A short guide to 5 Essential Elements of Corporate Compliance
In today’s active global enforcement and regulatory environments, it can be particularly challenging for multinational companies to effectively manage corporate compliance efforts. Authorities across the globe continue to emphasize the importance of establishing effective compliance programs that are carefully tailored to risk and appropriately enhanced as risk levels evolve.
An effective compliance program must be built on a solid foundation of ethics and integrity that is fully endorsed by senior management. But compliance standards require more than just support from the top. Companies must have high-ranking compliance officers who have direct and independent access to the board and the authority and resources to manage the program on a daily basis. Company structures should also include full-time compliance personnel and a meaningful compliance operational presence in subsidiaries, business units, and foreign countries. Authorities now take note of compliance expertise within the board’s membership and whether the board holds executive or private sessions with compliance leadership. Meaningful collaboration among the various senior leaders and other company stakeholders, such as business and operational managers, finance, procurement, and human resources, is another indicator of a strong compliance program.

Enforcement authorities around the world increasingly expect multinational companies to have formal processes for periodically assessing compliance risks everywhere they do business, particularly in higher-risk regions, including emerging markets in South America, Eastern Europe, and Asia. Indeed, government officials in the US and beyond now routinely point to risk assessments as the foundation of an effective compliance program. As companies become more dependent on global supply chains, knowing the nature and extent of business risks has become a critical first step for implementing effective compliance programs. In addition, post-merger or post-acquisition risk assessments are critical to effectively integrating new business units. To identify evolving risks, risk assessments should incorporate detailed consultations with front line personnel operating in higher-risk markets.

It would be challenging to find a global company today that does not have a code of business conduct — an easy-to-read summary of corporate do's and don'ts. But compliance standards require that companies go further. For example, policies and protocols regulating the interactions of employees with government officials or the due diligence screening of third-party business partners should be customized to the specific risks of the business operations. Companies should also ensure that compliance covenants are included in contracts with third parties.

In recent years, the rise of technology platforms, such as webinars, video conferencing, and online testing, has made training across business operations easier to manage and more affordable. However, enforcement officials want to be sure that guidance on recognizing and addressing red flags gets through in a meaningful way. Thus, government authorities often scrutinize who a company trains, how the training is conducted, how often such training occurs, whether it is customized to address issues specific to employee responsibilities, and its overall effectiveness. Additionally, regulators continue to place significant emphasis on live training, particularly for individuals working in higher-risk functions or countries. Developing a training program that ensures annual, risk-based training is now a best practice.
After all the necessary program controls have been put in place and communicated to the appropriate audiences, the question remains whether the workforce is actually complying. Monitoring, auditing, and responding are key components that enforcement officials look for when determining whether companies maintain adequate oversight of their compliance programs. Oversight, however, is often the weakest link in a company’s compliance program. Policies, procedures, and training should be regularly tested for their effectiveness and monitored for red flags and to ensure consistency with contract terms. Businesses are also required to conduct regular audits, monitor employee conduct, respond quickly to allegations of misconduct, and discipline those who violate compliance policies or applicable laws. Furthermore, when such issues arise, companies are expected to conduct a comprehensive root cause analysis to identify systemic issues that allowed misconduct to occur and remediate expeditiously.

5 ESSENTIAL ELEMENTS OF CORPORATE COMPLIANCE

How we can help:
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