Rethinking Workplace Misconduct in a Changing Compliance Landscape

HR DIVE
03.20.2023

In this article, Alejandra Montenegro Almonte, Ann Sultan, Nicole Gökçebay, and Alexandra Beaulieu discuss how companies can best address workplace misconduct in a changing compliance landscape. "Misconduct in the workplace can frustrate a company's culture, cause reputational damage, erode trust in leadership and disengage employees," the authors wrote, adding that "[t]o combat these risks, forward-thinking companies are implementing compliance frameworks to effectively prevent and respond to workplace misconduct." The most effective compliance programs are tailored to each organization's particular operations, risk profile, resources and culture, and are informed by federal guidance. The authors offer seven guiding principles to create an effective compliance program:

- Policies, procedures and training are foundational

- Weak governance and controls enable misconduct to fester and blur accountability

- Culture and conduct at the top matters

- Companies should periodically assess their unique risk factors

- An effective reporting and investigation system is critical

- Incentives and discipline are powerful tools for promoting compliant behavior

- Monitoring and testing facilitate program relevance

By applying these various program components, organizations can mitigate litigation risks and improve employee well-being. "By incorporating the HR compliance program into the day-to-day operations of the business, companies can implement a living and breathing program where each employee bears responsibility for its success, facilitating a feedback loop of information that allows the program to remain effective for the long haul," the authors said.