



CHALLENGES FACING MEMBERS OF GHANA INSTITUTION OF SURVEYORS IN COMPLYING WITH CODE OF ETHICS

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ABSTRACT

There are several professional bodies within the construction industry with their professional code of ethics, yet unethical practices is one of the most challenging issues in the construction industry. Professional members of professional bodies in their efforts to adhere to their code of ethics encounter numerous challenges ranging from internal factors to external factors. The aim of this research is to identify the challenges faced by the members of the Ghana Institution of Surveyors (GhIS) in complying with their professional code of ethics. The objectives of this study were to find out the importance of the code of ethics and to evaluate the challenges associated with the compliance. An extensive literature review was conducted to identify the importance and challenges facing professional ethics compliance. Field survey of Seventy-four (74) members of the GhIS was selected using purposive sampling techniques with a response rate of 95%. Data obtained were analysed with descriptive statistics techniques. The results show that the importance of Professional code of ethics includes its ability to increase public trust in co-operations, define professional responsibilities, safeguard professionals, create a common operational framework and increase awareness of key ethical issues. Moreover, the topmost rated challenges faced by members include political pressure, corruption, social pressure, and non-application of the necessary penalties to defaulters.

Keywords: Code of ethics, Challenges, GhIS, Professional bodies, Unethical

INTRODUCTION

Professional ethics is defined as a system of norms that control both the morality and behaviour of professionals in their day to day practice. Professional ethics also ascribe moral responsibility not only to an individual, but to all professionals practicing in a particular profession (Suen et al, 2007; Bayles, 1989; Wasserman et al, 2000; Abdul-Rahman et al, 2011). Almost every profession has its codes of ethics to provide a framework for arriving at good ethical choices (Abdul-Rahman *et al.*, 2010). Professionals who belong to a particular professional association are always mandated to abide by the association's or organisation's professional code of ethics (Corvellec and Macheridis, 2010).



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In today's corporate and professional environment, there are a number of situations in which the most ethically appropriate, or "right", course of action is not obvious in other words, an ethical dilemma is created (Oliver and McGhee, 2005). Wooten (2001) states that, these challenges or ethical dilemmas come into being as a result of the multifaceted demands placed on professionals in which personal, professional and organizational beliefs, expectations, and values and needs conflict as a result of environmental influences upon duties, roles, services and activities.

According to Al-sweity (2013) one of the most important issues that currently arise within the construction industry environment is unethical practices irrespective of the existence of professional code of ethics in the construction industry. A high level of ethical performance implies a high level of professional performance. Pear *et al.* (2005) identified several unethical conducts and ethical dilemma in the construction industry such as corruption, negligence, bribery, conflict of interest, bid cutting, under bidding, collusive tendering, cover pricing, front loading, bid shopping, withdrawal of tender and payment game. There are many challenges that cause people to get involved in ethical issues in construction industry and most of unethical conducts are located in the project procurement process (Hassim *et al.*, 2010).

The GhIS is the leading source of professional advice on land, property and construction in Ghana and was established on 28th February 1969. The Institution is a member of the International Federation of Surveyors (FIG) and also of the Commonwealth Association of Surveyors and Land Economy (CASLE). Qualified Professional Surveyors of this Institution are regulated to the same high standards as one may find in Europe and other parts of the world (GhIS, 2014). The professional members of the GhIS are regulated through the professional code of conduct laid down by the institution and as such members are mandated to adhere to them irrespective of perceived risks associated with adherence. Adhering to this professional code of ethics has its own challenges that members face as they navigate through the construction industry. The aim of this research is to identify the challenges faced by the members of the Ghana Institution of Surveyors (GhIS) in complying with their professional code of ethics. The objectives of this study were to find out how important the code of ethics is and then subsequently evaluating the challenges associated with compliance therewith.



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LITERATURE REVIEW

Definition of Code of Ethics

Mason, 2009; Schwartz, 2002; Chadwick, 1998 defined code of ethics as “a written, distinct, formal document which consists of moral standards which help guide employee or corporate behaviour.

Importance of Professional Code of Ethics

Promote Trust: Rousseau *et al.* (1998) defined trust as a psychological state comprising the intentions to accept vulnerability based on positive expectations of the actions of the trustee. A professional operates in a world of people with whom they work, colleagues and other specialists, and people whom they serve, such as their clients and the public a relationship that has been termed as “consensual and fiduciary” (Pressman, 1997). Code of ethics offer an invaluable opportunity for responsible organization to create a positive public identity for themselves which can lead to a more supportive political and regulatory environment and an increased level of public confidence and trust among important constituencies and stakeholders (Principles of Stakeholder Management, 1999).

Solution to Coordinated Problems: Professional bodies code of ethics is to protect each professional from certain pressures for example, the pressure to cut corners to save money by making it reasonably likely that most other members of the profession will not take advantage of that good conduct. A code is a solution to a coordination problem (Davis, 1991).

Again Professional code of ethics helps a professional choose what to do when faced with a problem at work that raises a moral issue (Strahlendorf, 2003). The code of ethics of organisations provides the foundation for the organization's behavior. It is the guiding force in the execution of all professional activity while co-workers interact with one another, according to (Conduct Code, 2011). It produces responsibility, approachability and good judgment in a variety of situations.

Responses to Legislative Efforts/Demands: Oliver and McGhee (2005) states that reasons for professional code of ethics include responses to legislative efforts stimulated by ethical crises or to avoid legislation; to increase public confidence in corporations; to increase a corporation's public image; as a result of pressure from stakeholder groups; to provide influence and standards for employees and because it is seen as the right thing to do (Stevens, 1994; Schwartz, 2002; Giacalone and Payne, 1974; Grundstein-Amadu, 2001; Cressey and



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Moore, 1983; Harvard Law 6 Review, 2003). It is realized that most of Western industrialized countries have to introduce legislation and guidelines to strengthen corporate governance practices and reduce corporate fraud (Bowden and Smythe, 2008). In response organisations are ever more developing and presenting codes of ethics (CoEs) as ‘evidence of their regulatory compliance and to help protect those who hold responsible position in listed companies and professional bodies from subjection to profound penalties should things go ‘wrong’ lengthy prison sentences (Helin & Sandström, 2010; Singh, 2011; McKinney *et al.*, 2010; and Welsh, 2007).

Safe Guide Professional: A code of ethics is intended to be a central guide and reference for users in support of a day to day decision making. It also serves as a key reference tool, used to locate key documents, support services and other resources related to ethics and values within organization (Ethic Resource Centre, 2009, Driscoll *et al.*, 2000). It is meant to clarify an organization’s or association’s mission, values and principles, linking them with standards of professional conducts. It provides clear guidelines for standard ‘professional’ behaviour.

Creation of a Common Operational Framework: A code of ethics guides all managerial, employees and organization’s members decisions, creating a common framework upon which all decisions are founded. This can help to create a cohesive understanding of the boundaries within an organization and the standards set for interacting with co-members and also with external stakeholders (Ingram, 2014).

Members’ Legal Defense: One way of promoting ethics is simply to enforce the law where unethical behaviour is also a breach of the criminal law (Mason, 2009). This can be done by the use of the Code of ethics to show if a professional member under the legal suit acted in a good faith or not. It is used to check actions taken by professionals were based on professional body’s code of ethics or not so as to apply penalties.

Define Professional Responsibilities: According to Driscoll *et al.* (2000), a well written and thoughtful code of ethics serves as an important communication vehicle that “reflects the covenant that an organisation has made to uphold its most important values, dealing with such matters as its commitment to employees, its standards for doing business and its relationship with the community”. It clearly defines its member’s responsibilities in the execution of their professional services.

Challenges in Adhering to Professional Code of Ethics

Conflict of Interest: McDonald (2006) defines "conflict of interest" as "a situation in which a person, such as a public official, an employee, or a professional, has a private or



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personal interest sufficient to appear to influence the objective exercise of his or her official duties (Lubanga, 2010). According to Strahlendorf (2003), most professional ethics cases have to do with conflicts of interest. All professional code of ethics tries to resolve ethical dilemmas that bothers on “conflict of interest”. Pathranarakul, (2005); Vee and Skitmore (2003), stated that conflict of interest may be in the forms of financial Gains: Consultants using their position for financial gain; Multi- Position: Clients awarding contracts to companies in which they hold interest; Favouring relations/Nepotism: Awarding of contracts to family members, former employees and friends; Political affiliation and allegiances: Disregarding professional ethical responsibility to favour political comrades; and gifts and gratitude’s.

Moral Conflict / Dilemma: According to Khanal (2014) morals define personal character and refer to the beliefs that a person practices when he interacts in personal and social relationships. The conduct exhibited by the person in personal-social behaviors gives a correct evaluation of his morals. A member of a professional body may find an ethical standard conflicting with his personal moral principle in such a case it results in a moral dilemma posing a challenge to the member with relation to making a choice to uphold institutional obligation or personal moral principle. Sometimes there is an overlap with the law or standard and as such professional may overlook the law and act based on his personal moral principle. For instance, where open tendering procedures are used and the winning Tenderer is the one who gives the lowest price when the hammer falls.

The Concepts of Beneficence and Benevolence in professional conduct: The term beneficence denotes acts of mercy, kindness, and charity, and is suggestive of altruism, love, humanity, and promoting the good of others. In ordinary language, the notion is broad; but it is understood still more broadly in ethical theory, to include effectively all forms of action intended to benefit or promote the good of other persons (Arneson, 2004).

Obedience to Authority: According to Hartman (2008) people tend to obey those in authority; including when authorities direct to perform actions believed to be unethical. This is one way that subordinates finds in a position to let professional obligation down. A professional in the construction industry may have to obey the authority of his organisation even though the directives given to him will result in an unethical dilemma however one may have to either choose to do such an act or risk losing his job.

Consensus/Peer Pressure: According to Hartman (2008), individuals have the tendency to succumb to peer pressure, both because one want to “fit in” and succeed within an organization,



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but also because their actual thinking is changed. This is a situation that can make a professional act unethically in exercising his professional work or service.

Poor moral awareness: It can either result in a failure to perceive the problem as being an ethical problem at all (in cases one does not go through the steps of good ethical decision making), or can present the agent with a distorted or insufficient picture of the problem to be resolved (Ethics Resource Centre, 2014).

Conflicts between Ethics and the Law: Professionals generally agree that they should obey laws that clearly are essential for an orderly society. However, some practitioners argue that in some instances, blind obedience to the law can be shortsighted and harm clients, particularly when laws seem to be unjust. Ethical decisions in professionalism that involve legal issues do not always involve ethical dilemmas, particularly situations where social workers' decisions are compatible with both legal and ethical standards (Reamer, 2008).

Corruption: Corruption within the construction industry is a complex and sensitive issue. Corruption Perception Index (2005) supported this that no country or region of the world is immune to the perils of corruption. Frisch (1996) and Oyewobi *et al.* (2011) stressed that corrupt practices and corruption has been on the increase in the last two decades unabated and that the view could not have been nearer the nub of the matter in respect of the phenomenon of corruption and the new order of business, politics and society. Transparency International drew attention to the impact of corruption in construction in the 2005 Global Corruption Report. It estimates that the cost of corruption in the UK could be around £3.75 billion per annum. This is a major challenge in the global construction industry even though there are a lot of professionals belonging to well established professional bodies and with professional code of ethics. To help mitigate the occurrences of this challenge the Transparency International has also drawn up an anti-corruption code for individuals in the construction and engineering industry (Transparency International, 2005; CIOB, 2006).

Socio-Political Pressure: Economic and political considerations may override commitments to ethical values and responsible behaviour, particularly in those situations where individual is placed under pressure, or exposed to a set of opportunistic circumstances (Adeyinka *et al.*, 2013). This may come from politicians and other prominent people in the society when they require favor from professionals. The study of Yang (2000) supported and acknowledged the conflict between theory and practice. The study explained that consultants who maintain high personal and professional values in theory disintegrate in practice through actual ethical dilemmas.



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Negligence: The occurrence of professional negligence is not an unfortunate dilemma to only construction lawyers but also to contractors, architects, quantity surveyors, engineers, project managers, and multi-disciplinary practices. Professionals in adhering to their professional obligation may breach a standard in a professional code of ethics through negligence. Negligence is the “failure to exercise that degree of care which, in the circumstances, the law requires for the protection of those interests of other persons which may be injuriously affected by the want of such care” (Delbridge, 2000). Negligence as it relates to the construction industry may be ambiguous, however (Pressman,1997: p. 284), and the courts recognise this disparity and judge negligence in the construction industry on the basis of professional judgment rather than craft (Pressman, 1997: p85).

Time constraints: According to a recent study from the Academy of Management, USA studies in 2010, shows that people are more than five times more likely to do the right thing when they have some time to think about the matter than when they have to make a snap decision. Time constraints provide an ethical dilemma for contracting agents or professionals in the construction industry and any other industry. A professional due to time constraint may engage in an action that is contrary to professional obligation. Time is fluent and constant. When a professional make poor choices, it may be considered unethical behaviour.

Breach of confidence: A profession may let out confidential information meant to be kept away from others who do not work in the firm or organisation, such an act is a breach of confidence from the professional. According to a research conducted by Vee and Skitmore (2003) on the professional ethics in the construction industry had witnessed professional breaches.

RESEARCH METHODS

In achieving the research objectives by finding out the challenges associated with the compliance with the code of ethics and to gather the necessary data while overcoming data collection challenges such as time and cost, this study used the quantitative research approach.

Questionnaire was used as the survey method which was highly closed-ended questions. It was structured in three main areas. Thus respondent’s background, importance of code of ethics and finally the challenges faced with the compliance with the code.

The population for this study comprised registered members of the GhIS in good standing. Seven Hundred and Seventy-Six (776) members as at October, 2014 (GhIS, 2014). The sample size used for this study was determined by using the Solvin’s formula: $n = N/(1+Ne^2)$.

Where, n = sample size, N = population size, e = margin of error (using 88% confidence interval)

Therefore $n = 776/(1+776*0.12^2) = 776/11.174 = 69.44$



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Thus, the questionnaires were to be distributed to a minimum of 69 respondents. 74 questionnaires were distributed with a response rate of 95%. This was to ensure that the minimum computed sample size of 69 is achieved for reliability of the data. Respondents were selected using purposive sampling techniques. The data obtained was analysed using the Relative Importance Indices (RII) statistical technique (Adnan et al., 2007) for the importance of adhering to the code of ethics while severity indices (SI) was used to analysed the major challenge. A variable scoring a severity index of 70% or more is considered as relevant and adjudged important (Elhag and Boussabaine, 2002)

RESULTS AND DISCUSSION

Respondents' professional category and status

The targeted group was made up of professional members of GhIS practicing in the Ghanaian construction industry. Most of the respondents from this study were Quantity Surveyors with 50%, followed by Valuer's representing 21%, and followed by Estate Surveyors, 17% and lastly Land Surveyors representing 12% as in figure 1.

Figure 1

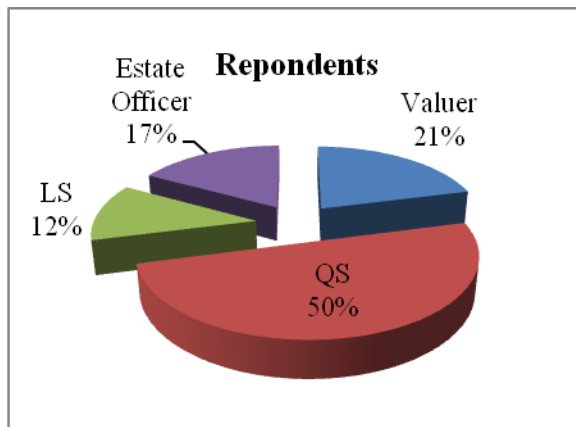
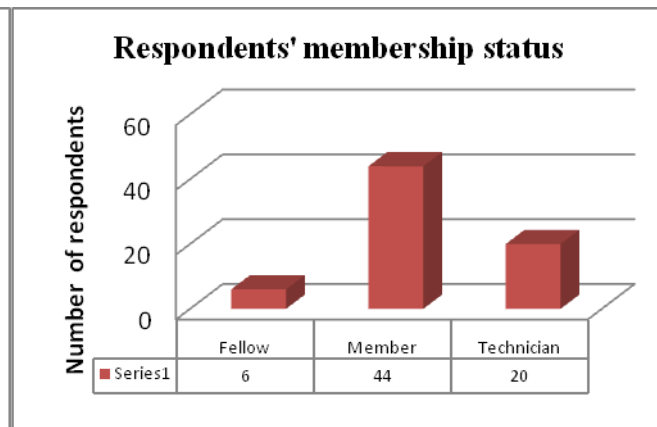


Figure 2



Additionally, all the 70 respondents of this study had been working in the construction industry for more than 5 years. Professional members were the highest with 44 respondents representing 63%. It followed with technician members with 29%. Fewer members were fellows with 8%. This indicates that views from all membership status were clearly represented for the study.



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Importance of Adhering to Professional Code of Ethics

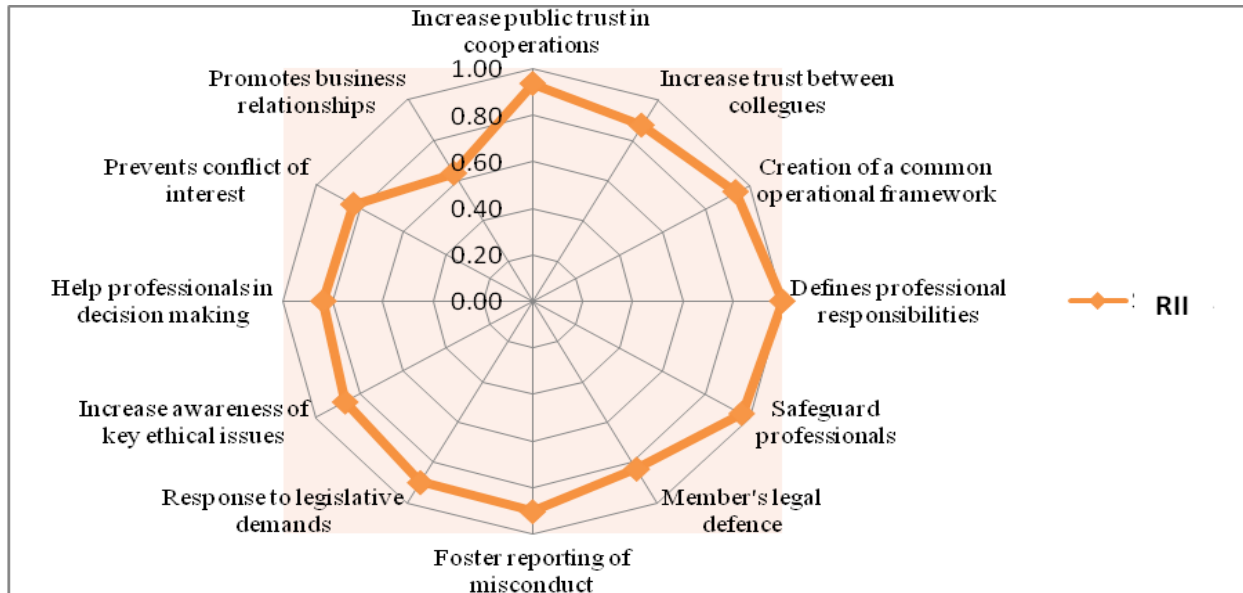


Figure 3: Importance of code of ethics

All the respondents to this survey agreed to the fact that the existence of professional code of ethics is of great importance. Figure 3 depicts a summary of the responses provided by respondents in relation to the ranking of some predetermined importance to the existence and compliance of professional code of ethics. The Relative Importance Index (RII) for each of the predetermined importance attributes were computed to enable ranking accordingly.

According to responses obtained, ability to define professionals' responsibilities was ranked first. This agrees with Driscoll *et al.* (2000), that a well written and thoughtful code of ethics serves as an important communication vehicle that "reflects the covenant that an organisation has made to uphold its most important values, dealing with such matters as its commitment to employees, its standards for doing business and its relationship with the community. It clearly defines its member's responsibilities in the execution of their professional services. The second ranked was safeguard professionals in the execution of their professional responsibilities. A code of ethics is intended to be a central guide and reference for users in support of a day to day decision making. It also serves as a key reference tool, used to locate key documents, support services and other resources related to ethics and values within organization (Ethic Resource Centre, 2009). The third and fourth ranked importance's were creation of a common operational framework and increase public trust in cooperation. The set of principles and ideas used help members informing decisions and judgments. In addition, code of ethics offer an invaluable opportunity for responsible organization to create a positive public identity for themselves which can lead to a more supportive political and regulatory environment and an increased



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level of public confidence and trust among important constituencies and (Principles of Stakeholder Management, 1999). The least ranked importance was the ability of professional code of ethics to promote business relationship between members of a particular professional body and others. None of the code of ethics importance ranked had RII of less than 60% and this indicates that all the respondents find having professional code of ethics very important.



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Table 1 Challenges GhIS member’s faced in complying with their code of ethics

Challenges	Most Challenging		Very Challenging		Challenging		Less Challenging		Not Challenging		Severity Index	Rank
	Frequency	%	Frequency	%	Frequency	%	Frequency	%	Frequency	%		
Corruption	58	82.86	0	0.00	0	0.00	0	0.00	12	17.14	86.3	2
Nepotism (Favour to family)	23	32.86	0	0.00	47	67.14	0	0.00	0	0.00	73.1	12
Gifts and Gratitude’s	35	50.00	12	17.14	23	32.86	0	0.00	0	0.00	83.4	5
Obedience to Superiors/Authority	25	35.71	23	32.86	22	31.43	0	0.00	0	0.00	80.9	6
Peer pressure/Favor to colleagues	23	32.86	12	17.14	35	50.00	0	0.00	0	0.00	76.6	11
Poor moral awareness	18	25.71	36	51.43	16	22.86	0	0.00	0	0.00	80.6	7
Moral conflict	12	17.14	5	7.41	53	75.71	0	0.00	0	0.00	68.3	13
Tribalism/Racism	35	50.00	23	32.86	0	0.00	0	0.00	12	17.14	79.7	8
Conflict between Ethics & Law	0	0.00	0	0.00	0	0.00	3	4.29	67	95.71	20.9	15
Political Pressure	47	67.14	11	15.71	12	17.14	0	0.00	0	0.00	90.0	1
Social Pressure	55	78.57	0	0.00	4	5.71	0	0.00	11	15.71	85.1	3
Negligence	30	42.86	28	40.00	0	0.00	0	0.00	12	17.14	78.3	9
Time Constraint	25	35.71	12	17.14	33	47.14	0	0.00	0	0.00	77.7	10
Breach of confidence	8	11.43	20	28.57	0	0.00	0	0.00	42	60.00	46.3	14
Non application of the necessary punishment to defaulters	35	50.00	13	18.57	22	31.43	0	0.00	0	0.00	83.7	4



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The severity index technique was used to rank the significance of the outlined challenges. From Table 1, the challenge that was ranked first is “Political Pressure”. It could be that most members at the period were used to executing government projects and were thus demonstrating experience with influence by public officials in such projects as supported by (Adeyinka *et al.*, 2013; Yang, 2000). This is followed by corruption, which has a relation with the first challenge. This is corroborated by Corruption Perception Index, reporting that, no country or region of the world is immune to the perils of corruption. Pearl *et al.* (2005) identified several instances of unethical conduct and ethical dilemmas in the construction industry including corruption in uncompleted projects. Again, the challenges ranked third and fourth were Social pressure and the Non application of appropriate penalties to defaulters. The factor that was ranked to be the least challenging is conflict between ethics and Law. This could be because most of the GhIS members see the ethics as working hand in hand with Laws and other regulations to promote sanctity in professional practice.

CONCLUSION AND RECOMMENDATIONS

From responses obtained it can be firmly concluded that the members of the GhIS fully appreciate the importance of professional code of ethics in the construction industry and unanimously believe that professional code of ethics is of much importance because it basically defines professionals’ responsibilities, safe guards the professionals in executing their work, increases the public’s trust in institutions, and among other reasons, creates a common operational frame work for members. Also the failure for professionals to uphold their professional code of ethics and instead engage in unethical practices is likely to negatively affect the public’s perception of the industry as well as the professionals in it and more over create mistrust even between the professionals in the industry.

The members of the Ghana Institutions of Surveyors acknowledge the fact that there are challenges that they face in complying with their professional code of ethics and the most pressing challenges are political pressure, corruption, social pressure and non-application of the necessary sanctions to defaulters. However, majority have also not witnessed any form of breach to a standard in the GhIS code of ethics even though these challenges exist. This could imply that irrespective of challenges professionals make efforts to comply. On the other hand efforts to clamp down on defaulter may have not been effective.

It is therefore important that professional bodies should from time to time educate their members about the importance of their professional code of ethics and the adverse impact should the code



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of ethics be breached by members, while improving efforts to apply the appropriate sanctions when it becomes necessary.

Professional bodies and institutions should as much as possible and at a high frequent rate organise forums, conferences and workshops to discuss the identified challenges such as the prominent ones ranked as the most challenging by respondents, such as political pressure, corruption, social pressure, and time constraints that their members faced with relation to complying with their professional code of ethics. Such forums should invite other prominent stake holders apart from their members to also contribute.

Politicians and other public officers should refrain from trying to interfere in the operations of GhIS members so as to enable them do due diligence to their professional works.

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