



Amii Barnard-Bahn
CW Columnist



Executive coach Amii Barnard-Bahn tackles your questions on compliance training, conducting an ethics health check, and more.

Keys to effective, engaging training

Q. We are required to do compliance and fraud, waste, and abuse training within 90 days of hire/engagement and annually thereafter for employees and contractors. What is the best practice for reviewing the code of conduct? Would contractors review the same code or another version? — Anonymous, from healthcare industry

Amii: With regard to contractors, it generally does not make sense for them to sign the employee Code of Conduct for two reasons. First, they are not your employees and you don't want to treat them like they are or you can trigger co-employment liability concerns. Second, there are many provisions in the Code of Conduct that aren't relevant to the work they are performing on your company's behalf. As a result, most companies have a simplified Code for third parties—such as contractors and suppliers—that is tailored specifically to the risks that are likely in your dealings with them.

The Code of Conduct is the centerpiece of your compliance program and should be a solid recruitment tool for your company. Employees want to work for a company that has a healthy culture and sustainable business model. All rules of conduct for employees—including the handbook and other workplace procedures—flow from the Code. As such, partner with your human resources department to make the Code an integral part of the new hire recruitment and onboarding process. A copy of the Code could be included with your company's offer letter (or an e-link), so new employees have a chance to review and ask any questions when they first start. Code training should be assigned and completed within the first 60 to 90 days of hire, and employees should sign an acknowledgement to be bound by the Code as a condition of employment.

Q. A lot of our folks in sales are under tremendous pressure to meet targets. I can envision a scenario where a few might be cutting corners to meet their goals. I don't want to accuse anyone of anything and nothing has been re-

ported, so what's the right way to conduct an audit of their work without damaging the employee's morale/motivation? — Filip

Amii: As compliance and risk professionals, we feel accountable for anything bad that can happen and sometimes become hypervigilant—continuously scanning our environment for risk. In order to maintain our leadership effectiveness, however, we need to balance this responsibility with objectivity and discretion. Here, you have no actual data that misconduct is occurring. I would therefore tread softly and partner with sales to gather more information, such as meeting with key sales representatives, conducting a field survey, looking at client revenue data, and informal interviews. In good times, but especially down times, I take a lot of people to coffee, breakfast, and lunch to stay in touch.

If there is a specific misconduct risk you are concerned about, I would tailor an ethics "health check"* that will provide you with transparency into the current activity. For example, you could review sales data and conduct interviews with both underperformers and top performers to get a snapshot of healthy practices and an acceptable data range, and then study the outliers and pressure points more closely. Frankly, simply by being present and asking questions, you will deter the behavior you're concerned about.

**I have found that just using the word audit can sometimes unnecessarily formalize what can otherwise be a more informal process. If you can refer to it as a health check, and partner with the business, you're likely to build deeper relationships and get more information than if you were doing a formal arm's-length audit.*

Q. I've gotten feedback that the way my company does its compliance training is outdated (we do it all face to face) and that for convenience sake we need to make it available virtually. I feel strongly that nothing can replace a face-to-

face interaction, but are there any statistics you know of that can back that up? — Nancy

Amii: Studies have determined that both online training and face-to-face training are equally effective, but blended instruction (a mix of both) is the most effective delivery method.

When designing a training plan, start with the end in mind. What is the learning outcome you want to achieve? Evaluate what is best learned online vs. in the classroom. It's important to note that Instructional Design and Training is a recognized profession unto itself (you can earn a degree in this). Engage HR and ask for assistance in conducting a needs analysis whereby they evaluate the options and recommend the best delivery method for the specific training. In general:

Benefits of e-Learning:

- » Available on demand, 24/7
- » Chunkable content—can be bite-sized in 15-minute increments
- » Cost-effective
- » On-demand content can be paused or replayed
- » Consistency (recording provides consistency that is of value to regulators)
- » Trackable for compliance records
- » Training examples: time management, sexual harassment, anti-bribery

The benefits of in-person instructor-led training, which can be virtual or face-to-face, include: heightened attentiveness by attendees; employees learn from each other in peer group discussion, collaboration, problem solving, and role play; excellent follow-on for e-learning, where employees discuss how to apply the standardized knowledge learned as a pre-requisite e-learning module; and such training examples as leadership development and change management.

As companies scale and grow, live training for all compliance generally is no longer a practical or desirable option due to cost, scheduling, and disparate resources. E-learning solves many of the administrative headaches that arise in serving remote workers, multiple time zones, and overtime costs for hourly shift work such as distribution and call centers.

From my perspective, the answer to your question depends on the type of training that is being conducted. I recommend a blended curriculum approach of e-Training reinforced by instructor-led discussion groups around compliance and ethics topics. In one of my C&E programs, we used a blend-

ed approach in our launch of a Code of Conduct refresh. All employees were required to take a standardized 45-minute online class. Supervisors were additionally required to take a live Webinar training led by experienced compliance staff, where we walked through case studies and were available for live Q&A with our leaders. This blended approach was a hit from a convenience, cost, and compliance standpoint and got us the cultural engagement and leadership buzz we wanted.

Q. I am giving my first-ever board report in April. I'm pretty nervous about it ... any advice? — Shawn

Amii: The advice given to me by my CEO the first time I was invited to present to our Board of Directors was: "Enjoy it."

It's a privilege to present to a board of directors, and an exceptional professional opportunity for you. Be prepared to the point that you can be relaxed and demonstrate your area of expertise. This puts people at ease and is a lot more enjoyable for you. Remember, this is a chance to educate a group of people who are interested in the work you do.

Preparation and practice are excellent ways to get over presentation jitters. Rehearse your presentation until it's natural and becomes more of a conversation. Record yourself on your iPhone, and force yourself to watch. Check your body language, eliminate any distracting physical tics, and work out any awkward turns of phrase. The more you practice, the less rehearsed you will seem in front of the group. Try to recreate the actual room set-up. Make eye contact with each person, spending approximately five seconds with each. There are excellent videos and TED Talks out there for other tips.

With regard to content—be relevant, be brief, and be gone. These are busy people and you should not have any excess filler; this meeting is about what they need to know, not what you want to tell them. And if you are asked a question and don't know the answer? Thank them for the question, tell them you don't have that information on hand and will get right back to them. And then follow up promptly.

Be aware that it is not unusual for your allocated presentation time to be cut and understand it has nothing to do with you. Once I flew from California to New York to present to the board. I had an hour on the agenda to present a report on the results of a year-long program. After cooling my heels in the waiting room for what seemed like a lifetime, I was told I had 15 minutes. Luckily, I had prepared for this and quickly cut out the extra and focused only on the essentials. It went well and paved the way for future board invitations.

Lastly, enjoy it! ■

Looking for practical advice from a proven compliance leader?



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