Sexual Harassment in the European Union: The Dawning of a New Era

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Introduction

The European Parliament and the Council took a bold step toward prohibiting sexual harassment throughout workplaces in the European Union (EU) when it recently enacted amendments to the 1976 Equal Treatment Directive (European Parliament and the Council, 2002). The public policy objective of Directive 2002/73/EC (hereafter, “the Directive”) is to harmonize the Member States’ laws regarding the equal treatment of men and women. As Member States (currently 15 nations, soon to be 25) adopt laws implementing the Directive, sexual harassment will be recognized as a form of gender-based discrimination throughout the EU.

The Directive is a natural outcome of a series of policy initiatives over the last few decades aimed at realizing a fundamental principle underlying the EU — the equal participation of men and women in the labor market. Sexual harassment in the workplace did not receive serious attention by EU policymakers until the mid-1980s, when Rubenstein (1987) published the results of his study made on behalf of the European Commission. Finding that sexual harassment was a widespread problem, the Commission undertook a number of initiatives in the early 1990s to correct the problem, but progress was painfully slow and results minimal. In a more recent manuscript prepared by the European Commission (1998), evidence suggests that between 40 and 50% of women, and 10% of men, have experienced sexual harassment at some point in their working lives.

The EU’s most recent efforts to eliminate sexual harassment in the workplace present significant challenges and opportunities for human resource managers in multinational corporations with interests in the EU. This article first identifies the major components of the Directive and, where appropriate, comments on significant similarities with U.S. law. Next, we offer informed speculation about how employers may wish to influence unresolved issues on the public policy agenda as they address the challenges created by the Directive. The article concludes with practical suggestions for employers who wish to seize the opportunities provided by the Directive for eliminating sexual harassment from the workplace.

Key Features of the Directive

The Directive contains a number of key elements, including: (1) the nature of workplace harassment; (2) reference to preventative measures on sexual harassment; (3) the establishment of judicial and/or administrative procedures for enforcement purposes; (4) compensation for victims of discrimination and harassment; and (5) the establishment of national agencies charged with promoting equal employment opportunities.

Definition of workplace harassment

“Harassment” and “sexual harassment,” as defined in Article 2(2) of the Directive, are now recognized as a form of discrimination on the grounds of sex and therefore are contrary to the principle of equal treatment of men and women. “Harassment” is defined to occur “where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.” In contrast, “sexual harassment” exists “where any form of unwanted verbal,
nonverbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” The Directive also establishes that a person’s rejection of, or submission to, harassment or sexual harassment may not be used as a basis for an employment decision affecting that person (Article 2(3)).

Interesting parallels can be drawn between the language of the Directive and definitions used in the United States. For example, Title VII of the 1964 Civil Rights Act prohibits employer discrimination “against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s...sex....” (42 U.S.C. §2000e-2(a)(1)(1994)). The Equal Employment Opportunity Commission (EEOC), the federal agency charged with enforcing the provisions of Title VII, states that sexual harassment involves “unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment” (EEOC, 2002).

The concept of “unwanted” is a key element of the Directive’s definitions, and closely mirrors U.S. sexual harassment law. In the landmark 1986 decision of Meritor Savings Bank v. Vinson (hereafter “Meritor”), the United States Supreme Court ruled unanimously that the employee’s consent to sexual liaisons was not germane to the question of whether sexual harassment existed; rather, the proper inquiry is whether the behavior is unwelcome. By employing the word “unwanted,” Article 2(2) of the Directive appears congruent with U.S. law, and the crux of the determination is if the employee had a meaningful choice in being exposed to objectionable behavior.

The Directive also relies on the key phrase “intimidating, hostile, degrading, humiliating, or offensive environment.” While the Directive does not provide guidance on precisely what constitutes such an environment, parallels can again be drawn by reference to U.S. law. The Meritor decision established the concept of a hostile working environment and that hostility could be shown when a behavior has the characteristics of being sufficiently severe or pervasive to alter the conditions of employment. Following that decision, the Supreme Court in Harris v. Forklift Systems, Inc. (1993) ruled that a victim need not claim psychological damage, but the working environment must take on characteristics of hostility.

Finally, in Oncale v. Sundowner Offshore Services (1998), the Supreme Court stated that the presence of sexual harassment could only be determined by considering the workplace’s social or cultural context. For example, “a professional football player’s working environment is not severely or pervasively abusive . . . if the coach smacks him on the buttocks as he heads onto the field—even if the same behavior would reasonable by experienced as abusive by the coach’s secretary (male or female) back at the office” (Oncale: 81-82). In other words, “in judging the severity of the conduct, attention to the cultural context in which the purported harassment occurs will guard against imposing liability on behavior that — although offensive to Miss Manners — does not offend Title VII” (Frank, 2002: 450).

In our opinion, if the EU adopts a definition of hostility similar to that used in the U.S., the concepts of “intimidating,” “degrading,” and “humiliating” may be used to establish the degree of severity or pervasiveness of the hostility. In any case, the reality of a social or cultural context cannot be ignored when arriving at a determination of a hostile environment, especially given the wide-ranging sociopolitical and cultural differences among the Member States (see, e.g., Timmerman and Bajema, 1999). In implementing the Directive, Member States should provide guidance to employers, employees, courts, and others on precisely what workplace conduct is unacceptable within the social context.

**Preventative measures**

Article 2(5) now specifies: “Member States shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training to take measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment at the workplace.” It is interesting that the Directive merely “encourages” such activities. It does not legally require individual employers to take preventative actions.
While the Directive offers no specifics regarding the nature of effective prevention programs, guidelines already exist. Commission Recommendation 92/131/EEC on the protection of the dignity of women and men at work (1992) contains an annex providing a code of practice on measures to combat sexual harassment. The Code of Practice encourages the use of clearly communicated policies, effective enforcement procedures, and training for all employees. It is interesting that the Commission Recommendation is similar to revised EEOC guidelines on the minimum contents of an effective prevention program (EEOC, 1998). In both instances, an explicit written policy against sexual harassment, clearly and regularly communicated to employees, is recognized as a necessary (but not sufficient) first step. Simply having a policy against sex harassment is not considered an effective prevention measure unless the employer actually implements the policy. There must be procedures for resolving complaints that encourage victims of harassment to come forward, and confidentiality should be protected to the extent possible. In all cases, effective sanctions and remedies, including protection of victims and witnesses against retaliation, must be provided.

- **Judicial and administrative enforcement procedures**
  The Directive obliges Member States to ensure that judicial and administrative procedures (including, if appropriate, conciliation procedures) are available to all persons who consider themselves wronged or victimized by harassment, even after the employment relationship has ended. The Directive does not address directly the proper burden of proof in these actions. Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex, however, applies to Council Directive 76/207/EEC and, by inference, to the Directive under consideration here. Article 4 of Directive 97/80/EC states that “it shall be for the respondent to prove that there has been no breach of the principle of equal treatment,” and Member States may adopt rules of evidence that are more favorable to the plaintiff. Placing the burden of proof on the employer to show that harassment did not occur is in direct opposition to U.S. rules that require the plaintiff (in this case, the alleged victim) to prove a *prima facie* case. This issue of the burden of proof may be one of the most important challenges facing employers.

- **Compensation and reparations**
  When unlawful harassment has been established, the Directive prohibits limits on the compensation payable to the victim. Reflecting past rulings by the European Court of Justice (e.g., Drahmnaehl, 1997; Marshall, 1993), Article 6(2) now requires Member States to introduce measures “to ensure real and effective compensation or reparation . . . for the loss and damage sustained by a person injured as a result of discrimination.” Moreover, the compensation should be “dissuasive and proportionate” to the injury suffered. There can be no fixed prior upper limit to the compensation, except in one instance: when the employer can prove that the only damage suffered by a job applicant was the refusal to take the job application into consideration, and there was no other actual financial loss. The desire to avoid unlimited economic loss may provide strong incentives for employers to institute procedures for eliminating workplace behavior that would expose them to such liability.

  By way of comparison with the United States, Title VII provides that victims of sexual harassment be made whole. Title VII was amended in 1991 to permit compensatory damages (pain and suffering), and, where the discrimination was intentional, punitive damages. Congress placed limits on the compensatory damages depending on the size of the employer. The upper limit is $300,000 for employers with more than 500 employees. While these limits apply to Title VII, they do not apply to claims brought under the civil rights statutes of individual states, where awards can run into millions of dollars.

- **National “equal treatment” agencies**
  Article 8 of the Directive requires that “Member States shall designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex.” Whether created anew or a part of existing agencies, this administrative structure has the potential for serving as a key enforcement mechanism, especially if it also promulgates regulations for preventing harassment. For Member States that have national agencies already charged with defending human rights generally or safeguarding individual rights, these “equal treatment” bodies may form
part of the existing agencies. Examples for such an administrative agency already exist. In the United Kingdom, these functions are the province of the Equal Opportunity Commission (EOC), a nongovernmental agency established under the Sex Discrimination Act in 1975 that deals exclusively with sex discrimination issues. (In the United States, these functions are undertaken by the EEOC.)

These bureaucratic entities are required to be competent at (1) providing independent assistance to victims of discrimination in pursuing their discrimination complaints; (2) conducting independent surveys related to discrimination; and (3) publishing independent reports and making recommendations on discrimination issues. In accordance with national traditions and practice, Article 8 also requests Member States to promote a dialogue between “social partners” that fosters the principle of equal treatment. The outcome of such a dialogue might include, for example, collective agreements, the monitoring of workplace practices, the establishment of codes of conduct, and the research or exchange of experiences and good practices. Employers are encouraged (but not mandated) to disseminate to employees and their representatives “appropriate information on equal treatment.” Member States are directed to encourage dialogue with nongovernmental organizations that have a legitimate interest in fighting workplace discrimination based on gender. Finally, they are allowed to introduce and adopt provisions that “are more favorable to the protection of the principle of equal treatment” than established by the Directive itself.

Shaping the Public Policy Debate
The Directive became effective on October 5, 2002, the day of its publication in the Official Journal of the European Communities. Member States have until October 2005 to enact the legislation, regulations, and administrative provisions and infrastructure that allow each to comply. This presents both opportunities and challenges. Employers will first have opportunities to influence public policy by engaging in the inevitable debate within each Member State over the nature of the national legislation implementing the Directive. The challenges will arise after such national legislation is passed.

We anticipate that the public policy debate within each Member State will be affected differently according to the degree to which anti-harassment legislation and court edicts already exist. In Member States where anti-harassment legislation has evolved in ways consistent with the Directive and where the regulatory bureaucracy is already established (e.g., the United Kingdom), the public policy debate over legislative mechanisms for implementing the Directive will likely be unprotracted and more or less routine. Conversely, in Member States with a relatively undeveloped legislative code in this area, or where the bureaucratic infrastructure responsible for promulgating and enforcing regulations may be nascent or immature (e.g., Portugal), the public policy debate may be more spirited and extended. In either case, it should be the role of the employer, as a vital social partner in the implementation process, to contribute meaningfully and assertively to whatever public policy debate ensues.

Employers will want to be heard on at least four important public policy areas: (1) the clarification of the prima facie elements of harassment and sexual harassment, including more specific definitions of such terms and phrases as “unwanted,” “violating the dignity,” and “intimidating, hostile, degrading, humiliating or offensive”; (2) the creation of an affirmative defense for employers; (3) the establishment of an official arbitration process for discrimination claims; and (4) the delineation of the powers, duties, and responsibilities of the “equal treatment” agencies mandated by the Directive.

Clarification of the elements of harassment and sexual harassment
Perhaps it is in the nature of “harassment” or “sexual harassment” that any definitions of these terms would contain broad, generic words and phrases that invite their own interpretive challenges. Two phrases are common to the Directive’s definitions of harassment and sexual harassment: (1) “the purpose or effect of violating the dignity of a person,” and (2) “creating an intimidating, hostile, degrading, humiliating or offensive environment.” We anticipate that employers will want clarification of these words and phrases either in the implementing statutes or in the regulations promulgated by the equal treatment agencies. For example, exactly when is a person’s dignity violated? Is such a determination based on a “reasonable person” standard, whereby an alleged harasser should have known, as a reasonable person, that the alleged harassing behavior would have the effect of violating the
dignity of another person? Or is such a determination based on a “reasonable victim” standard, whereby any person receiving the alleged harassing behavior could reasonably be assumed to have suffered a violation of one’s dignity (cf., e.g., Kubal, 1999)? Similarly, what constitutes an intimidating, hostile, degrading, humiliating, or offensive environment? How are these words to be defined, and what standards are to be applied in defining them? Definitions are critical for establishing a prima facie case of harassment and sexual harassment and for defending against claims of discrimination.

Legislation providing for an affirmative defense
In the Directive, Member States are not required to include employer defenses within their national implementing legislation. It is possible to argue, however, that Article 8(b)(3) provides a basis for Member States to include employer defenses when it “encourages employers to promote equal treatment for men and women in the workplace in a planned and systematic way.” An excellent method of encouraging employers to enact policies and procedures prohibiting sexual harassment would be to give employers an affirmative defense. Unfortunately, Council Directive 97/80/EC clearly places the burden of proof on employers to prove that there has been no breach of the equal treatment principle. In essence, the employer is presumed to have violated the principle unless it can prove otherwise. To level the playing field in a way allowable under the Directive (and Directive 97/80/EC), employers should lobby for an “affirmative defense” within the national implementing legislation.

Member States could fashion statutes creating an affirmative defense by following the examples created by the United States Supreme Court in Burlington Industries, Inc. v. Ellerth (1998) and Faragher v. City of Boca Raton (1998). These cases created an affirmative defense for employers when they exercised “reasonable care” in preventing sexual harassment and, where sexual harassment is alleged to have occurred, they promptly corrected the harassment. An affirmative defense of this nature necessitates one additional element: that the employee alleging a breach of the equal treatment principle unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer. Such a requirement correctly allocates responsibility for preventing and correcting harassment to both the employer and the employee. This is consistent with Recommendation 92/131/EEC on the protection of the dignity of women and men at work, whereby the annexed Code of Practice acknowledges “employees’ responsibilities” in preventing and discouraging sexual harassment.

Legislation establishing an official arbitration process
If the EU’s experience is anything like that of the United States, the prohibition of workplace sexual harassment will lead to a significant increase in the number of claims requiring resolution within the legal system—inevitably costly for all parties. To minimize the risks and financial costs of trial, employers may wish to lobby for the creation of a system of binding arbitration. Whether such arbitration is allowable in employment cases under extant EU law is debatable (see, e.g., Sternlight, 2002). In the U.S., however, the Supreme Court has ruled that virtually all private employers can require applicants to accept dispute resolution via arbitration as a condition of employment (Circuit City, 2001). The arbitrator or arbitration panel is capable of enforcing all federal protections against discrimination. For the EU, Directive 97/80/EC acknowledges the possibility that such cases might be brought “before a court or other competent authority” (emphasis added), and a system of arbitration could serve as such an authority. Similarly, Article 6 of the Directive calls for “judicial and/or administrative procedures, including...conciliation procedures” (emphasis added). A system of arbitration would have the effect of lessening the anticipated increased pressure on the respective national court systems and would facilitate efforts to resolve discrimination claims (and other employment disputes) quickly and reasonably, but at a lesser cost than litigation.

The role and powers of equal treatment agencies
The Directive requires each Member State to create a mechanism for advancing the equal treatment of all persons, but the duties and responsibilities are broadly defined. As each Member State enacts harmonizing legislation implementing this part of the Directive, employers may wish to lobby for clarity regarding the precise powers of these agencies.
Until passage of enabling and harmonizing legislation in each Member State, employers should take an active role in the public policy process. Moreover, they must anticipate being called upon not only to take measures to prevent harassment and sexual harassment from occurring, but also to establish procedures for taking remedial actions once harassment has occurred (or is alleged to have occurred).

**Suggested Workplace Initiatives For Employers**
The employer will be the EU’s most important and direct guarantor of the principle of equal treatment between men and women in the workplace. In this section, we offer some practical suggestions for preventing sexual harassment and undertaking remedial measures once sexual harassment is alleged to have occurred.

- **Preventative measures**
  In anticipating what measures to take toward eliminating sexual harassment, employers need look no further than the Commission Recommendation 92/131/EEC on the protection of the dignity of women and men at work, particularly its suggested Code of Practice. While the Directive makes no mention of this Recommendation, in our opinion it is an essential companion document. Though not legally binding on Member States, the Code offers sound advice consistent with human resource management “best practices.” The prevention of workplace harassment rests on a number of critical employer actions, including developing and effectively communicating unequivocal policy statements and assigning responsibility at each organizational level while providing training programs for all employees.

  The most profound and effective measure for preventing sexual harassment is the dissemination of a policy statement stating unequivocally that harassing behavior will not be permitted or condoned by the employer at any time or in any fashion. Such a statement should include definitions of harassment and sexual harassment, examples of inappropriate behavior, and a statement of rights and duties for managers, supervisors, and employees. The policy adopted by the employer would inform employees of their right to report instances of sexual harassment and provide and explain the procedure they should follow to lodge a complaint or seek assistance with the process. Employees should be assured that the employer will take such complaints seriously and will address the complaints in a timely and (to the extent possible) confidential manner. The policy must also protect employees filing a complaint from retaliation. The range of sanctions and disciplinary measures to be taken against employees should effectively deter offending behavior and be specified clearly in the policy.

  To increase the likelihood that policy statements will deter sexual harassment, the policy’s provisions must be communicated effectively to all employees at every level. Copies of the policy should be given to every employee, and managers and supervisors should reinforce the employer’s commitment to a harassment-free workplace by holding meetings with employees periodically to review the policy’s essential provisions and convey a responsive and supportive attitude that will earn the employee’s trust. If employees perceive management’s commitment to be sincere and resolute, the probability that harassment will occur should decrease.

  Managers and supervisors should be charged with the responsibility for implementing the policy and taking actions to ensure compliance. Employees likewise would be charged with the duty of complying. Such a policy could be integral to establishing an affirmative defense for employers (should the implementing legislation adopted by each Member State include provisions for an affirmative defense). Ongoing training — for managers, supervisors, and employees — is an essential element in the employer’s arsenal of preventative measures. These training sessions should continuously reinforce the conditions that contribute to a harassment-free working environment, and should familiarize or reacquaint each employee with their rights and responsibilities. Such training should occur at the time of hiring and throughout an employee’s tenure. Finally, employees assigned an official role in administering the policy’s complaint procedures should receive specialized training.

- **Remedial measures**
  Employers will prefer to prevent sexual harassment and other forms of workplace discrimination. However, if the dissemination of a policy statement combined with ongoing training for all employees fails to accomplish this objective, employers must have processes for addressing incidents of harassment once they occur (or are
alleged to have occurred). Procedures for remedi- ing sexual harassment are as important as policy statements for employers seeking to provide equal treatment for employees consistent with the letter and spirit of the Directive.

Once again, the wheel need not be reinvented: Commission Recommendation 92/131/EEC provides sound advice and direction for employers seeking a system of remedial measures to address claims and instances of sexual harassment. The procedural mechanisms should include several facets of remediation: (1) an informal inquiry and complaint process, (2) a formal complaint process, (3) the availability of advice and assistance for employees, (4) an investigatory process, and (5) a system of disciplinary sanctions.

Informal inquiries and complaints. Most employees probably prefer to resolve workplace discrimination problems in an informal way. Usually victims of discrimination, and especially sexual harassment, are content simply to have the offending behavior cease. Employers could encourage employees to resolve instances of harassment (or alleged harassment) informally among themselves through open communication and honest dialogue. Sometimes it may be necessary only for an offended employee to communicate clearly to the offending employee the nature of the unwelcomed behavior, the fact that it makes him or her uncomfortable and may interfere with job performance. Where a policy statement has been communicated to employees who have also been part of an ongoing training program, this informal resolution process is often sufficient. If the offended employee finds it embarrassing or otherwise difficult to raise the issue directly with the offending employee, the employer might designate a counselor, employee assistance officer, or an employee liaison to provide the offended employee confidential advice and, when requested by the employee, to intervene informally on the employee’s behalf. If informal methods are ineffective, the employee should have the ability to pursue a formal complaint procedure.

Formal complaint procedures. The offended employee must be able to seek redress and remedy through a formal complaint process created and scrupulously administered by the employer. The employer must designate the person (or persons) with whom an offended employee may report an instance of harassment or file a complaint. Alternatives should be available in case the normal formal procedure is inappropriate (for example, when the person designated to initially receive formal complaints is also the person alleged to be the harasser). To ensure that all employees are aware of the formal complaint procedure — including the identity of persons designated to receive formal complaints, documentation required to establish a formal complaint, and appropriate time lines — it should be included as an integral part of the employer’s sexual harassment policy. Indeed, the existence of an effective complaint process reduces the likelihood that a harassment victim will quit the employment relationship or, worse, seek legal remedies (Hogler, Frame and Thornton, 2002).

Advice and assistance. The success of both informal and formal procedures for resolving sexual harassment complaints depends on the availability of a person within the organization charged with the responsibility for dispensing advice and providing assistance to aggrieved employees. Recommendation 92/131/EEC anticipates that this person will likely come from the personnel or equal opportunities departments. Alternatively, the designated counselor may be a member of the employee’s trade union or a women’s support group. Whoever is charged with this important responsibility must receive formal training in conflict resolution and must be intimately familiar with the organization’s policies and complaint procedures. Appropriate resources must be budgeted for this position, and the person must be protected from retaliation for counseling or assisting anyone seeking advice or filing a sexual harassment complaint.

Investigations. Without question, the key to successfully resolving formal complaints of sexual harassment is the investigation process. The decision to investigate claims of harassment, and to do so reasonably, can no longer be viewed as simply a matter of managerial discretion (see, e.g., Morgan, Gomes, and Owens, 2001). Indeed, failing to investigate competently may be regarded as strong evidence that the employer approves, albeit implicitly, of the harassment, in direct contravention of the Directive.

Effective investigations should exhibit three
attributes: (1) thoroughness, (2) impartiality, and (3) promptness. Thorough investigations involve interviewing the complainant, the alleged harasser, and relevant witnesses. The focus of the inquiry relates exclusively to the question of whether the alleged harasser engaged in prohibited behavior. Investigators must distinguish statements of fact from conjecture. Moreover, for the investigator to make determinations regarding the credibility of the parties and witnesses, the investigator must maintain unquestioned impartiality. The inquiry should be as short as possible, and reasonable investigations normally can be completed within a few days to a couple of weeks.

**Discipline.** The firm’s policy prohibiting sexual harassment and protecting the dignity of employees at work should clearly (1) identify behavior that is unacceptable, and (2) specify the range of sanctions for employees who engage in such unacceptable behavior. The policy should prohibit retaliation against, and victimization of, persons bringing complaints of sexual harassment (or persons advising or otherwise assisting complainants). If a complaint is valid, management must take whatever action is appropriate to ensure that the harassment ceases. When an allegation is found to be unsubstantiated, it may be prudent for management to reassign or transfer one of the parties to the complaint in the interest of reestablishing workplace harmony, especially if either party expresses a desire for such a transfer.

**Conclusion**

With the recent approval of the Directive, the EU has taken a major step toward harmonizing public policy aimed at reducing sexual harassment in the workplace. As Member States pass implementing legislation, employers throughout Europe will enjoy new opportunities for advancing the principle of equality between men and women. In pursuing these opportunities, however, employers inevitably will face substantial challenges.

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**REFERENCES**


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increasing protections for investors appears to have been accomplished.

Although recent scandals have tarnished the reputation of U.S. financial markets, a study by Bhattacharya, Daouk, and Welker of data from 1985 through 1998 (Popper, 2002) indicates that the U.S. still ranks highest in earnings transparency. The same study indicates that countries with high earnings transparency have lower costs of capital.

If the U.S. is to continue to attract international financial capital and maintain the confidence of American investors, improving financial transparency is an important goal. Sarbanes-Oxley provides the tools, although much of the Act remains to be implemented. Whether these tools are effective and fulfill their promise can only be determined by future research.

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Dr. Kulzick, who teaches strategy, information systems, accounting, and fraud prevention, has consulted with many client organizations and also held management positions in government, major corporations, and other organizations.

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