

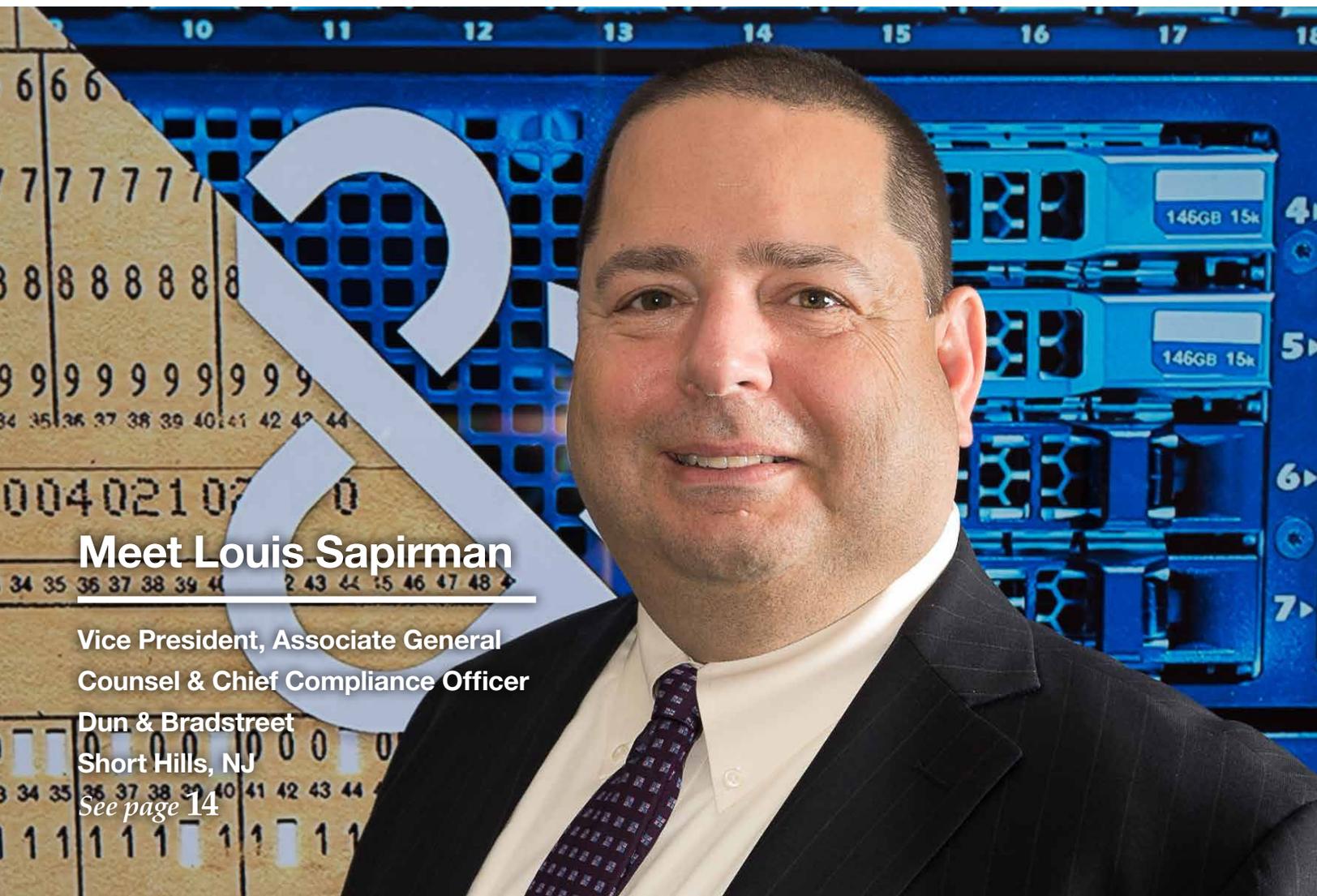
# Compliance & Ethics Professional

November  
2016



A PUBLICATION OF THE SOCIETY OF CORPORATE COMPLIANCE AND ETHICS

[www.corporatecompliance.org](http://www.corporatecompliance.org)



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by Tucker Miller, JD

# What ethics and compliance professionals can learn from the EEOC

- » It starts at the top—leadership and accountability are critical when it comes to behavior in the workplace and building a positive workplace culture.
- » Training cannot occur in a vacuum. Training must bring realistic, practical, and relevant lessons to the workforce.
- » The most effective way to keep people on the side of legal and acceptable behavior is to have a culture that continually reinforces the why and how of the desired behaviors.
- » It's on us. Compliance must be seen and treated as the responsibility of everyone in an organization.
- » Implement the lessons learned from the findings in this EEOC Task Force report, including doing more to get leaders engaged.

In June, the Equal Employment Opportunity Commission (EEOC) released new recommendations on how to prevent and reduce harassment in the workplace.<sup>1</sup>



Miller

Although the task force that produced the report was specifically assigned to study sexual harassment, many of their discoveries about what makes harassment prevention programs effective (and ineffective) are directly relevant to professionals working in ethics and compliance as well.

## The four conclusions

Let's look at four conclusions from the harassment prevention report and compare them to challenges in compliance and ethics.

### Statement 1: "It starts at the top—leadership and accountability are critical."

The task force found that an organization's *culture* determined whether harassment

flourished or withered, and that building the right culture must "start with and involve the highest level of management." This finding is not unlike the connection that compliance professionals have established between organizational culture and ethics.

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Starting at the top means that top leadership must do more than avoid offensive or unethical behavior themselves. Instead, they set the tone

and must embrace their role by openly speaking about ethics and compliance. Through their own behavior related to stated values and expectations, they must model how others are expected to demonstrate their commitment. More than talking though, it's the ways that leaders put organizational values into day-to-day actions that set the tone and make the biggest difference. If leaders don't behave in ways that align with values or that are not ethical—or if they are not held accountable for breaches—the viral impact of their unacceptable behavior will have a detrimental impact on the entire organization and perhaps its reputation.

**Statement 2: “Training cannot occur in a vacuum.”**

The task force characterized harassment training over the past three decades as being “too focused on simply avoiding legal liability.” How can that be a bad thing? What the task force recognized is that efforts made to reduce harassment “cannot occur in a vacuum—[they] must be part of a holistic culture of non-harassment.” The same is true for compliance. In both areas, behavior occurs across a spectrum, and there are slippery boundaries between acceptable and unacceptable, legal and illegal. The most effective way to keep people on side of legal *and* acceptable behavior—whether for compliance or harassment—is to have a culture that

continually reinforces the why and how of the desired behaviors.

**Statement 3: “New and different approaches to training should be explored.”**

One of the most common statements I hear from compliance professionals is that everything would be fine if people who had

One of the most common statements I hear from compliance professionals is that everything would be fine if people who had been to training just did what they were taught.

been to training just did what they were taught. Leaders often say, “Why can't everyone just do the right thing?” The EEOC report points out the fallacy of this argument. It recognizes that: “Training can increase the ability of attendees to understand the type of conduct that is ... unacceptable in the workplace ... [however] it is less probable that training programs, on

their own, will have a significant impact on changing employees' attitudes.”

That's not to suggest that training should be abandoned. Far from it! It just needs to be shaped differently. In fact, the report—which recognizes the positive impact that effective compliance training can have on lowering harassment—explicitly states that “Compliance training ... should not be canned, one-size-fits-all training,” [rather it must be] “tailored to the specific realities of different workplaces.” Training must provide people with not only an understanding of what they should *not* do, but also help them know what *to* do by giving them a chance to practice how they would react to a variety of situations. The training must ultimately encourage employees to make a commitment to doing the right thing.

**Statement 4: “It’s on us.”**

One of the most critical findings in the EEOC report was summed up this way: “Harassment in the workplace will not stop on its own—it’s on all of us to be part of the fight to stop workplace harassment.” The task force therefore calls on all employers to launch what they call an “*It’s On Us*” campaign so that harassment efforts move from being about “targets, harassers, and legal compliance” to focusing on how “co-workers, supervisors, clients, and customers all have roles to play in stopping such harassment.”

Similarly, compliance professionals looking to stop unethical behavior are confronted with the same challenge. We will not see improvements in ethical behavior unless everyone recognizes the role they play in not simply behaving ethically, but in speaking up when they think something is amiss. Compliance must be seen and treated as the responsibility of everyone in an organization.

**Implementing the lessons**

What I saw in these four points from the EEOC report were best practices for shaping organizational behavior, which is essentially what compliance and ethics are all about, as is harassment prevention. That’s why I think compliance and ethics professionals could help their organizations by:

1. Doing more to get leaders engaged;

2. Focusing on shaping culture and not just training employees;
3. Adopting new approaches for training that bring realistic, practical, and relevant lessons to the workforce; and
4. Making sure that everyone in the organization feels it is their personal responsibility to behave ethically and improve compliance.

These actions won’t necessarily come easily, because compliance is often treated as a “have-to” instead of a cornerstone

for organizational success. That’s why it’s so important to encourage compliance professionals to partner more closely with Human Resources and other stakeholders throughout their organization as a means of driving business

outcomes and leveraging compliance as a business multiplier, not a “check the box” requirement. Building a stronger and wider fan base, as it were, will help your organizational leaders see the necessity of supporting the four recommendations borrowed from the EEOC report to make a positive impact not only on compliance, but business performance overall. \*

1. U.S. Equal Employment Opportunity Commission: Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic. Executive Summary and Recommendations. June 2016. Available at [https://www.eeoc.gov/eeoc/task\\_force/harassment/report\\_summary.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report_summary.cfm)

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