustrator publicising the finds on a site could encourage opportunistic local treasure hunters/nighthawks to damage the site after-hours while looking for objects of interest to them. This could include human remains as well as archaeological artefacts and result in the loss of archaeological context as well as finds.

For archaeology, the ethics surrounding dissemination are important all the way through a project.

Comments

The examples involve the dissemination of information that arises from a commercial contract to parties outside that contract. Social media is without question an effective way to engage local people in a project, but this should be done whilst retaining confidentiality and site security. Before any use of social media, it is imperative to ascertain what content may be posted and when.

What do you do?

First, seek clarity from your line manager about if, when, and for what information the use of social media would be appropriate. Senior managers should seek a clear agreement with clients about the same questions so that neither they nor their staff act in a manner that might be contrary to a client's best interests. Equally, senior archaeologists should seek clear agreements prior to starting work that, when the results of investigations are no longer commercially sensitive, the results will be appropriately published. It would be prudent for CIfA members who employ staff, or Responsible Post-holders of Registered Organisations, to develop formal policies governing the use of social media by all employees.

Responsible Organisations should include social media clauses in client contracts as well as in the onboarding process for all staff. In addition, for example, employees could be asked to sign a social media agreement, and all staff should be aware of an employer's policy regarding confidential findings. An employee's personal social media accounts should be used in an equally responsible manner – the above is a 'corporate' view but individual members must behave with equal regard to the ethics of confidentiality, or be vulnerable to accusations of unethical and unprofessional conduct. This could be brought under the umbrella of corporate responsibility if it were made a clause of employment contracts.

R What do the **Rules** say?

In many ethical dilemmas, there are likely to be cogent arguments on both sides, and this could be reflected in ClfA's *Code*. These examples are likely to involve the following clauses of the *Code of conduct* (Published December 2014): Principle 1, Rules 1.1 and 1.2 and 1.3. Rules 1.10 and 1.11 go directly to the heart of the issues here – the revelation of information to third parties. A member may also feel that Rule 1.13 is relevant as well. On the other hand, Principle 4, Rules 4.4, 4.6 and 4.7 – making provision for the publication or information – may also be thought to support the use of social media to inform the public.

The *Standards and guidance* touch on confidentiality too, for example, the *Standard and guidance for archaeological excavation*, paragraphs 3.2.12, 3.4.6 and 3.11.5.

The examples involve the dissemination of information that arises from a commercial contract to parties outside that contract. It is common for commercial contracts to include clauses about confidentiality of information.

I How do I act with **Integrity**
– how do I integrate my
values into my actions?

How do you act with justice and fairness to clients and to employees?

Always provide a high standard of service – broadly this means ensuring that your client or others to whom you have a primary professional responsibility will receive the best possible advice, support or performance from you in relation to both the archaeological heritage and to media and public relations.

G To whom would the possible courses of action do the most **Good**?

The individuals involved? The archaeological organisations? Clients and other stakeholders?

Who benefits from – or is harmed by – disclosure or secrecy?

H To whom would the possible courses of action do the most **Harm**?

The issue is likely to have to do with the timing and the medium of publicising information, rather than the principle of engaging with the general public and ultimately publishing the results of investigations.

Communications 'in real time' may conflict with confidentiality clauses and create commercial risks for many parties, while communications slightly later in time do not pose such risks. In other cases, real-time social media posts may not breach confidentiality clauses but might pose site security risks – or just mess up a carefully programmed campaign by the communications team!

T Am I being **Truthful**?

How do you justify acts that harm your clients for the sake of engaging with the public, to that client and to your peers? How comfortable would you feel explaining your actions to a group of your professional peers? If you think you wouldn't be comfortable it is a bad sign!

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¹Dr Gerry Wait, principal author for ClfA Advisory Council Ethics Working Group (comprised of Mary Neale, Nicky Powell, Joe Flatman, Gerry Wait, Kayt Marter Brown, Liz Gardner and Lianne Birney) developed this debate and guidance on individual ethical behaviour as part of the Institute's consideration of moving towards the creation of Chartered Archaeologist as a legally restricted category of membership.



About ClfA

The Chartered Institute for Archaeologists is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society.

An introduction to professional ethics is a ClfA Professional Practice Paper. For details of other practice papers and reports, please visit our publications webpage at www.archaeologists.net/publications.

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