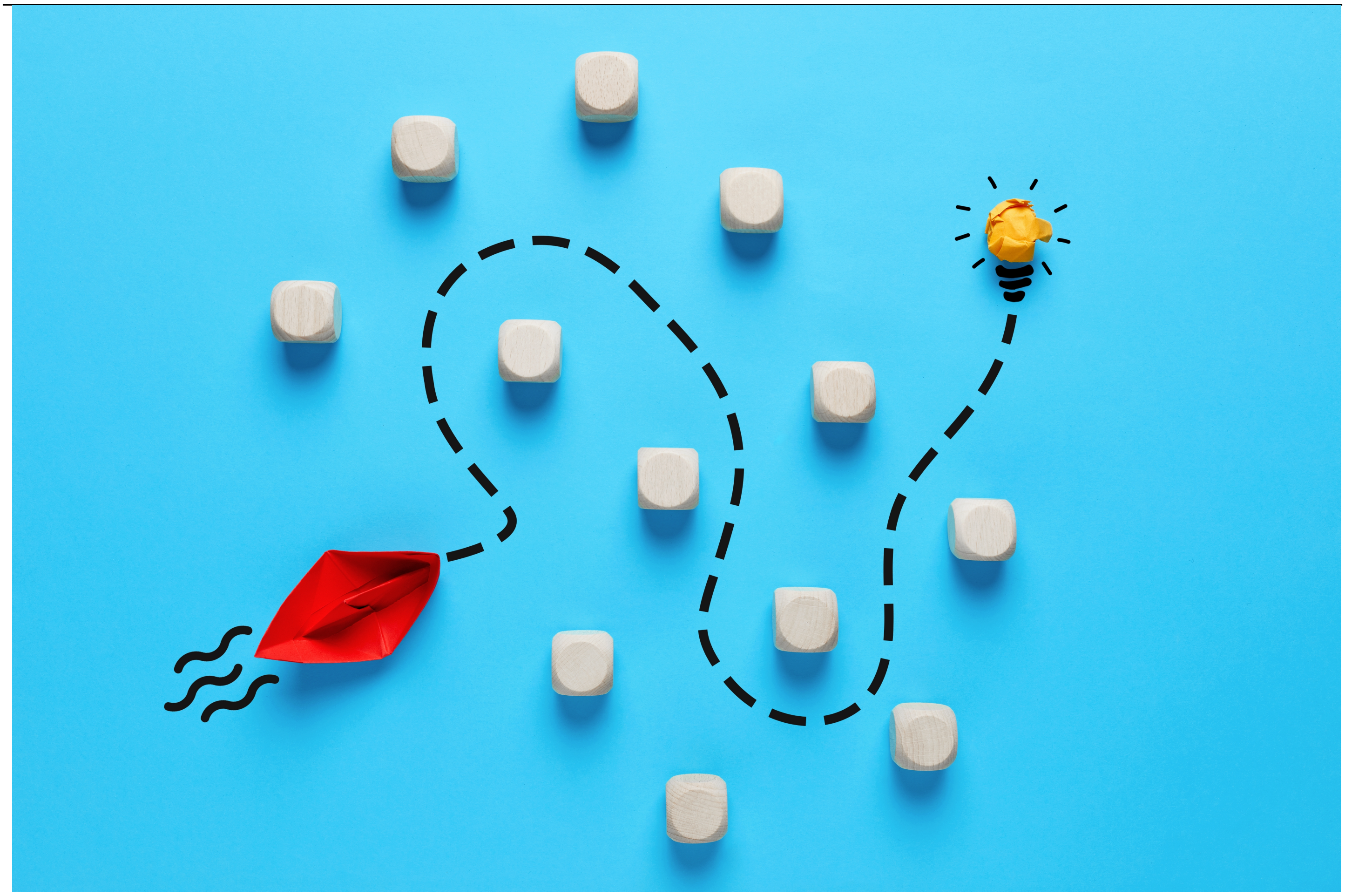
Want to Reduce Risk? Start With Employee Education

Law Department Management

Career Development



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Recently our sales and marketing team — in an effort to be cutting edge in the eyes of the customers — worked with the web development team to add artificial intelligence (AI) to a chatbot on the company website. The goal was to provide responsive answers in a more conversational manner.

Since it seemed like a reasonable marketing improvement, no one from the legal team was consulted beforehand. Unfortunately, the chatbot made some guarantees on design work that were outside the scope of the company. Luckily it was caught early by a customer (!!!) and the chatbot was disabled.

I am confident there was no intent to attract legal trouble. The sales team was anxious to be ahead of the technology curve and didn't think they needed to bother legal about such a minor decision — only the "big" ones, right?

I told the team and every other employee who makes a similar mistake:

Leaving legal out of decisions is how we end up with the "big" problems.

Even though my team has its fingers in many pots across the organization, we can't be present for every meeting or involved in every decision. We also don't have the bandwidth to meet with each coworker to explain how something like a GDPR policy applies to their work.

> When someone ignores or misinterprets the information that legal has previously distributed internally, fingers will point to legal for having dropped the ball.

That's a problem, because when someone ignores or misinterprets information that legal has previously distributed internally, fingers will point to legal as having dropped the ball.

And therein lies the rub…

As in-house counsel, you already know that not properly educating your employees on areas that fall under the legal department's oversight can cause significant damage to the company, including:

- Legal fees and penalties
- Closure of offices or facilities due to outside investigations
- Loss of business or commissions
- Damage to reputation
- Decreased employee morale
- Reduced protection of intellectual property, such as trade secrets
- Employee claims of discrimination and unfair treatment

Here's how to take back control, partner with your operating functions, and provide executive leadership with KPIs that demonstrate the value your department provides.

Get involved with the employee onboarding process

The legal department needs to be an active participant in onboarding, educating, and communicating with your company's employees. I work very closely with HR but I never, ever assume HR has everything covered on legal's behalf.

Be proactive in learning your company's onboarding essentials: policies, legal roles, and employee contacts matter. Artwork by Gannvector / *Shutterstock.com*

(If you're lucky enough to be an active participant in your company's already incredibly thorough onboarding process, you can skip to the next section.)

For those of you who aren't even sure what your company's employee onboarding looks like, you need to find out asap and determine what — if anything — is currently being shared with new employees about policies, procedures, and compliance.

At minimum, the onboarding team should be sharing the policies and guidelines that apply to the entire workforce, the role legal plays in operating processes, and employee contacts for questions and guidance (e.g., contact Nancy about contracts, Jeff about labor and employment).

In the best-case scenario, your department has allotted time in the onboarding process to present information that is relevant to all employees, including….

- Attorney-client privilege and who the attorney represents (Company, not employee)
- Bring Your Own Device policy (or lack thereof)
- Code of Conduct/Ethics
- Contracts: Why should legal be part of the process when engaging outside vendors?
- Conflicts of interest
- Crisis communications
- Employee forms to sign (use of employee images, company equipment usage, PIN, etc)
- Export controls (if applicable)
- Foreign Corrupt Practices Act (FCPA)
- GDPR

- Indemnity agreements
- Intellectual property
- Specific rules and regulations for public companies
- Handling outside requests for money or in-kind donations (charitable requests policy)
- Social media policy
- Use of AI policy
- Trademarks, logos, images
- Who's who in the legal department

Collaborate with your colleagues

Working with department heads to conduct supplemental training for their employees is an additional proactive approach. Ask them what their onboarding pain points are. Let them know your team would like to help with their department-specific onboarding and employee communications processes. Be sure to emphasize that you are looking to collaborate, *not* step on anyone's toes.

> When meeting with your colleagues, be sure to identify current department KPIs and ask them about their pain-points.

For example, at my company, I created a Risk Assessment & Compliance Committee at Knight (RACCK) to bring together middle management of every team and geography. We meet quarterly to identify any material issues and draft a report that is shared with executive leadership and the board.

When meeting with *your* colleagues, be sure to identify current department KPIs and ask them about their pain-points. Together, you can determine areas where legal should provide additional employee training and help draft communications for their specific needs.

Work with your marketing or corporate communications department

Most marketing departments have tools already available that you can leverage to provide ongoing legal education for your global team. Alternatively, the company may have a marketing firm on retainer that can help you create an internal communications editorial calendar.

Collaborate with your marketing team to identify the available channels for internal communications and then develop a schedule and corresponding content. You'll also want to consider how each communications channel should be used and what the timing looks like. For example…

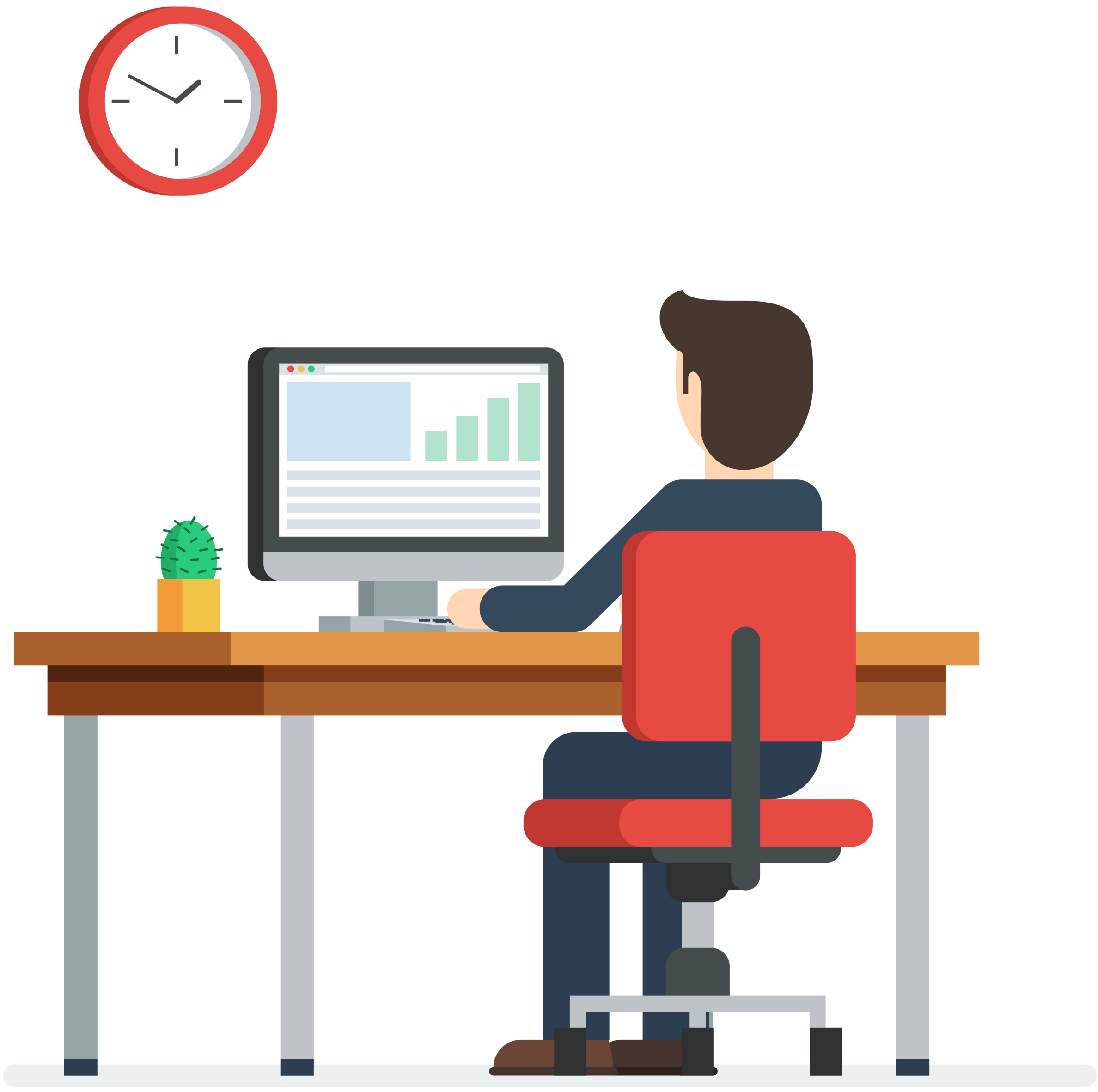
Long-term comprehensive content

- Intranet: If your department doesn't already have its own intranet page, you'll want to create one. This is a great place to provide a library of comprehensive legal information for employees to access anytime.

Quarterly updated content

- Computer screensavers: These are an excellent, low-cost medium for employee communications, and one that your colleagues in HR, IT, and health + safety are probably going to be interested in using as well.

- Employee newsletters: Ask if legal can become a regular contributor to the newsletter.
- All-team calls, town halls: While legal may not be able to have much time/space for content, you can use these to squeak in a quick message.



Transform screensavers into a cost-effective medium for enhancing employee communications across departments. Artwork by EgudinKa / *Shutterstock.com*

Short-term content

- Cafeteria/breakroom tabletop signs, on-site electronic signage in employee areas: Need employees to meet a deadline or be made aware of a policy change? These shorter-term communications give you a quick way to get in front of your global team.
- Global team emails/mailed letters: These can be done to remind employees of non-emergency notices and upcoming deadlines (e.g., Signed Code of Conduct policies are due this Friday).

Emergency/immediate need

- Internal messaging platforms (e.g., voicemail, employee call-in number, text messaging): These platforms are typically owned and managed by HR. Use sparingly.

The result: Informed employees, less risk

Once your internal communications campaign is in play, be sure to track results. By collecting and presenting data you can demonstrate to your company's leadership how legal is earning its keep by proactively preventing costly mistakes.

Best of all, you'll notice that your colleagues in other departments will now proactively contact your team with *new* needs that need legal insight.

Become an ACC member today!

Kevin Burwell

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Kevin Burwell is an attorney with 25-plus years of leadership experience in businesses focused on international trade. He has a track record of creating cultures of compliance, mitigating risk, and implementing processes that ensure sustained growth and stability. He is general counsel for Knight Material Technologies, a multinational engineering and manufacturing operation that provides acidand corrosion-resistant solutions for the mining, metallurgy, chemical processing, and semiconductor sectors. Burwell advises Knight's executive team and board members that make up its private equity ownership on acquisition concerns, employment law, international tax and trade, and all types of risk mitigation, such as commercial insurance and EH&S.

Burwell has designed and managed trade compliance and government contracts for a large US steel manufacturer and led economic development for a US port. This includes advising on export controls and sanctions and managing a foreign trade zone. He has also chaired the international practice of a large law firm, and managed his own law practice, focusing on clients with cross-border issues.

Invited to be a featured speaker at the World Free Zone Conference in Shanghai and a panelist alongside Congressional Representatives and Ambassadors at the Franklin Center for Global Policy Exchange in Panama, Burwell has spoken numerous times at Chamber of Commerce events, logistics conferences, legal seminars, university programs, and others.

As a graduate of Leadership Stark County, Burwell is active in several local and regional charitable and outreach organizations, including Stark County Community Moving Forward, a collection of regional senior executives dedicated to improving diversity, equity, and inclusion efforts among all local businesses. He is also a member of the Executive Leadership Team for the Stark County American Heart Association.

His education includes a BS in Economics from Kent State University and a JD from the University of Akron School of Law. Burwell is licensed in Ohio and admitted to the US Court of International Trade.

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