

## W.D. ROSS PRIMA FACIE DUTIES: IMPLICATIONS FOR BUSINESS ETHICS IN NIGERIA

**Collins Chiemeka Amadi ; Paul Ogugua**

Department of Philosophy  
Nnamdi Azikiwe University, PMB 5025 Awka

**Moses Chinwendu Anunaso**

Department of Philosophy  
University of Porthacourt, Rivers State.

### **Abstract**

In Business Ethics today, there are robust debates whether profit in business is considered an “ethical yardstick” for successful business. Incidentally, the nature of carrying out business activities in organization tends towards judging a successful business on huge profit amassed, to the exclusion of ethical conducts. Thus, it is observed that the concentration on only profit to the exclusion of ethics has been the cause of much business misconduct”. What follows from such business misconduct arising from the exclusive consequentialist nature of business pattern in some organizations are absence of an indigenous company with a long life span, poor public image of some companies, the fear to partner and invest in foreign companies, workers disengagement which could arise from conflict with some workers' moral values and unethical practices in the workplace, lack of consumer loyalty, possible undesirable 'ripple effect' that could follow from business misconduct - such as stealing by employees who lack ethical values - numerous incidents of corruption, misappropriation of funds, and a predictable crumbling of a business organisation involved in misconduct.

### **Introduction**

The approach to ethical principles in carrying out business activities in some of our organization lean towards consequentialism, that is, 'the ethical theory which holds that the consequences of an action is the criterion for determining how right or wrong the act is' with its appeal of the *end justifies the means*. Conceiving the sole aim of every business as geared towards maximising profit, this consequentialist approach to business activities is surprisingly ignored and even defended in most quarters. Albert Carr have compared issues in business ethics as similar to a poker game where deception is accepted and indeed necessary, arguing that business like a poker game has its own special ethics which excludes manipulation or concealment of strengths and weaknesses. According to Carr (1989), Business therefore should differ from prevailing traditions of societal morality in its standard of right and wrong. This consequentialist approach which temporarily offers huge profits to businesses regardless of unethical practices meted out on consumers have been frowned at; with the demand that this consequentialist approach be replaced instead with a deontological ethical system, that is, 'the normative theory of ethics which judges the rightness of action based on its conformity with a moral norm.' According to Weston (2001), this deontological approach, particularly *Kantian Deontology* is advocated in business ethics to avoid one making an exception to oneself on any business rules and practices expected from others.

The subjection of the rightness or wrongness of an act based on its consequence is rightly criticized by majority of philosophers. Anscombe (2017), amongst many, faults consequentialism for not providing ethical guidance on what should be done, for there is no distinction between consequences which are foreseen and those that are intended". The deontological ethical system in opposition to consequentialism is however, too absolutist with its judgment of actions based strictly on conformity with moral norms. For instance Ozumba (2010) see deontologists, as seen in Kant's categorical imperative would reject 'withholding the truth, even to a known assassin who inquires the location of his target.' Duty then, is not to be carried out for duty sake; duty is always for the sake of humanistic end. The unpredictable nature of the outcome of consequentialism, as well as the absoluteness of deontological ethical system makes it pertinent for an ethical theory that would suit businesses, to be recommended for business ethics in organizations. This becomes more pressing since the business world is complex and oftentimes, one encounters conflicting ethical decisions in workplaces.

To properly address business ethics in organization, particularly as it concerns possible conflicts that could be met in making ethical decisions as in the event of - whistleblowing, where the worker may be confronted between loyalty to establishments where he/she works and informing the public of unethical practices in the establishment, and possible ethical conflicts in continuing in an establishment one is disengaged from - we would critically, examine Ross' *Prima Facie* duties as an ethical theory to address not only absence of proper ethical decisions, but also, moral conflicts that can arise in the workplace.

### **Conceptual Clarification**

#### **Business Ethics**

Business refers to an economic system or organisation where goods and services are exchanged for another or for money. The word ethics is from the Greek word *ethos* (habit or custom) ethics then refers to stipulated moral principles. Ethics, involves critical study, deliberation and recommendation of the concepts of right and wrong conduct. Manuel Velasquez (2002) defines Business ethics as "a study of moral standards and how these apply to the systems and organizations through which modern societies produce and distribute goods and services and to the people who work within these organizations". (p.14) For Onyeaghala (2017) "business ethics operates as a system of value and is concerned primarily with the relationship of business goals and techniques to specifically human ends." (p.236)

#### **Business Organization**

A business organization is a person or a group of people working together in pursuit of the same commercial interest. In order to do this effectively, you must decide what type of business organization best suits your needs. Moreover, there are two types of businesses, non-profit and for profit. The former is a collective or an individual working to benefit the public good and needs to make enough money to cover operational expenses - but pretty much nothing besides that. Any excess above that is channelled back into the organization's goal. A profit company is any commercial enterprise that offers services or goods in exchange for money or other services or goods. In profit companies, not only are

operational expenses covered but also enough revenue must be generated to propel the business forward. Generally, businesses are led by a hierarchical structure that establishes roles and positions within the company. All decisions made are for the benefit of the company's vision and objectives. The leaders of the company organize and execute strategies to benefit that ultimate goal, and all employees are expected to work together to make that happen.

### **Whistle-blowing**

Near, J.P. et al (2017) defined Whistleblowing as the disclosure or exposure of an organisations' illegal, illegitimate, or immoral practices by its former or current members or employees to organisations that have power to take action. The wrong acts that could be exposed include: violation of company policy or rules, law, regulation, fraud, threat to public interest or national security, and corruption.(p.4). The information could be brought to surface either internally or externally. The whistle-blower can bring the information internally by calling the attention to the wrongdoing of people within the accused organisation for instance, a supervisor. The whistle-blower can inform other of wrongdoing by contacting a third party outside of an accused organisation like the media, government, law enforcement or the general public. Decisions of whistle-blowing has its documented dire consequences as the person, persons or organisation accused could attack the whistle-blower which could result in loss of job, distrust among colleagues, threat to life and even death.

### **Employee Disengagement**

Courtney Hart defines a disengaged employee as someone who usually don't enjoy their work, consequently doing the bare minimum and won't put in extra effort, making them likely not to be a company evangelist. The disengaged employee does not necessarily quit working, but fails to have an emotional connection to their work. Frances Burks quoting Entec Corporation noted that disengaged employees or disengaged workers have no emotional commitment to their work or place of employment. Disengaged employees are not necessarily bad employees but just do what's necessary to get their jobs done. They typically refuse to offer suggestions for improving the workplace. Burks further noted that the disengaged employees will not want to stay at work late if it's not required, after the workday wouldn't give their jobs much thought. Burks and Westhuyzen pointed out there are two types of disengaged employees, 'disengaged employee and actively disengaged employee.' The actively disengaged workers undermine their jobs and employers, and can sink employee morale and performance. The active disengagement can come from having managers with poor leadership skills, being underemployed, or underutilized. The disengaged employee is held by many to affect an organisation more than disgruntled customers. This is because their lack of interest affects productivity, and their incessant complaints to friends or relatives could lead to a lack in the trust of the values an organisation may wish to portray publicly. Employees are like ambassadors and their feelings about the organisation goes a long way to affecting the organisation.

## Consequentialism

According to Bowie, N.E (2011), consequentialism is the ethical theory which holds that people should act in ways resulting in the best of consequences.(p.58) That is, in consequentialism, consequences of one's conduct are the ultimate basis for any judgment about the rightness of that conduct or wrongness of the conduct. In consequentialism, an actions consequence is everything the action brings about, including the action itself. The most traditional view among Consequentialists is conceiving happiness as the only result which in itself is good.

## William David Ross On Prima Facie Duties

Largely influenced by H.A. Pritchard and G.E. Moore's intuitionism, especially with some of Moore's concept about the nature of intrinsic value, and having reservations as to Moore's ideal utilitarianism; Ross (2007) developed his ethical theory of *prima facie* duties in his work, *The Right and the Good* which C.A. Broad claims to be “much the most important contribution to ethical theory made in England for a generation”.(p.228) In it we see a unique type of deontology, which presents a plurality of moral requirements and intrinsic goods. The *prima facie* duties summons an articulation of self-evident moral principles that can be used to make moral judgments when confronted with conflicting moral principles.

Irked by the claim of utilitarianism, that there is only a single obligation to promote the general good; Ross goes to prove that there are special obligations to carry out certain duties irrespective of their consequences; that right acts are so based on their intrinsic rightness, not depending on their consequences but depending on their nature. Highlighting this view Takala writes:

Ross wanted to take account of both the motive and the consequences of the act. He rejected the (teleological) idea that the consequences of some acts are the only one remarkable criteria, when one evaluates the moral worth of that act, Ross never agreed with Kant that only one moral law can be formed as a basis for our action. Thus, Ross idea is an intermediate form between deontological and teleological theories.

Having the conviction that every right properly considered, will in some aspects, be *prima facie* wrong, and viewed in some other aspects, *prima facie* right. Right acts for Ross then can be distinguished from wrong acts only as those, which available to the agent in the circumstances, have the greatest balance of *prima facie* rightness, in aspects in which they are *prima facie* right, over their *prima facie* wrongness. He offers no general rules as to the estimation of the comparative stringency of these *prima facie* duties but is of the view that a great deal of stringency can be seen in duties of 'perfect obligation' such as- the duties of keeping promises made, of repairing wrongs committed, and returning equivalent services that were offered

### What Makes Right Acts Right?

Ross began his work by stating that the conflict between the proponents on one hand and opponents of hedonism and utilitarianism is not as to the productivity of 'right' for it cannot be plausibly maintained that right is productive. The conflict in Ross' (2007) opinion is "whether there is any general character which makes right acts right, and if so, what it is".(p.16) Historically, the main attempts to state a single characteristic of all right actions are those made by egoism and utilitarianism. Ross declined however to discuss the two theories of egoism and utilitarianism since for him, there is almost a consensus that the two are unsatisfactory.

Ross claims that the most attractive theory as to what makes actions right is that offered by G.E. Moore: "that what makes actions right is that they are productive of more good than they could have been produced by any other action open to the agent" This theory for Ross is attractive because it is the culmination of all the attempts to base rightness on its ability to produce results.

On reflection it seems clear that pleasure is not the only thing in life that we think good in itself, that for instance we think the possession of a good character, or an intelligent understanding of the world, as good or better. A good advance is made by the substitution of 'productive of the greatest good' for 'productive of the greatest pleasure'.

The interesting thing about G.E. Moore's theory for Ross is not that it is more attractive than hedonistic utilitarianism but that it is the logical bases of hedonistic utilitarianism (for hedonistic utilitarianism cannot be true unless Moore's theory is true, while Moore's theory can be true whereas hedonistic utilitarianism could be false). It could stand logically without hedonistic utilitarianism but hedonistic utilitarianism logically has no stand without it. This theory of Moore, Ross prefers to term 'ideal utilitarianism.' Ross however, has a reservation for Moore's theory as it seems in Ross' opinion to unduly simplify relations to our fellow. Moore's theory says in effect, "that the only morally significant relation in which my neighbours stand to me is that of being possible beneficiaries by my action. They do stand in this relation to me, and this relation is morally significant". For Ross, each of these relations is the foundation of a *prima facie* duty, which is more or less incumbent upon me according to the circumstance of the case.

Commenting on the relationship of Ross (2007) theory with that of G.E. Moore, and how they differ, Albert, Denise and Freund write:

Ross ethical theory resembles that of G.E. Moore in important ways. Both theories hold that intrinsic goodness is an indefinable quality of things; moreover, both theories hold that certain statements about objects being intrinsically good are self-evidently true. There is decisive difference between them, however, concerning the status of our concepts of the obligatory: In Moore's system the meanings of such terms as right, ought, and duty are linked to maximizing intrinsic goodness, in Ross's system there is no such linkage. Ross contends that rightness is a distinct, indefinable characteristics of acts, that it is generally independent of

whatever may result from the occurrence, and that certain statements about the acts may result from their occurrence, and that certain statements about the acts being morally right are self-evidently true (p.296)

For Ross, he is bound to think this *prima facie* duty his duty *sans phrase*, when in a situation in which more than one of these *prima facie* duties is incumbent on him, he studies the situation till he has formed the considered opinion that in the circumstances one of them is more incumbent than any other. Ross apologizes for the use of the term '*prima facie* duty' or 'conditional duty' since it suggests a certain kind of duty, when it is in fact not a duty, but something related in a special way to duty. He indicates his intention is to have a phrase in which duty is qualified not by an adjective, but a separate noun. Ross apologizes too that '*prima facie*' suggests what is only being treated is appearance which a moral situation presents at first sight, and may turn out to be illusory. What was being treated in Ross *prima facie* isn't appearance but objective fact involved in the nature of the situation, or more strictly in an element of its nature. Ross rejects Prichard's suggestion of the term claim on the basis that the word claim can make the agent subject to claims that can be made against him, and that claim inevitably suggests two persons. Ross therefore preferred to stick with duty. He suggests that there is nothing arbitrary seriously held to be without moral significance.

### **Divisions of the *Prima Facie* Duties**

A numbering of David Ross' *prima facie* duties shows six (6) of the *prima facie* duties; reading through the list however, they are seven with the first in the number divided into two further acts which rests on acts previously carried out. The divisions of the *prima facie* duties then run thus:

- 1) There are some duties which rest on previous acts of my own, and these duties seem to be of two kinds- (a) of those resting on what may fairly be called an implicit promise, as can be seen in the undertaking to avoid lies evidently enshrined in the very process of conversation, or of writing historical books. These duties may be called the duties of fidelity. (b) and there are those which rest on a wrongful act previously committed, these may be called the duties of reparation,
- 2) There are duties which rests on acts previously carried out towards me by others, these we may loosely place as the duties of gratitude,
- 3) Some duties rest on attempting to upset the unequal distribution of happiness or pleasure that is not in accord with what the beneficiary of such a distribution merit, these are the duties of justice.
- 4) Some other duties rest on the fact that there are persons whose condition in respect to intelligence, virtue or pleasure we can make better, and these may be called duties of beneficence.

- 5) Some rest on the ability to improve our very own condition in respect to intelligence or virtue, and these are the duties of self-improvement.
- 6) To be distinguished from the duties of improving the conditions of others, that is, duties of beneficence, are duties not 'to injure others,' to be simply or more appropriately referred to as duties of non-maleficence. Ross holds that this duty is of a more stringent character than duties of beneficence, because the primary duty here is not to cause harm to others. This duty for Ross cannot be stated in a positive way, and it is the only duty stated in the negative. This duty for Ross is the first step towards recognising the duties of beneficence and accounts for the prominence of the laws in the Decalogue on preventing harm to others. It is then of more binding nature and distinct from the duties of beneficence.

Ross makes clarifications on the names used in the provisional list of duties. He identifies that the use of the terms 'fidelity' or 'gratitude' means and refers to some states of motivation, and he had previously urged that it is our duty to do certain acts, not have certain motives. Ross noted that the word 'fidelity,' for instance refers to a disposition to fulfil implicit promises made, and 'gratitude' is returning irrespective of motives, services rendered. There is then no general word to cover the actual fulfilment of implicit promises, or return services, irrespective of motives. The word 'fidelity' is then used conveniently to fill this gap. Fewer apologies is needed for justice as it is not confined much to a state of motivation, and beneficence rather than benevolence was used to emphasize the need to act out of duty and not motives.

### **The Implications Of Ross' *Prima Facie* Duties For Business Ethics In An Organization**

#### **The State of Businesses in an organization**

Building on the notion that the sole aim of every business is the maximisation of profit, business executives and businesses in an organization discard ethics. Lamenting on the unethical trend of some of organization businesses, Eluca and Chukwu noted that the conducts of business in some organisations are shrouded in practices that are unethical. This assertion they highlight, is evidenced in many organisations like banks, manufacturing companies, service oriented organisations and so on. Of particular note are several cases of bank failures recorded in the early 2000s which were caused by unethical practices. Also, companies like Nigercem, AVOP, Ikenga Hotels, Niger Steel, Oghe cashew industry, Enugu's Presidential hotel amongst many failed because of unethical business practices

Times when businesses try to be ethical, they employ a consequentialist ethics with a completely utilitarian perspective. This is worrying as the poverty rate can present substandard products as what is 'most suitable' to the majority of organizations, making it seem then that consumers do not deserve quality products. A problem in taking a consequentialist approach to business is that organization executives and managers are the ones to determine what outcome or consequences are ethical, and this is problematic as the ethical consequences of a business transaction could be judged on purely selfish

reasons, or profit-oriented outlook. Summarily put, business executives ruled by their greed, try to maximize the greatest amount of profit without the due or expected effort towards hard work, a devotion to time, energy, and adequate research.

What results from the rampant unethical practices in the country are corporate impunity, executive recklessness, lying, cheating, corruption, using faulty scales for measurement, deceiving customers and clients, corporate prostitution, an unwillingness of foreign investors to invest in the country, lack of adherence to corporate governance and so on.

The unethical practices are not helped by the high level of nepotism, favouritism and tribalism prevalent in the system. Criteria for employment, promotion in the workplace, award of contracts, appointments, reward or punishment in the workplace are all riddled with nepotism, religious and cultural bias, tribalism, and partisanship. According to Okpara (2003), The corruption rate in some organizations weaken strong attempts to address these unethical practices, which most countries as listed in the world by Transparency International, an anticorruption pressure group founded by a former World Bank official. With the age of globalization which in its stead introduced Information Technology, such unethical practices which seem to be carried out with impunity in the business organisation cannot go on. This is as a result of globalization and social media, which have led power to be shifted from the business organisations and managers to consumers. In recent times, consumers in making a purchase decision have better trust in online consumer recommendations and users reviews on social media websites than they do on traditional media. Nowadays, the negative or positive comments from customers affect the purchasing decisions of consumers. The social media then becomes a veritable tool for consumers seeking to obtain information about a product, and offers a platform where consumers can share their opinion about brands and products.

Thus, Mainwaring (2018) noted that with the social media, we do not just have a new branding and marketing tool. We have with the social media, a growing force to be used for large-scale global transformation which is led by consumers who are socially conscious and seek to use their purchasing power and voices to temper reckless capitalism and stop unethical business practices. A tool that would soon become an aggressive opportunity for consumers to use in influencing business attitudes and make companies more respectable to a corporate social responsibility, and move us to a practice of capitalism that is more sustainable. Mainwaring (2018) further writes that despite many critics who consider social media tools like Twitter, Facebook and You tube as exaggerated distractions which are only useful for disseminating and exchanging trivial information, we have seen in recent times the political reform, humanitarian relief and influence in the business world which Facebook and Twitter have played a vital role in, as seen in the 2011 revolutions throughout the Arab world, and the aid efforts given after the natural disasters in Haiti and Japan; as well as the Facebook led Greenpeace protests against Nestlé's tacit support for deforestation in Malaysia.

Malaysia, Nigeria etc are not left out of the attempt of the social media to turn the world into a “global village.” Amaefule quoting Nigeria's minister of communication Mr. Adebayo Shittu writes that 'over 75 percent of the Nigerian population who use the internet are on social media.' We witness many companies and banks owning and managing social media handles. In fact, it won't be much of an exaggeration to boldly claim that all commercial banks in Nigeria operate daily, not just on one but all the social media platforms. With the possibilities of the social media influencing market outreach, consumers review and a possible boycott of products and brands can be easily carried out. With the active part played by countries daily on social media, the unethical business practices in organizations shouldn't be left unaddressed especially for organisations who aim not just to be noted for their integrity and brand name but desire to stay long in business. Based on the awareness of the power shift that lies chiefly in the hands of consumers, the issue of business ethics is been taken serious as many organizations publish intellectual and educative articles on business ethics. Hence, Ozumba (2010) Business ethics in organization becomes important to achieve restoration of our culture, as globalisation and western multinationals with their aggressive marketing methods, notably impede local cultures and values.(p.197)

### **When do Values Conflict in Businesses?**

The value which a person cherishes can conflict with another value well esteemed. For some, they choose to term this conflict as 'conflict of interest.' That is, an ethical interest which becomes a value one develops out of religious, social, cultural, psychological, or personal reason. The term value is then replaced by interest. For Bowie and Schneider (2011), conflict of interest can be found everywhere. It can be seen both in professional life as well as in personal life. These conflicts can be encountered by most people every day. The interests may not always lead one to bad behaviour but present pitfalls and challenges when one attempts to be ethical in an organisation. A value competing or conflicting with another value then would not mean that one would make an unethical or bad decision, or that the ethical choice to be chosen is unclear. The conflicting values or interest however, can lead one to finding it harder to make the right choice.(pp.67-68) Having noted that conflict of values can be encountered by most business people every day, the question then becomes: when can values conflict in the workplace, or in business organisation? Ferrell, O.C et al (1993) says that Conflict of value in a business transaction can happen when people must choose if they are to advance the interests of those depending on them, or their own interest.(p.61) For Bowie and Schneider (2011), we encounter conflict of values when one's family obligations compete with their professional duties, or when the self-interest conflict with the responsibilities of good citizenship.(p.69)

According to Shersher (2018), these conflicts of values are called *ethical dilemmas*, and they occur when a person's personal values are in conflict with practices best outlined by a profession, or if a situation specifically demands a worker to prioritize one ethical principle over another. We see such conflicts or dilemmas in the workplace or organisations and they can be witnessed in issues like whistleblowing, advertising of goods and services, working as an employee while disengaged from the work and even

family obligations that interfere with work. We would not be able to treat all these dilemmas or conflicting values. We would restrict ourselves to whistleblowing (which is a trending and current issue, though it is heard more in blowing of whistle, as regards embezzlement of public funds) and how employee disengagement in the workplace can result in values conflicting.

### **Whistleblowing with particular reference in Nigeria**

Wale Odunsi reporting on *daily post* informs us that the Nigerian minister of finance claimed to have received 2,351 tips from whistleblowers in the year 2017. The tips were on issues concerning embezzlement of government funds, contract inflation, looting of assets, and so on. These tips can be claimed to have been propelled by President Buhari's presidential campaign promises in the year 2015, to fight corruption if elected into office. With the tips received, over eleven billion naira (? 11,000,000,000) cash stocked in hidden places by looters of public funds is reported to have been recovered by the Nigerian government through its agency that fights economic corruption. With the tips, and possible harm that may come upon the whistleblower, the Nigerian senate in June 2017 passed the whistleblower protection bill which would protect the whistleblower from an 'often possible' retaliation, career destruction, harassment, sack, and physical injury that can even lead to death.

Whistleblowing became popular in Nigeria in 2017 with the enormous tips and recoveries claimed to be made. The majority of whistleblowing cases witnessed in Nigeria however, was in the public sectors, and had so much to do with embezzlement of funds. Since our research has more to do with business ethics, we would be looking not just at public sectors and embezzlement of funds, but we would also look at whistleblowing in private sectors for which there are no popular incidents in Nigeria as we have them in the public sector where we have whistleblowing incidents that led to the recovery of looted funds. Since Whistleblowing in the workplace or organisations involves bringing to public knowledge corrupt practices in the workplace that not only endangers the public but are unethical. Whistleblowing seems then at face-value to be a morally easy option to choose. However, a consciousness of what the workplace holistically is (not only a place where work is carried out to earn a living, but also a place where colleagues meet, and through their work socialize, empathize, assist and improve one another) gives an insight that in whistleblowing, we encounter a moral dilemma or a conflict of values encountered by an employee in the need to bring to public domain, issues of corrupt or unethical practices in an organisation.

Agalgatti and Krishna (2007), commenting on the dilemma a whistleblower faces from a moral perspective noted that loyalty is an extremely acclaimed virtue which an employee should possess. A business possesses a vested right to demand absolute loyalty from its employees. A business which is real on the other hand, must conform to societies' basic rules that are either embodied in law or in ethical custom.(p.142) Hence, there is a limitation on the extent of loyalty a company can desire or demand from an employee. The duty to be loyal binds if the company is morally appropriate in its actions and goals. Therefore, an employee if asked to perform an immoral or illegal act, or who witnesses

such an act is placed in a position that is morally difficult. In this dilemma, any action that the employee takes will lead to untenable or unpleasant ends. It is then necessary for institutions or businesses to avoid such moral dilemmas being thrust upon loyal and sincere employees.

Davis (2003), is of opinion that Whistle-blowers in revealing information that the employer does not want to be revealed are viewed by employers as disloyal to the organisation. (p.545) While Hunt (1998) Whistleblowing then becomes a problem if the employer does not consider the information disclosed to be in the best interest of the general public, or what is divulged is considered by the employer as a matter of security or confidentiality.(p.527) Uys and Senekal (2017), noted that the whistleblower is confronted with the conflicting demands of the morality of loyalty versus morality of principle.( p.38)

The notion of morality of loyalty is an act considered good morally, that is, one being committed to a group of people or a particular person as a first priority, irrespective of the rules that are universally acceptable and are applicable in a particular context. Loyalty then stems from an obligation that is special, flowing from a special relationship which exists between members of a group or organisation. Loyalty to an organisation then requires that employees' action should be carried out in good faith, and should be in the best interests of the organisation. This act of loyalty, employees put to effect through conformity to the norms and values of the organisation, obeying reasonable instruction, protection of the organisation and maintaining the confidentiality of the organisation. On the other hand, the notion of morality of principle defines as “morally good” actions that are in accordance with certain principles that are abstract (from our perspective – the legal or ethical requirements which is applicable to the organisational context) irrespective of who may be involved. That is, morality of principle implies those actions that contain universalistic values in which in the determination of what is moral or right, one's relationship with particular groups, individuals, or organisation is not taken into account.

Analysing the dynamics that are involved in the moral dilemma of whistleblowing, Uys and Senekal identified three dimensions that are bipolar which defines the parameters within which the experience of the dilemma could fluctuate. The first is the *dimension of perception*; which has to do with the perception of the whistle-blower versus that of the organisation or employer. The second is the *dimension of scope*; that is, the extent to which the wrongdoing is limited to the individual immoral culprit, or its extensive number of people. Here, the nature of perceived wrongdoing, that is, the distinction between organisational and occupational misconduct is relevant. The third dimension is the *dimension of power*; power, particularly the power the whistle-blower wields as compared to that of the wrongdoer/s.

The act of whistleblowing reminds other workers of their complicity in the unethical or illegal practice, or of their cowardice towards resisting it. With the whistle blower's

presence, their moral inadequacy is reminded them. The whistle blower cannot be a hero, he is a trouble maker and traitor whose action could possibly lead to their job dispensed of by the organisation or firm. It is also rightly expected that the employee puts in not just a certain amount of work to the company but some positive mind and attitude towards work, colleagues and the company. And this positive attitude can be translated as loyalty where whistleblowing considered as an act of 'biting the hand that feeds one' is considered despicable and heinous. For Agalgatti and Krishna (2007) then, demanding that workers agree to be part of immoral or illegal activities for the organisation is an extreme opinion. It is more ethical to refuse to be part of such illegal acts, and an attempt to correct unethical practices in the firm is an act of 'super loyalty' as long as it is done in an open, prudent and honest manner.(p.149)

### **Disengagement in the Workplace**

Most organization workplaces are famously known to be associated with nepotism. In some of these places, employment is given based on favouritism and sentiments. The consequences of hiring people who are related in some way to an employer based on personal reasons and sentiments results in having a large percentage of the wrong people for a job. The inefficiency and inadequacy of the bunch employed for some reasons other than their superior capabilities leads to a ripple effect that could lead to disengaged workers. Sabrina Starling in her article *5 Reasons for Disengaged Employees: 2 may Surprise you*, noted that inefficient employees can lead to the best employees getting tired of having to clean the mess that the inefficient employees made. The corrupt or unethical practices carried out by some companies could lead to disengagement as employees who have moral values could become disenchanted by the unethical practices exhibited or performed in the company. Because of the job insecurity in the country which could make internal complaint or the worst case scenario of whistleblowing an unappealing prospect, as blowing the whistle may result in one losing their jobs, with new good jobs very difficult to come across easily. Coupled with the extended family system practiced at large and in particular which tasks one with multiple dependents, an employee who has moral values that are well cherished might be unable to bring to public domain unethical practices in their workplace leading to an ethical dilemma on the ethical value to choose. This could lead the employee to seriously be disengaged from the work.

Highlighting on how unethical practices could lead to employees being disengaged, Idumange noted that 'employees join companies based on a contract that is psychological. Meaning, employees join companies based on their understanding and belief of what the company stands for. That is, its practices and how it will treat its customers and employees. When employees however discover that issues of ethics exist, they cope by possibly taking one of several actions. Some of the employees sabotage the company's activities when they are ideally supposed to be its brand ambassadors. Therefore, the company's reputation is tainted when employee loyalty is compromised by ethical hazards.'

Ugwu (2018) traced employee disengagement which came from unethical practices in organisational settings from the colonial periods. With the settling of the colonialists in settlements designated for administrative and trade conveniences, and subsequent establishment of formal organisations, the native were recruited into these established

organisations and paid in piece-rate which led to many native attracted to the work and pay system. With time the native realized that there was a large margin between their input and their pay or rewards. In order resist what they felt was the exploitative tendencies of the colonialists, the native at that period embarked on a large scale of unethical behaviours which included pilfering and embezzlement such that at the dawn of independence most employees had imbibed the western-oriented managerial skills. While it might be debatable to attribute solely the high rate of unethical practices and embezzlement to the colonialists, a fact remains that organization employees are rated as one of the most disengaged in the world, and this should be of concern to organizational stakeholders as Oshilim and Akpesiri noted that based on multiple researches carried out, employee disengagement impacts on organizational performance and outcomes. Pointing to the researches, they (Oshilim and Akpesiri) noted that there is an indication that the more engaged employees are, the more likely it is that their employer would exceed the industry average in its revenue growth and employee engagement is positively related to customer's satisfaction.

### **The Implications of *Prima Facie* Duties for Business Ethics in an organization.**

The business life is one in which dozens of exchange are carried out. In business activities there are small and large scale transactions where people get something they value more than what they give up. With such daily transactions which go on in businesses around the world comes the temptation to outsmart the other since they are trading what they have for something that is at the moment of trade of value to them. These attempts to outsmart, comes in form of selling low quality goods, using faulty scales, deceitful adverts, and so on. Also involved are trying to cheat, intimidate, denial of agreed rights and privileges of a worker, or an employee stealing from, changing records, in fact, all unethical practices or breach in the agreement and conduct which are expected or were agreed upon *ab initio* for duty performed or services rendered. With the greed involved in business transactions comes a defence of it offered with the notion of profit-making which is the primary aim of business. It is this desire to make profit "at all cost" that makes the notion of business ethics seem meaningless to some. Making profit when done with disregard to ethics as we have noted earlier, harms the business in the long run, as customers become cautious of unethical companies. The call not to be unethical lies in the core of Ross *prima facie* division of non-maleficence. Ross (2007) noted that it is very clear at the early stage of moral development that in things which are bad in themselves, we ought not, *prima facie*, to bring it upon others.(p.26)

Hence, the production of goods which are harmful and the deceit that is practiced in businesses in organization with some of the practices, physically harmful and life-threatening as seen in the health sectors like marketing of medicinal drugs which are intrinsically bad in themselves and ought not to be brought upon others. With this duty not to bring to others, things which are bad in themselves comes the duty of beneficence and self-improvement which comes from the general principle to produce as much good as possible. The duty to bring as much good as possible comes with it a pride that places a

business organisation at the top chart of organisations with integrity and ease of doing business. The good which is produced in as much quantity as possible offers an organisation a brand name that is reputable, and with such reputation which is needed during this age of globalisation the company not only makes the 'rightfully earned profit' but also has an advantage to last a very long time. With the competition in the global nature of modern market comes a consequential approach towards doing business in which majority of businesses seem to aim only at the maximization of profit. Good business in organization seem to be judged by some based on the quantity of products sold and enriching of stakeholders. Amidst this consequentialist approach towards business is Ross call that no matter the modification carried out on moral theory, the sense of special obligation should not be lost. And that sense of special obligation is embedded in Ross divisions of the *prima facie* duties. An act then is not right because it produces good results, but an act is right because it is itself the production of a certain state of affairs. Its rightness does not rely on the consequences produced but lies in the intrinsic rightness of a certain type of act, that is, it is right solely on its nature.

Ross divisions of the *prima facie* duties which have in the divisions the duty of fidelity, reparation, justice, beneficence, self-improvement, gratitude and non-maleficence places a moral obligation on organisations to perform acts not simply based on the consequences of profit but their actions should contain in it the very nature of moral goodness. In situations where values run into conflict, a mature and ethical reflection from the *prima facie* duties should lead to the selection of a duty that is more stringent than the other. This duty which is of more stringent nature than the other should be self-evident with sufficient mental maturity and the required attention to the proposition.

Therefore, in a situation where a conflict of values arises in which the decision whether to blow the whistle on the wrongdoing of a business institution, or to stay loyal to same institution, Ross calls for a sufficient reflection on the values which are presented. Concerning this Rossian view that calls for sufficient reflection upon the ethical dilemma which whistleblowing could present Agalgatti and Krishna (2007), puts it forth that whistleblowing can only be ethical when motivated by a concern for the interests of the general public, and the whistle blower has a clear, just, unbiased and complete view of the company's actions, and he is altruistic and selfless.(p.143) His action is a 'Super-loyalty' which prompts him to desire that his employers do not get involved in unethical or immoral actions which would be to the detriment of society. And in this, his actions are to be guided duly by the twin principles of prudence and fairness. The employee must be fair and summon facts and his concerns which are at his command to the notice of his superiors. If the whistle blower is to go public that is after an internal reporting is not addressed, he must re-evaluate the evidence of a possible wrongdoing to the company and must assure himself of the moral imperative of his knowledge and action. His act to bring to the public domain the unethical practices of the company involves then a sense of prudence which will be an act of Super Loyalty to the organisation.

Similarly, when unethical practices lead to a disengagement from the workplace where the worker is faced with the conflicting decision to either quit the work based on his/her inability to fathom or accommodate the values which may be of personal interest that are compromised while faced with the stark reality of the possible inability to pay bills at

home and carter for the family or refusing no matter the sacrifices involved to bring to the public, issues of morality that are ignored in the organization, then a sufficient mental reflection is required which becomes self-evident upon which the more stringent duty is chosen. And in this the duty of non-maleficence should be of more stringent nature than the duty of beneficence. Hence, since human life is sacred and almost every ethical principle is aimed at preserving life, if an action injures or is of fundamental threat to life, then the duty to stop such injury becomes paramount and more stringent than any other duty.

### **Recommendation**

Many business experts including notable names like Nobel winning economist Milton Friedman (1988) have argued that business should be amoral. For them, business ethics is an unaffordable luxury. Ethical choice as a matter of fact, is expensive in the long run, for in ethical commitments could arise missed opportunities of a partnership which fails to share your values, or a higher production cost. The right ethical conduct however, helps an organization perform better and last long than their counterparts who are immoral or amoral. A huge pile of research work shows that companies that enjoy good reputation can lower their cost of operation by having streamlined arrangements with retailers, suppliers, and vendors. Companies with reputation for good conduct also enjoy greater customer loyalty and retention that can be translated into more repeated sales over a long period. Their loyal customers unofficially become sales representatives for them by referring their friends and relatives who are most likely to be loyal customers themselves. And research shows their loyalty will be offered more quickly than those who referred them. This is made possible because those they trust vouched for the company.

To understand why business ethics should in recent times not be a matter of triviality perhaps some global issues should be looked at. We have cases like Nike's 2004 advert, *Chamber of Fear*, 2007's guerrilla marketing campaign in Boston, and the Nike's *flaming logo*. As well as companies like Ford, Hennes and Mauritz, Zara, A.H. Robins, Nestle and so on that have stirred public outrage as well as lost customers, earned ill reputation and spent millions of dollars as the case may be, trying to repair damages that arose from ethical problems by the companies. While companies have run into problems with unethical practices the efforts of Johnson and Johnson (J&J) have shown that engaging in the right moral practices not only prolongs a company's life span but maximises profit as well. J&J pulled off twenty-two bottles of Tylenol off from shelves in the United States of America after seven people were poisoned by cyanide-laced Tylenol capsules in Chicago in 1982, offering to exchange any old capsules for tablets. Executives were made available to the media to spell out forthrightly the company's response, and introduced Tylenol only slowly and in tamper-resistant packaging that has since become an industry norm. Although J&J lost a hundred million dollars with their response, they also saved the brand, which quickly reclaimed more than eighty percent of its previous market share.

More researches should be carried out in business ethics and philosophers should harken to the call of Jeffrey Moriarty who noted that after a surge of researches and activities 30 years ago, philosophers who raised the field of business ethics from researches that were

made by political and moral philosophers in the 1970s and 1980s seemed to have withdrawn from the field. The interest for Moriarty of political and ethics in business is of little surprise as in business activity we find many issues such as concepts of truth, agency, justice, manipulation, exploitation and more. This for Moriarty is a missed opportunity as many business people are concerned about business ethics and consider themselves good people who will do the right thing at work. With many agencies like the Association to Advance Collegiate Schools of Business (AACSB) requiring ethics to be taught in business schools, to fill the void therefore, business schools have turned to the management scholars as administrators have retreated from business ethics. Moriarty rightly noted that based on their training in the social sciences, management scholars largely treat ethics as a descriptive enterprise (the study of the causes and effects of allegedly ethical or prosocial behaviour). This descriptive pattern for Moriarty is important but never a substitute for a normative reflection on that which is ethical in business.

To establish a moral workplace that would be positively transmitted to how business is considered globally, and establish a company reputation and integrity that would lead to indigenous companies in enjoying a lasting life span, it behoves on managers and directors of companies to apply the *prima facie* duties that would lead them to give their customers and employees the duty of fidelity, reparation, gratitude, justice, beneficence, self-improvement and non-maleficence. Since there exist arguments that Ross *prima facie* duties do not offer a clear route in conditions of ethical conflict, it is our recommendation to point out that it is not enough to only perform the duties of *prima facie* rightness. Companies should embark on continued dedication to ethical integrity which would make ethics a real part of their business plan. Bowie and Schneider points out that researches made have shown that if small lapses in a company are not corrected, it can erode a company's ethical culture that people may fail to notice it – leading then to a phenomenon that is called the *slippery slope*. What then seems to be insignificant breaches of what should constitute ethical standards becomes easily acceptable for everyone, and these small lapses can lead to a company or organisation having an *institutionalised unethical conduct* which gives the notion of “it is simply the way we do things here.” With this kind of culture, egregious actions may be unreported or tolerated since people have become accustomed to such conduct around them. Employees could have a feeling that they were complicit in the creation of the unethical culture and are therefore motivated to keep quiet in order to protect their own interests.

Therefore, outside the recommendations made by several researches to institute an internal reporting pattern in business institutions and organisations so as to eliminate cases of external whistleblowing, efforts should be made to make sure ethical cultures in a business organisation are consistently read out and stuck to. Issues of “just small ethical problem” should not be trivialised or overlooked so they don't become little drops that would eventually form a giant puddle which will sink the business organisation. More researches on the issue of business ethics is needed by public administrators who seem to have withdrawn from the field of business ethics, leaving it to management scholars after generating interest in the field in 1970s. The need for public administrators to make researches arises because ethics addresses the core problem of business ethics which lies fundamentally in human conduct and man's unbridled greed for material gains.

## Conclusion

The contemporary society is one easily identified globally with corruption. Public incidents of embezzlement of public funds, internet scams, and dealers of hard and illegal drugs have been unfortunately linked with organization. This conception from a global perspective is sadly found in business dealings in the market place as issues of faulty scale, low quality and even fake products flood the market, underemployment of workers, deceitful adverts, environmental pollution, stealing of company's resources, false accounts, and so on is found in the markets and workplaces.

These unethical practices are usually treated with some level of triviality as the conception of the average entrepreneur lies upon the principle that the sole aim of every business venture is to make the best profits. Business standards are measured on the grounds of that which could make the best sales and gather the largest profit. This leads to a consequentialist notion of what business is all about which becomes the bane of business enterprise. With this consequentialist notion and perspective which though offers immediate rewards can be rightly considered not have lasting effects as such consequentialist nature that is solely based on making the greatest profits to the exclusion of ethical conduct, leads to the greed which is associated with such mental outlook. Hence, no indigenous company as John Idumange noted have enjoyed a life span of more than fifty years. With the consequentialist approach in which businesses are carried out, they could go 'by the book' following all legal procedures. It is important to note though that the law is not the same as doing what is right. When ethical decisions that are involved are not universal, the law often falls behind community standards, and the failure of the law to catch up with the changing community moral standards could result in public backlash and problems for the company.

The global nature of the world today which is aided by the use of the social media which are amongst the greatest users in the world makes it easy for consumers now to boycott a company (as happened in the boycott of Nestle products in India) that engages in unethical practice. With the rampant and effective use of the social media, the market power has consequently moved from stakeholders or co-operatives to entirely the hands of consumers. With the social media comes the ability for people to report unethical practices that would reach the entire world in milliseconds. With this tool and ability of the social media, comes an ease to report and bring to public domain issues of unethical practices. This move to make the public aware of what an organisation does wrong could result in a moral dilemma with one torn between loyalty to the organisation or satisfying his/her conscience to report moral ethical problems that exist in a business organisation. In this dilemma is offered W.D. Ross (2007) ethical theory of *prima facie* duties with the duties binding unless on sufficient mental reasoning and based on moral conviction which is self-evident, a duty is overridden by another that is of more stringent nature.(p.22) This duty that overrides another moral duty is clear as in the truth of mathematical axioms. The duty of doing good for instance based on the relationship with the person who is to benefit from my benevolence (duty of beneficence) is overridden by the duty of preventing harm or injury (duty of non-maleficence) to another based on the relationship with the person.

The Rossian ethical theory is offered in place of deontological ethical theory which is

absolute and fails to consider not only the personal nature of morality, but some intricacies that may be involved in taking a moral decision. With Ross ethical theory comes an admonition and awareness of the proper conduct required to carry out ethical decisions in business based on the divisions of the prima facie duties and on prima facie rightness incumbent upon one to perform not only to foster harmonious living, but establish a mutually respectful way of conducting business transaction. It offers principles to follow when confronted with a moral dilemma which calls for a careful reflection on the values presented which he believes to be the right ethical decision based on the sufficient mental reflection that aided the decision which is self-evident upon some mental maturity.

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