

BUCKLEY

Workplace Cultural Compliance Practice

The intensifying emphasis on preventing, investigating, and addressing harassment, gender inequity, and discrimination in the workplace is reshaping business operations in a way that has ramifications for companies of all sizes. Cultural compliance issues can no longer be treated as merely the province of human resources, only affecting personnel decision-making and employment-law exposure. Companies must now approach culture with the same rigor and vigilance that they devote to other risks, ensuring adequate compliance management systems and controls exist to detect and prevent risk. Where those systems fail, companies must be prepared to investigate and address the legal risk presented with meaningful and practical solutions.

The discipline of cultural compliance assesses how business leaders are managing these pressing concerns. Cultural compliance has become a regular topic for board review and oversight, with the expectation that it will be integrated into an existing compliance-management framework that demands involvement from the legal, compliance, and human resources departments, as well as from operational management. Companies also must be proactive in building a diverse workforce by addressing the structural barriers to achieving full diversity and inclusion. Failure to recognize cultural compliance as a business imperative threatens reputational risk, derailed business initiatives, mass resignations, costly litigation, regulatory obstacles, and losses of shareholder value and public confidence.

Buckley's nationally recognized compliance, investigative, and litigation experience to this dynamic and evolving discipline, brings decades of experience conducting internal investigations across a variety of industries, both proactively and in response to government inquiries and civil allegations. Buckley attorneys have conducted internal investigations related to sexual harassment, gender inequity, and racial discrimination, providing an unbiased assessment of the situation and taking a pragmatic approach in devising an appropriate action plan, where necessary.

Our Workplace Cultural Compliance clients include Uber Technologies Inc., Vice Media LLC, American Hotel & Lodging Association, the Maryland General Assembly, and the Illinois Anti-Harassment, Equality and Access Panel.

Buckley attorneys regularly advise boards of directors, management, legal and compliance departments, and lines of businesses, and are available to assist in variety of areas related to workplace cultural compliance, including:

- Developing, implementing, and evaluating compliance-management systems (CMS) to address a broad range of issues, including sexual harassment, gender inequity, diversity, and inclusion

- Designing, implementing, and evaluating board-level and business-line compliance policies and procedures to drive change across organizations and measure progress
- Constructing best practices for corporate diversity and inclusion initiatives, often in collaboration with employment counsel or external consultants
- Conducting enterprise-wide compliance risk assessments and gap analyses
- Conducting internal investigations in response to internal complaints or external inquiries
- Representing board committees of companies charged with investigating deficiencies in compliance-management programs
- Crisis-management counseling
- Remediating and responding to regulatory matters stemming from compliance deficiencies
- Analyzing potential regulatory concerns regarding risk, compliance, and capital planning and management, and establishing enterprise-wide positions for favorable review by supervisors
- Responding to enforcement inquiries about these issues
- Serving as a third party to oversee, review, and report on remedial actions taken by companies to enhance workplace culture compliance programs
- Developing and analyzing existing whistleblower programs and practices, and similar detective and preventative controls
- Evaluating employment law issues associated with allegations of sexual harassment and discrimination
- Litigating employment discrimination and retaliation claims in state and federal court

