

Conducting internal investigations

The case of corruption

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What is an internal investigation?

- Investigations conducted by or on behalf of an organisation
- To follow up on a suspicion
- Of a breach
 - Of the Code of Conduct
 - Of other internal regulations
 - Of the law
- With limited means
- With limited consequences

When to start an investigation?

- Upon receipt of a report/denunciation
 - Through hotline
 - Through on-line report
 - Through dedicated e-mail address
 - Through any other channel
- Issues
 - Confidentiality
 - Anonymity
 - Third party reports

What to do first?

- Keep a log of incoming reports
- Acknowledge receipt of report
- Screening
- Take a critical view
- Obtain additional information from reporting party
- Collect available tangible information
- Decide whether evidence warrants investigation
- Inform line

Who ?

- Recipient of reports
 - Compliance
 - Confidentiality
 - Refer reports as appropriate
- Conduct of the investigation
 - Compliance?
 - General Counsel?
 - Third party?
 - Not: operative personnel

Investigative Steps

- Evaluate urgency
- Determine resources needed
 - Compliance
 - Internal Audit
 - Human Resources
 - Corporate Security
- Establish the facts
- Keep a record of each step

Establishing the facts

- Collection of documentary evidence
 - e.g. through internal audit
- Interviews
 - Witnesses, involved parties
 - Obligation to cooperate?
 - Confidentiality commitment
 - Conducted in twos
 - Keep signed minutes
 - Training

Special Issues

- Right to be heard
- Right to be represented
- Lifting confidentiality?
- Reporting to prosecuting authorities

Completing the Investigation

- Write report
 - Facts
 - Violations
- Propose follow-up
 - Corrective measures
 - Disciplinary sanctions
 - Terminating/modifying contract
 - Review procedures
- Safekeeping of record

Further Guidance

See ISO 37001 - Anti-Bribery Management Systems, Section 8.10 and Annex A – Guidance Clause A.18

Thank you!
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