

# 'Can we talk?': How to handle requests for secrecy

Say one of your employees stops by your office with a troubled look on her face. She has a complaint, but wants to speak with you “off the record.”

Can you comply with her request for confidentiality? *Should* you?

It all depends on the content and context of the complaint. In certain cases, managers should—or must, by law—move certain information up the chain to human resources or other organization officials.

Mishandled confidential information can lead to lawsuits, hurt the morale of employees, damage their reputations in the workplace and threaten their jobs.

## Action tips

First, never promise confidentiality. When an employee wants to reveal something confidential, set the ground rules by saying: “I can try to handle this privately, but if you tell me something that I have a duty to share with the appropriate people, then I must do so.”

Harassment-related complaints must be acted upon and moved up the chain, regardless of an employee’s wishes.

However, there may be times when an employee wants to discuss a co-worker’s behavior, but does not want a full-blown investigation conducted. It is not necessarily unreasonable to honor the employee’s wishes—up to a point.

If the behavior in question does not rise to the level of illegal harassment and it is reasonable to honor an employee’s request for confidentiality, take these three steps to protect both the employee and the company.

**1. Document the circumstances and the basis for your decision.** Also, spell out that you advised the employee to disclose any future problems to you, another member of management or HR. Ask the employee to sign the documentation so you’ll have evidence that you didn’t simply brush aside the allegation, but were abiding by the employee’s request.

**2. Have a chat with the accused.** Without naming names or revealing specific complaints, discuss appropriate and inappropriate workplace behavior.

**3. Follow up with the employee in a timely manner** to see if the behavior in question has stopped. If it has not, you must go to HR, regardless of the employee’s confidentiality request.

*Note:* Use the wording in the case study below as a model for handling requests for confidential discussions.

## Case study: Manager Mike deals with an employee's 'off-the-record' appeal

Here's an example of how managers should handle employees' requests for confidentiality:

*"Hey, Mike, can I talk to you for a minute?" Sally asks in a hushed tone.*

*"You know my door is always open," says manager Mike.*

*"OK, but this is off the record," Sally says. "You can't say anything, promise?"*

*"Let me stop you right there," interjects Mike. "I will do my best to keep this confidential, but until I know what you want to talk to me about, I cannot promise to keep it between you and me."*

*"Why not? I thought we were friends."*

*"We are, but I'm your manager and I have a duty to the company. If there's something going on that requires HR to get involved and investigate, I cannot keep it confidential. I can assure you, though, that if you tell me something that I cannot keep between us, only those with a legitimate need to know will be told. Fair enough?"*

Sally nods. *"You should have never promoted Irwin to supervisor. He's awful!"*

*"What makes you say that?" Mike asks.*

Sally runs through a list of gripes about Irwin's personality.

*"Just to be clear, Irwin hasn't violated any policies or behaved in a harassing or threatening manner?" Mike asks.*

*"Oh, gosh no! Irwin totally plays by the book and is a really nice person. That's why I don't want you to tell him that I complained about him. I was hoping I could tell you some things that are bothering me about him and you could give him some managerial pointers."*

Mike agrees that he has no need to inform Irwin of Sally's complaints. He could keep an eye out for the behaviors that Sally mentioned and talk to Irwin about his supervisory style, as needed, based on his observations.

### For your ears only?

Mike decides to keep Sally's complaint confidential because there is no legal obligation to investigate or act, such as there would be had Sally complained about harassment, safety, violence and the like. The manager handled the conversation properly by:

- Encouraging Sally to talk to him
- Warning her upfront that he might not be able to keep the complaint confidential and explaining why
- Reassuring Sally that the complaint would be kept confidential as best as possible
- Double-checking with Sally to make sure Irwin hasn't broken a company policy or violated a law
- Providing a resolution.