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Incoming CEO of
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by Joe Murphy, CCEP, CCEP-I

The CECO and the fight against harassment

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In a recent article on 2017 developments, Rebecca Walker discussed the increased focus by the U.S. Department of Justice (DOJ) on the role of the chief ethics and compliance officer (CECO), including independence, authority, and direct contact with the board. Similarly, DOJ looked at empowerment of the field compliance people.



Murphy

This focus reminds us of a weakness in the anti-harassment effort—failure to address power imbalances. There has been occasional recognition that much harassment involves the abuse of power. If the harasser has power over the victim, this weakens the victim's ability to react. If the victim can get support from a different power source, like a strong CECO, then the odds are improved.

Yet in the typical approach to harassment, the emphasis is primarily formalistic: Have a policy, training, and reporting system, and react to calls. But what about the issue of power? Where is the authority and independence of the person you call when you report harassment? Where is the support at the executive level?

Like it or not, it takes power to control power. If employees call a department that lacks real power, what protection can they expect? What if they talk to a local manager who reports to the same local boss engaged in the harassment? Why would a vulnerable employee call someone who cannot protect

them and lacks the power to get results? Why would they call someone whose lack of independence means they will likely take the side of the powerful manager? This is another reason why anti-harassment compliance needs to be part of an empowered, overall compliance program and be subject to rigorous standards like those found in the Federal Sentencing Guidelines.

To address any form of misconduct, including harassment, the CECO needs to be empowered and independent. The CECO must have the clout to confront the strongest, most powerful managers. To do this, the fate of the CECO needs to be in the hands of the board, not the managers; a strong employment contract requiring cause for termination would also be a plus. And throughout the field organization, the compliance and ethics people need a strong support line to the CECO so they have this same protection.

The treatment of harassment needs to be tied directly into this powerful compliance system. The CECO's job and professional responsibility include using their best efforts to prevent misconduct. It also includes taking effective steps to prevent retaliation. Compliance people know such things as the importance of reporting on results so victims have confidence in using the reporting system.

If we are going to prevent harassment, we cannot ignore the importance of power. Abuse of power is a source of harassment. Having a CECO and compliance organization with power and independence is essential for all areas of compliance, and especially so in harassment. *