

Can an Employer Ask Me to Do Something Illegal?

Yes, an employer can ask you to do something illegal. If you believe you are being asked to engage in illegal activity, you should refuse.

Below are guidelines on handling an illegal request, including a brief personal perspective, practical steps, and resources.

Personal Perspective - In my experience as an HR professional, I encountered a situation where a senior leader requested actions that would involve falsifying reports to a government agency. I firmly refused and sought a constructive discussion with the executives involved. The situation escalated, and I faced retaliation. After documenting the events and seeking appropriate support, I ultimately chose to exit the role. This illustrates the importance of protecting ethical standards and personal legal responsibility, even in challenging circumstances.

What are your responsibilities if your employer asks you to do something illegal?

- **Personal liability:** You can be held legally responsible for illegal actions, even if an employer ordered them. “Just following orders” is not a valid defense.
- **Rights and protections:** You have the right to refuse illegal activity, and you are protected from retaliatory termination for refusing to engage in illegal conduct.
- **Documentation:** Record the request, including date, time, and the names of those involved. Preserve any relevant communications (e.g., emails) for your records.

Steps to take if you are asked to do something illegal

1. Refuse and seek information

- Refuse to participate in the illegal activity.
- Ask clarifying questions to understand the intent and legality:
 - Is this consistent with our policies and legal obligations?
 - What are the potential legal or financial consequences?
 - Who would be responsible for signing or approving the documents?

2. Gather information and assess risk

- Consider questions such as:

- Could I face legal penalties or criminal charges?
- Could this action harm third parties or damage the organization's reputation?
- How would this affect my professional integrity and conscience?

3. Request a formal discussion

- Propose a meeting with the relevant parties (e.g., supervisor, CFO, legal counsel, or HR) to review the request and alternatives.
- Seek written confirmation of policies and approved procedures.

4. If pressure or retaliation occurs

- Document all incidents of pressure, threats, or retaliation.
- Report concerns through appropriate channels (HR, compliance, or a designated ethics line).
- If the situation does not resolve, consider external counsel or legal advice.

5. When a decision is still being pushed

- You have a professional and legal obligation not to participate in illegal acts.
- Consider escalating to higher levels of management or outside help, if necessary.
- Depending on the severity, you may need to pursue administrative remedies or leave the organization if the risk remains unacceptable.

What to do next and who to contact for support

- File a formal complaint with your HR department if you face threats, harassment, or retaliation.
- Seek guidance from sources outside of the organization to understand your rights and options in your jurisdiction.
- If applicable, consult with your union or professional association.
- **You may also contact a trusted private advisor or accountability organization like PeopleFirst Workplace Advocacy for confidential guidance.**

