



Teaching ethics to employees of a state public utilities company in a developing country: A case study.

By/Par | **Luis CAMACHO**
University of Costa Rica
lcamachon@racsa.co.cr

RÉSUMÉ

Cette étude de cas est issue d'un module final de formation pour les employés du service public d'une agence de l'eau. Nous explorons les résultats de plusieurs stratégies utilisées pour souligner le besoin de changement dans les comportements individuels et institutionnels en vue d'améliorer les services aux clients. En particulier, nous explorons certaines manières d'ouvrir la discussion sur les pratiques de corruption de manière non-triviale sans offenser les sensibilités ou provoquer l'indifférence. Comme point de départ, il est demandé aux participants de relever les problèmes institutionnels qu'ils caractérisent comme éthiques, même si d'autres problèmes appartiennent à d'autres catégories identifiées plus tard. Pour éviter une approche purement théorique des devoirs et obligations envers les clients, ils sont dérivés de la mission de l'agence telle que définit par la loi qui l'a créée.

ABSTRACT

In this case study of an ethics seminar, taught as the final module in a graduate program for public employees of a water works agency, we explore the results of several strategies used to emphasize the need for changes in personal and institutional behavior in order to improve service to customers. In particular, we explore some ways to openly discuss corrupt practices in a non-trivial manner without offending sensibilities or provoking indifference. As a starting point, participants are asked to point out institutional problems which they characterize as ethical, although some of them are seen later to belong in other categories. To avoid a purely theoretical approach to duties and obligations towards customers, these are derived from the mission of the agency as stated by the law which created it.

Key words: professional ethics, ethics teaching, corruption, institutional change, customers' rights, waterworks.

JEL classification: D18,D21,I18,I31, J24.

1. DOES IT MAKE SENSE TO TEACH ETHICS TO PUBLIC EMPLOYEES?

Teaching ethics to government officials in developing countries poses some particular problems. There is first the old tenet according to which in a sense ethics cannot be taught in the way other disciplines are taught [see e.g. Cortina 2000, 27]. In this particular case, teaching ethics with the aim of improving public service is not a matter of transmitting bits of theoretical or practical knowledge and it is not obvious what kind of communication between teacher and students should be the aim of the teaching experience. Secondly, whereas public opinion links many government agencies with corruption, not only because of mass media coverage but also as a result of personal encounters with corrupt practices and individuals, many officials in such agencies may feel insulted by the mere mention of the topic [Vásquez 2003, 2]. Since the ethics teacher cannot act morally by simply avoiding an important topic just because it may be unpopular, sensible strategies must be found to overcome opposition without unnecessarily affecting sensibilities. On the other hand, frequent talk of corruption without strong legal actions to stop it has the disadvantage of making its practitioners impervious to criticism.

In this paper we explore some of the strategies used in a seminar on ethics in public administration taught to employees of Costa Rica's water works public company. Our emphasis here is the exploration of some problems and solutions in connection with the purpose and subject matter of the seminar, and our method is to describe as closely as possible what actually transpired in class. Whether the solutions are or are not adequate to the problems may be interesting for similar teaching experiences in other contexts. Although the complete program on public administration, with the ethics seminar as part of it, is offered regularly as one of the services provided by the University of Costa Rica to all government agencies, this paper collects only the personal experience of its author as teacher of the ethics section in the graduate program given in 2005 to the water works and sewers public company.

2. PLACE AND STRUCTURE OF THE TRAINING SEMINAR

The course on ethics in public service is part of a broader program given by a group of University of Costa Rica teachers, members of the faculty of the Center for Research and Training in Public Administration, whose aim is to provide continuing education for public officials. The Center combines research on the problems of government and state administration with the training of public officials at the request of government agencies. Its purpose is not the granting of degrees in public administration, something done by one of the departments in the School of Social Sciences, but rather to provide continuing education for people already hired in different agencies of the government. The seminars for public officials are organized in such a way that both institutions profit thereby. In particular, those who pass the program at the University enjoy a bonus in salary in their home institution.

Through 2005 this graduate program was given to officials of the Costa Rica water works public company, called AyA (Acueductos y Alcantarillados in Spanish: water mains and

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sewers). Since there is a large group of officials still waiting to be included in similar programs, it is highly probable that the ethics seminar will be taught again in the near future. Although the program is called “graduate” because one of the requirements for selection of participants is having a previous degree, the ethics section does not suppose having passed a previous course.

The selection of participants gives priority to personnel in decision-making positions in different regions of the country. At the end of the selection process a group was formed with 24 professionals (mostly engineers and some lawyers) and administrators, from both urban and rural communities.

The general program was divided into nine topics, as follows, taught over thirty five days, one day per week:

1. Public policies and management. (24 hours)
2. Governance in public organizations (24 hours)
3. Economic structure (24 hours)
4. Managing human development and training of leaders (24 hours)
5. Managing institutional change (40 hours)
6. Financial analysis for decision-making processes in public function (40 hours)
7. Managing the preparation and administration of projects (40 hours)
8. Management and strategic actions (40 hours)
9. Ethics in public service (24 hours)

Although teachers are asked to include ethical themes in the presentation of all other topics in the program, the final module, explicitly devoted to ethics, is expected to provide the integration of ethics with the other aspects of the program. This is why it is important that the ethics section be placed at the end. The selection of topics for the final module also follows the same idea of integration. The following are the components of the ethics section:

1. Three approaches to human behavior, both in individuals and in institutions.
2. Analysis of morality according to general ethical theories.
3. Ethics of development and development of ethics.
4. Moral problems, dilemmas and conflicts in public administration.
5. Causes and effects of immoral behavior in public administration.
6. Responsibility, transparency, accountability and mechanisms for the evasion of responsibility; accumulation and loss of moral resources.
7. Democracy and equity.
8. Mediocrity and incompetence.
9. Social indicators for the country: a challenge for public administration.
10. The relation between general ethics and ethics of public administration.

The complete program is given in all-day sessions (8 contact hours per day) every Friday for several months. Each topic is entrusted to a different teacher, who is responsible for writing the program, preparing the written and multimedia materials, and evaluating the performance of the students. Evaluation is thus separate for every section of the program but participants are required to satisfy the graduation requirements for all nine sections in order to get the salary increase. Attendance is a necessary but not sufficient condition for graduation. The

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participants are relieved from their usual work the whole day every Friday during the duration of the program. Participants are given homework to do between sessions, related to the readings assigned in the program.¹ A detailed discussion of the papers written in response to the assignment is made in panels, so that every participant has the opportunity to present his or her answers to the assignments at least once during the seminar.

Class participation is strongly emphasized, especially in the ethics section, not only individually but in the presentation of conclusions on particular topics reached by small groups after organized team work. The ethics module is supposed to feed on information previously conveyed to the participants and to analyze some of that information from a perspective of values, duties and obligations, but obviously requires an appropriate methodology which is not the same as in other sections. Lecturing by the professor is reduced to a minimum in favor of multimedia presentations, taped interviews, discussions and group work. Because of the extended time spent in a class environment, intensive use of visual media is a must.

3. ETHICS AND THE INSTITUTIONAL CLIMATE IN THE NATIONAL CONTEXT

A sincere discussion of the institutional climate is considered necessary for the posing of ethical problems and solutions from the very beginning of the seminar. To achieve that, a group analysis of the situation of the institution (strengths, weaknesses, opportunities and threats – the well-known SWOT method) is done in a game format called “The Institutional Clock” (explained later in this paper), and special emphasis is given to ethical problems the participants want to talk about. To avoid conflicts a general rule is applied, although in an implicit manner: the teacher talks mostly about corruption in a general way or in particular cases he is familiar with, whereas the participants are encouraged to talk about the situation in their agency according to their own experience. Strong emphasis is placed on responsible reporting of problems so that gossip or unfounded accusations are excluded. Since both the instructor and the participants are also customers of the water works company, they always have the possibility of stepping out of their roles in class to share common experiences with the service provided by the company. Not surprisingly, participants are usually more willing to criticize offices or sections of the water agency other than their own, and to excuse deficiencies in theirs. As a result, arguments about relative quality of service within the institution may easily develop in class and could get unruly unless checked by the instructor.

The general purpose of this graduate program is to strengthen the participants’ knowledge and ability to perform with competence in their present position. As in other similar courses given to public officials, the ultimate aim is to improve public service, an open-ended task in a time of rapid technological change. Several reasons justify the need to train participants for service improvement.

¹ Readings included selections from [Kant,1996], [Tugendhat 1997], [Camacho 1989 , 1996], and others included in the Bibliography.

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The first rationale is a general one: the public deserves better attention from government officials because public service is the only reason for the existence of such agencies. The second justification is local, but it may also be the case in other countries: recent judicial decisions by Costa Rica's Supreme Court have been consistent in considering good attention by public officials a right of the public, and not only a desirable situation. These rulings give customers the right to ask the name, rank and position of the official they are dealing with, and it is an obligation of public institutions to post notices clearly stating this right. Officials therefore have the legal duty to provide such information upon request by the customers. Last but not least, because of globalization tendencies and under the pressure to approve and implement the Free Trade Agreement between the Dominican Republic, Central America and the United States (DR-CAFTA), public utilities agencies in the country are facing attacks on their efficiency and threats of privatization. In fact, several sectors of communications are slated for privatization if DR-CAFTA is ratified, something the Congress has not done so far, whereas it has already been approved by all other participant countries. All public utilities and all kinds of insurance are state-run in Costa Rica, and even without the free trade agreement there are strong pressures to open some sectors of communication and insurances to competition. Strong opposition by unions in the public sector partially explains the delay in approving the Treaty. Another important reason is that the citizens are used to state monopolies that provide necessary services in everyday life – no matter how imperfectly – and fear that a change might bring a deterioration of the situation.

In particular, since its creation in 1976 AyA is the only institution authorized to manage the supply and disposal of water for human consumption, both in the home and in industries. Even the disposal of rain water in urban areas is run by this agency, a formidable task in a country where it rains at least nine months of the year. In fact, very few uses of water are left out of its reach: agricultural irrigation is one of them. Because of the ecological requirements to insure a permanent and safe supply of drinkable water, the agency is likewise endowed by law with the authority to decide which forests are necessary to protect. Before AyA was created, water supply was one of the main tasks of local municipalities, with great differences in performance among them. Today more than 85% of the population has access to safe potable water.² Water is considered a right of all citizens in the sense that the government includes among its duties a duty to guarantee its supply at a reasonable cost.
3

Thirty years after its creation, AyA can show an impressive record in providing safe drinkable water to the population and a poor record in the disposal of sewerage and soapy waters. There is a standard joke in the institution about how its acronym should be written: A y a (A and a), because only the first letter, which stands for *acueductos* (water mains)

² Official data from different sources vary as a result of differences in ways to measure and year of data. According to the *Human Development Report* 2004 (New York: United Nations, 2004), p. 148, the percentage of population without sustainable access to an improved water source in Costa Rica in 2000 was 5%. According to the *State of the Nation Report* in 2004 82.8 % of the population had access to safe drinkable water (http://www.estadonacion.or.cr/Compendio/amb_ambiente01-04.htm)

³ On the right to water see the paper by Barbara Bleisch “The human right to water – normative foundations and ethical implications”, included in this volume.

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deserves to be written in upper case, whereas the second, which stands for alcantarillados (sewers) represents the service of which the institution cannot be proud. The country is far behind in proper sewage treatment.

In addition, recently citizens in the country have been shocked by the revelation of high-level corruption involving millions of dollars in the concession of public works and buying of equipment for state-run hospitals and health facilities.⁴ As a consequence of the investigation, two ex-presidents are awaiting trial after spending months in jail and a third one is hiding out of the country.

Although these cases of corruption are not related to AyA, the public trust in government, traditionally high in the country, has been eroded [Serrano 2004, 52]. As a fall-out of well publicized cases in high places, customers are now eager to point out specific cases of low-level corruption which might have been tolerated in previous years. Everyday papers reveal scandals about mishandling of public resources, bribe-taking among high officials, and so on. The reason for the reluctance to talk about corruption is that the participants in the seminar feel that they are singled out and somehow implicitly accused of it when the topic is mentioned. One of the strategies to deal with this obstacle is to point at first in another direction when the subject is brought up. Instead of talking about corruption in the agency for which the seminar has been tailored, it is much better to begin with administrative corruption in other places and at other times, with precise information about the cases used as examples and careful analysis of the type of failure in control that made possible those situations. If cases that took place long ago are brought into the picture, with carefully researched information about them, the idea that corruption is something new is rejected. This may invite conformism and cynicism (“so, what else is new?”), and the strategy to avoid such an attitude includes analysis of past cases of successful prosecution of corruption, as well as the consideration of the relation between corruption – real or perceived – and civil unrest, including civil wars like the one suffered by the country in 1948.

4. GUIDELINES FOR THE SEMINAR

The following guidelines were followed in the ethics seminar given in 2005:

(1) Include the ethical perception of everyday practices in the institution among the variables considered in assigning a time position in the above-mentioned “Institutional Clock”. Other variables are finances, acceptance of the products offered by the institution and customer satisfaction. It is important to explain why ethics is included as a variable. After each group has decided what time it is for the institution, a spokesperson for the group explains how they reached their conclusion. Participants in the exercise are usually pleasantly surprised to

⁴ Different estimates place the figure in around two billion dollars in the last ten years, although the notion of corruption used by the authors is rather wide and includes losses because of inefficiency [see Serrano 2004, 149-150]

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find out that different groups, working in isolation from each other, frequently reach a similar conclusion. This technique was borrowed from induction workshops for newly-elected deans and department chairs at the University, where it has proved its usefulness. Participants are divided in small groups and are asked to decide by consensus what time it is in a clock that measures the situation of the institution, or – more precisely – the perception of such situation. A single clock hand placed in the first quarter, between 12 and 3, indicates good health with no problems worth mentioning. Between 3 and 6, there are some problems that should be fixed. Between 6 and 9, the problems have become critical. Between 9 and 12, external intervention is the only way to save the institution, which is no longer capable of solving its problems. Although a single hand is used, its position on the clock face is decided by the group taking into consideration several variables. Two of these variables are obvious: financial status and acceptability of the organization's products by the actual or potential customers. If revenues do not cover everyday expenses something has to be done right away to solve the problem. On the other hand, if the products offered by the agency are no longer needed or wanted by the community, there is no justification for its continued existence. In the case of the waterworks company, which by law has the monopoly of water management, this possibility would seem to be ruled out in principle. However, some other agencies have made inroads in water supply and disposal, taking advantage of minor contradictions among laws. Their primary concern is not water supply, but this utility is included in some complex services, sometimes related to high-tech factories.

(2) Ask the participants to further specify what institutional problems they consider of an ethical nature, and why. Some of the problems they mentioned are clientelism, lack of commitment on the part of the workers, indifference to customers' problems, absenteeism and carelessness in handling public property. They are considered ethical problems because no technical solution is sufficient without personal commitment of the individuals in charge of the corresponding tasks.

(3) Ask them what institutional measures could be taken to remedy these problems. In the 2005 version of the seminar the participants listed the following suggestions after working out the answer to the question in groups:

- Improve salaries.
- Devise new procedures for personnel selection, so that the values which guide the behavior of candidates can be detected already in the selection process.
- Establish incentives for professionals (especially lawyers and engineers), such as exclusive dedication to the institution with a significant increase in salary, grants for studies, sabbaticals and fringe benefits like sports installations and recreational facilities for employees.
- Organize induction workshops for all newly recruited functionaries.
- Provide specialized training for all employees in positions where they have to attend the general public.
- Supply professional help of all kinds (technical, legal, psychological and so on) to any official who might need it.
- Establish better controls to protect public property in the institution.
- Avoid party clientelism in appointments.

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- Upgrade equipment used by the employees.

In the discussion following the presentation of these suggestions it became clear that some of them have little to do with improving ethical standards. Participants in the seminar were thus able to separate technical issues from ethical problems and to focus on ethical concepts like values, duties and virtues. In order to avoid transforming the seminar into a forum for denunciations which may implicate some participants, it is important for the institution to have in place procedures whereby accusations are taken care of with all the requisites of a due process. If such practices are not known in the Institution, one of the conclusions of the seminar may be the recommendation to establish them.

(4) Confront institutional decisions and practices with users' complaints. A survey of the main ethical theories provides the participants in the seminar some basic reasons for the justification of decisions. The purpose of this section is not to give a precise description of each position but rather to explore the consequences for public service of the application of each theory. Moral relativism, for example, is difficult to reconcile with the duties and obligations that can be derived from the legal framework within which the institution operates. On the other hand, since different ethical theories are answers to questions formulated in diverse times and places, it is obvious that not all of them are incompatible. In everyday practice we follow different ethical principles, and sticking to a single rigid moral scheme for all kinds of situations is not a virtue but a problem, as has been pointed out by some authors [see v.g. Skutch 2000,231-245; Marlasca 1997,152].

The connection between the application of ethical theories and the problems pointed out by the users can be made by the analysis of individual cases, carefully documented and clearly presented to the participants in the seminar. When they engage in the reply to the questions posed in the description of practical cases, contradictions and conflicts between individuals or sections of the institution may surface. In such cases, the seminar provides ample time to discuss opposing views.

5. OTHER STRATEGIES TO DISCUSS PUBLIC OPINION

There are other methods to ensure that the students in the seminar have the opportunity to confront and discuss the opinions held by the users about the quality of the service provided by the agency. News, polls, interviews aired on television, letters to newspaper editors, formal and informal legal actions about real or alleged abuses, and other means for the expression of public opinion were used as material for analysis and discussion. When users have used legal avenues for the redress of their grievances, both the complaint and the judicial decisions are studied in the course. Every time there is a conflict between users' complaints and the viewpoint of the institution's employees, these are asked to place themselves in the position of the user before judging their behavior.

Movies turn out to be very useful to express the problems faced by the users and the reaction of the employees. Akira Kurosawa's 1952 classic *Ikiru* was particularly liked by the

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participants and gave them the chance to confront the tendency of the bureaucracy to avoid decisions and to push papers from one office to another. The movie is the tale of an old bureaucrat in a Japanese municipality who seems very busy all day long whereas in fact he is doing nothing of consequence. Diagnosed one day as having a stomach cancer, he experiences a profound change and devotes his last days to solve the problem of a community whose members are tired of going from one office to the next in search of a solution for stagnant waters in a vacant lot. The community gets the park they have been asking for as a result of the efforts of the ailing municipal official, who feels that after all his life has made a difference to others.

When norms and legal procedures are considered problematic for public service, the issue is clearly posed and advice from experts is heard in the course in the form of filmed or taped interviews. This is the case with the statute of limitation of crimes and punishments, which prevents prosecution for suspected crimes committed longer ago than a specified number of years. The principle is enshrined in the legislation of most Latin American countries as a protection of the citizen from abuses from the State, but often has the perverse consequence of impunity for the offender and lack of protection for the victim if the legal machinery is not quick enough to investigate, prosecute and apply penalties. A panel of experts debated the pros and cons of the statute of limitation ⁵ and the participants were encouraged to voice their opinions and concerns. Since the general conclusion was that limitation for major offences and their punishment is not beneficial to the welfare of the community, participants left the seminar with the impression that something should be done to change the laws.

6. ON LAWS AND ETHICS

The discussion on corruption, impunity and the statute of limitation is part of a more general topic, that of the relation between laws and ethics. Although moral questioning of laws and jurisprudence is very common, ethical justification for the moral interrogation of laws is less common, and analyses of such justifications are even less frequent.

An effective approach to select the kind of ethical considerations which might improve public service is to take the legal basis for the existence of the institution or agency, its founding law or decree, as the starting point for the derivation of duties of public officers, as well as for establishing the rights of customers. If there is precedent in the local legislation and jurisprudence on the right of customers to an adequate service, then a connection between ethics and law can be easily established. Customers' rights and employees' duties can be made to match, and public officials may thus find that ethics in public administration is not arbitrary. So, a careful analysis of the legal foundation for the existence and operations of the agency is a good candidate for the initial activity in the seminar.

⁵ The statute of limitation, also known as “periods of prescription” or “prescriptive periods”, establish the maximum period of time that legal proceedings may be initiated after some events and based on those events.

7. CONCLUSION

When the aim of teaching is not to convey theoretical information but to promote changes in institutional behavior, success in class requires that the participants feel that they have a special insight into the problems and a vantage point to propose solutions. The role of the instructor is then to clarify ideas, apply theories to concrete situations, and avoid sterile confrontations between individuals who might represent the interests of different sections or groups within the institution. Success also requires the use of a variety of teaching tools and materials, especially when class hours are as long as in the seminar we described. Of the three main tasks of a teacher in class: instruction, motivation and entertainment, motivation is paramount in this type of activity.

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