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Compliance programs and driving

by Gerry Zack

It happened again. I had another conversation with someone about what it means to have an effective compliance program, and all this person could say was that a program is effective if it prevents compliance failures. If we had compliance issues, the program is not effective. And if we don't have any failures, no improvements need to be made to the program since it's effective.

Simple, yes. But incorrect.

As I tried to explain that effectiveness is a more complex evaluation of many characteristics, I compared compliance programs to driving. One measure of whether someone is a good driver is whether or not they've been in any accidents. That certainly is important. But if someone has been in an accident, does that inherently mean they are not a good driver? Of course not. Many factors can lead to excellent drivers being involved in accidents. For starters, there can be an absolutely terrible driver on the road that even the best driver would not have been able to avoid. Additionally, tires or equipment can fail, leading to an accident. The list of factors that can cause a great driver to be in an accident is lengthy.

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