

What to include in your code of conduct

When a Pennsylvania brewery noticed a large number of online complaints about employees' sexist behaviors, its owner (who was at the center of those allegations) stepped away. The brewery also decided to publish a comprehensive new code of conduct on its website.

Most companies have anti-harassment policies. Far fewer include behaviors that fall outside of illegal protected-class workplace harassment. The time has come for all employers to adopt a code of conduct in addition to their harassment policy—and let all employees, customers and vendors know that any mistreatment of employees or others will not be tolerated. What should it include, and to whom should it apply? Some tips:

What it should contain

- An introduction that sets forth the core values you are protecting.
- An explanation of scope—to whom it applies (staff, contractors, customers, vendors, others) and where (at work, away from work, on personal time, in-person and during online conversations, text messages and social media posts). Don't limit your code of conduct to employees only. Anyone who enters your premises and could interact with employees should be subject to the same expectations.
- A delineation of expected behaviors. Think respect.
- A delineation of unacceptable and prohibited behaviors—racism, sexism (and other -isms), harassment, bullying, physical violence, etc.
- An explanation of how complaints should be made, and to whom.
- An unequivocal promise of no retaliation.

How to address violations

For employees, it depends on the severity of the offense. Employers have a legal obligation in cases of protected-class harassment to instill corrective action reasonably likely to stop future harassment (possibly including termination). For non-protected-class harassment or other code of conduct violations, the remedy should be no different.

For non-employee business partners (e.g., contractors and vendors), violations should constitute a breach of their agreement, which entitles the company to terminate the agreement. At a minimum, the offending person should be banned from the premises.

For customers, again, depending on the severity of the offense, remedies could vary from a warning to removal to a permanent ban from the business.

How to disseminate your rules

For employees, it should be handed out as a stand-alone document and put in the handbook. If you have an intranet, add it there.

For non-employee business partners, add it as a clause in agreements.

For customers, add it to your site and post it in your workplace.

A final word: Having a code of conduct is one thing. Living it in your culture is another. Unless you're prepared to act on it no matter the perpetrator, there's no point in drafting it in the first place.