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CW Columnist



Executive coach Amii Barnard-Bahn tackles your questions on compliance training, creating a culture of compliance, and more.

Easy ways to up your training rates

How do you get a higher percentage of workers to complete compliance training without threatening them with discipline? And don't say by making it more interesting, because I don't have the budget! – Phil

Amii: Ah, compliance training completions! My favorite. As with most things, the key is to enlist senior management support. Try to make it fun. Some companies turn annual training into a competition for completion. Winners have bragging rights or, if you have a budget, there can be prize recognition, like a pizza lunch or Starbucks gift cards. In one of my distribution centers, the winning location got a free barbecue with the managers at the grill. Great for morale and demonstrated leadership support. In another organization, we had a “Monkey on Your Back” competition. The last business unit to complete training was publicly awarded a large stuffed monkey, which they had to display prominently for the next year. It was awarded with great fanfare at our companywide Town Hall to the next “compliance training loser” the following year. Anything you can do to align compliance training completion with enhanced performance status is helpful.

Lastly, good old persistence works. You can get to 100 percent after a few annual cycles of polite harassment. At one company in my first year as CEEO, we personally called every incomplete to explain why it was critical (about 200 out of 7,000 employees). If still incomplete, we started calling their manager, and so on up the chain. The next year we only had a list of about 50 people, and the third year we got it down to zero non-completes, because over time we gained senior buy-in (or perhaps just wore everyone down).

I am the director of compliance, a new office for my governmental entity, and have a unique opportunity to “create a culture of compliance” within the agency. Where can I find resources and best practices to assist

in my efforts to create a strong compliance program? – Anonymous

Congratulations! You are in a great place to begin. First, get involved with a professional compliance community to build your network. When I was starting out, I was thrilled to discover that compliance and ethics professionals are a generous and insightful community, very willing to help colleagues. Reach out, connect, and get involved. Second, create a self-study curriculum for yourself. Learn the basic best practices framework (e.g. the Federal Sentencing Guidelines), along with any specific regulations pertinent to your industry. There are several good “compliance 101” resources out there (our own Tom Fox recently published “The Compliance Handbook”). The ECI and SCCE have also published books, offer Webinars, and sponsor compliance certifications. Some universities offer graduate compliance courses for specific industries, such as healthcare. If you have the budget, annual conferences such as (ahem, shameless plug) Compliance Week’s spring event in D.C. are an excellent way to get up to speed quickly on multiple topics, as well as personally connect with compliance experts in your industry.

Third, you will want to gain a firm understanding of your organization’s risk profile. This takes time and is an iterative process, so start now. In an ideal budget-free world, you would enlist support for a formal risk assessment. A risk assessment is the foundation for all effective compliance programs and can help you build the business case for proportionate resources for your new function. Feel free to check back in with questions as your program evolves.

What’s Step 1 in updating a code of conduct? We’ve had so many other priorities in recent years that it’s gone far too long without an update. By the time I arrived it was already in place, and there does not seem to be an appetite for making it a priority. – Rob

Codes of conduct eventually get stale, and many companies refresh every 3-5 years. It can be an expensive undertaking, depending on the depth of code alignment with training and employer branding. We usually see companies update codes of conduct when their risk profile changes, such as that occasioned by a merger or acquisition or a significant change in law or regulation that applies to the business. Sometimes a code refresh is driven by marketing—a new branding initiative or updated logo.

If the refresh request is driven by compliance, you will usually need to build the business case for the update. Quantify the costs and benefits of the change. If a legal or regulatory change is the driving force behind your recommendation, enlist the law department as an ally. If your brand has changed, HR and marketing can provide additional business case support, as the code often is leveraged as a valuable recruitment and corporate governance document. Don't be discouraged if it takes a year or more to gain the support for the update.

I'm looking for someone to lead my compliance team (we're just getting off the ground). What type of personality and background should I be looking for? – Linda (from the transportation industry)

Terrific. I'll give you my wish list. With regard to personality, look for leadership qualities. Many compliance and legal teams promote technical experts into leadership positions without an appreciation for the completely different skillset needed for leading team achievement. You want someone who has accepted the call to leadership—who has made the shift from “me” to “we,” and understands what it means to achieve through others versus being the star individual contributor.

Especially in compliance, you want someone with courage, who proactively manages conflict and understands it's always better to be respected than liked. Someone who listens more than they talk, who evaluates and incorporates other points of view and encourages healthy debate. Someone who inspires trust, is willing to admit and learn from mistakes, and can forge key alliances with your stakeholders. I think that's a pretty good list.

With regard to professional background, ideally seek candidates who have experience leading a compliance team of slightly smaller size (to ensure this role is a growth

opportunity for them). Evaluate the credentials and depth of experience on your existing team and the comparative baseline a newcomer might want to have to garner respect. Someone with prior transportation or logistics industry experience may be a plus to reduce ramp-up time and facilitate a good fit with your culture. Good luck in your search!

What's the best way to inspire employees whom you do not necessarily have direct oversight of? – Brian

Leaders inspire employees by having a vision of the future that they want to be a part of. First, ask yourself: Why should they be inspired by you? How are you sharing a future that is promising, exciting, and that benefits them? Second, make a personal connection. Understand what others need, learn the competing priorities that may lay in the path of them supporting you. Then, to the extent possible, remove those obstacles. Tie what they need into what you are offering, so that you are presenting a solution—perhaps to a problem they aren't even aware of. These are the kinds of actions that motivate employees to go on the journey with you.

I'm happy at my job, but I get the feeling that my company is just “going through the motions” when it comes to compliance and isn't truly invested in being an ethical company. What can I do to change the culture, especially if the “tone at the top” isn't what I think it should be. I should note I am a one-man compliance team! – Stephen

Complacency threatens the effectiveness of compliance teams, both small and large. We would never wish for a scandal or crisis but, unfortunately in some organizations, it can be challenging to galvanize support until it happens.

Paint a picture and make risk real for your organization. Use real examples in your marketplace demonstrating the value to the company of effectively managing threats to achievement of business goals, shareholder value, company morale, and loss of competitive edge. Recent news headlines make for engaging conversation—draw their attention to the soap opera-worthy imbroglios at Papa John's, Theranos, and Uber. The more you can tie risk management to achievement of strategic objectives, the likelier you are to get deserved attention. Try to enlist other sponsors for your cause, so you are not going it alone. ■

Looking for practical advice from a proven compliance leader?



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