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Does That Request Pass the Smell Test?

By EILENE ZIMMERMAN

Q. Your boss has asked you to do something that seems unethical. How can you determine whether your suspicions are correct?

A. Intuition is often very reliable in these situations, so if the request makes you uneasy, you may be right to question it, says Stephen M. Paskoff, a lawyer who is the president of Employment Learning Innovations, a workplace compliance, ethics and behavior-training firm based in Atlanta.

Of course, there are other signals that a request may be unethical. These include “being told not to tell anyone else, that this is a one-time thing, not to put anything in writing or that everyone else does it,” Mr. Paskoff says. And being asked to engage in certain activities, like fabricating or destroying documents, lying to clients, or anything well outside the normal course of business should also raise red flags, he says.

If the signs are subtler than that, go to a mentor or someone you trust — either at your company or outside of it — and ask for their opinion. You should also discuss the potential effects of any action you take on yourself, your co-workers and the company, says Steven Mintz, an accounting professor who specializes in ethics at the Orfalea College of Business at California Polytechnic State University in San Luis Obispo. He also writes the blog ethicssage.com.

It’s also possible that you have simply misunderstood the request, so ask your boss to restate it. This gives him or her a chance to rethink it and possibly decide to do things another way, says Kirk O. Hanson, professor of social ethics and executive director of the Markkula Center for Applied Ethics at Santa Clara University in California.

Q. If you decide to raise objections, what approach should you take?

A. A nonconfrontational approach is best. Start by asking questions like: “Do we have a policy on that?” “How do we usually handle things like this?” or “Under what circumstances would we normally destroy documents?”

These push your boss to relate the request to company policy, Mr. Hanson says. “You don’t want to say, ‘You’re unethical,’ so instead focus on your need to understand the situation correctly,” he says. Then you can explain why it makes you uncomfortable.

Mary C. Gentile, a senior research scholar at Babson College in Massachusetts and author of “Giving Voice to Values,” says people who successfully challenge questionable directives often show first that they understand the underlying business concerns. “They say, for instance, ‘I know we need to bring our sales up, but I think we’ll be more effective if we do X rather than Y,’ with Y being the thing giving them pause,” Ms. Gentile says.

Q. What if your boss wants to push forward, regardless of your misgivings?

A. Then you will have to go above your boss, or to an adviser within the company who handles ethical issues. But first, write a memo explaining the problem, the talk with your boss and the response you received, Mr. Mintz says. “Be very specific, because you want to protect yourself if

no action is taken by showing you raised the issue,”he says. If you get pushback from your boss’s manager, you may have to go to a senior executive or the company board.

Many large companies have an anonymous hot line for reporting problems. If you use it, Mr. Paskoff says, be specific and state facts — rather than your feelings — so that those receiving the information know where to look within the company for the problem.

Q. What kind of consequences do you risk by voicing your objections?

A. Although companies have shown much less tolerance for ethical lapses in recent years, there could still be negative consequences for you as an internal whistle-blower, Mr. Mintz says.

“You won’t necessarily be fired, but I have seen situations where someone has been demoted or passed over for promotions,”he says. “Some companies might make your life so miserable you leave on your own.”

Generally, there are broad legal protections for internal whistle-blowers, but those protections can vary by state and by industry, says Richard Bethel, a partner in the labor and employment practice of Pryor Cashman, a law firm in New York.

In some states, employees are protected if what they were asked to do is illegal, but not necessarily if it is unethical. However, Mr. Bethel says, “across the board, an employer that would take retaliatory action against an employee for whistle-blowing runs afoul of laws in many states and will open itself to a tremendous amount of adverse investigation and publicity.”

There are also consequences for keeping quiet. If you don’t act in the case of serious wrongdoing, you could be blamed for not taking action.

If your conscience gets the best of you only the second time you’re asked to do something you feel isn’t right, your manager will remind you that you went along with it in the past, Mr. Mintz says. “That becomes a very slippery ethical slope,”he says. “And it’s difficult to turn around and climb back up.”

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Notes

¹<http://www.nytimes.com/2010/10/24/jobs/24career.htm>