



THE BUSINESS ETHICS FIELD GUIDE

Challenge 7: Skirting the Rules

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This series features 13 articles from Brad Agle, Aaron Miller and Bill O'Rourke, co-authors of The Business Ethics Field Guide. Each article focuses on a common work dilemma, while providing real life examples and insightful solutions. For more information, please refer to the cover story in the November/December 2018 issue.

Rules are part of almost every modern work experience. Usually, rules come out of experience and wisdom to prevent common mistakes. Similarly, laws are intended to prevent bad things but can have unintended consequences. They differ from rules because they involve much weightier matters, but here when we use the word "rules," it includes laws as well.

13 ETHICAL DILEMMAS

Upcoming articles in this series will take a closer look at each dilemma.

In either case, adherence may put us at an ethical crossroads. On one path, we may get the better outcome while breaking rules. On the other, we keep the rule, but sacrifice very important things. We define the Skirting the Rules dilemma this way: you have to choose between a better outcome that breaks the rule or the worse outcome that keeps it. We are not endorsing rule breaking merely for economic or personal benefit. Instead, we are describing those moments when rules stand in the way of a morally important end.

Choosing Obedience or Disobedience

Keeping rules is an ethically important behavior. As a society, we value the rule of law, meaning no one should be above or better than the law; otherwise laws have no value. Justice, a core ethical value, means rules and laws must have their effect, either through obedience or disobedience. Unequal application of rules or laws can create corruption and injustice.

A personal experience comes to mind. My boss decided to hold our next staff meeting at my office in Russia and told his direct reports to make arrangements to be there. A week before the meeting, I got a call from Ingrid in Germany to say she forgot to get her business visa and didn't have time to get one but said she could get a tourist visa. I advised Ingrid not to do that because she was coming for business meetings. I suggested she attend by Skype or phone.

The morning of the staff meeting, I got a call from the airport authorities saying that Ingrid was there. They asked me if she was a tourist or if she was here for business. What would you say? I said she was here for business and as a result, they put her in jail. However, I convinced the authorities to put her in a hotel. I had to pay for the armed guard who watched her room and escorted her out of the country the next day. To this day, Ingrid doesn't like me, but she respects me.

- 1 **STANDING UP TO POWER**
Someone in power is asking you to do something unethical.
- 2 **MADE A PROMISE**
Conflicting commitments force you to choose.
- 3 **INTERVENTION**
You see something wrong. How do you proceed?
- 4 **CONFLICTS OF INTEREST**
Multiple roles put you at cross purposes.
- 5 **SUSPICIONS WITHOUT ENOUGH EVIDENCE**
You believe something is going on, but you're not sure.
- 6 **PLAYING DIRTY**
Achieving justice but by doing something unethical.
- 7 **SKIRTING THE RULES**
Bending a rule for a better outcome.
- 8 **DISSEMBLANCE**
Misrepresenting the truth for better outcome.
- 9 **LOYALTY**
Giving up ethical stance to protect valued relationship.
- 10 **SACRIFICING PERSONAL VALUES**
Living ethically might put burden on others.
- 11 **UNFAIR ADVANTAGE**
When opportunity exists to wield an unfair upper hand.
- 12 **REPAIR**
When you are responsible for a mistake.
- 13 **SHOWING MERCY**
You could grant forgiveness, but you don't know if you should.

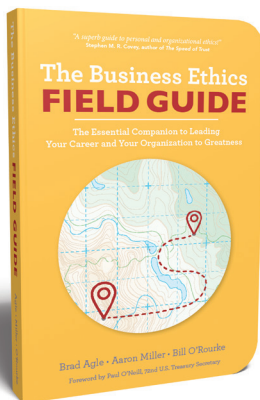
Breaking the Rules

There are situations where rules are counterproductive and it may actually be ethical to break them. However, the way you do so matters. Two of the best historical examples are Mahatma Gandhi and Martin Luther King, Jr., who both practiced civil disobedience. They broke unjust laws to get a just outcome. Following these four principles gave them great moral authority:

- They were nonviolent.
- Disobedience was a last resort.
- Disobedience was proportional—responding to an unjust law by disobeying that specific law.
- They willingly submitted to the penalties for breaking the law.

These high-level moral principles may seem excessive if you're considering breaking a small company rule like skipping supervisor approval to make a customer happy. But notice the importance of valuing other people, exhausting your other options, minimizing rule breaking as much as possible and respecting the authority of rule makers.

Don't skirt the rules by offloading responsibility. Asking others to break rules for your benefit has the same moral effect as doing it yourself. In fact, you have a responsibility to assure that your subordinates respect the rules.



Considerations

When skirting the rules seems an option, ask these questions:

What is the purpose of the rule?

To ethically break a rule, you need to know why it matters. If the rule is to assure safety, perhaps you can be safe while breaking the rule. OSHA regulations require a certain spacing between rungs of a ladder. If the only ladder available had improper spacing, perhaps it could still be used safely—especially if using it to get to an emergency situation was necessary.

Can you get permission to break the rule?

Almost every rule has exceptions. If time is not of the essence, you should consider getting approval for the exception from someone in authority.

Would those in authority want you to break the rule?

Sometimes it is impractical to ask for permission. In those instances, put yourself in their shoes and objectively review the justification for the behavior.

Does breaking the rule encourage others to do the same?

Don't allow your breaking a rule to be seen as a pattern of ignoring authority. Instead, assure that rule breaking is seen as an infrequent exception. Respect for laws and rules is important.

Does breaking the rule achieve fairness?

Rules that do not achieve fairness should not be followed. That's why most organizations have processes to change and rewrite the rules.

Can you accept the adverse consequences?

Sometimes you might have to accept the consequences of the violation (a fine, a suspension, time-off, a demotion, etc.) even when it was justified. Accepting those consequences may help preserve the rule of law in the long term.



Rules and laws are good, but don't let them define your ethics.



In Summary

If you decide to break a rule to achieve a just result, you need to be sure that your behavior does not signal a disregard for the rules. Explain the rationale for the behavior and the morally justifiable result.

Also, rules and laws are good, but don't let them define your ethics. If legal compliance is your guide, you will fall way short of virtuous behavior. Compliance needs to be the minimum behavioral standard. Great leaders act far beyond compliance. ✪



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