



THE BUSINESS ETHICS FIELD GUIDE

Challenge 5: Suspicions Without Enough Evidence

BY BRAD YARBROUGH

This series features 13 articles from Brad Agle, Aaron Miller and Bill O'Rourke, co-authors of The Business Ethics Field Guide. Each article focuses on a common work dilemma, while providing real life examples and insightful solutions. For more information, please refer to the cover story in the November/December 2018 issue.

How many times have you sensed that something must be wrong, but you weren't entirely sure? This dilemma is not about how you stop something; it's about how you discover if there is something that should be stopped. Of course, the way you investigate matters. Looking into potential wrongdoing often appears to be an outright accusation, so tact is required.

The first question is to ask if you are the right person to investigate. If not, maybe your responsibility is to be sure an investigation is conducted by a more appropriate person. The investigator must be experienced with the issues and have a strong reputation for fairness, especially if the results are likely to become public. Remember, by selecting that person you will likely be jointly responsible for the results, so be careful in that selection.

Additionally, consider confidentiality. If others have a need to know, tell them an investigation is occurring. Sometimes it can begin confidentially, but as soon as a likelihood of misconduct is uncovered, give them a summary as soon as practicable. Likewise, be careful not to share the information with the wrong people (those who have no need to know about the investigation). Remember that at the “right” time, the accused parties should have a right to confront the evidence.

A Case Study

An anonymous allegation was made on the company’s compliance telephone line that a Plant Manager in Australia was spinning the safety results. Our company received 1,200 such calls annually and about 90 percent had little to no substance. However, every complaint was investigated.

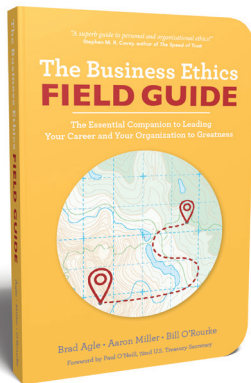
I sent the manager with the company’s best safety record keeper to Australia to investigate. She called a week later and informed me of 50 unreported incidents. Most were minor first aid cases, but four were more serious, recordable cases. She spoke with the victims and the safety manager. In each case, they were instructed by the Plant Manager not to report the incidents. When confronted, the Plant Manager denied the allegations but could not refute the evidence.

These facts were reported to the Operations leaders of the company. They invited me to a meeting in New York City where they asked if the company had to fire the employee in question. I responded, “No, he’s already fired himself. Now 60,000 employees are watching you to see what you do about it.”

13 ETHICAL DILEMMAS

Upcoming articles in this series will take a closer look at each dilemma.

- 1 STANDING UP TO POWER**
Someone in power is asking you to do something unethical.
- 2 MADE A PROMISE**
Conflicting commitments force you to choose.
- 3 INTERVENTION**
You see something wrong. How do you proceed?
- 4 CONFLICTS OF INTEREST**
Multiple roles put you at cross purposes.
- 5 SUSPICIONS WITHOUT ENOUGH EVIDENCE**
You believe something is going on, but you’re not sure.
- 6 PLAYING DIRTY**
Achieving justice but by doing something unethical.
- 7 SKIRTING THE RULES**
Bending a rule for a better outcome.
- 8 DISSEMBLANCE**
Misrepresenting the truth for better outcome.
- 9 LOYALTY**
Giving up ethical stance to protect valued relationship.
- 10 SACRIFICING PERSONAL VALUES**
Living ethically might put burden on others.
- 11 UNFAIR ADVANTAGE**
When opportunity exists to wield an unfair upper hand.
- 12 REPAIR**
When you are responsible for a mistake.
- 13 SHOWING MERCY**
You could grant forgiveness, but you don’t know if you should.



“Allegations are unavoidable. Have policies and rules on who will investigate various types of allegations, who will review results and who will be made aware.”

The Plant Manager was terminated and of course, all the employees noticed. In fact, the Operations leaders who made the final decision enhanced their personal reputation for supporting and reinforcing the safety value of the company.

The Right Questions

Here are some critical questions to ask when suspicions emerge:

Who is accountable for solving the problem? Once they are identified, bring them into the discussion and keep them advised. It may be appropriate to hand the responsibility for the investigation to them.

What if the allegations are true? What if they are false? Ignoring allegations that turn out to be true can have harmful results and might create a bigger mess that needs to be rectified. The consequences of ignoring an allegation could be serious and potentially make you complicit in the conduct. Treat allegations as just that and not as facts. Putting too much credence on allegations could bias an investigation or destroy a reputation, even if the excused is exonerated.

Are the accusations reliable? Did the accusation come from a trustworthy source? Does the accuser stand to gain from their claims? Even reliable accusations may be explainable or excusable. Most investigations will reveal three or four sides to a story. Keep an open mind to the facts and the reasons for the conduct.

Some pitfalls

Be careful of the following traps:

- **Acting Hastily.** Acting too quickly is a common mistake. Gather the facts quickly, then act.
- **Delaying Action.** Don't delay the investigation nor the action. Delaying or not acting is acting. It will cause confusion in the organization or will be seen as condoning the behavior.
- **Avoid Bias.** Bias and the appearance of bias must be avoided as much as practicable. Be careful to be objective in describing the problem, in charging the investigator and in reviewing the information. Be as factual as possible in the explanations.
- **Not Gathering Sufficient Evidence.** To maintain credibility, be thorough. Try to corroborate the truth. Be thoughtful and deliberate in every step of the process.
- **Report Results Appropriately.** Report results to the leaders who need to know the information. Know that there may be legal or policy reporting requirements. If the accused is exonerated, try to keep the accusation and investigating confidential.

In Summary

It's important to ask if your organization has clear rules for handling complaints. Does your organization have a culture of fairness? Should you anticipate that allegations will occur?

Allegations are unavoidable. Have policies and rules on who will investigate various types of allegations, who will review results and who will be made aware. Some organizations have a Compliance Department that handles these matters, while others use their auditors, lawyers or human resource professionals depending on the type of allegation. What is important is that there is a process and procedure in place.

Misunderstandings will occur in organizations. The best way to address them is by having an open, honest, fair culture where employees are encouraged to speak-up when they have questions and where leaders listen and respond to them. ☺



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