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SCCE's Code of Professional Ethics: A valuable resource for compliance and ethics professionals

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Consider this: A compliance and ethics professional (CEP) learns that the organization she works for owes a substantial amount of back pay to its workers. The CEO of the company, instead of making good on these payments, is leaning toward not informing the workers of their rights and relying on a statute of limitations to run out so the company doesn't have to pay. The CEP realizes that, according to the law of the land, what the company is doing is not illegal, but it is unethical.

What can she do?

One way to navigate this issue is to rely upon the Society of Corporate Compliance and Ethics Code of Professional Conduct (https://bit.ly/2WsY8lz).

The very first principle in the code, Obligations to the Public, contains rules of conduct that give the CEP a roadmap for how to handle thorny issues of ethics within an organization. Specifically, Rules 1.1 and 1.4 help to address the situation described above:

> R1.1 CEPs shall not aid, abet or participate in misconduct.
>
> R1.4 If, in the course of their work, CEPs become aware of any decision by their employing organization which, if implemented, would constitute misconduct, the professional shall: (a) refuse to consent to the decision; (b) escalate the matter, including to the highest governing body, as appropriate; (c) if serious issues remain unresolved after exercising "a" and "b", consider resignation; and (d) report the decision to public officials when required by law.

The situation described above really happened. The CEP in question really did consult the code, and after reading through it, decided to escalate the problem to the board of directors. The board tends to have a longer view on things, and they let the CEO know that the risks of not paying the workers far outweighed the costs of paying what the employees were due.

So in this case, unethical conduct was averted with help from perhaps the most underutilized resource in the ethics and compliance officer's toolbox: the profession's own code of conduct.

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