Beyond Equal

The Ethical Case for Treating People Differently at Work



With Presenter
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UPSTREAM ACADEMY

Start With A Decision

Two employees. Same role.
Different circumstances.

Should they receive the same answer?



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The Flexibility Dilemma

Jordan and Casey hold the same role on the same team. Jordan is permitted to work remotely three days each week because of an ongoing family responsibility. Casey asks for the same arrangement. The manager denies the request because Casey has recently missed deadlines, requires closer supervision, and has not consistently communicated when work is at risk.

Is the decision fair?

Discuss At Your Table

- What drove your answer?
- What additional fact would most influence your decision?
- Does fairness require the same outcome?
- Complete: “Fairness here depends most on _____.”

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Fair Does Not Have One Shared Meaning

- Some focused on different circumstances.
- Some focused on performance.
- Some needed more information.

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Today's Central Idea

Equal dignity is nonnegotiable.

Identical treatment is not.

Ethical consistency means applying defensible principles, even when they produce different outcomes.

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Why Parity Feels Ethical

- Visible
- Simple
- Objective
- Defensible
- Predictable
- Safe



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Parity Can Protect Trust

- Common baselines
- Clear standards
- Predictable processes
- Protection from arbitrary preference

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Parity Can Conceal Avoidance

- “That is the policy.”
- “We make the same decision for everyone.”
- “If we make one exception…”



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Ethical Fading

A decision can lose its moral visibility when we frame it only as:

POLICY | EFFICIENCY | BUSINESS

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Bounded Ethicality

Good intentions are not enough.

Automatic judgments, loyalties, incentives, and blind spots shape what we see.

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Sometimes Parity Is A Hiding Place

Sometimes ”we treat everyone the same” is a principle.

Sometimes it is a hiding place.

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Where Does Parity Show Up?

Choose one:

Flexibility | Workload | Compensation | Development
Promotion | Recognition | Performance | Access

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The Parity Audit

- Where do we default to identical treatment?
- What legitimate purpose does that serve?
- Who might be disadvantaged?
- What differences might deserve consideration?
- Complete: "Parity becomes a problem when _____."

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What Parity Can Overlook

- Different starting conditions or needs
- Different contribution, readiness, or conduct
- Unequal access to the same resource
- A performance issue hidden inside a policy decision

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Which Differences Should Matter?

- Sameness is fair when differences are irrelevant.
- Sameness is questionable when relevant differences are ignored.
- Differentiation is questionable when irrelevant differences are allowed to matter.

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A Difference Is Not Inherently Relevant

Its relevance depends on the purpose of the decision.

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Potentially Relevant

- Performance or conduct
- Responsibility and risk
- Capability or readiness
- Individual need or circumstance
- Contribution and effect on others
- Legitimately connected history

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Immediate Concern

- Personal comfort or friendship
- Similarity to the leaders
- Status, proximity, or political influence
- Visibility mistaken for contribution
- Preferred personality or working style
- Protected characteristics when irrelevant

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Four Fairness Lenses

- EQUALITY – same allocation or rule
- NEEDS & ACCESS – support required to participate
- CONTRIBUTION – outcomes reflect responsibility or impact
- PROCESS – accurate, consistent, respectful decision-making

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Equality

Everyone receives the same allocation, opportunity, rule, or consequence.

- Strength: predictability and common baseline
- Risk: meaningful differences disappear

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Need & Access

People receive what is required to participate, contribute, or succeed.

- Strength: removes barriers
- Risk: need can be hard to assess or explain

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Contribution

Outcomes reflect responsibility, effort, results, impact, or value created.

- Strength: connects reward to contribution
- Risk: visible output can obscure teamwork, opportunity, or context

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Process

Fair decisions use accurate information, consistent criteria, appropriate voice, respectful treatment, and honest explanation.

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Which Fairness Should Govern?

Choose: compensation, flexibility, promotion, workload, development, recognition, or corrective action.

- Which lens should carry the greatest weight?
- Which should carry the least?
- What second lens is needed as a safeguard?



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One Lens Is Rarely Enough

- Compensation: contribution + process
- Development: readiness/need + access
- Flexibility: need/job reality + process
- Corrective action: process/context + standards

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When Sameness Creates Unfairness

- Equal resources ≠ equal access
- Equal management ≠ appropriate support
- Equal opportunity ≠ equal readiness or visibility
- Equal workload ≠ equal burden

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Four More Parity Traps

- Equal reward can erase contribution
- Equal consequences can ignore context
- Equal flexibility can ignore job reality
- Equal treatment can preserve leader comfort



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Discretion Raises The Ethical Burden

Abandoning rigid parity does not reduce the ethical burden.

It increases it.

More discretion requires more disciplined and reviewable reasoning.

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Case Lab: Make The Decision

1. What should the leader do?
2. Should people be treated differently?
3. Which difference is ethically relevant?
4. What principle justifies the decision?
5. What is the strongest objection?

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Indispensable Producer

Taylor is one of the firm's largest revenue producers and maintains several strategically important client relationships. Taylor also interrupts colleagues, dismisses staff concerns, and has repeatedly violated the firm's stated expectations for respectful teamwork. Similar behavior by less "valuable" employees has resulted in formal corrective action. Leaders worry that imposing the same consequence could jeopardize revenue and client relationships.

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The Decision Is Easier Than The Principle

Good intentions do not make discretion ethical.

Confidence does not make reasoning defensible.

We need a disciplined test before another person bears the consequences.

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Six Tests for Ethical Differentiation

- Relevance
- Legitimate purpose
- Proportionality
- Consistency
- Transparency
- Impact & pattern

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Tests 1-3:
Why and how much?

- RELEVANCE – Does this difference belong in this decision?
- PURPOSE – What valid human or organizational purpose does it serve?
- PROPORTIONALITY – Is the difference in treatment proportionate to the circumstances?

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Tests 4-6:

Would the reasoning withstand scrutiny?

- CONSISTENCY – Would we use the same reasoning in a comparable case?
- TRANSPARENCY – Can we explain the principle honestly?
- IMPACT & PATTERN – Who gains, who bears the cost, and what pattern might this reinforce?

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Three Cross-Checks

REVERSIBILITY – Would I accept the reasoning from the less favorable side?

PUBLICITY – Would the principle withstand outside scrutiny?

PATTERN REVIEW – Do plausible individual decisions create a collectively biased result?

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Retain, Revise, or Reverse

- One test the decision clearly passes
- The test that exposes the greatest weakness
- One safeguard to add
- Final choice: RETAIN | REVISE | REVERSE
- One sentence explaining the governing principle



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Differentiation Or Favoritism?

ETHICAL DIFFERENTIATION

Relevant factors | Legitimate purpose | Repeatable principle
Proportionate | Reviewable | Pattern-aware

FAVORITISM

Preference or proximity | Convenience or power | Depends who asks
Arbitrary | Hidden | Isolated excuse

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Five Safeguards For Discretion

- Define criteria before choosing the person
- Separate equal standards from individualized support
- Use a second reviewer for consequential exceptions
- Document the principle, not unnecessary private detail
- Evaluate patterns across groups and over time

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Explain The Decision Without Exposing The Person

1. Acknowledge the concern
2. State the common principle
3. Name relevant factors you can disclose
4. Protect privacy
5. Describe how comparable cases are considered
6. Invite a direct question

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Transparency Is About The System

If we cannot explain the principle, we may not have one.

Transparency does not require disclosing someone else's private circumstances.

Explain the basis of the system – not every confidential fact within it.



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Examine Your Own Decisions

- I may be using parity to avoid…
- I may be differentiating without a strong enough principle when…
- One decision I need to examine is…
- One question I will begin asking is…

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What did we miss?

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Equal dignity. Defensible difference.

Ethical leadership does not promise everyone an identical experience.

It promises equal dignity, relevant reasoning, responsible judgment, and decisions that can withstand scrutiny.



Thank you.

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