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by Kirsten Liston, CCEP and Meghan Daniels, JD

Five tactics to dramatically improve your Code of Conduct

» Consider the Code a marketing project: Increasingly, companies are realizing that a Code should be an attractive, effective, persuasive document, not a contract look-alike.

» Give your Code an infrastructure: Use an inspired organization scheme to ground it in topics and ideas that are meaningful to your audience.

» Talk like a human: Use clear, direct language—the simpler, the better.

» Tell people what to do: Forget the philosophy or history of the law; focus on practical, relevant guidance.

» Aim to connect: Above all, look for ways to engage with your audience; people are better persuaded when they feel connected to you.

Is your Code of Conduct feeling a little tired? Maybe you liked the graphics once, but now they look kind of…dated? Or maybe the language seems stilted, even impersonal? Do you wonder if it's really reaching people? You're not alone.

Liston

Daniels

Over the past five or so years, there's been a quiet revolution in what a Code looks like and what it's expected to do. When large-scale compliance programs were getting started, 10 or 15 years ago, just having a Code (at all!) was enough. Because lawyers wrote them, they looked like contracts, written in Microsoft Word with numbered sections. And because Codes often reflected the organization's most recent risk assessment (formal or informal), they tended to be presented as a list of risk areas: bribery, respect, competition law, and so on.

The message? *Here's a lot of rules we all have to follow.*

Perhaps not surprisingly, many organizations are realizing that this approach is less persuasive than it could be. And, increasingly, compliance programs at leading companies are borrowing tactics from marketing or social media to catch employee attention.

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Five key areas

Over the past five years, Meghan and I have written around 25 Codes of Conduct, many for companies that were looking to move from a "check the box" Code to a more modern approach. Along the way, we've identified five key areas to focus on when

you update your Code. Implementing even just two or three of these can dramatically improve your Code and make it a far more attractive, effective, and persuasive document.

1. Rethink how your code is organized

Traditionally, the people creating Codes didn't give much thought to the overall organization of the document beyond reflecting the compliance officer's mental checklist of key topics: bribery, insider trading, conflicts of interest, etc. But if your goal is persuasion, you'll do better if you ground the Code in language that's compelling and relevant to employees. See if you can establish an overall theme that's bigger than any one individual topic. This might be your values or an aspect of the company's history, culture, or branding that really resonates with employees.

You'll know you've found the right approach when it lends itself well to a tagline, like the pharmaceutical company whose Code tagline is: "To be as brave as the people we help." Or the steel company that uses: "Created with integrity. Built to Win."

Once you've picked a theme, find ways to tie other parts of the document back to that central theme. If you connect the Code to larger business initiatives or culture points, it will help with the positioning. Following the Code is not separate from doing your job well; it's *part* of it.

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2. Talk like a human

It wasn't that long ago that corporate boilerplate was the norm. You know the kind of writing I'm talking about – communications written from the point of view of an organization, not a person, such as "Commitment to ethical professional conduct is expected of everyone" or "The Code is intended to serve as a basis for ethical decision making."

These are sentence structures and words you would never use in a conversation. And yet, for a long time this was the acceptable way to approach writing for a mass audience. For people who have spent their careers creating legal documents, sentences like these can even *seem* conversational, or at least very easy to write. But the average person finds them dense and hard to read. In this digital age, we've all gotten used to a communication style that is far more personal, brief, and conversational.

Psychologists have even developed a term for this: The fluency heuristic. Research has found that when we can process information quickly and effortlessly, we like and trust it more. And when communications are harder to read, readers tend to tune it out. It might sound simple, but switching from disembodied formal corporate language to targeted, conversational "I-We-You" sentences can have a huge impact on whether or not employees engage with your Code—or even finish reading it.

3. Think in layouts

In addition to writing simple, easy-to-follow body copy (see #2), great Codes amplify and expand on that material, using callouts, Q&As, and resource guides. Using this type of supporting material can:

- **Draw attention to specific points**–Emphasize what you really want to highlight, perhaps common misconceptions or everyday examples of how this topic applies.
- **Add visual interest**–New, separate content elements create the opportunity to vary the visual styling, creating a page that looks pleasing and balanced.
- **Keep the content conversational**–Don't include details like protected characteristics in the main text; break them out as standalone bulleted lists.
- **Bring Code standards to life**–By giving real-life examples or answering FAQs, you can help employees see how these principles and standards can apply to their actual work.

Breaking the content into short, easy-to-digest chunks creates a document that's easier to read now, and that's also optimized for reference later.

Finally, consider enlisting a professional designer for the page layouts. Putting visible effort into the Code sends a clear message that this is an important topic and the company takes it seriously.

4. Focus on practical, relevant guidance

Put simply, the purpose of a Code is to set standards and guidelines for how employees should act at work and when they represent the company. But, too many Codes focus on abstract principles without ever getting specific about how these concepts might play out in an employee's day-to-day work. Yes, it's impossible to cover every situation that might come up, but it is possible to help employees answer the question: "So, what does this mean for me?"

Put simply, the purpose of a Code is to set standards and guidelines for how employees should act at work and when they represent the company.

As a former colleague of ours used to say: "You don't need to tell people what the law says. You need to tell people what the law *means*." The more you can keep your Code focused on practical, relevant guidance for your employees, the more interested they will be. Some approaches we've found to be useful are:

- Within each section, try to provide a bulleted list of specific actions employees should take or avoid, given the requirements in this area.
- Try to use the word "you" when giving specifics. This will force you to give guidance, as opposed to just outlining legal principles.
- If you're explaining legal concepts and definitions, keep them separate from the main body text and from the guidance you give employees (use sidebars and callouts).

Clients often ask us what's behind the change in Code standards. We attribute it to a few trends in Compliance and the wider world:

- **Proof of effectiveness**: Increasingly, regulators/prosecutors are looking beyond "perfect paper programs" and are asking: Are your efforts really working? How do you know? Have you measured the impact of your compliance efforts? Can you show that employees are responding? In turn, compliance teams are asking what might actually change behavior versus a tick box approach.
- **Technology-driven communication**: In the last decade, the way we communicate has changed substantially. Attention spans have shortened and multi-tasking is common. The average employee has acclimated to a world in which communication is short, personal, and highly engaging, and they increasingly tune out material not up to these standards.
- **Design and brand expectations**: Technology has made design tools inexpensive and widely available. Any 11-year old can design an attractive website, brochure, or logo, and we all are increasingly exposed to beautiful, professional-level design as part of everyday life. Consumer brand companies (Nike, Google) lead the way, but companies in all industries are increasingly focused on the style, tone, appearance, and design of compliance program materials.

5. Connect

Research shows people are more easily persuaded by people they like and trust. And they feel more connected to people who show a clear understanding of them and their situation. So, once you've taken the other steps here, the final step to take is to look for ways to build a connection with employees. Can you invite them to share input? Can employees submit art for potential Code covers and vote on the winner? Can you personalize some of the people in the compliance program, so employees feel like they're reaching out to a person and not a faceless department?

Another way to connect is to give employees an identity to feel connected to: "We are like this." Or you might just try rewriting the communications that announce the elements of your compliance program to be simpler and more direct, more like the way you would write to a colleague.

Conclusion

As we said at the beginning of this article, the standards for Codes are changing quickly, driven in part by digital communication, changes in design and brand expectations, and even what regulators are looking for in a compliance program. Implementing some or all of these tactics can dramatically change your Code and turn it into a tool that can help you better engage employees in your compliance efforts. ✳

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