

## MORAL DILEMMAS OF EMPLOYEES IN CORPORATIVE BUSINESS OPERATIONS

*UDC 174*

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**Abstract.** *Conditions imposed by modern business operations are such that moral relationship between the company, potential customers and the public are influenced by large number of both internal and external factors, of which the following are significant: requirements of investors, pressure to meet unrealistic business deadlines, profits at any price, pressure of competitors, globalization, etc. The general thought is that business activities need to be positioned as to offer the customers what they need, when they need it, and where and how they need it, regardless of the means by which this goal is accomplished. Accordingly, numerous moral theorists have begun to emphasize the importance of morality, indicating the main problems of modern business operations: deception with regard to product quality, avoiding to indicate the possible harmful effects of a product, production and marketing of unsafe and dangerous products, immoral advertisement, etc. On one end of this problem is the moral, on the other the quick profit and earnings. We need to ask the following questions: are the employees under moral obligation to condemn such practices, and to prioritize the benefit of the public instead of the benefit of the company and to induce moral panic addressed to potential customers?*

**Key Words:** *Moral dilemmas, business ethics, corporate business operations, employees, moral responsibility.*

### INTRODUCTION: COMPANIES AND THE MORAL

Competition pressure, survival on the market and realization of goals planned in the business strategy require from any company to make its products and services available to potential customers on the most efficient and commercially justifiable manner through its business activities. Under commercially justifiable manner we mean: legality and legitimacy, i.e. abidance by the law and moral acceptability during the enforcement of business policy.

The facts, however, are telling a different story: legal and moral values are often disappearing from the market. Since the nature of conditions imposed by modern business operations, the relation between the product – potential customers – public is affected by a number of internal and external factors. Behavior of employees and the management, generating profit at any price, requirements of investors, pressure to meet unrealistic business deadlines, globalization, etc. are only some of the factors which determine and form these relations and the way the companies communicate with the market. Given such communication, the occurrence of numerous moral dilemmas and ethical conflicts, both with regard to the customers and the other companies, employees, competition, society, state is not unusual.

Companies don't want the clients, both individual customers and other companies, to have several possibilities when deciding upon a purchase. Business activities have to be positioned in such a way as to offer the potential buyers what they need, when they need it, where and how they need it, regardless of the means through which this goal is achieved. According to this, numerous handbooks from the field of business ethics and economy have begun to emphasize the importance of morality, indicating the main problems of modern business operations: deceive with regard to product quality, avoiding to indicate the possible harmful effects of a product, manufacturing and selling unsafe products, immoral advertising, false statements of customers and experts, manipulation, misrepresentation of products of the competition, imitation of well-known world famous brands, etc.

In other words, business situations and conditions which govern the market often face the companies' management with moral dilemmas, for example: Should we accelerate the obsolescence of a product by placement of a bunch of new products onto the market which suppress the old ones (i.e. *out with the old, in with the new*)? Should we hide some important information about the product and to misrepresent it to the public? Should we apply tactics of imposing high pressure on the customers and overboasting? Should we sell in the way as to violate the privacy of potential customers? All these are questions which put moral on one end, and quick profit earning on the other. The companies' individual employees are increasingly faced with circumstances in which they are expected to define good or bad corporative actions. *The key dilemma is whether the company has the right to use the above mentioned immoral methods of business practice in order to achieve its goals? Whether it is to manufacture and sell products which are not in accordance with requirements and standards of the public and whether the employee has a moral obligation to condemn such practices? Whether he has moral obligation to value the benefit of public higher than the benefit of the company and to induce a moral panic addressed to the potential customers and clients?*

In order to gain a more complete insight into this problem and to understand the basic issues, it is possible to illustrate all the above mentioned with an example. The given case study presents the circumstances leading the employee to a moral dilemma which is induced by the product itself (its properties), indicates the facts which form the dilemma, imposes questions as the basis of new researches in the field of moral and business operation.

## CASE STUDY: "MILLER &amp; KLAUS"

"Miller & Klaus" (*M&K*) is one of the oldest cosmetics manufacturing, distributing and selling company. For decades it has been example of a successful and well organized company which cares for its customers. Since its establishment in 1837, when the manufacturing of cosmetics was largely unknown, the "Miller & Klaus" company became quickly known, extending its operations from the US to Europe and Latin America. In 1985, Michael Pettis, an employee working on market research jobs at "Miller & Klaus", has discovered that the company failed to indicate an important information on chemical composition of a hair shampoo it was selling and which may be fatal to the people whose skin reacts allergically on pH value smaller than 5 (value of acidic solution).

After the first customers with allergic skin reaction were hospitalized, Pettis had begun to realize the severity of the situation and of the consequences the given product may have on public benefit. As a loyal employee, he had a dilemma: should he inform the public about the failure with regard to the given product or remain loyal to the company, putting its interests and benefit above all. His dilemma was further complicated by the fact that he didn't know whether this important information about the product was omitted by mistake or deliberately? Was it the result of an accidental mistake or it was a deliberate decision of the company's management? Also, the cases may remain local and are not the result of application of the "Miller & Klaus" shampoo. Perhaps the government will not demand the withdrawal of the shampoo, despite the report on harmful and dangerous product. Perhaps the temporal cancellation of selling until the allergy causing factor is removed will be sufficient to subdue the further public damage.

Opposite to these uncertainties were standing the certainties: the product withdrawal would mean loss of \$150 million; the loss is not covered by insurance; the news about withdrawal would caused such harm to the product that there would be no way for the management to be sure if the shampoo would regain the customers' confidence, as well as the large market share of 23%; bad news and the losses would beyond any doubt lead to fall of the company's equity capital, etc. Also, the competition in cosmetic manufacturing is cruel and it is almost certain that the competitors would attempt to utilize the harm done by the "Miller & Klaus" product for their own benefit. These were the certainties Michael Pettis was facing and which he was aware of when making his decision whether to indicate the mistakes of his own company or not.

How is Michael Pettis to decide what to do in such a situation? Aren't the "health" of the company and the interests of shareholders what should be the main concern of the management and the employees? For many, the answer to these questions is affirmative. However, Michael Pettis decided firstly to inform his colleagues (the employees) on his discovery and after that also the proper bodies, i.e. to raise moral panic against such amoral business behaviour towards the potential customers. Pettis blew the whistle, indicating the obvious failures in shampoo manufacturing firstly to the office workers and the company management (internal alarming). But as specific measures were procrastinated, Pettis decided to forward his discoveries to the board of directors of "Miller & Klaus" directly and to the top ranking officials in the US government (external alarming).

After a detailed investigation in the department of manufacturing of the given shampoo at "Miller & Klaus", it was discovered that the information on harmful composition of the shampoo was omitted by the wrong decision and neglect of the department's chief

executive. Those responsible for the failure were relieved, while Michael Pettis was prized because of his action, often stating that this was the only possible action to be taken. Indeed, "Miller & Klaus" has lost the significant share of its equity capital and its market share. However, through openness in information sharing about the given case with the customers and the public, soon losses were recovered and confidence in the product regained.

Are companies subject to moral responsibility for their actions and products? Should the public require moral standards from them? Should company management abide by the law, and to govern only with respect to the economy and market? In one word, was the moral dilemma of Michael Pettis and of many other employees which often find themselves in similar business situations indeed morally proper, and is it possible to design a standardized employee action model for these situations?

#### MORAL DILEMMA OF THE EMPLOYEE: BENEFIT OF THE COMPANY VS. PUBLIC BENEFIT

Modern moral business operation is based on the employees. Amoral business activities of product (or service) manufacturing, selling and advertising implicate specific moral dilemmas to the employees: public benefit vs. benefit of the company. Does the company do significant harm to the public with its amoral product policy and can the employee of the company take any action? Should he defend public interest or, according to the shareholders' standpoint (as well as of some managers), to defer to amoral corporative actions, since the benefit of the company is above any individual? The solution of such a moral dilemma is a complex area which needs full and extremely serious attention, since resolving of a given problem in favour of the public imposes new pressure on companies – pressure of human resources. It is to be expected that once faced with the serious intent of employees to raise their voice against their own companies, such a reaction of employees may be a decisive stimulation for the companies not to avoid moral guidelines in their operation; not to deceive and misrepresent, but to introduce only quality goods to the market.

A moral dilemma may be understood as the process of moral judgment on appropriateness or inappropriateness of some action, activity or decision of an institution and/or individual, with appreciation of basic moral standards and information about the fact concerning the actions which are the subject of discussion. Morality consists of two types of basic moral standards, each of which represent certain important aspects of our behavior, but none of them cover all factors the employee must consider in his moral decisions. Therefore, the most important moral standards and principles which the employee must consider are the following:

- Standards of usefulness – they are good for use in situations when the employees' resources are insufficient to satisfy all requirements, so in favour of his arguments he has to introduce measuring, i.e. evaluation and comparison of relevant costs which will be potentially induced by his actions.
- Standards which specificity the way the human personality should be respected and honored. This type of standard is used when the influence of personal actions essentially affects the benefit and freedom of other human beings. This type of moral argumentation is related to the basic human rights, freedom of choice, information

available for an individual to understand his position and conditions for taking free moral actions and avoiding any moral manipulation [22, p. 79].

- Standards of justice – indicate how social privileges and obligations are evenly distributed between people, according to their needs and real contribution to the society, i.e. to the organization and group in which they are working.

The process of resolving moral dilemmas doesn't take place in vacuum. Employees must understand the context in which the dilemma occurred. Before their power of judgment may function optimally, they must understand the question itself, the facts, values, principles and moral obligations with regard to the case [1, p. 76]. According to Alan Donagan [7, p. 11]: "Moral dilemmas usually emphasize the conflict between one's own needs and the needs of another person and/or persons. The individual must feel obliged, to respect the others' rights, he has to avoid doing things which could harm the others and must do things that advance the benefit of other people or mitigate their adversity. In order to act in a morally mature way, high level of moral judgment is needed."

Moral judgment is a systemic approach to bringing ethical decisions and resolving moral dilemmas [7, p. 11]. Since ethical judgments imply the rights and interests of others, decisions must be brought carefully and such as to be defensible by rational situation analysis. In other words, moral judgment is a set of principles, rules of behavior by which the employee (individual) must be guided when decides what is right and what is wrong, what is allowed and what is not, what is good and what is bad for the company, the other employees, but also for the social community, i.e. for the public [19, p. 15]. It is often difficult to bring a final decision. There are moral principles that may collide, which leads to complex moral dilemmas, which are extremely difficult to resolve.

#### A UNIVERSAL MODEL OF RESOLVING A MORAL DILEMMA OF AN EMPLOYEE

Expression of an employee's own concern is the most direct and usually the fastest way to induce the changes he desires. It is a normal assumption that most companies do not want to harm the consumers of their products and services willingly and deliberately. If, for example, a product contains life-threatening failures, the normal assumption is that the company will be interested to fix them, if not for moral reasons, than for practical – to avoid legal actions, bad publicity, adverse reaction of customers, etc. If a serious damage is threatening, and if an employee may prevent it by reporting it, he has a moral obligation and responsibility to report the damage. If an employee wants to avoid any unnecessary risk and to achieve maximum efficiency, he must evaluate all circumstances and factors on the relation product-employee-company-public, before taking any action against amoral business activities and other amoral practices. In addition to all the above mentioned, it is possible to project the following layout of seven factors (criteria) which determine the employee's decision (dilemma) of whether he should indicate and expose the amoral business activities of his own company and to put the public benefit above the company's benefit, acting as a morally and socially responsible person.

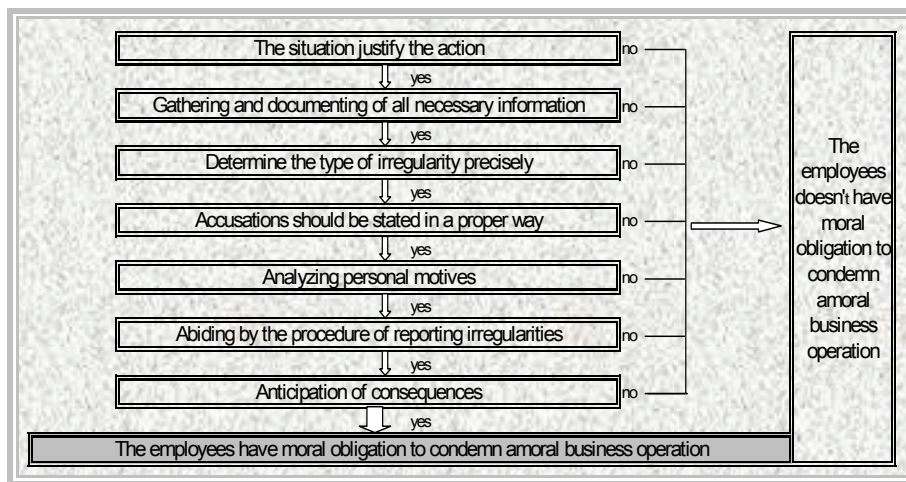


Fig. 1. Factors that the employee has to consider before deciding upon reporting the business malpractices.

*I) Does the situation justify the action?*

The first step in resolving a moral dilemma should be the analysis of the instantaneous situation, i.e. the employee should ask himself if the given situation is really such as he views it and whether it justifies the action or not? The employee must know for sure that illegal and amoral business activities with regard to a certain company's product, which is harmful to others, really exist and that his reaction will not imply the exposure of personal things, business secrets, client lists and similar materials. If the exposure of irregularities includes the latter as well, the employee has to make sure that the damage that would be avoided is sufficient to compensate for the damage that will occur because of his action [6, p. 145].

*II) Gathering and documenting of all necessary information*

The employee should gather all necessary evidence and documents that could be used in court or at hearing, and which would convince the unbiased observer of the truth of the company's amoral activities. If this is not possible, he needs to gather as much information as he can and to note where and how additional information could be obtained. If the necessary information may be provided only in an illegal way, then the employee must make sure that the malpractice is so huge that it justifies the risk.

*III) Determine the type of irregularity precisely*

If the previous two criteria are met, the employee moves forward to the next level which requires determining the precise nature of the malpractice with regard to the given product (irregularity in manufacturing, selling, advertising, etc.). Such an approach may help the employee to determine which evidence to obtain and who to report the malpractice to. If the malpractice is not illegal, but harms the public anyway, determining the na-

ture of the malpractice will help the employee to decide if he has the obligation to expose that activity and how to do it [7, p. 15-16]. In that case, the best thing to do is to report amoral activities to a public interest group, because such an organization will:

- show concern and advise the individual how to avoid the revenge of superiors, colleagues and the company,
- keep the confidence, if necessary,
- investigate the accusations attempting to support instead of to give him a note of sensationalism, making a personal discussion of it [6, p. 146].

#### *IV) Accusations should be stated in a proper way*

When stating the accusations, precisely defined in the previous step, the employee should be as specific and plain as he can. If, say, he reports a legal transgression with regard to a product advertisement to the government advertising agency, he must state the technical data necessary for the experts to verify the irregularities in advertising. For example, if there is a deceit of the public and a product misrepresentation, the employee must be familiar with the product's characteristics and its technical properties in order to precisely state the differences with regard to the product being presented to the public. If the irregularity does not imply technical data that would sustain this, the employee needs to try to state the type of illegal or harmful corporative activity as specifically as he can, as well as to whom and how the harm has been done.

#### *V) Analyzing personal motives*

While it is not necessary for the motive of the employee reporting irregularities to be of value to morally justify his action, analyzing personal motives may be helpful to the employee when deciding if the situation is such as to really justify his action and raising moral panic. Thinking that employees exposing irregularities have to suffer in order to exhibit their moral sincerity is not only false and irrelevant for the issue of moral justification, but a totally distorted thinking. There is no morally justified reason for which the employee reporting amoral and illegal business activities should be exposed to risk or to suffer revenge.

On the other hand, Richard T. De George's standpoint according to which the employee has no obligation to expose himself to serious risk if not compensated for that is also wrong. The answer is somewhere in between: the responsibility of the employee sometimes requires taking certain risk (primarily with regard to his job and future employment in the given company) but it is more important for both the employee and the society in general to try to minimize these risks.

#### *VI) Abiding by the procedure of reporting irregularities*

To abide by the procedure of reporting irregularities, for the employee implies satisfying a minimum of correctness toward his own company which makes a trespass. For the employee this implies not raising public panic immediately but initially attempting to resolve the problem within his company, i.e. to follow the so-called internal canals of reporting irregularities – internal alarming. For example, the complaint may be presented to the ombudsman for ethical issues, the executive of internal affairs, etc. Afterwards, if there is no reaction on behalf of the above mentioned executives, the employee must decide to alarm the public externally.

In this step, the cooperation and consultation of the employee with specialists are of special importance. This is also recommended in all previous stages. For example, lawyers help the employee if the irregularity he is about to report is illegal, is it properly documented, does he violate any law during the gathering of documentation, etc. Moreover, public interest groups may help the employee to decide who to report the irregularity to. They may help the employee to present properly the report and to protect him from possibly revenge. However, the employee must be aware that the decision of taking action against an "amoral product" is a moral decision and that in the final analysis he must rely upon his own judgment.

#### *VII) Anticipation of consequences*

Finally, as any action results in equal reaction, the employee should also anticipate the possible consequences of his decision. He needs to document all stages of the action with letters, recordings from meetings, etc. Employees who can prove that they have a justified reason to believe that irregularities exist must be protected even if their accusations prove causeless. If the employee's belief with regard to existence of irregularities proves without cause, and the company suffered great damage because of the faulty accusation, then it has moral justification to sue the employee or to claim some other type of compensation. Such provisions would impose certain risk for those ready to expose irregular activities and subdue the possibility of ill-considered actions.

The employee's final decision with regard to the dilemma whether to take action against amoral business activities of his company pertaining to the manufacture, selling, advertising and other activities of introduction of a so-called "amoral product" should follow after thorough and detailed analysis of the above mentioned criteria and factors, i.e. he must follow all the given stages (phases). If the employee satisfies all the above mentioned prerequisites, i.e. if he answers positively to all factors, then he is morally obliged to expose the perceived irregularities and raise panic. All this implies that if the employee abides by the deontological principle of the Kantian determination in the sense of legislativeness of the mind, then he is considered morally responsible to take the responsibility of exposing moral irregularities in the acts of the company itself.

#### MORE THAN A MORAL DILEMMA

It is concluded that the fulfillment of the above mentioned criteria (prerequisites) justifies the employee's given action. Therefore, a "*subsidiary mechanism*" is needed that will support and protect those employees who act according to their conscience. There are three ways for companies and the public to protect the employees who decide to raise moral panic against "amoral business operation" of their own company:

- The first solution is to provide better legal protection to the employees who blow the whistle, and stringently to legislate the corporative business operation itself.
- The second solution would be to attempt to change the nature of the companies, and not to condemn such employees in advance but to have ways and bodies that will support the alarming if truly there is a real and justified harm to the public.
- The last way is to apply ethical codes as the basis of modern corporative behavior.



For any company, it should be illegal to fire or to take other punitive sanctions against the employee having all the necessary documentation and exposing the irregularities of his own company. It is important to have legislative prescriptions protecting those who blow the whistle and to emphasize the practical problems and moral issues pertaining to the moral dilemma employees are facing as clearly as possible.

Also, companies that desire to be moral, that do not want to venture into harmful business practice, manufacturing and advertising of harmful products, apart from abiding to the "legal minimum", must take other steps as well to avoid the necessity of exposure of amoral business practice (these are, for example, modern ethical codes, assigning an ombudsman for ethical issue, etc.). Such reforms within the company itself may significantly contribute to creation of business environment (ambient) where the reasons leading to raising panic will be decreased.

In order to achieve this, companies need to develop efficient internal canals for reporting irregularities, to award the employees using these canals and to assign a senior manager, or an internal operative auditor or a company attorney with the task of exposing amoral and illegal practices [6, p. 150]. It may be arranged to keep a certain type of record, to prescribe larger fines and to make managers and other professionals personally responsible for the introduction of dangerous products onto the market. The company may even have a special person on its payroll who would intercede for the things company should do from the moral standpoint and not for the things that the parties interested in fulfillment of the plan or profit generating would like him to do. When the corporative structure prevents the need of employees to expose certain irregularities and amoral practices, in fact he also protects the right of employees and the public benefit.

#### CLOSING CONSIDERATIONS WITH ETHICAL EVALUATION

Opposed to the other areas where success is relatively easy to measure, it is difficult to determine accurately the best moral practices. None of the companies – especially the large corporations – can guarantee that every employee will always act in a moral or legal manner. Even companies with firmly declared goals, hot-lines for the employees, ombudsmen and other programs may have troubles. It is believed that a systematic approach, i.e. an approach that includes different factors as culture, leadership, formal programs of ethical training, and the awareness of employees and the company management on the existence of certain moral problems, is the factor that will more likely result in a true corporative environment. As the conclusion with regard to the position to be taken, it is important to underline the following facts:

**First**, if the employee discovers certain amoral practices in business activities of his own company, then he is morally obliged in front of the potential customers, i.e. the public, to expose those illegal and amoral activities and to take decisive action by raising moral panic addressed to the clients and the public. However, the fact that the employee has the right to speak, does not mean that he should speak on every occasion. First, he must evaluate the damage which he would cause to himself, the colleagues or the shareholders by exposing such practice, versus the damage the others would be exposed to if the irregular activity in the company is continued. In order to be sure in his decision, the employee must gather and document all facts and information obviously confirming the doubt on the existence of certain amoral and illegal practices.

The above mentioned moral dilemma of the employee is further complicated by the situation that legal framework which would protect those deciding to raise their voice against their own company, for the benefit of potential customers and the public, still does not exist. In order to significantly decrease such moral dilemmas in the future, everyone has to take his share of responsibility and to decide to take specific steps and actions against such illegal and amoral business operation. This applies both to the government and the companies, and the media and the public, since the way of performing business activities reflects the society and its standards, and not the opposite.

**Second**, it is best for companies to begin to identify the basic values and principles which are the basis of everything else within the organization. If the basic values do not speak strong enough in favour of moral and awarding the moral behavior, then companies mistake and create conditions for the emergence of moral problems. If the declared values or ethical codes are powerless or do not sound loud enough throughout the company, they can not and will not change the behaviour.

**Third**, the pressure to fulfill unrealistic business deadlines and goals is the reason why business people will most likely violate their moral standards. Company management on all levels has to keep this in mind when performing their day-to-day business. There is the responsibility to close the doors leading towards the unethical behaviour and to stimulate their employees to abide to the straight and narrow path. To create a truly ethical company requires from leaders, executives and managers to work together on strategy designing and to build the foundation of the future system. In the modern complex business environment this is certainly a challenge, but a challenge that could be beaten.

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## **MORALNE DILEME ZAPOSLENIH U KORPORATIVNOM POSLOVANJU**

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*Uslovi koje nameće savremeno poslovanje su takvi, da je moralni odnos na relaciji kompanije - potencijalni potrošači – javnost pod uticajem velikog broja internih i eksternih činilaca među kojima se ističu: zahtevi investitora, pritisak u cilju ispunjenja nerealnih poslovnih rokova, profit po svaku cenu, pritisak konkurencije, globalizacija, itd. Vlada mišljenje, da poslovne aktivnosti treba da budu tako pozicionirane da potencijalnim potrošačima ponude ono što im treba, kad im treba, gde i kako im treba, ne birajući sredstva kako bi postigla taj svoj cilj. U skladu sa prethodnim, brojni teoretičari morala počeli su da naglašavaju značaj moralnosti, ukazujući na osnovne probleme savremenog poslovanja, kao što su: obmanjivanje u pogledu kvaliteta proizvoda, izbegavanje da se ukaže na moguće štetne efekte proizvoda, proizvodnja i prodaja nebezbednih i opasnih proizvoda, nemoralno oglašavanje, itd. To je problematika koja na jedan kraj stavlja moral, a na drugi brzu zaradu i profit. Nameće se pitanje, da li je zaposleni moralno obavezan da osudi takve radnje, da dobro javnosti stavi ispred dobra kompanije i izazove moralnu paniku adresiranu na potencijalne potrošače?*

*Ključne reči: Moralne dileme, etika poslovanja, korporativno poslovanje, zaposleni, moralna odgovornost.*