EAPA Ethical Decision-Making Model

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4. Make your decision
Group Exercises

Exercise #1: Age Discrimination

A client employee presents to you that she feels that she is being treated unfairly by her new manager. She has been a productive and valued employee of this company for the past twenty years, and her former manager recently left the company. The new manager has made no secret, to this client and to others in his management team, that he resents having to pay someone a high salary because of the years she has been working, when he could hire two young people in her place for about the same amount of pay. Whenever the client proposes a new initiative to the manager, it is denied, with no reason given. She is concerned that since she is getting close to retirement age, she would not be able to get another position, so she has determined to “stick it out” until she can retire. For the first time in her entire 40 plus year career, she has received a bad evaluation from the manager, and she does not know what to do. HR has not been helpful, and she feels at a loss for what to do.

You have heard from other clients that this new manager has shown great favoritism to young employees, and you are aware that at least one other older employee in this management team was treated similarly and decided to leave the organization.

Exercise #2: Alcohol, Drugs or Medical Issues

Jamie, a railroad industry employee of 24 years, has been working in a remote position for the past 2 years. Jamie has faithfully joined virtual staff meetings and has been an active participant. About 4 months ago, Jamie’s significant other was killed in a car accident. Jamie returned to work quickly and was reluctant to talk about the loss with colleagues. Over the past year Jamie began complaining of migraines. The colleague thought that Jamie was planning to schedule a doctor’s appointment. Jamie is a very private individual and did not discuss anything further about his own health condition.

During a virtual staff meeting Jamie’s speech seemed slurred, had difficulty following the conversation and was unable to read a document that was shared on the screen. There were several periods in which a question was posed to the group and Jamie seemed unable to participate as there appeared to be some difficulty in forming words to complete a sentence. Jamie left the meeting as soon as it was over, not saying goodbye or inquiring about the next meeting.

Jamie calls the EAP soon after the meeting to schedule an appointment to discuss “a number of issues”. Within minutes of Jamie’s call, the supervisor calls to say that he is making a formal referral to the EAP for Jamie because of his drinking problem.
Exercise #3: An Email Gone Wrong

Bill was sending his client Brenda R. Smith, a department manager, a list of substance abuse treatment programs and let her know they all have openings for immediate admission. Brenda usually responds to your emails quickly.

The next day you still have not heard from Brenda and when you check your email you notice you have an email from Brenda N. Smith stating “wrong Brenda Smith” with your email attached below. You also notice Brenda N. Smith works in the same division as Brenda R. Smith.
Elevating Ethical Awareness

Required course for all CEAP® candidates

Connecting, Educating & Supporting EA Professionals Worldwide

Speaker Introductions

President Libby Timmons, CEAP
Presenter

Past President Lucy Henry, CEAP
Presenter

Getting to know You

Who are you?
Where do you work?
What’s your role in your EAP?
Our Goal For Today

To apply an ethical decision making process to employee assistance (EA) practice in areas

Learning Objectives: What are they?

HINT: There are 3

Learning Objectives

- Discuss the role and significance of ethics in professional practice;
- Apply the EAPA Code of Ethics and the EACC Code of Conduct to ethical decision making; and
- Utilize the recommended ethical decision making model in EA practice.
What is ethics?

- The study of moral behavior
- The relationship between values and ethics are inseparable in a profession
  - Professionals function from a professional/not personal stance
- Codes reflect the normative value of the professional group
- Codes equip EAP professionals with guidelines and resources to support ethical decision making

Ethics is...

- Based upon choice rather than mandate
- Contingent on a specific set of facts
- Derived from experience ("reasonable person")
- Consideration of all other's interests

Ethics is...

- Not about law, or about policy
- Choosing between two goods or the lessor of two evils
- Not judgmental or imposition of personal values
Purpose of Professional Codes

- Represent a transformation
- Provide standards and guidelines
- Regulates the professional/client relationship
  - Protection from exploitation for both the professional and the client

The Fundamental Tenets

- Foster Good (benevolence)
- Do no Harm (non-malevolent)
- Resolve controversial issues
- Foster Autonomy

Codes of ethical conduct date back to at least 400 B.C. (Hippocratic oath)

Ethical Codes vs Codes of Conduct

A Profession’s Identify and a Practitioner’s Behavior

- EAPA Code of Ethics
  - The profession as a whole
- CEAP Code of Conduct (EACC)
  - The expectation of the professional’s behavior
Eight Ethical Principles

- Service
- Beneficence
- Role Fidelity
- Integrity

Eight Ethical Principles, cont.

- Respect for Client’s Rights
- Non-malfeasance
- Confidentiality
- Competence

Ethical Dilemmas – defining

The collision of two or more values; benefit or harm may result
Potential Areas for Ethical Dilemmas

- Multiple relationships
- Confidentiality within an EAP framework
- Boundaries/Conflicts of interest
- Distinction between ethical and legal issues
- EAP business practices
- Conflict between ethical codes/standards between professions

Ethical Decision – Making Models

- Designed to help resolve conflicts
- Generally constructed to reflect the professions’ codes of ethics

What has your experience been using ethical decision making models or frameworks?

Where to find the EAPA decision-making model
http://www.eapassn.org/About/About-Employee-Assistance/Ethical-Issues-and-Codes

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Exercise #1

Age Discrimination

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Age Discrimination, cont.

1. How do you assist the employee client?
2. What if any role do you have in addressing this with the client company?

Ethical Conduct: Clients

- Confidentiality
- Management or mandatory referrals
- Documentation
- Informed consent

Ethical Conduct: Professional

- Boundaries of competence
- Representation of credentials
- Referral and follow-up practices
- Withdrawal of service
- Proprietary information and products
**Ethical Exercise #2**

**Drugs, Alcohol or Medical Condition**

Jamie, a 24 yr. employee of the company, has been working in a remote position for the past 2 years. Jamie has faithfully joined virtual staff meetings and has been an active participant. About 4 months ago, Jamie’s significant other was killed in a car accident. Jamie returned to work quickly and was reluctant to talk about the loss with colleagues. Over the past year Jamie began complaining of migraines. The colleague thought that Jamie was planning to schedule a doctor’s appointment. Jamie is a very private individual and did not discuss anything further about his own health condition.

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Jamie calls the EAP soon after the meeting to schedule an appointment to discuss “a number of issues”. Within minutes of Jamie’s call, the supervisor calls to ask if Jamie is sharing about his drug/alcohol use. Jamie is in a safe sensitive industry, but not a safety sensitive job. Does it matter?

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Ethical Conduct: Clients

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Ethical Dilemmas and Technology

- The use of technology by EAPs is:
  - Increasing
  - Presents unique ethical dilemmas

Facebook, Twitter, Instagram

- Have program policies regarding Facebook and Twitter
EAP Counselors must be aware that all of their online postings, blogs, or chats may be viewed by clients and will stay online in some form, forever.

Emailing Clients and Providers

HIPAA New Rule Regarding Email

Privacy Rule allows EAP providers to communicate electronically with clients using reasonable safeguards:
- Checking email for accuracy
- Sending an email test message
- Limiting the amount or type of information disclosed
- Using a secure portal
- EAP providers can email clients if they consent to unsecure email
- Clients can initiate email communications with EAP providers using email
**Ethical Exercise # 3**

**AN EMAIL GONE ASTRAY**

An Email Gone Astray

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Ethics Differs From Law

- Ethics are guidelines for conduct.
- Laws are rules developed by governments in order to provide balance in society and protection to its citizens.
- Ethics is value based, what is right and wrong.
- Laws are enforced by governments to its people.

Ethics Differs From Law, cont.

- Ethics represent moral codes which every person/association/group is expected to conform to.
- Laws are codifications of ethics meant to regulate society.
- Ethics do not usually carry any punishment to anyone who violates it.
- The law will punish anyone who happens to violate it.

Ethics, Workplace Policy and Laws

QUICK QUESTION

What are some examples of how ethics, workplace policies and the law can collide?
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Responsibilities of the Employee Assistance Professional

- To colleagues and other professionals
- To employees as clients
- As professionals
- To employers or work organizations

Responsibilities of the Employee Assistance Professional, cont.

- In conducting research
- To vendors and providers
- To the employee assistance profession and broader society
Ethical Decisions are Situational

- Things to consider:
  - Confidentiality
  - Informed consent
  - Avoiding harm
  - Professional responsibilities, such as seeking consultation

Making Ethical Decision-Making Work

Personal discussion and interaction with others, such as:
- Workplace Associates
- Workplace Supervisor
- Professional Association Colleagues
- EAPA chapter/branch members
- EAPA’s Ethics Education Panel – ethics@eapassn.org

Ethical Exercise #4

Do you have a case in mind?
Navigating the minefield of ethics

- Sharing
- Collaborating
- Reaching out for supervision or mentoring
- Understanding that none of us are perfect
- Learning from past experiences

Now we’re at the end . . .

Further case discussion?

Questions?