

# The MPC and Ethical Decision Making

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Australian Government

Australian Public Service Commission



# Merit Protection Commissioner



- Office of the Merit Protection Commissioner (MPCr) is an independent office, established under section 49 of the Public Service Act;
- The MPCr provides an independent, impartial and professional:
  - scheme for statutory reviews of action
  - merit based, non-appealable recruitment services
  - other related services
  - supports adherence to the APS Code of Conduct.

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# Summary of the Government's Integrity Agenda for the APS




- Separate roles and responsibilities of Government and the public service;
- Greater transparency in decision making by Government and the public service;
- Improving ethical advice for public service decision making;
- Enhancing frameworks for public service accountability.

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# Foundations of discussion: What do we usually mean?



- Ethics is associated with theoretical aspects of how you **should** behave;
- Morals or values are about the inner judgments about how a person **actually** behaves;
- Integrity is when there is a consistent set of behaviors core to their being – ‘what you see is what you get’;
- Hypocrisy is the opposite of integrity – literally ‘two faced’.

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## 5 common sources of ethical standards

**Utilitarian** - increasing the mix of greater good while minimising the amount of overall harm;

**Rights** - intrinsic respect for the human being to be treated as an end in itself rather than to be used or manipulated as a means to other ends;

**Fairness or justice** - treated equally/equitably;

**Common good** - contributing to society so that quality shared resources are available to everyone;

**Virtue** - development of individual character values (honesty, tolerance, courage, self-control, fidelity).

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“People often have to make decisions under economic, professional and social pressure. Rationalization and laziness are constant temptations”.

Josephson Institute of Ethics

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# What is an ethical dilemma?



“The world unfortunately, faces plenty of right-versus-wrong questions. From cheating on taxes to lying under oath, from running the red lights to inflating the expense account... the world abounds with instances that, however commonplace, are widely understood to be wrong. But right-versus-wrong choices are very different from right-versus-right ones. ...

Two shorthand terms capture the differences: If we call right-versus-right choices ‘ethical dilemmas’, we can reserve the phrase ‘moral temptations’ for the right-versus-wrong ones.”

Rushworth M Kidder ‘How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living’

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# The 'Right versus Right' continuum




Ethical dilemmas are rooted in our core set of values:

- Truth versus Loyalty;
- Individual versus Community;
- Short term versus Long term;
- Justice versus Mercy.

There are no right and wrong answers, just a balancing of 'where' the decision is made along the continuum in a particular circumstance with the information available to you at the time.

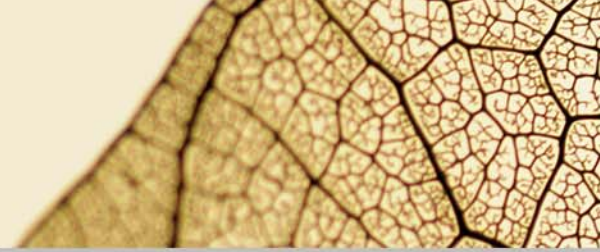
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# Public Policy Continuums and Conundrums (adapted from Kidder)

- It is right to extend equal social services to all, without regard to race or ethnic origin – and the right to pay special attention to those whose cultural backgrounds may have deprived them in the past?
  - It is right to resist importing products made in developing nations that impact on the environment – and right to provide jobs, even at low wages, for citizens of those nations?
  - It is right to support the principle of creative freedom in a photographic exhibition – and right to uphold the community's desire to avoid displaying pornographic or racially offensive works?
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# Public Service Continuums and Conundrums



- It is right to comply with a Ministerial direction not to discuss a matter with a colleague – and right to maintain adherence to overall government policy outcomes?
- It is right in developing and implementing a policy or programme to base it on practical, local experience - and right to use funding arrangements to require national standards?
- It is right to impose compliance to technical rules, requirements and standards – and right to not delay or be considered a hindrance to providing a responsive service?

build Inter and intra tension between APS and private values.





# REFLECT - APS Decision Making



1. Recognise a potential issue or problem
2. Find relevant information
2. Linger at the 'fork in the road'
3. Evaluate the options
4. Come to a decision
5. Take time to reflect

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# Emerging Ethical Challenges



- Increased lateral movement into the APS;
- New technologies and ways of communicating;
- Perceptions of significant ethical failure in public and private sectors;
- Responsiveness v accountability.

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# Commission publications



## ***Embedding the Values***

- A guide for senior managers to assist them to embed the APS Values and Code into their agency culture and into systems and procedures

## ***APS Values and Code of Conduct in Practice***

- A practical guide to help employees understand the application of the Values and Code

## ***Respect***

- A good practice guide that sets out steps for promoting a culture free from harassment and bullying in the APS

## ***Handling Misconduct***

- A summary guide to reporting and handling of suspected and determined breaches of the APS Code of Conduct

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