

The Shared Responsibility Model: Levers of Influence and Loci of Control to aid Regulation of Ethical Behaviour in Technology Platform Companies

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Abstract

This exploratory paper provides social context for platform corporations and examples of ethical transgressions by them and then canvasses the role of various organizational actors in controlling the ethical behaviour of 'platforms', which may be seen to be more than usually problematic in this regard. From this survey, the conclusion is drawn that there may be no single actor that offers sufficient leverage to change organizational ethical behaviour. The paper then suggests the Shared Responsibility Model as a possible conceptual framework for a better understanding of the issue of ethical control and recommends practical interventions that may assist in realizing ethical behaviour by platforms that more closely aligns with societal expectations. The paper offers a caution about the side-effects of interventions to improve ethical behaviour, before concluding by pointing out implications of these findings for state-actor regulators and avenues for future research.

Keywords: Ethics; Technology Platform; Corporation; Directors; Shared Responsibility Model; Regulation; Ethical Behaviour; Locus of Ethical Control; Ethical Influence

1 Introduction and Context

Business is not seen by the public to behave in an ethical manner, and while technology is still the most trusted industry sector, that public trust is falling globally, and is already low in certain spheres such as trust in social media in the provision of general news and information (Edelman, 2020). Academic, government and industry commentary (e.g. Hubbard, 2019; Ingram, 2014; King, 2018), traditional media (e.g. Lownsborough, 2017), and social media (e.g. Elvery, 2018) are replete with tales of ethical wobbliness, misdeeds, and even malfeasance by large platform corporations such as Facebook, Google, Uber, and Amazon, and accordingly the public feels that these companies cannot always be trusted to do the right thing and should be subject to greater regulation (Smith, 2018).

Governments too, have started paying closer attention to the operations of platform companies in their jurisdictions.

Governments at national or supra-national scales now seek to intervene to restrict or reduce the power of platform companies, whether through anti-trust legislation, greater use of algorithmic governance techniques, and through resource [sic] to citizens' data sovereignty (Barns, 2020a, p. 198).

The term regulation in the title of this paper and in its body is used in the wider sense of 'adjusting to a desired level or in accordance with principles and norms' (Oxford English Dictionary, n.d.), and includes but is not limited to the activities of state and private regulators

where those norms may include rules, regulations and legislation. The need for regulation drives the need to identify levers of ethical influence in platform corporations and the locus of control upon which they may act.

The concept of digital constitutionalism has emerged recently, which in its broadest sense seeks to establish norms and institutions that regulate and balance the powers of both state and private actors in the digital realm and protect the rights of users (Celeste, 2018a, 2018b), and is an overarching concept explaining the advent of various forms of "normative counteractions" to changes to society caused by the digital (Celeste, 2018a, p. 19). The related concept of digital governance has been the subject of much contemporary research in recent times (e.g. Chen, Pereira, & Patel, 2020; Flyverbom, Deibert, & Matten, 2019; Mukhopadhyay & Bouwman, 2019), with regulation and ethics being closely associated concepts required for good governance.

Just as regulation shapes governance of the digital sphere through compliance, ethics shapes governance through the process of ethical evaluation (Floridi, 2018). Both ethics and regulation can form the basis for governance goals (Metcalf, Moss, & Boyd, 2019). There is also an obvious overlap between the domains of regulation and ethics, where levers of ethical influence applied to the correct locus of ethical control can be acted upon by hard (formal powers) or soft (principles-based or nudging) regulation to achieve the desired change in ethical behaviour. It is the identification of the ethical locus of control and available levers of influence upon them within a platform with which this paper concerns itself.

This paper is of an exploratory nature, applying relevant practitioner knowledge and various theories in an inductive manner (i.e. starting from observations of the researcher) in an attempt to provide an explanation for the phenomenon of control over ethical behaviour in platforms. This is not an atypical approach for exploratory studies where well-developed theories may not exist, and results in this case in a model rather than fully developed theory (Ngulube, Mathipa, & Gumbo, 2015).

Of necessity, this paper restricts itself to discussions of platform corporations founded or largely based in Western liberal democracies that operate under the rule of law, and which have shareholders, directors, and a hierarchical management structure. This constraint excludes several very large platforms based in, for example, China such as TikTok, Baidu, WeChat and Alibaba. Many platforms are transnational in nature and operate across multiple jurisdictions, but typically take the corporate form available in their country of origin. Accordingly, the platforms under consideration in this paper are geographically widespread, have a large user-base, and are most often of US origin and include Google, Facebook, Airbnb, Uber and their subsidiaries such as YouTube and WhatsApp. These platform corporations are also those considered by supporting literature and media articles; any exceptions have been noted in the text.

This paper starts by considering the concept of platform corporations and the ways in which they may differ from other corporate entities, and examples of ethical misbehaviour by platforms are then provided. The question of exactly which system of ethics platforms should conform to is canvassed, and the problem of identifying the ethical locus of control and accompanying levers of influence is then introduced. Once the problem has been defined, a number of ethical actors that may be identified as a locus of control are submitted for consideration in the main body of the paper.

The Shared Responsibility Model of ethical control is offered as a more realistic explanation for where and in which persons (legal or natural) ethical control is to be found in platforms, and therefore target levers of influence against which interventions may be conducted. A list of possible interventions is presented along with a list of those interventions suggested for regulators, boards, CEOs, middle managers, individuals, and professional associations.

The paper concludes with a cautionary example of unintended consequences that may follow from interventions to change ethical behaviour when these are targeted toward a single ethical actor in isolation, and with suggestions for further research.

1.1 Platform Companies

Minimally, platform companies or corporations (platforms) "help to make resources and participants more accessible to each other on an as-needed basis" (Hagel, 2015, p. iv); in simpler terms, they are ecosystems. To achieve these aims, they need:

A governance structure, including a set of protocols that determines who can participate, what roles they might play, how they might interact, and how disputes get resolved.

An additional set of protocols or standards [...] typically designed to facilitate connection, coordination, and collaboration (Hagel, 2015, p. iv).

An alternative definition is that "online platforms can be defined as socio-technical architectures that enable and steer interaction and communication between users through the collection, processing, and circulation of user data" (Helberger, Pierson, & Poell, 2018). Neither of these definitions capture the fact that platforms are not only a technology and the business that controls it, but enable creation (by third parties as well as themselves), distribution and consumption of content, software or services while claiming status as a neutral intermediary, rewarded but not liable for content (Gillespie, 2010). Neither do these definitions allude to platforms' earlier conception as "de facto public spheres, spaces that encouraged discourse between free citizens" (Barns, 2020b, p. 39), a fact now seemingly overlooked by the platforms themselves.

Significantly, while platforms may substitute for media, transport, or retail businesses, they define themselves as technology companies (Barns, 2020b). In this way platforms can be seen to behave similarly to utilities, but without the attendant burden of regulation with which telecommunications providers, TV broadcasters, accommodation providers, taxi companies, or employers of casual labour must contend. Regulation of platforms is also made difficult by their nature and global influence (Gorwa, 2019a), with dominant players often collecting data for profit from individuals who provide this in return for some benefit (so, voluntarily) on a transnational basis, but typically with most of their operations and data storage in the US. Online platforms have typically been secretive with respect to what is actually collected and the way in which their algorithms work. (Helberger et al., 2018).

Platforms are complex systems of many moving parts, and in contrast to other corporations, social media platforms such as Facebook and YouTube have particularly problematic boundaries between what the platform itself may be responsible for (with its self-defined status as neutral intermediary), and what individual and corporate users who are contributors, users who are consumers, and other third parties such as advertisers and data-collectors have responsibility for. Where those parties are all resident in different legal jurisdictions, governance and regulation can prove problematic (see for example Digital Watch Observatory (n.d.) for examples of European cases regarding the activities of Google, Facebook and

Netflix). This division of responsibility is reflected in similar difficulties in determining boundaries and responsibilities for ethical behaviour (Helberger et al., 2018).

The platform technologies that are increasingly used to run our daily lives are in general controlled by large organizations and these large organizations all take the corporate form, are thus hierarchical in nature, and are usually governed by boards of directors elected by shareholders. It is important to note the fact that these platforms are companies, so subject to governance and regulatory forces when discussing the way in which their behaviours may be influenced (Gorwa, 2019b).

This paper proceeds by examining the general corporate model, with particularities of platforms noted where germane, to examine possible loci of ethical control in the organization and levers of influence that may be brought to bear on them. A range of interventions is then presented along with a caution that changing the (perceived) ethical behaviour of platforms is not without its own perils.

2 Ethical Transgressions

Condemnation of the less savoury activities and practices of platform corporations, and of the influence that the activities of these businesses may have on the lives of billions of people are most often characterised as corporate ethical transgressions. Recent transgressions particular to platforms (as opposed to transgressions common to corporate entities) may be classified into three main types as follows.

Firstly, platforms have transgressed in terms of attempting to influence and shape laws in their favour and to the detriment of the public, and further, subverting democratic institutions. This has taken the form of behind the scenes lobbying of lawmakers and regulators, including threats to withhold investments in the country unless it passed platform-friendly laws (Bloomberg, 2019; Cadwalladr & Campbell, 2019) and by accepting and assisting in the delivery of advertising by foreign actors to attempt to influence electoral outcomes (Cadwalladr & Graham-Harrison, 2018).

Secondly, they have transgressed in the erosion of the right to privacy (Acquisti, Brandimarte, & Loewenstein, 2015), and in norming this erosion (Tsay-Vogel, Shanahan, & Signorielli, 2018). There has been large scale collection of data without informed consent (Dance, LaForgia, & Confessore, 2018; Houser & Voss, 2018), the sale of personal and sensitive data (McGrath, 2019), and the surveillance of individuals and entire groups using tools such as online tracking (Acar, Van Alsenoy, Piessens, Diaz, & Preneel, 2015), geolocation (Hayes, Snow, & Altuwayjiri, 2018), and facial recognition (Murgia, 2019).

Thirdly, they have transgressed in terms of their manipulation of individuals and groups. This they have done through knowingly disseminating fake news; by conducting experiments on their user-base to manipulate emotions (Flick, 2016); by designing-in mechanisms for the amplification of outrage, leading to riots and communal violence (Farooq, 2018); and by allowing the dissemination of some forms of hate speech, while censoring others.

3 With which ethics should platforms then comply?

Compliance with the law is expected of platforms, as it is of any company. The transnational and online nature of these organizations means that there are multiple jurisdictions for them to contend with. In some jurisdictions where the platform has a physical presence, this is more

visible, while in others where there is only a user-base this could prove more difficult to enforce. As advertisers, the platform and the users may all reside in different jurisdictions, an appeal to the law to restrain behaviour may prove to be complex. In addition, laws in some jurisdictions may not align with basic human rights, so imprecations to 'obey the law' may (rightly) be arguable on the grounds of human rights and ethics. It would seem that an approach based on ethical behaviour that imposes more stringent obligations on platform corporations is to be preferred for simplicity (the platform behaves in an ethical manner everywhere) and to avoid 'jurisdiction shopping' (seeking to be bound by only the most favourable legislation and regulation).

The question of exactly which system of ethics should apply, often associated with reductionist ethical relativism, can be used as a tactic to stall or resist progress through misdirection. It is anyway a misleading question as ideological purity or perfection in ethical compliance is not as important as platform corporations making the attempt at better ethical behaviour. Similarly, the detailed discussions engendered by ethical dilemmas and thought experiments have value, but companies would do well to leave aside efforts at seeking assurance of the correct course of action (if such a thing even exists) and instead pursue actions suggested by prima facie principles in order to follow a more ethical path. Companies (and individuals) should for example:

- a) Not harm others without good reason
- b) Be honest
- c) Keep promises
- d) Be just
- e) Work to repair any harms that they have caused
- f) Strive to improve themselves

(Meyers, 2018).

Such a compact set of ethical principles may also fulfil an important additional role, as it has been suggested that given the plethora of ethical frameworks from which technology companies may now choose, a set of common criteria to evaluate these is essential (Wagner, 2018). A further guiding principle for both regulators and civil society is that ethical frameworks should not be seen as a substitute for or alternative to, the upholding of fundamental human rights. Rights uphold human dignity, and ought not to be understood as mere ethical imperatives (Wagner, 2018), or worse still, presented as ethical aspirations for platform corporations.

4 Levers and Loci of Ethical Control and Responsibility

Given the scale and impact of these ethical missteps, it would seem essential to understand who exactly should be held to account, where the locus of ethical control may reside, and which levers are available to attempt to promote better behaviour.

It has been posited that online platforms are able to develop values beyond an aggregate of individual value sets within the company (Johnson, 2017), and Moore has suggested that, using McIntyre's conception of virtue, a virtuous organization is one that has a good purpose and slightly privileges the pursuit of excellence over success (Moore, 2015). A more recent

paper has however, suggested that corporations cannot be ethical agents, that is bear moral responsibility, as this concept does not even make sense (Hühn, 2018). If this claim were true, it would suggest that any collective of persons is similarly incapable of ethical agency. Many would argue that whatever the technical truth of such a claim, in practical terms people expect societies, states, governments and corporations to behave in an ethically acceptable manner.

A way out of this philosophical dead-end can be found in the work of Glauner (2017) who concurs that corporations are non-ethical entities (as they are non-psychological in nature), but offers the suggestion that corporate culture takes the place of conscience, providing guidance for corporate actions. So at least in the practical sense, the claim of absence for corporate ethical ability appears not be true, as it would mean not only could corporations not be expected to be just or fair, but also concepts of justice or fairness would not apply to them as subjects of other's behaviour (because there would be no need to behave in an ethical manner toward a mere legal construct).

If it is not true however, where does the locus of ethical control reside in a corporation? Does the corporation as a legal person also have ethical responsibility, or should the owners, directors or executives be held accountable? In other words, it is important to identify where exactly the locus of ethical control in a corporation lies. It is also important to identify levers of ethical influence (Barns, 2020a) in order to bring pressure to bear on the organization and thus intervene for improvement. The remainder of this paper seeks to explore these issues further.

5 Ethical Actors

The set of ethical actors to take into account includes those external actors who have the ability to apply force or pressure to the platform or individuals within it via levers of influence, such as regulators, markets, customers, professional associations and wider society. This is in addition to those who are internal to the platform and in which the locus of ethical control may reside, that is, those who are involved in directing, managing, or working in the platform company.

Regulators are the external actors who would seem to have the most obvious power to impose changes in ethical behavioural standards on platforms, but the reality is more complex. The technology industry has been used to a self-regulatory or laissez-faire environment and actively resists via lobbying attempts at changing these arrangements where this is unfavourable to it (e.g. Cadwalladr & Campbell, 2019; Molla, 2019). The somewhat fragmented regulatory landscape in jurisdictions such as Australia, the US and Europe, with their multiple regulators and sources of legislation, may not be conducive to simple solutions and may indeed promote efforts to seek favourable regulatory environments by platforms. One researcher in the area has claimed that regulators may actually prefer to avoid regulating, and instead turn to the softer option of ethical frameworks to help shape the self-regulatory projects of platforms (Wagner, 2018).

In Australia there has recently been some interest displayed by regulators in platforms and in using existing powers e.g. under privacy laws (OAIC, 2020) and consumer and competition laws (ACCC, 2019). In the US, the FTC seems to have existing consumer protection powers to regulate platforms but may not be keeping up with changes required for the era of digital business (McSweeney, 2017). European regulators have so far shown the greatest willingness to take on large technology platforms with the General Data Protection Regulation (GDPR)

and formal inquiries, and the EU appears to have been the first jurisdiction to introduce legislation specifically aimed at online platforms (Settembri, 2019).

Markets also have the power to punish ethically transgressing companies, but the magnitude of any punishment depends on how much information on the transgression is released to the public and whether the instance is taken as a sign of deeper problems, and on whether the company takes responsibility or instead assigns blame to specific individuals (Carberry, Engelen, & Van Essen, 2018). Consumers of products and services can indicate their displeasure at transgressions although research has shown they may keep dealing with firms even when they are aware of unethical behaviour, especially when that service or product is important to them (Haberstroh, Orth, Hoffmann, & Brunk, 2017). This is illustrated by the continued flourishing of Facebook after the Cambridge Analytica scandal. For platform users in particular, the switching costs engendered by network effects can make it undesirable or impossible for individuals to apply pressure to the company by seeking alternatives in response to privacy issues or ethical misbehaviour (Bamberger & Lobel, 2017).

The subset of ethical actors within the platform company that would be likely loci of ethical control are considered below.

5.1 The Platform Corporation

In response to pushes from civil society to more closely regulate the behaviour of platforms, platform companies often create, promote and lobby for, competing self-regulatory initiatives in order to escape formal regulation (Gorwa, 2019a). As the company seeks to avoid regulation by state actors, it turn to codes of ethics, overseen by industry bodies or often by the company itself, or chosen from existing codes or frameworks, a practice known as ethics shopping (Wagner, 2018). One recent research article has gone so far as to claim that ethics is "arguably the hottest product in Silicon Valley's hype cycle today" (Metcalf et al., 2019, p. 449).

As the dominant discourse in technology is that all problems can be solved through innovative solutions, it is not uncommon for Silicon Valley technology companies to address ethical issues by appointing an 'owner' of ethics across the business, who must however still work within the constraints of the business and its worldview (Metcalf et al., 2019). Indeed, ethics in platform companies would seem to be in danger of being entirely colonised by management. There is a risk of ethics becoming subsumed by bureaucratic processes such as compliance (Metcalf et al., 2019) or perhaps worse, construed as an ethics-washing activity rather than an engagement with wider questions of purpose, integrity and values (Wagner, 2018).

The provision of ethical frameworks and checklists to, for example, individual engineers or 'ethics owners' allows the company to credibly assign blame for ethical problems to individuals when they arise rather than to the organization. Technology culture is individualistic, with credit or blame accruing to the most 'deserving', so this blame-shifting is likely to be rarely challenged (Metcalf et al., 2019).

5.2 The Board of Directors as Ethical Proxy

Shareholdings are often widely dispersed, and individual shareholders have little influence on the way a large corporation is run. Large institutional investors are able to exert more influence, but they themselves are corporations, so assigning ethical control to them is unhelpful. However, while they are typically hands-off, shareholders do elect Boards to make decisions on their behalf.

The Board of Directors or equivalent is the ultimate governance organ of a corporation in the system of governance found in the US, UK, Australia and most European countries. They are considered to be the guiding mind of a corporation and have been recognized as responsible for corporate culture, including ethical culture, e.g. by the Hayne Royal Commission into the financial services industry in Australia (Atkins & Charlton, 2019). Corporate governance guidance and principles that mention the ethical obligations of boards and directors are now not uncommon (e.g. ASX Corporate Governance Council, 2019; FRC, 2016), with the ASX stock exchange, for example, requiring that Australian listed corporations "Instil a culture of acting lawfully, ethically and responsibly" (ASX Corporate Governance Council, 2019, Principle 3).

The digital era has increased the scope of the ethical responsibility of all directors, most visibly the protection of the privacy and data privacy of customers, and cybersecurity of the organization. This is particularly so for board directors of high-technology data-centred businesses such as platforms (Windsor, 2020). It is however unclear whether that locus of ethical responsibility translates to the locus of ethical control.

Boards should, as a matter of course, be considering the ethical dimensions of their strategic decisions to fund new acquisitions, projects, in hiring etc. The question must be asked however, as to whether it is even possible to change ethical behaviour sufficiently for the better if the business model is based on such unethical precepts or foundations as the collection and monetisation of user data without real informed consent.

In any case, many of the large platform corporations are US domiciled, Silicon Valley based companies (although not exclusively so) and may thus be dominated by executives who may prevail over boards due to large founder shareholdings. The possibility that it is in the founder and/or CEO group in which the locus of control resides then suggests itself. For example, Facebook and Twitter are both dominated by founders with large shareholdings, who must therefore bear some responsibility for setting the ethical 'tone', if not the day-to-day expression of ethical values in the company's operations.

5.3 The CEO and Senior Executives

Senior executives and founders have a large say in how the company goes about its business, and if they have been with the company from inception, as is the case with many platform companies, have probably played the largest part in setting the culture (ethical or otherwise) of the organization. As we have seen, company ethical culture can substitute for conscience when evaluating corporate behaviour (Glauner, 2017).

The personal and professional ethics of senior executives, in particular that of CEOs and CFOs, has been found to have to have a large effect on corporate conduct (Griffin, Kruger, & Maturana, 2017). Griffin et al.'s (2017) research further noted that ethics tend not to be primarily situational, with a divide between private and corporate behaviour. These findings suggest at this level, executive ethics has a larger influence on corporate behaviour than does corporate culture on executive behaviour, so perhaps the locus of ethical control is then to be found in the senior executive team. As is the case with shareholders and boards, social and market pressure can be brought to bear on senior executives and in common with boards, regulatory and legislative pressure can also influence senior executive behaviour.

While the Board and senior executives make decisions on actions and policies that create ethical culture and guide ethical behaviour, and may even include a Chief Ethics Officer as

'ethics owner', it is usually middle management that decides how policies are actually implemented in the organization.

5.4 Middle Management

Middle management is often held to be the group actually in charge in an organization as they can block change to operating process and resist policy changes they deem to not be in their best interests (Guth & MacMillan, 1986), and because of numerical superiority and closeness to both the operations of the organization and to the employees providing a service or creating a product. Due to length of time in the workforce, any ethical training may have been many years in the past in an undergraduate course for this cohort. In the teaching experience of the author, middle managers are well represented in MBA courses, especially those courses with experience or management pre-requisites, so ethics subjects at this level could be influential if delivered and constructed correctly. See below in the 'Individual Contributor' section for a further discussion on ethics training.

While not as focussed as an individual contributor, middle managers can however have a somewhat narrow view of the company and its stakeholders. This, and their comparatively large numbers, means that it is less likely that agreement on what exactly an ethical response should be in a given situation would be reached, which in return could result in suboptimal ethical decision-making for the wider picture.

5.5 Individual Contributors

The final group to consider are individual employees and their personal and professional ethics. Interestingly, there exists in some platform organizations a very particular type of individual who may be an executive (as Chief Ethics Officer for example) or an individual contributor, who is considered the 'ethics owner' and carries responsibility for ethics across the organization in terms of integrating ethics into its activities (Metcalf et al., 2019). The role of the 'ethics owner' is also to take external perspectives and critiques of the company's ethical stances and translate and transform them into ideas that make sense within the company's own discourse and culture. Since the resulting decisions and actions are viewed through the prism of existing logic, there is an obvious danger that these may fail to respond adequately to the original critiques or fully understand external perspectives (Metcalf et al., 2019).

Leaving aside this special case, assigning ethical control at the individual level can be problematic as there are many individuals who are unable to easily recognize that a particular ethical principal is at play in any given situation, and this lack of awareness has been shown to be a large factor in making unethical or ethics-free decisions (Kim & Loewenstein, 2020). Even when ethics training has been provided, usually only the making of ethical determinations in response to stimuli to do so, what Kim and Loewenstein term prompted ethical awareness, has been assessed. What is required is spontaneous awareness of relevant ethical characteristics in decision-making settings when not prompted to do so and an understanding of any relevant ethical principles that may apply to the situation (Kim & Loewenstein, 2020).

Individual contributors have the opportunity and the obligation to use their own moral compass to guide their actions, with professional ethics as an aid to ethical decision-making. Codes of ethics are a feature of nearly all professional associations, and often heavily promoted by them. For ICT workers, guidance is provided by ACM (Gotterbarn et al., 2018) and IEEE (IEEE, n.d.) in the US, and in Australia, the ACS has Codes of Ethics and Conduct (ACS, 2014a,

2014b), both currently under review by its Ethics Committee. In addition to being affected by guidance from professional bodies, and in common with middle managers, individuals may be able to be nudged toward ethically aware behaviour by the provision of training and education in ethics by for example, their companies or in MBA courses (Martinov-Bennie & Mladenovic, 2015), as long as these are carefully constructed to evince the desired behaviours (Kim & Loewenstein, 2020).

Ethics training has however, been found to be contingent, in that its timing and the existing company culture seem to have an impact on efficacy (Kowaleski, Sutherland, & Vetter, 2019). Kowaleski et al. (2019) found that in a financial services setting at least, ethics training has a lesser effect on those already engaging in ethical misconduct and on those operating in organizations with an ethically dubious culture. So, ethics training at undergraduate level would seem to be important in order to intervene before the start of a career, but it is insufficient; an ethically sound organizational culture is also required. Individuals also need to continue the development of ethical sensitivities throughout their career, and not just rely on initial training (Felton & Sims, 2005). Individual contributors are thus responsible for their own ethical development, and for their contribution to the company's ethical culture.

The individual contributor can make a choice in every situation, and ultimately withdraw their labour if required. Indeed, the departure of those employees with more ethical training from a firm has been found to be a predictor of future misconduct in financial services (Kowaleski et al., 2019). While these choices are often constrained by the realities of organizational life such as career damage and potential loss of income, for those creating technology for Silicon Valley's platform companies such power differentials may not be as relevant due to the current abundance of employment for technical employees. Most importantly, whether or not corporation can be moral agents, individuals are. While individuals may not move Facebook's or Uber's ethical stance easily, they can help ensure that the next large platform corporation may be better behaved.

6 The Shared Responsibility Model

As platforms are now involved in activities previously thought to be in the public domain, such as journalism, education, and even civic engagement, it follows that they are important in the fulfilment of public values and achievement of government policy objectives such as freedom of expression, equality, and diversity (Helberger et al., 2018). It is the opinion of Helberger et al. (2018) that platform-based activities cannot be used to fulfil public values or policy objectives unless responsibility for success is shared between the platform and its users and state institutions.

Analogously, for the public value of good ethical behaviour on the part of platforms, the locus of control in platform corporations is thus to be found distributed across the domains of shareholders, boards, executive teams, middle management, and individual contributors in addition to the platform corporation itself, with responsibility shared between all of those actors plus regulators, users, public and private institutions, and wider society. Given inequalities of power and resources, there can be no expectation of sharing responsibility equally, but where an actor has the ability (capacity, power and resources) to contribute to change for the better, there is a general societal expectation that they ought to do so (Helberger et al., 2018).

According to Johnson (2017), the sharing of ethical responsibilities and the boundaries between roles responsible within a platform corporation are at best nebulous. In any case, given that there exists no one locus of control, no one lever of influence would seem sufficient to ensure improvement in ethical behaviour. At the minimum, controlling ethical behaviour in these corporations may require regulators to regulate, shareholders and boards to set policies for ethical behaviour in response to public expectations and regulatory requirements, for middle management to guide, and for individual employees to take responsibility for limiting transgressions by making ethical choices.

Simultaneous or at least aligned interventions acting on multiple levers would seem necessary to exert sufficient pressure on platforms to improve ethical behaviour, even though some of these interventions may seem at first glance to be mutually exclusive or paradoxical. Common in organizational life, such apparently paradoxical tensions arise from "perceptions of opposing and interwoven elements" (Sundaramurthy & Lewis, 2003, p. 397) that have been falsely dichotomised, hiding "the simultaneity of conflicting truths" (Lewis, 2000, p. 761). In platform companies there needs to be more leadership from the CEO and Board promoting and enforcing ethical behaviour (push), and more freedom and support for individuals to take ethical responsibility and make ethical decisions while trying to get the company to follow their lead. Regulators need to lean harder and apply hard regulation, even while companies are behaving better in response to soft power. Platforms need to both promote free speech and other social goods, and prevent harm arising from them.

The Locus of Ethical Control / Levers of Influence

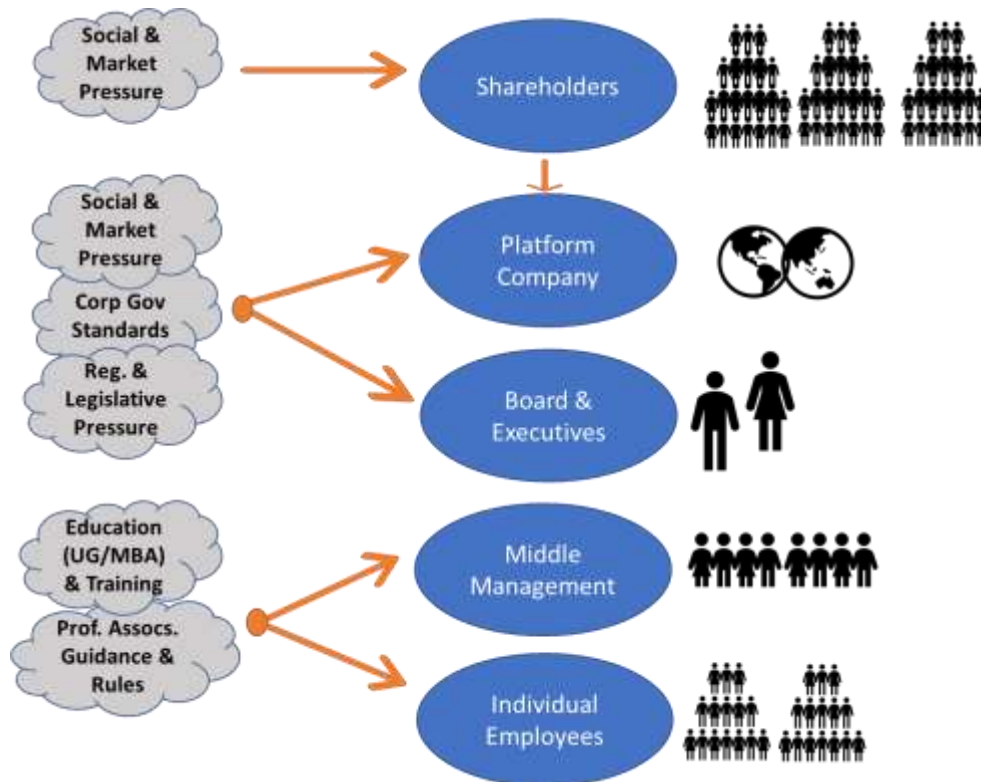


Figure 1 Levers of Corporate Ethical Behaviour

Platforms both govern and are governed (Gorwa, 2019b), and it is conceivable that both could be in the form of co-governance, in which governance is shared between the platform and other actors. The question asked by Gorwa (2019a, p. 42), "why not try and make platform governance more participatory and democratic rather than purely technocratic?", suggested just such a model in order to make platform operations as transparent as possible and governance more representative of the diverse user base of platforms. As governance overlaps with ethics in the corporate context, a shared model of governance could support a shared model of ethical responsibility. At its most radical, co-governance could go past the merely participatory, and take the form of transnational 'deliberative assemblies' (Carson & Elstub, 2019) that would deliberate deeply on ethical matters and suggest courses of action for platforms and regulators. These assemblies would be a form of mini-publics (Escobar & Elstub, 2017), possibly chosen by sortition, to provide the representative input of wider society.

7 Suggested Interventions

Interventions involve the application of some type of pressure or obligation on the loci of ethical control via levers of influence. Not all interventions are feasible for reasons of jurisdiction, public will, financial implications, or regulatory environment etc. For example, the more radical possibilities suggested by the Shared Responsibility Model would require transnational (or at least, supra national) governance due to the transnational form of the platforms themselves. Several less contentious interventions are recommended below, with a more complete list to be found in Table 1 following.

1. Boards and Execs need to reward ethical behaviour and not reward unethical behaviour (KPIs, bonuses, etc.) and include clawback provisions in executive and director remuneration agreements.
2. Boards should require annual ethics compliance attestations from the CEO, sponsor the rollout of general ethics training across the organization and include completion numbers and level of positive responses to ethical climate employee surveys in CEO KPIs.
3. CEOs should replicate clawback provisions for any employees receiving short or long-term incentive payments
4. CEOs should replicate ethics training outcomes and level of positive responses to ethical climate employee surveys for all executive and manager KPIs
5. Professional associations both technical (e.g. the ACS in Australia) and director-oriented such as the AICD in Australia, the IOD in the UK and the NACD in the US should mandate an ethical training component of CPD hours that is based on evidence.
6. Regulators in the home jurisdiction(s) of platform corporations should increase regulatory oversight of platforms. This can be soft regulation expressed as 'governance principles' or listing rules in addition to hard regulation, and includes such items as requiring annual ethics compliance attestations from Boards and/or CEOs, reviews of consumer complaints with concomitant legal action, mandating remuneration clawback provisions for executives and directors where there has been ethical misbehaviour.

7. Business and Engineering/IT tertiary institutions should include and improve ethics training for all students at both undergraduate and postgraduate levels, paying particular attention to undergraduate technology, analytics and marketing courses and to MBA courses for aspiring senior managers.

As can be appreciated, not all interventions are available to state and private regulators outside of the primary jurisdictions of the platforms, and some interventions would only partially address available levers of influence. Professional associations and tertiary institutions outside of the US would likely only likely be able to influence local employees of Facebook or Google for example. This presses the case for a more cooperative transnational approach not only by regulators but professional associations and universities to achieve a common objective.

Locus	Levers	Possible Interventions
Shareholders	Social Forces, Market Forces	Civil society campaigns* Investor campaigns
Company	Social Forces, Market Forces, Governance Norms, Regulatory Compliance	Civil society campaigns* Compliance with Listing Rules & Corp Gov Principles Compliance with Securities Regulator Rules Threat of increased regulation* Increased regulation* Co-regulation replaces self-regulation
Board of Directors	Social Forces, Market Forces, Governance Norms, Regulatory Compliance, Professional Ethics, Personal Ethics	Compliance with Listing Rules & Corp Gov Principles Compliance with Securities Regulator Rules Mandate director professional assoc. ethics training for members Require annual ethics attestation to regulator* Require annual ethics attestation to Board from CEO Include STI/LTI clawback provisions for unethical behaviour in CEO contracts Include rollout of ethics training and level of +ve responses to ethical climate questions in employee surveys in exec KPIs
CEO/Executive	Governance Norms, Regulatory Compliance, Professional Ethics, Personal Ethics	Include STI/LTI clawback provisions for unethical behaviour in exec contracts Include ethics training in MBA/leadership courses Include rollout of ethics training and level of +ve responses to ethical climate questions in employee surveys in exec KPIs
Middle Management	Ethics Training, Professional Ethics, Personal Ethics	Include ethics training in MBA courses* Require professional associations to mandate ethics continuing training as part of CPD* Require completion of ethics training and level of +ve responses to ethical climate questions in employee surveys in KPIs
Individual Contributors	Ethics Training, Professional Ethics, Personal Ethics	Include ethics training in UG technology courses and in MBA courses* Regulator to require professional associations to mandate ethics continuing training as part of CPD*

*also possible outside of primary location(s) of platform corporations

Table 1 Loci, Levers & Intervention

8 Unintended Consequences

Applying pressure via levers (seeking to exert ethical influence) may however result in unintended consequences, particularly where this is applied to a locus of ethical control in isolation or to multiple loci in an uncoordinated manner. Public calls for more ethical behaviour by Facebook, Twitter and others in moderating content may require society to surrender something in return, such as submitting to *de facto* private government; i.e. platforms governing a population by means of deciding what is possible and visible and permitted, while their own decisions are impenetrably opaque and without recourse (Suzor, 2019).

More tangibly and more disturbingly, increased content moderation by Facebook in particular has also resulted in the employees hired to moderate it being exposed to truly awful text and images, including sexual exploitation of children and murder, causing permanent mental and emotional damage (Newton, 2019). Many of these employees are in lower-pay countries such as the Philippines (Franks, 2018), and this shifting of the emotional and mental burden offshore would seem to be a very serious ethical transgression. It is not only an instrumental use of people with less power; it allows this while appearing to act more ethically at home.

The ethical posture of the platform corporation itself is thus at odds with decisions made by its executives and overseen by managers within the company. A cautionary note should be sounded whenever organizations previously found to have operated in an ethically dubious fashion announce sudden and major improvements.

9 Limitations and Future Research

One obvious limitation of this paper is that the loci of ethical control and levers of influence upon them, as well as the resultant recommendations for intervention have not been considered for platforms that have their origins outside of Western liberal democracies. While this means that several large platforms such as WeChat and Baidu were not considered, information about their operations and any ethical transgressions are not in any case as readily available to researchers, or as widely reported by media. Given the degree of state-actor involvement, and the fact of limited uptake in wider geographies (albeit with large user bases), it is in any case possible that entirely different conclusions may be reached. Limiting the scope of the platform corporations considered also sidesteps arguments of ethical relativity or universality, which are beyond the scope of this paper, but may be fruitfully explored elsewhere.

There is a deal of opportunity for future work following this paper, a considerable portion of which may be evaluative or empirical in nature. One possible project is the development of an instrument to serve as an acceptable set of common ethical criteria for the purposes of evaluating the quality of ethical commitments made by platform corporations.

Several evaluative research projects also suggest themselves in response to the list of recommended interventions in this paper. These include evaluations of interventions on ethical behaviour in a corporate setting such as effect on ethical awareness after the completion of prompted versus spontaneous-awareness oriented ethics training in MBA courses and undergraduate technology courses. A similar project is the evaluation of ethical awareness after mandated ethics training in CPD for directors or members of technical professional associations such as the ACS, Engineers Australia, IEEE, ACM etc.

There are a number of other directions that future research could profitably explore. The first of these is the question of the acceptability of a Shared Model of ethical responsibility to Boards, Executives, Regulators and Civil Society. Without some acceptance, any project to change behaviours will likely prove unsuccessful. In the Australian context, there are also questions to be asked around the readiness, power, and ability of boards to take ethical control given the shared responsibilities articulated in this paper, despite it apparently being expected of them by institutional actors such as the Hayne Royal Commission (Atkins & Charlton, 2019), the AICD (AICD, n.d.) and the ASX (ASX Corporate Governance Council, 2019). Corollary questions exist around board perceptions of their power, means, and desire to do so, and around boards' understanding of the issues.

Finally, there seem to be interesting questions around innovation worthy of further exploration. For example, whether an innovative approach using regulatory technology (regtech) could create an environment for better ethical outcomes at board and executive level. The framing of this research question could of course itself be a fallback into the hegemonic technological logic that all social problems are solvable by means of innovative technology (Metcalf et al., 2019), an exploration of which tendency even in the domain of digital or technology ethics, is also worthy of further study.

A research project of a more abstract nature could also investigate whether the 'move fast and break things' ethics favoured by many innovative technology companies can be reconciled with ethically responsible technology such as that promoted by Beard and Longstaff (2018) or against standards developed by the IEEE (Koene, Smith, Egawa, Mandalh, & Hatada, 2018) and other bodies, and if so, how this might be achieved.

10 Conclusion

There have been calls from civil society, academia, and governments for transnational platform corporations to be better held to account for their ethical transgressions. As has been demonstrated, attempts to change the less desirable ethical behaviours of platforms cannot necessarily rely on applying leverage to a single locus of ethical control, as multiple loci exist, and multiple loci may need to be engaged to effect genuine change. The Shared Model of Responsibility seems to provide a more pragmatic view of the possibilities for action than relying on any one of companies, boards, executives or workers.

The understanding of the requirement for multiple simultaneous actions against multiple loci of ethical control may free each of regulators, boards, executives, and civil society from the perceived obligation to enact complete strategies and result in greater transnational cooperation between groups. Possible interventions are many, and should be prosecuted widely, but not every intervention is required from every actor, and unintended consequences are possible. The Shared Model has implications for state-actor regulators outside of the primary jurisdiction(s) of the platform corporation, as their reach (and hence ability to make meaningful change for the better) is limited without the cooperation of agencies in other jurisdictions.

One final implication of the Shared Model of Responsibility is that available hard regulation (e.g. privacy and consumer protection statutes) is to be preferred to soft regulation such as nudges and attempts at ethical influence in non-domicile jurisdictions (i.e. those in which the company does business, but has no or little infrastructure or organizational footprint), as these

latter will likely be unsuccessful given the range of loci of ethical control, many which exist only in other jurisdictions for transnational platform corporations.

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Abbreviations

- AICD Australian Institute of Company Directors
CEO Chief Executive Officer

CPD Continuing Professional Development
IOD Institute of Directors (UK)
KPI Key Performance Indicators
LTI Long Term Incentives
NACD National Association of Company Directors (US)
STI Short Term incentives

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