

The Complete Compliance and Ethics Manual 2023 Harassment in the Workplace: Leadership Impact and the Role of the Compliance and Ethics Practitioner

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Abstract:

Harassment is not a new issue in the workplace, nor in society as a whole, but it has hit our radar recently in a very powerful manner, in what many have referred to as a reckoning. What was once a very individual experience, one that was private and sometimes accompanied by shame and fear, has shifted into a very public discussion around leadership accountability and corporate transparency. This has placed a prominent spotlight on workplace culture and the role of the compliance and ethics practitioner. This article unpacks the various elements of workplace harassment, the impact on culture, and breakdown in trust. The discussion addresses the legacy approach to training, why and how that approach needs to change, and why training alone will not transform behavior. Recommendations are offered, including the need to invest in and develop leaders with the critical skills of active listening, values-based decision-making, and approachability. Further guidance provides practical steps compliance and ethics practitioners can take to build a more collaborative, cohesive strategy for fostering a safe, ethical workplace culture. The underlying theme establishes that **compliance** is an outcome of a healthy culture.

Introduction

The test of a leader is how they respond to crisis. The leader at the top of the organization should set the tone and own accountability to lead and transform the culture. This includes promoting and building ethical institutional structures so that the workforce feels safe, knowing that any complaints are heeded, investigated, and addressed. The storm of recent headlines on sexual harassment and misconduct scandals points to unfortunate patterns characterized by companies that showed little evidence of accountable leadership, placed profits over values, and enabled a culture of complicity. Leaders have a responsibility to take action when misconduct is reported. Neglecting this responsibility is costly, both reputationally and financially. Most importantly, the human cost is irreversible. Fear and mistrust can drive a victim to feel powerless, eroding the entire DNA of the organization.

Abuse of Power

People in positions of power who harass, discriminate, assault, and demoralize others do so because they can. These actions are not necessarily happening in the dark—the behavior can happen in the open. Often the perpetrators are quite infamous for their toxic behavior, and as the headlines confirm, corporations have failed to hold them accountable.

It's been said that where lies power, lies increased risk. Business leaders have the power—and responsibility—to prevent sexual harassment, misconduct, and abuse in the workplace. The compliance and ethics practitioner has a responsibility to shape and build the foundation of their programs to promote an ethical workplace. All of the sexual harassment cases in the headlines spotlight organizations that had the basic building blocks of a compliance and ethics program, including a code of conduct, an ethics hotline, and dozens (if not hundreds) of policies. Yet these instruments alone did not (and could not) cultivate a harassment-free culture. These tools did

not hold or enforce behavior accountability. Sometimes there is a lack of clarity on what the tools and resources really mean in the context of everyday workplace decisions and experiences. For a victim, ambiguity creates uncertainty. When a victim is experiencing fear or shame, ambiguity can prevent the action necessary to eradicate the toxic behavior. Ambiguity can dampen the courage for a victim to report misconduct.

A study by the Equal Employment Opportunity Commission in New York found that when female participants were asked if they had experienced sexual harassment at work, without defining the term, only 25% reported experiencing some form of harassment in the workplace. But when specific examples were mentioned to illustrate the definition, such as asking for sexual favors, creating a hostile work environment, imparting crude and toxic humor, 60% of the female respondents reported experiencing some sort of sexual or gender harassment.^[2]

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