

Stubbs

Topic: Production (Product and Workplace Safety)

Characters: Nick (Stubbs), Punch Press Operator
Tom, Loss Control Specialist
Annette, Manager of Human Resources

Stubbs is somewhat of a celebrity around the tool and die plant, a subsidiary of a large steel company. Six years ago, Stubbs (whose real name is Nick) had an accident involving a punch press. Tom, the new Loss Control Specialist, recently asked his boss, Annette, the Manager of Human Resources, to describe what happened. Apparently, Stubbs was using a machine that required the use of both hands to hold down machine buttons when starting and releasing the machine from cycling. Well, Stubbs decided that he could increase his piece rate if he depressed one of the buttons with his knee and used his free hand to move parts in and out of the machine. One day Stubbs placed his left hand in what is known as the “pinch point” of the punch press die areas while the machine was inadvertently activated. Three of “Stubb’s” fingers were permanently severed, [whence] his nickname.

Though he received a workers’ compensation settlement for the loss of those three fingers shortly after the incident, he has just filed a lawsuit against the company that originally manufactured the punch press machine. Furthermore, all punch press maintenance and inspection records preceding the incident are being subpoenaed. However, the company has responded that it abides by OSHA (Occupational Safety and Health Administration) regulations and record keeping (i.e., maintains records for only five years).

Tom and Annette know that OSHA requires that they keep records on machine use for five years. To date, Tom has uncovered over ten years of machine use activity. His boss, Annette, read through the compiled files and realized that some of the older records seriously exposed the company to damages. For instance, within those records is a citing by OSHA for a lack of safeguards (e.g., limit switches, electronic field sensors, plexiglass shields, and barrier guards) on the equipment. Such safeguards may have prevented the accident. Moreover, Annette knows that it is likely the manufacturer would countersue her company or use any machine records in its plea of innocent. As a result, she tells Tom to throw out all the older records. Finally, she orders Tom to have the piece of equipment chopped up and scrapped as quickly as possible so the lack of safeguarding devices couldn’t be proven. Tom now ponders what he is asked to do. One thing he thinks about is whether this act would harm or help his friend Stubbs’ chances for collection from the manufacturer (or the company he worked for). Either company could afford a few million, but “What about Stubbs?”

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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?