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## Chapter 11

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### The Aroused Office: Sex and Drugs at Work

#### Chapter Overview

Chapter 11 "The Aroused Office: Sex and Drugs at Work" examines the ethics of sex in the marketing world, and discusses issues raised by romance among workmates. Drug use is considered from the side of prevention and in terms of performance enhancement.

## 11.1 Is There Anything Special about Sex?

### LEARNING OBJECTIVES

1. Consider the ethics of using sex to promote products and services in the marketplace.
2. Investigate the ethics of sleeping with the boss in exchange for professional advancement.

### Sex in the Office

That subtitle got your attention. It gets everyone's attention, which explains why there's so much of it in the business world. Marketing efforts lead the way because people tend to pay attention to the TV when scantily clad people appear. More broadly, sex happens—either explicitly or just as a suggestion—almost everywhere business does. It's exploited in the commercials, showing up on the office computer screens, joked about in the bathroom, discussed in the organizational code of conduct, and going on underneath cubicle desks. The economic world is charged with it. Some of the more intense questions about the ethics of sex in the workplace include:

- What's the ethics of using sex to sell products?
- What's the ethics of using sex to sell yourself?
- What's the ethics of looking for sex at work?

### Sex Sells

The Russian anchorwoman Svetlana Pesotskaya caused a stir in international media circles when she started doing her reporting topless. Her news program—utterly conventional except for the clothing issue—is called *The Naked Truth*. One of the broadcast's more entertaining aspects is watching male guests as they're being interviewed in the studio heroically trying to keep their eyes above her neckline.

Regardless of the reason viewers tune in for sex-charged information, they certainly do tune in. That fact is not lost on a station closer to home, the CBS affiliate in Cleveland, Ohio: WOIO. In a segment heavily and provocatively advertised by the station beforehand, their news anchor Sharon Reed stripped on air before dashing off to join a throng of temporary nudists participating in an installation by photographer Spencer Tunick, who's gained international fame by

convincing multitudes of men and women to voluntarily pose naked for his fleshy panorama shots.

The reviews of Reed's participative report were mixed. Don Shelby, an anchor at the CBS affiliate in St. Paul and Minneapolis said, "This threatens to turn us [news broadcasters] into something of a cartoon, if we weren't already." David Carr, "When a TV Talking Head Becomes a Talking Body," *New York Times*, November 25, 2004, accessed June 1, 2011, <http://www.nytimes.com/2004/11/25/arts/television/25tube.html? r=1>. Going further, the chairman of the Radio-Television News Directors Association in Washington, DC, complained, "I think the general reaction in the industry has been one of surprise and disgust. I don't see how this can engender confidence in the quality of news we think we are doing, and it manages to justify the harsh criticism that we often face in our industry." David Carr, "When a TV Talking Head Becomes a Talking Body," *New York Times*, November 25, 2004, accessed June 1, 2011, <http://www.nytimes.com/2004/11/25/arts/television/25tube.html? r=1>.

On the other side, neither WOIO nor Sharon Reed backed down. Station executives insisted that the core story—Tunick's photography event—was legitimate local news, and the anchor's participation was analogous to conveying the reality of a flash flood by reporting underneath an umbrella from beside a rushing stream. As for Reed personally, she made no apologies for using her assets to increase ratings for her station and, simultaneously, her own profile in her profession's arena. "I'm in it to win," she said. "When did that become a crime?"

That last quote came from the *New York Times*. The newspaper took advantage of the situation to run its own nude picture of Reed. David Carr, "When a TV Talking Head Becomes a Talking Body," *New York Times*, November 25, 2004, accessed June 1, 2011, <http://www.nytimes.com/2004/11/25/arts/television/25tube.html? r=1>.

## Product Sincerity, Prurience, and Objectification

Ethical issues visible in the Sharon Reed broadcast include product sincerity, prurience, and objectification. **Product sincerity**<sup>1</sup> measures openness and transparency about what's being sold. In the case of Reed's report, there are two front-running possibilities, two clearly distinct products being offered for viewers' consumption:

1. A news story about a flamboyant picture taker's visit to Cleveland
2. A video of a woman stripping

1. Openness and transparency about what's being offered to consumers.

Here's one way to sharpen the question about what's really going on: Had federal broadcasting rules *not* allowed the unclothed images, would WOIO still have covered the event, would the station have broadcast a story more or less like the one it did but with the reporter clothed? For its part, the station insists it would have. Further, its basic argument for broadcasting the nude version is clearly reasonable. Both WOIO and Reed remind critics that participating in an event is an excellent way to understand and convey it. That's why sports reporters pick up bats and try to hit pitched baseballs, and fashion reporters dress in the season's hot shoes and exhibit them on camera, and war reporters visit the front lines. The fact, consequently, that Reed got involved with her story fits perfectly with the claim that she's doing the best and most professional job possible of portraying what happened. Still, it's also probably true that she could've uncovered herself without beaming the images across the airwaves. More, the way she took everything off wasn't exactly discreet. In a moment reminding some viewers of the artistic and historical significance of the disrobed body, and others of a bar with poles, Reed stared intently at the camera as she slowly unsnapped her bra and slipped out of her final clothing layer.

Does it matter? Whether the station was trying to win over viewers with a news story that happened to include nudity, or with nudity that happened to include some news, is there a *responsibility* for the people at WOIO to be sincere about their strategy? There are solid reasons for affirming that the responsibility is limited.

- Viewers aren't morons; they know how to change channels. If they see something they don't like on WOIO, they're free to try another offering. As long as that's true, as long as viewers can see for themselves what's being offered and therefore make their own fully informed decisions, what the broadcaster is *claiming* diminishes in importance.
- The fact that a product being offered for consumption isn't what it claims to be is a perfectly understood part of our economic and business world. It goes on all the time and everywhere. Teenagers buying whipped cream chargers (whippets) don't come to the grocery store because they expect to have pie that night at dinner. The cashier knows why they're buying the canister, the store owner does too and the manufacturer. Everyone knows, which means there's no attempt to deceive. It's true that the canister packaging insists that the product is for use with whipped cream, but that's not really a lie, just a formality.

Product sincerity, in conclusion, is relative. When people can see for themselves what's being offered, or everyone knows what's going on, a lie isn't really a lie. Or at least the case can be made that it's not.

Going back to Reed's story, this much is clear: exactly how her report would be presented was well publicized. Through a massive promotional campaign leading up to the event, the station made sure everyone knew beforehand what was coming. Even accepting the informed consent of the viewers, however, a business ethics that sticks with firm duties—one that orients right and wrong with basic rules about always telling the whole truth—may disapprove of what happened on WOIO. This is the position anchorman Don Shelby took when asked about the infamous report. As Shelby put it, "This threatens to turn us into something of a cartoon." He meant that Reed's news broadcast was simply and factually insincere: it claimed to convey important events about the real world, but really offered viewers a piece of ratings-grubbing, skin-flashing entertainment.

In the end, the two guiding questions about product sincerity as they relate to Sharon Reed remain open: Was she telling the truth when asserting that hers was a legitimate news story that rightfully included sex (as opposed to a chance to use sex to boost ratings with the help of a dubious news event)? And does it matter whether she was telling the truth?

**Prurience**<sup>2</sup> is an immoderate and unwholesome interest or desire, especially related to sex. On this front, the ethical question is simple: is there anything wrong with sitting in front of your TV and watching someone take their clothes off? Anyone who's watched the Olympics has noticed that beach volleyball gets a little more coverage than the purely athletic competition seems to merit, and some viewers seem more interested in watching the male swimmers stretch on their blocks and prepare to fire into the water than they do in following the actual swimming. People like to look at nice bodies, but where does checking someone out cross into the objectionably unwholesome?

This question is especially well adapted to a community or a cultural ethics, which is a sense of right and wrong that's not determined by preset rules or viewers' free choices so much as community standards. What's right or wrong, from this perspective, is set by a society's customs and expectations. Swinging this viewpoint around to Sharon Reed's report, one important aspect is that it was carefully set to air after 10 p.m. when, presumably, children would be tucked away in bed. The station didn't have any choice in the matter (at least not if it wanted to keep its broadcasting license) because nudity simply isn't allowed before that time. In the United States, these standards are usually set by the Federal Communications Commission (FCC), which is the national government's regulatory commission for what can and can't be shown on open airways. The members of that agency are chosen, ultimately, by elected officials, and those officials, presumably, are in touch with what the public feels is appropriate. The argument can be made here that because a democratically elected government drew the line between the acceptable and the unwholesome at 10 p.m., the line is there. Period.

2. An immoderate and unwholesome interest or desire, especially one that's related to sex.

Refining the point, certain depictions of nudity, degrees of it, and things that happen to go on while people aren't wearing clothes are limited in similar ways by the FCC, and in all these areas, lines are getting drawn between healthy and immoderate viewer interest. The definition of what counts as prurience, finally, may find an ethical foundation on a community's verdict about whether it's happening.

**Objectification**<sup>3</sup> is dehumanization; it drains away the person inside a body. If you set the reporter Sharon Reed next to a blow-up doll of Sharon Reed, objectification is what happens when you go from the first to the second. The charge or accusation of objectification is that by volunteering to take her clothes off on TV, Reed is violating a moral duty to herself, the duty to protect her own dignity and humanity. As an experienced TV reporter, the professional skills Reed had developed involve the sophisticated ability to investigate, understand, and report on current affairs. There's a nobility in those cultivated talents, and Reed has a responsibility to herself to promote them. When she takes her clothes off, though, everyone loses sight of what truly makes her an accomplished person. In the same way, those that participate in the nude spectacle—the TV station, the viewers—are violating a duty to her: by sending Reed out there to be ogled, or by doing the ogling, they're violating their responsibility to see her as an accomplished reporter, and not an empty piece of eye candy. If that's right, finally, then Reed shouldn't have taken her clothes off, and viewers shouldn't have watched if she did.

One strong argument against this duty-based reasoning is that respect for others can be condescending and patronizing. Who are we to tell Reed when she is and isn't an object? It's far better to let everyone make their own decisions and respect them for doing so. The case could even be made that Reed's highest dignity as a human lies precisely in her ability to use and display her body as she chooses. If stripping moves Reed toward accomplishments that will make her happy—if it helps her achieve the success as in her profession—then she shouldn't be obstructed. From this perspective, telling Reed to keep her clothes on isn't a respectable ethical recommendation; it's an insulting attack on her right to go out into the world and find what she wants. Listening to her, it sounds like she may have had this argument in mind when she asserted, "I'm in it to win. When did that become a crime?"

There's at least one further route to follow in defense of Reed's disrobing. In the twenty-nine-second advertising segments promoting her presentation, art is heavily featured. It's steamy art, true, but nonetheless the kind of thing we're used to seeing in museums. The first shot is a bronze sculpture of three female nudes knotted in a passionate embrace. Next comes a painting on the same subject. Both these shots apparently come from museums. Reed appears in the following scene; it's a head shot balanced by a partially visible statue of a male nude just to her right.

3. The reduction of a human being—his or her nobility and dignity—to nothing more than the object, which is his or her body.

The statue's visible section is its waist area. Similar juxtapositions lead to a climactic (and blurry) tease of men and women gathering without their clothes to pose for Spencer Tunick's artistic photos.

## Video Clip

Body of Art

Please view this video at [http://businessethicsworkshop.com/Chapter\\_11/body\\_of\\_art.html](http://businessethicsworkshop.com/Chapter_11/body_of_art.html).

Art, the message is, includes bodies. Far from presenting a cheap thrill, Reed is participating in the illustrious history of high and noble aesthetic representation. Everyone will have to decide for themselves whether Spencer Tunick's panorama shots of naked herds deserve to be called art. But the fact that they could be opens the way to claiming that those stripping down for him aren't being reduced to pinups; they're being elevated to one of the higher human callings, which is the thoughtful and provocative depiction of what it means to be human in all its dimensions.

Conclusion. Sex certainly sells. It's also certain that sexual selling raises ethical questions: is it insincere, unwholesome, or exploitive of the person doing the selling?

## Getting on Top to Get Ahead

Some people who are in it to win consider going further than taking their clothes off. "Based on the questions I receive from readers," writes *Huffington Post* columnist Joy Chen, "there seems to be a substantial segment of charming, ambitious female blog readers among you who wonder: 'Should I have sex with my boss to get ahead in my career?' Perhaps there is an equally large number of good-looking male readers among you who are in the same predicament, but too shy to ask." Joy Chen, "Should You Have Sex With Your Boss to Get Ahead?," *Huffington Post*, May 18, 2010, accessed June 1, 2011, [http://www.huffingtonpost.com/joy-chen/should-you-have-sex-with\\_b\\_580512.html](http://www.huffingtonpost.com/joy-chen/should-you-have-sex-with_b_580512.html). No, she answers, and runs through a list of practical reasons why the strategy is flawed.

Regardless of whether sleeping with the boss will help you up the career ladder, the ethics of the strategy divide along a number of lines. The arguments against even trying to convert sex into a promotion start with appeals to honesty and fairness. Granting special favors to a superior—no matter what they may be—almost inevitably requires lying if they're to be repaid with a promotion or pay raise or some other professional compensation since most organizations require that some kind of internal evaluation justify the selection of one employee instead of others for a move up. The practical reality is that people involved in this kind of relationship are probably going to end up misleading others about what's really going on. And even if no one asks, the equally fundamental value of fairness gets breached when promotions that supposedly are based on specific job-performance skills end up being distributed in accordance with different motives.

Another, though related, argument against what Chen calls the “sleep-up strategy” emerges from utilitarian theory. Starting with the premise that ethical good is just whatever heightens a society's general welfare and happiness, it seems as though a world in which *everyone* is uniformly getting ahead by working hard will be less rancorous and angry than a world where some people are getting ahead through hard work, while others are flying under the radar, suddenly appearing in higher-level posts for reasons that others don't understand or that don't conform with expectations. Resentment can grow quickly, as well as charges of capriciousness and unfairness. If the boss happens to be a heterosexual woman, for example, with a taste for sinewy, dark men, and if promotions are doled out as part of pillow talk, then large numbers of workers aren't even going to have the opportunity to ask just how far they'll go to get that salary raise. It's true, of course, that some individuals *will* benefit when sleeping up occurs. But for the *general* welfare to be favored, their pleasures are going to need to outweigh quite a bit of workplace frustration.

The third strong ethical argument against sleeping with the boss to get ahead relates to the earlier consideration of disrobing for the camera. If you can make an argument that a news reporter shouldn't take off clothes to win more viewers because it's dehumanizing and objectifying, the same reasoning may be transferred with even greater force to taking off the clothes and not stopping there. In both cases, individuals are drained of their professionalism. Within the business world, they sacrifice the judgment and skills that make them what they are as qualified supervisors and laboring employees. When the particular dignity that belongs to those who develop real skills in the economic world is stripped away, what's left is nothing more than selfish individuals placating immediate and base desires.

4. A kind of rational argument that questions another's opinion by insisting that their basic assumptions are wrong.

One response to this last argument is to **deny the premise**<sup>4</sup>, which means to dispute the basic assumptions. In this case, denying the premise could mean asserting that skills in the business world *aren't* limited to the kinds of things that show up on paper: the number of tasks you're able to complete each hour, the

scores you receive in customer satisfaction surveys, and so on. Business is much broader than that. Like money, it's everywhere, as broad as life itself. If this is the starting point, it follows that the notion of business skills must be taken to include all that.

Next, if that's what business skills are, if they're everything you can bring to bear on the economic world, then sex is going to factor into the mix. It's going to be something employable just like any other ability. Some people are born with great mathematical minds, and they use the quality to get ahead by finding good engineering jobs guaranteeing high pay. Others are born with tremendous athletic skill. They may use that ability to win a college scholarship and so receive an education that the next person—who's the same in every other way—won't be able to access. There are people who have a natural talent for selling and leverage that; others put a sharp visual sense of balance and harmony to use in an interior design company. Sculptors and carpenters turn capable hands into money. If, finally, there's someone out there with great sex appeal and the ability to use it, why shouldn't they? There is a talent just like everyone else's.

Filling this out by reference to ethical theory, there are two kinds of foundations that may be laid underneath the assertion that using bedroom skills to get ahead isn't any different from dressing for success or staying late at the office. The first is obvious: fairness. If one person can use their skills, then others should be able to use theirs. One response to this argument is that any talent may be used *as long as* it's directly relevant to professional responsibilities. Letting people use their erotic skills is only fair, the argument goes, if you happen to be in Amsterdam, a few counties in Nevada, or some other place where prostitution is legal.

The second theoretical foundation for an ethics of sleeping up is the privileging of individual rights and human freedom as the highest values in the workplace. If freedom guides ethics, then constraining the talents that may be used to succeed becomes immoral because it's a constraint on individual liberty. Freedom, the argument continues, is one of those things you can't limit: either you let people make their own decisions about getting ahead or you don't.

### **The Ethics of Individual Freedom and the Wide-Open Market Economy**

The employment of an ethics of freedom to justify the bedroom strategy for career advancement illustrates one reason why proponents of freedom maximization in the economic world frequently set their view of individual rights in tandem with the ideal of an unobstructed market economy.

An unobstructed marketplace is sometimes called a **laissez-faire**<sup>5</sup> economy (laissez-faire is French for “leave to do”), and it’s one where individuals and organizations compete against each other with minimal regulation, oversight, and limitation. The purchase of trash bags is a decent example. If you buy Glad bags and find they rip when you’re taking the trash out and so leave your kitchen floor stained with coffee grounds, it doesn’t take much effort to go to the store and buy a different brand. On the other hand, trash *collection* is much less competitive. Especially in those cities where the local government runs the trash trucks, you’re going to find it difficult to change companies if you don’t like the service you’re getting. Now, with respect to the trash bag company, if all the design specialists got their jobs by getting it on with the CEO, no one will be surprised to discover that they don’t know too much about making good bags. This kind of company, therefore, one where professional excellence isn’t rewarded, is probably also one that’ll produce leaking bags and soon go out of business. The marketplace, consequently, does some of the work to professionalize the office that a freedom-based ethics can’t do. Of course, if the marketplace is obstructed—if consumers can’t easily switch from one provider to another, as in the trash collection case—then it’s less likely that experts in sleeping up will be weeded out.

A stronger point can be made. Practices many consider inappropriate, undignified, or reprehensible—like sleeping with the boss to get ahead—may surrender to economic reality more quickly and completely than they do to purely ethical arguments. It’s possible that the best way (the most efficient, practical, and certain) to cure behaviors many label egregious—everything from under-the-table bribes to racial discrimination—is to simply let market forces of competition do their job.

#### KEY TAKEAWAYS

- Using sexual images and suggestions for economic reasons raises ethical issues of sincerity, prurience, and objectification.
- Sleeping with the boss for career advancement opens issues concerning the intrinsic nobility of the individual in a business setting and the limits of acceptable strategies for advancement.
- The possibility of sleeping with the boss to advance professionally illustrates one reason rights theorists in the economic world tend to favor market-driven economies.

5. French for “leave to do.” In the economic world it denotes an unobstructed marketplace where businesses compete with minimal regulation, oversight, and limitation.

## REVIEW QUESTIONS

1. What—if anything—is wrong with taking off your clothes to earn some money?
2. Is there an ethical difference between stripping for *Playboy* or *Playgirl* magazine and Reed's disrobing? If so, what is it? If not, why are they ethically the same? Use the concepts of *prurience* and *objectification* to answer.
3. Your boss wants to sleep with you, and it's clear that visiting a hotel will help your career. What are two arguments against? What's an argument in favor?
4. Some ethical theorists believe individual freedom and the pursuit of happiness are the highest ethical values. Why might this kind of theorist also favor wide-open market economies with competition among companies?

## 11.2 Bad Sex: Harassment

### LEARNING OBJECTIVE

1. Discuss sexual harassment in its principal contexts.

### The Boss Wants to Sleep with You

The flip side of you deciding to sleep with the boss to get ahead is the boss deciding to sleep with you. In ethical terms, however, and in legal ones also, this situation isn't just a reversed copy of the previous. When the sleep-up strategy begins with some guy or gal having a few drinks and deciding to make a run through the promotion shortcut, the boss can decline. There'll be some awkward talk and red faces, but a week later the whole thing will probably have evaporated. What happens, though, when the person initiating the deal isn't so much an opportunist as a predator, and when it's not so much about making a quick and steamy bargain as it is a continuously leveled demand?

**Sexual harassment**<sup>6</sup> with respect to the law is defined this way by the US Equal Employment Opportunity Commission (EEOC): “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.” “Facts about Sexual Harassment,” U.S. Equal Employment Opportunity Commission, last modified June 27, 2002, accessed July 1, 2011, <http://www.eeoc.gov/facts/fs-sex.html>.

The clichéd image of sexual harassment—which may have gotten to be the cliché by being the most accurate and common—is of a middle-age man hiring and hitting on the nubile account executive. She gets the message pretty quickly about exactly why she was selected for the job, and what she's going to need to do to keep it or advance upward. Whether that's the most typical scenario or not, both legal and ethical considerations of the issue account for varied exploitation scenarios: harassment can work against diverse people in multiple ways. According to the EEOC statement,

6. Unwelcome sexual advances or conduct that creates a hostile work environment.

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

- The harasser can be the victim’s supervisor, an agent of the employer, a supervisor in another area, a coworker, or a nonemployee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to the victim.
- The harasser’s conduct must be unwelcome. “Facts about Sexual Harassment,” U.S. Equal Employment Opportunity Commission, last modified June 27, 2002, accessed July 1, 2011, <http://www.eeoc.gov/facts/fs-sex.html>.

A number of ambiguities knot attempts to deal with harassment in the courts. Starting with the term *sexual advances*, everyone knows from their own experience that someone standing fifty yards off and staring can be tremendously disconcerting, while someone else rushing up, draping themselves over us, and sighing, “You’re hot!” can be a funny joke. It’s hard to set down in words exactly what an *advance* is. Similar uncertainties plague attempts to define just what constitutes the *unwelcome* part of unwelcome advances because, again, different individuals have very distinct ways of feeling and expressing displeasure.

On the other end, even if the advance is clear, and even if it’s clearly unwelcome, when do accumulated come-ons add up to a hostile work environment? In some situations, people will feel pressured months after a single polite invitation to dinner has been firmly refused, while in other places the boss’s daily proposal to “Get blind drunk together and see what happens” will seem more absurd than threatening. None of this changes the fact that the law’s intention is clear. People aren’t allowed to make sex an employment requirement or contaminate the workplace by acting like it’s a singles’ bar. Anyone who breaks those rules may be subject to prosecution, especially if the behavior is persistent and continues even after discomfort has been explicitly reported.

How is the gap between a clear legal intention and a messy real world bridged? Courts have sought to alleviate the problem of different people seeing things in different ways with a **reasonable person model**<sup>7</sup>. The basic questions at the core of harassment cases—“Is it an unwanted sexual advance?” and “Is it a hostile work environment?”—are answered, as far as the law is concerned, by the response a reasonable person would give if informed of the situation. Of course, reasonable people once believed the earth was flat, so it’s not clear that the reasonable person definition will entirely withstand the tremendous variety of situations in which people come together. Still, the model certainly advances the discussion. The fact that any accusation of harassment, or any defense in the face of an accusation, must pass through the test does wring out extreme cases. The accuser who complains that the boss once winked, or the boss who claims not to have realized that

7. A way of answering questions by appealing to how a typical, reasonable person would respond if asked.

advances were unwelcome even after receiving a glass of ice water in the lap, probably won't get much sympathy in the eyes of a judge.

## Sex, Harassment, and Ethics

Sexual harassment is difficult to justify, and easy to condemn, with nearly all mainstream ethical theories.

- The general welfare, most agree, is well served by a workplace where everyone can work, where labor can be done without the impediments of annoying and molesting come-ons. There are other spots and times that are designated for romantic socializing, and in general, we all get along most harmoniously when we keep our various activities in the places they're expected to be. Exceptions exist, but looking at the situation broadly, utilitarianism—which sets the general welfare as the highest good—comes down against overly aggressive advances at work.
- More individualistic and liberty-oriented ethics that privilege freedom and each person's unique expression and aspirations as the guiding ideal for action will likely agree that a workplace plagued by harassment is one where individuals' freedom to pursue their own hopes and careers is being significantly impeded. The harasser, of course, can always insist that he or she is free to toss out as many blunt invitations as he or she may choose, but it must be remembered that all freedom-based theories restrict us to actions that don't limit the freedom of others.
- Basic duty theory, which orients ethics in the workplace around the specific imperative to honesty, also rejects harassment because no sane boss is going to admit to it. Harassment, in other words, will likely lead to lying. Along the same lines, the duty to fidelity (keeping our promises) also prohibits harassment assuming the original working agreement was about work and not romance. Finally, the duty to respect others as dignified human beings—worthy of being treated as ends and not means—leaves little room for hostile workplaces.

An ethical review of workplace sexual harassment shows that the practice is difficult to justify. Similar confidence can be attached to a related subject: victimization. **Victimhood**<sup>8</sup>, in its extreme form, is falsely claiming to suffer harassment as a way of injuring another, very likely a supervisor. Since the accusation is a lie, it will, in most cases, fail an ethical review. Also in terms of the utilitarian principle of the greatest good, it's probable that society won't be benefited by people flinging false accusations of sex harassment. In general, the ethical difficulties surrounding victimhood are practical. They surround this

8. Within the field of sexual harassment, falsely accusing another of harassment as a way of injuring him or her.

question: how can individuals be protected against retributive and false claims of harassment without making the accusation impossible to level?

Probably the most interesting—and conflictive—ground for the subject of sexual advances in the office is the intercultural workplace: situations where employees from distinct nations with divergent customs and habits are asked to work together.

Academic studies have carefully shown how cultural differences affect attitudes about sex, sexual advances, and hostility at work. In one study, American, Australian, and German collegians were offered written scenarios of sexual overtures in offices. Responses from all three nationalities were similar, but as a group, they were far more likely to brand the episodes with terms like *harassment* than were their peers from Brazil. Faced with the same scenarios, the Brazilians tended to see only innocuous pokes at romance and sex that didn't constitute abuse of power or create a hostile environment. A similar experiment showed a comparable split between typical adults living in the United States (more prone to see harassment) and Ecuador (more likely to see scenarios as flirtatious or harmless sexual jousting). Jennifer Zimbhoff, "Cultural Differences in Perceptions of and Responses to Sexual Harassment," *Duke Journal of Gender Law and Policy* (2007): 1311, accessed June 1, 2011, <http://www.law.duke.edu/shell/cite.pl?14+Duke+J.+Gender+L.+&+Pol%27y+1311>; E. R DeSouza and C. S. Hutz, "Reactions to Refusals of Sexual Advances among U.S. and Brazilian Men and Women," *Sex Roles* 34, nos. 7–8 (1996): 549–65.

Researchers speculate that the distinct responses to the situations don't indicate superficial differences of opinion, or divergences in local laws, but go much deeper into sweeping ways people understand sex and socializing and men and women together. South American culture is generally more eroticized, more tolerant of displays of nudity, and more accepting of raw gestures toward sex. Of course you can't miss how much more comfortable men and women are with their displayed bodies if you visit Carnival in Brazil, but it goes beyond that. Something simple—a comment asserting that the workday passes more agreeably when the woman a few cubicles down wears one of her shorter skirts—comes off very differently in South America (where few would object) than the United States (where just citing the example will make some people wince). The expectations, acceptance, and enjoyment surrounding sex and suggestion at work, the conclusion is, aren't any different from the rules governing which side of the street you drive on, or how much can be revealed at the beach; they're different at different places. Eros R. DeSouza, "Gender Differences in the Interpretation of Social-Sexual Behavior: A Cross-Cultural Perspective on Sexual Harassment," *Journal of Cross-Cultural Psychology*, September 1, 1997.

Cultural differences don't make much difference as long as cultural places remain fixed. But in a world of multinational corporations and falling trade barriers, large organizations (and small ones too) are going to explore international markets. Mixed nationalities in the office are going to follow. Then what? What happens if an American TV station, impressed by the rating-busting success of Russian Sergei Moskvina—the producer behind the topless news program, *Naked Truth*—invites him to come to America? No one should be too surprised if Moskvina spends the first day in the office bouncing around asking female reporters to give him a waist-up look. And no one should be too surprised if one, a few, or all of the reporters (including the men) protest and maybe file a lawsuit. In ethical terms, there are a number of strategies for resolving these clashes of expectations and customs. In general, they divide into two groups:

1. Those working from a culturalist ethical perspective
2. Those planted in one of the traditional approaches

### Office Sex from a Culturalist Perspective

A **culturalist ethics**<sup>9</sup> defines right and wrong as simply aligning with a society's accepted rules and norms for behavior. For example, in the States we consider ownership of land that we've legally purchased to be legitimately ours; part of what we morally owe each other is respect for possessions. According to the customs and traditions practiced by indigenous peoples in southern Mexico, however, the very idea of private land is immoral. All land, in the ethical sense, belongs to everyone, which explains why the plots used for farming are divided and redivided each year in accord with the dictates of the village chief or consul. So which society is right? Should possession of a plot be determined by a deed or by the chief's voice? According to a culturalist ethics, either one. It just depends on where you happen to be when the decision gets made. Wherever you are, if you decide in accordance with local customs and traditions, you're right.

Moving this over to the issue of harassment, the answer to the question "What's an unwelcome sexual advance?" isn't answered by recourse to specific dos and don'ts; it's simply the common practice and expectations of those making up the larger culture where the business is located. If repeatedly making suggestive comments about how much better the day feels when the woman down the row is short-skirted counts as a hostile work environment in the United States, then it is a hostile one. If the same tone and words are accepted as perfectly normal and appropriate in Brazil, then they are appropriate. No further ethical discussion is required.

9. The definition of ethical right and wrong as aligning with a society's accepted rules and norms of behavior.

Departing from this origin, there are two main resolutions to sex problems coming up in international offices:

1. The “When in Rome...” solution (or **local deference ethical strategy**<sup>10</sup>) accepts the basic culturalist argument that right and wrong is nothing more than the customs and habits of those forming a society. People joining that society (like Sergei Moskvin coming to America) can expect a kind of grace period while they figure things out, but they must ultimately come into line with local practices. Moskvin will be excused, in other words, for asking women to take off their shirts, but only for the first few days.

Expecting others to adapt to local customs is a reasonable way to manage intercultural ethical conflicts, and it works well for those receiving workers from other places. The catch is that the same logic works the other way. If an American multinational media company expands into the Russian market, then the local partners are going to be standing on solid ground when they begin asking for a level of exposure—female, male, both, or whatever—that doesn’t sit well in the United States. In this kind of situation, employees sent abroad will naturally be uneasy about expectations. Probably some will embrace the change with a sense of adventure while others will recoil, but regardless of the attitude, everyone will probably find themselves in at least a few uncomfortable situations. As for the larger organization trying to hold a business together while spanning various nations and cultures, this is an incurable difficulty with simply accepting local ethics. The resulting ethical schizophrenia—rules within an organization switching as fast as employees are assigned to one or another country—makes setting a specific and coherent corporate culture in the area of sex almost impossible.

2. The **multicultural respect ethical strategy**<sup>11</sup> also accepts the basic culturalist argument that right and wrong are defined mainly by the customs and habits of those forming a society. In this case, however, people moving to other places aren’t expected to adapt. Those others are expected to accept. When, for example, people from other places come to America, basic respect for the autonomous value and dignity of their customs and habits demands that their behavior be tolerated, even if it gives offense to many locals. In the case of Sergei Moskvin, people in the office will just have to deal with the fact that for him there’s not a big difference between exposing one’s face to the camera and one’s chest.

10. Accepting that the customs and habits of those forming a society should provide guidance for all those entering the society.

11. Accepting that the customs and habits of members of diverse societies are legitimate and should be respected no matter where they may be.

This respectful response to intercultural ethical conflict is reasonable, even laudable for its tolerance of diversity. The problem, however, underlying the “When in Rome...” strategy continues within a context of multicultural respect: it leaves organizations in an impossible situation when it comes to formalizing policies and procedures governing all those working in all the international offices.

### Office Sex from a Traditional Perspective

Most traditional ethical theories approach the multicultural workplace more objectively. They insist that the moral rules of right and wrong transcend cultural diversity, and so open the way to claiming that certain behaviors are acceptable, and others unacceptable, no matter where the workplace happens to be or what countries the employees call home. The Russian news producer Sergei Moskvina plays by the same rules as the Ohio anchorwoman Sharon Reed, and that goes whether they’re in Russia, Ohio, or anywhere else.

The traditional approaches—especially duty theory and rights-based thought—work together fairly well in the areas of sexual innuendo, advances, and harassment: the actions they recommend can be construed to more or less fall in line with standard practices in America and Europe (which, not surprisingly, are also centers of the theories’ historical development and interpretation). That clears the way to affirming that those who come to the United States to work will need to adapt their behavior dealing with sex in the office to something resembling the codes of conduct normally in place here. More, organizations opening offices overseas will also implement those codes because the codes’ justification rests on arguments that function independently of local habits.

One clear advantage to this solution to questions about sexual advances in the office is that it allows more or less uniform regulations for conduct, no matter who happens to be working, or where they happen to be. The main problem, however, with this solution is that it breeds accusations of insensitivity to other cultures and customs. More broadly, American attitudes about sex in the workplace—when they’re forced on those who work for American multinationals in other countries—lead to charges of cultural imperialism.

12. In business ethics, the charge that multinational companies are forcing a single set of ethical codes and attitudes on people with divergent histories, habits, and customs.

In the economic world, **cultural imperialism**<sup>12</sup>, which fits besides terms like the *ugly American* and *globalization*, is the charge that US companies are imposing attitudes on local populations, imposing on people with different histories and customs who value and want to preserve their different ways of being—and getting—together.

### KEY TAKEAWAYS

- Sexual harassment occurs when unwelcome sexual advances or conduct creates a hostile work environment.
- Because sexual language is frequently suggestive more than explicit, and because diverse individuals relate to their own sexuality in distinct ways, it's very difficult to form explicit rules defining sexual harassment.
- Sexual behavior is culturally diverse, leading to problems in workplaces with international participants.

### REVIEW QUESTIONS

1. In your own words, what is sexual harassment?
2. Sketch two ethical arguments against sex harassment in the workplace.
3. Why might cultural diversity create sexual conflicts in an office?
4. What is the *multicultural respect* response to sexual tensions in an international office?
5. Why might a multinational corporation's policy dealing with sexual issues seem sensible in the United States but be viewed with hatred by employees in overseas offices?

## 11.3 Drugged

### LEARNING OBJECTIVES

1. Define workplace drugs.
2. Review recent history of social attitudes toward drugs.
3. Consider problems caused by drugs at work and the reasons for their use.
4. Discuss the ethics of drug testing.

### Rehab

Amy Winehouse's chart-topping, Grammy-winning song "Rehab" is an old-fashioned piece of rock-and-roll defiance:

They tried to make me go to rehab

I said no, no, no

I ain't got the time

I won't go, go, go  
Amy Winehouse, "Rehab," *Back to Black* (Island Records, 2010), audio CD.

It's also a statement about drugs in the workplace, and a very impacting one when the workplace is a concert hall and the worker standing up in front singing is collapsing under the weight of abuse, falling out of her clothes, tripping across the stage, forgetting the lyrics. Winehouse's picture is all over the Internet with cocaine dabbing her nose. She's been filmed inhaling crack. When people notice that her arms are laced with cuts, she explains that she knives herself during withdrawals as a distraction from the aching need for another drink or shot or whatever. Still, she sings that she's not going to "go, go, go," and everyone out in the crowd sings it right along with her.

Where's the line? Does it get crossed when she finally gets to the point where she can't walk out on stage? Or will the line get drawn when people stop paying money to watch her sing and the profits dry up? Or maybe there is no line, maybe she means what she sings and there won't be any stopping. And no matter where the line is, who decides? Is it her equally distraught, on-and-off husband? Her manager, her record label, her fans? No one at all except Amy Winehouse?

Sooner or later her story is going to end badly, but the questions will keep getting asked because drugs lace so deeply through professional lives. In most offices the boost comes from coffee, Red Bull, antidepressant pills, or the prescription amphetamine Ritalin (which, to complete the ladder, is used to cut cocaine). Then there are the relaxers, the cigarettes, the gin tonic, the Valium. In between, there's a broad and colorful spectrum of chemicals that help people go to work, do their work, and get away from work. Some athletes—or just guys wanting to fill out a suit—are using steroids. Others respond to the stress of the workday with high blood pressure or similar, and there are drugs for that too.

The ethics of drugs at work starts with a straightforward question, and then divides into two areas of debate. The question is “What counts as a drug?” The two areas of debate are the following:

1. What should happen when a worker wants to use drugs or alcohol, and that goes against an employer's policy and wishes?
2. What should happen when the organization doesn't intervene in a worker's drug use, or actually encourages it because the organization benefits from the use?

### What Is a Drug?

The technical definition of a drug is a substance affecting the structure or function of the body or of one's consciousness. When discussed in business ethics, only a slice of the broad category is applicable. The subject here isn't diabetes medications and similar doctor-prescribed substances; the dosing under consideration is recreational drugs and those substances taken to improve performance temporarily, but that don't seem medically necessary and that may not be medically desirable, especially because they cause negative effects further down the line. Steroids are an easy example.

13. In the area of business ethics, a substance providing a temporary and artificially desirable state, one followed by a reversal to a level below the original condition.

In the area of business ethics and drugs, it can be stated that, loosely, a **drug**<sup>13</sup> means a substance providing a temporary and artificially desirable state, one followed by a comedown or a reversal to a level below the original condition. Under this definition, the reason a Red Bull is a drug and, say, taking a nap isn't is that

while both provide some good working hours, Red Bull eventually leaves you even more tired than when you started. It comes with a letdown not affecting those who choose a nap. Something similar, but over a longer term, happens to those who use cigarettes to tighten their concentration. For many, nicotine works; it helps get work done. Later, however, when you try to kick the habit, it'll be hard to concentrate on anything at all for months. What, finally, makes a drug a drug is that in essence it's something that lets you borrow against the future.

### **A Brief History of Drugs (with Lessons That Could Be Applied to Sex)**

One warning should be inserted before any ethical consideration of drugs, sex, and similar themes in the workplace: both the legal rules as well as social attitudes are subject to change over time. The fact that rules *can* change doesn't mean they will or should, but simple prudence demands that anyone trying to form a justifiable position in any particular ethical situation should be aware of how significantly society's broad view of the subject can transform in relatively short periods.

The way we think about almost everything evolves, but the case of attitudes toward alcohol, marijuana, and similar substances go beyond gradual developing: they can turn so abruptly that they fall into the category of **social paradigm shifts**<sup>14</sup>. The word paradigm (from the Greek word *paradeigma*) could be translated as "pattern." Think of it as a pattern of thought or a pattern of processing things. More than an attitude, a paradigm is a worldview, an almost instinctual way of seeing and understanding experience. A paradigm shift is a change in the way we perceive things as we try to understand them.

As an abstract example, you've seen three-dimensional boxes drawn on paper with just a set of twelve lines. You look, and one face seems to be in front and the other behind. But when you blink, the box seems to have shifted and reversed: now the front is the back and the back is front. Called a *Necker Cube*, this experience of certain things in the world that make perfect sense even when seen in opposed ways is analogous to a social paradigm shift. In both cases, something is out there, and all of a sudden we see it in an entirely different but equally true way. Another, more human example, of a paradigmatic shift has been lived by all of us when as boys and girls we passed through puberty. Suddenly, and almost inexplicably, the way most of us saw members of the opposite sex was different. As it happens, this adolescent shift is based on biological transformations, but the cause can be anything. What's important is that fundamental views modify very quickly, and over the course of the 1980s in America, fundamental views about drugs in the workplace modified significantly and fast.

14. An abrupt change in a social attitude.

In 1981, an American military jet crashed while trying to land on the USS Nimitz, an aircraft carrier. Numerous crew members were killed. Subsequent tests showed some were high on marijuana. That worrisome result—along with the suspicion that drugs may have contributed to the accident—provoked testing of soldiers across the armed services. Positive results were startlingly high. Quickly, zero-tolerance policies were imposed within the military. Soon, the restrictions spread to the civilian side of the federal government. By 1988, the Drug-Free Workplace Act had been promulgated; it required that most companies doing business with the government certify that they maintained a drug-free workplace. More, federal contractors were asked to publish a policy explicitly prohibiting the use and distribution of unlawful drugs at work, and also institute a drug awareness program emphasizing the potential dangers of substance abuse. Soon, even businesses not engaged with the government were customarily advertising themselves as drug-free workplaces.

None of this seems remarkable now, but it would have seemed so in 1976 when then-presidential candidate Jimmy Carter campaigned in favor of decriminalizing marijuana use and his leading expert on illicit drugs believed that cocaine wasn't a serious public health threat. At the time, Dr. Robert DuPont was head of the National Institute of Drug Abuse, and he too supported marijuana decriminalization (though he later changed his mind after learning that thirteen-year-olds in suburban neighborhoods like his own were passing around joints at their birthday parties). While tolerance dominated political attitudes toward drugs, the media was busy glamorizing them, especially cocaine. A widely read article informed Americans that “among hostesses in the smart sets of Los Angeles and New York, a little cocaine, like Dom Perignon and Beluga caviar, is now *de rigueur* at dinners. Some partygivers pass it around along with the canapés on silver trays...the user experiences a feeling of potency, of confidence, of energy.” “Thirty Years of America's Drug War: A Chronology,” PBS, Frontline, accessed June 1, 2011, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/>.

It seems like that must have been a long time ago. It's not, though—only a few decades. And there's no reason to believe we won't see similar shifting in the coming years; we just don't know what will change and which way it'll go. Regardless, the lesson for business ethics is simple and applies whether the subject is drugs or sexual advances or whatever in the workplace. It's that the broadly accepted rules and social attitudes should be handled—and relied on—with care.

### **What's Wrong with Drugs at Work?**

The most commonly discussed issue in the area of drugs and work involves the organization's interest in promoting and enforcing a drug-free workplace. Of course space is made for coffee. It's true that the drink can leave people irritable and

aggressive, but the effects are mild and since almost everyone uses it, there's not much to do by way of dissuasion anyway. And pushing into the slightly stronger stuff, most organizations accept the occasional wine and beer shindig in the office corridors on Friday afternoons to loosen the atmosphere a bit. For the most part, however, companies want their workers straight for two reasons: productivity and safety.

A study published in the *Journal of the American Medical Association (JAMA)* asserted that postal workers testing positive for illegal drugs (typically marijuana and similar) were significantly more likely to be fired, injured, disciplined, or absent than their nonusing peers. Craig Zwierling, James Ryan, and Endel John Orav, "The Efficacy of Preemployment Drug Screening for Marijuana and Cocaine in Predicting Employment Outcome," *Journal of the American Medical Association* 264, no. 20 (1990): 2639–643, doi:10.1001/jama.1990.03450200047029. Study quoted in William Shaw, *Moral Issues in Business*, 10th ed. (Belmont: Thomson Higher Education, 2007), 335. If that study accurately represents reality, then companies stand on firm ground when arguing that because they have a right to expect a full day's good work for a full day's pay, they can demand that employees be drug free. If they're not, the argument goes, the statistics indicate that they're less productive. And if they're absent, then their coworkers who count on them being there may end up being less productive also. Drug use, finally, becomes an ethical breach of the duty to fidelity. It violates the responsibility employees have to honor their commitments to employers.

Moving in a slightly different direction, all public companies hold responsibilities to their shareholders. They include, in most cases, the obligation to make a profit—and to make as large a profit as possible within the parameters of normal business practice. That obligation may well go unfulfilled, however, if a workplace is not drug free. Because companies frequently pay health insurance premiums for their employees, workplace injuries climbing in number and severity resulting from drug use ultimately add to the firm's operating costs. And these subtract from the annual profit.

The stakes rise as occupations become more prone to accidents affecting those *outside* the company or organization. While a walking mailman probably can't do too much damage to others no matter how many swigs he takes from his hip flask, a crane operator, a school bus driver, an airplane pilot, a technician at a nuclear power plant, all these kinds of posts demand that employers take aggressive steps to ensure workers are well suited to carry out their duties. If they're impaired and make mistakes, there's no telling who or how many may suffer. What's certain is that lawyers will chase to the scene of any accident fitting those characteristics. As the punitive lawsuits pile up, the catastrophic accident caused by drug use will probably turn out to be a financial disaster for the company. It will also be an

ethical nightmare. Assuming the drug use causing the accident was preventable—a more scrupulous and sternly applied policy would've cleaned out the workplace and so avoided the accident—all the major ethical theories produce condemnation:

- The duty to avoid harming others is broken.
- The utilitarian imperative to serve the general welfare is breached.
- The right to individual freedom of the accident's victims gets jeopardized or destroyed.

Summarizing, the following concerns lead to policies within most organizations—as well as concrete actions—aiming to control how employees treat their mind and bodies:

- Drugged employees can be less productive.
- Employees using drugs can cause *others* to be less productive.
- Medical insurance and other costs elevate as drug use rises.
- Risks to third parties increase with drug use.

Against these powerful arguments in favor of limiting or eliminating drugs in the workplace, individuals naturally chafe at demands made by their employer that go beyond specific job tasks. Many of them figure that they're paid to do a job, and as long as they're doing it, the boss ought to leave them alone. While it's clear that the Amy Winehouse situation is an extreme one, it's also quite typical in terms of its basic structure. On one side, the people writing her paycheck want her getting to the workplace on time and then performing well. They want her remembering the lyrics and they'd prefer that she not fall off the stage. She, on the other hand, wants to enjoy her leisure time as she pleases, and she'd prefer that others just leave her to do her work in the way she sees fit.

### **Drug Tests: Actions by the Organization to Stop Drug Use**

From the management's side, a number of actions may be taken to diminish drug use in the workplace. Most are noncontroversial. Just like cigarette boxes come with dire warnings, so too company policy handbooks and employee bulletin boards are used to underline the potentially negative effects of use and abuse. More positively, drug-free lifestyles may be encouraged through an organizational culture stressing healthy choices. Special bonuses may be given to those who quit smoking (or certain privileges may be denied to those who don't). Possibly, a gym membership will be included with a standard contract. Biking to work may be encouraged (the advertising agency Crispin Porter Bogusky has a bike repair shop right in its offices). More incentives could be added but, in general, steps

organizations take to encourage physically healthy lives receive little resistance and do, at least indirectly, discourage substance abuse.

With increasing frequency, intrusive steps are also being taken to separate drugs from work. **Drugs tests**<sup>15</sup> are the most notable. Over the course of the last decade, scientific advances have made these probes easier to administer and less expensive to apply. That, combined with hardening attitudes about drugs in society and at work, has led to increasingly frequent testing. The checks are applied to filter new employees and also (though less frequently) to guarantee the condition of those already on the payroll.

This testing is a controversial practice both legally and ethically. There is agreement on one point: no one can be forced to take a drug test. At least with respect to work-related activities (as opposed to police-related events including drunk driving), any employee is always free to say no, to quit, and leave. Within the business world, all drug testing must be consensual. **Informed consent**<sup>16</sup> is an employee agreeing to undergo a drug test (or a series of them, or at least be open to possible testing) only after fully understanding the reason the organization is asking for the test, what is being tested for, and knowing—fully—the extent to which he or she may refuse. Beyond simply having information, informed consent also implies deliberation. In a complicated situation, few are able to make good decisions instantly; typically, sleeping on a question or something similar is necessary for an individual to feel as though he or she may consent to a test in a confident and informed way. Finally, consent must be voluntary in the sense that those agreeing to it understand what pressures are operating to encourage one or another decision. Naturally, people are going to feel a variety of tugs and pulls (from peers, from a union or civil rights organization, from management) to make a certain decision. For the decisions to be voluntary, those pressures must be understood and accounted for. Basically, informed consent means those subjected to the test can't be railroaded.

In some fields, refusal to submit may lead to termination (commercial airline pilot). In others where an employer has no health-connected reason to seek a test, and no reason to suspect that drug use or abuse is occurring, the employee should know that refusal can be an option, both legally and ethically.

15. A chemical analysis to determine whether an individual has used drugs.

16. With respect to drug testing, a decision to accept possible testing after making a careful and deliberative judgment.

### Legality and Types of Drug Tests

Legally, the question about the employee's right to say no to testing is a moving target. Currently, the federal government and most states allow drug screening as part of the hiring process and generally allow tests on existing employees as a condition for continued employment *if* there's reasonable ground for suspicion of

use. Grounds for suspicion include slurring words, acting disoriented, seeming unfocused, and similar. Most college students have a pretty good idea. Some states, including Minnesota, allow tests to be performed on random employees even without cause for suspicion. In this case, advance notice is required of the random test process.

As for the kinds of tests that are applied, urine is common. Obviously, bosses sniffing alcohol on the breath is a functioning, though unscientific, check. Saliva can be analyzed. Because traces of drugs remain detectable in hair for much longer than urine (about three months versus three days) and because it's easy to clip a few strands, this type of drug test is not uncommon.

### Ethics of Drug Tests

Ethically, justifications for drug tests rest on the legitimate reasons organizations have for wanting to weed out users from the workforce: drugged employees can be less productive, and cause others to be less productive, and use may raise operating costs as well as pose risks to third parties. The linchpin argument is that these concerns give organizations a right—and also a responsibility—to do all they can to create drug-free workplaces. Tests serve that obligation. Because they're a reasonable way to keep worker performance up, operating costs down, and everyone as safe as possible, employers have a responsibility to apply them.

Critics of drug testing also muster strong arguments. Most rest on convictions relating to individual dignity and rights. Putting their argument into the largest perspective, it's simply a fact that if, as a society, we decided to rid ourselves of all cocaine use, we could do that in a week. We'd only need to legislate that every single citizen would visit a government office every single morning and pee in a cup. Positive results would trigger an automatic jail sentence. Cocaine—along with its accompanying problems—would disappear in little more time than it takes to broadcast a just-say-no TV ad.

No one advocates this truly zero-tolerance enforcement strategy, however. The central reason no one proposes total testing is that basic convictions concerning human rights provide two direct forms of protection. First, our intrinsic dignity as individuals guarantees some measure of **privacy**<sup>17</sup>. Privacy is the right to be left alone by others, to conceal ourselves from their prying eyes. What we do inside our own homes and with our own time is our—and no one else's—business.

17. The right to be left alone by others.

This right to a dignified space for me stands on its own, but also extends as the right to define my own unique identity for myself. If everything we think and do is seen by others (imagine your life filmed and broadcast on TV twenty-four hours a day),

then we no longer have a self. All our energy and time would get devoted to presenting an image and appearance for others. Privacy is the space each of us needs to create ourselves as who we are. Drug testing finally, insofar as it intrudes on our private reality, also intrudes on the right each of us has to be ourselves.

The right to privacy can be construed slightly differently in terms of *humiliation* and *exposure*. Being forced to pee in a cup is embarrassing; it's being treated like a farm animal. On this front, the right to privacy is the guarantee that certain private things like that won't intersect with anyone else unless we make that decision ourselves. The other articulation, exposure, is especially pertinent today. In an electronic world, personal information about ourselves, once it's tapped into a computer, can end up anywhere at any time. In the end, who knows who's going to get their hands on our lab results? Or when? Because it could be anyone into the indefinite future, there's an element of invasive exposure in many drug-testing procedures.

The same fundamental rights that protect privacy also guarantee **freedom**<sup>18</sup>—the right to pursue our own happiness in the ways we as individuals determine. Of course this right gets suspended the second our drug use ruins *someone else's* freedom by injuring them in a car wreck, but until then, drug tests are going to appear as a violation of fundamental liberty. According to this argument, the *reason* we're out in the economic world to begin with, the reason we're going to work and earning money, is precisely to allow us to pursue our happiness in the ways we choose (by providing shelter, some drinks on Friday night, the occasional gift for the ones we love, opportunities for our children, and similar). If, finally, the reason we go to work is to *have and express our freedom*, and the first thing we do when we get to work is accept the imposition of a drug test designed to find out exactly what we were smoking Friday night, then the entire point of going to work in the first place is undermined.

Besides the privacy and freedom arguments against drug testing, there's also a slippery slope concern. A **slippery slope**<sup>19</sup> is the idea that once you start doing something, it'll be difficult to stop doing more and more of it. Start with the proposal that random drug testing will be performed in a workplace once a month on one employee, and the sample will be tested only for some hard drug, say, heroin. For most people in most offices, that doesn't sound very threatening, and even though it may be a violation of basic rights, some will be tempted to simply accept the measure because, really, it's not that big a deal, not worth a fight. So the program is implemented. A few months later, the proposal comes down to test not one, but two employees every month. Again, not a big deal and no one objects. Then the test gets expanded to check for cocaine. You see where this is going. The process repeats and, in the end, everyone's getting tested all the time for everything. The slippery slope argument against drug testing in the workplace is

18. The right to pursue our own happiness in the ways we as individuals determine.

19. The idea that once you start doing something, it'll be difficult to stop doing more and more of it.

that individual liberties are so important that they must be entirely protected from the very beginning. Stated slightly differently, rights can't be done halfway. You either have and protect them, or you don't. If that's persuasive, then *everyone* should band together against drug testing, even those who've never had a drink or smoke in their lives.

A fourth argument against drug testing is about half ethical, half technical. It concerns **drug test reliability**<sup>20</sup>. Even top-notch manufacturers concede that their products produce false positives in some very infrequent cases. A 1 percent error rate seems, on the face of it, acceptable, but if you personally happen to be that 1 percent, your perspective may change. Of course, to a certain extent this objection can be answered by technical advances: if a 1 percent error rate is too high, the product can be improved and now it's 0.1 percent or 0.01 percent. Probably, however, there'll always be *some* possibility of error, and as long as there is, the argument remains that the ethical cost of misidentifying a clean worker as a user outweighs the benefits accrued from correctly identifying those who really are using.

Finally, in the face of the organization's justifiable desire to impose drug tests, the arguments against accepting testing are:

- The right to privacy
- The right to freedom
- Slippery slope concerns
- Imperfect testing

#### KEY TAKEAWAYS

- In the workplace, the term drugs may be used to denote a substance affecting the mind or body in a temporary and artificially positive way.
- Social attitudes toward drugs in the workplace have altered very rapidly over the previous decades and may (or may not) continue to change.
- Drug use at work can enhance performance.
- Drug use at work can lead to less productive employees, higher costs of doing business, and risks to third parties.
- Drug testing at work pits the employer's legitimate interest in maximizing worker performance against individual rights to privacy and freedom.

20. The extent to which a drug test returns false positives or erroneous negatives.

## REVIEW QUESTIONS

1. What is a social paradigm shift?
2. What are some legal substances that count as a drug at work? What are some illegal ones?
3. What are some reasons an employee may want to use drugs at work?
4. Justify in ethical terms the application of drug tests to employees of the aircraft maker Boeing.
5. Describe two distinct reasons why someone who has never used a drug in his or her life might refuse a test at work. Convert those reasons into well-founded ethical arguments.

## 11.4 The Organization Wants You to Use Drugs?

### LEARNING OBJECTIVE

1. Examine the ethics of organizations facilitating drug use by employees.

### When Drugs and the Workplace Mix

The conflict between organizations demanding drug-free workplaces (and testing to be sure they get them) and individual rights to privacy and freedom center most discussions of drugs at work. There's another area of debate, however. What happens when your employer *wants* you to use drugs?

Take the case of Amy Winehouse. Everyone interested in music—and many who aren't—know all about her. Every time she gets photographed inhaling something that looks illegal or gets videoed tripping out of a party with her dress slipping down her chest, the images, the sound, and the story race across TV channels and the social web and she's back in circulation. People talk, remember her songs, ask if she's got anything new coming out, and wonder when she'll bring her notorious road show to their town. Anyone who didn't know better would be tempted to suspect that the whole thing was fake, a giant scam dreamed up by a genius publicist to get Winehouse all the free attention today's connected world can generate.

Pop stars tend to have short shelf lives and long lists of people making money off their fame. Those on the periphery of Winehouse's success—her managers and promoters and publicists and lawyers and accountants—all know that she probably won't be providing their income for long, and it's in their financial interest to maximize what she can give while she still can. Will her body and life suffer from her cocaine use? Yes, but most of that damage probably won't register until after the flow of money she's producing has slowed to a trickle. Given that reality, her corporate sponsors have little professional reason to want to intervene in her life to help her slow down the intake. Just the opposite, actually.

Something similar occurs in the world of professional sports. Anyone who's watched professional football or soccer players has witnessed this scene: the athlete down and writhing on the field, clutching frantically at a knee or ankle. Teammates slink away, concerned about their companion but also thanking God it wasn't them. Trainers hurry onto the field. Commercials interrupt the drama. TV returns and the

game goes on. Then, five minutes later, he's back like nothing happened. Commentators approvingly acknowledge the guy's toughness. Advertisers are relieved because viewers stay fixed to the screen. The team owners in their box are happy to be getting their money's worth from their employees. For every one of them, drugs and the workplace are an excellent mix.

## The Ethics of Drugging Employees

There are two broad categories of organizationally sanctioned employee drug abuse. The first is the employee doing it, and managers don't get in their way. The second category belongs to those organizations actively encouraging drug use. It goes without saying that the next higher degree of involvement: sneaking drugs into an employee's drink or diet is both illegal (a form of assault) and an unethical breach of individual privacy and freedom rights.

**Complicit organizations**<sup>21</sup> know employees are using drugs and don't intervene—they may suspend drug testing or refuse to initiate it—because the use suits the organization's interest. This could be the football coach who just doesn't want to know how his lineman suddenly exploded with muscle over the summer. Or the complicity could be for the young lawyer in the firm who works to all hours and always seems peppy and alert. One day someone may notice a pill case dropping out of her purse, but no one's going to ask any questions as long as she keeps cranking out those billable hours.

*Should* questions be asked? One answer is simply "No." The football player and lawyer are free individuals pursuing their own welfare as they see fit and as they're free to do. They're not hurting anyone else along the way and should be left alone. This argument, based on the values of individual rights and freedom, is very strong.

Things become more complicated, however, in a case like Amy Winehouse's, one where she's clearly being damaged by her abuse. The root question is straightforward: when should I go out of my way—or perhaps even harm my own interests—to help out someone else? If I'm Winehouse's manager, and I'm making money off her publicity-grabbing drug episodes, at what point do I need to say the money isn't worth it, and my human responsibility for the well-being of those around me requires that I try to do something (like send her to rehab)? This scenario involves Samaritanism, which itself makes up an entire area of ethical study.

**Samaritanism**<sup>22</sup>—taken from the biblical parable of the Good Samaritan—is the ethical responsibility to step in and help others. Most duty theorists contend that we have an unavoidable responsibility to help others in need as long as the cost to

21. With respect to employee drug use, an organization that knows employees are using drugs and doesn't intervene .

22. The ethical responsibility to step in and help others when it's possible to help and when the personal cost is not disproportionate to the good that can be done.

ourselves is not disproportionately burdensome and as long as there's some possibility of actually aiding. Taking a simple example, a person who can't swim has no responsibility to jump in after a drowning man, but Michael Phelps would have an obligation to get in the water unless the flow was so violent and fast that even he would be powerless to help. As for the manager faced with a self-destructing client, it's hard to see—from this ethical perspective—what could erase his obligation to help Winehouse clean up since the only thing he has to lose is money.

## The Ethics of Drugging Employees: Enabling Organizations

**Enabling organizations**<sup>23</sup> actively encourage or at least facilitate drug use by employees because it serves their interest. Of course almost *all* organizations engage in this facilitating to some small extent. The New Year's office party where drinks are free and free-flowing is, at bottom, a drug event where alcohol hopefully washes away some of the resentments and angers accumulated over the preceding twelve months.

More aggressively, many occupations (especially those directly involving selling) require employees to be cool—and *look* cool—under pressure. This can be difficult. A story from the *Atlantic* magazine discusses beta-blockers, which are essentially blood-pressure medications that coincidentally reduce the outward appearance of nervousness: they help you avoid the sweat beading on the forehead, trembling hands, and dry mouth. Carl Elliott, "In Defense of the Beta Blocker," *Atlantic*, August 2008, accessed June 1, 2011, <http://www.theatlantic.com/magazine/archive/2008/08/in-defense-of-the-beta-blocker/6961/>. As the story notes, beta-blockers aren't nearly as potent or dangerous as the doping of North Korean Olympic athletes, but they're not a harmless over-the-counter medication either.

Beta-blockers carry real risks. Even granting the risk, though, it's not hard to imagine that more than one supervisor has found a way to get the *Atlantic* magazine story into the e-mail of an employee who's had a history of tightening up at key moments. In fact, the business consultant Keith Ferrazzi once made the recommendation on his web page, but then withdrew it after receiving complaints: "I originally included a reader's recommendation of the beta blocker Propranolol in this list of public speaking tips, but have removed it after taking to heart the concern of many KF.com readers." Keith Ferrazzi, "10 Tips to Banish Your Public Speaking Fear for Good," *Keith Ferrazzi: Business is Human. Relationships Power Growth* (blog), August 26, 2009, accessed June 1, 2011, <http://www.keithferrazzi.com/personal-branding/10-tips-to-banish-your-public-speaking-fear-for-good/>.

23. With respect to employee drug use, an organization that actively encourages, or at least facilitates, drug use by employees.

Somewhat more ominously, there's the infamous case of the Studio 54 busboys at the height of the club's popularity. Blonde (frequently) and naked (usually) except

for tight spandex shorts, they were plied with drugs to increase their energy level and commitment to customer service in all imaginary ways. The busboys, it must be noted, were more than willing participants, but the fact that everyone agreed doesn't necessarily make the scene ethical. One useful tool for evaluating this exuberant but also troubling situation is the already developed notion of informed consent. In order for the case to be made that drugging willing employees is acceptable, it will help to fulfill the following requirements:

- Employees must fully understand *what* they're being given, as well as the risks and benefits.
- Employees must fully understand *why* the drugs are being provided.
- Employees must be given a clear indication of what acceptance or rejection means for their career.
- Employees must be allowed a *deliberative* decision—the option should be offered for consideration, not thrown at them for a sudden yes-no answer.

The fact that an employee makes an informed decision to use performance-enhancing drugs at work doesn't rinse an enabling employer of all ethical responsibility. Business is just like any other aspect of life in the sense that employers, like everyone else, have a duty of Samaritanism or beneficence—that is, a responsibility to look out for the long-term welfare of others so long as their own welfare isn't significantly affected. Further, the responsibility to respect the humanity of others and not use them as a simple tool in our schemes (to see them as ends and not means) translates as a demand that organizations advocating internal drug use clarify what their own motives are. Finally, if the drugs are illegal, the possibility that people will end up in jail needs to be factored into consideration.

Going beyond the ethical discussion involving only employer and employee, there are a number of broader and difficult questions that could be pressed, especially by proponents of utilitarian theory. If right and wrong is ultimately defined by the general public welfare, it may be difficult to justify drugs in the workplace even if employer and employee wholeheartedly agree to use them. What happens, for example, at *other* workplaces? In the highly competitive field of professional sports, it's clear that when one team starts using some substance, others will have to join in or get beaten on the playing field. In other occupations the need to imitate to succeed may not be so immediate, but there still may be an undertow. If Amy Winehouse is eating up all the free publicity in the music business with her drug-fueled exploits, aren't other musicians going to feel pressured to follow along? If a sales team at Smith's Tires is using beta-blockers and winning deals, aren't the sellers at Jones' Tires going to start feeling the need to swallow some pills? If the effects, finally, of drug use in the workplace go beyond that particular spot, then

the effects on those outsiders need to be accounted for in order for a final decision to be well justified.

### KEY TAKEAWAYS

- In some cases employee drug use may serve the organization's interests.
- Organizations may be complicit with or enabling of employee drug use.

### REVIEW QUESTIONS

1. Can you provide your own example from the business world of an organization that is complicit with respect to employee drug use?
2. Can you provide your own example from the business world of an organization that is enabling with respect to employee drug use?
3. Why might Samaritanism diminish workplace pressure on employees to use drugs?
4. What are the requirements for informed consent when it comes to employees accepting the organization's invitation to use drugs?

## 11.5 Case Studies

## Holly Madison for PETA



Source: Photo courtesy of Alisha Vargas, <http://www.flickr.com/photos/alishav/3461411273/>.

PETA (People for the Ethical Treatment of Animals) is an animal rights organization. According to their website, “PETA focuses its attention on the four areas in which the largest numbers of animals suffer the most intensely for the longest periods of time: on factory farms, in the clothing trade, in laboratories, and in the entertainment industry.” “Our Mission Statement,” PETA (People for the Ethical Treatment of Animals), About, accessed June 1, 2011, <http://www.peta.org/about/index.asp>.

Both an organization and a cause, PETA depends on public attention and donations. Attention is necessary because raising consciousness about animal suffering is more or less a prerequisite to fighting against it. Nearly all companies causing animal suffering as part of their daily business struggle mightily to hide it from their consumers: what’s not seen, the reasoning goes, isn’t a problem. PETA wants cruel animal treatment to be seen.

Donations are also necessary because PETA is a nonprofit. Many people give cash, but some give their time and themselves. Celebrities can be especially helpful given their ability to generate interest and grab attention in a noisy world. One celebrity participant is the Hollywood actress Alicia Silverstone. In August of 2010, she was featured in a video on PETA’s home page. Here’s the accompanying text: “Sexy Hollywood star Alicia Silverstone bares all in PETA’s first ever naked veggie testimonial, shot by acclaimed director Dave Meyers.” PETA (People for the Ethical Treatment of Animals) home page, accessed June 1, 2011, <http://www.peta.org>. Screenshot of PETA homepage featuring Alicia Silverstone from Business Ethics Workshop, [http://businessethicsworkshop.com/Chapter\\_11/peta.html](http://businessethicsworkshop.com/Chapter_11/peta.html).

Much of the video is shot in slow motion. Silverstone pulls herself out of a swimming pool, leans into the camera, holds it with her smoky eyes, and talks about the advantages of being a vegetarian. No clothes are visible. "I am an Actor and I am a Vegetarian: Now Featuring Alicia Silverstone," PETA (People for the Ethical Treatment of Animals), Vegetarian Testimonials, accessed June 1, 2011, <http://veggietestimonial.peta.org/psa.aspx?CID=8ce2420c-021c-49bc-91c5-b02a8775e2a2>.

## QUESTIONS

1. Alicia Silverstone praises the virtues of vegetarianism nude. Do you believe this is an example of product sincerity—that is, of openness and honesty about what’s being sold?
  - What is the product here?
  - What elements of its presentation might seem insincere?
  - What elements of its presentation might seem sincere?
  - On balance, why do you believe the short video is sincere or insincere?
2. Almost certainly some people watched this video because they wanted to see a nude woman.
  - What is a prurient interest?
  - Make the case that this video promotes a prurient interest.
  - Assuming the video promotes a prurient interest, who should feel ethically ashamed of their action: Silverstone, PETA, the viewers, some combination, someone else?
3. Silverstone could have filmed her monologue with her clothes on. Make the case that she should have because her decision to strip down to get attention results in her objectification.
  - In terms of the ethics of objectification, is there any difference between letting people see you in a video and on a nude beach? Why or why not?
  - PETA is a respected nonprofit organization (which isn’t to say everyone agrees with their methods and cause, only that most respect their dedication and altruism). Does that give them a license to objectify Silverstone? Why or why not?
  - Should this book’s web page include a link to watch the video? Justify your answer in ethical terms.

## Milan?



Source: Photo courtesy of Oteo,  
[http://www.flickr.com/photos/  
52871206@N00/1286382332](http://www.flickr.com/photos/52871206@N00/1286382332).

The question posted by Chourok C on the *Yahoo! Answers* web page begins this way:

I just started this job 2 weeks ago as the CEO's personal assistant. He is married 3x and is a very charismatic man, the CEO of a self built multi-million empire.

After a few days, he suddenly asked me if he could take me out to diner in London, if I book my flights and hotel he will afterwards reimburse me. Chourok C, "My boss wants to sleep with me?," *Yahoo! Answers*, accessed June 1, 2011, <http://answers.yahoo.com/question/index?qid=20090419030102AAbYEDf>.

It was then, she relates, that she knew he wanted to sleep with her. In her words, she's "totally not interested, but wants to preserve the job by not rejecting him." So she made an excuse to get out of it and her post continues: "He then bothered me for hours about giving him good reasons why I couldnt go. Then he said OK, next week we will go to Milan! He is a very powerful man, and I just get nervous of him. But I really do not want to lose my job. What should I do?" Chourok C, "My boss wants to sleep with me?," *Yahoo! Answers*, accessed June 1, 2011, <http://answers.yahoo.com/question/index?qid=20090419030102AAbYEDf>.

## QUESTIONS

1. What should she do? Justify in ethical terms.
2. Here's an answer posted by aznelepahnt5: "If he's good-looking, and there's a guarantee that you'll get better pay/promoted, then yes, you should do it."aznelephant5, comment on Chourok C, "My boss wants to sleep with me?," *Yahoo! Answers*, accessed June 1, 2011, <http://answers.yahoo.com/question/index?qid=20090419030102AAByEDf>.  
  
Make the case that she's ethically free to follow the advice, to say yes to advance her career.
3. Make the case that Chourok C is *not* ethically free to go to Milan with him in order to advance her career, regardless of whether she's attracted to him or not.
4. The poster called Srta. Argentina answers, "He can't fire you because you rejected his sexual advances. You can sue him if he does. And you can file a sexual harassment claim against him."Srta. Argentina, comment on Chourok C, "My boss wants to sleep with me?," *Yahoo! Answers*, accessed June 1, 2011, <http://answers.yahoo.com/question/index?qid=20090419030102AAByEDf>.
  - What is sexual harassment?
  - Sketch the harassment case against the CEO.
  - At what point in the chronology does the CEO's behavior cross from the ethically acceptable to the unacceptable? Why?
  - If the CEO hired you to form an ethical defense of his behavior, what would the case look like?
5. The poster called Skater Boi proposes an aggressive solution: "Get a voice recorder and record what he says. blackmail if he tries to fire you."Skater Boi, comment on Chourok C, "My boss wants to sleep with me?," *Yahoo! Answers*, accessed June 1, 2011, <http://answers.yahoo.com/question/index?qid=20090419030102AAByEDf>.

It sounds like the blackmail Skater Boi is proposing would entail threatening a sex harassment lawsuit unless the boss gives her favorable treatment.

Ethically, is there any difference between the boss threatening to fire her unless he gets what he wants and her threatening to turn him in unless she gets what she wants? If so, what is it? If not, why not?

## **International Affair**



Source: Photo courtesy of Nadia J., [http://www.flickr.com/photos/n\\_/2341401406/](http://www.flickr.com/photos/n_/2341401406/).

A newspaper account gives an idea of how different the world can be on the other side of national and cultural borders. The report tells of an unnamed executive, a twenty-two-year-old woman from St. Petersburg who found herself locked out of her office after resisting her boss's lewd advances. She took her case to court, "hoping to become only the third woman in Russia's history to bring a successful sexual harassment action against a male employer." Adrian Blomfield, "Sexual Harassment Okay as It Ensures Humans Breed, Russian Judge Rules," *Telegraph*, July 29, 2008, accessed June 1, 2011, <http://www.telegraph.co.uk/news/worldnews/europe/russia/2470310/Sexual-harrasment-okay-as-it-ensures-humans-breed-Russian-judge-rules.html>.

She didn't make it.

According to the judge who ruled against her, everything had just been part of normal courtship and romance. He went so far as to affirm, "If we had no sexual harassment we'd have no children."

Sexual harassment—as the concept is defined and understood in America—is a customary part of life in the Russian workplace. In Russia, 40 percent of female professionals have had sex with their boss at least once, according to the story. Yes, that's 40 percent. Rounding out the picture, "Eighty per cent of those who participated in the survey said they did not believe it possible to win promotion without engaging in sexual relations with their male superiors. Women also report that it is common to be browbeaten into sex during job interviews." Adrian Blomfield, "Sexual Harassment Okay as It Ensures Humans

Breed, Russian Judge Rules,” *Telegraph*, July 29, 2008, accessed June 1, 2011, <http://www.telegraph.co.uk/news/worldnews/europe/russia/2470310/Sexual-harrassment-okay-as-it-ensures-humans-breed-Russian-judge-rules.html>.

## QUESTIONS

1. What is a culturalist ethics?
2. American multinationals are sometimes accused of being ugly and imperialist because they force members of other cultures to accept a system of values and rules that conflict with local practices, beliefs, and customs.
  - How could that accusation be described when an American company installs itself and its American policies for employee behavior in Russia? What basic values support the accusation?
  - An American laboring in a multinational corporation is assigned to open and manage an office in Russia, one that will be staffed by locals. How could a cultural ethics be transformed into an obligation that all those in the office more or less adapt to the customary expectations of sex in the workplace brought from the States?
3. Back in America, direct and explicit demands of sex for work are uncommon. Sex at work, however, or at least sexiness and attractiveness, does seem to connect with job offers according to what economists Markus Mobius and Tanya Rosenblat found when they got together and performed a series of experiments discussed in their paper “Why Beauty Matters.” Their conclusions about the power of attractiveness in the typical US workplace can be partially summarized by recounting one test.

Employers were divided into two groups and asked to hire a few job applicants. Some employers got a stack of CVs. Others got the CVs with a photo attached. The two groups then sorted out the applicants that they would like to hire. Comparing the results revealed a *beauty premium*. The fact that someone—whether it was a man or a woman—was physically attractive converted in the mind of employers into a job qualifier. That is, those men and women who were good looking were also judged as the most likely good workers, the kind you want to hire because they’re capable and will do a good job. Markus Mobius and Tanya Rosenblat, “Why Beauty Matters,” June 24, 2005, accessed June 1, 2011, <http://citeserx.ist.psu.edu/viewdoc/download?doi=10.1.1.118.3553&rep=rep1&type=pdf>.

Is there a single ethical argument that could be set against the Russian custom of demanding sex to get a job, and the American custom of (to some extent) demanding sexiness to get a job?

## **Drugs and Drug Testing at Coke**



Source: Photo courtesy of Allen Li, <http://www.flickr.com/photos/mag-cafe/529986283/>.

John Pemberton came up with the original Coca-Cola recipe in 1886 and sold it out of Jacob's Pharmacy in Atlanta, Georgia. Advertised as a medicine, the drink was supposed to cure headaches and impotence.

Coke certainly delivered a rush. Brewed to contain a massive dose of cocaine, the drink was virtually guaranteed to succeed. Not surprisingly, many over-the-counter medicines started boosting their appeal by including the coca leaf extract. By the end of the century, however, public attitudes began turning. Rather than a cure, cocaine came to be seen as a ruinous addiction. Coke responded by radically cutting the cocaine in the drink, and by 1903 there was none, though the product still contained (and to this day contains) flavoring from the same coca leaf that earlier provided the drug. Finally, in 1914, the Harrison Act effectively outlawed the sale and distribution of cocaine both on its own and as an ingredient.

The other side of the original Coca-Cola jolt came from the kola nut, which added a slightly bitter taste to the drink, and lots of caffeine. ("Coca" corresponds with the coca leaf and cocaine, "Cola" with the kola nut and caffeine.) That additive also fell out of the public's favor, though not to the extent or depth of cocaine. In 1911, the US government sued to get the substance removed on the grounds of its pernicious effects, but failed (*United*

*States v. Forty Barrels and Twenty Kegs of Coca-Cola*). The next year the Food and Drug Act defined caffeine as “habit forming” and “deleterious,” and required that the substance be listed on Coke’s label.

## QUESTIONS

1. An accounting office manager stumbles on a warehouse full of the original, cocaine Coca-Cola.
  - Make the case that he has a responsibility to provide the bottles to his workers and encourage them to drink the liquid down. What benefits could the manager hope to receive? Why does the manager hold a professional responsibility to achieve those benefits?
  - Make the case that the manager has a responsibility to provide bottles of both the original (now illegal) formula and today's formula to staff members, and allow them to choose to drink either one, both, or neither.
  - Make the case that he has a responsibility to provide bottles of only today's formula to staff members, and allow them to drink it or not.
  - Make the case that, ethically, he should tolerate no Coca-Cola of any kind in the workplace.
  
2. In a web posting, mmafan, from Dayton, Ohio, writes about his experience working for the Coca-Cola company: "We even had someone witness a merchandiser, on the clock, in uniform, and in a company vehicle, smoking a joint in a store parking lot. Not only did the union prevent Coke from terminating or disciplining him, they protected him from submitting to a drug test. So Coke had to just let it go. All the union did was protect the lazy, the incompetent, and the screw-ups if you ask me." mmafan, comment on Isgchas, "It sounds like working for Coke is bad all over the country. Does anybody work for a union shop? Is that any better?," Indeed, accessed June 1, 2011, <http://www.indeed.com/forum/cmp/Coca--Cola/get-job-at-Coca-Cola/t10481/p2>.

In response, the union could mount a number of arguments to defend their decision to not let Coke administer a drug test. The most frequently cited ethical reasons to refuse drug tests are the following:

- To protect the right to privacy
- To protect the right to freedom

- Because of slippery slope concerns
- Because of imperfect testing

Which of these kinds of arguments would best support the union's decision to protect the employee from a drug test? What would the argument look like?

3. Mmafana believes the union did nothing more than “protect the lazy, the incompetent, and the screw-ups.” This complaint is actually the root of a powerful and thoughtful ethical argument in favor of drug testing because drug-free workplaces maximize employee performance. Fill out the argument:
  - Whose obligations are served by drug tests?
  - What are those obligations?
  - Name an ethical theory that forcefully supports the use of drug testing in the workplace. What's the reasoning?
4. The Coca-Cola company's history is laced with cocaine.
  - Given the fact that cocaine was a key ingredient in getting the Coca-Cola Company off the ground, does that organization have any right to preclude the use of drugs in the workplace or anywhere else? Why or why not?
  - When Coke included coke, the substance was legal, and a respected medicine. Should that fact affect your answer to the previous question? Why or why not?

## Acid Rock



Source: Photo courtesy of Paige Powers, <http://www.flickr.com/photos/paigggeyy/5533236567/>.

Ultimate-Guitar.com is a guitar and rock site. One of its articles begins this way: “Of the many articles in Ultimate Guitar which deal with the history of musicians in this day of modern music, there is one participant who seems missing. The history of this participant is responsible for influencing a huge range of artists, possibly second to none.” Kalakala, “LSD and 60’s Music: What We Owe to It. Part 1,” Ultimate-Guitar.com, August 12, 2006, accessed June 1, 2011, [http://www.ultimate-guitar.com/columns/junkyard/lsd\\_and\\_60s\\_music\\_what\\_we\\_owe\\_to\\_it\\_part\\_1.html](http://www.ultimate-guitar.com/columns/junkyard/lsd_and_60s_music_what_we_owe_to_it_part_1.html).

The participant is LSD. Without that, the column affirms, there’d be no Grateful Dead, Carlos Santana, Jimi Hendrix, Doors, Beatles, or Pink Floyd. At least not as we now know them. The article covers a lot of ground, but the basic point is that taking the illegal drug LSD helped these guys become great musicians. In the comments section, *many* people responded.

## QUESTIONS

1. ATL\_420 writes, “I don’t know about y’all, but I have recorded music while tripping on acid. I was the most talented I have ever been on guitar during those hours.”

Assume you are the manager of ATL\_420’s band. Convince yourself that you have an ethical duty to make sure he’s got all the LSD he needs when he’s in the recording studio. Make the case, in other words, that you should be an enabler.

2. Strat\_Monkey says, “I’m going to go with what I’ve heard from several drug-using musicians which is basically: Yes, Drugs CAN open your mind and allow you to make better music, BUT if you take too many you will f\*ck yourself up good and proper. Moderation is the key here.”

How would someone who subscribes to a utilitarian ethics (the greatest good for the greatest number should be sought) define the term *moderation*? What kinds of fears would this ethicist have about allowing Strat\_Monkey to use LSD?

3. Ramco addresses this to the article’s author:

If this article causes even one person to try LSD then you are a monster.

LSD is a fungus that degenerates the brain stem, and continues to remain in the brain for years, causing “acid flashbacks” at unexpected and inopportune times. With the exception of heroin, LSD has the worst long-term effects of any drug.

Also, LSD has given us some of the WORST music ever. There are plenty of drug-inspired songs that only appeal to those on drugs.

I am disappointed in UG for approving this article which is nothing but an advertisement for LSD, which is not only dangerous but also illegal.

Use two distinct ethical theories to develop two independent arguments that the article's author is a monster.

4. Assume that both sides of this argument have some hold on the truth. In some cases LSD really did help musicians produce excellent music, but the effects of LSD use are also extremely harmful. How do you decide where to draw the line? How much social harm are you willing to tolerate for some good music? Justify.
5. One way for music company executives to manage the fact that some of their acts use a lot of drugs is with complicity—that is, adopting a kind of “don't ask, don't tell” policy. Even though drug use wouldn't be encouraged, it wouldn't be tested for either. What are some of the ethical advantages to this approach? What are some of the disadvantages?
6. In the comments section of the Ultimate-Guitar.com article, kosarsosar adds this about a hallucinogenic drug: “It didnt do much for me, however it did make my girlfriend run around the house flapping her arms like a bird.”

Ethically, is there anything wrong with taking a drug that does that to you? If so, what? If not, why not?