

The FCPA Blog

Richard Bistrong: Let's have a really uncomfortable conversation

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Having recently returned from three weeks of corporate engagements and conferences across nine time zones, I should be exhausted, but instead I'm exhilarated.

What I experienced over the course of those three weeks were multiple town-halls, workshops, and global corporate meetings, where compliance leaders, mixing with commercial, operational and support teams, rolled up their sleeves to address what could be best be called "organizational design." And that's not the same as "compliance design," but rather, it's about how an organization can best surface and mitigate what might be even normal and well-intended business processes that might create risk.

While the means for addressing those scenarios varied across organizations, what was similar was a practice whereby everyone leaned-in together and shared their respective objectives and challenges, in order to ensure and enhance the probability that what everyone wants to be happening, is *actually* happening.

During those forums, I observed and participated in a cascade of open and courageous discussions around numerous issues, where I did see some commonality, which I think demonstrates the evolution and advancement of our compliance community. Here are a few:

Identifying financial pressure. It's starting to become clearer that there are inherent (even if unintended) tensions in any organization between compliance and performance. That's not a bad or flawed dynamic, but sometimes the pressure to perform might conflict with the pressure to comply, especially in situations of declining markets and/or economic adversity. So, it's all about how those tensions get unraveled.

I took matters into my own hands when I was in the field, and ended up in prison for what I'd done. I didn't have to go it alone. There were other options. But in a globally disbursed organization, it's hard to identify where those conflicts might arise or exist.

To get there, to surface that "unknown," I observed business and compliance leaders bringing in their regional managers and direct reports on a global basis to talk about those challenges wherever they might arise and exist. I've heard, and facilitated, some very open and honest viewpoints about where financial pressure might bring on ethical weakness, and to make certain, through focused dialog and action-items, that those financial forces, spoken and unspoken, did not overwhelm the importance of ethical and compliant business conduct.

Sparking uncomfortable conversations. It's always nice when disbursed teams get together and meet either face-to-face or virtually. But what I found remarkable were compliance and business executives openly soliciting countervailing and challenging viewpoints from the field.

I once heard it called "servant leadership," where a CEO who introduced me said, "This is a discussion about what we can do to help *you* succeed, not what you need to do to help *me* succeed." And when those conversations got uncomfortable, which they often did, everyone agreed that was a good thing, because it's not always easy or an exercise in civility to find out what you don't know.

A great example is the often-heard commercial complaint of, "You don't know what I'm up against out here." It's not every leader who's ready to respond with, "You're right, no one understands risk as much as those who work in it. But I can't help you unless you tell me, so let's hear it. And if we have a problem, let's fix it."

When leaders issue that retort, I see workforces respond in-kind. Now that's communication

Mobilizing the front-lines. Compliance leaders can't be everywhere. Resources are finite, and in some organizations, especially those growing on their own and through M&A, compliance organizations are often playing catch up with changes in the org chart.

Thus, the concept of "compliance ambassadors," which I [wrote](#) about for the FCPA Blog last year, seems to be gaining traction. Commercial and operational leaders are taking on additional responsibility (usually without remuneration) to embed and anchor compliance into the business through their own roles.

This isn't about creating a new potential 'hot-lines,' it's about making compliance visible to the business through these ethics and compliance champions. And that goes back to 'organizational design,' in making certain that ethics and compliance are embraced across functions. I worked with one organization where there was a wait-list to become a compliance ambassador. Inspiring!

Professor Eugene Soltes, in his wonderful [book](#), *Why They Do it*, concludes with, “Appreciating our lack of invincibility- our inherent weakness and frailty -- offers us the best chance of designing the appropriate mechanisms to help manage those limitations,” adding “if we humbly recognize that we might not always even notice the choices that will lead us astray, we are more likely to identify and control those decisions.”

That’s so well said, and hence, it’s a pleasure to share the practice of those organizations which seek to uncover where inherent weaknesses might present themselves. And it’s no coincidence that those organizations also encourage constructive and conflicting viewpoints and seek to anchor their solutions via a voluntary team of compliance champions in their own organizational design.

I’m not sure you can measure it or put it in a data set. But when you walk into a room of rolled up sleeves and small teams mixing it up in breakout rooms, well, you can feel it.

[Richard Bistrong](#), pictured above, is a contributing editor of the FCPA Blog and CEO of Front-Line Anti-Bribery LLC. In 2010 he pleaded guilty to a conspiracy to violate the FCPA and served fourteen-and-a-half months at a U.S. federal prison camp. He was named to Compliance Week's list of Top Minds in 2017 and was one of Ethisphere's 100 Most Influential in Business Ethics in 2015.

His popular real-life compliance training video, [Behind the Bribe](#), produced in cooperation with Mastercard, was released in June.

To request a demo of the full eleven-minute video or a licensing fee schedule, please [click here](#).

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