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FOR FURTHER REFLECTION

1. Give examples, if possible from your own employment experiences, of companies' respecting the rights of employees and of companies' failing to do so.
2. When it comes to a company's personnel policies and procedures—that is, how it handles the hiring, firing, promoting, and paying of the people who work for it—what do you see as the most important moral principles for it to bear in mind?
3. Explain why you either support or disapprove of unions.



CASE 8.1

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AIDS in the Workplace

CARLA LOMBARD ALWAYS WORKED WELL WITH people. So when she opened her Better Bagels bagel shop seven years ago, she anticipated that managing her employees would be the easy part. She had worked for enough different bosses that she thought she knew what it took to be a good employer. Whether she was up to the financial side of running a business was her worry. As it turned out, however, Better Bagels flourished. Not only did Carla go on to open three smaller branches of Better Bagels, but her bakery also made daily wholesale deliveries to dozens of coffee shops and restaurants around the city. No, the business was prospering. It was just that the personnel issues turned out to be more difficult than she had ever expected. Take this week, for example.

On Tuesday, Carla was in the main bagel shop when around noon Tom Walters's ex-wife, Frances, came in. Tom oversaw a lot of the early-morning baking at that shop and like most of Carla's employees put in his share of time working the sales counter. He was a good worker, and Carla had been considering promoting

him next month to manager of one of the branch shops. After ordering a bagel, Frances took Carla aside. She beat around the bush for a few minutes before she got to her point, because she was there to tell Carla that Tom had AIDS. Frances said she was telling Carla because she "always liked her and thought she was entitled to know because she was Tom's employer." Carla barely knew Frances, and she was so taken aback that she was at a loss for words. She was shocked and embarrassed and didn't know whether she should even discuss Tom with Frances. While Carla was still trying to recover herself, Frances took her bagel and left.

Carla was still concerned and upset when she saw Tom the next day. Perhaps he had been thinner and looked tired more often the last few months, Carla thought to herself. But she couldn't be sure, and Tom seemed to be his usual upbeat self. Carla wanted to discuss Frances's visit with Tom, but she couldn't bring herself to mention it. She had always liked Tom, but—face it, she thought—he's my employee, not my friend.

And it's his business. If I were an employee, I wouldn't want my boss asking me about my health.

Later, however, she began to wonder if it wasn't her business after all. She overheard some customers saying that people were staying away from the local Denny's franchise because one of its cooks was reported to have AIDS. The rumor was that some of his fellow employees had even circulated a petition saying that the cook should go, but a local AIDS support group had intervened, threatening legal action. So the cook was staying, but the customers weren't. Carla knew something about AIDS and thought some of what her customers were saying was bigoted and ill informed. She was pretty sure that you couldn't transmit HIV through food—including bagel—preparation, but she thought that maybe she should double-check her information. But what was really beginning to worry her were the business implications. She didn't want a Denny's-like situation at Better Bagels, but in her customers' comments she could see the possibility of something like that happening once the word got out about Tom, especially if she made him a manager. Carla was running a business, and even if her customers' fears might be irrational or exaggerated, she couldn't force them to visit her shops or eat her bagels.

Carla knew it was illegal to fire Tom for having AIDS, and in any case that's not the kind of person she was. But she couldn't afford to skirt the whole problem, she realized, as some large companies do, by simply sending the employee home at full pay. Doing that deprives the employee of meaningful work, to be sure, but it removes any difficulties in the workplace, and the employee has no legal grounds for complaint if he or she is left on the payroll. And then, of course, there was always the question of Tom's future work performance. Putting the question of promotion aside, if he really was ill, as Frances had said, his work performance would probably decline, she thought. Shouldn't she begin developing some plan for dealing with that?

Update

Frances was misinformed. Tom didn't have AIDS. He had developed multiple sclerosis, a degenerative disease of the central nervous system. It's not fatal, but the course of the disease is unpredictable. Attacks can occur at any time and then fade away. A person can feel fine one day, only to have an attack the

next day that causes blurred vision, slurred speech, numbness, or even blindness and paralysis. Tom was never worried about losing his job, and he was pretty sure he could continue to perform well at it, maybe even move higher in the business either with Carla or with another employer. But he kept his condition to himself, hiding his symptoms and covering up occasional absences and trips to the doctor, because he was worried that customers and colleagues would perceive him differently. He didn't want looks of pity if he stumbled or constant questions about how he was feeling.

DISCUSSION QUESTIONS

1. What are the moral issues in this case? What ideals, obligations, and consequences must Carla Lombard consider? What rights, if any, are at stake? Will it make a difference whether Carla adopts a Kantian approach or a utilitarian approach to this situation?
2. Would it be wrong of Carla to ask Tom Walters about his health? Why or why not? Defend your answer by appeal to moral principle.
3. Suppose Tom had AIDS. What should Carla do? Is an employee's HIV status a job-related issue? In particular, is it a factor Carla should consider in deciding whether to promote Tom? What part, if any, should the attitudes of Tom's coworkers play in Carla's decision?
4. How should companies address the problem of public fear and prejudice when employees with AIDS have direct contact with customers?
5. Should companies develop programs or policies that deal specifically with AIDS? If so, what characteristics should they have? Or should they deal with the problem only on a case-by-case basis? Should large corporations develop AIDS-awareness programs? Or should AIDS be treated no differently than any other disease?
6. Does Tom have a moral obligation to disclose his medical condition to Carla—and, if so, at what point? Suppose a job applicant has a chronic, potentially debilitating medical condition. Should he or she reveal that fact before being hired? Would it be wrong not to mention the disease if the interviewer inquires about the applicant's health?