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!

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

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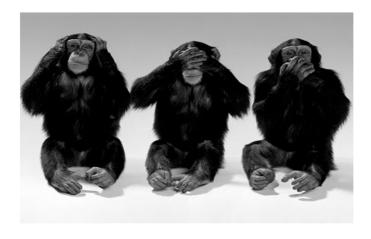
Which response best describes the extent to which a "Speak-Up Culture" and "Consequences for Employee Retaliation" are communicated to all Employees?

- 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 known 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!

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.

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.

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!

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?