



# **ABAC COMPLIANCE PLAYBOOK**

**Kreller Group , Inc.**

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**Is your compliance program conducted earnestly and in good faith?**

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
<p>Are your top executives actively involved in your organization's compliance program?</p>	<p>Compliance and legal departments should report to the board of directors and/or the highest levels of the company who should allow autonomy to conduct investigations and implement compliance initiatives to safeguard assets and the company's reputation.</p> <p>Compliance and legal departments should be staffed sufficiently for the size and complexity of the organization.</p>	<p>In economic downturns, many executives and or BOD's reduce non-revenue-generating employees and/or departments. The DOJ's enforcement actions consider compliance staff size in relationship to the entity size and complexity. The DOJ will penalize the defending organization if the compliance or legal department is insufficient: especially if the insufficiency is a contributing factor to not detecting or preventing the corrupt activity.</p>	<p><a href="#">DOJ Eval</a></p>
<p>Do you communicate the compliance program policies and procedures to your employees?</p>	<p>Conduct an employee survey to obtain feedback on your ABAC compliance program, hotline awareness, and training; do employees know how to report ethical behavior, and if employees would report unethical behavior, or are they afraid to come forward?</p>	<p>Employees have the attitude that coming forward will lead to dismissal. Example: In a manufacturing company, an executive created a hostile work environment and the HR manager stated she did not use the hotline for fear of retaliation.</p>	
<p>Do your employees believe your organization will retaliate against employees who come forward with potential allegations of fraud and/or corruption?</p>		<p><b>Example:</b> A distributor of pharma products had a robust ABAC compliance program and training in place yet a high-risk sales rep selling to government-controlled hospitals did not know how to access the hotline and would not "rat anyone out" if he suspected or heard about unethical rumors.</p>	
<p>Does Human Resources play an integral part in your ABAC compliance program?</p>	<p>Determine if employees are incentivized for ABAC compliance. Determine if background checks are conducted on employees and if more in-depth background checks are conducted on high-risk employees.</p>	<p><b>Example:</b> In a steel company, the GM of a plant owned a competing company that was also a customer of the company. The conflict of interest had not been disclosed. A public database search would have uncovered the conflict if periodic thorough background checks were conducted on high-risk employees.</p>	<p><a href="#">DOJ Eval</a></p>



How do you monitor your ABAC compliance program?

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
<p>Have you conducted a compliance risk assessment in the last three years?</p>	<p>Identify the highest risks and determine if and how they were addressed. Potential risks include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Not having a third-party ethics hotline or employees not using it;</li> <li>• Interaction of employees and TPIs with FGOs in high-corruption-risk countries;</li> <li>• TPI risk scoring does not identify high-risk vendors;</li> <li>• M&amp;A: Company that has numerous high-risk TPIs not conducting periodic TPI audits;</li> <li>• Company does not monitor or test high-risk transactions</li> <li>• Company has detailed policies and procedures, but employees are not following them;</li> <li>• Company acquires numerous entities but does not conduct proper DD pre- and post-acquisition. The acquired entity has not been incorporated into the acquiring company's compliance program;</li> <li>• Company does not have adequate procedures and safeguards for procurement;</li> <li>• Company does not monitor high-risk sales force (expenses, public bids, disbursements, gifts).</li> </ul>	<p><b>Example:</b> hotline call volumes are low compared to industry, size of the entity, complexity of the business, and location of entity sites.</p> <p><b>DOJ on M&amp;A transactions:</b> "DOJ and SEC encourage companies to conduct pre-acquisition due diligence and improve compliance programs and internal controls after acquisition for a variety of reasons."</p>	<p><a href="#">Navex</a></p> <p><a href="#">FCPA Guidance</a></p>
	<p>Develop or enhance risk assessment methodology and procedures.</p>	<p>Additional training for high-risk employees. More communication to employees about compliance, newsletters, and advertisements at employee locations.</p>	<p><a href="#">DOJ Eval</a></p>
	<p>Are you adapting your compliance program based on recent investigations?</p>	<p>Compliance Risk Assessments – Review the recent investigations and compare them to compliance policies, procedures, and testing.</p>	<p><b>Example:</b> If a company recently had a conflict of interest that led to fraud, the organization should consider conducting conflict of interest testing such as comparing vendor and employee information to see if there are any matches. If testing identifies a potential conflict of interest, did the employee who owns the vendor disclose it? Is this a potential or actual conflict of interest?</p>



Have you updated your ABAC Policies and procedures in the last 3 years?

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
<p>Do your policies have a statement that it does not allow bribe payments in any form?</p>	<p><b>A specific statement</b> of the company's view concerning bribery: State the company does not allow bribes to be paid. This statement should be included in the Code of Conduct (COC), employee handbook, and ABAC policies and procedures.</p>	<p><b>Example:</b> A U.S.-based medical device company's policy strictly prohibited bribes. However, this was not communicated to the European sales force. Sales reps were paying bribes and keeping payment logs to government doctors. They stated, "We must pay bribes, or we will not obtain business."</p> <p><b>DOJ guidance:</b> "The company's top leaders – the board of directors and executives – set the tone for the rest of the company. Prosecutors should examine the extent to which senior management have clearly articulated the company's ethical standards conveyed and disseminated them in clear and unambiguous terms, and demonstrated rigorous adherence by example."</p>	
<p>Does your ABAC policy allow facilitation payments and if so, do you have strict facilitation payment procedures?</p>	<p><b>Facilitation payments:</b> If your policy allows facilitation payments, review procedures (if you do not have procedures for facilitation payments you should consider developing procedures) and ensure decision makers (legal or compliance department) are well informed on all risks associated with making facilitation payments and are the ones making the decision. Do not funnel decisions to field employees who are incentivized to expedite transactions.</p> <p>An organization's legal department must focus on the purpose of the facilitation payment and if it violates local laws. For example: If you are conducting business and have locations in the United Kingdom, be aware that the UK Bribery Act does not allow facilitation payments.</p> <p>If an organization is a US stock exchange filer, it is bound by the 'books and records' FCPA provision and must code a facilitation payment as such, but it cannot code it as a facilitation payment if, in fact, it is a bribe.</p>	<p><b>Examples:</b> An Oklahoma-based corporation violated the FCPA when its subsidiary paid Argentine customs officials approximately \$166,000 to secure customs clearance for equipment and materials that lacked required certifications or could not be imported under local law and to pay a lower-than-applicable duty rate.</p> <p>Labeling a bribe as a "facilitating payment" in a company's books and records does not make it one. A Swiss offshore drilling company, for example, recorded payments to its customs agent in the subsidiary's "facilitating payment" account, even though company personnel believed the payments were, in fact, bribes. The company was charged with violating both the FCPA's anti-bribery and accounting provisions.</p>	<p><a href="#">FCPA Guidance</a></p>



Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Does your COC and ABAC procedures address specifically conflicts of interests?	<p><b>Conflict of interest examples</b></p> <ul style="list-style-type: none"> <li>• Work outside organization which would interfere with employee's company responsibilities;</li> <li>• Hiring or managing close personal relationships;</li> <li>• Board memberships;</li> <li>• Ownership or financial interests of company vendors or customers;</li> <li>• Being paid by a vendor or supplier to write an article or speak at an event.</li> </ul>	<p><b>Example:</b> An employee owned a company vendor that overcharged for products that should have been a "pass-through" cost to the company.</p>	
Does your ABAC and COC address specifically and clearly gifts, entertainment, and travel?	<p><b>Gifts, entertainment, and travel examples</b></p> <ul style="list-style-type: none"> <li>• When giving or receiving gifts, meals, travel, or entertainment, understand the limits placed by the organization's Gifts and Entertainment Policy;</li> <li>• Business gifts, meals, travel, and entertainment should be moderate, appropriate to the country or culture, and intended only to promote business relationships;</li> <li>• Gifts, meals, travel, and entertainment that are repetitive (no matter how small) may create an obligation to the giver and are prohibited;</li> <li>• Gifts of cash or cash equivalents such as gift cards or gift certificates, are also prohibited;</li> <li>• Employees are prohibited from asking for gifts, meals, travel, or entertainment from a third party, customer, or supplier;</li> <li>• Employees should not accept loans or favors from a third party, customer, or supplier.</li> </ul>	<p><b>Example:</b></p> <ul style="list-style-type: none"> <li>• <b>Gifts:</b> A publicly traded energy company in the Netherlands resolved with the DOJ over bribes it paid that included extravagant gifts such as paying for foreign officials to travel to sporting events and providing them with "spending money;" paying for school tuition for the children of foreign officials; and shipping luxury vehicles to foreign officials.</li> <li>• <b>Travel:</b> A New Jersey-based telecommunications company spent millions of dollars on approximately 315 trips for Chinese government officials; ostensibly to inspect factories and train the officials in using the company's equipment. In reality, during many of these trips, the officials spent little or no time visiting the company's facilities, but instead visited tourist destinations such as Hawaii, Las Vegas, the Grand Canyon, Niagara Falls, Disney World, Universal Studios, and New York City.</li> </ul>	<p><a href="#">FCPA Guidance</a></p>



Checklist Item	Action Items / Plays	Policy & procedures gaps, red flags, examples	Links
<p>Do your ABAC and COC specifically address donation and political contributions?</p>	<p><b>Charitable donations and political contributions</b>                      Under no circumstances may a charitable contribution be made to an organization owned, controlled, or connected to a public official, or at the suggestion, request, or at the behest of any public official, to obtain any improper advantage. Before a contribution is authorized, the responsible employee must ensure that legal counsel has conducted sufficient due diligence to ensure compliance with the requirements of the policy.</p> <p>Prohibited contributions may include the following:</p> <ul style="list-style-type: none"> <li>• Where a key government official is involved in the charitable organization receiving the contribution;</li> <li>• Where the request is to assist a government entity;</li> <li>• Where the recipient organization lacks financial transparency; or</li> <li>• Where similar facts create a possibility that the contribution could be diverted to an improper beneficiary and linked to a business benefit being sought by the donor.</li> </ul>	<p><b>Examples:</b> A pharmaceutical company used charitable donations to a small local castle restoration charity headed by a foreign government official to induce the official to direct business to the company.</p> <p>A large US retailer donated on behalf of a local municipality employee computers to the local school. In return, the retailer received permits to build stores in the municipality.</p> <p>DOJ: "Companies, however, cannot use the pretense of charitable contributions as a way to funnel bribes to government officials."</p>	<p><a href="#">FCPA Guidance</a></p>
<p>Do your ABAC and COC specifically address other related topics?</p>	<p>Depending on the industry and type of organization, other areas of concern to review include:</p> <ul style="list-style-type: none"> <li>• Antitrust and competition;</li> <li>• International trade violations (ITAR, export control), if relevant there should be separate policies and procedures for trade compliance;</li> <li>• General fraud and theft of both physical and intangible assets.</li> </ul>	<p>See the link for an example of a trade compliance policy</p>	<p><a href="#">trade ex</a></p>



Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
<p>Have you updated your Code of conduct in the last 3 years?</p>	<p>Include letter from top executive sincerely sharing the importance of following the COC and why employees should abide by it. The letter should summarize that the organization does not tolerate bribery, retaliation against employees that come forward with concerns, harassment of any kind for any reason. The organization does expect employees to treat others with respect, come forward if they observe unethical behavior, and safeguard company assets.</p> <p>COC should spell out clearly what employees and stakeholders should and should not do regarding ethical behavior.</p>	<p>COC and ABAC policies are the most helpful when they provide real-world examples such as 'Q and A' or "what if" scenarios.</p> <p><b>Example:</b> One of our vendors invited me to an NBA game a week before a decision would be made on a potential project for which the vendor had submitted a bid to us. I am on the decision committee. Should I go?</p>	<p><a href="#">COC Example</a></p>
<p>Have you updated your employee handbook in the last 3 years?</p>	<p>An employee handbook should mirror the COC on subjects related to anti-corruption. The handbook may have a form for disclosing potential or existing conflicts of interest. The handbook may also have ethics and ABAC training certification.</p>		
<p>Are your TPIs, vendors, and customers required to review your anti-corruption policies and or certify they have equivalent policies?</p>	<p>Verify that stakeholders have certified they have reviewed the company COC and ABAC policies, understand how to report unethical behavior, and will abide by the organization's policies.</p>	<p>A benchmark organization gives employees, vendors, and stakeholders options such as reporting unethical behavior to their supervisor, to the HR department, or to an anonymous hotline.</p>	<p><a href="#">COC Example</a></p>



**Do you have ABAC policies and procedures related to Governmental Affairs?**

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Have you conducted due diligence procedures for lobbyists and political consultants?	Review policy for allowance of gifts to government officials: <ul style="list-style-type: none"> <li>Retention, registration of internal or external lobbyists;</li> <li>Rules for handling requests from political officials or their agents;</li> <li>Political contributions by corporation;</li> <li>If external consultants are part of a firm, review compliance documents, training, ABAC certifications. Conduct periodic audits;</li> <li>Periodic review of actions, invoices, contracts for political consultants and lobbyists.</li> </ul>	<ul style="list-style-type: none"> <li>External political consultants and lobbyist firms are owned by GO or employees are related to a GO;</li> <li>Contracts are vague and remuneration is above market rates;</li> <li>The firm does not have supporting documents for reimbursement, vendor payments, or petty cash;</li> <li>The owners of the firm seem unconcerned about ABAC and ethics training, compliance, and prevention of corrupt activity.</li> </ul>	<a href="#">sample</a>

**Have you reviewed your high-risk TPI contracts in the last 3 years?**

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Do your high-risk TPI contracts protect organization from corrupt activity?	Anti-corruption language, indemnification for anti-corruption violations: <ul style="list-style-type: none"> <li>Right to audit, and cooperate with investigation clauses;</li> <li>Anti-corruption certification, abide by ABAC laws, accurate compliance record keeping, abide by company ABAC policies, certification, and training reports;</li> <li>Mandatory disclosure of ABAC violations and termination provisions for ABAC violations.</li> </ul>	<b>Example:</b> A lender reviewed the borrower compliance program and found a DD report for TPI had red flags for past corrupt activity. Yet, TPI was paid \$360,000 per year to obtain licenses in Asian countries. The borrower had no audit rights in the contract. The lender decided not to acquire the company and withdrew future loan proceeds.	



## Have you updated your Due Diligence Policies and Procedures in the last 3 years?

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Risk rank vendors and TPIs	Risk rank vendors based on geography, level of business conducted, type of transactions, history with vendor, interaction with FGOs, role of vendor, DD red flags	<b>Red flags:</b> Mis-categorization of vendor, recommended by FGO, service redundant or not needed.	
	<b>Interaction w/ FGOs example:</b> Identifying TPIs with contact points with foreign government officials and where those contact points are in the transactions (e.g., customs, taxes, licenses, permits such as building a facility, and visas)		
	TPI Role in transactions and if services are provided and or needed. Distributor, independent dealer, product sales, professional services - consultants, legal, broker	<b>DOJ guidance:</b> Management of Relationships: how has the company considered and analyzed the compensation and incentive structures for third parties against compliance risks? How does the company monitor its third parties? Does the company have audit rights to analyze the books and accounts of third parties, and has the company exercised those rights in the past."	<a href="#">DOJ Eval</a>
	If political consultants or lobbyists, periodic monitoring and reporting, invoice vs. contract reviews, and interactions with GOs or FGOs	Review lobbying activities including contracts compared to invoices Internal or external due diligence on lobbyists' governmental affairs <ul style="list-style-type: none"> <li>• Ensure they are not currently a public official</li> <li>• Ensure they are not related to a public official</li> </ul>	<a href="#">sample</a>
	<b>DD investigations</b> Based on risk scoring determine the level of DD, public searches, always corroborate TPI information independently, use local resources if on-the-ground information is required	<b>DOJ guidance:</b> Real Actions and Consequences: Does the company track red flags that are identified from due diligence of third parties and how those red flags are addressed? Does the company keep track of third parties that do not pass the company's due diligence or that are terminated, and does the company take steps to ensure that those third parties are not hired or re-hired at a later date?"	<a href="#">DOJ Eval</a>



checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Risk rank vendors and TPIs (continued)	DD questionnaire update and customization, review of results, any red flags by TPI	<b>Red flags:</b> Pushback by TPI on requested information; the FGO recommends the TPI; no history with TPI; TPI not knowledgeable or experienced in industry; contract language vague; services not specified; compensation high for market.	
Third Party Audits	Based on risk ranking and DD results such as red flags, determine what TPIs to audit.	<b>Example:</b> DD questionnaire provided to vendor on behalf of a foreign government received considerable pushback not wanting to disclose financial information stating: "We only provide that to our largest customers." Research on vendor website had foreign government as only customer.	<a href="#">TPI Audit</a>
	Determine type of audit - compliance, financial	If there are red flags consider reviewing financial transactions related to TPI, if distributor, review discounts.	
	Assemble team: internal, external, expertise: legal, financial, investigative		
	Documents to request: financial, compliance, training	Typical requests may include financial statements including notes, tax returns, bank records, chart of accounts, ABAC policies and procedures, training, and certifications.  Trace payments to TPI through bank statements and expense reports; identify additional bank statements and transfers outside TPI jurisdiction.	
Do you perform proactive fraud and corruption testing using data analytics and or part of your risk assessments, TPI audits, and M&A transactions?	Test high-risk transactions such as payments to third parties: High round-dollar payments, the timing of payments near public bid submissions, and low-digit invoice numbers. Compare vendor master to HR master: addresses, telephone numbers, email addresses, and review actual invoices.		<a href="#">testing</a>
	Expense reports of high-risk employees (sales, lobbyists): Identify miscellaneous, entertainment, and expenses consistently below approval levels; numerous amounts below receipt level; reimbursement items that should be accounts payable transactions and not reimbursable. Look for splits between employees to avoid approval levels, and review receipts.		



Have you reviewed the organization's investigation process in the last 3 years?

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Have you reviewed investigative steps taken in recent investigations?	Review the investigative steps taken for the last several substantial investigations and see how efficient in terms of timing, the costs incurred and if the investigations were incorporated into the compliance program to prevent the occurrence from happening again.	<b>DOJ guidance:</b> "To determine whether a company's compliance program is working effectively at the time of a charging decision or resolution, prosecutors should consider whether the program evolved over time to address existing and changing compliance risks. Prosecutors should also consider whether the company undertook an adequate and honest root cause analysis to understand both what contributed to the misconduct and the degree of remediation needed to prevent similar events in the future. "	<a href="#">DOJ Eval</a>
Procedures	Develop written procedures to disseminate calls to the proper area. Who in the organization has the experience to prioritize hotline calls? Escalate high concerns and assemble a proper team.	<b>Examples:</b> If there is a complaint regarding treatment by a supervisor, it might likely be to HR to address. If there is an embezzlement or corruption allegation, then consider utilizing internal or external financial investigators. If disclosure to regulatory agencies may be appropriate, discuss it with outside counsel.	<a href="#">ISO 37008</a>
	Collection of information: litigation hold on email, document retention, and review of accounting or general business records. Determine if investigation software to track multiple investigations is needed.	See the litigation hold article link	<a href="#">lit hold</a>
	If an allegation involves foreign jurisdictions, determine local laws for data privacy, ABAC statutes, and attorney/client privilege issues.		
	Develop a mechanism to track investigation status, timeline, and start-to-completion time.	Navex - average days for investigations	<a href="#">Navex</a>
	Develop a mechanism to track outcomes such as what remediation actions were taken. For example: disciplining employees or separation, any policy changes made, training, if referred to law enforcement, or no action. taken.	Navex report comparing 2021 to 2022 showed that disciplining violators went slightly down to 34% of cases, no action went up to 17% from 14.3%, separation went up to 14.4%, policy change went down to 9.7%, referral to law enforcement went slightly up to 3.6% and training was flat at 8.1%.	<a href="#">Navex</a>



Are you providing ABAC training to employees?

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Ethics and ABAC training review	Review ethics training for all employees and high-risk vendors.	<b>DOJ and SEC Guidance:</b> "Training typically covers company policies and procedures, instruction on applicable laws, practical advice to address real-life scenarios, and case studies. Regardless of how a company chooses to conduct its training, however, the information should be presented in a manner appropriate for the targeted audience, including providing training and training materials in the local language."	<a href="#">DOJ Eval</a>
	Develop specialized anti-corruption training for high-risk employees (e.g., political consultants, sales reps, employees interfacing with government officials).	<b>Evaluation of Corporate compliance:</b> "What training have employees in relevant control functions received? Has the company provided tailored training for high-risk and control employees, including training that addresses risks in the area where the misconduct occurred? Have supervisory employees received different or supplementary training? What analysis has the company undertaken to determine who should be trained and on what subjects?"	<a href="#">FCPA Guidance</a>
	Determine if the training encourages employees, vendors, and stakeholders to come forward, emphasizes non-retaliation, and provides demonstration on how to report unethical behavior.  Training should provide instructions on how to access ABAC policies and procedures.		
	Create or review existing communication newsletters to send out periodically to remind employees about coming forward and the importance of ethical behavior.		



Ethics Hotline

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Do you have an ethics hotline?	Test hotline to determine if anonymity is safeguarded yet allows caller to communicate and follow up with additional information.	<b>Example:</b> Company legal department kept open lines of communication with whistleblower, safeguarding anonymity and obtained key evidence related to wrongdoing.	
	As part of the risk assessment, test to determine if hotline and how to use it is communicated to employees, vendors, customers, other stakeholders in local language.		
Do you monitor hotline call volume?	Determine if the call volume is appropriate for the size and complexity of the organization. Determine if the calls are being managed properly by the third party	<b>Example:</b> \$900 million in revenue chemical company with locations in high risk for corruption countries only received 15 calls per year. It appeared employees were too scared to come forward or did not know how to use ethics hotline. A recent fraud was discovered by accountant who did not call the hotline but reported it to his supervisor.	<a href="#">benchmark</a>
Do you monitor call response quality?	Review a sample of the calls and see how it was addressed. Did it appear the caller felt comfortable with the system and that the concerns were addressed? Was there any follow up with caller? Just because a caller wants to remain anonymous doesn't mean interaction with the caller can't continue.  The SEC continues to increase the whistleblowers that come forward and 75% of last year's whistleblowers complained within their organization before going to regulators!!	Navex report follow up rates by anonymous whistleblowers has had a steady decline since 2019 which had a follow up rate of 36%. 2022 had a 27% follow up rate. Organizations should have the ability to allow reporters of allegations an easy method to follow up.	<a href="#">Navex</a>



Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Do you review the call dissemination process?	Examine the dissemination process (if there are written procedures) to determine if calls are given the appropriate level of concern and increase/improve the % of concerns addressed to total allegations. Navex reports no action taken by substantiated allegations increased to 17% in 2022 from 14.3% in 2021 meaning the company took no action against perpetrators 17% of the time.	Organizations have their reasons for not taking actions against violators of policy. Organizations should consider potential damage to reputation and whether taking no action has a negative effect on deterrence.	<a href="#">Navex</a>

## Financial Controls for Books and Records

Checklist Item	Action Items / Plays	Policy and procedures gaps, red flags, examples	Links
Does the organization have adequate internal controls to prevent or deter, and or detect corrupt transactions?	Determine what controls, if any, are in place to prevent, detect, and test weaknesses in internal controls that could lead to fraud and or corruption.  If there are controls, test to determine adequacy. Review payments to high-risk vendors, TPI's, distributors, approval levels, adequacy of support for transactions. See data analytic testing section.  Conduct fraud risk assessment specific to high risk for corruption areas.	According to COSO/ACFE guidance, organizations should "design, implement, and maintain preventative and detective fraud control processes and procedures"	<a href="#">COSO and ACFE</a>
Source guidance documents	US Department of Justice - Evaluation of Corporate Compliance Programs (Guidance Document: Updated Mar 2023)		<a href="#">DOJ Eval</a>
	ISO 37008 Corporate Internal Investigation guidance Sep 2023		<a href="#">ISO 37008</a>
	<ul style="list-style-type: none"> <li>Committee of Sponsoring Organizations of the Treadway Commission ("COSO") and the Association of Certified Fraud Examiners</li> <li>Fraud Risk Management Guide 2016</li> <li>Elements of the COSO Internal Control Integrated Framework (1992 original and updated Frameworks 2013, 2017)</li> </ul>		<a href="#">COSO and ACFE</a>



## Glossary of Terms

<b>ABAC</b>	Anti-bribery and corruption
<b>ACFE</b>	Association of Certified Fraud Examiners
<b>COC</b>	Code of Conduct
<b>COSO</b>	Committee of Sponsoring Organizations of the Treadway Commission
<b>DD</b>	Due diligence
<b>FCPA</b>	Foreign Corrupt Practices Act
<b>FGO</b>	Foreign Government Official
<b>GO</b>	Government Official (domestic)
<b>ITAR</b>	International Traffic in Arms Regulations
<b>JV</b>	Joint Ventures
<b>M&amp;A</b>	Mergers and Acquisitions
<b>TPI</b>	Third party intermediaries



# ABAC Compliance Playbook

## ABAC Compliance Worksheet

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<b>Is your compliance program conducted earnestly and in good faith?</b>
Are your top executives actively involved in your organization's compliance program?
Do you communicate the compliance program policies and procedures to your employees?
Do your employees believe your organization will retaliate against employees who come forward with potential allegations of fraud and/or corruption?
Does Human Resources play an integral part in your ABAC compliance program?

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<b>How do you monitor your ABAC compliance program?</b>
Have you conducted a compliance risk assessment in the last three years?
Are you adapting your compliance program based on recent investigations?

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<b>Have you updated your ABAC Policies and Procedures in the last 3 years?</b>
Does your policies have statement that it does not allow bribe payments in any form?
Does your ABAC policy allow facilitation payments, and if so, do you have strict facilitation payment procedures?
Does your COC and ABAC procedures address specifically conflicts of interests?
Does your ABAC and COC address specifically and clearly gifts, entertainment, and travel?
Do your ABAC and COC specifically address donation and political contributions?
Do your ABAC and COC specifically address other related topics?
Have you updated your Code of conduct in the last 3 years?
Have you updated your employee handbook in the last 3 years?
Are your TPI's, vendors, customers required to review your anti-corruption policies and or certify they have equivalent policies?

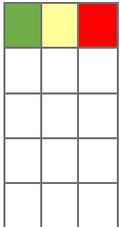
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Do you have ABAC policies and procedures related to Governmental Affairs?</b>
Have you conducted due diligence procedures for lobbyists and political consultants?



**Have you reviewed your high-risk TPI contracts in the last 3 years?**

Do your high-risk TPI contracts protect organization from corrupt activity?



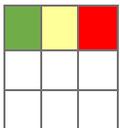
**Have you updated your Due Diligence Policies and Procedures in the last 3 years?**

Risk rank vendors and TPI's

Risk rank vendors and TPIs

Third Party Audits

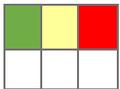
Do you perform proactive fraud and corruption testing using data analytics and or part of your risk assessments, TPI audits, M&A transactions?



**Have you reviewed the organization's investigation process in the last 3 years?**

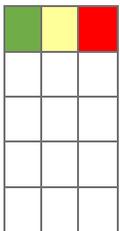
Have you reviewed investigative steps taken in recent investigations?

Procedures in place



**Are you providing ABAC training to employees?**

Ethics and ABAC training review



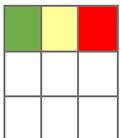
**Ethics Hotline**

Do you have an ethics hotline?

Do you monitor hotline call volume?

Do you monitor call response quality?

Do you review the call dissemination process?



**Financial Controls for Books and Records**

Does the organization have adequate internal controls to prevent or deter, and or detect corrupt transactions?

Source guidance documents

