

Session title: The Ethics of Being a Regulator

Moderator/Panelists:

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Date and time: Wednesday, December 11, 10:45 am

Rapporteur: Valérie Bouchard

Session Summary

This interactive workshop proposed to explore the principle of ethics through various hypothetical situations. The reflection process was driven by the interventions of both facilitators and attendees.

From the outset, an important distinction was made between legal and ethical behaviour, the former often requiring less rigour than the latter.

By way of introduction, the facilitators asked participants what main characteristics regulators should have. The qualities they mentioned included equity, impartiality, transparency, integrity, trustworthiness, being non-partisan, and having a good knowledge of laws and regulations.

The facilitators then presented participants with various scenarios in order to elicit their reflections on what constitutes ethical behaviour. Participants were invited to express their views concerning the decisions or actions they would have taken in a given situation. Six scenarios were simulated, raising most notably the following questions: whether to hire a candidate who has a personal link to a high-ranking member of the legislature who controls the organization's budget; whether to agree to rule on a case involving a former acquaintance; and whether to accept an invitation to a private party from a professional acquaintance. These scenarios elicited interesting exchanges about what sort of ethical behaviour to adopt.

The scenarios did not take into account the legislation in effect in different jurisdictions, but the question was to return to the forefront in the last part of the discussion. An important difference between the United States and Canada was pointed out. While in the U.S., legislation in matters of ethics focuses particularly on the financial aspect, in Canada, both federally and in some provinces, legislation often goes further, even denying the Chief Electoral Officer and his or her assistants the right to vote.

In short, exchanges during this workshop enabled an in-depth reflection on the ethics of regulators, turning the tables on those whose job it is, in part, to evaluate ethics in situations where they are not involved. Ethics goes beyond simply respecting laws, since one is required to take into account impressions and perceptions that a decision or behaviour may create. The appearance of impropriety can sometimes be as damaging as a real breach of ethics for a regulatory organization. In conclusion, these organizations need to be able to inspire trust, one of the core values which should guide their ethical behaviour.