RULES AND VALUES: Develop both or limp along

Rules are external and reactive. They cannot be precise for each and every situation. Rules require reinforcement. A proliferation of rules is a tax on the system. We are ambivalent about rules. People who feel overregulated in turn feel distrusted. Rules keepers are not always there, and the rules don't always keep us clear. With each successive failure of rules, our faith in the very ability of rules to govern human conduct decreases. (Dov Seidman)[i]

#Wetoo: In recent weeks, we have participated in organisational conversations about a stronger code of conduct for staff and associates. It's an exercise many not-for-profits have been engaging in over the past year, since the issue of sexual abuse and exploitation by aid workers of vulnerable people they came to assist and protect, resurged. In most cases, sexual harassment, also among organisational staff and associates, is included in the codes.

In several organisations, debate re-emerged about the boundaries of such organisational rules regarding behaviour. Are they applicable also outside working hours and outside the work sphere, and can they impose limitations on what is legally permitted? If sex work is legally permitted in a country, can an organisation prohibit its staff visiting (female or male) sex workers of legal age? Has the organisation a defendable position if someone refuses to sign such a code or if a staff member challenges the organisation in court for sanctioning conduct that is legally permitted?

And how far is it applicable? Does it include also those who have only a temporary or occasional association with the organisation? Consultants, visiting journalists, Board members who meet perhaps only twice a year? For those, does the code then apply only during the time of association, or always? The organisation can obviously choose not to use the services of someone known to have shown misconduct. But can it reasonably ask people who may get associated with it for only a few days, to sign a code of conduct that applies to their whole life? Probably not. However, the argument goes, it must apply to Board members all the time, as those who approve the rules must be willing to abide by them.

There are tensions here, between restrictions and individual freedoms, and between the law and organisational rules.

Why now? Interestingly, it was not the *#Metoo* movement that started in 2006 but really surged as of late 2017, that sparked this upsurge in regulatory attention to sexual harassment, exploitation and abuse, even though it revealed how widespread and systemic the problem is. It was the 2018 case of Oxfam GB aid workers using and abusing Haitian girls, possibly some under-age, from an earthquake and hurricane-affected population they had come to assist and protect. The media and politician-driven furore paid little attention to the girls and their families but focused on Oxfam GB's ethics and integrity. The organisation's reputation was badly tarnished and funding cuts forced programme closures with implications for other staff and intended beneficiaries. Rather surprisingly, persistent sexual harassment by senior staff in e.g. UNAIDS[ii] and Save the Children UK[iii], did not have the same consequences, even if it happened in the very core of the organisations and not in another country.

This is again somewhat surprising, because sexual abuse and exploitation, in this case by people in or associated with the aid sector, is not new. There have been long-standing allegations and cases of UN peacekeepers being accused of such misconduct and even getting involved in people trafficking. Civilian aid workers came under the spotlight earlier, in 2002, when a report found that refugee children in Guinea, Liberia and Sierra Leone had been exchanging sex for aid. The report engendered the focus on strengthening the Codes of Conducts and policies and procedures.[iv] The situation generated some attention, though over the years it also became clear that '*persons of conscience*' - a far better term than 'whistle-blowers'[v]- more often than not, also in this industry as in others, fairly quickly find themselves driven out of the organisation whose values they sought to protect. So what is different? Perhaps the growing vulnerability of organisational reputations in a digital age where so much more information is available, and issues and opinions spread at the speed of light? Perhaps the ever-expanding distrust of people in all types of institutions, now also hitting the not-for-profit sector that has always prided itself on being value-driven?

Rules, risks and compliance: '*Reputational risk*' from cases of sexual harassment or sexual abuse and exploitation, has risen significantly in the risk matrices of many organisations. We are therefore adding another set of rules that need to be complied with, supervised and reported on. Developing or strengthening codes of conduct, with associated policies and procedures of reporting, protection of witnesses, support to victims, due process investigations etc. is obviously relevant. On the other hand, only doing this leads to other possible risks: The existence of policies and procedures is too easily taken as a proxy indicator that an issue is well managed. That is a mistaken belief. Organisations where behaviours go wrong, more often than not have the set-up in place. Secondly, we risk edging further towards an atmosphere of distrust, where large amounts of energy are spent on rules and compliance. Whether we like it or not, overregulation for most people generates resentments, even among those who agree with the principles. Have you ever heard a gender-unit in an organisation, meant to promote stronger gender awareness and gender-equality, informally referred to as the '*gender police*'?

Values: What surprises in all these organisational conversations is the limited reliance on values. Values come up in the debates, for example on the tension between organisational restrictions and legally protected individual freedoms. But they are typically not used as a more active driver of behaviour, the way rules are. Ask yourself: *How often do the values of your organisation come up in internal conversations? Faced with a difficult decision, how often does someone ask: What do our values tell us is the right thing to do? When someone joins your organisation, how much time and attention is devoted to discussing the values during the induction process, compared to the rules and regulations? Is embodying, living and modelling the values an attention point in the performance assessment? When you and your colleagues speak informally to outsiders about your organisation, do you make any reference to the values? When difficulties and tensions come up in the collaboration between your and other organisations, do the values come up in the reflection or only the terms of the contract or Memorandum of Understanding*? Values are an intrinsic motivator, rules an extrinsic one. When employees and associates feel that the organisation does not live the values it professes, they become cynical and see the rules as driven by little more than the organisational self-interest to protect its reputation: looking right rather than doing right. The Independent Panel review of UNAID's practices did not conclude that its rules and procedures were not effective enough: it frames its core finding in terms of "*a broken organisational culture*".

Walk on two-legs: Approaches based on rules-development only, will always run behind occurrences of misbehaviour. Recently, the culture of an organisation that should be deeply value-driven, was diagnosed as deeply destructive: "*bullying and public humiliation are routinely used by management*

at all levels." Must further rules regarding bullying and public humiliation be added to codes of conduct? What problematic behaviour may come up next, that is not yet legislated for?

Global surveys time and again signal that a large majority of people appreciate organisations that have a compelling sense of purpose and values that are lived in its internal culture and external interactions. A proliferation of rules only risks sucking the oxygen out of the room so that the candle light of intrinsic motivation withers and dies. Rules, however justified, do not inspire. Values do.

Overly relying on rules and compliance adds to an organisational culture of fear. This is negative energy. A healthy, value-based, organisational culture generates positive energy. So develop the muscles of both your rules- and your values- legs, otherwise you will be limping along, always behind.

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Global Mentoring Initiative (GMI) is a consultancy supporting you for a healthy organisational culture, positive team-functioning and effective change processes.
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[i] Seidman, D. 2007: *How. Why how we do anything means everything*. John Wiley & Sons Inc. pp. 47/90/124

[ii] Independent Expert Panel 2018: *Report on prevention and response to harassment, including sexual harassment, bullying and abuse of power at the UNAIDs secretariat*. See also UNAIDS 2018: Management Response

[iii] Shale, S. 2018: *The Independent Review of Workplace Culture at Save the Children UK. Final report.*

[iv] UN Secretary-General's Bulletin, ST/SGB/2003/13: *Special Measures for Protection from Sexual Exploitation and Sexual Abuse.*

[v] Devine, T. & T. Maassarani 2011: *The Corporate Whistle-blower's Survival Guide. A handbook for committing the truth*. Berret-Koehler Publishing, with the Government Accountability Project