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Compliance and ethics: A profession with a tough mission

by Joe Murphy, CCEP

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For a long time people in organizations worked to ensure the organization did the right thing. When it came to compliance with law, this was done in silos. Antitrust lawyers focused on preventing price fixing and other collusion. Environmental compliance professionals worked to protect the air and water from pollution by their employers. Workplace safety experts looked after the wellbeing of workers on the job. But initially each did not know or worry about what the others were doing.

Similarities across functions

In my early days in the late 1970s, I started to notice the similarity across different functions — in my case, first antitrust compliance, then environmental, regulatory, and Foreign Corrupt Practices Act. I saw an analogy to being a lawyer. Lawyers in different fields (e.g., estates, litigation, antitrust) were all lawyers, even though their areas of focus were very different. For those working on compliance, none of us felt connected to others in different subject areas, but the work we did was very similar. In fact, compliance professionals working in different subject areas had more in common than the lawyers who were working in dramatically different activities, yet all lawyers considered themselves part of the same profession.

When Rutgers Professor Jay Sigler and I wrote *Interactive Corporate Compliance*^[1] in 1988, that was part of our mission: to move in the direction of compliance as one important field, but different from the practice of law.

Today, thanks in no small part to the excellent leadership of SCCE, compliance and ethics is increasingly recognized as a separate subject area. There are still ongoing struggles while others try to co-opt the field, and newly enlightened “experts” claim to have discovered what they say we have all been doing wrong and offer their solutions. Instead of hard work, they usually offer us magic pixie dust.

But we know there is no alternative to the struggle that goes with our profession. We have a very tough job: to ensure organizations avoid breaking the law and act ethically.

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