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A Review Paper: Adherence To Ethical Decision-Making in Consultant Quantity Surveyor's Practice

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Abstract

Nowadays, ethics is seen as a key concern in the majority of occupations. The process of assessing and choosing among options in accordance with ethical standards is referred to as ethical decision-making. Consultant quantity surveyors (CQSs) must have ethical decision-making (EDM) knowledge in order to perform their jobs successfully and safeguard the client's interests in the building project. As a result, as construction industry experts, CQSs must devise ways to avoid corrupt activities while working with EDM. The study emphasises the notion of ethical decision-making among CQSs for this goal, as well as providing an overview and critical review of a body of literature relevant to the research issue. The present study highlighted some important factors that leads to ethical-decision making such as compliance with code of ethics and religiosity. It is believed that it would push managers and governments to create programmes to help CQSs acquire ethical decision-making skills early in their careers.

Keywords: Ethics, Ethical Decision-Making, Consultant Quantity Surveyors, Code Of Ethics, Religiosity

Introduction

Professionals are not exempt from the common ethical behaviours – such as obligations, duties and responsibilities – that are binding on ordinary people (Johnson, 1991) and are usually bound by a set of principles, attitudes or types of character dispositions that control the way the profession is practised. This has been termed professional ethics (McDowell, 1992). It concerns the potential problems faced by members of a profession or group and their impact on society (Johnson, 1991), with the implication that fairness should be attributed to not only clients but also colleagues and the public (Johnson, 1991).

In Malaysia, the quantity surveying profession is governed by the Quantity Surveyors Act 1967 (incorporating all amendments up to 28 February 2002), and the Regulations promulgated by the Act. As of January 2018, 825 consultant quantity surveyors and 685 of professional quantity surveyors were registered with the Board of Quantity Surveyors Malaysia (BQSM). Reciprocal to the BQSM Act, the Royal Institute of Chartered Surveyors (RICS) also sets

guidelines provided in the 2007 Rules, which encourage members to act within the spirit of the Regulations rather than by the express provisions. Failure to follow such guidance may be taken into consideration in an enquiry into a member's behaviour.

Nowadays, many unethical practices occur in the construction industry that lead to corruption, such as dishonesty, cheating, selfishness and bribery. As Adnan et al (2012) reported, 'There is no exclusion in the Malaysian construction industry, where grafting and malpractice are reported in the media and are considered synonymous with construction players' (p. 723).

A professional code of ethics usually sets professionals up for a sustainable career. As far as a Consultant Quantity Surveyor (CQS) is concerned, compliance with the Board of Quantity Surveyors Malaysia (BQSM) and the Royal Institute of Chartered Surveyors (RICS) code of ethics is crucial to the maintenance of their professional licence. If the CQS is found guilty of any unethical conduct, their professional licence and membership from the professional body are revoked. The adverse effect of Ethical Decision Making (EDM) on the professional duty of care of a CQS is professional negligence. If the CQS performs EDM in their professional practice with self-control, in this context it is an exercise of self-restraint to avoid legal action, such as the revocation of a professional licence, and court action. Self-control has been redefined as 'a tendency to consider the full range of potential costs of a particular act' (Hirschi, 2004, p. 15). Individuals who can restrain themselves from committing crimes and carrying out equivalent behaviours do so because they can predict the long-term consequences of such acts. Among the consequences is the loss of the secure attachment, commitment, involvement, and belief of one's valued family, friends, and community. These social bonds prevent people with a high level of self-control from engaging in crime or delinquency. Dealing with ethical issues in professional practice is the most critical part of the work of a CQS. The nature of a CQSs' work is concerned with the construction of financial and contractual matters, such as payments for work done, time delays and extensions, losses and expenses, and other construction-related issues. Thus, the need for the CQS to consult the project team daily puts them in stressful situations of EDM. This study is part of the research for EDM practice among Malaysian CQS.

Problem Statement

The task of the expert in the field is to ensure the professional teams to follow the proper rules and regulations. The CQS must consider performing EDM for the consultation of job-related matters. Past research has shown that self-control is an essential factor in ensuring practitioners comply with ethical standards. Tittle et al (2004) suggest that the concept of self-control theory is incomplete and proposed that self-control has two components: the capacity for self-control and the desire for self-control. As a point of theoretical extension, self-control should be considered situationally (Piquero & Bouffard, 2007). It is vital to identify whether the EDM behaviour practiced by CQSs informs the self-control theory concerning why CQSs perform EDM in their professional practice. Thus, this research intends to identify the compliance issues of EDM in the CQS practice and to understand why the CQS complies with EDM in practice.

Method

Why do CQSs comply with EDM in professional practice? – the researcher used self-control theory to enhance the meaning and understanding of the EDM phenomenon within the practice. Qualitative research does not test a theory, set up an experiment or measure

anything (Merriam & Tisdell, 2016). Instead, the researcher is interested in understanding the EDM experience of CQSs from the expert or professional perspective and in discovering the factors that make these individuals comply with EDM in professional practice. Theory is used to explain this lived phenomenon in-depth to understand the consequences of the action. The researcher used purposeful sampling in this qualitative research. The individuals and sites involved in the study were selected because they can purposefully inform an understanding of the research problem and the central phenomenon of the study (Creswell, 2007). The selection of respondents was limited to Consultant Quantity Surveyors (CQSs) who were registered with a quantity surveying organisation, namely the Board of Quantity Surveyor Malaysia (BQSM) and Royal Institution of Surveyors Malaysia (RISM). The respondents' practice was in the Malaysian construction industry. The selected respondents had more than 15 years' experience as CQSs. The researcher used her position as a QS to access the respondents and gain their consent. EDM is a sensitive issue to CQSs and is not discussed freely or openly. All participants agreed to the interview being recorded by the researcher. The researcher explained the processes of the interview, data management, data analysis and reporting the findings in detail. The researcher briefed the respondents on the ethical aspects of the study, which were stated in the consent form. This process helped clarify the position of the researcher and express the value of the respondents' involvement in the study and their consent to participate in the research voluntarily.

The source of the data for this research was human subjects. In-depth interviews with the respondents were recorded according to the ethical guidelines of the research protocol and the interviewees' consent. The in-depth interviews were carried out after obtaining consent from all the respondents. The researcher conducted member checking to confirm that the preliminary analysis of data accorded with the information given by the respondents. The researcher also used pseudonyms to protect the privacy of the respondents.

Literature Review

Code of Ethics and Ethical Culture

A few studies, such as McKinney's (2010), have found that professionals working in organisations with a written code of ethics tend to find ethically uncertain situations less acceptable than those at firms without. Similarly, 'a code of ethics had a significant influence on the audit judgments of professional accountants' (Pflugrath, 2007) and its existence was necessary for the EDM process (Deshpande, 2009). On the contrary, two findings have suggested that the mere existence of a code of ethics was not sufficient to influence ethical behaviour or ethical awareness (O'Leary & Stewart, 2007; Rottig et al., 2011). For the CQS, adhering to the code of ethics is important to stay ethical. A second illustration of the relationship between a situation and the organisational code of ethics is seen in McKinney et al.'s (2010) finding that business professionals working at firms with a written code of ethics tend to find ethically questionable situations less acceptable than those at firms without (p. 109).

Individual and situational factors moderate moral judgements made in the cognitions stage. 'Individual factors include ego strength, field dependence, and locus of control' (Jones, 1991, p. 371). Situational issues comprise elements in the immediate job context, organisational 'culture, and features of the work. Moral judgments, thus moderated, affect ethical or unethical behaviour' (Jones, 1991).

Watson et al (2009) deliberate that 'the effect of personality aspects (hedonism, value for power, universalism, and benevolence)' (p. 17) is using the control variables of reward,

punishment and moral reasoning. They found that all these values simultaneously affect EDM. In an earlier and related study, Watson and Berkley (2008) found three-way connections between traditionalism, conformity, and stimulation and the situational variables of reward and punishment and reasoned exercise that followed the law and the protection of rights to avoid sanctions and punishment (Premeaux, 2004, p. 243).

According to Gebler (2006), a strong ethical culture is one that is able to endure challenges to its integrity and in which employees have a sense of responsibility and accountability 'for their actions, and the actions of others and easily raise issues and concerns without fear of reprisals' (p. 339; in Ardichvili & Jondle, 2009). Research by Forte (2004) showed a statistically significant relationship between management levels and the organisational ethical climate, often defined as subsuming ethical culture. Similarly, ethical norms, incentives, standards, practices, personal relationships, and leadership examples have been found to positively impact EDM and 'served to support a culture that encourages ethical decision-making' (Sweeney et al., 2010; Elango et al., 2010; Hwang et al., 2008; Shafer & Simmons, 2011; Sweeney et al., 2010; Zhang et al., 2009).

Self-Control Theory and the Role of Self-Restraint

Gottfredson and Hirschi advanced self-control theory in 1990 as part of their general theory of crime. Self-control is defined as the ability to forego acts that provide immediate or near-term pleasures but that also have negative consequences for the actor, and the ability to act in favour of longer-term interests (Gottfredson, 2017, p. 548). It is related to concepts such as self-regulation and impulsivity in psychology (Baumeister & Heatherton, 1996; Moffitt et al., 2013), temporal discounting and skill formation in economics (Heckman, 2006), and social control in sociology (Hirschi, 1969). According to Gottfredson, (2017), self-control theory applies to a wide variety of illegal behaviours (most crimes). Therefore, in this study, the researcher attempts to apply this theory to EDM among CQs. As mentioned earlier, the adverse effect of EDM on professional duty of care is negligence, so CQs need to perform EDM in their professional practice and exercise self-restraint to avoid illegal behaviours.

In biological and social terms, individual self-restraint is a noble and unselfish act of individual self-restraint. The development of attitudes of tolerance and self-restraint are a necessary condition for the public sphere, especially for professionals. Gottfredson (2017) also suggests that an individual's level of self-control is influenced by the behaviour of family or other caregivers early in life. It is important to explore the life experiences of CQs performing EDM to determine the constitution of their actions in their professional practice. This study looks into the involvement of upbringing in the pathway towards EDM for CQs, as suggested by the literature, to explain the knowledge acquisition and development throughout their journey from novice to expert.

According to Gottfredson (2017), experimental studies from the fields of education, psychology and criminology generally support the idea that early-childhood family and educational environments can be altered to enhance self-control and lower the expected likelihood of delinquency, criminality and other problem behaviours later in life. The CQs gain their knowledge of EDM through tertiary education and experience in professional practice under the supervision of a superior, per the requirements to achieve professionalism. The knowledge construction process and life experiences need to be explored qualitatively to explain these factors in depth.

According to self-control theory, important negative consequences can include physical harm, legal sanctions, removal from educational institutions, or disappointment or disapproval of

family, teachers and friends (Gottfredson, 2017). It is crucial to explain the EDM phenomena in professional practice to CQSs because negative consequences exist in real-life situations within the community of practice. The researcher intends to understand the importance of EDM for CQSs and try to explore their experience in practice and explain the desire for CQS to perform EDM to avoid negative consequences.

High self-control can be described as part of one's social capital or social advantage because it helps create successful outcomes for many life experiences and beneficial results from social institutions, including in education, the labour market and interpersonal relations. The CQS, as someone concerned with achieving a professional duty of care, has to exercise high self-control to maintain the public's respect for their profession.

It is important to explain the theory of self-control to CQSs and explore the desire to be ethical and perform EDM in professional practice. Self-control theory begins with the assumption that it is part of human nature to tend to pursue the satisfaction of individual needs and desires. As a child develops, concerned and affectionate caregivers (parents, other relatives, friends and neighbours, and schools) monitor and sanction behaviour that is harmful to the child and others. As a result, children are taught to pay attention to the longer-term consequences of their actions. Exploring the impact of parents and upbringing on the EDM of CQSs could explain the acquisition of such experience. When a caring adult is present in the developing child's environment and takes an active role in their socialisation, high levels of self-control are established and appear to become a stable characteristic of the individual throughout their life. However, business ethics suggest that unethical conduct does not eventuate from a person's upbringing, but rather is part of the process of learning practical business or being inducted into the practice (Sutherland, 1983). Therefore, this study will explore and explain the role of self-control theory on CQSs in terms of the construction, experience and application of EDM in the professional practice.

Adherence to EDM in Practice

The issues of compliance are very important to CQSs. In compliance with ethics, CQSs should abide by the law that governs conduct and ethical standards in their professional conduct to contribute to the public good.

Compliance with Code of Ethics

A code of ethics is a guide of principles designed to help professionals conduct business honestly and with integrity. A code of ethics document may outline the mission and values of the business or organisation, how professionals are supposed to approach problems, the ethical principles based on the organisation's core values, and the standards to which the professional is held.

As a professional, the CQS must refer to the code of ethics of a professional body, in this case the BQSM and RICS. Failure to do so will result in a revocation of their professional licence and memberships. In tort law, this is called 'duty of care'. A breach of duty of care could result in the above consequences plus being sued in court. The CQSs agreed that they must exercise the highest sense of integrity through EDM in practice. Integrity is important in securing a licence as expressed by a respondent. This is to avoid breaching ethical conduct in practice, especially regarding EDM. Another respondent pointed out further that obtaining the licence is difficult.

Thus, all respondents agreed that they adhere to the code of ethics because they do not want their practising licence to be revoked by the statutory body, namely the BQSM and RICS.

'It is tough to secure a job nowadays, and if you have a good one, take care of it properly,' said one of the respondent, in reference to his role as a CQS and the importance of EDM in practice.

Another important factor is reputation. Most respondents worry that unethical conduct would lead to damage in reputation, as it is very hard to get it in the first place. Furthermore, even a warning from the professional body would be known to all as the society itself is small. A bad reputation would affect client's trust and job opportunities for any projects.

Concerning EDM in practice, the respondents claimed they worried about their licence, reputation and business. They confirmed they must exercise EDM to comply with the code of ethical conduct. One respondent added that it is about dignity and reputation, not about client and without EDM practice, it is difficult for a CQS to secure a business under challenging economic conditions. Additionally, with limited projects, sustaining a secure income is important for monthly pay wage, said another respondent. She concurred with the other respondents that taking good care of one's licence is vital and EDM in practice is crucial for that matter.

Religiosity

Religious belief is the belief in and worship of an omnipotent power, especially a personal God or gods. Religious belief refers to attitudes towards the mythological, supernatural, or spiritual aspects of religion. Religiosity is a term used to describe the extent to which religion influences societies and intersects with other areas of public life. It defines the role that religion plays in society, including the extent of people's beliefs, commitments, and levels of engagement with their religion. Although it is a rather broad term that can be applied in different contexts, religiosity is generally related to how much a religious doctrine is internalised (belief systems, identity, etc.) and is less related to the actual practice of religion. Religion plays an essential role in the EDM of the respondents. In general, religion addresses the concepts of right and wrong, providing lessons about how to live life and offering advice on human interaction (Subramaniam & Chan, 2016). The influence of religion and beliefs on making ethical decisions cannot be denied.

All respondents were Muslim and practiced good deeds according to Islam in their daily lives. All respondents spoke about considering what is right and wrong from the religious perspective when they make decisions. They mentioned believing in the punishment of God for sinful acts. One respondent expressed that every decision made was thought through whether it is religiously right or wrong. Additionally, another respondent practises self-restraint especially when performing EDM and how that would affect her income in terms of halal and haram. This is important because it is the source that she uses to feed her family and she tries her best to ensure halal rizki (sustenance). Practising Islamic values involves considering the virtue of EDM as reflected in their conduct in practice. The respondents suggested that, to be able to practice EDM, they construct values through religiosity. One respondent elaborated that understanding of halal, haram and the repayment of sinful action by God constructs their actions on EDM.

Unethical decision at work would equate to corruption, which in turn results in haram income and this was always reminded to one of the respondents by their parents. Thus, when

EDM issues occur at work, she stands firm with her faith because the sin does not only tarnish her but the whole family, and she would not feed her family with tarnished income. Further justifying this is another respondent talking on the importance of honesty. The act of virtue instils a sense of responsibility. He determines in his faith and practices good moral virtues such as honesty and dignity in his works through EDM. Faith in religion is the factor that prevents the respondents from being unethical. It also encourages them to do the right thing, make the right decisions, and lead a life of freedom without fear. Concerning religious background, all the respondents interviewed acknowledged having a fundamentally religious upbringing. Most of the respondents have been pious over time because they think of life in the hereafter. The result indicates that the respondents acknowledge that they think about what is right or wrong according to their religion when making a decision. These findings show that religious beliefs play a vital role in the respondents' EDM and guide them to be ethical.

Discussion

The research inquiry is about the EDM-related adherence or compliance issues for CQSs in practice. According to Johnson (1991); Mc Dowell (1992), professionals must adhere to a certain standard or code of ethics. It is about law and enforcement and penalty for wrong doing. This is also concern of the self-control theory: how do CQSs control themselves to perform EDM? Results from the study identified two factors that are considered by CQSs in their adherence to EDM. These are codes of ethics and religiosity. These factors determine CQSs' performance of EDM in their professional practice. Gottfredson (2017), suggest that when self-control becomes established, concern about parental disappointment, shame from family and friends, loss of affection, respect, and approval of significant others are the sanctions of the greatest moment. The findings indicate that CQS exercises self-control in the performance of EDM by adherence to the Code of Ethics and Religion. They are concerned with dignity, reputation, professional licencing and business sustainability. Vitell et al. (2009) found that religiosity played a role in offsetting negative influence. As such, CQS stressed that faith in religions prevents them from being unethical. The reasons people behave ethically are related to moral virtues, religiosity and law and enforcement.

Conclusion

Another key aspect that influences the EDM process in practise is religious beliefs. The respondents' professional activity included a professional responsibility of care. They claimed to have carried out their duties with exceptional stewardship in the best interests of all parties concerned. The EDM process is also aided by company policies. The responders were aware of the policy and verified that they adhered to it at all times. Self-discipline is a crucial component in becoming an expert for the CQS. This involves not doubting their actions and facing unethical problems without fear. Here, the traits of self-control or self-restraint are very important for practising EDM. The experiential learning embedded in situated learning promotes the CQS's progress in becoming someone who complies with EDM in practice.

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