

Human Resource Ethical Dilemmas in Healthcare

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Abstract

Human Resource departments are critical departments for any organization as they ensure compliance with the code of conduct. Actions and decisions taken by the employee of an organization directly impact the reputation of an organization. In healthcare, the role of HR director is amplified due to the high sensitivity of institutions' nature and objectives in this sector. Hospitals and other healthcare centers directly deal with people seeking healthcare services. Therefore, slight violations of the code of conduct by the service providers can have a critical impact on health of the people at the healthcare service center. This paper sheds light on ethical dilemmas commonly faced by HR managers in the healthcare sector and their practices to manage those issues. The study comprises three parts where the initial section extends the discussion on ethics associated with general HR operations with a focus on the healthcare industry. It is followed by comparing different modes of handling ethical dilemmas while proceeding with the image restoration strategy. Then, some empirical evidence of managing ethical crises is covered to check the practical application of learned theoretical ideas. Finally, some conclusive opinions and recommendations are outlined based on the core findings of the study.

Keywords: human resources, healthcare, crisis management, ethics

1. Introduction

Human resource management is a structure of activities and strategies that focus on productively managing employees at every level of an organization to accomplish organizational goals. Human resources, as pertaining to the field of health care, are defined as the different kinds of clinical and non-clinical staff responsible for public and individual health intervention (Kabene, 2006). The healthcare industry is the largest employer in the United States and by far the most labor-intensive. Healthcare created more jobs than any other sector in 2016, helping to drive total annual job growth to 2.2 million, according to data from the Bureau of Labor Statistics (Livingston 2017). In 2016, the healthcare industry accounted for 15.8 million jobs at the end of December (Livingston 2017). The field of health human resources deals with issues such as planning, development, performance, management, retention, information, and research on human resources for the health care sector (Grepin, 2009). Human resources professionals in healthcare, unlike other fields, need to have a more strategic approach to prepare for an uncertain tomorrow while still fulfilling the present demanding needs.

2. HR Functions and Ethical Issues.

The organization's HR functions and ethics frequently overlap when the ethical values are inserted in the organizational culture. It is important that the ethical values and the HR functions work together effectively. The human resource department has an important role in supporting the culture of the organization by encouraging "doing the right thing" behavior (Weaver, Treviño, 2001).

Human Resources professionals play the main point of contact for all the employees within an organization. They have a unique access with all the staff members throughout their careers, starting from the onboarding process to the exit interview. An organization-wide ethical culture is established when the HR and Ethics professionals make their relationship work (Weaver, Treviño, 2001).

Like in the case of any other type of organization, HR management in healthcare organizations also involves a set of activities. These activities include recruitment, selection, training, skill development, performance appraisal, and motivation (Niles, 2013). All these operational and managerial activities are discussed below with a specific focus on ethical considerations associated with each.

2.1 Recruitment and Selection

HR directors have to pay great attention to staffing techniques and strategies as they set the tone for the rest of the activities in the sequence. It is important to bring the right kind of people to form a highly productive workforce. As the recruiters decide to hire new people, they have to define the criteria for eligibility (Flynn, Mathis, Jackson, & Valentine, 2016). It is critical to remain ethical at all levels while defining the criteria for eligibility of associates. For example, HR directors have to make sure that the people appointed possess the set of knowledge, skills, talent, and experience that is required to perform the assigned tasks efficiently. If there are loopholes in defining the parameters of eligibility, it can lead to critical outcomes for the organization and its reputation. For example, if the people who do not have adequate knowledge or skills required to perform a job are hired, they are likely to bring the patient satisfaction rate down. The healthcare centers with bad performance of medical or paramedical staff due to people with poor profile find it difficult to attract patients. Their bad performance and its implications for the health of patients also cause them to lose loyal patients (Shi, 2007).

Recruiting and ethical dilemmas around is a major issue in a lot of healthcare organizations. Hiring the right person for the right job and even looking at promotions and advancements within the organization, the HR Staff need to ensure that leaders and managers are using proper policies and procedures for making those decisions. The HR Staff also have to make sure that they are hiring according to the legal procedures and not making any discriminations. Since bad recruiters are not able to attract a huge number of patients and they also keep losing existing patients, this ethical issue has a critical impact on their sales revenue and overall performance of the organization.

2.2 Employee Benefits

After the people are recruited, the next important consideration for HR management is to decide on employee benefit plans. There are certain laws and ethical codes of conduct to which a healthcare organization has to adhere in order to ensure fair employment practices. The fair practices involve both internal bylaws and external regulatory obligations (Niles, 2013).

There are several laws that define standards and provide guidelines for defining employee benefit plans. There are certain laws that come under Employee Retirement Security Act such as vacation and sick leave, employee insurance plans, employer-paid daycare centers, post-retirement compensation plans, and many others (Flynn et al., 2016). By the same token, there is Federal Minimum Wage that provides for hourly standard minimum income for workers. The employers that are found guilty of paying below the minimum standards are convicted in accordance with the relevant laws (Niles, 2013).

Therefore, there are certain ethical dilemmas that a healthcare organization can face regarding its strategic approach to employee benefit plans. For example, there can be a scenario wherein an organization is compensating its employees lower than statutory requirements. This ethical dilemma would badly dent the organization's image at social level because it is equivalent to killing the rights of labor. Such policies being practiced can seriously affect the labor market

equilibrium. (Flynn et al., 2016).

Similarly, Flynn et al. (2016) mentions that the hunt for profit maximization may also lead organizations to cut employee benefits at regular intervals such as salary cut, removal of a bonus plan, reduction in allowance, etc. These acts can be in compliance with relevant acts, but they still have negative implications on the level of ethics. For example, when inflation rate rises and the employers apply cuts in employee benefits, it is a clear indication that purchasing power of worker suffers declines. Therefore, it is never a morally acceptable practice (Flynn et al., 2016).

Poor compensation strategy by HR directors in the healthcare sector also has its externalities. For example, employees who are paid or benefitted below the industrial benchmark or their worth feel disengaged. Hence, lack of motivation badly affects their performance (Flynn et al., 2016).

HR directors in the healthcare should properly focus on fair employment practices in order to avoid future poor performances. For example, a poorly paid employee carelessly handles their responsibilities and risking the lives of the patients who are under their care.

2.3 Training and Skill Development

Training and skill development are an ongoing practice directed towards continuous improvement of staff skills. In the sector of healthcare, the medical and paramedical staff is supposed to attend robust training sessions wherein people are educated and trained on updated trends in the sector as well as on generally required skills. It is important for the staff to stay updated about contemporary trends and time to time changes in the environment in order to be able to serve their patients accordingly. The HR department is both legally and morally obligated to keep their staff competitively trained in order to keep the risk of errors down to a reasonable margin (Niles, 2013).

There are certain issues and complications associated with training that involve risk of violating the moral obligations. For example, an HR director may be overconfident about his staff's capabilities and skills and may not consider it important to focus on training as a central HR function. In such scenario, personnel would be deprived of potential learning opportunities with a critical impact on their chances of moving up their career ladder (Niles, 2013). Besides, lack of proper training also bars medical and nursing staff from learning updated techniques of carrying the high quality of services. Hence, they are not able to competitively satisfy the core needs of their target audience.

Similarly, a poor training mechanism and skill development may also cause a huge risk to the lives of patients. An untrained physician, nurse, or orderly, for example, has a higher probability to mishandle a critical task. Such mishandling may cause a disease, wound, or any particular condition to go from bad to worse. Such mishandling may result in catastrophic implications in certain situations such as patient's death (Hamilton, 2013).

It is always difficult for an organization to manage the dilemma resulting from a death that is caused by careless handling of a case. Such deaths leave healthcare organizations with a highly dented image that may take years to restore. When people discover that their loved one has died merely due to the unprofessional behavior of the staff, they may instigate protests and spark huge outrage. All of this comes down to the HR directors: they have to face the administration and give satisfactory explanations of such incidents. Therefore, it is always essential for a healthcare organization to go with a state-of-the-art approach to training and skill development.

2.4 Monitoring

The importance of keeping an eye out for the activities of employees is much greater in the healthcare sector as compared to any other industry due to the fact that the actions taken by healthcare personnel have a direct impact on health of the people at the healthcare center. Therefore, it is always important for the organizations to have a proper mechanism to monitor the activities of their medical and paramedical staff (Niles, 2013).

Here, monitoring is not only confined to installing closed-circuit cameras but extends to using every instrument that can be helpful in this regard. For example, it is a healthy practice to collect opinions from the patients about their journeys and their encounters with medical or paramedical personnel. Patients can give the best insight into the ethical status of services being performed because they are the direct receivers of those services (Information Resources Management Association, 2012).

Organizations where HR directors do not pay proper attention to monitoring the performance of employees, staff may feel excessively relaxed. They will lose the reasons for putting hard work for several goods reasons. On the one hand, people who are working hard are not able to be rewarded appropriately as there is no one to witness their performance. Similarly, there is no one to take notice if they sit idle. Therefore, lack of monitoring may lead to laziness and carelessness with all its critical implications. Careless people in the medical or paramedical staff can bring serious harms to their patients. Furthermore, their low speed of delivery also results in low satisfaction rate among patients. Hence, this ethical dilemma is also critically threatening to the organizational profitability and revenue. The HR directors should hold the managers and the staff accountable consistently. They should ensure that policies and procedures are applied equally and consistently with all the employees.

2.5 Performance Appraisal

Appraising the performance of people is another integral activity in the people management plan. There are certain benefits linked with performance appraisal that also conform to the success of other activities. For example, if the employees are found to have improved in certain areas, it rubber stamps the success of training sessions that were especially focused on those areas. Similarly, it is also a baseline to confirm employees' abilities with respect to their position (Information Resources Management Association, 2012).

By the same token, with robust and fair performance appraisals, HR directors can also effectively manage their employee motivation programs that are based on reward-for-performance approach (Niles, 2013). Besides, these activities also provide employees a platform on which they can build their future development plans. For instance, in the reports following the appraisals of performance, members of the staff are informed about their weak zones besides being appreciated for excellent performance in some areas (Niles, 2013).

On the other hand, healthcare organizations without proper consideration for performance assessment are at risk of suffering ethical dilemmas. These ethical issues can be of various types. For example, there is a possibility that an employer does not consider it important to appraise the performance at regular intervals through a robust and well directed system. In such situations, employees develop the same attitude as they adopt in the absence of a monitoring system (as explained earlier).

Another loophole at the moral level can be the unfair or unjust appraisal. It is always important to keep the system transparent in order to give similar environment to each and every member

within the staff (Niles, 2013). Lack of transparency can be based on any of multiple factors such as nepotism, gender discrimination, age discrimination, HR director's personal bias, or any other factor. (Doyle, 2017)

It is always important for an organization to proceed with a transparent and well thought out employee performance appraisal system. In situations when HR directors unjustly reward or punish a member or a group within the staff, it creates an atmosphere of hostility. As the hostility grows, it can spark huge adverse counteraction such as protests, strikes, organization of unions, etc. If such situations take place, they further highlight the ethical dilemmas at public level with further negative impact on organization's reputation.

2.6 Adequate Staffing

One of the biggest issues that the human resource department in healthcare faces is the shortage of staff. Back in 2012, only 4.8 percent of hospitals faced a shortage of nurses of 10 percent or greater. By 2016, this number increased to 32.9 percent. (NSI Report, 2016) The numbers aren't expected to come down soon. By 2022, there will be a total of 1.2 million vacancies for nursing positions (Bureau of Labor Statistics, 2016). The human resources representatives in healthcare have to work hard to get the attention of qualified candidates and offer them the type of benefits package and work environment they want. They have to work hand in hand with the marketing teams to make a plan that help them draw attention to the job postings.

Additional to staff shortages, Healthcare organizations are also struggle to retain the existing staff members. With so many jobs opportunities open to medical professionals, it's easy for the staff to leave when they are unhappy or dissatisfied. In the past five years, the average turnover rates of registered nurses have increased from 11.2 percent to 17.2 percent. (NSI Report, 2016). HR professionals in healthcare organizations have to work on retaining the nurses and other workers by addressing the changing demands of the workforce, making their organizations more attractive to current employees, and ensuring supervisor-employee relationships are flourishing (Bates, 2016).

Staff shortages and a high turnover rate result in a burnout of the existing staff. Employee burnout can have a negative impact on both patient safety and the quality of care. The providers are unable to perform their best under emotional, physical, and mental exhaustion. A Recent survey by Becker's hospital review reported burnout rates for nurses are as high as 70 percent, while burnout rates for doctors and nurse practitioners can reach as high as 50 percent (Zimmerman, 2017). Burnouts can create a disconnect between providers and their patients which results in lower satisfaction rates.

Human Resource professionals must be responsive of the effects an overworked and under-supported staff can have on patient care. There is currently a nationwide push for safe staffing legislation, which would mandate hospitals to keep the nurse-to-patient ratios within safer limits (Smyth, 2017).

But in the meantime, HR in healthcare can alleviate some of the burnout with reward and recognition strategies as well as training programs to increase job satisfaction among employees (Smyth, 2017).

3. Issues with Merger and Acquisitions

Mergers and acquisitions have become very common in the business of healthcare. Kaufman Hall, a management consultancy firm, reported that 87 hospital mergers had been recorded

through the third quarter of 2017, compared to 102 overall in 2016 (Minemyer, 2017). When either of these occur, there are both benefits and challenges in relation to human resource management. Among those benefits are increased access to resources, expansion of organization stability, Increased growth opportunities for the employees. However, challenges often arise during the process of an acquisition or merger. Among these challenges are distress within the employee base of both the organizations, reduction in employee satisfaction levels, high turnover rates, and difficulties to adopt new work cultures (Hayden, 2016).

A lot of time the staff members perceive mergers as a breach of their psychological contract with the organization; this implies the unspoken contact of commitments and expectations between employers and employees (Lim, 2014). The employees begin thinking about their own situations. Questions usually contemplated include "Where am I going?"; "What do I want out of both my personal and business life?"; and "Will I like the new company and its management group?" (Christensen, 2011).

Human Resources Professionals should be involved from the beginning of the process of merger and acquisition. A lot of research has shown that most mergers and acquisitions fail because organizations fail to deal with the people and cultural issues (Christensen, 2011). Human resources professionals have to make sure that they constantly communicate and update the staff. The lengthier the period of uncertainty lasts, the more attractive alternative employment becomes. With employee retention being a major issue in the field of healthcare, the loss of key employees can seriously erode the potential value of the organization. For example, the best providers are the ones immediately targeted by recruiters attempting to lure them to other organizations. A huge amount of patient base is lost with a loss of a good physician. (Alton, Rising, & Waldeck, 2011).

It is important to have a well-planned communication strategy during the process of an acquisition or merger. Clear, consistent and up-to-date information will give the employees a sense of control by keeping them informed, and also can increase the coping abilities of employees. This will minimize the impact of the integration of their performance on the patient care (Alton, Rising, & Waldeck, 2011). To preserve the best employees that will help make the new organization successful, human resource professionals should communicate its intentions as early in the process as is legally possible. They should conduct confidential interviews with the key employees in advance of the actual closing date (Christensen, 2011).

Another major challenge for the Human resources professionals during the process of mergers and acquisition is in deciding who to retain, who to redeploy, and who to terminate. It is very important that the human resources professionals effectively manage these processes (Christensen, 2016). To make this process easier the management needs to focus on redefining the goals and strategies, policies related to recruitment and selection, employee training, and employee benefit packages. Developing a proper plan can prevent severe stress in downsizing. This plan should include some techniques such as severance packages, which will help to motivate the employees with low commitment to leave; outplacement, by helping employees to get job in some other company; and redeployment, which means transferring an employee to a sister facility (Kansal, 2013).

Culture plays a vital role in the success or failure of a merger or acquisition. Cultures of merging organizations might also clash when they have opposing attitudes towards risk or when the culture of one hospital dominates the other (Lim, 2014). For example, Hospital A did not have an official dress code policy whereas the as the acquiring hospital has a business formal dress

code. The HR professionals should empower the employees to have a voice in defining the culture of the new organization. This can be done through employee surveys or one-on-one meetings (Donnelly, 2011). The HR department should conduct employee involvement activities. Such activities give an opportunity to the employees from both the organizations to build their knowledge about each other. When these employees interact, they share knowledge about their respective systems and process, budget, and operations. Building trust is an integral part of building an organization's culture (Kansal, 2013).

4. Ethical Dilemma Decision Making Model

In the previous section, light is thrown on certain ethical dilemmas that an organization can face in the event of their non-compliance with ethical considerations. In this part of the study, models are outlined that healthcare organizations can utilize to combat the dilemmas and restore the image.

4.1 PLUS Ethical Decision-Making Model

PLUS ethical dilemma management model consists of following six steps as retrieved from Niles (2013, p. 51):

1. Identification: At this particular stage, the ethical issue is identified. In other words, the HR managers find out what the actual issue faced by the organization is and what the possible driving the forces are. Sometimes, the answer is quite clear especially when the ethical dilemma comes under the spotlight by media and its multiple dimensions are publically exposed.
2. Conflicting ethics: At this stage, the HR directors conduct a review of the conflicts of moral requirements. Sometimes, the dilemma takes place when benefits or moral obligations of one party are in conflict with that of another. In such situations, the HR director decides in favor of the greater cause.
3. Alternative priorities: Having analyzed the possible conflicts, the HR director looks into possible alternative solutions.
4. Evaluating alternatives: In this phase, the HR director evaluates the impact of each strategic priority in order to provide a baseline for the ultimate selection of one preferable approach. HR director assesses as to how each solution has positive or negative effects on the benefits of different stakeholders including employees, patients, doctors, and shareholders. For example, when the management is faced with an ethical dilemma resulting from the poor training program may prompt the HR manager to think over the option of investing more on training and skill development. Such investments, although may bring positive results for employees and patients, would have a negative impact on cash flow and profit margins. However, the management can look into another factor which is the cost of poor-quality service.
5. The choice for a solution: Finally, the HR director chooses the option that he finds preferable having gone through detailed analysis, comparison, and contrast among all strategic priorities.
6. Evaluate the decision: Every solution is intended to solve a problem. This is the final test where the HR director decides whether or not the problem was fixed by answering the following questions: Did it go away? Did it change appreciably? Is it better now, or worse, or the same? What new problems did the solution create?

4.2 William Benoit's Approach

William Benoit's framework of image restoration comprises the following steps:

The first step is Immediate communication. It is important for HR management to rise to the challenge and communicate to calm the reservations and concerns of stakeholders as soon as the dilemma is discovered. Immediate explanations and responses to the situations keep rumors and exaggerations from spreading. It also keeps critics from misinterpreting the incidents and linking them inappropriately to irrelevant issues (Roberts, 2006).

Benoit's next step is mortification, in which the HR team confesses once it is clear that the issue is based on some mishandling on the part of HR management. For example, if there is a critical gap of skills at the bottom of mishandling a case, it exposes the deficiencies of training and development programs of an organization. There are two possible options at this stage including mortification and evasion of responsibility. The HR directors can add to the intensity of the situation by choosing to shift the responsibility to some other party. Such shift of blame leaves people with huge uncertainty and further adds to the outrage instead of switching its direction to the person or party who is held responsible for the people on leading positions (such as HR director). On the other hand, mortification involves the expression of regret and acceptance of responsibility which, to a great extent, calms people's sentiments and also helps the organization to win some sympathy (Roberts, 2006).

Finally, there must be measures for correction. Merely mortifying the issue does not work because people want to make sure that no such incident takes place in future. Therefore, the HR director should promise the affected parties to leave no stone unturned in order to avoid the recurrence of the dilemma. The HR department should pledge to conduct a detailed inquiry and bring the culprits to justice (Roberts, 2006).

5. Empirical Evidence

Muller (2015) conducted a highly significant study in order to unearth some potential HRM ethical dilemmas existing in the healthcare sector. The author in his research refers to several studies and surveys that were focused on collecting firsthand information from real world organizations. Some ethical pain points discovered by the author are as follows:

5.1 Performance Based Model of Compensation

The Affordable Care Act has made it mandatory to reimburse physicians based on the quality of treatment and care provided to each patient instead of quantity of cases handled in a given period of time. This shift from quantity to quality has made it obligatory for employees and practitioners to go through a transition to realign to new requirements. According to recent reports, these new obligations have enhanced turnover rate in the sector and have negatively affected job satisfaction. These negative implications are based on conflict of ethics between patients and physicians as the new act has shifted huge part of incentives from service providers to patients (Muller, 2015).

5.2 Night Shifts

Despite the fact that healthcare is meant to promote health and wellbeing, it is ironic to find the culture of night-shifts which are considered to have critical implications on the health of the employees. The survey findings show that despite all the adverse health effects of night shifts, HR strategy makers have failed to find a better alternative to this trend. Human resource professionals and managers have to work hard for proper scheduling and managing the shift

workers (Muller, 2015).

HR managers should understand that the night shift nurses do not have the same work environment as their counterparts working the day shift. Night shift workers suffer from fatigue and a lot of other health problems. Managers should look for signs such as slow response or reaction, poor memory, and constant irritability and frustration that might indicate fatigue in a night shift employee. Managers should consider various factors while developing a schedule for night shifts. It is important to get input from employees and their supervisors.

5.3 Lack of Adaption to Rapid Technological Change

Dynamic technological advancements have made it mandatory to keep updating training and skill development models at shorter intervals. Hence, new developments in the sector emanating from the Affordable Employment Act have excessively burdened employees. The survey results show that it is resulting in a high turnover and lack of motivation. Therefore, some organizations, as a part of talent management, are avoiding strenuous training sessions which may have a negative impact on skills of staff and their ability to serve the patients as per industrial benchmark (Muller, 2015).

6. Conclusion

To sum up, HRM in healthcare is characterized by additional burdens of compliance with ethical standards as the sector revolves around providing health and care. HR professionals shape an organization by setting ethical codes. However, it is always challenging for HR directors to comply with ethical codes in increasingly dynamic and sophisticated external environments and paradigm shifts. It enhances the probability of occurrence for ethical issues that HR managers have to handle with the appropriate strategic framework. Despite all the challenges, their first priority should be to avoid the unethical practices to the most.

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