



5. Set up an Ethics Committee (or Code of Conduct Committee) and publish moresprudence

Challenge

Ethical dilemmas that play a role within the company are not always clearly visible. The challenge is to make these dilemmas, as well as the way in which they are dealt with within the organization, transparent to everyone within the organization.

Moreover, in this way clarity can be provided with regard to new issues that arise within the organization and for which no - clear - policy yet exists. An Ethics Committee can create policies based on the issues presented, and publish so-called moresprudence^[1] (this stands for the (systematic) collection of moral considerations, decisions and choices; the concept is derived from case law). This can strengthen the integrity-conscious culture within the organization.

Solution

By setting up an Ethics Committee, the organization can provide insight into the ethical dilemmas within the organization in a structured and transparent manner for all employees and how they are dealt with. Members of the highest management levels (such as executive management (CEO), Business Unit managers, relevant staff directors) participate in the Ethics Committee. The Compliance Professional often acts as secretary.

The Ethics Committee determines the criteria on the basis of which it is determined whether a particular case qualifies as a relevant dilemma for publication. It is important to clarify the criteria and therefore also to provide feedback to submitters why a dilemma is not dealt with or published.

From the position as secretary, the Compliance Professional is responsible for delivering dilemmas (in accordance with the predetermined criteria) from the business. To this end, the Compliance Professional actively approaches managers from the business with the request to retrieve dilemmas from their work meetings. For example: a Business Unit is struggling to accept an invitation to an event where 'all' competitors go, but within the organization in question it may or may not be allowed: there is a gray area - do we or do we not accept the invitation?



The dilemmas raised are then periodically discussed and reviewed by the Ethics Committee. Assessment takes place on the basis of the code of conduct, existing policies and a process for moral judgment. There are good models for the process of moral judgment, for example the 7-step plan for moral judgment (more information about this can be found on the internet).

The Compliance Professional (secretary) ensures a written record is made of what is decided by the Ethics Committee.

In addition, the Compliance Professional (secretary) – whether or not in collaboration with the Communication department – is responsible for the communication/publication of the results of the Ethics Committee to all relevant parties within the organization.

Actors

- Executive & Senior Management as members of the Ethics Committee.
- The Compliance Professional as secretary of the Ethics Committee.
- Possibly the Communication Department, with regard to the publication of /communication about (the decisions of) the Ethics Committee, whether or not in cooperation with the Compliance Professional.

Techniques

- Structured process of collection
- Formulating and dealing with dilemmas
- Guiding the analysis of dilemmas
- Communicate the results of Ethics Committee statements to the employees, for example by referring to them in training courses.

Role Compliance Professional

Coordinating the process, secretariat of the Committee, publishing/communicating statements of the Ethics Committee (whether or not in cooperation with the Communication Department).

Footnote 1: The concept was introduced by Edgar Karssing and Raoul Wirtz.