

Behavior Change Science and Compliance

Dramatically Increase the Effectiveness
of Your Program

Joel A. Rogers, Managing Director
Compliance Wave LLC



info@compliancewave.com
Phone (US): +1-732-704-9220
Phone (UK): +44 (0) 203 9652551

5 Strategies You Can Begin Using Today

The U.S. Federal Sentencing Guidelines for Organizations, first issued in 1991, requires companies to deliver “effective training programs”

“(A) The organization shall take reasonable steps to communicate periodically.... (B) by conducting effective training programs...”

Additionally, subsequent DOJ guidance has clarified that effectiveness means more than just once a year, check the box training modules.

“Prosecutors, in short, should examine whether the compliance program is being disseminated to, and understood by, employees in practice in order to decide whether the compliance program is ‘truly effective.’” (DOJ, 2019)

“A company should implement mechanisms designed to ensure that its compliance code is effectively communicated to all directors, officers, employees. This means repeated communication.” (Assistant US Attorney General Leslie R. Caldwell, 2014).

While it is clear that a repetitive, engaging Compliance Program is no longer a “nice-to-have”, businesses have found that financial and time costs have increased pressure to do more with fewer resources and to reduce “seat time” for training activities.

Compliance Wave’s experience with clients in the field indicates that a significant level of “training fatigue” has settled like a pall over compliance programs. Employees may feel that they are “over trained” in courses that are too long, causing interruptions in productive workflow, which can foment attitudes of resentment and resistance.

“

“Training courses that are too long can foment attitudes of resentment and resistance.”

“

“DOJ guidance has clarified that effectiveness means more than just once-a-year, check-the-box training modules.”

At the same time, employees may actually be under trained due to courses that:

- Occur too infrequently for the content to be retained
- Dwell in the realm of the theoretical and lack practical application to their daily activities on the job thus undermining the critical “buy in” that occurs when learners recognize the relevance of materials they have received
- Do not include any meaningful follow up and reinforcement to ensure the attitudes and behaviors of trainees are indeed in the process of transformation.

In addition, often when a specific area of risk is identified, a band aid training solution may be hastily applied that is neither strategically targeted nor thoughtfully integrated within an overall compliance communication solution.

Key opinion leaders in the compliance community whom we have interviewed in the course of our research list the following desired characteristics of a holistic compliance communication program:

- Includes communications (not just training!) that are ongoing, reinforcing key messages with regularity
- Provides low bandwidth and non-intrusive interactions (experiences that last no more than 30 seconds to three or four minutes, which can easily be incorporated into the work day)
- Incorporates interesting, multi-media content
- Anticipates an audience comprising multiple learning styles (targeted to visual, auditory, reader/writer, and kinesthetic learners)
- Tracks participation and commitment
- Offers real-time messaging – sometimes within minutes of having identified a specific risk
- Recognizes that repetition of core content that is delivered in fresh ways is key to decreasing training fatigue, increasing retention, and effecting lasting behavior change



The Science of Behavior Change

Influencing behavior is an ongoing challenge in business, economics, psychology, and consumer marketing. The arena of compliance is no different. In fact, to be truly effective, compliance programs must incorporate behavior change principles, not only to change employee compliance behavior in the near term, but to change the attitudes about compliance that will inform their behaviors over the long run.

At the core of this approach is the understanding that much of human behavior is the playing-out of patterns of neuro-associative responses to stimuli in our environment that are repeated and, eventually, become habitual. The creating of such patterns is, of course, a natural process across the animal kingdom; Pavlov's experiment with his dogs is the most famous illustration of a conditioned response at work.

In humans, natural neuro-associative conditioning is highly useful because it allows us to make millions of "decisions" every day without thinking – decisions related to questions such as "Can I put this plant in my mouth without dying?"; "Should I be afraid of that animal/that strange sound/that person walking towards me?"; and "Do I need to pay attention to all of the things happening around me right now such as the fan that is blowing on me, the vacuum cleaner I hear upstairs, and the sound of traffic outside my office window, or should I ignore all of that and focus on writing this paper?" All of these decisions are happening at the level of our nervous systems rather than cluttering our conscious minds.

The downside, of course, is that we do not always develop patterns that are in our best interest. Many people get caught in cycles of self- destructive behaviors – addictions, rage, violence towards others and self, etc.

Those who successfully overcome challenges in their own lives related to these very negative behaviors have learned that just as these patterns are conditioned responses, better behaviors can be achieved by changing that conditioning – in other words, learning to associate new responses to old stimuli.

In the corporate compliance context, an employee might associate compliance and compliance messaging with linguistic responses like "This is always boring," or "Where are the loopholes?" or, worse, "How can I get away with this and not get caught?" The challenge for the compliance professional is to develop a program that will start to realign an employee's neuro-associative responses. That is, as I'll discuss later, to begin to associate pain with non- compliant behaviors and associate pleasure with compliant behaviors.

Unless they are followed with a continuous stream of smaller bits of information – information that is continually repeated, reinforced, and relevant to an employee's daily experience – sporadic or one-shot training approaches are very unlikely to have a long- term impact on behavior and attitudes towards compliance. The reason for this is that one-time training events, while perhaps effective for purposes of conveying information, are almost certainly not going to be sufficiently powerful to create the new neuro-associations required for behavior change to take place.

“

“Effective compliance communication will inspire and create dramatic, lasting behavior change”

Behavior change technologies have transformed multiple industries. For example, successful sales and marketing professionals incorporate these principles into their activities all the time, effectively motivating customers to change their buying behaviors. These technologies have just recently begun to influence the compliance community, which for a long time has focused primarily on incorporating principles of adult learning into their training programs.

This is an important distinction to underscore. Learning information is very different from conditioning behavior, and Compliance Wave is incorporating dynamic principles of state-of-the- art behavior change science into our compliance communication offering.

Compliance Wave is the only program available that leverages proven behavior change methodologies to tap the psychological and social resources that exist in your employee population – to allow you to influence them to act in desired ways, and to inspire and create dramatic, lasting behavior change.

Our Unique Approach

Key to our solution is a fresh approach to compliance communication. Put simply, we provide our clients with the ability to communicate in low- bandwidth, non-intrusive “waves” – manageable chunks of information designed to impact behaviors and attitudes and delivered on an ongoing, easy to digest basis.

The Compliance Wave solution provides multi-media communication materials and a unique approach to individual assessments that reinforce understanding, foster commitment, and solidify intentions among employees.

We help our clients keep the compliance and ethics mindset alive through a variety of refresher resources – easily accessible, quick bursts of knowledge targeted at known compliance risks.

The Compliance Wave communication tools focus on gaining commitment from employees, fostering a change in behavior – not just a change in what employees know.

ComplianceWave

powered by Steele



“

Communicate in low-bandwidth, non-intrusive ‘waves’ that impact behaviors and attitudes”

Elements of the Compliance Wave Program:

- Disarmingly entertaining or emotionally stirring video
- Short, manageable bits of information capped with a call to personal action
- Interactions designed to undo prior conditioning and realign attitudes
- An array of multi-media components that anticipate an audience with multiple learning styles
- Cartoons and other rich images used to enliven the content
- The mechanism for distributing and tracking of all of these communications activities, and capturing affirmative commitments on a routine basis

Key Principles of Behavior Change

Below is an overview of five key behavior change strategies we have identified as being particularly germane to the compliance environment, along with descriptions of how they function to impact behavior and ways they can be incorporated into an effective compliance program.

1. **Pattern Interrupt**
2. **Commitments and Consistency**
3. **Social Stigma**
4. **Repetition**
5. **Avoiding Pain, Gaining Pleasure**

Principle #1: Pattern Interrupt

Question: What are some unconstructive associations my employees might have when it comes to bribery, conflicts of interest, insider trading, etc.? How can I begin to break through the resulting patterns of behavior to create new, better behaviors?

Description – Much of human behavior comes down to patterns of conditioned responses. The unconscious mind excels at running patterns and programs in an automatic fashion. Changing behavior almost always begins with an interruption or break in those patterns, perhaps in the form of a question or an unexpected event. Spontaneous, fun, unpredictable experiences – in other words, something that disrupts automatic responses and creates an awareness of new pains and pleasures that are possible in the future – will be of great importance to the process of changing behaviors.

When an event breaks the stranglehold of an old, destructive pattern, it creates a space for a new pattern to be introduced. Consider it a “thought intervention.” As Albert Einstein said, “No problem can be solved from the same level of consciousness that created it.” If the pattern is effectively broken, even profound change can happen nearly instantaneously.

Proof It Works – Applied in commercial settings, the pattern interrupt is a powerful tool to disarm people’s automatic defense mechanisms and open them to considering a new product, solution, concept or approach. We see the world’s best salespeople, speakers, and marketers use this technique to great effect on a daily basis.

How to Use the Principle in a Compliance Program - Think about how everyday experiences have conditioned employee responses to aspects of your compliance program. One of the most obvious examples is this: From early experiences in the schoolyard playground, most of us have been conditioned to associate “reporting” with being a tattletale, snitch, rat, etc. Just try to think of positive words associated with telling a teacher that a schoolmate has violated some rule, and you will have trouble.



Employees may also be conditioned to expect that compliance messaging – whether in the form of our Code and the annual certification process, required training, or policies and memos – will be boring, dry, authoritarian, and so on. (I’m sure your program is not that way, but you can imagine this...)

Messages delivered in a way that shatters these expectations allows for a reframing of prior conditioning, and are essential for realigning attitudes around compliance.

How Our Product Works to Do That – In most of the new communications tools we develop, we incorporate some form of pattern interrupt. In fact, some of the materials themselves actually serve as the pattern interrupt!

For example, our Kids on Compliance videos offer a fully unexpected approach to content delivery – children offering their unique take on compliance issues – and perhaps a bit of comic relief in the process. Meanwhile, our Compliance Brief videos open with provocative questions, and our Compliance in Focus series takes viewers by surprise by focusing less on the legal aspects of a compliance issue and more on its emotional dimensions.

Even print assets can serve as a powerful pattern interrupt. A new, eye-catching compliance poster in the workplace can cause an individual to stop what he or she is doing for 10 seconds to focus on a message, and a strategically placed pile of tri-fold brochures will get the attention of visitors to an office break room.

“

“From early schoolyard experiences, we have been conditioned to associate ‘reporting’ with being a tattletale, snitch, rat, etc.”

Principle #2: Commitments and Consistency

Question: What are some unconstructive associations my employees might have when it comes to bribery, conflicts of interest, insider trading, etc.? How can I begin to break through the resulting patterns of behavior to create new, better behaviors?

Description – Once people make small commitments, it becomes almost automatic for them to make larger ones consistent with the original commitment. In the process of committing ourselves to anything, our self-image starts to change, and we take on new habits in order to reinforce an identity that is consistent with those commitments.

A state of dysphoria is created when one's actions are not in sync with commitments he or she has made, while acting in a way that is consistent with such commitments creates a pleasurable feeling of congruity.

We don't like to change, so once we express an action or an opinion in a certain manner, we will do practically anything we can to avoid contradicting ourselves. We do our utmost to be consistent. When we begin a process of commitment by, say, purchasing something, or by making a decision to deal with certain individuals, we will very likely continue on that same action path.

Consider the sales strategy of getting someone to "try" something (through a free trial or an introductory offer of some sort, for example). Although we may want to believe that this only works in cases where the trial is "successful" – that is, when the user really finds it enjoyable and useful – in fact once we use a product or service we have made a kind of commitment to it, and we are more likely to continue to use it.



“

“When employees make commitments, it becomes difficult for them to act incongruously with those commitments”

The commitment is further reinforced if we are encouraged to publicly declare something positive about our experience – even if this declaration comes merely in the form of selecting specific product or service qualities or features from a hypothetical “wish list.”

Acting incongruously with commitments creates emotional discord. Thus, when employees make specific commitments related to compliance behaviors, it will become more difficult for them, psychologically, to act in ways that are at odds with those commitments they've made. In fact, over time, with enough commitments, employees should come to self-identify as ethical and compliant employees.

Proof It Works – In an experiment cited by author Robert Cialdini in his groundbreaking book *Influence: The Psychology of Persuasion*, homeowners who agreed to place small signs in their front yards declaring a general commitment to support a clean environment were much more likely to make much larger, program-specific commitments (for example, placing larger signs in their yards and donating money in support of existing environmental organizations) than homeowners who had not made that initial commitment.

In another – much more startling – example referenced by Cialdini, Americans in Chinese POW camps in Korea who were asked to write brief, pro-Chinese essays during their incarceration were later much more likely to be conflicted or ambivalent about the U.S. role in the Korean War. This was true even when they themselves originally thought they did not believe the pro-Chinese sentiments they had written into their essays. In other words, they became more compliant toward their captors as their sense of their own identity was shifted as a result of the commitments they had made by putting pen to paper [Cialdini, R., *Influence: The Psychology of Persuasion*, HarperCollins, 1984].

More recently, a large field experiment (with 2,416 participants) explored the effect of having hotel guests commit to practice environmentally conscious behavior during their stay.

When hotel guests made a brief commitment at check-in and were given a lapel pin to wear to indicate their commitment, they were more likely to hang up at least one used bath towel for reuse, even though they were unaware of the experiment and did not know they were being monitored. The net result of the experiment was a 40% overall increase in the number of towels hung up by guests. The researchers concluded that a small, commitment-eliciting intervention can have a significant impact on behavior. (Katie BacaMotes, Amber Brown, Ayelet Gneezy, Elizabeth A. Keenan, and Leif D. Nelson, *Journal of Consumer Research*, 2013, vol. 39, issue 5, pp. 1070-1084)

How to Use the Principle in a Compliance Program -

Historically, the intention of Code of Conduct certification has been to leverage this principle of commitment – to get employees to sign their names, annually, to a statement that they’ve read and understood the Code and they will abide by it.

Of course, the approach has served an important role in defending compliance programs, but there are few compliance professionals today who believe that when employees say they have read and understood a 30-page Code of Conduct it means they actually understood it. Or even read it, for that matter.

On the other hand, eliciting “incremental” and actionable employee commitments over time will be much more powerful because 1) people can identify and understand the immediate behavior or action they are committing to, and 2) those commitments will aggregate to cause individuals to align their own identity with compliant behavior, while non-compliant behaviors will feel dissonant and incongruent to them.

It is worth mentioning, too, that tracking simple commitments provides a way for compliance professionals to track communications activity generally, which in turn can provide an excellent defense in the event of employee violations. In April 2012, Garth Peterson, a former managing director for Morgan Stanley’s real estate business in China, was found guilty of conspiracy to evade the company’s internal accounting controls in violation of the FCPA in order to enrich himself and a Chinese government official.

Significantly, the Department of Justice did not bring charges against the company related to Peterson’s conduct. Why? Because, among other things, in addition to the training they had provided him about compliance, *the company was able to prove that between 2002 and 2008 they had sent him compliance reminders at least 35 times.*

How to Use the Principle in a Compliance Program -

Compliance Wave’s commitment statements provide a new take on the delivery, tracking, and reporting of compliance communication activity, as well as a new take on post interaction assessments and evaluation. Rather than tracking how much an employee or agent has learned (you already have tools for doing that), we assume learning and instead invite commitments or evidence of an employee’s intention to internalize a new way of behaving. Because we are providing very small amounts of information at one time (e.g., via quick videos or mini- modules) the takeaways are quite simple and, therefore, it is appropriate for commitment statements to be “simple” and actionable, too.

So here’s an example: Imagine if you could deliver, directly to an employee’s desktop or mobile device, a 60-second video about bribery. After watching that video, the employee is asked to confirm a very simple commitment, e.g., “If I am asked for a bribe, I will call the compliance office.” Or, after a short interaction about a fair- competition issue such as territory splitting, the employee would confirm a commitment that says, “If I am approached by a competitor and asked to split territories, I will refuse to discuss the offer further and report the incident to the compliance office.”

The Compliance Wave program is designed to deliver simple materials and then elicit commitments, certifications and feedback from officers, employees and third-party agents, effecting real behavior change in the process as well as generating a viable and defensible record of ongoing compliance communications.

“

“Rather than tracking how much an employee has learned, we assume learning and instead invite commitments”

Principle #3: Social Stigma

Question: Is it appropriate for me to leverage negative incentives in my compliance messaging? In other words, is it OK to focus less on the “carrot” and more on the “stick”?

Description – Social stigma, in a loose sense, is the association of negative social consequences with a particular behavior, set of beliefs, etc. In this context, we are concerned with behaviors outside a set of norms that cause others to have a negative view of the individual expressing those behaviors. This can be thought of most simply as damage to one’s reputation. Bringing about these associations in others can be a powerful motivator for them to exhibit desired behavior.

Proof It Works – Criminal justice research increasingly points to the idea that certain informal negative social consequences, such as the disapproval of family, potential loss of employment, and loss of reputation, are stronger deterrents to crime than formal social controls or fear of authority.

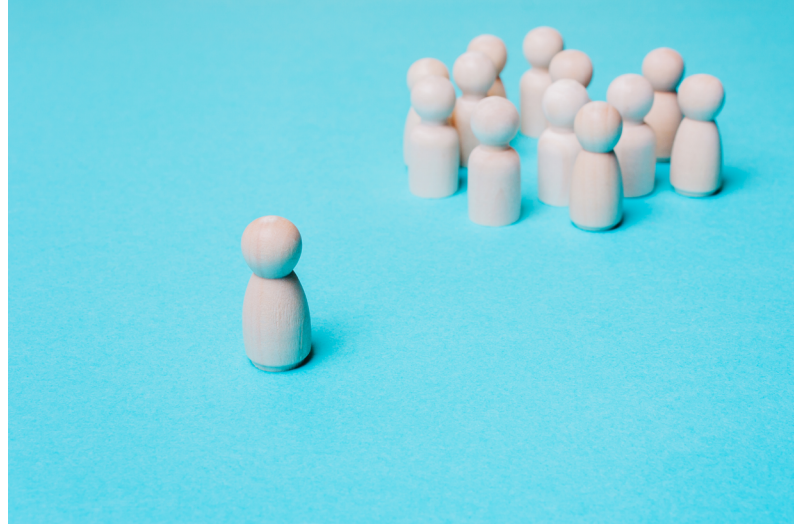
A 2013 study by Rob Nelissen and Laetitia Mulder posited that social disapproval is more effective than financial sanctions in changing behavior because the effects linger after the threat of disapproval disappears. The study divided 84 participants into groups of 4 and had them play a game in which they contributed a certain amount of money into a group kitty. After each round, the kitty was multiplied by 1.5. and divided among group members.

The researchers asked one-third of the groups to impose a fine on freeloading members while another third played under the threat of social sanction. The remaining third acted as a control group.

As expected, the groups playing under the threat of financial or social disapproval played fairly, more so than those who were getting fined.

More interestingly, for the seventh to tenth rounds of the game, participants were told that the sanctions had been removed. The participants that had been playing with a financial sanction played as selfishly as those in the control group. Only the participants in the group that experienced social disapproval continued to play fairly. *[Nelissen, R., & Mulder, L. (2013). What makes a sanction “stick”? The effects of financial and social sanctions on norm compliance. Social Influence 8(1), 70-80.]*

How to Use the Principle in a Compliance Program – Although it’s important to balance negative messaging with the positive effects of acting ethically and in compliance with the law, often we get the best compliance leverage (see below) by stirring up anxieties associated



with social stigma. Because there is evidence that social consequences may be a more powerful motivator than even punishments, it is worth finding ways of leveraging an individual’s desire to maintain his reputation and be seen by others as a trustworthy professional and as a team player.

The challenge, of course, is to help employees associate positive social results with compliant behavior, and negative social results with non-compliant behavior. Once again, it is important for your employees and agents to associate more pain with doing the wrong thing, just as they associate more pleasure with doing the right thing.

So, with respect to the question above about whether it is productive to use a “stick” approach to compliance communication, the answer appears to be yes – provided that we understand which of the available sticks is likely to be most effective!

“

“Is it OK to focus less on the ‘carrot’ and more on the ‘stick’?”

How Our Product Works to Do That – Here are some examples: Compliance Wave’s Your Life in Headlines video reinforces, in a way that is amusing and unexpected, the social consequences of non-compliant behavior. In this video, a man on his way to work discovers that his name and photo are plastered all over the morning newspaper. There is no hint that he is necessarily going to be prosecuted for any of his inappropriate activities, but he finds that he has become an instant pariah; the impact is lightly comical, but also a poignant reminder of the potential consequences of unethical behavior.

For another example, in one Compliance in Focus video on the topic of appropriate use of the email and the Internet, a father who has been terminated from his position at the

company for visiting inappropriate websites has to return home to face his family.

Of course, many of the Compliance Wave tools focus on more “traditional” approaches – specifically, on the legal consequences of violations. The Mini-Case Study tool, for example, presents an ongoing look at violations and the resulting consequences of the most interesting, current compliance cases.

Principle #4: Repetition

Question: How often would I need to repeat a compliance message in order to reinforce correct behaviors and start changing wrong behaviors?

Description – It’s a fact long known by marketers and advertisers that, in general, a consumer must be exposed to product messaging between 9 and 21 times before deciding to buy a product. Of course different sources cite different numbers of necessary impressions, but the point is always the same. This holds true for being willing to “buy in” to compliance messaging as well.

Constant repetition is essential to information retention and behavior change. Behavioral patterns are etched into our neural pathways. Repetition – both of messages and actions – causes the brain to be “rewired.” The habits that result create efficiencies of thought, allowing us to conserve our mental resources for other tasks. Repetition is required not only for habits to form but also for old habits to be broken and replaced with new habits.

Each time we receive a message or repeat an action we reinforce a pattern that becomes unconscious over time. Repetition causes concepts to be incorporated into long-term memory.



“

“Once-a-year compliance training will not be sufficient to create new patterns of thought or behaviors”

Habits are formed when we repeat the same action in the same situation on a regular basis to create the unconscious link – the association – between the situation and the action.

There is a transitional period in which there is an internal struggle between an old habit and a new one. After a period of repetition, the new habit will dominate and become automatic. Again, this is true for habits of action as well as habits of thought.

Proof It Works – Take a nostalgic little walk down memory lane and see how obvious is the role played by repetition, even in one-way messaging like TV commercials. Complete these advertising slogans from years past:

- AT&T: Reach out and...
- Charmin: Please don’t...
- Rice Krispies: Snap...
- Wendy’s: Where’s the... (that one not only evokes the word itself, but a very specific delivery!)
- Smith Barney: We make money... [1]

Just having received those messages on a repeated basis – without even really knowing you were paying attention to them – has created neural pathways in your brain that are immediately activated 20 or 30 years after you last heard them. Tying your shoes or riding a bike are examples of actions that have been learned through repetition; it would be very tough to unlearn those activities – though with enough repetition you could certainly learn to tie your shoes using a completely different knot than you currently use.

[1] For those under 30, I should probably include answers to these: AT&T: “Reach out and touch someone.” Charmin: “Please don’t squeeze the Charmin.” Rice Krispies: “Snap, Crackle, Pop!” Wendy’s: “Where’s the beef??” Smith Barney: “We make money the old fashioned way. We earn it.”

How to Use the Principle in a Compliance Program –

As I've suggested, once-a-year compliance training will not be sufficient to create new patterns of thought or behaviors. Employees need regular, consistent reinforcement to undo prior conditioning.

Repeated one-way communications (i.e., non-interactive communications like top-down proscriptions) will impact habits of thought to whatever degree they are fresh and therefore likely to be absorbed. Repeating the same message in the same way will be less effective (unless the behavior change you are looking for is the ability to repeat product slogans); repeating it in new and dynamic ways will be more effective. Interactive, two-way communications will be that much more effective, because the repetition of the interaction helps to reinforce habits of both thought and action – not to mention that interactive communications are more effective simply because we are more attentive to messages that require a response.

As discussed above, having made specific commitments on a repeated basis also helps to launch the new habit in a significant way. For example, an employee may have made the following commitment: "If I see a co-worker falsifying an expense report, I will report it to my manager." With a repeated intention and commitment to use the new habit already in place, the resolve to do the right thing is strengthened when confronted by the actual situation in which the employee witnesses someone cheating on the expense report.

How Our Product Works to Do That – Compliance Wave provides E&C professionals with the ability to send out ongoing and repetitive "waves" of information, using diverse media and formats to deliver content through multiple exposures. The Compliance Wave Libraries contain more than 4,000 tools covering 100+ topics in a large variety of formats and media.

“

“One may realign pleasure/pain associations by shifting focus from short-term gratifications to long-term

Principle #5: Avoiding Pain, Gaining Pleasure

Question: How can I get my company's employees to want to be compliant?

Description – Virtually everything we humans do we do because we believe it will help us to avoid pain or to gain pleasure. Whether we act in ways that are healthy and constructive or ways that are unhealthy and unconstructive (or destructive), it is because we associate more pleasure with our current behaviors than with changing those behaviors, and we associate more pain with changing our behaviors than with continuing on with our current pattern.

This is not to say that such associations are rational; the very concept of neuro-associations says, explicitly, that such associations happen not at the level of the rational mind, but at the level of our nervous systems. When we can cause a person – ourselves or others – to truly associate pleasure with a change in behavior and pain with a failure to change, behavior change will immediately follow.

Proof It Works – When a person struggles with highly destructive behaviors like addiction, or even such ordinary behaviors as staying in a job that does not meet any number of his needs (e.g., financial, intellectual, spiritual), he is associating more pain with changing than with not changing at a deep neurological level – even when he knows full well, rationally, that real happiness – and perhaps even his own survival – depends upon making that change.

But the success of many 12-step programs clearly illustrates that when that individual can relearn new associations such that he comes to associate pain with the current path and pleasure with a new set of behaviors – like, for example, associating more pleasure with going to his AA meeting than with stopping by the bar – then real, lasting behavior change can, and will, occur.

One way to help me realign my pleasure/pain associations is by causing me to shift my focus from short-term gratifications of current behaviors to the long-term consequences of the current behavior pattern. If I can start to identify strongly with my future self that is suffering from having stayed on the current path, then I begin to have leverage for change.

Perhaps this seems so obvious as to be a trite observation, but self-help author and "peak performance coach" Anthony Robbins has apparently changed the lives of thousands of his students and fans – this based on their effusive testimony about how they have been changed – using this focus-shifting method.

Robbins devised a process that he calls the “Dickens Pattern.” It is named for Charles Dickens who presented three spirits visiting Ebenezer Scrooge in his novella A Christmas Carol. The spirits, Robbins jokes, are neuro-associative conditioning experts, highlighting for Scrooge not only the pain that has resulted in his life so far from his focus on material goods – primarily the loss of his fiancée who has watched his values shift over time – but also the pain that will result from continuing on his self-absorbed path. Scrooge associates so much pain with the idea of dying alone and unloved that he instantly changes his behavior in a radical way.

Using this technique, one undertakes a prolonged visualization exercise to imagine oneself 5 years, then 10 years, then 20 years in the future and experiences all the pain associated with not changing negative behaviors right now. Then one pictures oneself traveling 5, 10 and 20 years into the future and experiences the pleasure that changing the behavior would bring. When undertaken with commitment, this technique has been shown to create the necessary leverage for immediate change. One must, of course, according to Robbins, continue to do the exercise in order to continue the conditioning, just as one must exercise regularly to achieve good physical conditioning. (Robbins, A. Personal Power II. 30-Day-System – 30th Anniversary Edition. Robbins Research International, Inc.)

How to Use this Principle in a Compliance Program – Numerous compliance training programs incorporate various ways of showing the painful consequences of non-compliance.

But unless they can also illustrate – and encourage employees to associate pleasure with – the path to resolving the compliance issue at hand, employees will continue to want to avoid or hide from them. They will not only associate pain with non-compliant behaviors, but also with the compliance program itself.



When employees come to associate pleasure with compliant behaviors and experience the compliance office as a reliable resource that assists in navigating everyday compliance issues, they are much more likely to stay compliant.

How Our Product Works to Do That – Compliance Wave products are structured in a way that facilitates employees to associate pain with non-compliance and pleasure with compliance. For example, some video scripts are designed to stir up anxieties and tensions associated with non-compliant behavior, and then show pleasurable results when issues are resolved, leaving the recipient of the communication with a sense of a “brighter future.” Other video scripts are designed to highlight emotional pains that others have experienced as a result of wrong behaviors – either their own or that of others – with a clear message for how to avoid such unhappiness.

Other Behavior Change Principles

The principles enumerated above are just examples. There are many more behavior change methodologies that are worth understanding for the sake of a strong approach to compliance communication, and which the Compliance Wave materials also incorporate. Some additional examples include these:

Social Proof – This is a tendency to see an action as more appropriate when others are doing it, especially if they appear to be like us. When we are uncertain about the proper course of action, we look to others’ actions to guide our own. Seeing others wanting to do the right thing conditions similar actions and intentions in ourselves. When people we like, respect, and relate to model ethical and compliant behaviors, we are likely to follow suit.

Alignment – This is a variation on the martial arts technique of gaining strength by using your adversary’s momentum rather than by resisting. We can impact the behavior of others most, not when we are in opposition, but when we are moving fluidly together. If the compliance office can illustrate that it is aligned in helpful solidarity with employees rather than giving them top-down orders to change what they do, it increases the likelihood of inspiring change. Language choice here is critically important, e.g., using statements such as, “You may have encountered potential conflicts of interest situations; we have all been there and it can be difficult to know what to do....” establishes an empathetic link with employees and an alignment of experience.

Empathy – Empathy differs from sympathy at the level of identification. When an employee identifies with an individual in trouble, he or she is tapping into the

emotional dimensions of behavior where leverage is easiest to achieve. For example, Compliance Wave's Compliance in Focus videos showcase the emotional components of non-compliant behavior in a very direct, one-on-one format that is designed to leave the viewer looking for less painful alternatives.

Leverage - As discussed previously, leverage occurs when an individual comes to a point of associating more pain (punishments, social stigma) than pleasure (relief from anxiety, etc.) with continuing on a current path of non-compliant behavior. Good communications tools "get leverage" by demonstrating reasons for wanting to change behavior – by associating pain with non-compliance and pleasure with compliance – as well as showing a better path going forward.

Increasing The Effectiveness of Your Compliance Program

As noted earlier, the Compliance Wave Libraries consists of more than 4,000 individual communications assets covering more than 100 compliance topics. Within the Libraries, some of the available easy-to-customize resources include:

- **Videos** - Four distinct types of video help to communicate your organization's compliance message in powerful, emotional, informative, and entertaining formats.
- **Know the Code Mini-Training Modules** - Mini-modules reinforce key compliance topics that incorporate real-world examples and interactive Q & A in a two-to five-minute interactive format.

Conclusion

Compliance Wave offers continuous waves of interactive communications that leverage powerful research in the science of behavior change. These communications are driven straight to employees' desktops or mobile devices, and are designed to elicit specific, actionable commitments. Both completion data and the commitments themselves can be tracked and reported on.

Our offering will not only make your compliance program more effective, but it will also reduce time and cost associated with most current training programs. Savings come from reducing direct e-learning costs; reducing indirect – but significant! – "seat-time" costs; and reducing the potential costs from risks associated with a workforce for whom training has been, paradoxically, both too much and inadequate.

Compliance Wave uses scientifically proven methodologies and a state-of-the-art delivery mechanism that allows you to readily satisfy the requirements of the US Sentencing Guidelines, the US Department of Justice, the UK Ministry of Justice, the OECD, and other authorities by deploying a strong mechanism for effective compliance communication. To learn how these behavior change tools can be incorporated into your program right now, please contact us for more information. We look forward to the opportunity to share with you how Compliance Wave will dramatically increase the effectiveness of your compliance program.

- **Tone at the Middle Toolkits** - These kits of materials empower managers with a simple approach for leading conversations about compliance and ethics and becoming champions for your program.
- **Posters and Brochures** - Traditional, customizable print materials can be particularly powerful in an otherwise all-digital communications environment. Such items help to round out a comprehensive multi-modal, multi-channel communications program.
- **Global Packs** - Key tools covering key compliance topics are presented in a multi-language format to kick-start your global compliance communication program.
- **Articles and Cartoons** - Whether you already publish a periodic newsletter or you are looking for new text resources for your communications, the hundreds of customizable articles in the Compliance Wave Libraries make that available for you. Accompanying related cartoons will draw in those who might not otherwise stop to read the article.
- **Situations and Solutions** - Hundreds of slides cover hypothetical ethics and compliance questions on a range of relevant topics. Use Situations and Solutions on your intranet site, run contests for the "best response" to hypotheticals, or incorporate these discussions into classroom-style training or staff meetings.
- **Mini-Case Studies** - The mini-case studies use summaries of actual compliance failures to illustrate the serious consequences of violations. Compliance Wave subscribers have been incorporating these case studies into training and other communications for many years.

Why “Compliance Wave”?

We know from marketing and advertising experts that it takes between 9 and 21 “impressions” before a consumer is ready to buy. This is a significant indicator of how challenging it can be to elicit behavior change (even when that consumer *wants* to buy in the first place!)

Compliance Wave is home to The Largest Compliance Microlearning Libraries in the World organized by Corporate Compliance & Ethics, Data Privacy & Information Security, Healthcare, Third-party Training, and Code of Conduct Training. The Libraries consist of 4,000+ easily customizable tools including engaging short videos, micro-modules, tone-at-the-middle kits, interactive training, cartoons, and more, covering 100+ key compliance and ethics topics in 35+ languages. Our content brings together the latest advances in behavior change science with practical tools to create the most innovative compliance communication solution available, transforming the way compliance professionals communicate with employees.

“Waves” of crisp, memorable, and topical communication let you deliver messages that are easy to deploy, easy to absorb, and fortify your core training and policy efforts.



“Interactive communications that leverage powerful research in the science of behavior change”

Compliance Communications
Content Your Employees Actually
Look Forward to Seeing

[REQUEST A PREVIEW OF OUR LIBRARIES](#)





About The Author

Joel Rogers is an accomplished executive in the Ethics and Compliance industry. Before cofounding Compliance Wave LLC, Rogers held several leadership roles with established industry brands. These include SVP Global Sales & Marketing at UL EduNeering; Managing Director, Europe, at Kaplan EduNeering; and Director of Corporate Compliance & Ethics at RedHawk Communications.

Rogers has traveled extensively speaking on business ethics and has conducted workshops designed to impact organizational culture for large corporations and government agencies. He has authored Corporate Codes of Conduct and Ethics for several major global companies, including Chevron, McCormick, Hill International, Lincoln Electric, and many others.

He has also been the Director of Ethics Training & Education for the City of New York, served on the Steering Committee of the Council on Governmental Ethics Laws (COGEL), and has consulted to many public agencies including US municipalities and foreign governments.

Rogers holds a Certificate from the Healthcare Compliance, Ethics & Regulation Programme at Seton Hall Law School & Sciences Po in Paris, and was named a 2008 Millstein Rising Star of Corporate Governance by the Millstein Center for Corporate Governance and Performance at the Yale School of Management.

References

[2012, April 25]. Former Morgan Stanley managing director pleads guilty for role in evading internal controls required by FCPA. Retrieved from www.justice.gov/opa/pr/2012/April/12-crm-534.html

Ariely, D. (2012, September 14). The truth about dishonesty. Retrieved from <http://www.thersa.org/events/rसानimate/animate/rसानimate-the-truth-about-dishonesty>

Baca-Motes, K., Brown, A., Gneezy, A., Keenan, E., and Nelson, L. (2013, February) Commitment and behavior change: Evidence from the field. *Journal of Consumer Research*, 2013, vol. 39, issue 5, pp. 1070-1084. Stable URL: <http://www.jstor.org/stable/10.1086/667226>

Battenberg, M. (2013, January 24). Rady study examines how to best persuade consumers to help protect the planet. Retrieved from http://ucsdnews.ucsd.edu/feature/rady_study_examines_how_to_best_persuade_consumers_to_help_protect_the_planet

Cialdini, R. *Influence: The Psychology of Persuasion*, HarperCollins, 1984.

Jarrett, C. (2013, January 10). Social disapproval leads to longer lasting behaviour change than cash fines [Web log post]. Retrieved from <http://bps-research-digest.blogspot.com/2013/01/social-disapproval-leads-to-longer.html>

Nelissen, R., & Mulder, L. (2013). What makes a sanction “stick”? The effects of financial and social sanctions on norm compliance. *Social Influence* 8(1), 70-80. DOI: <http://dx.doi.org/10.1080/15534510.2012.729493>

Neo-classical school. (n.d.) Retrieved 8/14/13 from Wikipedia, http://en.wikipedia.org/wiki/Neo-classical_school

Neuro associative conditioning. (n.d.) Retrieved 8/13/13 from Neuro Linguistic Programming wiki: <http://nlpwiki.wikispaces.com/Neuro+Associative+Conditioning>

Robbins, A. *Personal Power II. 30-Day-System – 30th Anniversary Edition*. Robbins Research International, Inc.

United States, Congress, “Evaluation of Corporate Compliance Programs - Guidance Document.” *Evaluation of Corporate Compliance Programs - Guidance Document*, Apr. 2019. <https://www.justice.gov/criminal-fraud/page/file/937501/download>.

United States, Congress, Caldwell, Leslie R. “Remarks by Assistant Attorney General for the Criminal Division Leslie R. Caldwell at the 22nd Annual Ethics and Compliance Conference.” *Remarks by Assistant Attorney General for the Criminal Division Leslie R. Caldwell at the 22nd Annual Ethics and Compliance Conference*, 1 Oct. 2014. <https://www.justice.gov/opa/speech/remarks-assistant-attorney-general-criminal-division-leslie-r-caldwell-22nd-annual-ethics>.