

Podcast: *HR Bartender*

Episode: Heather Bussing Discusses the Role of HR in Organizational Ethics

Summary:

Welcome to the *HR Bartender* podcast! Join this casual conversation to get practical advice on being a better employee, manager, and leader. In today's episode, Sharlyn Lauby, author of the *HR Bartender* blog and host of this podcast, is back for season 3 of the podcast focused on ethics. Her guest is Heather Bussing, a California Employment Attorney with over 30 years of experience providing sensible and strategic advice to employers. She has been featured in the *New York Times*, *Wall Street Journal*, *CNN*, *Business Insider* and *NPR*. She also teaches *Legal Writing and Internet Law*.

To begin, Heather shares what she usually does when faced with an ethical dilemma. She often runs into this kind of dilemma when it comes to her duty as a lawyer not to disclose certain confidential information. Sometimes, this can feel like lying. In order to encourage employees to speak up when something is bothering them, HR departments must create an environment in which they feel comfortable doing so. They should show gratitude to the employee for sharing the information and let them know they will keep its source confidential. Similarly, employees should be aware that if they accidentally share instances of misconduct with HR, HR has their own duty to conduct an investigation based on their claims.

When conducting an investigation, it is always best to bring in a third party to conduct the interviews in order to avoid conflict of interests. By the time a complaint makes its way all the way to HR, it is usually too late to be solved. This is where good management comes into play as a preventative measure. Managers should be checking in with their staff to see how things are really going and possibly mediate the issue at hand before it progresses. It is important that HR has good relationships with both the managers and the employees. Right after being made aware of a complaint, managers should record exactly what they were told. Then, they should contact legal to get them involved in the process so those notes can be protected. The key is to take notes exactly as things happened and leave yourself out of them. Then, Heather shares how to relay the final results of an investigation to employees. Having a relationship with your legal council is especially important when conducting a dismissal of someone in charge of the company. If you learn that someone has been discriminated against, figure out what you can do to make them feel safe again and rebuild their trust.

As the episode wraps up, Sharlyn elaborates on the importance of having all of our legal processes in place, including legible documentation. There is a huge people component to investigations. Organizations should have psychological safety in place so that individuals can comfortably approach their manager or a HR department with a concern. In return, the manager or HR professional should receive the information graciously. It is important to maintain strong relationships within your company so that these kinds of difficult conversations can take place.

Connect with Heather on [LinkedIn](#).

Connect with Sharlyn on [LinkedIn](#) and check out her [HR Bartender Blog](#).