

INTERPERSONAL MISCONDUCT IN THE WORKPLACE

WHAT IT IS, HOW IT OCCURS AND WHAT YOU SHOULD DO ABOUT IT

DECEMBER 2018



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ISBN 978-1-5323-9981-7

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ABOUT ECI

The Ethics & Compliance Initiative (ECI) is a best practice community of organizations that are committed to creating and sustaining high quality ethics & compliance programs. With a history dating back to 1922, ECI brings together ethics and compliance professionals and academics from all over the world to share techniques, research and, most of all, exciting new ideas.

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ABOUT GBES

Since 1994, the Ethics & Compliance Initiative (ECI) has conducted a longitudinal, cross-sectional study of workplace conduct from the employee's perspective. Participants are asked for input on such things as the strength of the culture in their workplace, the instances of misconduct that they have observed, and what—if any—efforts are underway in their organization to promote integrity. The data from the Global Business Ethics Survey (GBES) provides the international benchmark on the state of ethics & compliance (E&C) in business.

Historically, ECI reported findings from the research under two titles: The National Business Ethics Survey (NBES), which provided measures of US workplaces; and the Global Business Ethics Survey (GBES), which expanded the dataset to include input from employees around the world. In 2017, ECI updated both the US and global studies and combined the research under the GBES name. For more information about the study, to access previous reports and to view the 2018 international data, please visit our interactive website at www.ethics.org/GBES.

The focus of this report is on interpersonal misconduct in the workplace, the factors that put companies at risk and ultimately how to support employees who may experience this type of misconduct in the workplace. This report is the final of a four-part series in 2018, and it references data from the 11th implementation of the GBES.

GBES IS THE WORLD'S COMPREHENSIVE, CROSS-CULTURAL SURVEY OF WORKPLACE BEHAVIOR.

Now in its 11th iteration, **GBES** keeps your finger on the pulse of the ethics and cultural climate across the globe.

Employees offer an invaluable perspective when it comes to E&C perceptions, actions and behaviors in the workplace. With each iteration of ECI's Global Business Ethics Survey, we learn more from employees about the need for—and the impact of—corporate efforts to implement E&C programs.

Visit *ethics.org* to download previous GBES research:

BUILDING COMPANIES WHERE VALUES AND ETHICAL CONDUCT MATTER

MEASURING THE IMPACT OF E&C PROGRAMS

THE STATE OF E&C IN THE WORKPLACE

GLOBAL BENCHMARK ON WORKPLACE ETHICS

INTERPERSONAL MISCONDUCT IN THE WORKPLACE

A decade ago, companies made headlines for problems such as bribery, financial manipulation, and fraud. The attention has shifted, though. For the past year, mistreatment of employees, especially abusive behavior, sexual harassment and discrimination, has joined data privacy as a critical issue of our time. #MeToo and #TimesUp have given a name to the larger effort to unearth problems that have festered and to find a path towards safer more respectful workplaces. Efforts to expose the issues have uncovered repetitive patterns of interpersonal misconduct in organizations around the world.

Our heightened awareness of interpersonal misconduct and the toll it takes on individual employees and organizations is a positive development. But more needs to be known about the nature of the issues, the scope of problems, the factors that exacerbate problems and strategies for fostering respectful workplaces.

As part of its Global Business Ethics Survey (GBES), the Ethics & Compliance Initiative (ECI) gathered data to inform the conversations taking place in workplaces and to suggest a constructive path forward. As a result, this report provides answers to the following questions:

- 1. What does interpersonal misconduct (abusive behavior, sexual harassment, and/ or discrimination) look like in the modern workplace? What is the frequency of these behaviors?
- 2. How does interpersonal misconduct occur in the workplace? What are the greatest risk factors?



WHAT INTERPERSONAL MISCONDUCT LOOKS LIKE AND WHERE IT HAPPENS

Frequency and nature of abusive behavior, sexual harassment and discrimination in the workplace

Data from the GBES revealed that more than one in four (27%) employees observed at least one of the following types of interpersonal misconduct in their workplace. Further, 5% of employees have observed all three types of misconduct within the last year.



ABUSIVE BEHAVIOR

Behavior that is abusive, intimidating, or creates a hostile work environment.

SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, other verbal or physical harassment of a sexual nature and/or offensive remarks about a person's sex.

DISCRIMINATION

Discrimination against employees based on race, gender, age, religion, sexual orientation, or similar categories.

In the United States, more than one in five (21%) employees observed abusive behavior in the workplace. Observation of sexual harassment and discrimination were also widespread (12% for each). To make matters worse, these were not minor, isolated incidents.

Most problems happened on multiple occasions (62%) and were deemed "serious" or even "very serious" by observers (61%). Equally troubling, many of those perpetrating the misconduct were middle or senior managers.

For discrimination in particular, employees indicated that most of the observed misconduct (56%) was committed by those in leadership. Some industries seem to be particularly perilous for employees; nearly two out of every five employees (39%) in the accommodation and food services industry have observed at least one type of interpersonal misconduct, while fewer than two in ten (17%) employees in professional services observed an incident of misconduct.

Some industries seem to be particularly perilous for employees; 39% in the accommodation and food services industry have observed at least one type of interpersonal misconduct, compared with 17% of employees in professional services.



A LOOK AT MISCONDUCT IN THE WORKPLACE

TYPE OF INTERPERSONAL MISCONDUCT	ABUSIVE OR INTIMIDATING BEHAVIOR	SEXUAL HARASSMENT	DISCRIMINATION
OVERALL OBSERVATION RATE	21%	12%	12%
FREQUENCY Single Incident Multiple Incidents Ongoing Patterns	24% 33% 43%	17% 42% 41%	19% 44% 37%
PERPETRATOR A Senior Leader A Middle Manager A First Line Supervisor A Non-mamagement employee Someone you work with who is outside company Other	1% 2% 34% 25% 16% 22%	3% 2% 32% 23% 16% 24%	3% 1% 22% 28% 18% 29%
SEVERITY Very Serious Serious Somewhat Serious Not Very Serious Not Serious At All	26% 29%	12% 22% 38% 24%	9% 4% 23% 36% 28%
SPECIFIC OBSERVATIONS	TYPE OF ABUSIVE BEHAVIOR Verbal 88% Physical 24% Online 21%	TYPE OF SEXUAL HARASSMENT Unwelcome sexual 70% comments Intentional physical contact Unwelcome sexual advances or propositions Pressure to engage in sexual activity Preferential treatment for submitting to sexual conduct	DISCRIMINATION BASED ON: Race 58% Gender 49% Ethnicity 47% Age 42% Sexual Orientation Disability 29% Religion 26%

EMPLOYEES AND COMPANIES AT RISK

Some people act with integrity regardless of the situation they are placed in, and others will always act out of self-interest. But the vast majority of people are somewhere in the middle, guided by those around them. In ethical cultures, they will hold the line, and in ethically compromised companies, they will violate norms as well. Company culture makes an enormous difference in employee conduct.

THREE FACTORS PUT EMPLOYEES AND THEIR COMPANIES AT PARTICULAR RISK FOR INTERPERSONAL MISCONDUCT:

1

Poor leadership that fails to model ethical behavior and to hold employees accountable for misconduct.

2

A focus on performance without concern for how it is achieved.

3

Organizational change, such as layoffs, transitions in management, and expansion to new markets.

Risk Factor #1: Poor Ethical Leadership

Leaders set the tone and the priorities. Employees are keenly aware of how leaders conduct themselves and what type of behaviors they value. Companies with "weak cultures," where leaders fail to model ethical behavior or hold employees accountable, have higher rates of reported interpersonal misconduct. The quality of a company's culture—whether it is strong, weak, or somewhere in between—has a profound impact on the likelihood that interpersonal misconduct will occur.



When Ethical Leadership is Lacking, Employees Are at Greater Risk

EMPLOYEES WHO WORK IN ORGANIZATIONS
WITH WEAK LEADERSHIP CULTURES
CHARACTERIZED BY POOR ACCOUNTABILITY AND
MODELING OF ETHICAL BEHAVIOR ARE:



15% vs. 69% more likely to observe abusive behavior.



9% vs. 41% more likely to observe discrimination.



10% vs. 31%

more likely to observe sexual harassment.

IS YOUR COMPANY AT RISK?

Workplaces where employees see the leaders bend the rules, overlook misdeeds, or treat others in disrespectful, inappropriate ways are breeding grounds for toxic interpersonal conduct.

ACCOUNTABILITY

- Top managers would not be held accountable if they were caught violating my company's standards of conduct.
- My direct supervisor would not be held accountable if caught violating my company's standards of conduct.
- Non-management employees would not be held accountable if they were caught violating my company's standards of conduct.

SETTING A GOOD EXAMPLE

- Overall, top management does not set a good example of ethical behavior.
- Overall, my direct supervisor does not set a good example of ethical behavior.
- Overall, my coworkers/peers do not set a good example of ethical behavior.

Risk Factor #2: Performance, Not Process Focused

Employees pay attention to what leadership prioritizes and what it rewards; they respond to incentives—or lack thereof. If good behavior goes unacknowledged and success is measured in business outcomes alone, employees quickly learn that ethical behavior is not valued or important within the organizational culture.



When Management
Does Not Make Ethical
Conduct a Business
Priority, Interpersonal
Misconduct Rises

EMPLOYEES WHO WORK IN ORGANIZATIONS
WHERE ETHICAL CONDUCT GOES UNREWARDED
AND IS A LOW PRIORITY ARE:

IS YOUR COMPANY AT RISK?

All companies care about achieving business goals, but some companies focus solely on success, forgetting about the importance of how that success is achieved.

- Performance goals are not reasonable and can only be achieved by compromising standards.
- Employees are promoted based on results alone, and conduct is not a consideration.
- Company rewards and incentives focus on business objectives alone.
- Ethical conduct goes unrecognized and unrewarded.



5% vs. 26%

more likely to observe abusive behavior.



5% vs. 25% more likely to observe sexual harassment.



12% vs. 38% more likely to observe discrimination.

Risk Factor #3: Organizational Change

When an organization is in transition or change, there is an increased likelihood of interpersonal misconduct. Organizational changes, such as layoffs, management changes, and expansion into new markets often cause uncertainty, stress, and conflicting values and priorities. Problematic interpersonal conduct often follows, and employees suffer as a result.



EMPLOYEES AT ORGANIZATIONS IN SIGNIFICANT TRANSITION ARE:

IS YOUR COMPANY AT RISK?

Organizational change puts employees at risk. Risk is cumulative and increases when an organization experiences more of the following at one time:

- Expansion into new countries and/or markets
- Merger with another organization
- ✓ Acquisition of another organization
- ✓ Acquisition by another organization
- Changes in top management/ leadership
- Layoffs, restructuring, and/or downsizing
- Cost-cutting measures (e.g., compensation/benefits reductions, adjusted work schedules)



6% vs. 29%

more likely to observe discrimination.



6% vs. 27%

more likely to observe sexual harassment.



11% vs. 39%

more likely to observe abusive behavior.

WILL MANAGEMENT KNOW IF THERE'S A PROBLEM?

According to the GBES, about one in three of those who observe interpersonal misconduct do not report it—leaving problems unsolved and putting employees and companies at risk. Raising reporting rates for interpersonal misconduct can be particularly difficult. A report by the Equal Employment Opportunity Commission (EEOC) Select Task Force on the Study of Harassment in the Workplace¹ describes how harassment claims are frequently ignored and trivialized and how the victim often ends up being blamed for causing problems.

While the #MeToo and #TimesUp movements have drawn attention to workplace harassment, it is still extremely difficult for victims to bring forward such claims. Increased reporting of interpersonal misconduct will require focused efforts to provide support and reassurance to potential reporters that their allegations will be investigated without repercussions. It is particularly important that the company has a solid track record of handling claims of interpersonal misconduct with diligence and sensitivity.

There are several critical areas that provide the foundation for employees to feel secure in sharing their experiences of workplace interpersonal misconduct.

- Employees need to believe that the organizational culture values employees speaking up about any type of concern.
- Leaders who continually display transparency and authenticity go a long way in creating a context in which employees feel that the company is open to sharing not only the good, but also shortcomings and failures.



According to the GBES,

~ 1 IN 3 INCIDENTS

of interpersonal misconduct are NOT REPORTED

REPORTING RATES FOR INTERPERSONAL MISCONDUCT:

DISCRIMINATION 36%

ABUSIVE BEHAVIOR 35%

SEXUAL HARASSMENT 30%

THE MEDIAN RATE FOR ALL TYPES OF MISCONDUCT IS 30%.

This needs to be further reinforced by supervisors that employees trust and who model a commitment to ethical behavior. The following section provides more details on these concepts.



While the #MeToo and #TimesUp movements have drawn attention to workplace harassment it is still extremely difficult for victims to bring forward such claims.

^{1.} https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm#_Toc453686298

HOW TO UNCOVER AND FIX PROBLEMS

Step 1: Supervisors show their commitment to ethics.

Research by ECI has repeatedly shown that when employees report misconduct, they most often report it to their supervisors. Unfortunately, not all supervisors routinely model and promote the importance of ethics by their words and actions. Analysis by ECI reveals that employees who trust their supervisors and see them demonstrate a commitment to ethics are also more likely to report the interpersonal misconduct when observed. If supervisors want employees to feel comfortable reporting to them, they need to intentionally demonstrate that they care about ethics and about employees.



Step 2: Nurture a speak up culture.

By their actions and reactions, leaders (at all levels) make it clear whether candor is valued or seen as troublemaking. In strong ethical cultures, transparency is valued, employees feel comfortable raising concerns, and bad news is not swept under the rug. Not surprisingly, if employees feel cared about, heard, and supported when it comes to business issues that arise, they are more likely to bring up ethics concerns as well. To encourage reporting, leaders at all levels of the organization should develop an atmosphere where employees feel comfortable raising concerns.



WHEN EMPLOYEES FEEL
SUPPORTED THEY ARE MORE
LIKELY TO SPEAK UP AND
REPORT MISCONDUCT

Step 3: Be transparent.

Few enjoy delivering bad news or taking responsibility for things that go wrong. But leaders who are committed to transparency foster more positive, respectful workplaces. When leaders share information about wrongdoing at their company and talk about the consequences of engaging in misconduct, it sends a powerful positive message to employees. Employees who believe their leaders are transparent about misconduct in their organization are more likely to report misconduct. Leaders who want employees to share difficult truths with them should model a commitment to telling the truth, especially when it is difficult to do so.



WHEN THERE IS TRANSPARENCY
EMPLOYEES ARE MORE LIKELY
TO ALERT MANAGEMENT WHEN
INTERPERSONAL MISCONDUCT
OCCURS

HOW TO PROTECT EMPLOYEES WHO RAISE RED FLAGS

Reporting ensures that managers are aware of problems and can address them. Any effort to increase reporting must take into account what happens after the report, including the potential repercussions for the reporter. Retaliation is problematic for a number of reasons: it introduces another layer of misconduct; it discourages future reporting and employees' trust in the reporting process; and, worst of all, when retaliation occurs it serves as a punishment for an employee who has chosen to do the right thing.

Because of the nature of interpersonal misconduct, the risk of retaliation against reporters can be heightened. The data shows that:

- 44% of those who reported sexual harassment experienced retaliation;
- 40% of those who reported abusive behavior experienced retaliation; and,
- 51% of those who reported discrimination experienced retaliation.

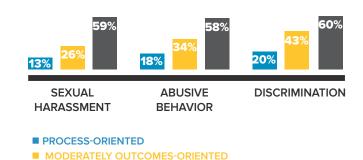
According to the GBES, overall, 40% of employees indicated that they experienced retaliation after reporting misconduct (based on the 23 types of misconduct assessed).

Reducing perceptions of retaliation can be difficult but there are concrete steps that organizations can take:

Step 1: When it comes to success, focus on the process, not just the outcome.

In some organizations, winning and achieving success are all that matter and employees learn to bend or even break the rules in order to succeed. In such cultures, those who report interpersonal misconduct are more likely to experience retaliation as a result. On the other hand, in companies that promote reasonable goals and reinforce the importance of succeeding the right way, reporters are less vulnerable. Although performance goals and metrics are important, companies should set reasonable goals and emphasize that the means of attaining success is as important as the outcome.

RETALIATION INCREASES IN WORKPLACE ENVIRONMENTS THAT ARE OUTCOMES-ORIENTED (PERFORMANCE FOCUSED) RATHER THAN PROCESS ORIENTED



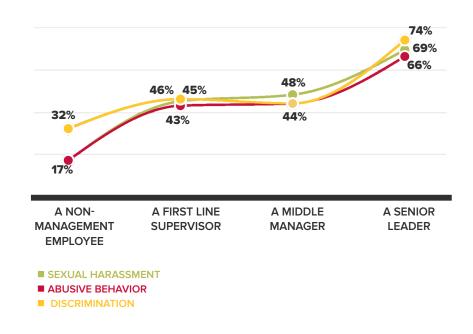
■ OUTCOMES-ORIENTED

Step 2: Give additional support when managers are involved.

By reporting alleged misconduct, any reporter puts him or herself at risk of retaliation. But those who report on the misdeeds of managers are particularly vulnerable and at heightened risk of experiencing retaliation. On average, reports of interpersonal misconduct involving senior leaders are 2.6x more likely to result in retaliation than those involving non-management employees. **To provide additional protection to those who report when management is involved:**

- 1) Regularly remind employees of the ethics related resources and supports the organization has in place (e.g., code of conduct, hotlines, etc.);
- 2) Establish systems to connect and follow-up with reporters at regular intervals; and
- 3) Train managers so they are attuned to behavior that could be construed as being retaliatory.

RETALIATION RISES ALONG WITH THE MANAGEMENT LEVEL OF THE PERPRETRATOR



CONCLUSIONS & RECOMMENDATIONS

Workplaces should be characterized by respect, where each person can thrive in an environment safe from discrimination, sexual harassment and abuse. Unfortunately, interpersonal misconduct is a common feature in far too many companies, with more than one-quarter of workers observing such misbehavior in their workplace. Companies need to—and can—do better.

Analysis of GBES data reveal **five strategies** that will promote safer, more respectful workplaces, reducing risk for employees and organizations:

- 1 Make ethics a leadership priority.
- 2 Focus on achieving success the right way.
- Be attuned to the impact of organizational change.
- Nurture a speak up culture.
- **5** Be transparent.

STRATEGIES FOR MORE RESPECTFUL WORKPLACES

Use the checklist below to guide and incorporate actions that will contribute to an organizational culture of respect.

Make ethics a leadership priority.	 Make discussion of values a regular part of company-wide meetings and communications. Ensure that ethical conduct and leadership is a highlighted area in performance reviews at all levels of management. Institute programs, e.g., case studies, to promote regular dialogue about values between supervisors and their reports. 		
2 Focus on achieving success the right way	 Evaluate business goals to determine whether they are reasonably attainable without compromising business and personal standards. Develop a system for employees to give candid feedback about goals and their feasibility. Examine performance review documents and processes to ensure that ethical conduct is a stated expectation, especially for promotion and advancement. Create reward and incentive programs for ethical conduct. 		
Be attuned to the impact of organizational change.	 Before expanding into new countries or markets, assess where values may misalign and proactively develop strategies to address issues. Review policies and values statements of newly acquired organizations. Be particularly mindful and proactive about communications during times of added stress. Encourage managers to regularly check in with their direct reports, keeping them informed and creating a vehicle for dialogue should issues arise. 		
A Nurture a speak up culture.	 Create multiple formal and informal avenues for employees to present ideas and raise issues, whether they be business or ethics concerns. Respond in a timely manner to questions and concerns. Develop and publicize formal systems for checking in with employees who report misconduct, providing protection from retaliation. 		
5 Be transparent.	 Foster an open, learning mindset by regularly addressing "What we're doing well" and "What we've learned we need to do better." Encourage leaders at all levels to discuss problems and learning that occurred as a result. Communicate about issues and the steps the company has taken to address problems, issues and ethical misconduct. 		

METHODOLOGY

The GBES, a biennial longitudinal study, identifies changes in the levels and types of observed misconduct in business organizations. It also measures employee patterns in reporting observed misconduct, perceptions of leaders, strength of ethical cultures and the extent to which retaliation is an issue in the workplace.

In December 2017, ECI continued its study of the US workforce and collected data from over 5,000 employees. ECI began its longitudinal study in 1994, and has since surveyed over 39,000 US employees.

Employees were randomly selected to attain a sample representative of employees in each country. All survey respondents were:

- 18 years of age or older;
- Currently employed;
- Working at least 20 hours per week for their primary employer; and
- From companies with a staff of at least two or more.

ECI established the survey questions and sampling methodology, Precision Sample managed data collection for the US survey. ECI based its analysis on a framework provided by the Federal Sentencing Guidelines for Organizations, the Sarbanes-Oxley Act of 2002 and in-house expertise in defining elements of ethics programs, culture and outcomes.

The sampling error for the US data presented in this report is +/-1.4% at the 95% confidence level.

OUR FUNDERS

We are grateful to the following companies whose generosity has made this report possible:































ECI 2019 EVENTS

JANUARY 2019 ECI FELLOWS MEETING

Leading E&C

January 9 - 10, 2019

Gaylord National Harbor, MD

Leading the E&C function in an organization is no easy task. Our January Fellows meeting is designed to inspire and inform you as chief visionary, strategist, and manager of your function. We will also explore ways that you can enhance your career and broaden your personal impact.

Consider sending: (Members-only) Senior E&C practitioners, CECOs, Chief Compliance Officers

EUROPEAN BUSINESS ETHICS FORUM (EBEF)

January 30 - February 2, 2019

Paris, France

For the 16th year, this 2-day Forum will bring together those who are responsible for the ethics, compliance or business conduct programs within their organizations. Participants share with their peers practical information, experiences relating to current best practices and some of the challenges in doing business ethically around the globe.

Consider sending: Senior E&C leaders, Corporate Social Responsibility leaders

SPRING 2019 BEST PRACTICE FORUM

Technology in E&C

February 27 - 28, 2019

Phoenix, AZ

Technology is changing the way we live and work. How can you make the most of it to advance your E&C program? This event is designed to equip you to utilize new technologies in your organization, even if you have a shoestring budget.

Consider sending: Technology-facing E&C practitioners, E&C team members in digital media, training and strategic planning, CTOs, IT

IMPACT 2019

April 30 – May 2, 2019 E2C Live to be offered Monday, April 29

Dallas, TX

Join your peers for the ultimate industry best practice event. You will learn from renowned keynote speakers, and leverage the experiences of your peers in breakout sessions & handson workshops. Return to your organization with a toolkit filled with resources that you can use to lead initiatives that will improve the quality of your E&C program.

Consider sending: All levels of E&C practitioners, members of HR, senior E&C leaders, compliance and risk

MANAGING ETHICS IN ORGANIZATIONS (MEO)

June 10 - 14, 2019

Boston, MA

For over 20 years the Managing Ethics in Organizations (MEO) course has provided an intensive course for rising E&C leaders, taught by the "who's who" of E&C. Many past participants have gone on to serve as a Chief Ethics & Compliance Officer or similar leadership position. Join us this year as we celebrate the retirement of Mike Hoffman, the namesake of our partner organization for this event (the W. Michael Hoffman Center for Business Ethics at Bentley University).

Consider sending: Directors, managers, and investigators in E&C, all rising E&C leaders, aspiring CECOs

JULY 2019 ECI FELLOWS MEETING

Why We Do What We Do: Exploring the World of Behavioral Ethics

July 10 - 11, 2019

Gaylord National Harbor, MD

A new field of scientific study has emerged, seeking to understand how people actually behave when facing an ethical dilemma. In our July Fellows meeting we will hear from leading researchers in this exciting new area, and apply their insights to your E&C program.

Consider sending: (Members-only) Senior E&C leaders, CECOs

FALL 2019 BEST PRACTICE FORUM

Preventing Retaliation in the Workplace

November 5 - 6, 2019

Atlanta, GA

It's the perennial problem – the more an organization is successful in encouraging employees to raise concerns, the more retaliation occurs in the workplace. Eventually, employees' fear of retaliation has a silencing effect. This forum is designed to be an in-depth facilitated town-hall discussion to identify the causes of workplace retaliation, followed by conversation and best-practice sharing to identify solutions. We'll be joined by a panel of thought leaders whose expertise will help inform the conversation.

Consider sending: E&C helpline team, E&C leaders, HR team, E&C investigators and advisors



Build your culture of compliance

With **sexual harassment** and **discrimination** becoming an increasingly prominent part of our working environments it's now, more than ever, essential to provide your employees with the tools and knowledge to make the right decisions.

Our **Thomson Reuters Compliance Learning** courses deliver engaging online training to support your business in building a respectful and inclusive workplace, helping to create a culture of integrity and compliance.

Click here to visit our course page and request a free trial.











