

● Compliance
Communication

How to sell Ethics & Compliance to your organization

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U.S. Department of Justice

Evaluation of Corporate Compliance Programs (Updated March 2023)



Update March 2023

C. Training and Communications

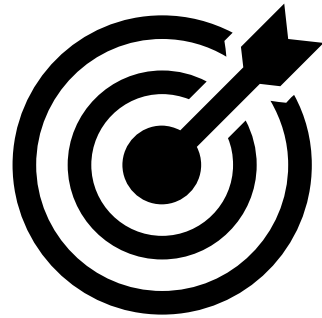
Another hallmark of a well-designed compliance program is appropriately tailored training and communications.

Prosecutors should assess the steps taken by the company to ensure that policies and procedures have been integrated into the organization, including through periodic training and certification for all directors, officers, relevant employees, and, where appropriate, agents and business partners. Prosecutors should also assess whether the company has relayed information in a manner tailored to the audience's size, sophistication, or subject matter expertise. Some companies, for instance, give employees practical advice or case studies to address real-life scenarios, and/or guidance on how to obtain ethics advice on a case-by-case basis as needs arise.

Other companies have invested in shorter, more targeted training sessions to enable employees to timely identify and raise issues to appropriate compliance, internal audit, or other risk management functions. Prosecutors should also assess whether the training adequately covers prior compliance incidents and how the company measures the effectiveness of its training curriculum.

Prosecutors, in short, should examine whether the compliance program is being disseminated to, and understood by, employees in practice in order to decide whether the compliance program is "truly effective." JM 9-28.800.

Elements of effective trainings & communication



avoid misconduct
Change in behavior



Engage



Remember



Take action



Andragogy



Based on past experience and knowledge

- rely heavily on past experiences
- may be outdated, incorrect, biased, or incomplete

Problem-based

- Does it solve a problem or task?

Practice related and role-based

- Directly related to their jobs

Intrinsically motivated

- Self motivated: What is in it for me?

Self determined and independent

- Adults are self-directed and independent learners who take responsibility for their own learning.

Malcolm Knowles

Begin with trust

Trust triangle



Authenticity

I can see the real person behind.

Clear and understandable

The information are clear and understandable for me.

Empathy

I believe it is about me.

K. Frei | Anne Morris, Begin with trust, Harvard business review, 2020

„Explanation graphics“ (Nigel Holmes)

Visualization

Making complex information easier to understand.

1

Our brains are built this way.

50% of our brain is directly or indirectly responsible for visual functions.

2

Easy for our brains.

Access to information is physically easier.

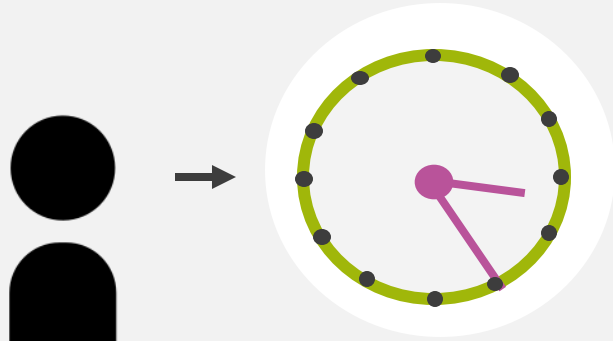
3

Our brains are natural news seekers.

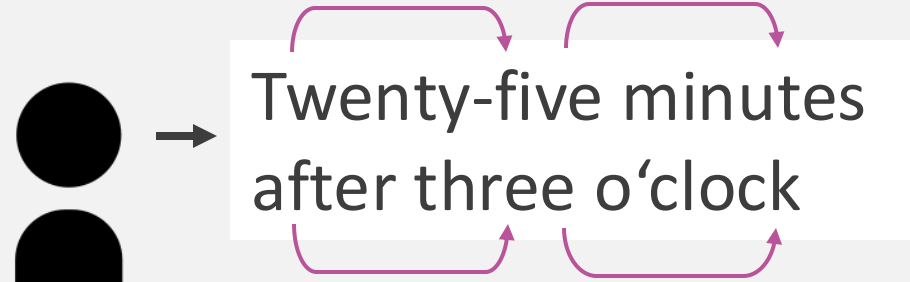
Our brains are wired to look for things that are new.

Easy on the mind

Mark Smicklas „The power of infographics“



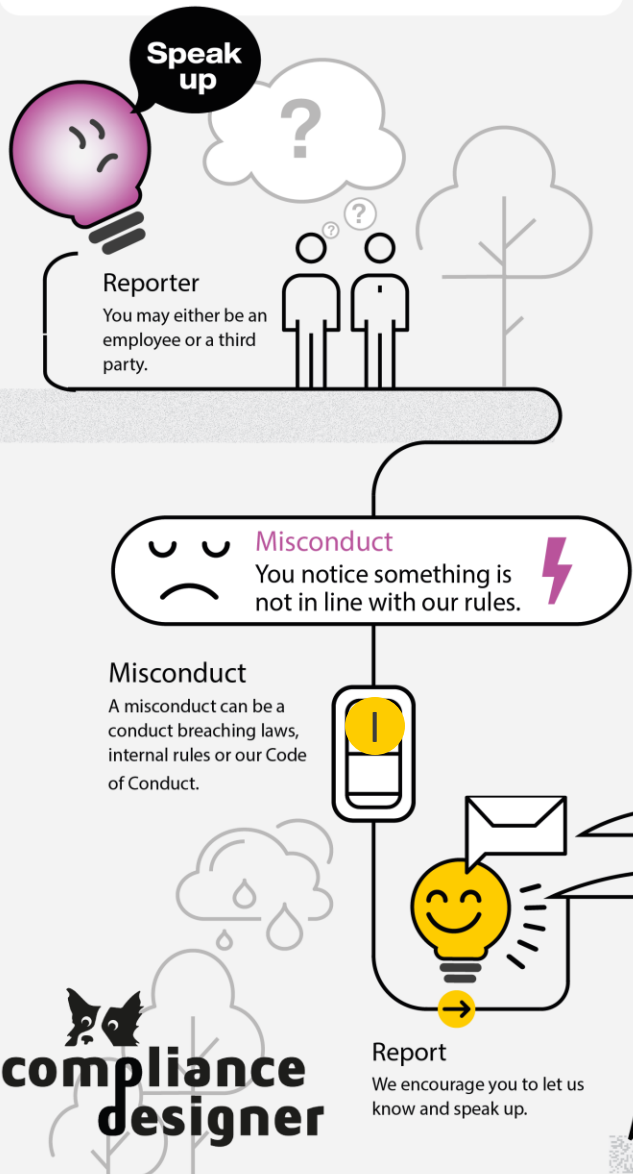
Simultaneous Processing



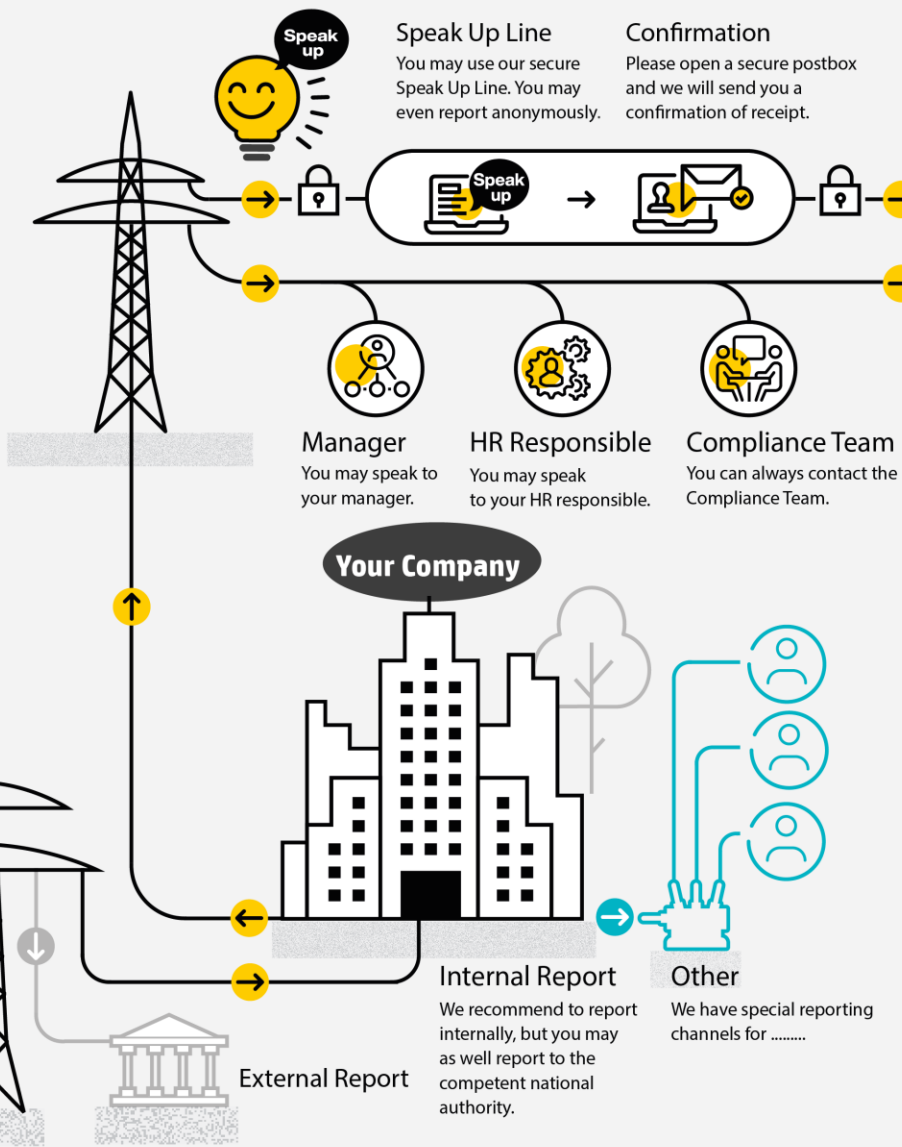
Sequential Processing

The way of your report

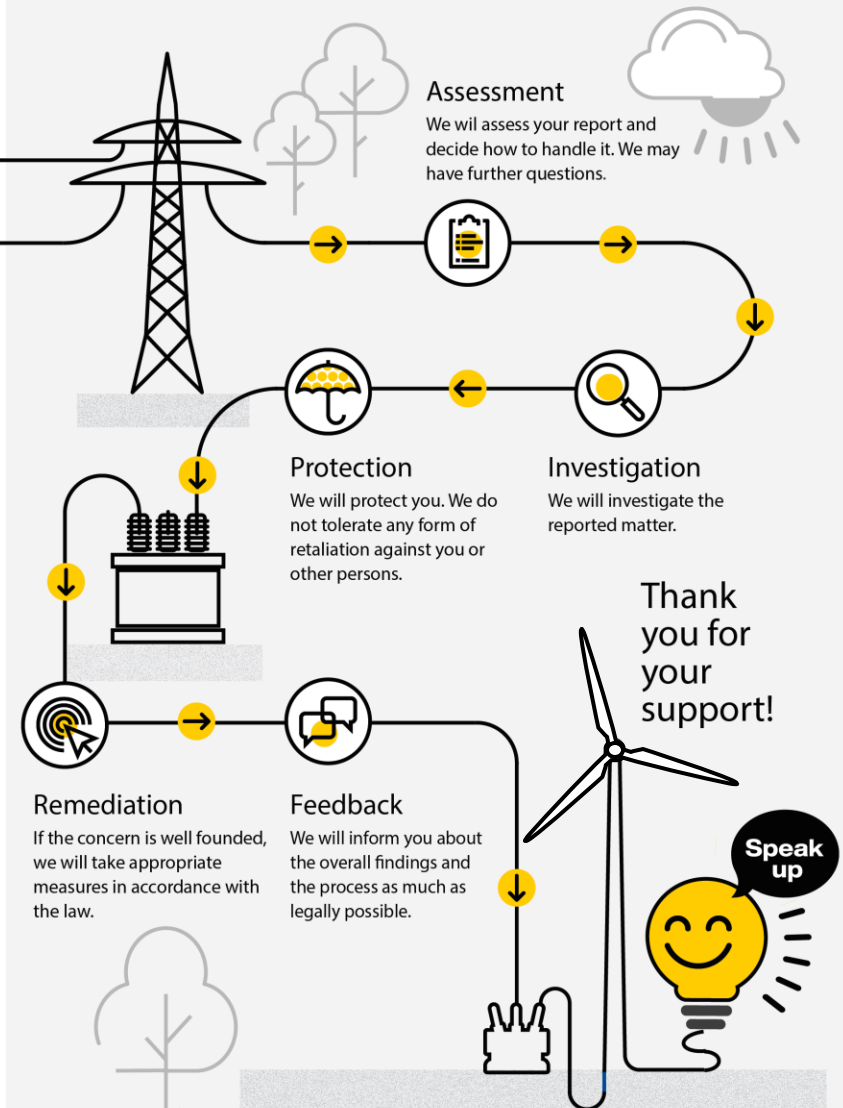
Shall I speak up?



How can I speak up?



What will happen, when I make a report?






Gifts, entertainment and hospitality

Can I give or receive it? | 3 step approach | Overview







1 What do you want to give or receive?

When dealing with business partners and public officials, you may only grant or accept **anything of value** if it does not influence business decisions. Even the appearance of unlawful influence must be avoided.

	<p>Gifts Gifts are anything of value given to someone as a sign of appreciation or friendship.</p>		
	<p>Entertainment Entertainment includes for example attendance at plays, concerts, and sport events.</p>		
	<p>Hospitality Hospitality includes refreshments, meals and accommodation. It can be a package of all three.</p>		
<p>But there are more, for example</p> <table border="0"> <tr> <td> <ul style="list-style-type: none"> Travel expenses Sponsorships, donations and community investments </td> <td> <ul style="list-style-type: none"> Promise of employment Billing schemes, e.g. discounts, commissions, overpayments </td> </tr> </table>		<ul style="list-style-type: none"> Travel expenses Sponsorships, donations and community investments 	<ul style="list-style-type: none"> Promise of employment Billing schemes, e.g. discounts, commissions, overpayments
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2 Is it in line with our golden rules?









Check, if the contribution is in line with our golden rules. These rules apply in all cases.

-  **In good faith**
I do not give or receive it with the intent or prospect of influencing decision-making or other conduct.
-  **Reasonable and moderate**
It is reasonable in value, appropriate to the circumstance and to the position of the persons involved.
-  **Occasional**
The frequency does not raise any actual or perceived conflicts of interest or impropriety.
-  **In the company's interest**
Any gifts, entertainment or hospitality shall relate to the company's legitimate business interest.
-  **Not negotiating process**
If we are tendering to, negotiating with or otherwise involved in a similar process gifts, entertainment, hospitality are prohibited.
-  **Transparent and documented**
We provide or receive anything of value in an honest and transparent manner. We document our actions.

3 Do you need an approval?

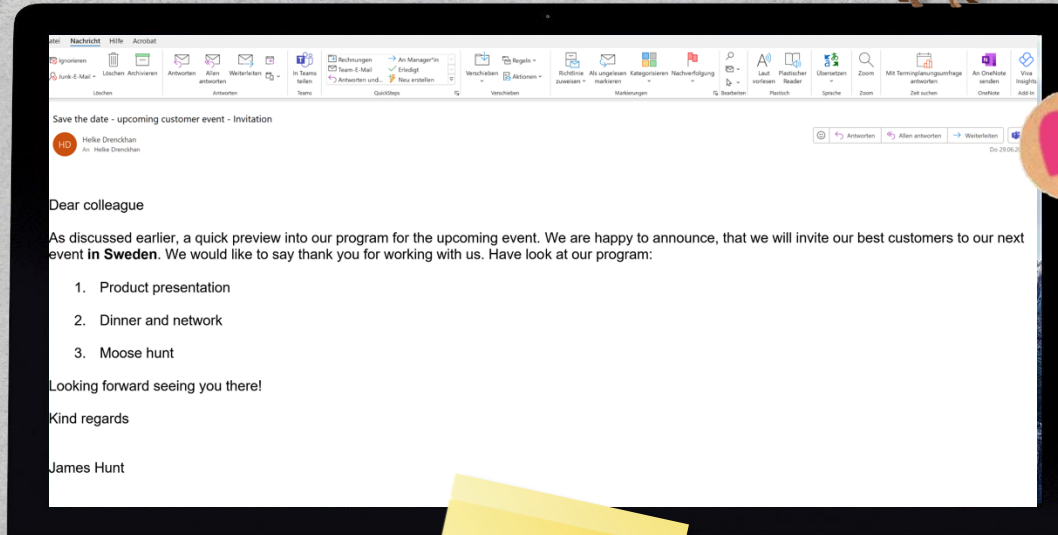
Check the value of what you want to give or receive is in line with our internal rules and any applicable local laws. We need to be more careful when dealing with public officials.

Public officials	Business partner
 You need an approval.	<p>€ / \$ 100</p>  Go ahead.  You need an approval.
	
Approval tool	

	
 Lunch (e.g. canteen or inexpensive restaurant)	 Cash or cash equivalent (e.g. gift cards, pre-paid cards, shopping coupons, reloadable debit cards)
 Cup of coffee	 We do not send anything to a private address.
 Stationery	 Luxurious gifts

Something is wrong?

[Speak Up](#)



Great start into the week

Upon arrival at work, I see a gift on the table. It is from a former business consultant.

It is a nice bottle of champagne to thank me for the collaboration and to let me know she has retired.

May I keep it?

A

Yes

Everyone deserves a present now and then.

B

No

It is too much. I will return the present.

C

I do not know.

I will ask my line manager.



Be careful, but if the market value does not exceed our threshold, you may keep it.



Well done. If returning is not possible, you may donate it.



Well done, it might exceed our threshold. Your line manager will explain what to do.



The unexpected moose

A supplier invites you to a product presentation in his Swedish factory. The supplier will pay your stay in a luxurious wellness hotel.

And to your surprise he invites you to a moose hunt by helicopter. You will pay the travel costs to Sweden yourself.

Can you accept the invitation?

A

No

It is too much.

B

I do not know.

I will ask my line manager.

C

Yes

It is important to maintain a good relationship.



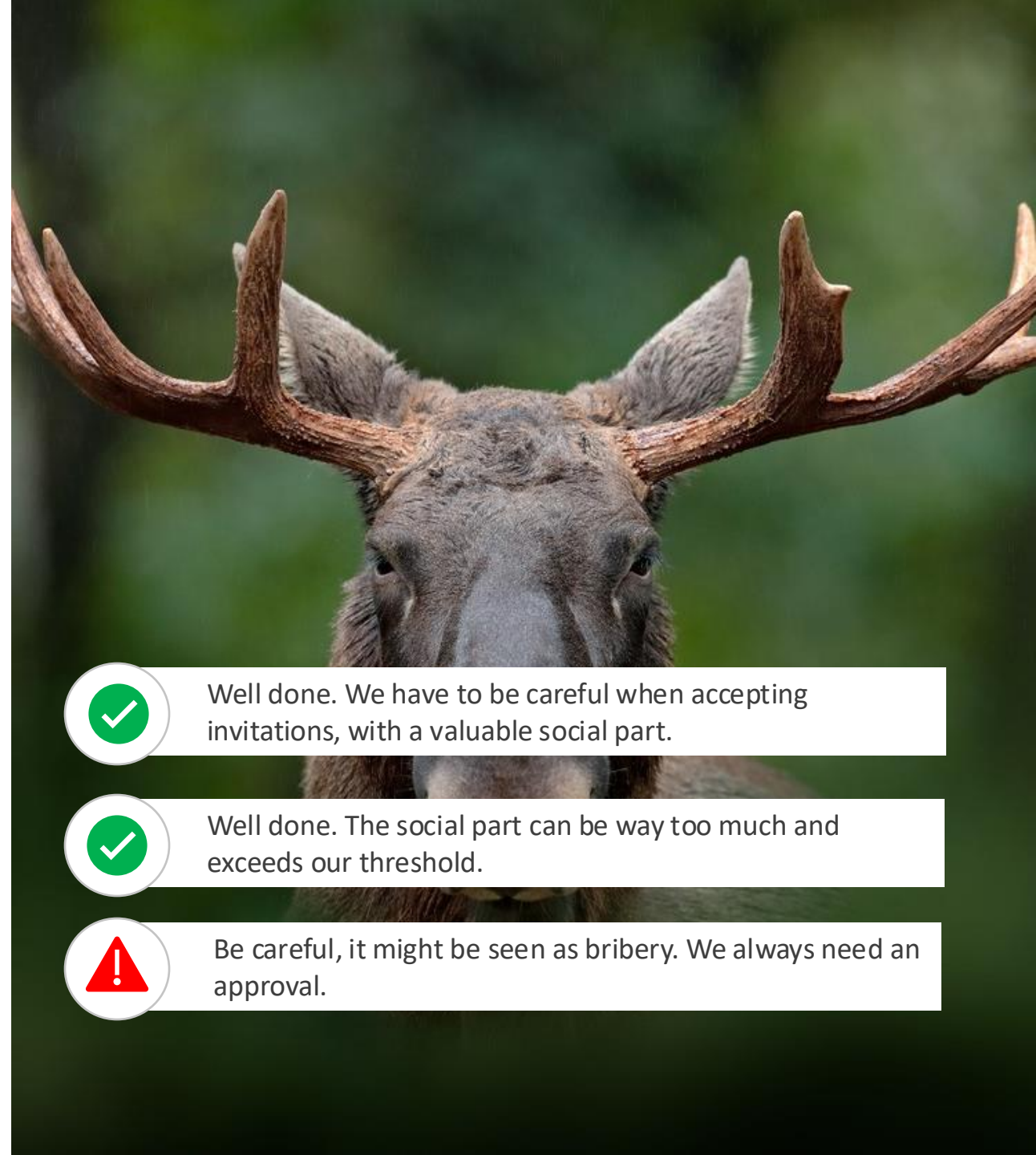
Well done. We have to be careful when accepting invitations, with a valuable social part.



Well done. The social part can be way too much and exceeds our threshold.



Be careful, it might be seen as bribery. We always need an approval.



Elements of effective trainings & communication

Engage

Remember

Take action

1. Trust

2. Easy to understand

3. Relevant for their tasks

How to **sell** Ethics & Compliance to your organization?



Sales pitch

NEEDS

Listen and discover needs

1

2

PITCH

Explain your product and features

OBJECTIONS

Listen and acknowledge concerns
Uncover the root cause and response

3

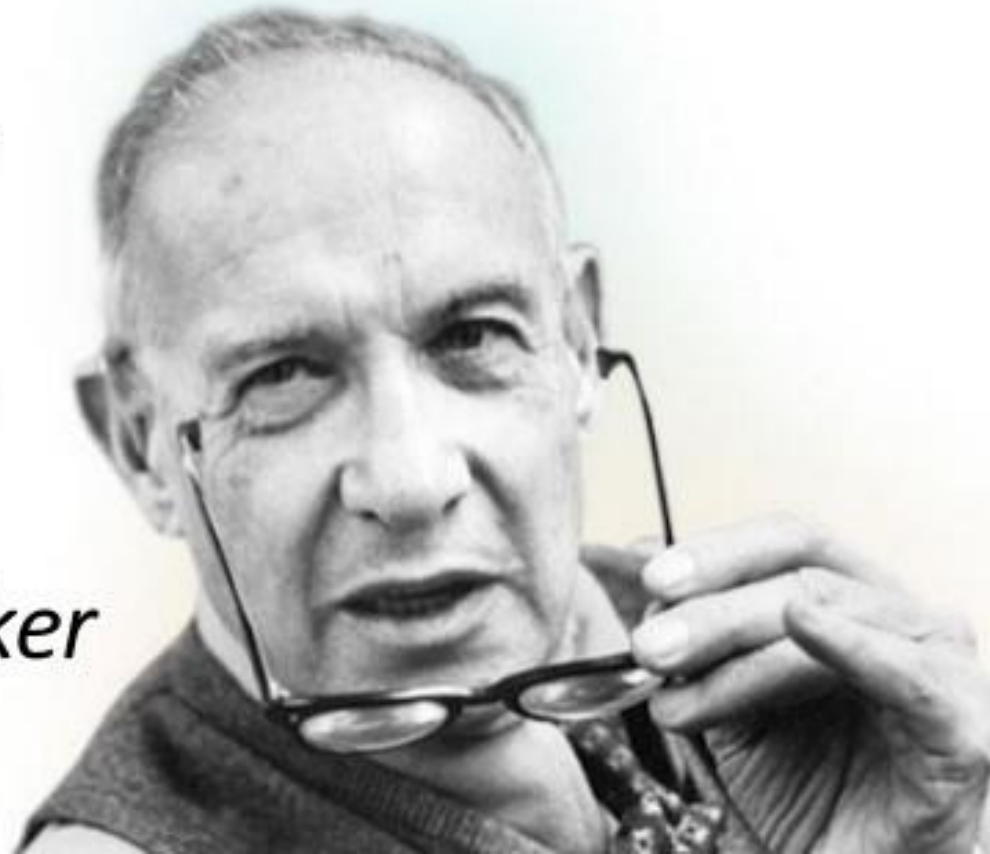
4

CLOSING

Ask for the sale or next steps

“The most important thing in communication is hearing what isn’t said.”

– *Dr. Peter F. Drucker*



Objections

This does not apply to me because:

"My culture is different."

*"I will lose time.
It is too complicated."*

"I'm not a criminal."

"They do not want to lose the client."

"It is just for the company. They do not mean it like that."

"I see other people doing it."



Elements of effective trainings & communication



Engage

Remember

Take action

1. Trust

2. Easy to understand

3. Relevant for their tasks

4. Objections

Thank you!

