

Chapter 4

Relations Between Social Workers

Introduction

1. Difficulties between colleagues
 - a. The ideal
 - b. Questions of competence
 - c. Failures to communicate
 - 2. Less than the ideal**
 3. Relations with other professionals
- Questions

2. Less than the ideal

As we have argued, social work colleagues ideally ought to respect each other and talk to one another about common problems without any other concern than that of trying to achieve their common goals. In *Peers?*, Margaret was overly concerned with how Henry would react to her talking to him about her client, but even when we communicate well with our colleagues, achieving between ourselves the ideal that ought to mark our professional relations with one another, we may still fail to reach agreement or, reaching agreement, find ourselves stymied by some feature of the situation we cannot talk through:

- We may find a disparity regarding goals. We may disagree about what the proper goals ought to be, or agree but fail to realize that we do, or realize that we do but fail to coordinate our activities well enough to achieve our goals, and so on.
- We may agree about our goals, but disagree about how best to achieve them, one colleague thinking we must do one thing, another thinking the best way to proceed is to do something quite different and incompatible.
- Even if we agree on our goals and the means to achieve them, we may find ourselves unable to work well with a colleague.
- We may find ourselves at odds with colleagues even though we agree on our common goals, and on the means to achieve them, and respect the colleagues and can talk well together. For someone else may have created a situation which puts us at odds with our colleagues in a way that we as colleagues cannot repair, even with the best of intentions and the best of relationships. Such a situation may arise when, for instance, employees are paid differently for the same work.

When colleagues are working together, we should always ask:

- a. Is there agreement in goals?

- b. Is there agreement in means?
- c. Even when there is agreement in goals and in means, do other difficulties get in the way of their working well with each other?
- d. Even if they can work together well and agree on goals and means, are external factors producing problems between them?

We shall consider each of these issues in turn as we look at new cases and re-examine others (see the Code of Ethics 2.05(b)).

(a) Is there agreement in goals? -- In *Having sex*, the social worker, Aubrey, thought Theresa's previous worker had been wrong to have a sexual relationship with Theresa, and she wanted Theresa to press charges. When Theresa refused, Aubrey pursued the matter on her own. Aubrey's goal was to 'get the former therapist' while Theresa's was to get on with her life. We can readily imagine two social workers disagreeing and communicating their disagreement to each other -- as Aubrey and Theresa do.

(b) Is there agreement in means? -- In *Hurting oneself*, Annette wanted to take her previous therapist to court, but her new therapist tried to persuade her that it was not in her best interests to do that. This case illustrates how difficult it can be to determine, when there is disagreement, whether the disagreement is about the goals themselves or about the means to achieve them. Though Annette and her therapist are at odds about what she ought to do regarding her former therapist, they agree that she should do what will raise her self-esteem and increase her sense of personal power. Annette thinks she will be better off standing up to someone who has hurt her and winning, and her new therapist thinks the likelihood of losing is so high that it will harm her more to pursue the matter. So they seem to agree about the goal -- doing what is best for Annette -- but disagree about the best way to achieve that goal.

Working out such disagreements can be a difficult matter, and the normal difficulties of resolving such disputes can be complicated when each party to the dispute thinks his or her position is ethically best. Consider, in this regard, the following case:

4.5 Value judgments

Jane works in private practice in a clinic that specializes in feminist therapy, with a strong emphasis on holistic health and 'a general understanding of the mind-body connection.' She works with several other social workers, one of whom, Mary, she found naive about the risks involved in working with battered wives.

Mary was encouraging one of her battered clients to confront her husband. Mary thought that confrontation would help resolve the problems between the couple. But it did not seem to help, and Jane thought Mary unable to cope with the husband of the woman she was counseling. The man kept coming to the clinic, threatening Mary and other social workers, and putting all of them 'in grave danger.'

The group met without Mary to talk about the problem and then spoke to Mary about the harm they thought she was causing her client and the danger she was putting them all in, but Mary refused to change her focus on this client. She thought it had to do with the client's right of self-determination. The client really wanted to stay in the relationship.

Jane disagreed with Mary's understanding of the situation. As she put it, 'If a woman's getting hit, and it could escalate to something worse, and she's telling you about it, but is not willing to leave, how long do you remain a part of that situation?' Battered women often have trouble leaving those who batter them, and Jane thought

that Mary's client was not really exercising self-determination and that Mary was failing to intervene appropriately.

Mary ended up leaving the group 'under pressure.' She did not want to leave, but the group was not willing to risk the danger to themselves or to the battered woman.

Mary thinks she is doing the right thing in urging her client to confront her husband, and Jane thinks she is doing the wrong thing. This case raises the ante over Peers?, for instance. It involves the issue of what social work practitioners ought to do when they disagree with what another social worker is doing and, after talking with the social worker, find that the disagreement reflects differing conceptions of how to handle what are admittedly difficult cases. It is one thing to judge a colleague wrong when the colleague seems genuinely unable to understand what is at issue, as in Family therapy, and it is quite another to judge a colleague wrong when the colleague has clearly articulated ethical reasons for acting in a way you think wrong.

At least one of you must be wrong when you disagree in this way, and perhaps you both are, but when you both make ethical cases for doing what you think right, and you disagree, working out what is right can be difficult. After all, you each think that if you were to do what the other is suggesting, you would be doing what is ethically wrong, and it can be difficult backing off and making an objective judgment in such a situation. The first step is to

(1) Try to understand why the participants are doing what they are doing by constructing arguments that would justify their acts or omissions.

We need to try to get clear on why the client wants to do what she wants to do, on why Mary is so sure she is right about how to help the client, and then on why Jane is so sure she is right (see the Code of Ethics 2.05(b)).

If we are a participant in the case, it means suspending for awhile our own reaction to the case and trying to construct the argument we think justifies our actions and would justify what we want to do. We have not emphasized before this turning of the method upon ourselves, but participants in the case are not to make themselves immune from the requirements of trying to be objective about why they themselves are doing what they are doing.

But let us take the client first. She wants to stay in the relationship, she says, and even though she is being battered, she may think that her leaving might preclude forever the couple's resolving their difficulties. The wife must think she has a terrible dilemma. If she stays, she sustains a relationship with her husband, but risks being battered more. If she leaves, she risks losing the relationship she says she wants, but presumably protects herself against the harm she incurs in the relationship. What she wants, it seems, is a new kind of relationship with her husband, one not harmful to her. The problem she thinks she faces is how she can both protect herself and forge that relationship.

If we follow the first step in our method in regard to Mary, we must ask why she thinks the woman should confront her husband. The possibilities are many, but one likely one is that she thinks the very act of the woman's confronting her husband will force a new relationship between them, that his wife's standing up to him will require him to recognize her as a person.

The Code of Ethics tells us that we ought to encourage self-determination, but in this situation, encouraging the wife to stay, and particularly to confront her spouse, may encour-

age further battering and not further self-determination. So if Mary encourages the woman to stay and confront her husband, she bears a heavy burden. She must have very good reasons for encouraging something that may be so harmful. What could explain her thinking she is doing what is right?

Is there an argument we can plausibly attribute to her that would make sense of what she is doing? We will need to remember that in trying to figure out why she is doing what she is doing, we are not justifying what she is doing. No matter how plausible we can make her position sound, its sounding plausible does not make the premises true.

So what could Mary say? She could concede that the wife is at risk of being harmed further, but insist that a proper respect for the principle of self-determination requires that a social worker do what can be done to further what the client perceives to be in the client's best interests, not what the social worker or anyone else believes the client ought to do. Of course, Mary cannot argue that she is helping the client further her self-determination unless she has provided the client with all the relevant information about domestic assault shelters, batterers, victims, and the cycle of violence -- how research shows, for example, that couples cannot resolve their differences staying in the relationship, how the prognosis for the husband is poor even if he gets counselling, and so on. Mary cannot argue that she is acting to further the woman's self-determination unless she has provided the woman with the means for proper self-determination.

If she has done that, then, she can argue, she has an obligation to respect the woman's judgment, even if she thinks it mistaken. Just as in *Ready to die* it was a mistake for the psychiatrist to argue that the woman was incompetent because she did not want chemotherapy, so here it would be a mistake to argue that the woman is incompetent because she has decided to stay in the relationship. If she has made that decision after a full examination of all the relevant information, and if she is competent, and if she is not being coerced or threatened (as she might be if her spouse said, for instance, that he would kill her if she left him), then we have to accede that whatever decision she makes is her decision and that we must live with it, however irrational or harmful we think it may be.

Mary could also argue that because the woman has said she wants to remain in a relationship in which she is likely to be battered, the only way for Mary to help her is to try to change the relationship so that the husband will not beat her. And that would explain why she encourages the woman, if she is to stay in the relationship, to confront her husband. For Mary may think, as we said, that the act of confronting the husband will force a new relationship, as the woman stands up for herself and the husband is forced to see her as someone who can stand up for herself. She thus can give an ethical argument for encouraging the woman to confront her husband -- despite the risk of further battering.

She has no choice, Mary can argue, if she is to respect the woman's decision and try to prevent her from being harmed. We ought not to substitute our judgments for our clients, Mary could say, for clients need to be encouraged to act with self-determination, and, anyway, it is hard to get people to do what they do not perceive to be in their self-interest. So sometimes, Mary could concede, we need to support clients who are not doing what we think they ought to do.

Again, none of this is to suggest that Mary's understanding is correct. She has other options that she apparently did not explore, for instance. She could encourage the woman to see another social worker -- Jane, for example -- on the assumption that perhaps a new voice could begin to change the way the woman is thinking about the problem (see the Code of Ethics 2.06(a)). She could tell the woman that her husband ought to seek treatment. She could teach the woman skills to help her handle her problems that do not require confrontation. She could teach the woman that love does not require being a victim. But we

are at this stage only trying to figure out why Mary may be doing what she is doing, not assessing whether her position is correct.

Now let us see if we can understand Jane's position. Hers is that Mary's encouraging the wife to confront her husband not only risks harm to the wife, but also puts the members of the clinic at risk. Battered women often have trouble leaving those who batter them. So Mary may be wrong in thinking she is furthering the woman's self-determination. We ought not always do what clients want us to do. Clients can be badly mistaken about their best interests, and as the Code of Ethics states, social workers have an obligation to be concerned about clients' exercise of their self-determination when that poses 'a serious, foreseeable, and imminent risk to themselves or others' (1.02). In saying she wants to remain in the relationship, the woman may not be expressing her self-determination at all, Jane suggests, but expressing a desire determined by the relationship in which she is battered. We should no more let her do what she says she wants than we should let a sleepwalker drive who says she wants to go out. The woman's desire to remain in the relationship should not be a decisive factor in determining what ought to be done, Jane is saying, given the harms that do and may result.

So where are we now? We can understand why the issue between Mary and Jane is so contentious that it led to Mary's leaving the group 'under pressure.' Either the woman ought to go back into the relationship or she ought not, Mary cannot agree to the latter because she thinks that denies the woman's self-determination, and Jane cannot agree to the former because she thinks doing that will harm the woman.

Mary and Jane have directly opposite views about what ought to be done, each founded on their ethical judgments about the right thing to do, and it is difficult to figure out how either could compromise in any way.

We also are not well positioned to assess who is right. The weight of research about spousal abuse is against Mary, and the potential harm to the staff must be weighed in as well. But the primary focus ought not to be who is right, but what will happen to the client. Will Mary continue to help her, even though she is no longer associated with the group? Will some member of the group take over? Or is the woman to be an innocent victim of this dispute? We ought to take special precautions to ensure that the person being abused is not subject to further harm, and so, whoever is right, the primary consideration must be to ensure that the client is served (see the Code of Ethics 1.16(a), (b), (e) & (f)).

But putting the matter that way makes clear just how the form of the dispute is part of the difficulty. Mary and Jane share a common goal, the self-determination of the woman, but disagree on the best means to achieve it. So how the client is to be helped after Mary leaves the group will be as contentious as how she is to be helped while Mary is in the group. And even the judgment that it is not clear who is right without further information (about, for instance, what Mary has told the woman about spousal abuse) is likely to be contentious to those who hold either position.

We should note one other issue before leaving this case. It is essential to the members of a group working together and achieving what success they can that the members respect the other members of the team. If the members do not respect each other's capacity to be good professionals, they cannot well achieve their common goals (see the Code of Ethics 2.01(a)). The clinic was organized to specialize in feminist therapy, for instance, and presumably anyone not committed to that basis for organization would not fit in well. So one issue that emerges in this case is what degree of agreement in judgments is required by those in the clinic. How much agreement is required for social work colleagues to work together as a team?

Having everyone agree about what ought to be done may mean that nothing decided

ever gets challenged and mistakes get repeated. So there are good reasons for encouraging diversity in a group. Differences can enrich a team. But they also can cause difficulties, as in this case and in Family therapy. The danger when faced with someone in a team who does not readily fit in is that we will too quickly make the issue into one of competence without good reason. It can be easier to exclude someone from a group for being incompetent than it is to accept the sorts of disagreements that we see between Mary and Jane. That is not to suggest that Mary had good reasons for her position, but it is to suggest that the ideal is a dialogue that encourages the diversity in judgment each person brings to a group.

What this case illustrates is that agreement on the goals may be accompanied by significant disagreement on the means to achieve the goals. This has much to do with the way goals are usually framed. We say that we want the client to exercise self-determination, but that is a vague phrase, consistent with a variety of different understandings of when a client actually exercises self-determination. So we may have verbal agreement without substantive agreement, and, unfortunately, there is no magic formula for handling disagreements in goals or in the means by which to achieve agreed-upon goals.

Some cases that raise issues about goals can be relatively easy. But Value judgments is not an easy case. The principle to follow in all cases, but especially when there is doubt about what to do, is that one should do that which causes the least harm, consistent with helping one's client. Unfortunately, this principle gives us little leverage in Value judgments. Both parties to the dispute argue that their solutions cause the least harm, consistent with helping the client. They disagree on what is most helpful to the client.

Perhaps the best advice we can give in such a situation is to remind everyone involved that the client's interests are paramount and that unless there is compelling evidence otherwise, they should presume that their colleagues are working in what they believe to be the client's best interests. At least then, when there is disagreement about the ends or the means chosen, it need not escalate into confrontation and colleagues can still continue, despite the disagreement, to treat each other with the respect and good will that ought to mark ideal collegial relations.

(c) Even when there is agreement in goals and in means, are there other difficulties that get in the way of their working well with each other? -- In *Bending over backwards*, Betsey's colleague at the agency at which Jonathan had previously worked told her that he hated to lose Jonathan and was at least happy Jonathan would stay in the community. Betsey liked Jonathan's work and presumably shared the goal of keeping him in the community. Hiring him was a way to do that. But the head of the other agency then claimed, after Jonathan had left his agency and the harm was done in Betsey's, both that he tried to warn her and that he wanted to get rid of Jonathan. It is difficult not to believe he lied to Betsey to get rid of an employee he did not want.

We do not have his side of the story, but it is easy enough to construct the dilemma those who make such recommendations typically face. On the one hand, they have an employee who is not doing a good job whom they either do not wish to, or cannot readily, fire. If they give a bad recommendation, they do not solve their problem. They might decide not to give a bad recommendation, just saying that the person worked here and describing the duties of the position. But that is to risk questions about the evaluation. So they might agree to give the employee a good recommendation if the person resigns. They have a prudential reason for giving a good recommendation. But they have other reasons as well. If they do not give a good recommendation, they risk being sued by the employee, who will complain of someone's recommending that they not be hired when that person is employing them. If they are doing such a bad job that they cannot be commended in a recommendation, they can ask, why are they still employed?

In addition, employers may be convinced, or want to be convinced, that while the employee is not working out for them, he or she may work out much better in a different setting. Writing a bad recommendation means judging that the person is beyond hope, and things have not yet reached that point, presumably, or they would have been fired. So it is ethically wrong to write a bad recommendation, the argument would go, for an employee who is not working out. It would be to limit their options without good reason.

Of course, to the person receiving the recommendation, all this is likely to seem, after the fact, like so much self-deception and self-interest on the part of the person making the recommendation. Not remarking on serious problems with an employee when asked for a recommendation is, at a minimum, to mislead a colleague. Surely Betsey should wonder about whether her colleague in the other agency is going to tell her the truth about any other difficult matter they may need to work out together, and she will now think twice about relying on anything he might say that makes a difference to her or her agency and its employees. His misleading her about Jonathan does not just have an effect for her regarding Jonathan, but has implications for any future relationship with him. She now knows she cannot rely on the other agency's director to tell her the truth if her knowing the truth could hurt his interests.

Those who must recommend people they would prefer not recommending know how difficult it can be to craft a statement that is honest, but does not invite a lawsuit. The way out of the dilemma Jonathan's former employer may have faced was to be honest, letting Betsey know of the problems they were having with Jonathan and letting her decide, on the basis of accurate information about his bad and his good points, whether to hire him or not (see the Code of Ethics 4.04). As it was, Jonathan's former employer simply passed his problems with Jonathan on to Betsey, unremarked, and so the two failed to reach the level of honesty that ought to mark relations between colleagues -- through no fault of Betsey's.

Sometimes, however, the difficulties colleagues may have cut so deeply against the ideal that it becomes ludicrous to suggest that they guide themselves by that ideal in trying to resolve the difficulties. This sort of situation can be aggravated when one colleague has power over another. Consider in this regard the following:

4.6 Harassment

Amy works in an agency associated with a hospital. She had been hired by her supervisor's boss, not by the supervisor, Don. Both Amy and the boss are African-Americans; the supervisor is white. Both the supervisor and his boss are males. Amy was at the agency before Don came, and he told her that he resented her being there and did not want her there. He then proceeded to harass her, she says, for over two years in a variety of ways.

He had the secretaries keep records of when she was on the phone and of how long she was gone from her office. Such records were not kept for other employees. He would pin memos to her door about what he thought she was doing wrong. He created a new schedule for her one day when she was gone to work on a case at the hospital and then, when she came to work at her normal time the next day, he said, 'I've gotcha. Where were you?' He would not let her look in her personnel file (though she wanted to see the memos there). When she took leave to attend a funeral, he suggested she really was using that as an excuse to have lunch with a friend because she did have lunch with the friend before the funeral.

He enforced a policy against her about not taking more than three sick or personal times in ninety days. She had to leave to take her sick child home from school,

then to have minor surgery the next week, again to have the stitches taken out a week later, and then for something else for one other short period of time. He said, 'I'm writing you up for dismissal because you've violated policy.' But the policy had never been enforced before, and he did not enforce it against anyone else at the agency.

He continually harassed her verbally, she said. He would call her into his office and find fault with her work, always taking her to task for not doing something right and saying how good he was compared with her and always complaining that she was getting selected for this or for that when he was the manager. He had, Amy said, 'taunted' two African-American secretaries until they finally left, and she was convinced that he was out to make the agency as white as could be.

She eventually filed a grievance, and when she went before the grievance board, she fully documented what she could of what Don had done. The board found no grounds for harassment, and Amy was told afterwards that the hospital's lawyer told the board that if they did find grounds, Amy would have had good grounds for a lawsuit. The board did find that there was 'a gross misunderstanding' between Amy and Don, and, Amy learned, the whole agency was later to be reorganized, with Don's managerial responsibilities taken from him. She felt vindicated, but meanwhile the harassment continued.

In a situation where there is harassment, we seem as far removed from the ideal relationship between colleagues as we can get, and all the features that go to make up the ideal are in question. There is no respect for the other's professional abilities, no willingness to listen and try to understand the other's point of view when there is disagreement, no willingness to work together to solve common problems, and so on. There is a loss of all the features that mark the ideal.

Don's motive is unclear. Perhaps he is a racist. He is accused of having harassed the two African-American secretaries so that they would leave, and Amy is the only African-American among the other employees of the agency. Perhaps he is sexist. Amy is apparently one of the few females among the staff who is not a secretary. Perhaps he revels in power. His complaining that she was selected for various things when he is manager suggests professional jealousy. Or perhaps, and it seems highly unlikely, he was concerned about the budget and chose an inappropriate means to try to balance it by forcing Amy out.

Don's motive matters if we are concerned to try to change his attitude so he no longer engages in such behavior. But his motive makes no difference to assessing the harm he has caused. And he clearly has caused great harm (assuming that what Amy asserts is true).

First, he has engaged not just in a single act, but in a sustained pattern of acts. Consider the application of the rule that no more than three leaves may be taken in a ninety-day period. It is not enough to say, in objection, that the rule has never been applied before. Don's response can be that it ought to have been applied before and that he is now beginning what he should long ago have begun. The objection to what he is doing must rather be that he is not applying it to others, and so is in that way unfair, or that he is not applying it fairly to Amy, and so is in that way unfair. She could properly object if she later discovers that others have also been absent for more than the rule allows and not been disciplined. Or she might properly object that the rule is meant to be used when there are inexcusable absences, not when the absences are minor and necessary.

Yet even if her objections are well-taken, Don might say, 'Oh, sorry. My mistake.' He may or may not have made a mistake, but everybody accused of doing what is wrong

can get themselves off the ethical hook by claiming that they made a mistake -- conceding, that is, that they were wrong, but suggesting that we all make mistakes and so should not be penalized if we do and admit it.

But a pattern of unethical behavior implies a sustained campaign. We are less willing to let someone off the ethical hook if there is such a pattern because there are far fewer ways to explain how one could have made a mistake that produced such a pattern of inappropriate behavior.

Second, it is thus important that there be acts or omissions of different sorts -- applying rules, tacking memos to Amy's door, berating her, and so on. For it is then much harder to justify what one is doing as the result of some sort of simple mistake.

In Harassment there is not just a variety of acts, but, and this is a third feature to note about this case, a pattern of harmful and varied acts. It is possible, and sometimes seems diabolical, to harass someone by engaging in acts, over and over again, that are in themselves perfectly harmless. Siblings seem to have a knack for figuring out just what they can do that in itself seems harmless but, when done over and over, harasses a brother or sister, sometimes to the point of tears. But in Harassment some of Don's actions are in themselves harmful to Amy. We might be able to provide an explanation for his applying the ninety-day rule to her, but it would be significantly harder to explain why he would berate her professional skills. That seems unnecessary and harmful in itself.

As is obvious, this pattern of harmful and varied acts that constitutes Don's behavior is as far removed as can be from that necessary for the ideal relationship between professionals we have argued ought to regulate relations between colleagues. If Don is having trouble with how Amy is doing her job, his job, as her supervisor, is to speak with her, try to get her to see what she is doing wrong, and work with her to see that what needs changing is changed. But harassment is ethically wrong, whatever the motivation for it, and it is far worse ethically when the person doing the harassing is a superior to the person being harassed (see the Code of Ethics 3.01(d) & 3.03)). In addition, as this case makes clear, harassing is risky because the person being harassed may file a grievance, and it is an inefficient way to change a person's behavior, if that is the point. So it is not only ethically wrong, but ineffective.

Yet people engage in harassment, for whatever reason, and its existence creates some serious practical problems. Even bringing it to a supervisor's attention can cause difficulties -- and especially so if the supervisor is the one accused of harassing. It can be difficult to prove, and even if it can be proved, other factors may intervene to prevent an appropriate remedy. Amy says she was told that the reason the board did not find for her is that the lawyer for the hospital told the Board that she would then have a good case if she sued. Documenting harassment so that one can present a compelling case can be difficult, especially if the person doing the harassment is careful not to leave a paper trail. And just bringing a grievance means that the professional relationship between the two parties involved is severely damaged.

These practical problems are all accentuated if the person accused is one's superior. The powers that be may be more reluctant to remove someone from a supervisory position if only because they will then be admitting they made a mistake in giving power to such a person. Again, supervisors must take a critical attitude towards the behavior of employees, in order to ensure that the work is done properly. So they can always defend themselves against a charge of harassment by saying that perhaps they were just a little overzealous in administering -- or that their attempts to help a recalcitrant employee were misinterpreted or that the employee is peculiarly sensitive to helpful suggestions. No matter what happens as the result of a grievance procedure, the employee and the supervisor are going to have a

strained relationship, and the employee may have a difficult time getting good recommendations to go elsewhere -- unless, as in Bending over backwards, the supervisor is willing to lie to prospective employers to get rid of the employee. This prospect is a good example of how one bad ethical situation can beget another.

(d) Even if colleagues can work together well and agree on goals and means, are there external factors that produce problems between them? -- In the cases we have considered so far regarding the relations of social work professionals, the focus has been on problems created by the professionals themselves. But many ethical problems between practitioners do not arise because of anything one practitioner or set of practitioners does regarding another practitioner, but because of some feature of the situation they find themselves in. They may not do anything to each other, that is, but may find that something has been done to them which creates ethical issues between them. Consider, in this regard, the following case:

4.7 Lying about salaries

In an agency of about 12 employees, several who have been there for some years are making significantly less than others more recently hired. The agency has such a good reputation that many were willing to work for it even though their starting salary was lower than what was then the normal going rate, but, as inflation has outstripped raises, their salaries have become significantly less competitive. As the agency's director puts it, 'There are staff who really have low salaries.'

The director has pushed for increases, and was able to get an increase for one employee who pushed hard, but the agency has always been able to obtain very good employees at lower salaries. So the director has not been able to obtain a general increase for all employees.

One consequence is that some are not getting what they deserve. Another is that some who are equally situated are getting different salaries. As the director says, 'The present situation supports dishonesty.' If the news gets out that one employee has gotten an increase, then others, equally deserving, will demand increases as well. The agency does not have the money for that, and so the director has to be less than forthcoming with his staff about their salaries. Indeed, he told those employees who received raises not to tell the other employees.

This case raises a variety of ethical questions -- about what is just, about what ethical reasons an agency might have for not doing what looks to be the right thing by its employees, and so on. Our only concern here is with the relationship between employees that is created by their being treated differently by the agency and by the director's being less than forthcoming.

One issue is that different employees, equally deserving, are getting different salaries -- through no fault of their own. First, a person cannot be held responsible for having been hired in at a higher salary than someone else in the agency. Prospective employees are not likely to know what others make and would probably not be told if they asked. Second, we can hardly blame a person who succeeds in getting an increase to get what he or she deserves. So, we can presume, the differences between the salaries of the employees are not the fault of any of the employees.

Yet those differences create a set of ethical problems, as we can see by using the third step in our method and tracking the harms, determining what they are and who is harmed:

(i) The situation is unfair in two different ways. First, some are not getting what they deserve, quite independently of what is happening to others within the agency. Even if all were underpaid, each would not be getting what he or she deserves. Second, the situation is more complicated ethically because some are getting what they deserve and some are not. So those who are not getting what they deserve are being doubly harmed -- by not getting what they deserve and by being treated differently from the way others similarly situated are being treated. It is a matter of justice that those in the same position ought to get the same treatment, and here they are not. So some of the employees are being harmed significantly more than others because they are having a double injustice inflicted upon them.

(ii) Many know that they were hired in at a low salary and know that they are not now getting what they deserve. They may not know that others are getting what they deserve, and so may not know about the disparities in treatment, but certainly the agency director knows. Were word to get out, his employees would then know that he knows. That would cause the director, and the agency, great harm.

It would cause the director great harm because they would then know both that he had hired them in at different salaries, despite their similar positions, and that he had kept from them information they would need if they were to press for increases to make things fair. In short, his position as a fair employer would be compromised. His employees would know that he is the sort of person who will take advantage of them if he can and that they cannot trust him to inform them about matters vital to their interests as employees. Good evidence for this judgment of him is that he told the employees to whom he gave raises not to tell the others (see the Code of Ethics 4.04).

(iii) The director is keeping information from the employees. The phrase used, 'being less than forthcoming,' is a euphemism that may cover a wide variety of sins -- from not saying anything at all about something the director knows to be wrong to lying to those employees who ask. The employees are harmed by this, as we all are who must make decisions affecting our lives without full information. Their capacity for self-determination is being harmed. The agency and its mission are harmed as well. It would be amazing if, were word to leak out, the employees were not very angry at both the injustice of it all and the deception used to try to ensure that the injustices never came to light. Having angry employees in a social work agency is not likely to do the agency or its clients any good.

(iv) In addition, the director is harmed. If we presume that he has the best of intentions and would much prefer his employees being paid what they deserve, the situation he is in has created a significant ethical problem for him. It is never good ethically when someone with good intent is put in a position where they must either lie or risk great harm, and the director has at least the apparent dilemma of either lying to his employees, directly or indirectly by not telling them what they ought to know, or risking the sort of commotion to the agency and to the relations of those within it that the truth would bring. Those who are making what they deserve to make ought to feel that their colleagues are being unfairly treated, and those who are not making what they deserve to make ought to feel that they are being unfairly treated.

Of course, the argument the director may make is that he has no choice but to treat his employees unjustly. Funding for the agency, he would argue, is not sufficient to provide what each person deserves. So when he hires, he must try to hire someone for as little as he can because he must make the money he has go as far as he can, and yet he will sometimes have to hire at market value, so to speak, paying as much as someone deserves. Disparities will inevitably arise through the hiring process because of the pressure insufficient funding produces. The situation in the agency is no different, he could argue, than that

faced by any other agency or any business.

In addition, once employees are hired, the lack of funding means either that he cannot make up differences in salaries or that he cannot do that without taking funds from essential services and so harming the agency's mission. So differential hiring will produce differential results which will not be rectified and will, as time goes on, become worse and worse, as those newly hired make or approach the market rates and those hired earlier cannot be compensated sufficiently to make up the growing differences. Again, the director could argue, this is no different than what one finds in any agency or business, as those already onboard are presumably not going to leave unless the differences in salary become so great as to be intolerable and employment beckons elsewhere.

Whatever the virtues of the director's arguments, the situation produces another harmful result:

(v) The employees' interests are at odds with each other. If only a limited amount of money is available, and if many deserve more than they are getting and, more importantly, more than they could get were all the money available distributed, then any gain by one employee is a loss by another. It is an ethical loss as well as a financial loss because each employee is ethically entitled to what he or she deserves, and someone else's getting some of the little that is available means that every other unpaid employee will get less than he or she deserves. Whether the employees wish it or not, their interests conflict, and so the situation puts the employees' interests at odds with one another -- through no fault of their own.

One result -- one wants to say, 'the natural result' -- of the employees being put into that sort of situation is that they will have less than the ideal collegial relation with one another -- through no fault of their own. After all, some of the employees have been asked to keep from the others how much they are making, and so, if anyone asks, they must at least consider not telling the truth. And if they do tell the truth, they will have less than the ideal collegial relation with the director.

Keeping information from one's colleagues, particularly about matters that are often kept private, does not inevitably lead to other failures, but everyone's knowing that such information is off-limits puts everyone on notice that decisions are being made about some matters affecting the agency without everyone's having full information. And some knowing that they have been asked not to tell the truth puts them on notice at least that others may have been asked not to tell the truth about other matters. Suspicion cannot help but be engendered in such circumstances, and with suspicion comes a loss of a sense of self-determination. To the extent that we cannot know that we are acting on full and accurate information, but suspect that we are making decisions based on inaccurate or incomplete information, we must feel that we are not making fully informed decisions -- independently of the status of the decisions themselves. Our decisions may be fully informed, but the history taints what follows it, and so we cannot be sure that we are acting with complete self-determination. That is a harm when colleagues must trust each other to be forthcoming in trying to work through common problems.

Although conflict between employees is often the outcome of such situations, it need not be. Even though they have competing interests, they do, after all, have common interests. They have each been deceived and each been put in an unjust situation -- those who are being paid what they deserve as well as those who are not. It is less harmful to be paid what one deserves in a situation where others similarly situated are paid less, but it is still harmful. Those in that situation have more than their fair share of the common resources, and if the disparities become public, they know that in getting what they deserve, they are getting more than each in the group deserves because of the limited resources available,

and they ought to feel angry. So there is no reason why the employees need be at odds with each other.

They could band together and press for justice for all of them, arguing for a more equitable distribution of the common resources until the situation can be rectified so all will get what they deserve. They would need a real sense of community to be able to do that, of course, and it would help if the director were willing to fight for their interests.

Of course, the director need not have kept all this a secret. He could have made it clear, from the outset, that he was committed to fairness in pay and that only the budget problems prevented him from providing fairness. And he could have committed himself, publicly, to working to try to increase the budget to ensure fair treatment of all the employees (see the Code of Ethics 3.07(d) & 3.09(c) & (e)). The ethical problems he has are to some extent self-inflicted.

Our goal is not to work through this problem, however, but rather to point out that a great many problems that arise between colleagues may be systemic in this way, not caused by one colleague directly harming another, but by a situation being created in which colleagues have competing interests, and so are at odds with each other, through no fault of their own. We would fail to understand the ethical complexities of such a situation if we looked merely at the conflicts between the colleagues. We rather need to look at what produced those conflicts, as in this case. We are then better able to see what produced the conflicts, and thus what needs to be changed. We can also see that what the colleagues share is that they are in a situation which produced such conflicts and that they can build upon that knowledge to help resolve their common problems.