

Compliance Course Catalog

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Sex Discrimination & Harassment in the Workplace – Supervisor Course

Author: Amit Singh, LLM
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Course Description

A basic reality of human nature is the attraction that exists between the sexes. In some cases, that attraction exists between members of the same sex. This attraction can be at any time, day or night, and at any place, in a social context or in the workplace. That is part of human nature. But in the context of the workplace, it must be carefully dealt with.

Not because sexual attraction can lead to less efficiency in the workplace, although that is true, but for a more basic reason: sexually-related conduct can be against the law.

Another, less pleasant reality is that gender-based animosity and harassment still exist in the modern workplace. Examples of this include men making offensive remarks against women, and engaging in inappropriate conduct around them or persons of either sex acting against gay or lesbian members of the workforce.

The employer can often be held liable for unwelcome, sexually-related conduct, regardless of whether the employer wants the conduct to occur. This liability can result in massive financial consequences.

What does this mean?

- The supervisory personnel of the employer must understand the requirements of the law and how to identify sexual harassment, avoid sexually-based charges, and deal with any consequences of said charges.
- They must also understand that through education, sexual harassment may be eliminated.

Chapters

- i. Introduction
- ii. What is Sex Discrimination?

- iii. Sex Discrimination by Harassment
- iv. Legal Definitions of Sexual Harassment
- v. When is Sexual Harassment Illegal?
- vi. Who can be involved in Sexual Harassment?
- vii. Categories of Sexual Harassment
 - a. Quid Pro Quo
 - b. Hostile Environment
- viii. Consent and Communication
- ix. Consenting Employee Relationships
- x. "Offsite" Activities
- xi. Social Networking and the Internet
- xii. Employer Requirements to Prevent Sexual Harassment
- xiii. Effective Program to Prevent Sexual Harassment
- xiv. How to Have an Effective Employer Complaint Process
- xv. How to Report Sexual Harassment
- xvi. Avenues to Address Sexual Harassment Complaints
- xvii. Determination of Employer Liability
- xviii. Exactly what is the Employer Defense?
- xix. Employee Failure to Use the System
- xx. Reducing Damages
- xxi. Retaliation
- xxii. Conclusions

Sex Discrimination & Harassment in the Workplace – Employee Course

Author: Amit Singh, LLM
 Managing Attorney, Benchmark Law Group PC

Course Description

A basic reality of human nature is the attraction that exists between the sexes. In some cases, that attraction exists between members of the same sex. This attraction can be at any time, day or night, and at any place, in a social context or in the workplace. That is part of human nature.

But in the context of the workplace, it must be carefully dealt with. Not because sexual attraction can lead to less efficiency in the workplace, although that is true, but for a more basic reason: sexually-related conduct can be against the law.

It is important to understand that not only the employer, but also the harassing employee may be held liable, personally.

Damages which a harassing employee should be concerned about can include, among other things:

- Sums for emotional pain and suffering, mental anguish and loss of the enjoyment of life, and
- Punitive damages that can be awarded if the action was reckless or involved a callous indifference

What does this mean?

- All employees must understand that through education, sexual harassment may be eliminated.

Chapters

- i. Introduction
- ii. What is Sex Discrimination?
- iii. Sex Discrimination by Harassment
- iv. Conduct That Could be Considered Harassment
- v. When is Sexual Harassment Illegal?
- vi. Who Can Be Involved in Sexual Harassment?
- vii. Categories of Sexual Harassment
 - a. Quid Pro Quo
 - b. Hostile Environment
- viii. Consent and Communication
- ix. Consenting Employee Relationships

- x. "Offsite" Activities
- xi. Social Networking and the Internet
- xii. Effective Program to Prevent Sexual Harassment
- xiii. How to Report Sexual Harassment
- xiv. Retaliation
- xv. Constructive Termination
- xvi. Conclusions

Business Ethics

Author: James D. Hook, MPH

Course Description

Businesses and corporations of many types have been found to be deficient in their ethical behavior toward stakeholders (employees, customers, competitors, and regulators) in the past few years. These lapses—or, in some cases, outright criminal acts—have provoked reactions from the public and the government. New laws and regulations have been adopted, and some companies have completely disappeared, due to their unethical or illegal behavior. This course examines the origins of ethical behavior, the justification for positive business ethics, and how individuals' actions affect the ethical behavior of businesses.

Course Objectives

- Describe the rationale for business ethics.
- Describe the various factors affecting ethical behavior by companies and their stakeholders.
- Understand the principles of ethical behavior and the distinctions between ethical behavior and legal behavior.
- Describe the need for a code of business ethics in a business organization.
- Understand how the actions of individuals within the business organization affect the business's ethical behavior.

Chapters

- i. Introduction
- ii. Definitions of Business Ethics
- iii. Business Ethics in Healthcare Related Organizations
- iv. Origins of Ethical Behavior and Why Some People Fail To Act Ethically
- v. The Business Case For Ethical Behavior
- vi. Ethical Behavior Vs. Legal Behavior
- vii. The Stakeholders Affected By A Business's Ethical Behavior (Or Lack Thereof)
- viii. Corporate Ethics Programs And Codes Of Ethics
- ix. Your Personal Stake In Ethical Behavior
- x. Summary
- xi. Definitions
- xii. References

Diversity in the Workplace

Author: Mauricette Montredon, MBA, MA

Course Description

The term "diversity" is used to refer to many demographic variables, including, but not limited to, race, religion, color, gender, national origin, disability, sexual orientation, age, education, geographic origin, and skill characteristics. It is important to manage diversity in the workplace as organizations employ people and sell goods and services to an increasingly diverse world of customers. Failure to manage diversity in the workplace leads to stereotyping. Title VII of the Civil Rights Act of 1964 was a landmark law enacted to ensure that job applicants would not be considered on the basis of their skin color, religion, gender or national origin. Rather, they would be selected on the basis of their ability to perform a job.

Course Objectives

- Describe the dimensions of diversity

- Provide an overview of Title VII of the Civil Rights Act of 1964
- Understand barriers to diversity
- Describe how an organization benefits from diversity

Chapters

- i. Introduction
- ii. Understanding Diversity
- iii. Changing Demographics
- iv. Following the Law – Title VII of the Civil Rights Act of 1964
- v. Common Barriers to Diversity
- vi. Managing Diversity
- vii. Your Part in A Diverse Organization
- viii. Summary
- ix. Definitions
- x. References

U.S. False Claims Act

Authors: Sharron Grodzynsky, RN, MHA; Bridget M. White, MA

Course Description

The U.S. False Claims Act (FCA) is a federal law, and some state laws or related enforcement policies, under which any entity or person who knowingly submits, or causes to be submitted false claims, or any related documents material to a false claim, for payment from government agencies, can be prosecuted. The FCA also contains a provision for a “whistle blower” or “qui tam” action, (a Latin term describing an individual who acts on behalf of the government also referred to as a “relator”), which allow for persons who have evidence of fraud against government programs to sue for recovery of payments made for false claims. Whistle blowers may receive between 15% and 25%, and up to 30% in some cases, of funds recovered. The importance of this federal law to organizations and employees of organizations who sell and distribute medical devices, technology, software, pharmaceuticals, and provide health care services or medical products cannot be overstated. Each organization and its employees must recognize the boundaries and implications in order to prevent fraud and stay within the law, while allowing the organization to be productive and profitable.

Course Objectives

- Describe the U.S. False Claims Act (FCA) and the implications for organizations and employees in medical and healthcare fields.
- Provide examples of the types of conduct that fall under the description of false claims.
- State the penalties for false claims.
- Describe the "qui tam" or "whistle blower" provisions provided in the U.S. FCA.
- Provide examples of strategies, plans or policies that individuals and organization can implement to comply with the law.
- Describe staff, contracted representatives and management responsibilities for compliance with the FCA and related regulations.

Chapters

- i. Introduction
- ii. Purpose of the U.S. False Claims Act (FCA)
- iii. Description of the FCA and Whistle Blower Procedures
- iv. Who the FCA applies to
- v. Examples of fraud under the FCA
- vi. Penalties for violations of the FCA
- vii. Whistle blower provisions and reporting responsibilities
- viii. FCA compliance, policies and procedures
- ix. Prevention of false claims, liabilities and violations
- x. Summary

Hazard Communication Course

Course Description

In many US workplaces, employees are exposed to hazardous chemicals and other hazardous materials. This course broadly reviews critical aspects of the Occupational Safety and Health Act of 1970 (OSH Act), the Hazard Communication Standard (HCS), the Globally Harmonized System of Classification and Labeling of Chemicals of 2013 (GHS), and the application of Safety Data Sheets (SDS). The Occupational Safety and Health Act of 1970 (OSH Act) mandated that US manufacturers and importers of hazardous materials be responsible for conducting hazard evaluations on the products they manufacture or import. Under the terms of the Occupational Safety & Health Administration (OSHA) standard, administered by the US Department of Labor, manufacturers and importers must also classify and label containers of hazardous materials. "OSHA Standard" and "OSH Act" represent a similar meaning.

Course Objectives

- Understand the origin and purpose of Occupational Safety and Health Act (OSH Act) and the Hazard Communication Standard (HCS)
- Understand the major changes brought by the adoption of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)
- Be advised of the transition period for the revised HCS requirements
- Identify general actions required under the HCS for importers, manufacturers, and employers for the protection of their employees
- Identify the rights and responsibilities of affected employees including temporary workers and contractors
- Describe the purpose of the Safety Data Sheet (SDS) and type of information contained within
- Identify categories and/or classification of Material Hazards
- Understand the HCS labeling system for hazardous materials
- Understand the fundamental application of Personal Protective Equipment (PPE) standards in the workplace.

Chapters

- i. Introduction
- ii. Hazard Communication Standard (HCS) and Program
- iii. Globally Harmonized System of Classification and Labeling of Chemicals (GHS)
- iv. Timeline for Adoption
- v. Definitions
- vi. General Duty Clause
- vii. Workers' rights under the OSH Act
- viii. OSHA News Releases
- ix. Safety Data Sheet
- x. Labels and Other Forms of Warnings
- xi. Personal Protective Equipment (PPE)
- xii. Summary
- xiii. References

Introduction to Workplace Safety

Author: Sharron Grodzynsky, RN, MHA

Course Description

Every employee has the right to expect a safe working environment. Each employer should strive to provide an acceptable level of safety in the workplace by controlling and eliminating recognizable hazards. Over the past several decades, laws have been passed to help ensure that workers are protected from hazards in the workplace, most notably the Occupational Safety and Health Act of 1970. (1) This act created the Occupational Safety and Health Administration (OSHA) to formulate standards of safety and enforce the provisions of the act. The result has been a dramatic decrease in the number of work-related accidents, injuries, deaths and health hazards. Regardless of its size or type, each business is still legally responsible for maintaining a safe working environment.

As an employee, you are also responsible for upholding the regulations in order to help make the workplace safe and to take reasonable care of your own health and safety. You also should report to your employer if you have any health or safety concerns.

Course Objectives

- Describe workplace safety fundamentals.
- Identify the main statute protecting the health and safety of workers in the workplace.
- List the responsibilities of the employer.
- List the rights and responsibilities of the employee.
- Provide examples of workplace safety and health hazards.
- Describe what to do if a safety or health hazard persists.
- Provide examples of risk reduction in the workplace

Chapters

- i. Introduction
- ii. History of Workplace Safety
- iii. Workplace Safety Fundamentals
- iv. OSHA
- v. Employer Leadership and Responsibilities
- vi. Employee Engagement and Responsibilities
- vii. Elements of an Effective Safety Program
 - a. Management Commitment and Employee Involvement
 - b. Workplace Analysis
 - c. Hazard and Prevention Control
 - d. Safety and Health Training
- viii. Examples of Workplace Violations and Fines
- ix. Benchmarking and Performance Management
- x. Fatality Assessment and Control Evaluation (FACE) Program
- xi. Summary
- xii. Definitions
- xiii. References

U.S. Federal Anti-Kickback Laws and Regulations

Author: Sharron Grodzynsky, RN, MHA

Course Description

The U.S. Federal Anti-Kickback Statute is the governing statute that prohibits any person or entity from knowingly and willfully offering, paying, or soliciting any type of remuneration for referrals for any services provided and reimbursable under a federally-funded government program, such as Medicare and Medicaid. Violations of this statute can result in substantial fines, felony conviction, imprisonment, and exclusion from federally funded programs. In 1991, "safe harbor" rules were issued that identify the activities exempt from the Anti-Kickback Statute, provided certain guidelines are followed. The Office of Inspector General (OIG) provides numerous regulations that interpret the Anti-Kickback Laws and Safe Harbor regulations. It is imperative that all employees of organizations providing services or products to federally funded programs recognize the importance of this statute. (1)

Course Objectives

- Describe the importance of the U.S. Federal Anti-Kickback Laws and regulations for medical and healthcare organizations and companies.
- Be able to distinguish between an act that may be considered a kickback vs. one that falls under the Safe Harbor Rules.
- List some examples of violations of the Anti-Kickback Laws.
- Describe the penalties for violation of the Anti-Kickback Laws.
- Describe how to protect yourself and your company from potential violations of anti-kickback laws.

Chapters

- i. Introduction

- ii. Purpose of the U.S. Federal Anti-Kickback Law
- iii. Description of the U.S. Federal Anti-Kickback Law
- iv. Safe Harbor Rules
- v. Examples of conduct that violates the Anti-Kickback Laws
- vi. Examples of conduct that falls under Safe Harbor Rules
- vii. Penalties for violations
- viii. Guidelines of the OIG that define the rules and regulations of anti-kickback laws and safe harbor regulations
- ix. Protecting your company and yourself from anti-kickback liability and potential violations.
- x. Summary
- xi. Definitions
- xii. References

OSHA Overview

Author: Sharron Grodzynsky, RN, MHA

Course Description

On December 29, 1970, Congress enacted the Occupational Safety and Health Act to regulate safety and health conditions for working men and women. This act created the Occupational Safety and Health Administration (OSHA) and provided the tools necessary to reduce workplace injury and illness. It is a nationwide, federal program designed to protect our workforce from death, injury and illness on the job. It also provides the means for states to develop their own plans to cover private sector work places. (1) Secretary of Labor James Hodgson called this act “the most significant legislative achievement for workers in a decade.” (2) OSHA’s purpose and task were to develop a program to carry out the Occupational Safety and Health Act. The program includes:

- The implementation of safety and health standards.
- Research in the area of occupational safety and health.
- Training programs and education.
- Development of medical criteria that help prevent diminished health and increase functional capacity or life expectancy.
- Development of occupational safety and health standards.
- Effective enforcement with reporting requirements, inspections and penalties.
- Appropriate reporting procedures and provisions for workers' rights. (1)

Compliance with OSHA requirements is an organization’s most effective tool to meet safety and health standards in the workplace.

Course Objectives

- Define the purpose of OSHA.
- Describe the primary objectives of OSHA.
- Describe the role of OSHA within an organization.
- Describe some of the safety and health standards.
- List some objectives of training programs.
- Describe the components of a site inspection.
- List penalties for violations.
- Describe workers' rights and obligations.

Chapters

- i. Introduction
- ii. Introduction
- iii. History of OSHA
- iv. Purpose of OSHA
- v. Role of OSHA within an Organization
- vi. Health and Safety Standards of OSHA
- vii. Examples of OSHA Violations
- viii. The Process of an OSHA Inspection
- ix. Penalties for Violations
- x. Implications for Employers and Employees
- xi. Protecting Yourself and Your Organization from Safety and Health Risks

- xii. Summary
- xiii. Definitions
- xiv. References

U.K. Bribery Act

Author: Sharron Grodzynsky, RN, MHA

Course Description

The U.K. Bribery Act of 2010 (the "Bribery Act") is an Act of the Parliament of the United Kingdom that covers criminal law relating to bribery. After years of draft bills, it was introduced to Parliament in the Queen's Speech in 2009 and received Royal Assent in April 8, 2010, becoming effective on July 1, 2011. Described as "the toughest anti-corruption legislation in the world," the act provides a legal framework to combat bribery in the U.K. and internationally. (1)

The Bribery Act has a near-universal jurisdiction, allowing for the prosecution of any individual or company related to the United Kingdom, regardless of where in the world the crime occurred. Penalties are stiff and can involve up to ten years of imprisonment and an unlimited fine. (2) The instigation of the act brought a lot of changes to the behavior and thinking of the business world, even outside of the United Kingdom. The business community throughout the world has started to adapt provisions of the Bribery Act in their business regulations and codes of conduct. The standards of the Bribery Act are higher than all other anti-corruption regulations worldwide. (14) The Bribery Act increases global awareness of foreign bribery, and supports the investigation of foreign bribery in global business. It has the potential to pave the way for competitive, but fair practices.

Course Objectives

- Describe the role of the Bribery Act within a business organization.
- Describe the Bribery Act's implications for organizations and employees.
- List the four offenses described in the Bribery Act.
- List the six principles for preventing bribery described in the Bribery Act 2010 Guidance.
- Provide examples of types of conduct which fall under the Bribery Act.
- State the penalties of the Bribery Act in the United Kingdom.
- Provide some examples of steps an organization can take to stay within the law.

Chapters

- i. Introduction
- ii. Purpose of the Bribery Act
- iii. Description of the Bribery Act
- iv. The four offenses described in the Bribery Act
- v. The six principles for encouraging the prevention of bribery
- vi. Who the law applies to
- vii. Types of conduct which can be prosecuted under the Bribery Act
- viii. Penalties for violations
- ix. Implications for organizational operations
- x. Protecting your company and yourself from bribery
- xi. Summary
- xii. Definitions
- xiii. References

Workplace Violence Program

Author: United States Department of Labor, "DOL Workplace Violence Program". <http://www.dol.gov/oasam/hrc/policies/dol-workplace-violence-program.htm>.

Course Description

The primary purpose of a workplace violence program is to provide employees with a concise reference regarding an organization's policy on managing actual and/or potentially violent situations. This course will present a standard workplace violence program, which can be used by any organization to create a

program that is effective in preventing situations of workplace violence. Workplace violence is ultimately prevented through increasing employee understanding of the nature of workplace violence, presenting appropriate supervisor/manager responses to all levels of violence, and offering tips for prevention.

Course Objectives

- Understand the significance of a workplace violence program and prevention policy
- Describe the necessary components of a workplace violence program and prevention policy
- Outline the resources available to employees in regards to preventing workplace violence
- Recognize the warning signs of a potentially violent situation
- Evaluate the three levels of violent situations with the intent of responding with the appropriate actions
- Recognize a threat of violent and appropriately respond

Chapters

- i. Introduction
- ii. Preventing Workplace Violence
 - a) Work Environment
 - b) Security Measures
 - c) Team Education
 - d) Performance Conduct Indicators
- iii. Employee Support Services
- iv. Early Intervention and Appropriate Action
- v. Recognizing Signs of Workplace Violence
- vi. Recognizing Levels of Violence and Appropriate Response
- vii. Domestic Violence
- viii. Steps to Respond to a Violent Event
- ix. Threats and Bomb Threats
- x. Medical Emergencies
- xi. Summary
- xii. Definitions
- xiii. References

Foreign Corrupt Practices Act

Authors: Patricia Hilbrands, RN, BSN, MA, CHC, CIPM; James Willobee, BS, CSA, CCEP

Course Description

The Foreign Corrupt Practices Act of 1977 (FCPA) is a United States federal law known primarily for two of its main provisions, one that addresses accounting transparency requirements under the Securities Exchange Act of 1934 and another concerning bribery of foreign officials. FCPA was enacted primarily for the purpose of making it unlawful for certain classes of persons and entities to make payments to foreign government officials (including publicly-funded health care professionals) to assist in obtaining or retaining business.

Course Objectives

- Describe the history behind The Foreign Corrupt Practices Act (FCPA) and why it was established.
- List the main provisions of the FCPA
- Define key terms including [read numbers out loud] 1) Anything of value, 2) Foreign official and 3) Obtain or retain business.
- List persons subject to the FCPA.
- Discuss the risks of non-compliance with the FCPA and how the FCPA is enforced.
- Describe the specific requirements of the FCPA and how individuals may knowingly or unknowingly violate provisions of the law.
- Discuss the necessity for, and implementation of, solutions in support of Anti-Bribery and Anti-Corruption.

Chapters

- i. Introduction

- ii. History of the Foreign Corrupt Practices Act
- iii. The Main Provisions of the Foreign Corrupt Practices Act
- iv. Definitions of Key Terms
- v. Persons Subject to the Foreign Corrupt Practices Act
- vi. Enforcement And Penalties For Non-Compliance
- vii. Potential Violations to the Provisions of Foreign Corrupt Practices Act
- viii. Solutions in Support of Anti-Bribery and Anti-Corruption
- ix. Summary