Compliance in a Flat World

Compliance and Ethics

The staff at ACC have just launched their new online whistleblower hotline. Perhaps I am naturally mischievous, but whenever new compliance tools are introduced, I have a strong desire to test them out for myself.

First, an important disclosure to ACC staff: President & CEO Veta Richardson did not just receive a new Porsche 911 Carrera as a gift from an anonymous law firm. She is not currently on a private jet to Barbados. And she definitely is not having a new customized kitchen installed in her luxury flat in Georgetown, free of charge.

Second, an apology to Veta: I had no idea that my little test would result in so much attention. But, on the bright side, at least you know that your new whistleblower hotline really works.

When I first dealt with whistleblower hotlines as an in-house lawyer, it was still a novel idea. There was a single toll-free telephone number in the United States with which employees could anonymously report the untoward behavior of management without fear of repercussions. Of course, it only applied in the United States and only if you spoke English.

The next generation of hotlines expanded outside the United States — to exotic locales such as Canada — and anyone could report hidden malfeasance, even in French. Soon these early systems — designed primarily for American companies — reached Europe and most of the world quickly. And of course, there were challenges. The local telephone numbers didn't always work, and live translations for the benefit of English-speaking operators were often inaccurate.

Those first non-English whistleblower reports were certainly comical. The verbatim transcripts included mistakes that make modern autocorrect errors look timid by comparison. [Helpful tip to hotline translators: The Spanish expression esperando familia or “awaiting family” does not mean a female employee is lazily sitting around the workplace, waiting for her kids to arrive. It means that she is pregnant. That’s a distinction with a big difference in workplace investigations.]

Since then, the growing pains of global whistleblower hotlines have subsided. New sophisticated systems, with real-time translations and online forms, have sharply reduced the comedy and confusion. The new ACC online and telephone reporting system is a perfect example of a best-in-class program, with options for almost every country and language in the world.

But challenges remain. Having a global whistleblower hotline means that you must have a global perspective. A lawyer or compliance professional needs patience, understanding, and self-awareness. Without multinational sensitivity, critical information is lost in translation.

If you work for a global company, whether you have global operations or even just international customers, you probably already deal with international legal issues. You are aware of both the subtle and significant differences. And when you are dealing with an anonymous whistleblower from another country — when you must rely on a single, cryptic report in translation — this cultural sensitivity is even more important.

Most whistleblower reports are simple, even mundane. Some employees feel like the hotline is their personal tool for making anonymous office complaints. I still find it amazing that a few of my colleagues feel the only way they can change the office thermostat is to log a complaint on a whistleblower hotline.

But even for these trivial items, cultural awareness is useful. And when a big issue arises, when a serious, credible problem merits your immediate attention, that international perspective will be a handy skill.

We are now legal professionals in a flat world of global compliance. Whistleblower hotlines are international and, therefore, our legal considerations are necessarily international. It is also a lot more interesting.

ACC Compliance Policy and Hotline

ACC is committed to maintaining a culture based on the core values of responsibility and integrity, and where honest communications among our employees, members, and others are the expectation, not the exception. ACC has created a compliance policy to further this culture and to promote the prevention, detection, and remediation of conduct that does not comply with laws, regulations, or ACC policies.

ACC also established a compliance reporting hotline to allow employees, members, contractors, vendors, and sponsors of ACC and its chapters to report suspected legal or ethical violations confidentially and free from fear of retaliation.

Important Points Regarding the Policy and Hotline System

- ACC promotes direct reporting of all potential violations and concerns, but provides the hotline system for those who are only comfortable making an anonymous report, where the

law allows.

- The hotline system allows for online reports in all countries and telephone and online reports in the United States and Australia.
- ACC will make every effort to maintain the confidentiality of the reporting individual to the extent allowable by law and allows for a full investigation of the issue.
- ACC has a strong non-retaliation policy for all individuals making a report in good faith.
- ACC has created a reporting chain for all potential violations that includes the director of compliance, chief legal officer, president and CEO of ACC, and the chair of the finance and audit committee of the ACC board of directors.
- ACC has a commitment to respond to all reports. Within one business week of receiving the report, the director of compliance, under the oversight of the office of general counsel, will provide an action plan.

Learn about the ACC Compliance Policy and new compliance hotline at acc.ethicspoint.com. Questions or comments can be directed to Susanna McDonald at mcdonald@acc.com. Find the ACC Compliance Hotline at acc.ethicspoint.com.

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