

# Compliance & Ethics Professional

March  
2015



A PUBLICATION OF THE SOCIETY OF CORPORATE COMPLIANCE AND ETHICS

[www.corporatecompliance.org](http://www.corporatecompliance.org)



## How Ernst & Young is training its Brazilian team

by Adam Turteltaub

Vice President of Membership Development at SCCE

See page 14

17

Eight steps in launching an information governance program

Mark Diamond

27

The dominant CEO: Great for business and terrible for compliance?

Ted Banks

37

Myths of anti-corruption compliance

Alison Taylor

41

Compliance dilemma: It takes disruption to beat corruption

Geert Aalbers

by Steven Priest

# Sexual harassment training: The law doesn't get you there

*An interview with Rebecca Walker ([rwalker@kaplanwalker.com](mailto:rwalker@kaplanwalker.com)),  
Partner at Kaplan & Walker LLP in Santa Monica, CA.*

**Steve Priest:** Rebecca, you just provided sexual harassment training for a client, and no doubt it was tremendous. Did you focus only on sexual harassment laws?

**Rebecca Walker:** Not at all. In fact, while I did discuss the laws, that was undoubtedly



Priest

the least interesting part of the presentation. The focus of the training was instead on the more interesting—and elusive—concepts of respect, ethics, and integrity. We watched videos and reviewed case studies—some of which portrayed legal violations and some of which portrayed behavior that may not violate the law, but is simply inappropriate in the workplace.

**Steve:** I hope Harvard Law School does not disown you. It is important to go beyond legal regulations. Several years ago, I did harassment training for a US government agency that had been in trouble because they had some men doing really stupid things. Amazingly, many gave me grief about taking the fun out of work. Reciting the law didn't help. Talking about their wives and daughters did.

**Rebecca:** Absolutely. When you talk to employees about legal requirements, they often respond defensively or even hostilely to sexual harassment training. But when we reframe the conversation in ethical

terms, people are usually more open to the discussion. We all want to think of ourselves as ethical, so these concepts touch folks in a way that being "legally compliant" just doesn't. And, in fact, in order to understand sexual harassment law—which relies on a "reasonable person" standard and depends on the context of the behavior—you really have to delve into ethics and social mores.

**Steve:** Outside the U.S., I think basing the discussion on ethics is even more important. Once in Brazil, many women mocked the American standard saying, "Here, if a man doesn't tell us we look nice or doesn't give us a kiss on the cheek, we are offended." This is a perfect opportunity to move the discussion to "what is acceptable and what is not." Talk about making it real.

**Rebecca:** Interestingly, I sometimes get the same pushback when discussing different ways that we communicate. For example, during social media training that I conducted recently, an employee made the argument that harassing behavior was acceptable because it was done over social media. It's important that we explore what is acceptable in various contexts (the office, social events, social media), both because it's part of the legal landscape and because it's necessary to creating a compliant and ethical workplace.\*

**Steve Priest** ([ethical@aol.com](mailto:ethical@aol.com)) is President, Integrity Insight International