

## In a complex world, there is rarely just one 'right' choice

**R**ecently I had the pleasure of facilitating an ethical decision-making workshop with a class of seniors at Nazareth College. In addition to being very bright and engaging, the students reminded me of something I had learned as a criminal defense lawyer many years ago.

I participated in many trials then. A criminal trial in a modern courtroom is designed to be a crucible in which two sides clash with the object of finding truth and justice. Witnesses are examined and cross-examined. Physical evidence is scrutinized, and experts comment on it. And the contest takes place in the presence of an impartial judge who enforces the rules and jurors who have no personal stake in the outcome.

One thing that always amazed me was the lack of unanimity among the various participants about whether a trial's outcome was just and equitable. After a trial, I would speak with spectators, the judge and opposing counsel, and they would all have well-reasoned but differing views about what the right outcome should have been.

Often these disparate views were based upon differing conclusions about the facts of the case. But many times people simply disagreed about what constituted a just outcome.

The Nazareth students reminded me of these experiences during an exercise in which I showed them a video vignette of a hypothetical situation: A CEO is trying to decide whether to move the company's manufacturing operations out of the small town where they have been for 70 years. The CEO observes that the financial advantages of a new location are clear and substantial. However, the town will certainly be devastated if the company moves.

This scenario was intentionally designed as a classic right-versus-right ethical dilemma. It is right to be loyal to the community and the employees who helped build the company, and it is also right to take steps necessary to secure the company's long-term profitability. The ultimate purpose of this and other exercises in the workshop was not to find a perfect answer. Instead, the pur-



### BUSINESS ETHICS

Jim Nortz

pose was to work together to discover a sound framework for ethical decision making.

After seeing the video, the students were asked to select the most ethical of the following options:

- Move the operations without offering anything to the employees or the community that is not required by law.

- Move the operations but offer several million dollars not required by law to soften the blow to the employees and the community.

- Keep the operations in the community with no conditions for staying.

- Keep the operations in the community, but only if employees accept a 30 percent cut in wages and benefits and the CEO can get a break for the company on local taxes.

The class almost unanimously selected the third option. This was not particularly surprising, given the limited facts provided in the video.

Then I gave the class a chance to revote after providing the following additional facts: The company has only enough cash to survive the move and cannot afford to pay more severance than the law requires. If it stays, its market share will almost certainly begin to decline because it will be unable to maintain competitive pricing for its products.

Surprisingly—at least to me—the students did not change their votes. When I asked why, I learned that one student's father had been a long-time Kodak employee and had experienced the trauma of job loss. The father of another had been through some dislocation when Carrier moved one of its manufacturing plants. Yet another student said he had

been in Baltimore when the Baltimore Colts left town for Indiana in the middle of the night.

In short, many of them had had personal experiences that influenced their judgment in a way that caused them to value the CEO's obligations to the community and the employees above the company's long-term financial health.

I do think it would be ethical for a CEO in these circumstances to choose an option other than the one the class selected, but I respect the students' judgment. As I explained during the workshop, in this world there is rarely, if ever, just one "right thing." Instead there are multiple ethical options. And although the ethical choice may be in the eye of the beholder, the ethical choice is not arbitrary. It must be justified by:

- Taking into account the facts;
- Taking into account all applicable moral and legal obligations;
- Recognizing which, if any, moral and legal obligations are in conflict;
- Discerning all reasonable options;
- Considering the consequences of each option; and
- Selecting and implementing the option that is as consistent as possible with all applicable moral and legal obligations and is most likely to result in the best outcome.

In addition, to pass muster as a sound ethical decision, the rationale supporting the chosen course of action must be logical, unbiased and well reasoned.

There will always be disagreement about what is the "right thing" in any particular circumstance. But by insisting that any decision must satisfy the criteria above, we can ensure that there is at least a common yardstick by which "right things" are measured.

*Jim Nortz is compliance director at Bausch & Lomb Inc. and is a member of the Rochester Area Business Ethics Foundation. The opinions expressed in this article are Nortz's alone and may not reflect those of Bausch & Lomb or the RABEF. For more information about the RABEF, go to [www.rochesterbusinessethics.com](http://www.rochesterbusinessethics.com). Nortz can be reached at (585) 260-8960 or [james.a.nortz@bausch.com](mailto:james.a.nortz@bausch.com).*