

ETHICAL IMPLICATIONS IN THE COMMERCIAL ACTIVITY OF THE DEVELOPMENT OF SOCIAL RESPONSIBILITY OF THE PUBLIC INSTITUTIONS

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Abstract: *Adopting a socially responsible behaviour by the Romanian public institutions or other European Union member states can have positive effects on their relation to the external stakeholders, to the internal stakeholders, however a socially responsible management in the case of the public institutions can be also an example regarding the adoption of a socially responsible behaviour for the private business operators. Modifying the legislation regulating the activity of several public institutions - together with the support of the public institutions management - for the implementation of the social responsibility requirements shall also have a positive effect on the commercial activity performed by the private business operators on the Romanian market.*

Key words: *economic operators, public institutions, social responsibility, quantitative research.*

1. Introduction

These constant pressures, both from inside and outside the economic operators, have contributed to the evolution and integration of the social responsibility into the business strategies of the economic operators. The social responsibility of the economic operators has started to correlate profit with the law, ecology, ethics, and philanthropy.

At present, the social responsibility of economic operators must be regarded from a complex perspective. We share the idea (Mureșan, 2010, pp. 68-78) that the social responsibility of the economic operator is what the community expects from an economic operator ecologically, economically, legally, ethically and philanthropically. The social responsibility includes all these types of responsibilities: ecological responsibility, economic responsibility, legal responsibility and philanthropic responsibility.

The ethical responsibilities force the commercial companies to do what is just, correct

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and equitable, even if they are not obliged to do so by the normative documents in force at a certain time. (Mureşan Poţincu, 2007, p. 36)

The ethical elements become a part of the social responsibility, because obviously a socially responsible attitude implies firstly an attitude which complies with the ethical principles. In the performance of the commercial activity, two questions have occurred regarding the ethical nature of certain sides of the social responsibility: is it ethical to make your social responsibility actions known? Is it ethical for the social responsibility projects to be decided upon and coordinated by managers, and not by the owners of the respective companies?

The first question regards the ethical nature of the implication of these economic operators in the community life. A part of the managers of the economic operators consider that it is sufficient to make the social projects known inside the respective company and among the business partners. We consider that the implication of the socially responsible economic operators must be known at a larger level, because the advertising of the philanthropic activities included by the social responsibility strategies can create examples for other economic operators with the same object of activity.

As for the second question, the raised ethical issue regards the ethical nature of doing philanthropic deeds using somebody else's money. Although managers use the money invested by other persons, they possess certain autonomy in organizing the respective commercial activity; we include here the management of the monetary resources of the economic operator.

We consider that, if the principles of affirming the social responsibility can be found in the marketing strategies of a economic operator, then the ethical nature of the economic operator performed by it on the market is unquestionable (Poţincu, 2012, p. 91, 96-98, 221, 222).

As an ethical requirement for the development of the activities performed by the economic operators, the Ethical Codes have appeared, codes protecting but also stressing the employees. Thus, these codes establish both rights and obligations to the task of the employees of the economic operators.

The role of the ethical codes is to direct the human individual and group behaviors. (Ţigu, 2005, p. 66-69)

The Charter or Code, qualified as ethical, moral, deontological or good conduct, are those written documents including the values, norms and conducts which the staff of a economic operators must or should comply with. The ethical codes establish the obligations and rights of the employees in relation to their clients but also in relation to the other employees of the economic operators.

The ethical code is defined, by the Romanian authors (Crăciun, Morar, & Macoviciuc, 2005, p. 526) as a written document stating and enumerating the norms related to the values and types of conduct which the economic operators wishes to have applied both inside and outside it.

In the favour of adopting and complying with the ethical codes in a economic operators we find the social theory of approaching the economic operators as an "agricultural paradigm" (Covey, 2000, p. 223). This theory is opposed to the mechanical paradigm/pattern. The latter considers the economic operator as a car, to which if something breaks, it must be fixed. One finds the defect, remedies it, starts the car and it will work.

The agricultural paradigm considers the economic operator as living organisms, under development, made up of people who go through a development. An economic operator cannot work without employees. There are personal connections between the managers of

the economic operator and its employees. All individuals included in the respective economic operator work together for the benefit of the company. The relations between the employer and the employee are deeper, more complex, and more sensitive.

The employees play a special role, because they are involved in the company's activities. It can be said that the employees effectively "compose" an economic operator. They are the most important productive factor or the most important company "resource" of the company. The employees represent the company before other trading participants and act on behalf of the economic operator.

Moreover, the employees are directly affected by the success or failure of the company where they work (Crăciun, Morar, & Macoviciuc, 2005, p. 486).

The transparency of the activity performed by a socially responsible economic operator regards the presentation of the way an activity is performed both towards the consumers and the natural environment, and especially towards the company's employees. The justification of this ethical requirement regards the special influence which can be exerted by the compliance with the ethical principles and social responsibility, in the activity performed by a economic operators, on the employees of this economic operator.

From a juridical perspective, the relations between the economic operators (employer) and their employees are reflected in an individual labour contract, legally regulated by the Labour Code – Law no. 53/2003.

The labour code defines the individual labour contract as the contract based on which a natural person called employee obliges himself/herself to provide his/her work for and under the authority of an employer, a natural or legal person, in exchange of a remuneration, called salary. The priority function offered by this contract is the protection granted by the norms of the labour law to those who sign this type of contract, to the employees and economic operators which hire them (Mureșan, 2007, p. 589-592).

The labour code stipulates and regulates the rights and obligations of the parties who sign the individual labour contract. Between the employee and employer, the relation is synalagmatic, i.e. what is an obligation for one of the contracting parties is at the same time a right for the other party. A part of these rights and obligations result implicitly/automatically once the individual labour contract is signed, and are regulated by the labour law legislation. A part of these rights and obligations must expressly be stipulated within the individual labour contract, i.e. they must be provided in the contractual clauses.

We believe that certain important aspects which should be included in the ethical codes receive legal regulation by means of the legal institution of the Internal Regulations of the economic operator.

In the case of the economic operators, the ethical codes are, most of the times, conceived by the general management, and are rarely the result of an a priori agreement. These internal regulations are prepared by the employer, as well.

The labour code in Romania includes the obligation to prepare the Internal Regulations by the employer in agreement with the representative unions or the representatives of the employees.

The Internal Regulations must legally include at least the following stipulations:

- Rules regarding the protection, hygiene and work security in the economic operators;
- Rules regarding the observance of the non-discrimination principle and removal of any form of infringement upon dignity;
- The rights and obligations of the employer and employees;
- The procedure of solving the requests or individual claims regulations produce their effects towards the employees as soon as they are brought to their notice.

Of course, the ethical codes can exceed the legal provisions regarding the Internal Regulations. However, an ethical code which is too ample can disorientate and overload the employees of a economic operator with too many obligations.

2. Development of the Social Responsibility of the Public Institutions and Supplementation of the Rgulating Legislation of the Activity Performed by the Public Institutions

In 2015 was conducted (Poţincu, 2015) a quantitative marketing research – within the postdoctoral research named "Use of marketing instruments in order to identify methods for implementing and developing socially responsible management in public institutions" – regarding the promotion of the social responsibility by the Romanian public institutions. The quantitative research having the theme "Opinions of citizens in Braşov city on social responsibility in the activity of public institutions" took into consideration people over 18 years old, of both genders, dwelling in Brasov. The final size of the pattern was 393 people, to which an aleatory error of $\pm 4,94\%$ corresponds.

Taking into account the fact that the size of this research has been established according to a simple random probabilistic method, considering a level of admitted error of $\pm 5\%$, and a trust level of 95%, the results of the surveys can be considered representative for the entire adult population of Braşov municipality, and also these could apply to other Romanian municipalities with a similar population size.

We shall further analyse the opinion of the Braşov citizens who have been questioned regarding the fact whether the regulating legislation of the activity performed by the public institutions can be influenced by those public institutions, i.e. the integration of the social responsibility aspects.

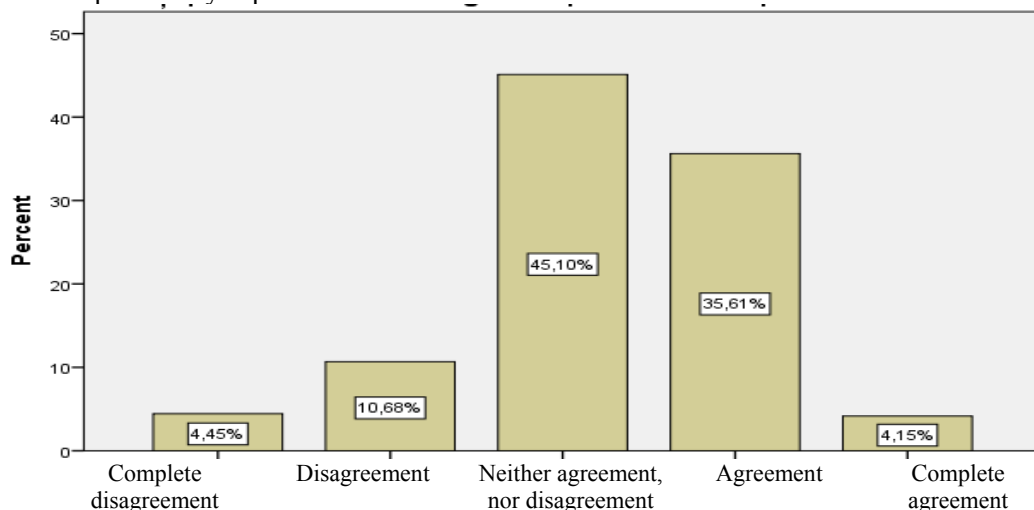


Fig. 1. Can the regulating legislation of the activity performed by the public institutions be influenced by those public institutions, i.e. the integration of the social responsibility aspects

Source: Poţincu C. R. (2015), *Use of marketing instruments in order to identify methods for implementing and developing socially responsible management in public institutions*, Postdoctoral Research, Transilvania University of Braşov, Dep. of Management and Economic Informatics.

To the question "can the regulating legislation of the activity performed by the public institutions be influenced by those public institutions, i.e. the integration of the social responsibility aspects", 39.76% of the questioned Braşov citizens opine that the socially responsible activity of the public institutions or the establishment of such a direction by the management of those public institutions can determine the modification of the regulating legislation of the activity performed by those public institutions, i.e. the integration of the social responsibility aspects.

Thus, an initiative of the management of the public institutions in the direction of integrating the social responsibility in the activity performed by those public institutions can – in the opinion of most of the questioned citizens, who have clearly expressed their opinion – lead to changing the legislation which provides the operating manner of these public institutions in order to include stipulations allowing for such an additional social involvement for those public institutions.

Only 15.13% – less than half of the percentage of those advocating the contrary – of the questioned Braşov citizens state that the modification of the regulating legislation of the activity performed by the public institutions, i.e. the integration of the social responsibility aspects, can be started by the very activity of the public institutions in adopting a socially responsible behaviour.

Thus, starting a socially responsible management in the Romanian public institutions, a European Union member state, but also in other European Union states, can trigger – in the citizens' opinion – the need to supplement and implicitly change the regulating legislation of the activity performed by the public institutions, i.e. the integration of the social responsibility aspects in their own management.

3. Conclusions and Effects on the Commercial Activity of the Private Business Operators

Adopting a socially responsible behaviour by the Romanian public institutions, or other European Union member states, can have positive effects on their relation to the external stakeholders (consumers, private business operators, other public institutions, natural environment, community in its whole), but also to the internal stakeholders (employees).

Besides the benefits of a positive relation to several categories of stakeholders, a socially responsible management in the case of the public institutions can be an example regarding the adoption of a socially responsible behaviour for the private business operators (Poţincu, 2015).

However, the most important one we consider it to be the relation between these socially responsible public institutions and the private business operators. Thus, in the case of adopting a socially responsible behaviour by the public institutions, which implies fairness from them, the complete compliance with the legislation and transparency, many useless additional activities (and in many cases, illegal) shall disappear, creating a correct and competitive framework for performing the commercial activity by the business operators on the Romanian market.

In this respect, modifying the legislation regulating the activity of several public institutions - together with the support of the public institutions management - for the implementation of the social responsibility requirements shall also have a relief effect on the commercial activity performed by the private business operators on the Romanian market.

Also, adopting clear complete ethical codes, easily enforceable and effectively enforced within the Romanian public institutions can contribute to the development of a socially responsible management within those public institutions, with positive effects on the commercial activity performed by the private business operators on the market in Romanian, an European Union member state.

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