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Consent Issues Raised by Observational Research in Organisations

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(Fictional)Case

Dr. Themis and her team of university researchers are building tools to increase the productivity of software engineers. Their research is performed in collaboration with a company that may use the tools once they are developed. The first phase of the project is to conduct a requirements analysis. In service of this analysis, Dr. Themis and her university team observe some of the company's software engineers as they perform their work. Essentially, the researchers shadow the engineers for several days, noting the activities in which the engineers engage and the amount of time spent on each activity. Because the engineers work in cubicles, these observations take place in full view of the staff.

Once the requirements analysis has been performed, the manager assigns a team of engineers to join the researchers in developing prototype tools. This phase of the research program also provides researchers with the opportunity to participate in some of the company's development processes as participant-observers.

The tools that are eventually developed are quite successful and are adopted by software engineers across the company. The researchers publish several papers that are well received in the research community.

Discussion

Although the case presented above raises many issues related to the ethical conduct of research, we will focus primarily on employee consent (see Singer & Vinson (2001, 2002) for discussion of other issues). Employees are typically considered a vulnerable population (Sieber, 2001) in part because management coercion is such a strong possibility. In its

section on consent (Section 2), the TCPS explicitly discusses the consent of employees: "individuals who are approached to participate in a research project about their organisation have the right to give free and informed consent." The context of the paragraph in which this sentence is contained suggests an assumption that the research would harm the organisation.

However, there are alternative cases in which social and computer scientists are invited by a company to conduct research involving an examination of their employees' behaviour, as described above. When using ethnographic methods to uncover work practices, employees must be observed in their natural workplace environment, engaging in natural activities (Nardi, 1997). Here, the company's consent is necessary to gain access to the employees in their workplace. However, this raises a problem in regard to employees' consent, since the employees could always suspect that their participation (or non-participation) would have an impact on their evaluations, despite assurances of confidentiality and privacy. Even if management decided that participation would be voluntary, the employees could still expect a reward or reprisal and this would constitute an undue influence on their consent decision.

The TCPS specifies that the consent of the employer is not necessary for an employee to serve as a subject of research. Only the voluntary free and informed consent of the employee is required (TCPS page 2.2). Indeed, it is only when the company *does not* consent to observational research that we can believe that the employees' consent is free of undue influence. This presents researchers with a Catch-22 situation: the employees consent is required by the TCPS, and the company's

consent is needed to observe the employees in situ, but the company's consent vitiates the employees' consent.

A possible solution to this paradox is to maximize privacy. If the manager cannot know who participated in the experiment, employees will not fear reprisals for non-participation or expect rewards for participation. This removes the undue influence over the employees' consent. Unfortunately, this solution is not possible for observational research since employees are, and must be, observed in situ.

The TCPS provides for the possibility of waiving the consent requirement altogether, (Article 2.1 c). However, this article requires that the research involve no more than minimal risk to the subjects. This criterion would not be met in our example case, and is unlikely to be met in general in workplace research, where employees are considered to be a vulnerable population (Sieber, 2001).

The relationship between consent and other ethical elements (e.g. privacy and risk) raises the broader issue of the fundamental incongruity between the values inherent in the TCPS and the values inherent in the company (or other hierarchical organisation). Specifically, the TCPS' guiding ethical principles (Section C, page i.5) regarding consent, privacy and confidentiality are at odds with values inherent in hierarchical organisations. In relation to the work performed in a company and excluding personal information, the values of the workplace are dissemination of information, accountability through evaluation of performance, and compliance to management directives (Mirvis & Seashore, 1982). Are the values inherent in the TCPS morally right, while those inherent in the workplace are morally wrong? In its current form, the TCPS would either have researchers impose the TCPS' values on the workplace or prevent the research from occurring. It is unrealistic to believe that it is even possible for researchers to impose the TCPS' values on a company (or other organisation) on which the researchers depend to conduct their study. The consequence is that the TCPS allows little scope for workplace research to occur.

We expect that many people will read this case and discussion and immediately jump to the conclusion that the research presented is simply unethical and should not be allowed to proceed. However, we find this solution untenable. Organisational research is necessary to tackle real-world problems, and the TCPS was never intended to shut down whole areas of research. Nonetheless, in the absence of clear and specific guidance from the TCPS, the REB will err on the side of caution which will almost always be to impose unworkable procedures (Palys, 1997) or reject the research proposal altogether.

Our hope is that the TCPS' limitations will be recognized and that an expanded policy will allow organisational research to proceed within an ethical framework.

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