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| **Unit title:****Distinguishing between the ethical and non-ethical in complex issues** | **Term /date:** | **Duration:** (number of sessions / hours / weeks)**1 session: 50 minutes** |

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| **Big ideas:** (What is the main theme/s? What do you want the students to specifically cover? What misconceptions do you want to challenge?) | **Essential questions:** (What will inspire /extend / support inquiry / challenge thinking?) |
| * Complex issues often include a range of different ethical considerations
* Some, but not all, considerations are ethical
* When assessing our response to complex issues, we can distinguish between the ethical and the non-ethical and assess their importance
* Non-ethical considerations can sometimes be found in (but are not limited to) legality, rules/protocols, codes of culture or conduct.
* Even where there may be no laws (or rules) broken, there may still be ethical objections
* Likewise, ethical obligations/duties may exist where there are no legal obligations.
* A society’s laws are not (necessarily) a reflection of ethical obligations/principles. This must be shown case by case.
 | * What are the characteristics of complex issues?
* How can we assess the ethical considerations in complex issues?
* When might an ethical obligation apply where no legal obligation exists?
* Are there any legal acts which we should still consider unethical?
* What is the relationship between the law and our ethics? What relationship should there be (if any)?
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| **Learning – This sample program targets content description VCECU021 at Levels 9-10. This is located on a developmental continuum, as shown below.** |
| **Ethical Capability strand and levels** | **Dimension / Content descriptions** | **Achievement standards** |
| Understanding Concepts (7 and 8) | Investigate criteria for determining the relative importance of matters of ethical concern | Articulate how criteria can be applied to determine the importance of ethical concerns.  |
| Understanding Concepts(9 and 10) | **Target Content Description:** Distinguish between the ethical and non-ethical dimensions of complex issues, including the distinction between ethical and legal issues [(VCECU021)](http://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU021) | Examine complex issues (and) identify the ethical dimensions… |

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| **Assessment Evidence / Activities**  |
| **Pre-assessment:** | **Ongoing formative assessment/s:** | **Summative assessment/s:** |
| Discussion in the Introduction phase to determine if students can apply criteria to determine the importance of ethical considerations. Discussion to assess initial student thinking on the distinction between the ethical and legal.  | Teacher observation during Shared and Independent Learning phases. | **Of students’ work completed in the Independent phase:****7 and 8 Achievement:**Student examined a complex issue (sweatshop fashion) and applied criteria to determine the importance of ethical concerns**9 and 10 Achievement:** Student examined a complex issue (sweatshop fashion), and distinguished between the ethical and non-ethical (including legal) considerations, and assessed their importance. |

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| **Learning Sequence Overview** |
| **Session** | **Major focus / intention** |
| Session 1 | Exploring the complex issue of sweatshop fashion, as an example to help build capacity to distinguish between ethical and non-ethical considerations, including ethical and legal. Students are introduced to questions that can help to identify ethical considerations for any issue.  |

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| **Further Resources** |
| **In Lesson:**Trailer to ‘True Cost’ documentary <https://youtu.be/OaGp5_Sfbss>Supporting articles sourced by students and possibly including:<http://www.dailylife.com.au/dl-fashion/fashion-coverage/beyonc-clothing-range-is-made-by-sweat-shop-labourers-on-850-a-day-20160515-govt85.html><http://www.fastcodesign.com/3048061/a-must-watch-fast-fashion-documentary-is-now-on-netflix><http://www.aftenposten.no/webtv/#!/kategori/10514/sweatshop-deadly-fashion><http://www.businessinsider.com.au/how-nike-solved-its-sweatshop-problem-2013-5?r=US&IR=T>**Background:**‘True Cost’ documentary: <http://truecostmovie.com/>Norwegian documentary/reality TV episode <http://www.aftenposten.no/webtv/#!/video/21035/sweatshop-ep-2-our-bathroom-is-larger-than-her-entire-house>Sweatshops in Asia:<https://www.thenation.com/article/when-we-made-mistakes-in-our-sewing-they-slapped-us/><https://www.hrw.org/report/2015/03/11/work-faster-or-get-out/labor-rights-abuses-cambodias-garment-industry>Sweatshops in America:<http://americanhistory.si.edu/sweatshops/intro/intro.htm>Fairtrade movement: <http://fairtrade.com.au/>**For teachers:**Ethical objections/critiques (contestability) of Fairtrade:<http://www.griffithsspeaker.com/Fairtrade/Ethical%20Objections%20to%20Fairtrade%20web.pdf>[http://ethique.perso.sfr.fr/Working%20paper%20FREE-Cahier%20FREE%20n%B05-2010.pdf](http://ethique.perso.sfr.fr/Working%20paper%20FREE-Cahier%20FREE%20n%EF%BF%BD5-2010.pdf) |

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| **Reflections – for teacher use** |
| **Date** | **Comments** | **Teacher** |
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| **‘Ethical & Non-ethical’ (Stand-alone Lesson) 50 minutes** |
| **Learning intention**  | **For students:** *“Today we are learning to identify ethical considerations in a complex issue.”* |
| **Focus/ Inquiry question(s)** | * When considering a complex issue, how do we decide the ethical considerations?
* Other than ethical, what other types of considerations might there be?
* What is the relationship between the ethical and legal?
* Is it more important to follow ethical principles, or other principles (for instance, legal)?
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| **Key Teaching Points****Further teaching points that may support or stimulate class discussion** | * Complex ethical issues involve more than one question or area of contestability, diverse people/groups or a part of a wider problem
* This lesson is focussed on analysing complex ethical issues, using the issue of ‘sweatshop’ clothing as an example
* This issue is complex and has many different types of considerations involved, particularly legal and ethical.
* An ethical consideration identifies something to take into account when making a judgement about what is good or bad, right or wrong, better or worse in the context of questions such as: How ought we/I to live? What sort of society do I/we want? How should we treat others, and who is the ‘other’: people; animals; the environment?
* Before we make a decision, we should be able to recognise ethical considerations
* We should also recognise any non-ethical considerations, that is, those that do not necessarily concern right or wrong.
* Sometimes this will depend on the case. For example aesthetic preferences are often not concerned with right or wrong; some laws are not in place in response to ethical concerns, such as heritage overlay; and some conventions are not in response to ‘right or wrong’ such as an island nation choosing whether to drive on the left or the right (while it is an ethical concern that the convention is applied consistently, choosing the left or right side is not an ethical decision per se).
* On the other hand the ethical status of some laws may be contestable; for example safety standards, which may be considered to be too low or in fact too high (leading to significantly greater expense for little safety value-add and complacency for example).
* So it should not be assumed that just because something is legal, it is ethical. Similarly just because there is no law against something does not necessarily mean it is ethical to do this.
* A complex issue may involve many ethical considerations and these may need to be prioritised or some disregarded altogether. For example it could be distracting to focus on the choice of a meeting location in some circumstances whereas in others it becomes important, for example disability access.

**When considering any complex issue these questions can help to identify ethical considerations:** * Who is involved (specifically, list of stakeholders/affected parties)?
* What are their intentions?
* What gave rise to their intention (are they disposed to certain acts or perspectives)?
* Is there something inherently right or wrong in the act itself or interpretation of the issue?
* Is there an ethical duty (or multiple duties) at stake, including human rights? Is there a legal duty and if so, does this reflect an ethical duty?
* How will different people/groups be affected in terms of harms and benefits over the short term and long term?
* Are some people or groups involved more important than others? Why?
* What is valued by those involved? Are these values ethical?
* Is it possible to identify one or more ethical dilemmas?
* What is the overall goal/outcome? Is it something that could be judged right or wrong, good or bad, better or worse? For whom?
* What are the most important ethical concerns? Why?

**We can use general questions such as those above to interrogate a specific issue, for example whether we should boycott/ban sweatshop fashion:*** To what extent am I responsible (ethically) for the actions of the companies I buy my goods from?
* What ethical duty do I owe to people I will never meet?
* Who is likely to be affected by a boycott/ban on sweatshops?
* Is there a universal right to safe workplaces?
* Should all workers, worldwide, have access to the same pay and conditions?
* Do we have an ethical duty to clothe our families (as for instance, a parent’s duty to a child) and/or the duty to clothe ourselves and if so, how do we know this duty is adequately fulfilled (do the clothes have to be new/latest fashion and so)?
* Do we have an ethical duty to support local jobs?
* Do we have an ethical duty to strangers in another country?
* Do I owe a greater duty to local/domestic industry and workers than to those in another country?
* What are the possible consequences of supporting/boycotting clothing which originates in sweatshops?
* If I buy clothing which was manufactured in ‘sweatshops’, am I supporting the exploitation of workers?
* If I participate in a boycott/ban, am I ethically responsible for the consequences?
* If I boycott clothing made in sweatshops, am I responsible for job-losses or factory closures?
* Do I have a right to act against, or campaign against, a company which has broken no laws?
* Should I seek to impose my own national/cultural laws or ethics on others?
* If these companies obey all the local laws in the nations where they operate their factories, is that sufficient?

**Definitions:*** A ‘sweatshop’ is a factory, usually in a third-world country, where workers manufacture goods (often, but not only, clothing) under conditions which the consumer of the product would consider unacceptable (vis. Hours of work, rate of pay, protections and safety, etc…)
* A ‘boycott’ is when an individual or a group decide not to purchase goods or services from a particular company, usually to protest some aspect of the company’s conduct.

**These issues are often a part of a wider problem** * ‘Sweatshop’ clothing is related to the issue of global wealth inequality
* ‘Sweatshops’ are usually in countries which were colonised by a Western/European power (especially in Asia and South America), and the power imbalance between the manufacturing country and the consuming country is affected by this post-colonial relationship
* Some third-world countries depend upon the income generated by these ‘sweatshops’, without which their national economy would suffer greatly.
* Incentives such as the profit motive can lead some companies to maximise profits by reducing the cost of their workforce and manufacturing (through lower pay/worse conditions)

**These issues affect a wide range of diverse people*** The workers in these ‘sweatshops’ are affected: negatively when disasters happen or safety conditions lead to injury and death; positively in that they may otherwise have no employment or income at all.
* The companies are affected: negatively if their corporate image is damaged by revelations of poor conditions in their factories; positively if they can attract investment or increase profit by reducing manufacturing costs.
* The countries in which these sweatshops operate are affected: negatively if the social conditions worsen or their people are moved to protest against the exploitation; positively if this provides a new source of income and higher employment.
* The consumers of these products are affected: negatively if they feel ethically responsible for the exploitation occurring in sweatshops; positively if they get cheaper clothing (and other goods).

**Further considerations:*** Companies may have a Corporate Code of Conduct, or an internally produced document which outlines their treatment of workers or the values they hold.
* These Code-of-Conduct documents are not legally binding, but may be used to justify support for, or boycott of, the company by customers
* Codes of Conduct may partly or wholly reflect ethical duties.
* A company may follow all of the legal requirements of doing business, and yet still be considered to be behaving unethically.
* Legal frameworks and protections for workers differ from country-to-country.
* Countries can change their laws (often relaxing safety requirements or minimum working conditions) to attract multinational corporations.
* Governments sometimes use strong policing, even military tactics, to prevent protests against multinational corporations.
* The UN has in place some universal statements (such as of Human Rights) which may apply internationally/universally.
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| **Success criteria** | * I can use a range of questions to identify and explain ethical considerations in a complex issue (sweatshop fashion).
* I can distinguish between the ethical and legal, giving examples
* I can assess the importance of ethical considerations compared to non-ethical, in a response to a complex ethical issue (sweatshop fashion)
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|  | **Activities** (considering different levels) | **Resources** (considering different levels) |
| **Introduction** **(prior learning & context)** | Note: Expected prior learning from [(VCECU016)](http://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCECU016) is explored in this introduction and a basic distinction between the ethical and legal introduced. Teacher leads class discussion:It may seem that choosing what to wear is not really an ethical decision. In fact, what we wear is a complex issue with many ethical considerations. We might for instance think about where and how the clothes are made.Teacher distributes or projects a short stimulus (see resources section on planning cover sheet for suggestions) and asks students to note down their initial responses. Use broad guiding questions:Is this legal? Is this fair? Is this right? (Students need only answer yes/no/don’t know)From this, students assign their response to the issue into a category from the matrix (in resources)Students and teacher discuss responses to identify where initial student thinking lies regarding the distinction between ethical and legal, including in relation to what is the most important concern and the criteria that can be applied to determine this (pre-assessment). |

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| Moral and Legal | Moral and Illegal |
| Immoral and Legal | Immoral and Illegal |
| Amoral and Legal | Amoral and Illegal |

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| **Explicit teaching phase** | Teacher explains that by completing the matrix from the introduction, students were asked to make 2 judgements, one ethical (the moral judgement) and one non-ethical (the legal judgment). These are two separate judgements. Teacher introduces general questions to help identify ethical considerations in a complex issue (see key teaching points). Teacher then begins to model a more detailed thinking process in response to the ‘sweatshop’ stimulus still provided to students, drawing on specific questions in key teaching points.They then lead a short discussion to draw out a range of other questions to add to the list.  |  |
| **Shared practice phase** | Class watches ‘The True Cost’ trailer video (resources) and have a shared think-aloud, making further contributions to and challenging the list of questions developed in the explicit teaching phase. Teacher guides students toward the intersection of the legal and ethical building on the pre-assessment in the Introduction phase of the lesson (for instance, if factory workers are getting paid $8.50 per day, we may feel that is an unfair wage (by our national/cultural standards), but is more than the legal minimum (in their country, but not in ours). Is it enough for the company to meet the legal requirements, or is there an (additional?) ethical requirement as well? | https://youtu.be/OaGp5\_Sfbss(PG, but some potentially distressing images) |
| **Independent practice phase** | Use a real-world ‘sweatshop’ issue for students to work on independently:Each student selects one of the examples of sweatshop labour ( see resources column and on cover page) and goes through the same thinking process as was modelled by the teacher, identifying ethical and non-ethical, in particular legal, considerations.Students explain the ethical significance of the considerations they have identified, and compare each to determine if there are sufficient questions to begin to consider whether purchasing or boycotting a product from their focus company would be ethically justified.Extension: students prepare or design an awareness raising screen pop- up that people could activate to appear before they complete an on-line clothing purchase, asking them to consider particular questions | <http://www.dailylife.com.au/dl-fashion/fashion-coverage/beyonc-clothing-range-is-made-by-sweat-shop-labourers-on-850-a-day-20160515-govt85.html><http://www.fastcodesign.com/3048061/a-must-watch-fast-fashion-documentary-is-now-on-netflix><http://www.aftenposten.no/webtv/#!/kategori/10514/sweatshop-deadly-fashion><http://www.businessinsider.com.au/how-nike-solved-its-sweatshop-problem-2013-5?r=US&IR=T> |
| **Reflection/ evaluation phase** | In small groups (3-4), students discuss and explain the decisions they made in their independent work and the importance of the ethical considerations involved, and the importance of ethical considerations compared to non-ethical, in particular legal. Others in the group can raise contestabilities, further questions or ideas in response. Each student has a turn explaining their decision and responding to their their peers.After this group-work, students can return to their independent work and modify it if they wish. |  |
| **Assessment and Feedback** | Students self-assess with the three success criteria Teacher provides individual feedback as appropriate throughout lesson. | Success Criteria |