

Stubbs Teaching Notes

What Are the Relevant Facts?

1. Six years ago, Stubbs severed three fingers in a punch press machine when attempting to increase his piece rate.
2. Though Stubbs collected workers' compensation for the injury, he is now suing the manufacturer of the punch press.
3. Before the accident, OSHA had cited Stubbs employer for improper safeguards on this piece of equipment.
4. Stubbs' employer senses a countersuit from the equipment manufacturer and asks Tom to destroy all records older than five years because OSHA does not require maintenance of older records.
5. The Manager of Human Resources orders Tom to chop the machine into small pieces.

What Are the Ethical Issues?

1. How can Tom protect the interests of both the company and Stubbs?
2. Is it ethical for Tom to destroy the older records and the machine?
3. Does the company have an obligation to preserve all possible evidence if a countersuit is a possibility?
4. Is it fair to Stubbs to have the punch press destroyed within days after he sues the manufacturer?

Who Are the Primary Stakeholders?

- The company and its shareholders
- Annette
- Stubbs (and his family)
- Tom
- Attorneys
- Other shop personnel
- The punch press manufacturer
- OSHA

What Are the Possible Alternatives?

1. Tom could carry out his orders.
2. Tom could refuse to destroy potential evidence.

3. Tom could enlist the help of management willing to take his side on the issue.
4. Tom could mention to Stubbs and his attorney the company's intentions in hopes that they might subpoena the machine and records before they are destroyed.

What Are the Ethics of the Alternatives?

- Ask questions from a "utilitarian" perspective. For example:
 1. Which alternative would produce the greatest benefit to the greatest number of stakeholders?
 2. How would you measure costs and benefits?
- Ask questions from a "rights and duties" viewpoint. For example:
 1. What rights does each stakeholder have?
 2. Does society expect a high sense of duty from specialists like Tom?
- Ask questions from a "justice or fairness" perspective. For example:
 1. Which alternative distributes the burdens most fairly to the stakeholders?
 2. Does Tom need to get his instructions in writing to ensure a fair distribution of possible future burdens?

What Are the Practical Constraints?

1. Stubbs took a risk when he bypassed machine instructions.
2. Tom may be fired if he refuses to destroy the evidence.
3. Tom and Annette should consider the legal ramifications of their actions.

What Actions Should Be Taken?

1. What actions should Tom take?
2. Which alternatives would you choose if you were in Tom's shoes, and why?
3. Will Tom have any problems implementing his decision?