

How to Get Your Employees Talking about Compliance and Ethics



Jennifer Edlind is the Director of Compliance for University Hospitals Health System in Northeast Ohio. She has worked in UH's Compliance and Ethics Department since 2008 and enjoys finding innovative ways to engage the UH community in conversations about ethical issues. She can be reached at 216/767-8226 or by email at Jennifer.Edlind@UHhospitals.org.



Kathleen Edmond, a partner with Robins Kaplan LLP, has spent the majority of her legal career in corporate ethics and compliance. Ms. Edmond is probably best known for her leading-edge communications initiatives in creating a connected, ethical culture within the organization that supported business strategy, vendor integrity, and customer engagement. She has won national awards for her innovative and exemplary leadership in her field, and her original use of social media in furthering a transparent, ethical business operation is groundbreaking. She can be reached at 612/349-8242 or by email at KEdmond@RobinsKaplan.com.

Building A Solid Plan, Keeping It Fresh, and Measuring What Works Are All Key to Success

Jennifer Edlind and Kathleen Edmond

It is an inescapable truth that compliance happens across the business. That truth makes employee engagement around compliance and ethics crucial to effective risk management — especially in a heavily regulated industry like health care.

In the past, those charged with compliance and ethics oversight often chose to engage employees with static, one-way communication efforts like annual training, newsletters, and occasional policy updates. But the increasing importance of compliance to the strength and sustainability of the business requires a new approach to keep compliance a meaningful and regular part of employees' conversations. Specifically, success demands a comprehensive, strategic communications plan that makes compliance and ethics communications innovative and effective, in addition to traditional, predictable communications efforts. Compliance and ethics professionals who take the time to envision and create that kind of comprehensive plan will change the perception of the importance of compliance within the organization — as well as expand and improve the who, when, and why of the compliance conversations that occur.

STEP ONE: BUILD THE PLAN

Strategy requires vision, and creating a culture where employees willingly participate in and initiate conversations on compliance-related topics will not occur by happenstance. In many organizations, achieving this goal requires a resetting of perspectives on strategic communication. That reset begins when compliance and ethics professionals understand — and embrace — the benefits of a three-year strategic communications plan that they own and drive throughout the business.

Implementing a three-year strategic communications plan requires groundwork. First, those building

the plan need to connect to strategic communications best practices. That means understanding an organization's business operations and the places within the organization where communications already occur. It also requires remaining mindful of current industry issues and trends, as well as specific company communications and overall culture. Compliance and ethics professionals will do well to connect with and engage their marketing and communications colleagues to learn what communications have and have not worked for the business and partner together to build a compelling plan that will work for their specific organization.

In addition, formulating a comprehensive strategic communications plan should include an honest assessment of compliance and ethics communications to-date. Key considerations include the age and freshness of previous communication offerings and the patterns of when and how those communications have happened. Plan implementers will need to consider what stories have been told in the past and whether or not those stories and other references have stayed or ever were relevant. Evaluations of prior communications efforts, such as annual training, may provide insight into what the expectations are for compliance and ethics communications and when those expectations have been met in the past.

Like it or not, part of the pre-work to creating a strategic communication plan includes an honest evaluation of how compliance and ethics communications have dealt with previous crises or changes in circumstances. Understanding how challenging issues have been addressed in the past can help those building the plan connect to what is needed to stay flexible and relevant as the communication plan moves from the brainstorming to the implementation phase. Though not lacking in its own challenges, this groundwork allows those involved to plan for success and employee engagement.

Actually moving to creation of a plan and selection of the tactics needed to implement it requires consideration of multiple factors. These include:

- availability of resources;
- selecting the audience(s) for various communications efforts;
- message selection;
- timing the message;
- opportunities to maximize existing modalities; and
- need to blaze new communications trails.

Mapping out the answers to these questions provides the beginning framework for a plan that gets the right message to the right audience at the right time. It also allows those in charge of the plan to coordinate with their organization's overall communication agenda and, whenever possible, maximize existing communications vehicles.

High-level needs mapping will also show the opportunities for key, "just in time" communications. Getting information to the right people at the right time maximizes the efficiency and impact of compliance communications and can take many forms. One strategy for successful "just in time communications" would be to summarize vendor gifts and entertainment policies for the key employees who will represent the business at an annual industry conference where they will interact with many vendors. It also can mean revamping the compliance training traditionally provided at new employee orientation to stage the compliance and ethics message so that information is provided gradually over the course of the first year of employment rather than overloading new employees on their first day when it is highly unlikely that they will retain all of the information they are receiving on a variety of topics.

Reviewing communications needs also will reveal where and why compliance and ethics personnel should utilize "high touch" communications efforts, such as

live, interactive training sessions with smaller groups of employees, rather than “low touch” communications efforts, such as online training programs delivered to an entire organization via a learning management system. High touch communications are often well-received and effective for the audience, but they are time and resource-intensive for compliance and ethics personnel to deliver. Low touch communications are efficient and can reach more employees across the organization but run the risk of being viewed as impersonal and, therefore, irrelevant.

There are advantages and disadvantages to each method. Building a strategic plan that incorporates an honest accounting of the most important compliance and ethics messages and audiences, as well as available resources, will allow compliance and ethics personnel to leverage the best of both methods and customize low touch communications to feel more personal, specific, and relevant.

One example of applying this methodology to transform communications is reviewing and transforming the content available through a compliance portal on the corporate Intranet page from a static “check the box” communication strategy to a relevant, ongoing resource at the employee’s desk. If your program gathers data on the types of questions, complaints, and reports received in the past, one strategy is to analyze that data to see what topics generate the most questions or are often misunderstood, as well as whether there are particular areas of the business that need more information to successfully implement compliance policies in their areas.

Dedicating time and effort to creating a robust library of user- and situation-specific FAQs can quickly guide employees toward the desired compliant and ethical choices, especially when additional resources and contact information are provided for times when the decisions are difficult. Other portal content can create interactive

experiences to continue engaging employees and turn compliance and ethics’ internal home into a reoccurring employee destination.

Whatever specific strategies are ultimately selected, to succeed the strategic communication plan should clearly identify the action items needed to carry out that strategy, the party or parties responsible for each item, the timeframe for completion, and the specific deliverable. The result will be a communications plan with a relevant life cycle, concrete goals, and, hopefully, measurable results.

STEP TWO: KEEP IT FRESH

After launch, those implementing the plan will need to look for ways to keep it fresh, alive, and continuously engaging through innovative communication efforts. Technology will prove to be an excellent friend in the furtherance of those efforts. Compliance and ethics professionals need to overcome any lingering hesitations about blogs and social media and learn to use those resources internally and externally to connect with employees. Blogs and social media platforms can facilitate communication in real time as the need for compliance guidance emerges, as well as allow multiple employees to gain direct access to how the organization sees new and evolving rules and policies applying to specific situations.

Similarly, as employees get used to consuming content in multiple formats — including video — the use of short videos can jumpstart important ethics conversations and address important new or unexpected compliance and ethics issues. The more approachable, human, and, whenever possible, humorous compliance videos can be, the better. Compliance training that incorporates short video scenarios is particularly effective in engaging employees and starting conversations across the organization about whatever themes or issues are featured in the program.

Figure 1: Sample Three-Year Strategic Communication Plan

Communication Goal - Increase awareness of and commitment to compliance and ethics via various modalities						Year
Action Item	Responsible party	Timeframe for completion	Deliverable	1	2	3
Strategy 1: Establish presence in existing e-newsletters						
Establish monthly compliance update in weekly e-mail newsletter to all employees – provide information:	C&E Communication Lead	Begin by June 20__	Monthly compliance blurb	✓	✓	✓
<ul style="list-style-type: none"> ■ About changes in the law ■ About changes in policies ■ In recognition of ethical behavior ■ Guidance on difficult areas ■ Performance reviews tied to Code of Conduct 						
Establish compliance update in monthly e-mail newsletter to management	C&E Communication Lead	Begin by July 20__	Compliance blurb every other month	✓	✓	✓
Establish a quarterly Compliance E-Newsletter	C&E Communication Lead	Begin in 3rd quarter 20__	E-newsletter design and content	✓	✓	
Utilize video shorts	Chief Compliance Officer	2nd quarter	Library of video shorts	✓	✓	
Announce training initiatives	C&E Education Lead	2nd quarter	Communication plan for training	✓	✓	
Strategy 2: Expand Use of Compliance Portal on Intranet						
Action Item	Responsible party	Timeframe for completion	Deliverable	1	2	3
Create a Monthly Compliance Blog	Chief Compliance Officer	Begin 4th quarter 20__	Blog content	✓	✓	✓
Update Intranet Resources:	C&E Intranet Lead	Begin 2nd quarter 20__	Semi-annual updates	✓	✓	✓
<ul style="list-style-type: none"> ■ Compliance personnel ■ Links to policies ■ Links to important regulatory updates ■ Training materials 						
Provide Tools for employees:	Privacy Officer/ C&E Intranet Lead	Begin 2nd quarter 20__	Upload tools as developed, otherwise at least semiannually	✓	✓	✓
<ul style="list-style-type: none"> ■ Privacy FAQs ■ Decision guides 						

Utilize video shorts	Chief Compliance Officer	2nd quarter	Incorporation of videos into training and communication	✓	✓
Enable "Chat" function with compliance personnel via intranet portal	Chief Compliance Officer	3rd quarter	Chat feature launched		✓

Strategy 3: Expand communication to include external audiences

Action Item	Responsible party	Timeframe for completion	Deliverable	Year		
				1	2	3
Understand existing use of social media sites to promote your entity	C&E Communication Lead	4th quarter	Marketing strategy for social media		✓	
Utilize social media to promote compliance commitment	C&E personnel	2nd quarter	Communication plan for social media		✓	
Make blog public-facing	Chief Compliance Officer	4th quarter			✓	

Strategy 4: Promote Compliance and Ethics Week

Action Item	Responsible party	Timeframe for completion	Deliverable	Year		
				1	2	3
Announce Compliance Training	C&E Communication Lead	2nd quarter	Communication plan	✓	✓	✓
Publicly recognize ethical business behavior	C&E personnel	4th quarter	Written acknowledgement	✓	✓	✓
Reward/recognize early completion of training	Regional Compliance Officers	3rd Quarter	Communication to Management	✓	✓	

Strategy 5: Create Linkage between Ethical Org and Best Place to Work

Action Item	Responsible party	Timeframe for completion	Deliverable	Year		
				1	2	3
Understand HR Strategy to establish Best Place to Work	Chief Compliance Officer	3rd Quarter	Goals of BPTW	✓		
Develop unified strategy	Chief Compliance Officer	1st Quarter	Integration strategy		✓	
Develop culture survey	C&E personnel/HR	3rd Quarter	Survey		✓	
Develop culture action plan	C&E personnel/HR	1st Quarter	Action Plan		✓	

Keeping the compliance and ethics message fresh means remaining open throughout the lifecycle of a strategic communications plan to trying something new. Whatever those efforts may turn out to be, they should serve to help building bridges from the compliance and ethics office to the rest of the organization and keep breaking down outdated stereotypes about compliance as the “enforcers” of the organization and the idea that compliance is solely responsible for the ethical success of the business. That may mean having compliance messaging turn up unexpectedly in existing communications spaces (think log-in screens) or leaving the compliance office ivory tower to find ways to go be with the people in the organization, especially if that presence can somehow become fun.

STEP THREE: IDENTIFY WHAT WORKS

At its best, communication connects. But finding out whether efforts initiated as part of a comprehensive compliance and ethics communication plan have been effective takes discipline — and courage. Collecting available data about communications is one place to begin. If an organization chooses a plan goal of heightening the visibility and content of an Intranet portal, then measuring employee use of that resource before and after plan efforts provides a beginning window into the effectiveness of the effort undertaken.

Measurement should not stop there though. Dig into the data to find different ways to approach the problem and improve strategies. Looking at time of use, length of use, and search terms (and whatever else partners from information technology (IT) can provide guidance as meaningful) allows adjustments and refinements of tactics along the way to reach or even exceed original goals.

And don't just rely on a single measurement. Go back for more data, conduct formal and informal surveys, ask around.

Don't be afraid to fail, but learn to fail fast so that if a specific tactic designed to fulfill a strategic goal does not work, you can change it to make sure the long-term goal and crucial employee engagement happens.

FIGURE 1: THE SAMPLE PLAN

We have provided a sample three-year compliance and ethics communication plan as an example of the types of projects you may wish to consider in creating your own strategic plan. The sample plan is organized around the simple goal of increasing awareness of and commitment to compliance and ethics. The plan then details five specific strategies, with multiple projects supporting each strategy, for achieving the goal over a three-year period. Each project has one or more responsible parties, which is typically an employee within the compliance and ethics function but also may include a strategic partner from another area of the business. Importantly, each project also has a deadline for completion and a map to indicate where the project fits within the three-year lifespan of the overall communications plan. Finally, each project includes a specific deliverable to measure project completion and aid in evaluating the project's effectiveness.

CONCLUSION

The importance of compliance and ethics organization wide just keeps expanding, and the key role compliance and ethics professionals play has never been greater. Strategic, innovative, effective communications play a critical role in helping those professionals master the increased responsibilities and content under their watch. Building a solid plan, keeping it fresh, and then measuring what works and responding to what doesn't offers an actionable method for getting critical compliance information to employees and keeping them talking about the compliance issues that matter most.



Reprinted from Journal of Health Care Compliance, Volume 17, Number 5, September-October 2015,
pages 19–24, with permission from CCH and Wolters Kluwer.
For permission to reprint, e-mail permissions@cch.com.
