



Memos to Managers

On Strengthening Culture & Preventing Workplace Harassment

A NAVEX Global eBook

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INTRODUCTION

As an ethics and compliance professional, you already know the vital role managers play in maintaining “tone in the middle.” Employees look to their managers to understand what’s permissible—and managers’ words and actions have a major impact on employees’ choices in the workplace.

NAVEX Global’s monthly eNewsletter, [Compliance Communicator](#), provides ethics and compliance professionals with content they need to communicate the importance of ethics and compliance with the managers in their organizations. The memos are written by our Advisory Services team and other E&C veterans who have been in your shoes and speak to the challenges you face.

In this eBook, we’ve compiled five of the best issues of Compliance Communicator designed to remind managers of their responsibilities in two key areas: maintaining a healthy organizational culture and preventing workplace harassment.

How to Use This Resource

NAVEX Global grants you permission to publish any or all of the content in this eBook to best suit your needs. Simply copy and paste the content you’d like to use into your newsletter, emails or intranet—whatever forum you use to communicate regularly with your managers on E&C issues.

If you’re not already sending regular awareness-building communications to the managers in your organisation, we hope this eBook will inspire you to begin!



1 CULTURE BUILDING: YOUR CRITICAL ROLE AS A MANAGER

You may have heard the term “tone in the middle” and its importance in creating a culture of integrity. But why is it important? And what exactly does a middle manager, squeezed between the frontline and the top tier, need to do to create the right tone?

Why Organizational Culture Is Important

Employees take their cues from you. If something is a priority to you, it’s a priority to them. As their leader, employees look at your attitudes and actions to answer the questions, “What’s really important around here?” and “How do we really do things in this organisation?” The way the workforce thinks, behaves and works is the very definition of organizational culture. And your behaviour is a key factor in shaping that culture.

Intentionally building a culture that has a reputation for ethics and integrity is hugely important for many reasons. But one of the most compelling is that research has shown that ethical companies are more financially successful than others.

In a recent Institute of Business Ethics report, “Does Business Ethics Pay?” research revealed that ethical companies succeed due to higher productivity, more loyalty from customers and investors, the ability to attract and keep the best employees and increased trust and improved collaboration with business partners.

What You Can Do to Create the Right Tone

While ethical culture-building may feel like an enormous responsibility, it is a natural outcome of good management. It is also a primary goal of an effective ethics and compliance programme, in which

you already play a part. There are several things you can do to set the right tone and actively support the compliance programme:

“Model the use of the code and policies when helping an employee answer an ethics or compliance question.”

- » **Be Intentional About the Messages You Send:** Be aware of your words, your actions and your underlying attitudes. Saying or doing something that sends the wrong message, such as “Do whatever it takes to get that done,” or laughing at an off-color joke, speaks volumes about the location of integrity on the priority list.
- » **Play a Role in Education:** When it comes to compliance training, what is your attitude? You can support the initiative by explaining to the staff why it is important and take the training yourself. Periodically, bring in a news clipping or pick a code of conduct topic to discuss in a group meeting that is relevant to the risks employees face. Model the use of the code and policies when helping an employee answer an ethics or compliance question. All of these actions set the tone about the importance of the ethics and compliance programme.
- » **Manage Trust:** This means addressing wrongdoing appropriately and with consistency. Protect confidential information and avoid favouritism.

Keep your promises; tell the truth; be respectful. Cooperate fully with investigations. All these behaviours build trust in you and in the system. Employees view the organisation's commitment to integrity through the lens of how they are treated. Your trustworthiness tells employees if that commitment is real or not.

- » **Respond to Problems:** Asking questions and raising concerns is an important compliance activity. As a supervisor, you are the top resource employees turn to with ethical questions and issues. Your key responsibilities in this role include being available to employees and listening objectively to their issues. Equally important is your duty to handle issues properly and promptly. Never forget to follow up with the person who raised the concern. Your approach has the power to encourage employees to come to you with important issues or shut down the process.
- » **Be Vigilant:** Monitor your work group for signs of potential problems, such as increased employee absenteeism and turnover, poor morale, decreased number of voiced questions and concerns and decreased productivity. You may need to ask for help to dive into the causes behind these changes in employee behaviour.

"As a manager, you play a pivotal role in building and sustaining a culture of integrity."

- » **Use Your Resources:** If you need any assistance to properly address an employee question or concern or in handling signs of misconduct, reach out to any of the resources provided by the organisation—including legal, human resources or your own manager.

As a manager, you play a pivotal role in building and sustaining a culture of integrity. Part of that role is supporting our ethics and compliance programme. The outcome of your efforts will be a happier and more productive workforce and the increased economic success of our organisation.

Related Questions:

Q: When I ask my team why they hesitate to speak up about misconduct, they say they don't want to stick their neck out over a minor issue. How should I respond to them?

A: Your team's response suggests they believe extreme action will be taken for anything reported. Try explaining that every report does not automatically lead to major disciplinary actions. For example, accepting a gift from a vendor that violates your company policies about gift receiving may result only in a word from a manager to send it back or to share it with the department. Any allegation that warrants a full investigation may also result in relatively minor corrective action—a policy may get amended or training may occur. Assure your team that their reports will not be met with an extreme response. Corrective action will be calibrated to fit the severity of the misconduct. Major discipline is reserved for major wrongdoing.

Q: How does the company show the ROI for my active support of the ethics and compliance programme?

A: While the ROI of supporting a strong ethical culture is not necessarily as clear cut as it is with other activities, it is still very significant.

For example, in ethical workplaces, absenteeism is lower and employees are more productive and engaged. In addition, organisations with ethical cultures are in a better position to avoid the lawsuits, government actions and reputational damages that come with ethical lapses. A productive, thriving culture, and all of the business benefits that flow from it, is strong ROI for managers' time spent supporting the ethics and compliance programme.

2 HARASSMENT: STOP IT BEFORE IT STARTS

Many managers assume that harassment isn't a big deal with their employees. But do you really know if harassment is an issue for your employees? Have you asked them?

As a manager, we are looking to you to help watch for and prevent harassment before it starts. A powerful prevention tool every manager has is the ability to talk with and listen to his or her employees. Some simple ideas you can use include:

- » Talk about respect and fair treatment at team meetings—you don't have to overdo it, just weave a couple minutes into a team meeting once a month
- » Reward/recognise employees who do the right thing by speaking up or who contribute to creating a respectful culture
- » Let employees take the initiative and share thoughts about how to improve the workplace culture
- » Talk with employees one-on-one and ask them whether they think harassment is an issue in the work group or the organisation

You're probably reading that last suggestion with doubt. Instead of literally asking them, have a conversation with each employee every quarter (or so) about how things are going in general. Ask them:

- » How are you doing?
- » Are you enjoying your work?
- » How are the team dynamics—and are there any issues or concerns?

- » Have you seen or experienced anything that goes against our value of treating others with respect?

You need to be genuinely interested in hearing your employees' responses and willing to take action: if you aren't, asking questions will backfire. Inaction in the face of problems can result in employee morale issues, resentment and—worse yet—potential legal liability.

Remember, your silence sends a strong message to your employees—"I don't really want to hear about it." Talking about your expectations makes the statement that harassment won't be tolerated. So, as this year begins, take a different approach. Start a productive dialogue with your employees and aim to improve the culture where you work.

"Creating trust with employees is hard; you must be willing to not only have a conversation about how they are being treated by coworkers, but you must also be willing to act when issues are surfaced."

Related Questions:

Q: An employee seems reluctant to talk about something that is bothering her; I suspect a client may be harassing her. What can I do to get her to open up?

A: When an employee is reluctant to speak up, you have a potential trust issue. Maybe she doesn't feel like she can trust that you or the organisation will respond properly. Maybe she fears retaliation if she does speak up. You can start by asking her why she is reluctant to share information. Be prepared to talk about our commitment to investigating, dealing with harassment and that we do not tolerate retaliation of any kind. And if that isn't enough, be prepared to offer up the names of other internal resources (like HR) if she simply wants to talk with someone else. If that doesn't work, reach out to HR and let them know what is going on so they can reach out to the employee directly.

Q: I asked an employee how he was doing, and he said that a male coworker was sexually harassing him. I know the coworker, and I think the complaint is false. Am I still expected to look into it?

A: The short answer is "yes." You need to take every complaint seriously and the organisation needs to look into it. You cannot prejudge a complaint or dismiss one without looking into it fairly. Creating trust with employees is hard; you must be willing to not only have a conversation about how they are being treated by coworkers, but you must also be willing to act when issues are surfaced.

If the employee intentionally made a false complaint, the investigation will establish that and the employee will be disciplined. But, for now, let HR know about the employee's concerns so the organisation can start an investigation. Failing to act will damage trust, morale and can lead to legal liability.



3 HOW'S YOUR TEAM'S CULTURE? THE ANSWER MAY BE MORE IMPORTANT THAN YOU THINK

Team culture can be the root cause of a wide variety of issues that make a manager's job more difficult. Culture is the unwritten set of rules for "how we do things here." Issues with team culture are often the outcome of one or more violations of cultural values or rules.

An unhealthy culture can lead to lost productivity—plus small issues may go unvoiced and become big problems. Then you as the manager are stuck with trying to handle the fallout.

Luckily, there are many early warning signs that your team's culture may be suffering. If you see or experience even one of these signs, think about digging deeper to assess your team's health:

- » Abusive language, attitude or other disrespect such as bullying
- » No one asks questions or brings up concerns and new ideas, which could mean fear of reprisal or inaction
- » Favouritism/cliques
- » Poor morale and lack of teamwork/siloed approach
- » Sense of entitlement (i.e., padded expense reports; missing supplies; complaining)

"As a manager, you have a unique responsibility to assess and address the health of your team's culture."

- » High fatigue/absenteeism and/or attrition
- » High number of issues raised to human resources, compliance or legal, especially if anonymous

Assessing Team Culture: Approaches to Determining the Health of Your Team's Culture

As a manager, you have a unique responsibility to assess and address the health of your team's culture. You are closer to your employees than the ethics and compliance team, and more in tune with cultural cues that may indicate an intervention is needed.

Plus, the tone of your team culture starts with you, so some of the fixes may be personal.

It can be difficult to assess a culture that you're living in day to day. So to get an objective picture of your team culture, consider using one or more of these approaches to gauge your team's health.

- » **One-on-ones:** When is the last time you spoke to each of your team members one-on-one? There may be underlying issues that you can address, if you ask them to share.
- » **Employee satisfaction surveys:** These usually include culture questions that can be very eye opening. Ask HR for the data related to your team from the last employee satisfaction survey—or ask to repeat the survey with only your team.
- » **Exit interviews:** Ask HR to conduct exit interviews with any of your departing team members to uncover any simmering issues that may be impacting your team culture.

- » **Self-reflection:** What are you doing that contributes to the current culture? If you are not sure, try a 360 feedback process to solicit input about your own conduct from your team.

Prioritising your team's cultural health can be difficult with the many tasks on your plate. But a healthy team culture helps make your team happier and more productive—and more likely to take the time to make ethical business decisions.

If you need additional ideas or help with assessing or addressing team culture issues, please contact the ethics and compliance team. They can help you get to the root causes of an issue and, if necessary, get your team back on the right track.



Related Questions:

Q: I suspect that one of my employees is holding back on sharing issues she's having with other members of the team. What should I do?

A: Talk one-on-one with the employee and voice your concern for her. Tell her you've observed that some of her behaviours seem to indicate something is bothering her. Ask her if she is comfortable telling you what the issue is. Genuine human concern is key here. If she says there is no issue or she is not comfortable telling you, suggest setting up a meeting for her with someone in human resources or compliance so that she can unburden herself. Assure her that you are fine with whatever she has to say and that you will not retaliate or let other team members do so. And commit to addressing her issue if it is something within your responsibility.

Q: When I saw signs that our team culture was getting toxic, I asked my team to complete 360 evaluations on my management approach. I think I am a good manager, so I was shocked that the comments they made about me were so negative. What should I do?

A: It can be difficult to see our own conduct the way others do, especially if they judge our behaviour negatively. Remember that we bring to work the behaviours and attitudes we formed within our first team—our family. This may include negativity, favouritism, lack of caring and other traits of a poorly functioning culture. HR can help you with self-awareness tools to create a plan for improvement, but you can begin to turn negative perceptions around now. First, focus on giving positive feedback to your team members. Treat them as you would like to be treated, with caring and respect. Second, examine your management approach and work on areas highlighted by the 360, such as holding people accountable, setting expectations, openly communicating and doing what you say you will do. Third, look at your own behaviour outside the team and outside of work. Nothing you do is a secret to your staff. Even small, positive, personal changes you make can lead to big improvements in your team's culture.

4 MANAGERS HAVE MAJOR IMPACT ON PREVENTING WORKPLACE HARASSMENT AND DISCRIMINATION

Workplace harassment and discrimination, in any form, can damage company culture, stifle innovation and depress morale. But the harmful effects can go much further, creating “career limiting” outcomes for managers and leaders and resulting in serious financial penalties for companies who allow discrimination issues to fester.

As managers, you are in a unique position to help prevent, identify and address potential issues. To help our organisation ensure that we’re fostering a culture of fairness, ethics and respect, while avoiding the risks of legal action, managers need to:

- » **Spot and address potential issues before they grow:** Keep your radar attuned to team dynamics and conversations. If you learn of potential harassment or discrimination, you must address it. Ignoring it is not an option, even if the issue seems small or questionable. It does not matter how you learn of the issue or whether you manage the individuals involved. When in doubt, reach out to compliance, HR or legal teams.
- » **Take every report seriously:** Avoid bias in receiving reports; treat each report with gravity. Know that the organisation does not expect you to investigate or handle every report directly, but we do expect you to notify human resources, legal or the ethics and compliance team who have been trained to appropriately investigate these types of reports.
- » **Proactively manage controversial workplace conversations and interactions:** While it’s hard to avoid talking about controversial issues of the day, create an expectation and understanding that inappropriate comments and conduct will not be tolerated. If conversations become heated, take quick action to shut down the conversation and address the issue.
- » **Don’t assume that your employees know the rules or know when their conduct crosses the line:** Be ready to provide additional coaching or training to employees who may not be aware their behaviour is inappropriate or potentially offensive.
- » **Set the right tone:** Your team looks to you to set the tone. Your actions and your words speak loudly: demonstrate that you will have no tolerance for harassing or discriminatory behaviour by setting the standard. Ensuring our workplace is free of all forms of harassment and discrimination can challenge even the best managers and leaders. If you need additional help with addressing potential discrimination issues, please contact HR, the ethics and compliance team, or legal. They can help you get to the root causes of an issue and, if necessary, get your team back on the right track.

Related Questions:

Q: One of my team members loves to joke around, but sometimes I worry it may go too far and offend someone. What's the best way to talk to a team member who hasn't "crossed the line," but is in danger of doing so?

A: Pull the team member aside for a private chat. Explain that you are worried that they may be at risk of being disciplined based on their behaviour, then explain why their current behaviour is troubling. Show them what our policy says about acting respectfully and avoiding potentially harassing conduct. A best practice would be to send the employee a follow-up email outlining your conversation and thanking them for adjusting their workplace behaviour. This allows you to demonstrate that you addressed the issue if the employee or someone else ever suggests that you did not.

"Your actions and your words speak loudly: demonstrate that you will have no tolerance for harassing or discriminatory behaviour by setting the standard."

Q: What should I do if an employee tells me about potential harassment but then asks me not to do anything and not to tell anybody about it? I feel as though I should comply with their request for confidentiality.

A: Do not keep the matter confidential. Instead, ensure that the issue is reported to HR, legal, or ethics and compliance. Organisations should strive to protect all employees, including the employee who has spoken to you, from harassment and discrimination. We want to act, and this begins the moment any manager or supervisor learns of potential harassment or discrimination. So, it is best to confide in a manager or HR professional about the matter. Explain to the employee that the matter will be kept as private as possible and shared only with people who have a legitimate need to know.

Q: I recently addressed an employee's inappropriate behaviour ("off-color" remarks that violate our policy against harassment). She said she had a right to free speech and I couldn't restrict what she says. I was caught off-guard. Is she right?

A: No, she is incorrect. We are permitted to set the standards of behaviour we believe are appropriate for our workplace. At bare minimum, make sure the employee understands that they should avoid comments and behaviours that are sexually explicit or derogatory of characteristics protected under our policies.

5 RECOGNISING & CURBING WORKPLACE HARASSMENT: WHAT IT IS, WHERE IT HAPPENS AND WHAT TO DO

The effects of harassment on employees and within an organisation can be devastating. Unchecked harassment can erode trust, weaken goodwill and undermine productivity, as well as put our organisation at legal and financial risk. The good news is that managers can help us maintain a positive workplace environment in which everyone has the opportunity to thrive. Here are four ways you can help prevent and stop harassing behaviour in our organisation:

"If an employee tells you about potentially harassing behaviour, assure them that the matter will be taken seriously and will be kept as private as possible. Thank them for coming to you, then reach out to HR and share the employee's concern."

1. Recognize Harassing Behaviour When You See It.

Harassment typically takes one of three forms:

- » **Verbal Harassment:** Sexually explicit or derogatory jokes, innuendo, name-calling, insults, comments or other verbal behaviour based on a person's race, gender, religion, national origin, or other characteristic protected by law or our policies.
- » **Physical Harassment:** Inappropriate physical conduct, including unwanted touching or gestures. While physical harassment most often is based on sex, it can relate to any protected characteristic, including religion and disability.
- » **Visual Harassment:** Any visual materials, including posters, calendars, screen savers, web pages, comics, personal photos—even tattoos—that are sexually explicit or derogatory of a protected characteristic.

2. Address the Behaviour Right Away

As an employer, we have a duty to protect all of our employees from harassment and discrimination. As part of that, you have a "duty to act" whenever you become aware of potential harassment—regardless of how you learn of it. If you see or overhear behaviours that are potentially harassing, the best option is to address it right then, on the spot. You do not need to scold the person or be aggressive, but you do need to point out that their behaviour is inappropriate and stop it. Then email HR to let them know what happened and how you dealt with it.

If an employee tells you about potentially harassing behaviour, assure them that the matter will be taken seriously and will be kept as private as possible. Thank them for coming to you, then reach out to HR and share the employee's concern.

If an employee asks you not to tell anyone, including HR, what they have told you, explain that



you have a duty to alert HR. If they are suffering such behaviours, others might also. You can offer to keep their complaint as anonymous. Remember, doing nothing is never an acceptable option. When in doubt, at bare minimum, reach out to HR or the compliance team for guidance.

3. Know Where Our Policies Apply

Our anti-harassment policies apply in any work-related setting—not just at daily work sites. Company picnics and holiday parties, client sites, conferences and business meals all typically are “work-related settings,” so your duty to address harassing behaviours applies in those settings as well.

We are not responsible for our employees’ purely personal, non-job-related behaviour (thank goodness!). However, if one employee complains that another employee has harassed him or her off the job, we should take steps to ensure that the behaviour does not continue at work.

4. Lead by Example

Your behaviour sets the tone for the workplace. Always be respectful and professional and your team is very likely to follow suit. If you have any doubt, before you act, ask yourself whether you would be comfortable if your behaviour were recorded with a smartphone and then posted to the internet, with a link sent to our senior leadership. If not, the behaviour does not belong in the workplace!

Related Questions:

Q: A number of politicians are saying things on the campaign trail that seem like they would violate our policies if said here at work. If employees are talking politics and repeat what a politician says, is it ok?

A: It doesn’t matter that a politician said it first—if it’s sexually explicit or derogatory based on a protected characteristic, it doesn’t belong in the workplace. Because politics are a natural topic for people to discuss at work, and because those discussions often start out appropriately but then slide into derogatory comments and negative stereotypes, you as a manager need to be vigilant and step in whenever the conversation begins to head into inappropriate territory.

Q: Our department hosted a party at a local restaurant. Everyone seemed to have a good time, or so they said. As I was leaving, I saw two members of my team standing very close and talking intimately. One seemed uncomfortable with the conversation, but neither has said anything to me. Should I speak with either of them?

A: Yes. Because a department party typically is considered a “work-related setting” and because you are aware of the situation, you have a duty to determine whether the conversation was, in fact, unwelcome and related to a protected characteristic. The best way to do that is to speak with the person who appeared uncomfortable. Let him or her know that you are concerned that what occurred may have been unwelcome and just want to check in. If he or she indicates that the conversation was unwelcome—even by saying that “it was no big deal” or “it was nothing I can’t handle”—then you may also need to speak with the other person to ensure that similar behaviours do not occur again. At a bare minimum, let HR know your concerns—don’t ignore what you saw.



ADDITIONAL RESOURCES

- » **Compliance Communicator:** See all back issues at navexglobal.com/comcom
- » **Benchmarking Report:** [2016 Ethics & Compliance Hotline Benchmark Report](#)
- » **Legal Briefs:**
 - [Dutch Whistleblower](#)
 - [New Duties for Ontario Employers Under Ontario Bill 132, Sexual Violence and Harassment Action Plan Act](#)
- » **Sample Policy:** [Global Anti-Harassment & Bullying Sample Policy](#)
- » **White Paper:** [Harassment Investigation Checklist](#)

NAVEX GLOBAL SOLUTIONS

No matter what your E&C challenge, NAVEX Global has the expertise, services and tools to help. Browse our ecosystem, and get in touch with a solutions expert to see how we can help you move your programme forward today.

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