

# Industrial Hygienists Face Many

# Ethical Dilemmas

"Practice their profession following recognized scientific principles." That is what the Code of Ethics exhorts AIHA members to do. But what does that mean, and how does the modern workplace impose additional burdens on industrial hygienists trying to abide by the code?

by Patricia Logan

**T**he National Institute for Occupational Safety and Health has identified some of the changing forces in today's workplace. They include a growing, aging and more diverse workforce; more unconventional working hours and workplaces; rapid changes in chemicals, materials, processes and equipment; a shift to a global economy and a shift from manufacturing to service jobs.

As the workplace changes, so does the profession. Industrial hygienists note that their profession has expanded beyond what is considered more traditional IH work as employers try to conserve resources and get more for less from employees and consultants. IHs increasingly operate as consultants rather than as in-house staffers, and they serve additional roles involving the environment and the community.

IHs, however, describe each new challenge as a variation on a common theme.

Despite the dramatic changes, they insist the fundamental ethical dilemmas are the same: the conflict between concerns of the employer/client and the health and safety of workers and the community.

Most say they believe the code of ethics is adequate, but they admit that the modern workplace poses additional dilemmas and challenges to the practicing IH. They also say they do not use the code on a daily basis but that they turn to it from time to time in making decisions.

### "It's a Dance."

Hank Lick, president of Safety and Health Solutions, Grosse Ile, Mich., and president of AIHA, pronounced the code of ethics "still necessary." Lick pointed to challenges posed by corporate activity in other countries, particularly third-world nations. Regardless of its own safety policies, a company's behavior is determined to a large extent by the host country, he said. Host countries may not enforce stan-

dards as stringent as those in the United States. For example, China has established its own occupational safety and health administration and has copied that U.S. agency's standards. However, China does not enforce those standards the way the United States does, according to Lick. This can place IHs in uncomfortable positions as they try to protect workers using "recognized scientific principles" while foreign business owners and governments refuse to support those protective measures.

In addition, health, safety and environmental concerns often end up taking a back seat to financial matters, said Lick. Business arrangements such as joint ventures and partnerships in foreign nations often leave owners without the capital to make needed improvements. This can be particularly troublesome when one venture buys an existing company—and its built-in hazards and liabilities.

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Competition is another issue that can pose problems for IHs. In situations where businesses compete to win contracts or build factories in foreign nations, said Lick, health, safety and environmental issues can fall by the wayside, at least temporarily. IHs may have to push harder for necessary changes until management is ready to support safety improvements. He cited the example of Ford, Chrysler and General Motors competing for business in China.

Also at work are the trends of downsizing, mergers and acquisitions among U.S. firms. Lick suggested that these factors might cause IHs who fear losing their jobs or who are not as far along in their careers to act more conservatively. Instability in the workplace creates a "natural tendency to be more cautious in the way you proceed," he said.

Drawing on his experience at Ford Motor Co., Lick said that more experienced IHs have the confidence and security to advocate for improvements and, more important, know how to wait for the right opportunity to make a move to protect workers. Situations he was involved in at Ford "eventually worked out," he said. "Sometimes you advocate, other times, you can go into hibernation and come back later to press for needed safety and health improvements."

Professionals must stand up, however, whenever the possibility of long-term harm exists, Lick cautioned. But, with long-term harm, "you generally have the chance to wait for the right opportunity," he said.

The lack of adequate standards can also create ethical dilemmas for IHs. When there is no standard governing safety and health issues, as in the case of ergonomics, you must convince employers and clients of the "rightness of doing something" to mitigate problems in the workplace, he said. "It's a dance."

### Raising the Bar

Jeff Throckmorton, senior industrial hygienist in the University of Utah's Department of Environmental Health and Safety, suggested that conditions in the modern workplace have not necessarily had a significant impact on the practice of ethics within the profession. He saw it more as a process of evolution. Moreover, according to Throckmorton, "The gray areas have always been there." There always will be new issues and new reasons to look at ethical questions, he said.



"We're evolving; I hope we're going in the right direction."

One ethical dilemma that Throckmorton perceives is IHs working on a contingency basis. He said such arrangements may compromise objectivity, especially in the face of a possible financial windfall. "You can do it, but be careful." The hygienist's "moral responsibility supersedes all other concerns," he said.

Along these lines, Zeke Haslam, director of environmental health and safety at Duke Engineering and Services, Charlotte, N.C., recalled one ethical dilemma that involved a professional dispute between two IHs. One accused the other of unethi-

cal conduct, charging that the less expensive method he recommended to resolve a mold and mildew problem in a school may not have been adequate and amounted to an attempt to gain the business at the expense of protecting workers, teachers and students.

The consultant who made the charge eventually backed off, leaving the situation unresolved. Haslam and other IHs condemned the use of business-based decisions in the profession. "The bottom line is protecting the workers and the community," he said.

Throckmorton stressed that the code is an effective tool to "raise the bar of the profession" and standardize conduct in the face of ethical dilemmas. It provides a basis beyond moral responsibility for consensus practice in the field of IH.

The pre-eminent obligation, even when trying to protect both clients and employees, remains the IH's "awareness of the responsibility that you can truly protect health and safety," Throckmorton said.

Throckmorton recalled one instance in his career when conditions at a client's workplace were not abated, and he called OSHA to complain. "The potential for harm was too great," he said of making the complaint. Surprisingly, the owner understood, working conditions improved and his relationship with the owner was not compromised.

### "Do More with Less"

"No one could foresee the needs of the modern workforce when the code of ethics was written," Haslam said. The code should be able to evolve with changes in

## Code of Ethics for Practice of Industrial Hygiene

### Canons of Ethical Conduct

Industrial Hygienists shall:

- Article 1. Practice their profession following recognized scientific principles with the realization that the lives, health and well-being of people may depend upon their professional judgment and that they are obligated to protect the health and well-being of people.
- Article 2. Counsel affected parties factually regarding potential health risks and precautions necessary to avoid adverse health effects.
- Article 3. Keep confidential personal and business information obtained during the exercise of industrial hygiene activities, except when required by law or overriding health and safety considerations.
- Article 4. Avoid circumstances where a compromise of professional judgment or conflict of interest may arise.
- Article 5. Perform services only in the areas of their competence.
- Article 6. Act responsibly to uphold the integrity of the profession.

both the workplace and the profession.

Among those changes, Haslam noted a corporate environment rife with staffing cuts. This forces IHs to "do more with less," he said. "It is increasingly harder for industrial hygienists to do an adequate job." Yet, IHs deny any increase in ethical dilemmas in recent years and remain confident that they can handle the increased workload.

Echoing Lick on dilemmas posed by globalization, Haslam maintained that workers and cultures do not always lend themselves to safe work practices recommended by IHs. Workers in some nations have more basic concerns; for example, whether they have shoes to wear, not whether the shoes at work have the appropriate safety features, he said. This can make the IH's job more difficult as workers and business owners reject safety equipment that the IHs are compelled by the code of ethics to recommend.

According to Haslam, one change in the modern workplace—the aging workforce—does not affect the IH. Not only do companies generally not hire older workers to do jobs that would cause physical problems for them, but they educate their managers so it does not become an issue.

The code is revisited periodically to ensure it can meet challenges posed by changes in the workplace, said Haslam. He said it appears from the questions IHs pose to him that professionals are reading the code and using it to answer questions and make decisions.

### Sorting Out the Gray Areas

The current chair of the joint ethics education committee, Bonnie Weeks, also lent her support to the code. Yet, the way it is written, it can take some interpretation and discussion to determine what is required to comply, according to Weeks, who also serves as director of the Environmental Health and Safety Office at Wellesley College, Wellesley, Mass.

She conceded that re-evaluating the code's interpretive guidelines is on the radar screen, but said all four organizations that developed the code (AIHA, ACGIH, ABIH and AAIH) would have to approve any proposed changes. In addition, anyone proposing changes would have to present "a solid argument as to why those changes impact all IH," Weeks said.

"There are always going to be gray areas. It's a varied field. It's hard to have a formula for everyone," she said. "The more aware we are of ethical dilemmas, the more questions we can raise, giving us a better chance of figuring out the gray areas."

One failing of the code, according to Weeks, is its lack of legal consequences for unethical behavior. That point was reiter-

ated by Harry Beaulieu of Industrial Hygiene Resources, Boise, Idaho. The problem he sees is that there is no enforcement mechanism, making the code entirely self-regulating. "The reality is, there is no mechanism to deal with 'bad actors.' Violations of the code are difficult to prove, hard to prosecute and the process is expensive," he said.

Beaulieu, a member and past chair of the Joint Industrial Hygiene Ethics Education Committee, said the "encompassing" and "broad-based" code adequately addresses the dilemmas IHs face, particularly conflicts of interest. The profession is now attempting to regulate through education, according to Beaulieu. The joint ethics committee tries to remain visible and make ethics a topic of discussion among IHs, he said.



### Justifying Decisions

The ethical challenge IHs face in today's workplace is that clients do not emphasize the importance of protecting workers, according to Mary DeVany of DeVany Industrial Consultants, Vancouver, Wash., and outgoing senior member of the Joint Industrial Hygiene Ethics Education Committee. "It becomes a business decision, about costs, money and products," she said.

One overriding issue, DeVany claimed, is a decline in employer loyalty to the worker over the past 15 years. Employers think nothing of laying off workers, causing a dramatic drop in job security. Similarly, employees are more likely to move from job to job. These factors make it easier for employers to justify decisions

that are not in the best interests of their employees, DeVany said. This dynamic forces IHs to more frequently "practice their profession following recognized scientific principles," advocating for workers when employers or clients have specified unsafe or inadequate procedures.

As the profession becomes increasingly consultant-based, another problem arises. According to DeVany, IHs rarely know their clients nowadays, which makes it difficult to know how to argue your case or how to proceed to get the best outcome as far as worker safety and health are concerned. Choosing the path to successfully persuade a client to accept safe and ethical measures to protect workers becomes more difficult.

She praised the authors of the code, however, for successfully making the code adaptable to changes in the workplace and the responsibilities that IHs have.

Her strategy to persuade clients to make the right decisions on behalf of their employees? DeVany said she has developed arguments to convince clients that it is in their best interest to adopt certain safety measures. These arguments include cost savings, public image, moral responsibility, ethical responsibility, legal responsibility and responsibility to provide a standard of care to protect themselves against legal liability. "At least one of those arguments usually will work," she said.

One unresolved dilemma noted by DeVany involves IH as a profession rather than in practice. IHs should stand up against studies conducted in Third World nations, China and Eastern Europe, she said. Citing a series of studies on Chinese workers routinely exposed without their knowledge to toxic chemicals such as benzene and methylene chloride far in excess of healthy levels, she asked, "Why are we allowing studies like these to continue instead of stopping the exposures?"

### What Next?

Although the basic code of ethics works, IHs need to promote more dialogue on where the profession stands on certain issues and ethical questions. IHs should attend as many professional meetings as possible to speak honestly about the profession and bring up troublesome issues. Ethical dilemmas will continue to crop up, all agree. But professionals continue to question its adequacy and vow to make any necessary changes when the time comes.

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