

# **Ethics in HR: What Should This Mean? What Should We Do? How Should We Act?**



## **25th Annual NNAHRA Conference**

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**Ethics in HR:  
What Should This Mean? What Should We Do?  
How Should We Act?**

**I. Introduction**

As HR Professionals, what is our ethical obligation in the decisions we make, and to whom do we owe our fidelity? Every day, HR Professionals are faced with myriad problems that have no single or simple answer but that can have a significant impact on the Tribe, our employees, and our colleagues. Not only are we responsible for ensuring that employees come to work, work productively, and get paid, but we are also tasked with challenges like ensuring preference policies are followed, providing growth opportunities, and setting standards for workplace conduct. We must investigate possible wrongdoings by our supervisors, resolve workplace conflicts, retain employee and business confidences, and avoid conflicts of interest. How HR responds to these issues directly impacts who we are as employers and should embody our workplace values and culture.

**II. What Are Ethics?**

**A. Definition**

The principles of conduct governing an individual or a group  
- Merriam-Webster

**B. Teachings on Ethical Conduct**

1. Trustworthiness – Be honest. Don't deceive, cheat, or steal.
2. Respect – Treat others with respect. Be tolerant of differences.
3. Responsibility – Do what you are supposed to do. Use self-control.
4. Fairness – Play by the rules.
5. Caring – Be kind.
6. Citizenship – Do your share.

- Education.com

**III. What Are Ethics in HR?**

**A. HR as the Vanguard for Sovereignty**

1. Why what you do matters

## NOTES

2. Why Tribes are tied together as it relates to federal law/Supreme Court
3. How is sovereignty related to employment?

### **B. How Does My Tribal Employer Define Ethical Behavior?**

1. What are the Tribe's values, and how do they impact ethics?
2. Tradition and custom
3. Constitution
4. Ordinances/laws (equal opportunity employer, retaliation, whistleblower law)
5. Employee handbook or personnel manual
6. Employer policies (procurement, conflict of interest, gifts, confidentiality, preference, bullying, harassment, code of conduct)
7. Employee benefits (leave benefits and insurance)
8. Criminal statutes

### **C. HR Role in Enforcing Laws/Policies/Practices**

1. Know the laws, policies, and practices.
2. Know what your role is.
3. Develop/learn the facts – from both sides.
4. Apply the facts to the rule.
5. Speak truth to power.
6. Now what?

### **D. To Whom Does HR Owe the Duty of Fidelity, and What Is That Duty?**

1. Do you work for directors, general managers, CEOs, Tribal Council, the Tribe?
2. Can you keep secrets?
3. When are you an individual, and when are you an HR Professional?
4. Legal liability

### **E. What Is HR's Duty to Employees?**

1. Confidentiality
2. Safety
3. Advocacy and assistance
4. Truth and protection
5. Understanding and empathy
6. Honesty and integrity
7. Helping employees grow to full potential

## NOTES

### **F. What Is a Pure Legal Conflict vs. a “Judgement Call”? How Can You Tell the Difference?**

1. Know the law.
2. Know yourself.
3. Ask someone you trust (we are all susceptible to bias).
4. Self-preservation vs. self-sacrifice

### **G. What Should Be on Your List?**

### **H. Benefits of Ethical Behavior**

1. Keeps Tribe’s promise
2. Aligns with Tribe’s values and standards
3. Increases productivity and employee morale
4. Enhances organizational culture
5. Fosters professionalism
6. Enhances services for citizens and customers
7. Complies with legal and regulatory standards and reduces chance of lawsuits

### **I. Consequences of Not Following the Rules and/or Ethical Expectations and Behavior**

1. Breaches Tribe’s promise and undermines Tribe’s values and standards
2. Hurts productivity and fosters poor employee morale
3. Creates dysfunctional organizational culture and plants seeds of mistrust and suspicion
4. Undermines professionalism
5. Decreases quality of services for citizens and customers
6. Increases terminations, grievances, and possible lawsuits

## **IV. HR Ethics in Action – Difficult Decisions**

Being able to understand/assess when there is a real conflict between what management wants to do and what you think is the legal/right thing to do AND knowing how to manage that conflict and decide what to do. This involves a number of different and complicated issues.

- A. Determining if there really is a conflict. Many HR decisions are a matter of judgment; few are black and white. Ethics becomes crucial in those circumstances where there is clarity – illegal vs. legal – but it is also

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relevant when the issue is less clear – right (as you see it) and wrong (as you see it). You have to know the difference.

- B. Once you assess which type of conflict you have, you need to determine to whom you owe your loyalty – to a manager, director, general manager, Tribal Council, Tribe.
- C. What do you do when you determine you have such a conflict?
- D. Important Issue to Keep in Mind – HR as the glue between Council, GMs, directors, supervisors, and employees

### **V. Hypotheticals**

- A. Bernie is the Director of Maintenance. He has been complaining to you over the last six months about Pat. He feels that Pat's absences are a big problem. Although each of Pat's absences are for excused reasons (primarily due to his diabetes treatment), you understand Bernie's frustration. Subs have to be brought in and schedules changed. Yesterday, Bernie came into your office and was really happy. He said that Pat made a mistake mixing the chemicals used to clean the carpets, and it caused discoloration. Bernie tells you to fire Pat.
  - 1. What do you need to know?
  - 2. What issues do you think could arise?
  - 3. What do you do if you don't agree with Bernie?
- B. Samantha is the daughter of a Tribal Council member. Samantha has been working for the enterprise for six months, and it has not gone well. She does little work on the days she does come in. She often hangs out in the break room and smokes. Her supervisor, Maggie, comes to your office regularly and complains – and you agree. However, Maggie, and maybe you, are worried about the fact that Samantha's mother is on Council.
  - 1. What do you need to know?
  - 2. What issues do you think could arise?
  - 3. What should you do?



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