

# Dentons Quick Guide to Compliance and Investigations in a COVID-19 World

Maintaining your ability to continue conducting internal investigations and reviews is as important as planned employment actions.

Given the potential impact on legal risk mitigation, organizations may want to consider the following steps:

1. Ensure the company's compliance function maintains resources, including personnel, that are proportionate to the risks facing the company. If compliance staff numbers are reduced (temporarily or permanently), ensure decision-making surrounding those reductions follows a proper evaluation of the impact it will have on the company's ability to address risks it faces, and records any other steps taken to limit or mitigate adverse impact.
2. Call for a meeting with legal, compliance, internal audit and human resources to develop a list of all ongoing reviews or investigations, and to identify of employees with potentially critical information.
3. Develop protocols for information/record collection and preservation relating to the relevant employee(s).
4. If a relevant employee's status is going to change, consider setting up arrangements for ongoing co-operation, including if necessary providing for reasonable compensation for their support for ongoing investigations and reviews.



## Business organizations can adopt well-established compliance approaches heavily regulated businesses already use.

Substantive and timely risk assessment and planning is every bit as important as employment actions, as there will be individuals and organizations that fail to recognize and mitigate new risks, making them vulnerable in the event of enforcement agency investigations, and exposed to criminal and civil actions.

5. Even before submitting the paperwork to apply for a federal or state program, or bidding on an opportunity in a new line of business or in an unfamiliar jurisdiction, organizational leadership should “what are the rules and can we comply with them?”
6. If the organization does not have a compliance program, identify an individual with the necessary experience, training and authority to serve as a compliance officer for the new program. If the organization does have a compliance program, ensure it addresses risks the company is currently facing, including new or emerging risks caused by changes in the nature of, or approach to, its business, including in terms of its staffing, technology and resources.
7. As part of the planning process, compliance and legal personnel should be have a seat at the table from day one as they will need time to put in place or adjust compliance mechanisms and tools, including the means for evaluating new or altered risks, and in identifying and remediating procedural or legal violations.
8. If compliance policy requirements are modified or exceptions are applied, ensure:
  - Management is involved in and endorses the change (where necessary with board or committee approval)
  - The justification and reasoning for the modification or exception is documented, and where relevant, cites any applicable regulatory guidance
  - Internal messaging surrounding the modification or exception is clear and does not imply a dilution of robust compliance standards
9. Do not drop any communication or training effort while working from home. Communicate and reinforce business principles, and share updated policies with employees, business partners and third parties.
10. Review and test your hotline. If you do not have one, implement and communicate an emergency tool kit to receive complaints, quickly assess and address them.

