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Meet

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Society of Corporate Compliance and Ethics

Speaking for our profession

By Roy Snell



It's stunning how many people feel qualified to speak for compliance professionals. People who have spent their career in ethics, audit, risk, legal, etc., all seem to think they should define our profession. When is the last time someone with no legal experience spoke for the legal profession? Why are these people telling the world how a compliance program should be defined? I'll admit, some of it's good for us. Any press is good press. The fact that everyone wants in on the act is a positive indication that what we are doing is at least interesting. Despite all that, damage is being done. People who have never been compliance professionals are likely to give bad information to others about what the job involves. And some of them are intentionally trying to manipulate the definition of our profession and compliance programs to their advantage.

There are people giving presentations about our job who have never held our job. We have people communicating with the enforcement community who have never spent a day managing a compliance program. We have people with very little experience writing several hundred page descriptions

of compliance programs and whose motivation is to make money. We have people coordinating "compliance conferences" who could not identify a qualified compliance professional if their lives depended on it. And then there are the articles. We have 35-year veterans of other professions writing articles suggesting that compliance officers should report to the general counsel. This is against almost every piece of advice the enforcement community has served up. Some of these people have resumes (from their profession) that would cause many people to actually believe what they say. This is irresponsible. This is the equivalent of a risk manager giving legal advice, or an ethicist telling an auditor how to do business. It just doesn't happen. We should not allow this to happen to us.

And then there is academia. Theoretical solutions to this serious problem are not helping. These people are telling their students—our future leaders—that all you have to do is talk about doing the right thing and all your problems will be solved. There is no emphasis on finding, fixing, and disciplining. An overwhelming number of business schools teach

no compliance course whatsoever. Sure, talking helps many people, but it doesn't help all the people and to imply that talking is all you need to do is a crime.

Some mean well. Some don't know what they don't know. The compliance profession is new and exciting; everyone wants to get in on the act. I understand. Compliance looks simple. I guess that has given them some confidence. Maybe they assume we need help. That can happen when you have no experience and a lot of confidence. There is a disconnect.

They feel strongly about it. Risk guys want compliance to be all about risk; ethics guys want it to be all about ethics; lawyers think it's all about the law, etc. If that were true, society's loss of confidence in business and business leaders would have been solved long ago. They want to push their specialty. If it was all about, "fill in the blank," we would not need compliance programs and compliance professionals. These other subspecialties have been around for 50 years. Pushing the methodologies of the past is dangerous. They didn't prevent wrongdoing then and they can't now. And society is fed up with business.

What compliance programs are all about is the use of many tools in concert to prevent and find problems and fix the problems we find. These people want control of compliance programs, or at least control the definition of compliance programs. And yet, when there is a problem to fix that may involve big disappointment and possibly discipline, these people can be found hiding under the table, where they have been for 50 years.

Some would rather we didn't look for problems at all; instead they want to wait, see if we get caught, and then defend it. That is a paradox. Our profession was created because those who came before us failed to look for, find, and fix problems. Now they want to tell us how to do it. This is dripping with irony. All the while, the press, the public, and the politicians are fed up with corporate America because we can't seem to find and fix our own legal and ethical problems. It would be funny if it weren't such a travesty.

Compliance works because we use a balanced approach to all of the compliance tools. It's a very difficult job and business leaders need to be told how compliance works by people who actually have done the job. What people don't understand is how difficult the job is. The guys who have been hiding under the table when problems occurred in the past don't know how difficult it is to solve the

problems you find. If they would have looked for, found, and actually fixed all the problems, they would know how tough this job is. They don't know how important having access to leadership and the support of leadership is. They don't know how important collaboration, negotiation, motivation, and other "people skills" are. They don't know how difficult it is to manage a whistleblower complaint about leadership. They don't know what it's like to wake up at two in the morning thinking "What if the government finds a problem that I should have found?" They don't know what it's like to make someone who is already busy add another step to their process. They don't know what it's like to have to force everyone to attend education. They didn't get it done and they don't know what it's like; and yet they insist on telling everyone how compliance programs and our profession should be defined. The arrogance of it all. It's maddening.

The only reason they keep doing it is because no one stands up to them. We don't stand up because we are a young profession. We don't talk about this because people are too nice. Most of all, you are all more humble about our profession than I am. My real problem is that I am impatient. I want everything done yesterday.

Here is my advice to compliance professionals: Stand up and do something about this. When you see some group trying to

define your profession, who has never been in your profession, call someone involved and let them know what you think. Write about it. Speak about it. Mention it in your social media circles. The more we let the emperor know that he has no clothes, the more he is likely to stop. *

If you have any questions that you would like Roy to answer in future columns, please e-mail them to: roy.snell@corporatecompliance.org.

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