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Navigate the Compliance Universe

Creating Great Compliance Training in a Digital World Resource Guide 1—Selling Compliance

By Michael R. Levin

I work in Sales. I have worked in Sales since the moment I became a compliance and ethics professional 18 years ago. If you are reading this and you work in compliance and ethics, you work in Sales, too (even if you haven't realized it yet). Why does it matter to look at our profession through this lens? Because you have to know to whom you are selling, you have to know what you're selling, and above all else, you have to know how to sell it. Without a keen understanding of the answers to these questions, you cannot be truly successful in this field.

Here are some observations from nearly two decades in the field:

Know your audience.

To whom are we selling? There are many audiences. We sell to our company's "governing authority" and "high-level personnel," defined by the U.S. Sentencing Guidelines[1] as the Board of Directors (or the highest-level governing body of the organization) and the CEO and his or her direct reports (those individuals who have substantial control over the organization or who have a substantial role in the making of policy within the organization).

We sell to middle management and front-line supervisors—those empowered to translate corporate strategy and operationalize it for the enterprise. We sell to the rank and file employees on factory floors, in customer-relationship roles, in Finance, Information Technology, Audit, Risk Management, and in every corner of our companies—the often unsung masses whose performance is essential for business to succeed. The needs of these groups differ, and to be impactful we need to be aware of what we have to sell to them.

Know your product.

What are we selling? If there were a Compliance and Ethics 101 course, it would teach us that employees cannot adhere to rules and expectations that have not been clearly set. When things go wrong—and things always go wrong—we wonder how an employee could have done *that*, or said *that*. It's our job to know what "that" is, to set the expectations around that, to ensure our audiences understand how to manage that, and to create an environment where employees can meet those expectations.

Determining the "that" should not be complicated. Ask "What are the rules that apply to your business?" and create an obligations library. As compliance professionals, we can't do our jobs in a vacuum; we must work with business stakeholders and our partners in the Legal and Enterprise Risk departments to document the panoply of rules and requirements that govern our business. Next, create a regulatory change management process to keep that obligations library current—because change happens whether we are ready for it or not. I have seen far too many compliance and ethics professionals myopically selling one risk at the expense of a more important one, and fail to see the new risks on the horizon.

To know what we are selling we must also conduct risk assessments. Risk assessments are required elements of the U.S. Sentencing Guidelines, but more importantly they also allow us to rank what we must sell in order of priority. For example, attend any compliance and ethics conference and you'll note that corruption and how to

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build a state-of-the-art compliance program to combat it will be a hot topic. If you work for a company that only does business in the United States and has no non-U.S. suppliers or customers, you probably should not be selling an anti-corruption compliance program as your flagship initiative. You'll need to focus on your company's key compliance risk areas.

Beyond the laws, regulations, and company policies, compliance and ethics programs sell corporate culture. We sell leadership expectations. We sell behavioral expectations for proper business conduct. We translate the tone from the top. This begins with the company values. Why has your company established the core values that it has? We must understand the history behind our corporate value statements and how we got to this place. Have there been scandals in your company's past or in your industry? How has your organization changed to address those challenging times? This perspective will aid the compliance and ethics professional to shape the product you're selling.

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