

# DESIGNING A GLOBAL ANTI-BRIBERY PROGRAM

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# ONE COMPANY'S EXPERIENCES

## Backdrop:

- **Who we are**
- **U.S. Foreign Corrupt Practices Act**
  - **Publicly traded U.S. company**
  - **Act follows us everywhere**
- **Local regulations in each market**
- **Our markets include:**
  - **Japan, S. Korea, Vietnam, Europe, Philippines, India**
  - **Main focus is on Mainland China**
    - **Wide scope of activities**
    - **Unique challenges due to system there**

# POLICIES/PROCEDURES & EDUCATION

- **Global Business Integrity Program**
  - **Over-arching rules**
  - **Prohibit bribery and illegal payments in any form**
- **Corporate Gifting Policy**
  - **All gifts must be pre-approved by Legal Dept.**
  - **All gifts must be recorded in our records upon approval**
- **Training and Education**
  - **Business Ethics Training Program everywhere**
  - **FCPA/Anti-Bribery stand-alone training in select markets**
- **'Tone at the Top'**
  - **Corporate Leadership**
  - **Local Leadership**
- **Communication is Key!!**

# REAL-LIFE CHALLENGES

- **What is a 'bribe' anyway?**
  - **Cash under the table rare**
  - **Product: Free or discounted, and how much?**
  - **Meetings and entertainment**
  - **Hiring a preferred consultant/facilitator**
  - **Sometimes where you least expect it...**
- **Role of a Government Relations Officer/Team**
  - **Relationships key**
  - **But how to maintain when bribes are not an option?**
- **Line between government and private entities**
- **Facilitation Payments exception: Real?**

# REAL-LIFE CHALLENGES

**Biggest challenge of all:**

- **The culture of corruption**
- **Government as crime syndicate**
- **Officials paid based on fines/fees collected**
- **Competition may not be subject to FCPA-type rules at home**

**Finding where it's hiding**

**Coping with pressure from Management**

# REAL-LIFE CHALLENGES

**Golden Rule:**

**You MUST be prepared to accept some business costs or competitive disadvantages to maintain a viable compliance program!!**