



# *Meeting Ethical Challenges in EA Practice*

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Presented to  
Employee Assistance Society of North America  
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# Opening question

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- Is an act of omission that leads to harm as unethical as an act of commission that leads to the same degree of harm?



# Objectives:

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- To educate clinicians on the role and significance of ethics in professional practice
- To clarify the theoretical underpinnings of ethics
- To raise awareness of contemporary ethical dilemmas and their implications on practice
- To demonstrate one ethical decision-making model
- To outline the various recourses available to address perceived ethical violations



# The Role of Doubt

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Appreciate doubt. Doubt allows us to rethink our assumptions. When people become too confident of their beliefs, they stop asking questions, stop reflecting. Their minds become closed.

Unquestioned beliefs soon become dogma, and dogma has too often been the foundation for man's inhumanity to man.

*Saul Alinsky*



# Ethics: what it is and what it's not

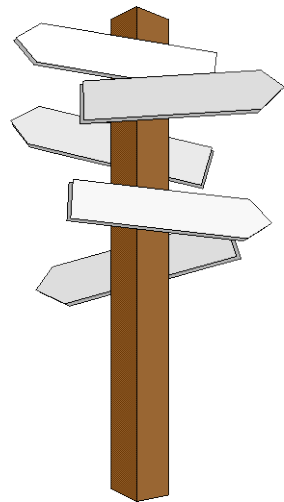
What it is not:

- not about law
- not about policy
- not a set of lofty principles  
noble in theory but impossible  
to practice

# Ethics: Definitions

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- Ethics: the study of the nature of morals and moral reasoning
- Two levels of moral reasoning:
  - The everyday intuitive
  - The reflective, critical level
- Normative ethics: sets norms or standards of ethics or conduct in a particular setting or profession

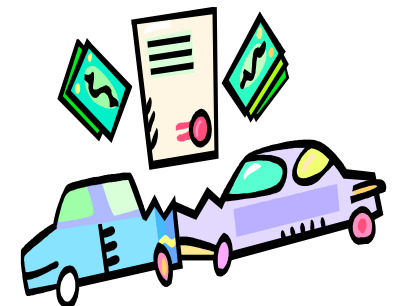


# Ethics: Definitions

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Ethics is to morals what musicology is to music.

An ethical *dilemma* is the collision of two moral values (noble vs. noble or noble vs. ignoble) where benefit or harm to another may result







# Ethical Codes: Definitions

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- Can be viewed as a set of principles toward which one aspires (high road),  
*or*
- Can be viewed as a set of proscriptions whose only function is to keep one out of trouble (low road)

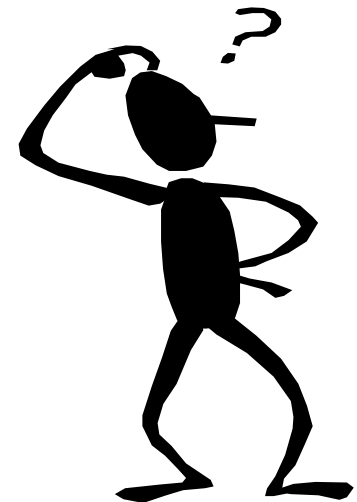


"Don't worry about doing the right thing. They'll be plenty of time for that when you're fired, retired, or reincarnated."

# Ethics: Challenges

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- Disagreement on ideals
- Disagreement on definitions and facts
- Disagreement on appropriate behaviors (application)
- Ex: Terry Schiavo case



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# Ethics vs. Law

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*“Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then?...It is not desirable to cultivate a respect for the law, so much as for the right.”*

Henry David Thoreau



# Critical Distinctions

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- Law vs. Ethics
- Conduct vs. Internalized Principles
- Compliance vs. Integrity



# The Issue of Motive

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- Does motive matter? If I give to the poor only to impress my friends am I nonetheless putting food in their mouths?
- What do I derive from being a counselor?



# Ethics: what it *is*

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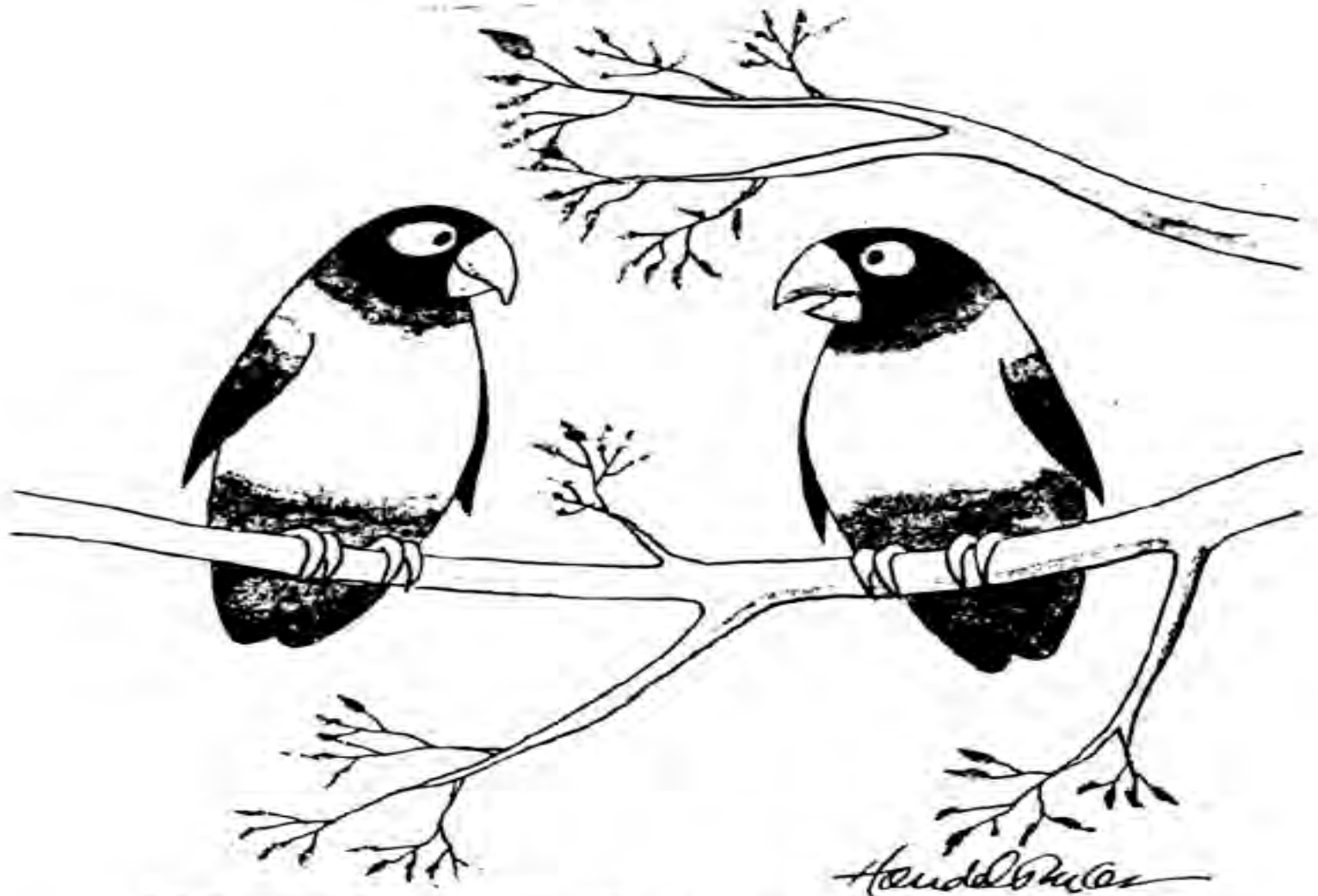
## Ethics:

- The discipline concerned with what is morally right or wrong

## Ethical Dilemma:

- A conflict between two moral values
- based on *choice* rather than mandate
- based on the facts of the situation at-hand
- leading to and requiring a decision



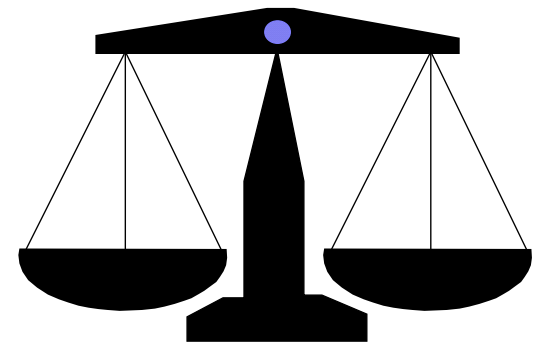


*"Of course I love you—I'm programmed to love you.  
I'm a goddam lovebird."*

# Ethics: Theoretical Branches

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- Deontological Theories: judge actions according to whether they comply with a “universal” or absolute rule (Kantian)
- Teleological theories: judge actions by their consequences (consequentialist)





# Ethics: Theoretical Branches

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## Kantian Ethics:

- based upon the ideas of Immanuel Kant
- argued for the existence of universal values that superceded human consideration (categorical imperatives)
- emphasized the concept of duty



# Ethics: Theoretical Branches

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## Consequentialist Ethics:

- claims that rightness or wrongness of actions depends on their consequences
- utilitarianism: whatever produces the greatest overall amount of good
- Proponents: John Stuart Mill, Jeremy Bentham



# Critical Attributes

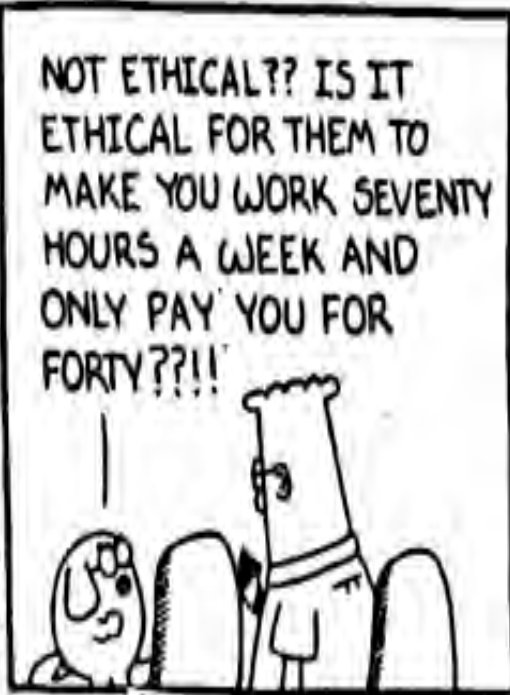
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- Based on choice
- Universality: an ethical principle cannot be justified in relation to any special group or individual
- Even utilitarianism would require finding the greatest good for the greatest number in *all* situations.

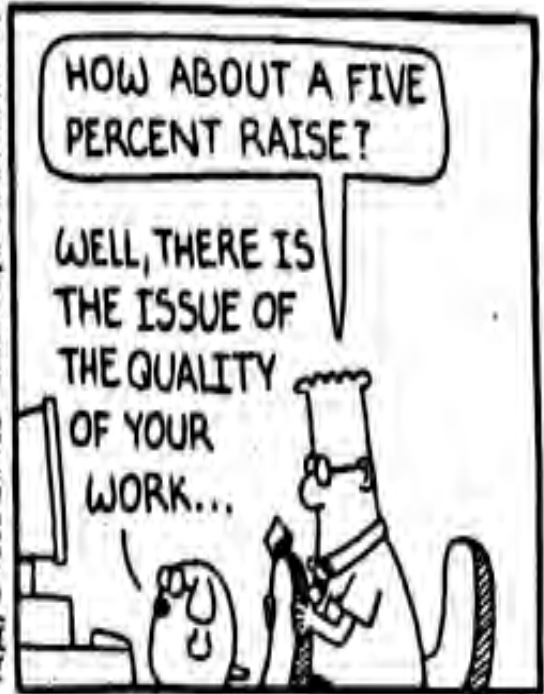
# Dilbert



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# Which Way Do You Lean?

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- Two tests:
  - The ugly sweater case
  - The attic case

# Ethics: Theoretical Branches

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Questions:

- Can you identify a clinical ethic that appears universal (i.e., absolute)?
- Can you identify a clinical ethic whose adherence is determined by its probable consequences?





# Ethics: Medical Ethics

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- Hippocratic Oath (Do no harm)
- Each medical specialty faces specific ethical issues
- Clinical practice is affected by those in:
  - Mental health
  - Chemical dependency
  - Managed care/disability management
  - Business



## Stitches

LORD... GET US THROUGH  
THIS MEDICARE FRAUD  
INVESTIGATION, AND  
WE'LL NEVER  
OVERCHARGE AGAIN!



WE'LL BE GOOD!  
WE'LL BE MORAL!  
WE'LL KEEP OUR  
PROFITS DOWN...

HUGH LYON SACK  
HMO ADMINISTRATOR



I SEE NO REASON  
PROFITS CAN'T BE  
KEPT DOWN TO... OH  
... SAY... 50%...



9/2

HOW'S THAT SOUND TO  
YOU, LORD? IF THAT'S  
OK WITH THE STOCK-  
HOLDERS, IS THAT  
OK WITH YOU?



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# Ethics: Mental Health

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Some Mental Health  
Ethics:

- confidentiality
- informed consent
- client self-determination



# Ethics: Business

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Some Business Ethics:

- no fraud
- no kickbacks or bribes
- no personal gain beyond overt compensation
- No false advertising of title or capabilities

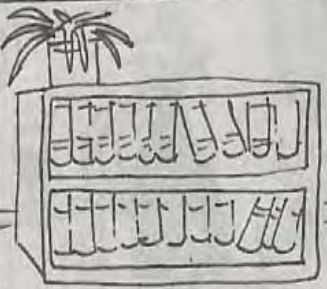


GETTING  
INSURANCE  
TO  
PAY FOR  
THERAPY

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SO YOU'VE BEEN FEELING BLUE FOR A WHILE?  
LET'S BILL IT AS "CHRONIC HYPOTHERMIA."





# Reflections: Question 1

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- We can operate professionally on both “micro” (the individual client) and “macro” (laws, policies, practices) levels.
- Do I have an ethical responsibility to operate on the macro level to attempt larger scale change?



## Reflections: Question 2

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- Is an act of omission that leads to harm as unethical as an act of commission that leads to the same degree of harm?

# Possible Recourses

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## Professional Association:

- **Purpose:** sets standards of organizational practice; attracts appropriate membership; represents and advocates for the profession; espouses a code of ethics for its members
- **Examples:** NASW, EAPA, SHRM, NAADAC, APA, ACA
- **Disciplinary Impact:** none beyond cancellation of membership



# Possible Recourses

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## Certification Body:

- **Purpose:** establishes criteria of qualification to claim a professional title or level of expertise; sets standards of individual practice within a profession;
- **Examples:** ACSW, EACC, HRCI
- **Disciplinary Impact:** can revoke an individual's certification, which may have implications for employment

# Possible Recourses

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## State Licensing Board:

- **Purpose:** generally, protects the public welfare by preventing the advancement of unqualified or unscrupulous individuals working within a profession
- **Examples:** State Departments of Health; State Departments of HHSs
- **Disciplinary Impact:** can impose consequences ranging from reprimand to revocation of license. Will often have employment implications as to the individual's ability to work in that profession in that state



# So How Do I Sort this Out?

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Decision-Making Models