

Professionalism in Construction: Culture and Ethics

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Introduction

The construction industry, and its associated professions, tends to be disadvantaged due to the popular image of the industry – being dangerous, macho, opportunistic etc. Modern business operational imperatives – notably, profit pursuance, as reflected in stock exchange requirements for non-decreasing dividend streams – and major changes in rules of operation (e.g. professional practices' being permitted to operate under limited liability) plus changes in business processes (such as competitive bidding on fees) have exacerbated the situation to render ethical behaviour more difficult (at 'face value', at least). The difficulties are accentuated due to design and management services being intangible activities so that objective, tangible benefits are difficult to demonstrate convincingly – especially to clients who are unfamiliar with construction and who, themselves, operate under considerable financial performance pressures. Quality of a design and of the realization into a completed construction project are notoriously problematic judgements – especially for 'lay' persons!

Professionalism

A profession involves the exercising of a body of unique, expert knowledge. Knowledge standards for membership are determined, standards of behaviour in application of that knowledge are set (both must be self-policed) and means for developing the knowledge – both of individual practitioners (continuing professional development, CPD) and of the totality of that knowledge – are established by the professional institution. Most obviously, but certainly not exclusively, ethics relates to the level of knowledge required and the practices of using that knowledge. In UK, as elsewhere, the law has set tests by which the adequacy of the knowledge in application is judged – that of the 'normal practitioner' [skill and care liability] (*Bolam v. Friern Barnet Hospital (1957)*); in instances where a required result (performance) is made known to the professional practitioner, that result must be realised (assuming reasonable possibility) – [fitness for purpose liability] (*Greaves v Baynham Meikle, (1975)*).

Bayles (1988) identifies professional ethics as a system of behavioural norms. Such norms relate to the employment of the particular knowledge and so, largely, concern

the relationship between experts and 'lay' persons. Those behavioural rules seek to ensure that (unfair) advantage is not taken by the expert over the lay person due to the knowledge differential – the application of 'customer protection' through (professional) self-regulation. Commonly, the issue of disclosure of interests arises – the professional must disclose any interests in the subject matter of the relationship to the client. Then, continuity of the relationship is on the basis of 'informed consent' on the part of the client. However, an 'ethical residue' remains over the extent to which a client can appreciate the potential consequences of the (full) disclosure, unless appropriately advised by the professional (or other members of the profession)!

Reeck (1982) notes that ethical codes provide guidance for professionals in their determining appropriate action – they aid consistency and stability in deciding about moral issues. However, Henry (1995) cautions that ethical codes do not, themselves, solve moral dilemmas but do help to raise levels of awareness and so encourage ethical practise.

A wider aspect of ethical codes is noted by MacIver (1995) in that they not only indicate appropriate behaviour between members of a group but also between individual members and the group as a whole and towards persons outside the group; as for professional rules/codes of conduct. Hence, the codes should serve both the particular organisation and the public. Beyerstein (1993) notes that ethical codes present public announcements of the ethical principles adopted by professions and other organisations. They aid cooperation amongst different professionals and are helpful in devising ethical codes for multi-profession organisations. Further, the codes are useful in determining suitable disciplinary measures in instances of misconduct.

In criticizing the use of ethical codes, Taeusch (1935) notes problems of over-formalisation and a lack of sense of relative values. Kultgen (1982) extends the criticism in identifying that many ethical codes contain self-serving functions. Bayles (1989) found that it is common for ethical codes to focus on obligations of individual professionals but to ignore obligations of collective members of the profession. (Presumably, that is due to a Micawber-like perspective being adopted in the formulation of the codes – if the individual professional's conduct is regulated adequately, professional collectives will look after themselves – i.e. be regulated via the individual members.)

Culture

Definitions

Defining culture has proved highly problematic. In the early 1950s, Kroeber and Kluckhohn (1952) noted 164 definitions! However, it is important to recognise that culture, and its manifestations, are not static. The cultural dynamics model proposed by Hatch (1993) encapsulates the processes of manifestation, realisation, symbolisation and interpretation to provide a framework within which to understand the dynamism of organisational cultures. The dynamism comes from the continual construction and reconstruction of culture as contexts for setting goals, taking action, making meaning, constructing images and forming identities.

Such perspectives are implicit in Hofstede's (1980) notion of culture being '...the collective programming of the mind which distinguishes the members of one category of people from another'. Clearly, culture is a collective construct and may be articulated simply as 'how we do things around here'. Perhaps the most informative definition is that of Kroeber and Kluckhohn (1952) '...patterns, explicit and implicit of and for human behaviour acquired and transmitted by symbols, constituting the distinctive achievements of human groups, including their embodiment in artefacts; the essential core of culture consists of traditional (i.e. historically derived and selected) ideas and, especially, their attached values; culture systems may, on the one hand, be considered as products of action, on the other as conditioning elements of future action'.

If we follow the definition of Kroeber and Kluckhohn, it seems that more enduring societies enjoy advantages of cultural development and stability. That perspective accords with the notion of indexicality in sociology (see, e.g. Clegg, 1992) in which interpretation of messages and, thence, comprehension of meaning is recognized to be dependent upon socialization; including education and training.

Dimensions

Culture is manifested through facets of behaviour. Behaviour is dependent upon values and beliefs, whether any behaviour is determined by conscious thought/evaluation or 'instinctive'. In the latter case common survival mechanisms are likely to govern and so, be relatively common amongst humans whilst, in the former case, cultural influences will be stronger. That leads to models of culture with physiological instincts and beliefs at the core (survival imperatives; religion, morality etc.) values as the intermediate layer (the hierarchical ordering of aspects of beliefs, perhaps with visions of trade-offs) and behaviour at the outer layer (as in language, symbols, heroes, practices etc.).

It is, then, the observable outer layer which must be employed to secure measurements indicative of culture through first, identifying and defining suitable dimensions – exhaustive in scope and exclusive in content. In studying national cultures, Hofstede (1980) determined four dimensions: Power Distance; Collectivism/Individualism; Masculinity; Uncertainty Avoidance – a fifth dimension of Long-Termism/Short-Termism was added later (Hofstede, 1994) following studies in Asia which detected important impact of 'Confucian Dynamism' (The Chinese Culture Connection, 1987). Trompenaars and Hampden-Turner (1993) advanced five value-oriented dimensions of culture which, they suggest, '...greatly influence our ways of

doing business and managing as well as our responses in the face of oral dilemmas'. Those dimensions are:

- Universalism – Particularism (rules-relationships)
- Collectivism – Individualism (group–individual)
- Neutral – Emotional (feelings expressed)
- Diffuse – Specific (degree of involvement)
- Achievement – Ascription (method of giving status).

Hofstede (1994) proposed six dimensions for analysis of organisational cultures:

- Process - Results Orientation (technical and bureaucratic routines {can be diverse} – outcomes {tend to be homogeneous})
- Job – Employee Orientation (derives from societal culture as well as influences of founders, managers)
- Professional – Parochial (educated personnel identify with profession(s) – people identify with employing organisation)
- Open – Closed System (ease of admitting new people, styles of internal and external communications)
- Tight – Loose Control (degrees of formality, punctuality etc., may depend on technology and rate of change)
- Pragmatic – Normative (how to relate to the environment, n. b. customers; pragmatism encourages flexibility).

Scrutiny of the various dimensions used to analyse both national and organisational cultures, essentially, indicates a high level of conceptual commonality. Further, Hofstede's dimensions of organisational culture align with the human – task schools of management thought (such as Herzberg, Mausner and Bloch Snyderman, 1967 – theory X and theory Y).

Ethics

The Oxford English Dictionary provides a variety of definitions of “ethics”, all of which relate to morals (e.g. ‘the whole field of moral science’). Perhaps the definition which is most pertinent is, ‘The moral principles or system of a particular leader or school of thought; the moral principles by which any particular person is guided; the rules of conduct recognized in a particular profession or area of human life’.

Rosenthal and Rosnow (1991: 231) note, ‘...ethics *refers* to the system of moral values by which the rights and wrongs of behaviour ... are judged’ [word in italics added]. Not only should ethics refer to values but, in order to secure operation, reference must be made to principles and standards regarding behaviour.

Hinman (1997) distinguishes morals and ethics by regarding morals as first order beliefs, and practices about what is good and what is bad which guide behaviour and ethics as second order, reflective consideration of moral beliefs and practices.

Such issues of definition and perspective, both theoretical and operational, have generated four primary paradigms for ethical analysis (Leary, 1991: 261-262). In deontology, a universal moral code is held to apply. In skepticism, (alternatively, relativism; subjectivism) ethical rules are arbitrary and relative to culture and to time; that view is extended in ethical egoism where ethics become a matter of the conscience of the individual such that the individual is the arbiter of ethics (what is

right and what is wrong). Thus, egoism concerns pursuit of self-interest and so, can be related to common business criteria (notably, profit maximisation). Teleology constitutes a utilitarian approach (utilitarianism; consequentialism) where ethics are dependent upon the (anticipated) consequences – that suggests a cost-benefit view, perhaps invoking the judgmental criterion of “the greatest good for the greatest number” which, itself, is likely to necessitate subjectively determined weightings. Objectivism asserts that there are definitions of what is right and what is wrong which are accepted generally (either universally or more locally).

Perspectives on ethics are, to some degree, at least, culturally dependent. Chinese perspectives on ethics are influenced by the notions of Confucius, who built on earlier Daoist concepts. Here, the emphasis is different from Western ethical/moral ideas of what **is** good (and bad) by focusing on **how to become** good. In one sense, *dao* may be used to signify the proper way of life. *De* is a concept similar to the Aristotlean concept of virtue but incorporates kindness and self-sacrifice and emphasizes how to achieve virtue. *Jen* concerns love, benevolence and humanism and is actioned as proper motivation; thus, *jen* has an inward focus to guide behaviour. The external-focus equivalent of *jen* is *i* and is a result of socialization. Hence, an example of *jen* is to love one’s parents, an example of *i* is to pay respect to an older person. A well known result of the adoption of Confucian ethics is the hierarchy of respectful (harmonious) relationships: sovereign – subject, father – son, husband – wife, brothers, friends (the male emphasis is clearly evident!).

Business processes

Organisations are constituted by groups of people coming together for particular purposes in a more-or-less temporary way; as such, the individuals constituting the organisation, especially larger organisations, experience constant change of varying degrees of significance for the overall organisation. This applies, especially, in temporary multi-organisations (TMOs) – such as construction projects. In some organisations, top managers may join and leave quite frequently whilst in others, there is a greater degree of permanence with top managers having risen through the organisation over a long period. Those differences have great potential impact on the consistency of an organisation’s objectives and norms. It is debatable whether an organisation exists independently of the weighted sum of the objectives, beliefs, values etc. of the persons who are its members.

Organisational Climate and Culture

For most people involved in an organisation, the organisation does constitute a climate and a culture within which they must operate – if there is a significant mismatch, the relationship is unlikely to arise or, if it does, is unlikely to endure.

Organisations, therefore, represent collective acceptances and operations of ethical norms adopted by the groups concerned and, as such, constitute powerful influences over individuals’ behaviour.

Broadly, organisational climate is determined by the values and beliefs of the group concerned. Victor and Cullen (1988) discuss organisational climate at two levels. One, aggregate perceptions or organisational conventions concerning forms of structure and procedures for rewards and control (perceptions of practices and procedures – Schneider, 1975). Two, aggregate perceptions of organisational norms concerning warmth towards and support for peers and subordinates (organisational

values – Denison, 1996; Ashforth, 1985). Cohen (1993) defines ethical climate as employees' prevailing perceptions of organisational signals regarding norms in making decisions which have a moral component.

Organisational culture can be regarded as phenomenal (observable behaviour and artifacts etc.) or ideational (underlying shared meanings, values and symbols) (Sathe, 1983). The phenomenal level corresponds to ethics whilst the ideational level aligns with morals. Treviño (1986) developed a model of organisational ethical culture including the organisation's normative structure (norms of appropriate behaviour), referent to others' behaviour and expectations concerning obedience to legitimate authority – which encourage people to take responsibility for the consequences of their decisions and actions.

Hartman (1996), for example, notes that organisational culture may be employed by management as a tool to change behaviour, implement decisions etc. – often through the application of incentives, rewards and punishment systems. Others regard culture as a situational 'given' within which managers and others must operate.

Stevens (1994) found a variety of organisational objectives for their use of codes of ethics – limiting legal liability, influencing employees' behaviour, image building. Such codes represent documented statements of corporate values and norms and so, to be effective, must be communicated clearly. For many corporate statements, communication of meaning is notoriously problematic as the statements tend to be strategic and, hence, to vague for (immediate) operation – interpretation is necessary which involves scope for flexibility. Langlois and Schlegelmilch (1990) found that many large companies in Europe had documented codes of ethics. However, they also found that the codes addressed only parts of business ethics, usually concerning personnel and reliability matters and that, although national differences exist, large companies tend to employ standardized codes.

In professions, behavioural shielding is overcome through the application of codes of conduct and prescribed forms of business organisation – the latter usually required unlimited liability for the professionals although limited liability businesses with prescribed levels of professional indemnity (PI) insurance is, now, common. In more general business situations, no such mandatory codes apply and so, ultimate guidance for behavioural requirements rests in the law. For directors of UK companies, a wealth of legislation is contained in the Companies Acts, Partnership Acts etc. Further, the courts provide additional guidance via case precedents and statements *obiter dicta*. An important example is given in *Re Smith and Fawcett Ltd. (1942)* in which directors, '...must exercise their discretion bona fide in what they consider, not what a court may consider, to be the best interests of the company'; that discretion is usually restricted to be requirements to pursue the interests of the owners as measured by wealth maximization which, itself, is interpreted as profit maximization.

Such notions, indeed rulings, lead to the question of whether ethics and business are in, necessary, conflict. That perspective is manifest in the concept of 'marginal ethics' (Lay, 1993; as noted in Leisinger, 1995) in which business persons "...are prepared to pay a mental, social, emotional and financial price only in so far as they expect a marginally higher mental, social, emotional and financial return, at least in the long run" (p167). If such an approach applies, it may no longer be regarded as a matter of ethics but, in reality, only rational business (investment) behaviour – that

the behaviour is overtly ethical is an incidental consequence of the rational business expectation and behaviour rather than causal of the behaviour.

Discussion

Particularly in “Western” societies, the post industrial revolution period has witnessed enormous increase in the use of contracts to govern relationships – notably in business circumstances. The result is the accentuation of legally encapsulated rights, duties and remedies, seemingly at the expense of relational duties and reciprocation. The growth of ‘legalism’ is based around the cultural dimension of individualism. However, other factors appear to be important too – notably, the total amount of a good (a ‘desirable’) and the distribution of that good: enter the notion of ‘greed’!

In the legal(istic) context of governance / regulation, the domain of ethical rules relates to means primarily – such as in codes of conduct of professional institutions. It may be argued that a system of common law (or religious law) has a strong ethical / relational base but that may not be reliable in terms of the current state of development. In UK, for instance, the doctrine of ‘equity’ was developed to cope with inequalities in legal practises, the ‘statute of interpretation’ was instigated to assist legal decision makers to follow the intent of legislation (especially when confronted with conflict in the statutes etc.).

Professional Codes of Practice / Conduct are contracts entered into by members of the professional institution, which form the legally–enforceable requirement for the behaviour of members. Clearly, those who are not members of the organisation are not affected by the contents directly. Stewart (1995: 11) notes that such codes, ‘do not teach morality, ethics or values: they lay down rules for conduct and, unless they are used in a positive manner as a basis for teaching principles, they will in daily practice be no more than guidelines for action’. Thus, the issue of enforcement is important. Enforcement concerns not only checks and detection of transgressors but imposition of consequences upon such transgressors. If detection is unlikely, consequences are inadequately negative (from transgressors’ perspectives) or both, then transgression is far more probable in an opportunistic environment.

As much of the world moves, progressively, towards self regulation (despite legislation etc. to foster ‘visibility’), the relationship of the self regulating codes to the requirements of broader levels of society becomes critical. Whilst it may be argued that the experts within an organisation (professional association) are those equipped best to judge the regulation required (through knowledge of best practices and transgression opportunities, consequences etc.), they also exist within the relatively closed interest and values system of that organisation which, consequently, may distort their actions. It is widely acknowledged that organisations’ operations are functions of the people who work in them and that organisations recruit and retain persons who suit the organisations’ activities, values etc. Hence, for formulation and enforcement of codes of conduct, selection of appropriate personnel is an imperative – the duality of care for internal personnel as well as for society ‘at large’.

The rules (laws) are formulated by fallible people and so, merit constant review for ‘appropriateness’ by further fallible people. Further, development of law, particularly under systems of common law, occurs through progressive interpretation by the

hierarchies of courts. Such interpretation is usually governed by some legislation providing rules and guidelines. Principles have been developed by which appropriateness of behaviour is judged, notably, *reasonableness*. However, for professionals/experts (and those 'holding themselves out' to have special skills), the behaviour required is that of an ordinary practitioner – other, special situations give rise to higher levels of skill being required (to avoid liability for – professional – negligence).

In employment circumstances, personnel are increasingly subject to performance appraisals / assessments. Unfortunately, there seems to be much confusion in this arena such that it is all too common for performance appraisals to be, in reality, performance assessments (from the perspectives of both content – process – and objective – outcome intentions). Such situations pressure employees to accord with the organisations morals of *necessity* or leave (voluntarily or by requirement). Such appraisals (assessments) pressure employees to conform to performance measures – often short term financial – and so, in order to meet the performance targets to adopt a degree of ethical ambivalence. For many, the enforced “crunch” is between their own ethical behaviour and their career and financial rewards.

Ethics is a personal phenomenon. Thus, to consider the ethics of businesses, organisations etc is likely to involve some degree of masking of some essentials due to the legal 'person' of the business unit (e.g. company) and the degree of collectivity which applies. Both factors enable any individual to, if only in part, attribute their behaviour to the organisation for which they have been performing an act of agency.

Conclusions

Professionalism is not restricted to 'professions', it is a behavioural construct which may be characterised as behaving with integrity. Thus, it relates to clients, other professionals, colleagues and society generally. The main ingredients are specialised knowledge and its use; essentially that the professionals possess adequate, appropriate and up-to-date knowledge and use it for both specific and common good. All those aspects are subject to human judgements in their formulation and exercise and, hence, result from value-judgements in which the plurality of guidance theories and principles invoke fuzziness in the decision making.

Managers of businesses are subject to operational pressures from owners, via stock exchange mechanism etc. to produce non-decreasing streams of dividend (e.g., Hutton, 2002) whilst requiring to expand the organisation through revenue / market share (e.g. Baumol, 1959). Such financial performance imperatives exert considerable influence towards inducing persons to accord with the organisations ethical standard in pursuing those objectives. In a business culture of opportunism, common in market capitalist economies, managers may find resistance to those forces increasingly difficult. The widespread behavioural / cultural changes witnessed in many countries during the 1980s, and subsequently, exacerbate the situation.

The cultural underpinnings of behaviour are clear but, as cultures and their values are diverse, then, so are resultant behaviours. A particular issue which arises is the interpretation of what constitutes corruption – both absolutely and in extent. What

may be deemed to be corrupt in one society may be unethical (only) in another and accepted behaviour (commonplace) elsewhere.

In a world of cultural diversity and with pluralistic moral and ethical guidance it would be foolhardy to suggest that there are, or, even, should be absolute required (standards of) behaviour. An appropriate maxim may emerge as 'be true to yourself, be sensitive to others, act in a reliable and trustworthy manner with integrity'.

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