

**SCCE Compliance and Ethics Institute  
September 16, 2019**

***Advanced Discussion Group (DG4)***

***Retaliation: Real or Imagined in the Age of Speak-  
Up Cultures***

***What Are You Doing to Address Employee Concerns  
in Your Organization?***

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**Discussion Group**

- **Purpose:**
  - **To bring compliance professionals together to share ideas and best practices.**
  - **Increase communication among the group participants.**
  - **Learn from each other's knowledge and experience.**
  - **To meet colleagues and make new friends.**
  - **To have fun!**

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## **Session Objective**

**Explore and discuss aspects of participants methodologies and experiences dealing with retaliation in the workplace.**

- **Education for employees and supervisors to help them recognize, prevent and correct retaliatory behavior.**
- **Education for recipients of reports of misconduct.**
- **Providing assurances to reporters of misconduct.**
- **Feedback to supervisors and managers.**
- **Communicating Lessons Learned to others.**
- **CECO Role in Corrective and Disciplinary Actions.**
- **Other related topics, time permitting.**

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## **What is Your Principal Area of Responsibility?**

- 1. Ethics & Compliance**
- 2. Human Resources**
- 3. Legal**
- 4. Internal Audit**
- 5. Accounting & Finance**
- 6. Other**

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## **How long have you been a Compliance and Ethics Professional?**

- 1. Less than 1 year.**
- 2. 1 to 3 years.**
- 3. 4 to 5 years.**
- 4. 6 to 10 years.**
- 5. It seems like forever!**

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## **Who do you report to functionally?**

- 1. Board/Audit Committee**
- 2. CEO or President**
- 3. CFO**
- 4. VP, Human Resources**
- 5. General Counsel**
- 6. Other**

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## **Which best describes your Company's Methodology for Engaging Management in your E&C Culture?**

1. Very comprehensive program of supervisor onboarding, regular education/training and ongoing communications from the CECO to all management personnel.
2. Targeted classroom training for new supervisors and annual refresher training for supervisors and managers.
3. Periodic online training modules targeted specifically to supervisors and managers.
4. They get the same level of education and training that all employees get.
5. What methodology?

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## **Which response best describes the extent to which a "Speak-Up Culture" and "Consequences for Employee Retaliation" are communicated to all Employees?**

1. They are key topics in regular employee education and communications from Management.
2. These topics are addressed annually in E&C Refresher Training.
3. These topics are covered in our online training modules.
4. Actually, very little has been communicated to all employees about these topics.

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## Let's Discuss

**Do you believe your organization has a fearless Speak-Up Culture?**



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## Let's Discuss

**If so, can you prove it and how?**



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**Quick Quiz: According to the 2019 Ethisphere Ethical Culture Survey what % of employees surveyed said they knew how to report ethical concerns or observed misconduct at their companies?**

- 1. 55%**
- 2. 68%**
- 3. 82%**
- 4. 98%**

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**Do supervisors in your organization know how to recognize retaliatory behavior in the workplace?**

1. Absolutely, positively, yes!
2. Most would likely know how to properly respond.
3. There might be some issues that fall through the cracks.
4. I'm getting a little nervous just thinking about this!

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**Who in your organization has primary responsibility for educating employees on Policies and Procedures?**

1. Ethics and Compliance
2. The Subject Matter Expert
3. Human Resources
4. Legal
5. Immediate Supervisors
6. Other

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**What is your methodology for communicating E&C lessons learned to supervisors to help them properly address employee concerns or reports of misconduct?**

1. Regular use of On-Line training modules.
2. Interactive Classroom Training.
3. Periodic Supervisory Newsletters.
4. Education and Training on an 'As Needed' basis.
5. Other.

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Let's Discuss

# Silence is Golden – NOT!



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**What would a supervisor at your company likely do if an employee reported to them that they were being retaliated against for reporting misconduct?**

1. Escalate the report to others in Management.
2. Take matters into their own hands.
3. Confront the employee alleged to engage in the misconduct.
4. Tell the reporter not to worry about it, that it would be addressed.
5. Probably nothing at all.



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**How knowledgeable are supervisors and managers of whistleblower laws and protections against employee retaliation (e.g., Dodd-Frank Act)?**

1. All are keenly aware of Whistleblower laws and our Non-retaliation Policy is well communicated.
2. Most are aware, but there are some who just don't get it.
3. It's a real challenge getting everyone on board with these laws.
4. Who's Dodd-Frank?



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**Going forward, I will likely take the following measures to address the risk of retaliation in my company.**

1. Develop and deliver more educational and training materials for all employees.
2. Increase communications to all employees.
3. Work closely with Human Resources to obtain information from employee exit interviews.
4. All of the above.
5. Probably little or no more. They already get it!

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**In closing please remember that what you see, hear  
and say in Washington, D.C....**



**...take home and share with your organization!**

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**Questions?**

**Comments?**

**Observations?**

**Recommendations going forward?**

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