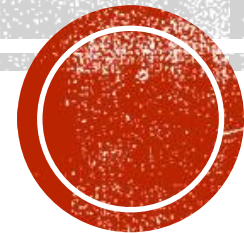


ADAPTING AN EFFECTIVE COMPLIANCE PROGRAM FOR A #TIMESUP WORLD

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November 8, 2018

**19th Annual Pharmaceutical and Medical Device Compliance
Congress, Breakfast Roundtable I**

#METOO, #TIMESUP AND EFFECTIVE COMPLIANCE PROGRAMS

**What am I supposed to do
with this presentation?**

- Why are we discussing this at PharmaCongress?
 - Companies responding to the #MeToo movement and trying to build a #TimesUp culture need to build or improve company culture.
 - Compliance programs in the pharma industry can serve as a model for how to successfully.
- How can compliance departments help?
 - Leverage lessons learned from initiatives such as combating “off-label” promotion to build and improve culture.
 - Serve as a “Center of Excellence.”

Legal and technical defenses remain available in sexual harassment cases.

1

No Complaint of Harassment

2

Complained-about Conduct Not Unlawful

3

Statute of Limitations

SEXUAL HARASSMENT POST-#METOO

But, while legal and technical defenses remain valid, the enforcement and PR landscape has changed the way companies respond to workplace culture issues including sexual harassment.

1

Companies Must Respond Quickly

2

These Remain “Bet The Brand” Issues

3

Increased Enforcement by EEOC

SEXUAL HARASSMENT POST-#METOO

EEOC's Preliminary Results for FY2018

<u>50% increase</u>	<ul style="list-style-type: none">• EEOC-filed suits challenging sexual harassment from 2017 to 2018
<u>12% increase</u>	<ul style="list-style-type: none">• Charges filed with the EEOC alleging sexual harassment
\$70M	<ul style="list-style-type: none">• Amount recovered for victims of sexual harassment through litigation and administrative enforcement in FY 2018
<u>Five-fold increase</u>	<ul style="list-style-type: none">• Visits to EEOC's website section on sexual harassment.

#METOO BY THE NUMBERS

Increased enforcement in 2018, but recent surveys demonstrate there's more that can be done to build safe and inclusive workplace cultures that are free of harassment.

Recent Surveys on Harassment in the Workplace

- 28% professional women felt or saw unwanted physical contact at work this past year.
- Among FT white-collar workers, 33% of women and 13% of men have been harassed or assaulted by a colleague.
- 46% of young women were harassed by age 31 (33% were harassed in the last 12 months).
- Harassment remains **under-reported**: 43% of women didn't report harassment they experienced or witnessed in the last five years; 69% of men report in the same circumstances.

#METOO BY THE NUMBERS

Increased enforcement in 2018, but recent surveys demonstrate there's more that can be done to build safe and inclusive workplace cultures that are free of harassment.

BUT, ARE COMPANIES RESPONDING?

Only < 1/3 of
Employers Did
Anything In
Response to
#MeToo

~20%
Employers
Provided
Additional
Training

~20%
Employees
Saw Tangible
Changes that
Increased
Confidence in
the System

~15%
Employers
Made it Easier
for People to
Speak Up

Sexual harassment traditionally goes under-reported – bystander reporting can help.

Employees may be concerned about the impact of #MeToo: talk to employees to evaluate those concerns.

If employees don't trust the reporting system, they don't use it to report allegations.

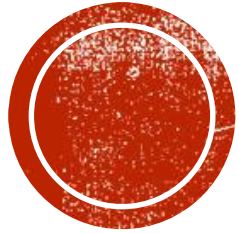
CULTURAL AND CORPORATE RESPONSES TO #METOO

COMPLIANCE ASSESSMENTS OFFER LESSONS FOR IMPROVING WORKPLACE CULTURE

- Workplace assessments in response to the #MeToo movement have some of the same common themes that are found in healthcare compliance assessments:
 - Employees aren't aware of the procedures for reporting
 - Employees are reluctant to report in fear of retaliation and retribution
 - Concerns around the unintended consequences
 - Workplace assessments – Undermining the mentoring and development of women by senior male leaders for fear of sexual harassment claims
 - Compliance assessments – Burdening sales and marketing initiatives

COMPLIANCE ASSESSMENTS OFFER LESSONS FOR IMPROVING WORKPLACE CULTURE

- As in compliance programs, there is **no one size fits all approach**: a response to concerns regarding #MeToo and sexual harassment should to be customized to the needs of your organization.
- Just like in healthcare compliance, there are ways to **evaluate the risks of harassment** within your organization.
- And, not surprisingly, an effective anti-harassment program to build an inclusive culture, must be **more than a check the box program**.



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