

# BUSINESS INTEGRITY TOOLKIT FOR YOUNG ENTREPRENEURS



| How to set up and run your business with integrity



UK Government



YOUTH  
CO:LAB

Citi Foundation



# Acknowledgements

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## Section About this Toolkit

# Acknowledgements

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# About UNDP, Fair Biz and Youth Co:Lab

## UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

UNDP is the leading United Nations organization fighting to end the injustice of poverty, inequality, and climate change. Working with our broad network of experts and partners in 170 countries, we help nations to build integrated, lasting solutions for people and planet.

## PROMOTING A FAIR BUSINESS ENVIRONMENT IN ASEAN

The multi-year regional project – [Promoting a Fair Business Environment in ASEAN](#) (“Fair Biz”) – is implemented by UNDP in cooperation with the UK Government to promote fair, transparent and predictable business environments by working with both governments and the private sector, with particular focus on Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Viet Nam.

## YOUTH CO:LAB

Co-created in 2017 by UNDP and the Citi Foundation, [Youth Co:Lab](#) aims to establish a common agenda for countries in the Asia-Pacific region to empower and invest in youth, so that they can accelerate the implementation of the Sustainable Development Goals (SDGs) through leadership, social innovation and entrepreneurship.

# To the young business leaders of ASEAN

This Business Integrity Toolkit is very much a joint effort. Conceived as part of a training programme organized by UNDP for the Youth Co:Lab, our community of social entrepreneurs in ASEAN countries, it is an example of “collective action” – a concept in the fight against corruption which you can read more about in the Toolkit.

In recent years, the issue of business integrity has come to the forefront of public and private agendas. With government and corporate scandals all around, it is not surprising the public is pushing back.

Corruption and fraud misdirect public funds away from the people they are supposed to support. The reality is that the Sustainable Development Goals, which are a broadly recognized series of targets for governments and society to achieve by 2030, are unlikely to be attained without also achieving SDG Target 16.5 – to “substantially reduce corruption and bribery in all their forms”.

Another important priority of the SDGs is youth employment, and in particular, decent jobs for youth, whereby young women and men have access to decent, productive work, everyone benefits, and our future is more prosperous. To achieve this, it is critical for young entrepreneurs, setting up their businesses for

the first time, to get started on the right foot.

The purpose of this Toolkit is to make a modest contribution to this goal by encouraging young people starting their own businesses to operate with integrity from the outset. The young and bright social entrepreneurs in Youth Co:Lab, with the help of their incubators and mentors; UNDP staff in ASEAN countries; and IBLF Global have put together this a useful resource, primarily for young entrepreneurs starting up their own businesses anywhere in ASEAN – and beyond. It’s a toolkit by entrepreneurs and for entrepreneurs.

Our hope is that if young people starting new businesses do so correctly – by complementing their new ideas and commercial instincts with clear values, a strong code of ethics, and an embedded purpose to benefit society – this Toolkit will have served its purpose.



Valerie Cliff, Deputy Regional Director for Asia and the Pacific,  
Bangkok Regional Hub, UNDP

# Foreword: Mobilizing young people in South-East Asia to promote business integrity\*

The Asia-Pacific region continues to be the most dynamic of the global economy with sustained economic growth, investment and trade. This represents a tremendous opportunity to improve the lives of billions of people and the creation of jobs and opportunities for young people.

However, in a recent World Economic Forum survey, poor governance and corruption are still perceived by Millennials (74 percent) as the main obstacle holding their countries back and depriving their generation of social, political and economic opportunities (73 percent).

Bribery and facilitation payments are a common practice in most of the Asia-Pacific countries. In a survey by Transparency International, 1 out of 4 people in the region acknowledged having paid a bribe in the previous 12 months to gain access to key public services. In some countries, such as India, Pakistan, Thailand and Viet Nam, the reported incidence of bribery is dramatically high with rates above 40 percent.

Corruption also hinders entrepreneurship and innovation in society. The higher cost of doing business and reputational, legal and operational risks discourage entrepreneurs and keep investors at bay. In the ASEAN region, according to the World Economic Forum survey, 79 percent of business leaders recognized corruption as a major challenge for their business operations.

We invite you, the young people of ASEAN countries – with your entrepreneurial skills and fresh ideas – to help change this. Use this Toolkit to raise the impact of your business in this market. Spread the word – to your employees, business networks and supply chains. Say “no” to public officials soliciting a bribe – in fact, don’t even let yourself get into that situation.

By your own example, spread the knowledge and experience that it is possible to do business with integrity.

Diana Torres, Project Manager  
Transparency and Accountability, Bangkok Regional Hub, UNDP

\* This introduction is adapted from an original blog post, “The Future is Asian, but Corruption Keeps it Mired in the Past”, published in UNDP’s newsletter “UNDP in Asia and the Pacific” on 15 July 2019.

# How to use this Toolkit

We understand that you are very busy running your companies and want to receive new information as quickly and easily.

The Business Integrity Toolkit for Young Entrepreneurs (“the Toolkit”) is designed to be as simple and clear as possible.

We have divided the Toolkit into four sections:

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**S. 1** About this Toolkit

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**S. 2** What is business integrity?

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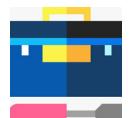
**S. 3** Keeping my business in order

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**S. 4** Working together for business integrity

It's easy to find your way around the Toolkit. Links to the four colour-coded sections are reproduced on each page. The section you are in is highlighted. You will also find plenty of hyperlinks in the text to other relevant sections of the Toolkit.

By clicking on the Toolbox icon on the bottom right of most pages, you will be transported to the Toolbox at the end of the Toolkit where you will find case studies, useful templates and links to other sources of information. Try it now by clicking the Toolbox below and see how it works.





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## Section What is business integrity?



## What is business integrity?

There are many different definitions of the term “business integrity”. When we started this project with the young entrepreneurs of the Youth Co:Lab, we conducted a survey and asked ourselves the question, “What is the meaning of ‘business integrity’?”

Here is a representative sample of the responses we received:

“Putting honesty above profit”

“Being transparent and growing in a positive way”

“Creating minimal negative impact on society”

“Doing the right thing even when no one else is watching”

“Doing business while caring about people and planet”

“Being responsible for what we promise to deliver to consumers”

Why is business integrity important to us? Because, as individuals, each one of us has values and beliefs: we want to help society and we do not want our work to harm other people either deliberately or by accident.

In fact, we want to have an impact on creating a better world, a world of decent jobs – a world where young women and men everywhere can earn a fair income while working in conditions

of security, dignity and equality. This is essential for the future of our local communities, our countries and our global society. Decent jobs for youth are also essential to realizing the Sustainable Development Goals.

We have strong commercial reasons for operating our companies with integrity. Irresponsible business practices can lead to legal costs, lost business opportunities and spoilt reputations. Fair business is good business.

In short, we are social entrepreneurs – that’s why we set up our companies in the first place. We want to manage our businesses in a responsible way that benefits society. Without business integrity as our founding principle, without it being fully embedded in our teams, our business partners and our supply chains, we will not succeed in growing our business and achieving our corporate aims.

For the purpose of this Toolkit, “business integrity” focuses on topics generally considered as “anti-corruption”, as well as select areas of the human rights agenda such as harassment, discrimination, modern slavery and child labour.

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## Principles of corporate governance

Individuals who set up companies may have their own values and principles which they seek to apply to their work. But when people get together in larger groups, they can end up pursuing different goals which, accidentally or deliberately, can undermine the founding principles of a company, and cause harm both to the company and society.

Corporate governance translates principles into practice. It also helps companies abide by the law. And it forces companies to practise what they preach – in other words, to do what they say they are doing. According to the Organisation for Economic Co-operation and Development (OECD), corporate governance “involves a set of relationships between a company’s management, its board, its shareholders and other stakeholders. It provides the structure through which the objectives of the company are set, and the means of attaining those objectives and monitoring performance are determined.”

Larger companies, especially those whose shares are publicly quoted on a stock exchange, spend a lot of time and resources

on setting up their systems of governance, often in the form of an internal control system which enables the key principles to be implemented, enforced and monitored.

Corporate governance was created for and by large companies. For small and medium-sized enterprises (SMEs), it is almost impossible to implement a full system of corporate governance. The time and resources required are too much. Nevertheless, it is important to retain elements, such as clarity on the role of the board (if you have one), separation of responsibilities between board and staff, the company strategy and risk profile, and a monitoring system for business performance and risk management.

Running your business in this way will set you on the right track. It will also help you ensure your company’s longer-term stability and longevity in the years to come.

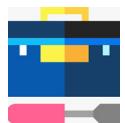
In the Toolbox, you can read more about the basic tenets of corporate governance and how it can be applied as a useful resource to SMEs.

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## Drivers of business integrity

In talking about business integrity, it is often asked, “What are the causes of corruption?” It is a big question, and there are many answers.

However, in this Toolkit, which is aimed to be a practical resource for business people, we prefer to speak about the other side of the coin. If we take for granted that corruption is present in the business environment, what can we, as SME owners and operators, do to manage this risk and contribute to changing the environment?

To answer this, we can ask:

- What are the drivers of business integrity?
- How can we leverage them to protect ourselves and our employees?
- How can we contribute to creating a more fair and transparent business environment in our markets?

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We can point to four drivers of business integrity:

Driver 1: Your own moral compass

Driver2: The quality of your management systems

Driver 3: The law of the land

Driver 4: International best practice

For more details about each of them, click the Toolbox.

The point is that while all companies will to an extent work in the context of the local business culture and legal context, a small company's attitude to business integrity ultimately depends on you and your team's personal system of beliefs.



## International rules

If you are a supplier, distributor or other partner of a multinational company, you'll be aware that they have a strict attitude towards compliance.

Whether it's to do with health and safety, environmental safeguarding or the risk of corruption, these companies will insist on you signing relevant clauses in your commercial agreements obliging you to maintain the highest level of standards of business conduct. They may insist that you do some training. They may even provide you with this Toolkit!

The reason for this is that legislation in Europe and the United States is very strict, especially on the subject of corruption.

There have been quite a few bribery cases in the last few years, especially in the United States.

The fact is that their laws are applied in an extraterritorial fashion. This means that if they or their representatives – like you – are caught giving a bribe in another country, the senior officials of the head company can be prosecuted in their home country.

In fact, the company (and its officers) are responsible for the behaviour of any company that is representing them abroad. That could include distributors or agents, suppliers, joint venture partners and any other kind of commercial representative.

Most of the successful corruption cases in the United States arose because of bribery by "third parties", not by employees of the company. So if you want to be a partner of an international company, especially one from the United States or Europe, you need to be aware not only of your own country's legislation but that of your international partner. In the Toolbox, you can find more information about these international rules.

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## Local laws

Most countries have anti-corruption legislation. Much of it is based on international codes such as the UN Convention against Corruption.

However, in many countries including several ASEAN countries, the legislation is not consistently enforced. In some cases, it is enforced quite arbitrarily. This has led to companies to not taking it seriously, to ignore it and even to deliberately avoid it.

Also, in many countries, social norms may tolerate certain behaviour which is not permitted by law. For a small company, this can make life complicated. You may want to comply with the law but in practice you can't, because nobody else is complying with it! You may even feel that if you were to follow the law to its logical

conclusion, you'd never do any business! Still, in order to make an informed decision about how to respond to any ethical challenge, you do need to understand the legislation of your own country and how it is enforced. In the Toolbox, you will find the anti-corruption legislation in each of the six ASEAN countries that are part of this project, and how to get more information from each of the six governments.

In some circumstances, you may need neutral advice. Of course, if you have a legal advisor, this should be the first place you seek advice from. However, there is quite a lot of information available free of charge. In the section [Where to get more information](#), you will find a list of NGOs in your country which can provide support.

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## Risks and opportunities

In every business, you have to balance the risks and opportunities. The same holds true when you are confronted with ethical dilemmas.

### *What are the risks?*

If you engage in corrupt activity or irresponsible practices, there is the risk that you may be caught. It could be a competitor who reports you. Or a whistle-blower amongst your employees. Whatever the reason, a legal case is expensive and time-consuming. It could destroy your reputation outside of your company, and the morale inside it.

If you are a partner of a global multinational company, you could lose the business if there is any suspicion of your company behaving in an unethical way.

Perhaps the biggest risk of not saying no to corruption is that you get locked into these illegal relationships indefinitely. It is costly (you never quite know how much the next bribe is going to be). It is dangerous (what happens when you decide not to pay a bribe?). It sets a bad example for the rest of your employees. And it gives you and your company a bad reputation in the market.

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### *What are the opportunities?*

Doing business the “right” way prevents these risks. By operating with integrity as your leading principle, it means that you may have to turn down some business or it may involve changing your business model to avoid corrupt officials or situations. You will work well with other people who have the same moral code. You will easily partner with international companies and firms. You will sleep well at night.

### *Balancing risk and opportunities*

In the end, only you can balance the risk and the opportunities. There are many examples of small-scale bribery such as [facilitation payments](#) which are often customary and tolerated. It's up to you to decide whether the risk of making such a payment is worth the reward. This Toolkit is designed to provide you with the tools to manage these risks. While we do not condone any behaviour that breaks the law of your country, the decision is ultimately yours, and yours alone. You're the boss – it's your company, your life and your conscience!



03

## Section Keeping my business in order

## Keeping my business in order

Companies spend a lot of money and effort managing risk and ensuring compliance, not only with the law of the land but also the values of the company. This is called the “internal control system”, and it aims to bring together key elements of managing the business into a single integrated system. At the centre of it are functions such as finance, audit and compliance, as well as information technology (IT). A useful structure for internal control comes from the Committee of Sponsoring Organizations of the Treadway Commission (COSO). They provide an integrated framework for internal control, which you can learn more about in the Toolbox.

The key elements of the COSO framework are:

- Control environment – setting standards, processes and structures for managing internal control
- Risk assessment – analysing the risks which might prevent you from achieving your company’s goals

- Control activities – policies and procedures to make sure that management decisions are carried out
- Information – the information that enables your company to carry out day-to-day internal control
- Monitoring – checks that your internal control system is working.

We know that smaller companies like yours may not have the resources to set up such a sophisticated system. Not to worry! There are many ways in which you can reproduce these processes used by larger companies, with a minimum of effort, and without drowning in administration. In this section, we suggest a few basic steps you can take to protect your company from risk.

Our approach is based on three key concepts: **Prevent – Detect – Respond**, which you can read about in the pages that follow.

## Prevent

As the saying goes, “prevention is better than cure”. In this section, we introduce simple ways in which you can manage risk and protect your company from lapses of business integrity. By doing so, you reduce, if not eliminate, the cost, stress and anxiety of getting things wrong.

At the root of an effective strategy to prevent “integrity defects” is a corporate culture which is clear about the company’s objectives and values. These will usually (though not always) reflect the values of the owner and/or directors. Whether a large or a small company, these values need to be expressed. As an owner or leader of the organization, you should set the “tone from the top”, meaning that your leadership sets an example for everyone else in the company.

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From this will flow any number of instruments, processes and controls to communicate and implement these values. Chief among them is a [Code of Conduct](#), which is essentially the ethical guidelines by which your company lives.

Alongside the Code of Conduct, you will need a clear view of risks – understanding the [red flags](#) and the [grey areas](#) in your market, your product, your competition and your supply chain. Develop a conscious strategy to know your customer (“[KYC](#)”), your employees when you are hiring them, and even your [co-owner](#), when you are setting up the company. For a more rigorous approach, conduct a [due diligence](#) (expressions and phrases in blue are described in the following pages).

## Know your co-owner

Are you thinking about running your company in partnership with someone else? A co-owner is a group or individual that owns a part of your business, sharing profit and legal obligations with you.

Co-ownership is very common because of its advantages, but it could be very risky, since you and your co-owner have to share responsibility for each other's actions. For example, your restaurant could get fined because your co-owner charges foreigners unreasonably high prices. You could lose your decision-making power because your co-owner puts friends in influential board positions. There are plenty of cases when a co-owner has run away with a company's reserves.

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The first building block of any company is trust. And for you and your co-owner to work closely and successfully together, you need to share two interrelated things: trust and values. To trust each other, you need to know each other's values. What do each of you believe in? What are the aims of your joint enterprise? Do you agree on the methods and not just the goals? Are integrity and sustainability equally important for both of you? Are you both on the same page?

The initials "KYC" could also mean "know your customer" as well as "know your co-owner". You should also know your employees. This knowledge will help you understand the risks to your business.



## Identify and analyse the risks

Managing risk is part of managing a business. Different businesses may have larger or smaller risks. You need to be conscious of the risks of every major decision you make. By anticipating and mitigating risks, you will attract new opportunities to grow a successful business.

Many of the risks in business integrity are to do with governance. Have you set up your company correctly? Are you compliant with the law? Does your management system highlight the risks? Are your board members and employees aware of their responsibilities and able to meet them?

There are also many external risks to be considered. Some, such as environmental or sustainability risks, are close to the hearts of young entrepreneurs such as you. Others may be new, but are increasingly recognized, such as discrimination, modern slavery and harassment in the workplace.

Risk analysis is about identifying and estimating factors that may endanger the success or sustainability of a business. It helps you to estimate and assess the threats your company faces, to calculate the costs and benefits of each decision you and your colleagues take, and to develop measures to deal with them.

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## Red flags

The term “red flag” is a sign of danger. In business, “red flags” are areas of risk which could have an adverse effect on your business. Identifying potential red flags will help you to recognize and identify risk. By understanding where risk might occur, you can protect your company before something goes wrong.

There are many red flags that you should look out for. Some may be beyond your control, for example, political risks or natural disasters. But other aspects of your business are in your hands. If you are aware of and can see the warning signals in advance, you can do your best to avoid harm to your business and yourself.

In the area of business integrity, red flags often emerge in relation to your employees and your business partners, such as your suppliers, distributors, agents and customers. And if you have dealings with government, there are many red flags to look out for!

Go to the Toolbox to see how to recognize a red flag when you see one, the [Identify and analyse the risks](#) section to see the different areas of risk to look out for, and the [Respond](#) section to see what you can do about it if and when things go wrong.

Understanding red flags is also important for you to understand if you deal with multinational companies – these are the things they are looking out for in their relations with companies like yours!

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## Grey areas

Life is rarely black and white. So too in business. Sometimes it is easy to detect cheating, lying, stealing and other ethical or criminal violations. But often, you will encounter different shades of grey” – ambiguous situations when it is not immediately obvious whether our course of action is right or wrong, legal or illegal.

Grey areas are caused by unclear legislation, unpredictable enforcement and local business practices, which are often much stronger than any written legislation.

Grey areas may include what may appear to be quite minor violations of the legal or moral code: e.g. gifts and hospitality, facilitation payments and conflicts of interest. It's easy to persuade yourself that there is little risk in giving a modest bribe or a gift to win a small contract. However, the message you deliver to your client, or your colleagues, or a public official may be seen in a very different light.

If the rules are ambiguous, or the situation is so unusual that you cannot make an easy judgement about what to do, you will have to use your personal skills and moral principles. It is often helpful to be able to speak with a mentor or a colleague whom you trust, their guidance and advice.

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## A Code of Conduct

Business owners often assume that their employees know how to conduct themselves in an ethical and responsible manner. That is a mistake. You cannot automatically assume that everyone is on the same page. To get them on the same page, you need a Code of Conduct.

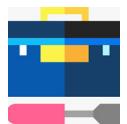
A Code of Conduct helps you, as the business leader, to clarify to your colleagues the values of the company and what is expected from them. It's not the same as a rule book – you should have that as well, setting out rules and regulations. The Code of Conduct is a guideline of principles. Everything should flow from this.

There are many kinds of Code of Conduct. In the Toolbox, you will find some standard templates, but they are just to help you get started. In fact, your Code of Conduct should be uniquely tailored to your company's core values, guiding principles and overall culture. A good Code of Conduct should help you and your team understand how to behave ethically in the context of your business, and make the right choices, even when they're not easy.

The Code of Conduct should be clear, easy to understand and accessible. It should provide guidelines that are clear, and can be applied easily in the real world. It should be relevant to the local business culture. One size does not fit all. Some companies adopt specific Codes of Conduct developed for a particular country but will often have a set of general principles that will remain consistent.

The Code of Conduct is not just a document – it should be a way of life. Many companies organize training and group discussions about what the Code of Conduct means for the business and its employees.

Some companies make signing the Code of Conduct annually a condition of employment. Many companies also extend the same principles to their business partners. In this way, the Code of Conduct becomes an important tool to communicate what the business stands for and also a means of risk mitigation, especially to manage employees who cross the line of acceptable conduct.



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## Due diligence

Due diligence is the exercise of care that a business or person is expected to take before entering into an agreement or contract with another party. It simply means doing your homework! Not doing your due diligence means that you are going into commercial relationships virtually blind. Apart from posing a risk to your business prospects, as a director of your company, you risk exposing yourself and your company to legal liability if you do not do your due diligence properly. Take a look at the Myanmar study in the Toolbox if you are in any doubt about the consequences of getting it wrong!

Due diligence is particularly important in a new commercial relationship. You should make sure that the information you have on your partner, customer and supplier – indeed anyone in your immediate supply chain – is correct and that there aren't any unpleasant surprises. Your decision about moving forward with someone new should be based to a large extent on the outcome of the due diligence process.

There are many ways of conducting due diligence. Large companies may even employ a third party, an external company that specializes in due diligence. For smaller companies like yours, you can do a lot yourself just by checking public records and social media. In many countries, you can retrieve a lot of relevant information by checking a company's register. Take a look in the Toolbox for checklists and easy ways to help you conduct your own due diligence.

At the end of the due diligence process, you should at least end up with elements of the following about the people you work with: their background and qualifications, legal history, financial stability, business sustainability, respect for human rights, environmental considerations and operational capabilities.

It is worth noting that other companies interested in associating with you or your business may carry out a due diligence on you. So it is also important to get your house in order and be ready to be on the receiving end of due diligence!



## Hiring

You're about to start interviewing candidates for a new position in your company.

How can you identify the right employee? Of course, a relevant CV, a good presentation, a confident interview, and a track record of excellent performance – these will grab your attention. But will they lead you to the right choice? There are many stories out there about highly qualified people who can bring in the results, but do not share the values of the company, with sad consequences for the company and the individuals around them.

In fact, this is where many issues such as discrimination, child labour and conflicts of interest can occur if the recruitment and hiring

process is not effective. There is also the risk of a conflict of interest. Many organizations now carry out value-based recruitment, an approach designed to ensure that candidates understand the company's values and are able and willing to uphold them once they have been recruited. One popular methodology used is behavioural hiring, where interviewers ask interviewees about an ethical dilemma that they have encountered in their career and to explain how they dealt with that situation.

When the time comes to make your choice, you need to have confidence that you are hiring the right person for your company, but also someone who will uphold the values upon which your company is based.

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## Detect

Even the most effective prevention strategies cannot guarantee a business life entirely free from risk. In fact, risk is the flip side of opportunity. So you always need to be vigilant. Once you have identified your red flags, you should be able to keep an eye open for infringements of your internal rules or your Code of Conduct.

In this section, we look at some of the major risk factors for a small business, such as bribery, conflicts of interest, gifts and entertainment, harassment, discrimination and modern slavery and how you can detect if and when things go wrong. Apart from managing risk, this is the best way of avoiding ethical blindness.

Large companies have armies of auditors, lawyers and compliance officers employed to detect corruption or fraud. You are unlikely to have these resources at your disposal. For an effective detection strategy, you will have to focus on the key risk factors that relate to your business ([the red flags](#)), and on those functions or individuals most involved with financial transactions, or most likely to come into contact with government officials.

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In a small company, you will certainly have to rely on your own vigilance and that of your colleagues to detect wrong-doing. That is why awareness-raising and training within the company, rigorous reporting mechanisms, and regular sharing of lessons learned (from your own and other companies) are important (see the [Respond](#) section for more detail on this). In the end, successful detection of risk and corruption can come from any one of us – as long as we share the same principles and values and understand the rules. Remember these simple rules to help detect integrity breaches:

- Maintain accurate accounts and financial records
- Maintain transparent and accurate human resources (HR) records relating to hiring and leaving
- Keep a gift and entertainment log
- Avoid cash transactions
- Monitor contacts with government officials
- If you can, periodically engage your accountant or an external auditor to conduct an audit
- Provide channels for reporting integrity breaches.

## Bribery

In most jurisdictions, bribery is illegal. Don't do it!

Research shows that once you start giving or accepting bribes, it's difficult to stop. For all the short-term real or perceived advantages, in the longer term, bribery can be very expensive. You may have to pay bribes regularly. And if you get caught, you may have to pay a fine, or may go to prison. In our own survey, Youth Co:Lab entrepreneurs felt that it is "immoral", "dangerous" and "reputation destroying". It also hinders investment.

Bribery can take many forms, but offering, promising or giving an incentive for unethical personal gain or commercial advantage is at best a breach of trust and at worst a crime. In some jurisdictions, accepting and even soliciting or requesting a bribe is illegal.

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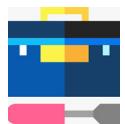
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Bribes can be money or items of value such as gifts, services, donations and exclusive favours. Bribes are often used to encourage public officials (though not only them) to make decisions favourable to the bribe-giver. This can range from incentivizing them to award major contracts through public tenders to granting construction permissions or ignoring infringements of health and safety or fire regulations. Smaller-scale bribes are often called [facilitation payments](#).

There are a number of ways you can spot an attempt at bribery before it happens. Take a look at the section on [Red flags](#). And if it's too late, and you are being solicited for a bribe, then read the section on [How to say "no"](#).



## Facilitation payments

How many times have you been in a situation where you have had to pay something, unofficially, to get something done by an official? It might be getting a business permit or a visa. Or to get a stamp by a customs official on importation paperwork. Many owners of small businesses in the Asia-Pacific region have done it – made a facilitation payment, a financial reward to public officials in order to smooth or accelerate the progress of services.

In some jurisdictions, like in the United Kingdom, it's illegal – and that extends to all companies that work with UK companies, anywhere in the world. In some other jurisdictions, it's permitted. In yet others, it's illegal but tolerated. In these cases, no one is going to enforce a fine or punishment for such an insignificant amount of money, so you can probably get away with it. In some cultures, it's simply the way business is done.

And it doesn't have to be cash – it could be an expensive meal, an invitation to a sports event, a Lunar New Year gift, or “tea money”

as it is known in several countries. These are certainly ways of building a good relationship with a client. But when the size of the payment, in whatever form, becomes disproportionate to the size or nature of the business relationship, or when it verges into supporting a specific deal, that's when it begins to look like a bribe.

Generally, the best advice is – don't make facilitation payments if you can avoid it. A simple way of discouraging this kind of payment by your employees is to make it clear that it goes against the values and rules of the company, and they will not be compensated for any such expenses that they incur even if it has led to some kind of business benefit.

And if you can't avoid giving facilitation payments, then calculate the risk to you and your business as you evaluate the *grey areas* between a facilitation payment and a bribe. But we want to make it clear – we actively discourage such behaviour. It's simply not the right way to run a business.



## Gifts and entertainment

In Asia, festive occasions like Lunar New Year, anniversaries and birthdays can traditionally have more impact on your business than you would like or expect.

Giving gifts and entertaining your clients during these periods is typical in many South-East Asian countries. It's a sign of good will and respect, and it promotes communication and positive relationships. Importantly, it reminds your clients of you when they have to choose among various service providers, since giving gifts is reciprocal – they have been given gifts and they want to recognize this by giving something in return.

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However, managing ethics and compliance issues around gifts and hospitality is challenging. A disproportionate gift such as a trip abroad or a sumptuous dinner can send messages to your client and your competitors, or, in certain countries, law enforcement authorities, that you are effectively giving a bribe. If your gift helps sway your client's decision in your favour, you are essentially contributing to uncompetitive behaviour.

And even if the gift is not given with that intention, it may be perceived as such. In this case, you are in a grey area, and you need to take care not to overstep the mark. Your giving and receiving of gifts and entertainment must always be proportionate. Keep a gift and entertainment log so that you have on record what you and your colleagues have given and received.



## Conflicts of interest

A conflict of interest is when an individual's personal interest conflicts with their official duties.

An example is if your procurement officer gives a family member a good supply contract, even though the goods offered are costlier or inferior in quality. Or one of your employees has a side business with a supplier, customer or competitor and this influences their ability to make decisions in the interest of your company. So, conflict of interest occurs when employees use their assigned power to promote the personal gain or private interest of a party they are committed to (because of a relationship or bribery).

In your workplace, conflict of interest can lead to corruption, bias, misunderstanding, the poor quality of goods and services, and work inefficiency.

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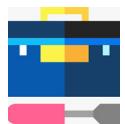
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The important thing about a conflict of interest is that you (and your employees) need to be aware of it. In some countries, it may be customary to do business with a relative or other family member. The question is – does it lead to unfair competition? Could it negatively impact your company's future reputation if the fact that you received preferential treatment from your uncle became widely known? Are you in fact deluding yourself as well as others by winning contracts because of family and friends rather than quality, prices and delivery?

There are ways of managing these situations. One of your employees, who has a potential conflict of interest, could "recuse" themselves from a particular deal. In other words, they can simply withdraw from any contact with the other party for the period of the negotiations. To be sure of propriety, this "ring-fencing" can be supervised by a third party, such as an external review panel, lawyer or third party not involved in any aspect of your business.



## Workplace harassment

Workplace harassment is a very common ethical issue. As victims are often unsure of what harassment is and what to do when they're being harassed, workplace harassment is often unreported, and its occurrence underestimated.

Workplace harassment includes any inappropriate and/or unwelcome words, gestures or actions by a perpetrator towards a target which would annoy, abuse, intimidate, humiliate or embarrass the target. Examples of workplace harassment could be someone sexually abusing a colleague, a worker being body-shamed on social media, someone's car being vandalized, or a victim being emotionally or physically attacked because of their characteristics such as race, nationality, colour, religion, gender or gender identity, age and disability, among others. These can happen

among co-workers, between employer and employee, or may come from external sources such as customers or workers from another organization.

Workplace harassment is a hazard that threatens the health and safety of workers and can ruin their motivation, performance and relationships. It creates a toxic and unproductive environment. Your obligation is to prevent it from happening in your company.

Indeed, in some global supply chains, such as apparel, your international customers will insist that your company has a clear anti-harassment policy. You will need to complement that with training, clear procedures for reporting, and a visible commitment from top management.

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## Discrimination

Let's start with some familiar situations. A woman doesn't get a job because her potential employer thinks she is likely to ask for maternity leave. An employee is left off a team by colleagues because he doesn't go for a drink with the "boys" after work. A man fails to win a promotion because he is gay. A man does not get a job because his potential employer thinks he will organize workers and start bargaining for better conditions.

These are examples of "discrimination". They involve any unfair treatment towards people because of characteristics, including race, religion, gender, sexual orientation, nationality, disability, age, language, ethnic and social origins. In most countries of the world, it is illegal to discriminate and people are protected against discrimination according to these characteristics! Unfortunately, in most countries of the world, discrimination is still widespread.

Discrimination has its roots in stereotypes (expectations constructed by society about how a person acts), unjustified prejudice and negative attitudes such as fear and hostility. If you act on prejudices (rather than keep them to yourselves), then you risk discriminating

against your colleagues. Discrimination comes in many forms. It can be direct (someone is treated unfairly), indirect (someone being put at a disadvantage by unreasonable imposed rules or policies), intentional or unintentional. It can take the active forms of harassment or victimization (someone is treated badly because they raised their voice against discrimination).

Discrimination is notoriously difficult to detect, because it requires someone – either the victim or a fellow employee – to report it. The nature of discrimination is that many people would prefer to put up with it than raise even more problems for themselves by reporting it.

Many companies will have workshops and sessions on how to avoid discrimination. One way to make these more effective is to take some of the feedback you have received on discrimination in your workplace (if any), make it anonymous, and then do role plays of the situations or discuss them with the group. This allows those who have been discriminating the chance to understand their mistake without having to go into a one-on-one situation or risk embarrassing them in front of their co-workers (which can cause resentment).



## Child labour

Imagine children who can't go to school and have to earn a living instead – perhaps to support their families or to support criminal gangs. They may work in coal mines, on building sites or in the fields. They may be exposed to harmful chemicals, forced into sexual trafficking, or made to beg in the streets. Often, because of its prohibition, child labour, including slavery, prostitution and trafficking, finds its way into the informal economy. This is no life for a child.

Child labour refers to any form of work that exploits or deprives children under 18 years old of their childhood, potential and dignity, and harms their physical and mental development. Such practice is unethical and illegal, and thankfully is prohibited by legislation worldwide.

In countries where the making of counterfeit goods is widespread, there is a high risk of child labour (as the production of these goods is outside the law, counterfeiters wouldn't care about laws against child labour).

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Some countries in Asia do allow children aged over 15 years old to work in controlled working environments, as long as there is no overtime and no hazardous work. Others legally allow apprenticeships below 18 years old. The key for you as an employer is to have a rigorous hiring policy and clearly set out workplace conditions.

However unlikely it is that entrepreneurs reading this Toolkit would employ children illegally, it is not impossible that your suppliers, distributors or any component of your supply chain may be doing so. Your business is not just the part you are managing. You have extended responsibilities to ensure that you are working with business partners who uphold the same moral and professional values as yourself. Knowing your customer and conducting due diligence are good ways of detecting and preventing child labour.

If you do find child labour somewhere in your supply chain, act quickly! If you don't, you may have to face serious legal punishments, business boycotts and the loss of your company's reputation!



## Modern slavery

Slavery is the commodification of people for the purpose of exploitation and financial gain. Working on the basis of coercion and ownership, it goes against fundamental human rights. “Modern slavery”, although it hasn’t been internationally defined, is an umbrella term used to describe specific legal concepts such as forced labour, forced marriage, debt bondage, human trafficking and other slavery-like practices.

As an entrepreneur or as a regular citizen, you might think that this issue is far away from you, but in fact, it can be closer than you think. Unfortunately, modern slavery is still widespread in international supply chains, and especially in low-income markets. The cosmetics your company sells (or that you put on your face!)

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may contain mica - the shimmering ingredient often mined via [child labour](#). Your office may be cleaned by someone who is “employed” – in reality, enslaved – by a criminal gang. Or you may buy goods from suppliers who abuse their workers in factories.

If your supply chain is involved with modern slavery, your company could be in trouble. You could face legal punishments since slavery is prohibited under most domestic laws. If you are part of international companies’ supply chains, you could lose your business: eradicating slavery is becoming the norm for many multinational companies. Your personal reputation, and that of your company and employees could be at stake.



## Respond

If and when things go wrong, how to respond is not always straightforward. It will depend to a large extent on how serious the breach of business integrity is, whether it was intentional or not, and the legal and reputational consequences for the company and the individuals concerned.

A considered, flexible, fair and proportionate response is critical here. This will earn the respect of your employees and customers, and if a case does end up being scrutinized by the authorities, it could help to mitigate penalties or punishments.

Although you might not be able to predict where and when an integrity breach will take place, you should have an idea of where the risks are, thanks to following the advice elsewhere in this Toolkit!

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A section of your [Code of Conduct](#) and/ or your corporate rule book could have a section on “what happens when the Code or rules are breached”. Here you can make clear what the consequences are of ignoring the Code. There could be a range of consequences from a caution to a financial penalty, from dismissal to reporting the employee to law enforcement authorities.

It's extremely important that you drive the right kind of behaviour consistently throughout your company. How you respond to difficult situations, such as [how to say no](#) to bribery solicitations, [whistle-blowing](#) and [reporting](#), will be instrumental in achieving this.

## How to say no

Most of this Toolkit is directed at helping you avoid the risks of being involved in bribery or other misconduct.

However, in practice, you may have to deal with hard situations in which a public official or a manager of another company demands a bribe or facilitation payment.

How do you and your employees escape from being complicit in corrupt activities? How do you avoid paying the bribe, without losing the business? For most SMEs, a direct refusal is very difficult.

However, just as there are many ways of saying “yes”, there are many ways of saying “no”. Before giving in to the solicitation, or saying goodbye to the deal, it’s worth trying some of them out.

You should say no in such a way that allows the bribe-taker to climb down from their solicitation and discourages the bribe-taker from asking again. None of the options that we outline here are guaranteed to stop bribery from happening, but they may discourage it, and in the longer-term, you may be able to prevent it from happening again.

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## Whistle-blowing

Whistle-blowing is one of the hardest and most sensitive areas in the management of business integrity. In many societies, it is the most common way of detecting unethical behaviour.

However, it is quite culturally dependent: in some societies, even if it is the right thing to do, it is considered ethically impossible to report a colleague for even the smallest misdemeanour. In a small business, whistle-blowing is likely to be an action of last resort.

Whatever the traditions in your society and whatever the relationships in your company, you should still provide your employees with some kind of objective mechanism for reporting corruption or other unethical conduct, without fear of reprisal from colleagues or management. A modern whistle-blowing system requires planning: how is the information received and handled? How are records of complaints and investigations maintained? What action is taken to resolve the issue? These decisions will have a fundamental impact on the degree of integrity and trust with which your company operates.

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## Managing when things go wrong

However efficient your systems, there is no guarantee that you will be able to completely avoid challenging ethical and moral situations, especially in the area of business integrity. Ethical dilemmas are an inevitable part of doing business.

There are many situations that turn up in a company's day-to-day activities. "Situations" can be divided into internal and external issues. Internal issues are those involving an employee, who deliberately or accidentally, has gone against the rules or the values of your company. Here you exercise a high degree of control over how you proceed. If you discover wrongdoing, what kind of action do you take? Do you tell them what they have done wrong and that you are unhappy with it? Is it in public or in private? Do you tell other people and make an example of how you have handled the situation? What is fair? What is proportionate? What is effective? Hopefully your response will be all three – fair, proportionate and effective.

External issues, involving your business partners, are more complicated. You may be in a commercial relationship and bringing the situation to a point where action must be taken may not necessarily be the best way forward. The best you can do is to have a strategy for managing when things go wrong. And if they do start to go wrong, just manage them! One good strategy for managing situations is to document everything properly.

For example, create and archive written evidence (e.g. a note to file) on a situation and how you handled it. What were the circumstances and how did you deal with it?

How and where do you store this evidence? When you have a track record of handling situations successfully (or not!), it may be worth going over them with colleagues or even other companies, and learning lessons from the experience.

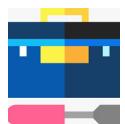
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## Reporting

No company is totally immune from corruption or illegal practices. Some may happen because of “ethical blindness” – your or your colleagues’ inability to see a case when it is in front of you. Or perhaps it was a rogue employee. Or perhaps you and your company were unaware of the rules.

Whatever the reasons, you need to have an idea of what you are going to do about it, if and when a case arises. Where something illegal has happened, you may need to report the event to law enforcement authorities.

The first thing is to determine whether the conduct that is under review was illegal and whether and how it impacted your business. If it was not illegal, then it is best dealt with internally.

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If it was illegal – for example, an employee accepting a bribe to influence your company’s decision-making – did the conduct in some way implicate your or other companies? In such cases, it may be necessary to report it to the authorities.

If your company has, in error or deliberately, committed an illegal act, you may need to self-report your own company to the authorities. The benefit is that you have detected the crime yourself and taken responsibility for it. In some (though not all) jurisdictions, this will mitigate the punishment and possibly avoid further legal action. Whether you are reporting or self-reporting, you should get legal advice before taking any action. There are many legal considerations to consider: was it a one- off event or endemic behaviour within your company? Who was really responsible – a “rogue” employee or a manager? Which are the correct authorities to report to for which illegal action? And in which country (depending on where the illegal activity took place)?



# 04

## Section Working together for business integrity



## Working together for business integrity

It should be clear by this point in our journey through business integrity that there are no simple solutions.

Your company is operating in a tough and brutal world, in which it may be difficult to stick to your moral principles and run a viable business. It is particularly difficult if you feel you are on your own. This Toolkit is designed to show you that you are not on your own. There are many people out there like you who want to do business in the right way, and are keen to help others do the same.

In fact, it has been clear for some time that business integrity is a joint effort. Governments can, of course, issue laws and have a large degree of responsibility for setting the rules of business. But if companies have not agreed to and accepted the rules, or if civil society is not holding the government and businesses to account, the chances of achieving a fair business environment become more remote.

In this section, we take a look at how collective action can help companies work with other companies in their industries, and businesses work with government and other sectors of society, to create platforms of trust – the first building block of business integrity in society.

Another activity which can make a difference is training. This Toolkit can also be used as a training module. We reproduce in this section some of the training techniques that work for SMEs.

There are support networks and platforms throughout the ASEAN countries which can provide advice to individual companies, from civil society organizations to business associations and government agencies. We have produced an initial list of where you can get more information.

Finally in the Toolbox, you will find plenty of additional materials relating to Section 3 – How to get your business in order. There are case studies, links to third-party sources of information, and templates which you will find useful in your day-to-day business operations.

## Collective action

Collective action is a process for getting groups of people and companies or organizations to work together to create a fair business environment with minimal risk of corruption. In fact, collective action is nothing new. It is well known that to execute public policy successfully, decisions cannot be imposed through legislation and enforcement alone. There has to be some kind of buy-in from the rest of society, i.e. acceptance and agreeing to the decisions. Other terms often used, especially relating to the sustainability or climate change agenda, are stakeholder engagement or partnership building or brokering.

In the case of collective action against corruption, or for business integrity, the most usual forms are between companies, either in the same industries or cross-industry; and between companies and public bodies or government agencies. Civil society organizations often play a facilitation role in building alliances for collective

action, or in some cases act as third-party monitors or evaluators.

The process of building consensus is best illustrated by IBLF Global's "[Staircase to Heaven](#)". It shows how participants in collective action initiatives can coalesce or converge around common issues and challenges.

There is no single right approach to collective action, but there are plenty of experiences out there which you can use. Collective action initiatives usually begin with relatively basic declarations and joint activities, then progress to standard-setting initiatives. At the apex are integrity pacts, which are usually monitored by a neutral third party.

Finally, please be aware that this Toolkit is itself an example of a collective action initiative designed to bring business integrity to our business community and a wider audience!



## Training and resources

While most individuals have their own moral compass and an understanding of what is right and wrong, there are many reasons why good people make bad decisions. Peer pressure, financial obligations and lack of clarity about rules: all of these may lead to errors of judgement which can be damaging to the company and the individuals. And, of course, there are situations when people deliberately engage in fraudulent or corrupt activity for their own personal gain.

Making clear and communicating the [Code of Conduct](#) and constantly reminding your team about your company's standards and values is essential. This is usually done by training. Whether your enterprise is large or small, highly structured or informal, training in business integrity is the hallmark of a well-run company.

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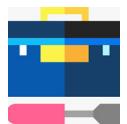
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Training is also a good way of making sure your partners, distributors and agents all understand your principles. And remember, if you can show that you have a well-structured training programme, in certain jurisdictions, this could be an important part of your legal defence in case things go wrong.

There is no shortage of training materials and providers, much of it available free of charge on the internet. Legal and accountancy firms, NGOs and business associations such as the ones which you can find in [Where to get more information](#) often provide pro bono seminars and webinars.

Business integrity is a difficult subject to teach and providers have resorted to imaginative training techniques, some of which are presented in the Toolbox.



## Where to get more information

There are many sources of information about business integrity – both in theory and in practice. In the Toolbox, you will find sections featuring international governmental and non-governmental organizations that promote responsible business practices globally, and a local section which describes regional and national initiatives in the ASEAN countries.

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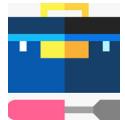
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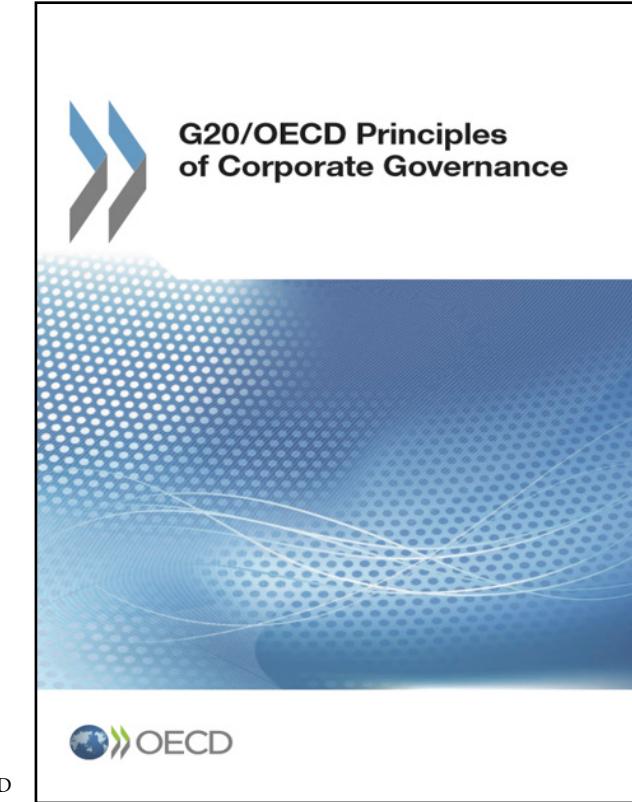
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# TOOLBOX

Welcome to the Toolbox. This Toolbox provides more detailed information, case studies, templates and links to external sources of information for the key topics in the Toolkit. To reach the relevant information, click the Toolbox icon on the top-level page. Once in the Toolbox, click the return  arrow to go back to the page you were in the Toolkit.

## Corporate governance 1/3

Much has been written about corporate governance, especially the theory of it. The G20/OECD Principles are a major point of reference. Although possibly too detailed for many SMEs to apply in their management systems, if you want to know what corporate governance is about, this is a good starting point.



Source: OECD

## Corporate governance 2/3

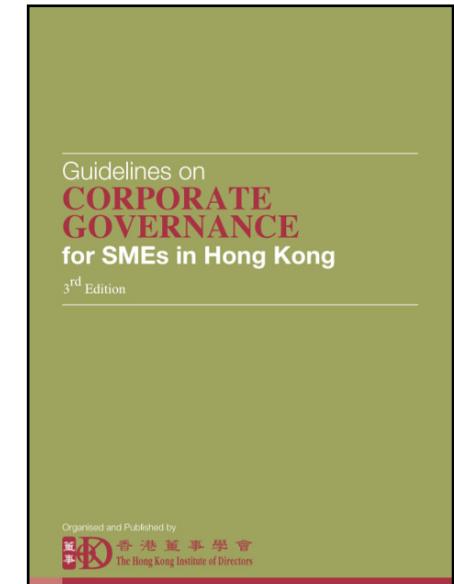
Corporate governance is designed for big companies, especially public companies which are on a stock exchange. Still, when you are starting up a company, or if you are a small company about to become a big one, you certainly need to be aware of the basics. These three publications provide useful guidance for SMEs.



Source: ACCA



Source: IFC



Source: Hong Kong Institute of Directors



## Corporate governance 3/3

To get you started, here is a useful checklist of things you should consider when you are establishing a system of corporate governance.



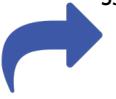
## Drivers of business integrity 1/2

**DRIVER 1: Your own moral compass.** In a small company, for example a family business, the commitment to doing business with integrity may be set by a small number of individuals. Their values will permeate the organization and relations with business partners. In setting up a new company, these innate values need to be harnessed. And you need to make sure that you are partnering with, and hiring, people who share the same good values that you have.

**DRIVER 2: The quality of your management systems.** Your personal principles need to be systematized and applied consistently throughout your company. For example, if one of your employees has given a bribe, it may not be because they are a bad person. Perhaps your [Code of Conduct](#) was not clear. Or perhaps your company is incentivizing that behaviour by placing too much pressure on staff to make their sales targets.

**DRIVER 3: The local business culture.** [Bribery](#), [harassment](#) and [discrimination](#) - these are all illegal in most countries. However, laws against them are very often not well enforced. Or even when they are enforced, they are very ingrained in the economy or social norms, and may be socially acceptable. It is difficult for an owner of a small company to follow the laws in these circumstances. But you still need to know what the laws are and do your best to follow them.

**DRIVER 4: International best practice.** You may be a supplier or distributor to a large multinational company based in Europe or another developed country. You will have noticed how they want you, as their local business partner, to maintain a high degree of business integrity. They are under severe pressure from the law in their own country, and are ensuring that their entire supply chain is operating to the best international standards. If you want to be part of that supply chain, you will need to ensure that you are complying with these standards.



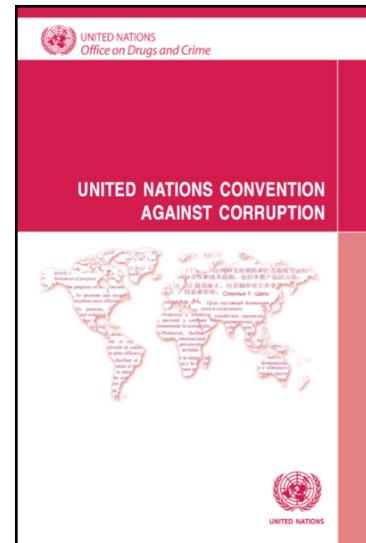
## Drivers of business integrity 2/2

Take a look at this [case study](#) from a start-up in fintech (financial technology) provided by Youth Co:Lab incubator Diane Eustaquio:

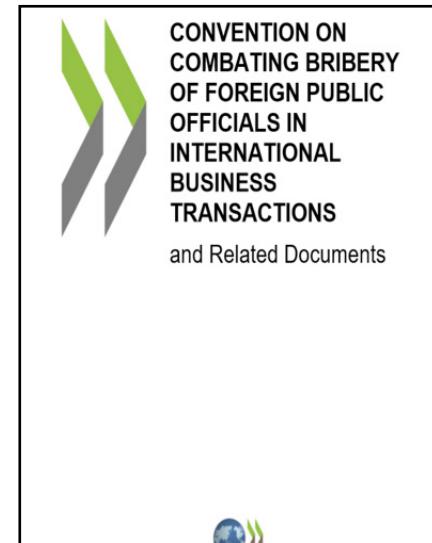


## International rules 1/2

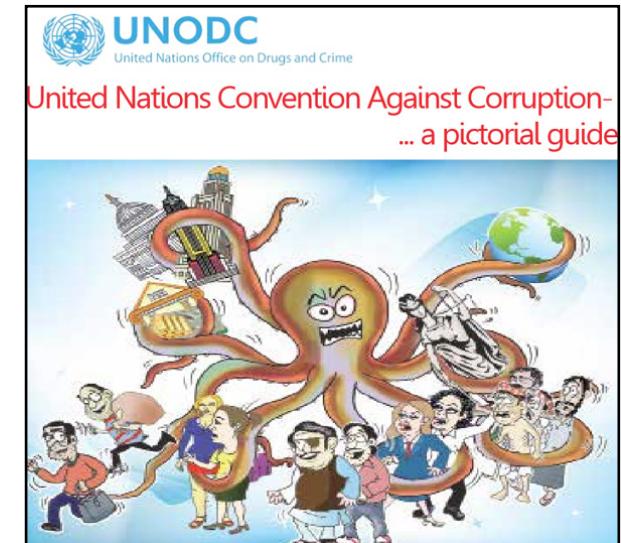
Anti-corruption legislation at a national level is often derived from a country's adherence to the United Nations Convention against Corruption (UNCAC). Many of the laws which states enforce come from there. UNCAC is not enforced directly in each country, but it's an important piece of legislation. Another example of an influential international law is the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Here are the two conventions and an entertaining pictorial guide to UNCAC.



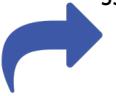
Source: UNODC



Source: OECD



Source: UNODC



## International rules 2/2

Both US and UK laws (and those of an increasing number of other countries) are “extraterritorial” in their reach. This means that the authorities can prosecute even if the crime has occurred outside the home country, and even if the criminal is not American or British. This far-reaching legislation has impacted how global multinational companies structure and implement their compliance systems. This is why they insist on their business partners like you adopting the same high principles as themselves. You can read the law if you want, but there is guidance published which will make it easier for you.

*General bribery offences*

**1      Offences of bribing another person**

(1) A person ("P") is guilty of an offence if either of the following cases applies.

(2) Case 1 is where—

(a) P offers, promises or gives a financial or other advantage to another person, and

(b) P intends the advantage—

(i) to induce a person to perform improperly a relevant function or activity; or

(ii) to reward a person for the improper performance of such a function or activity.

Source: legislation.gov.uk



Ministry of  
JUSTICE

# THE BRIBERY ACT 2010

Guidance

Source: UK Ministry of Justice

L2375

**PUBLIC LAW 105-366**

**One Hundred Fifth Congress  
of the  
United States of America**

**AT THE SECOND SESSION**

*Be it enacted by the Senate and House of Representatives, at the twenty-seventh day of January, one thousand nine hundred and ninety-eight*

**An Act**

To amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign trade and other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "International Anti-Bribery and Fair Competition Act."

**SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING ISSUERS.**

(a) **PROHIBITED CONDUCT.**—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78d-4(a)) is amended by adding at the end thereof the following subparagraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawfulness of such official, or (iii) securing any improper advantage; or"

by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, (ii) inducing such party to do or omit to do, or inducing such party, official, or candidate to do or omit to do an act in violation of the lawfulness of such party, official, or candidate, or (iii) securing any improper advantage; or;" and

by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such party, (ii) inducing such party to do or omit to do, or inducing such party, official, or candidate to do or omit to do an act in violation of the lawfulness of such party, official, or candidate, or (iii) securing any improper advantage; or;" and

by amending subparagraph (A) of paragraph (3) to read as follows:

Source: US Department of Justice

Source: US Department of Justice



## Local laws

Each country has its own anti-corruption legislation. If you are operating in a particular country and you don't know the local laws, you should – or at least where to find them. Here is a selection of the main anti-corruption legislation in each of the six "Fair Biz" countries, available from the government agency that is responsible for it in each country (just click on the appropriate flag). You can find out more about the most recent legislation, the relevant government departments and also NGOs promoting responsible business under [Where to get more information](#).



1.



2.



3.



4.



5.



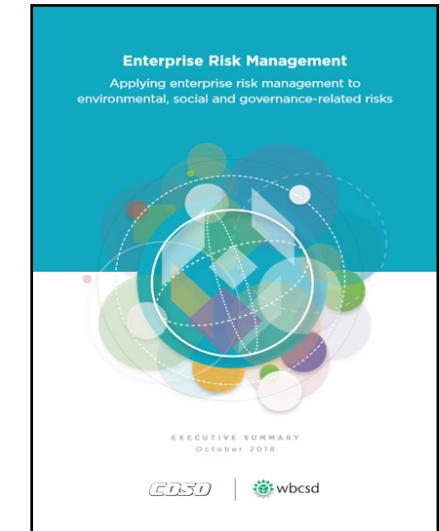
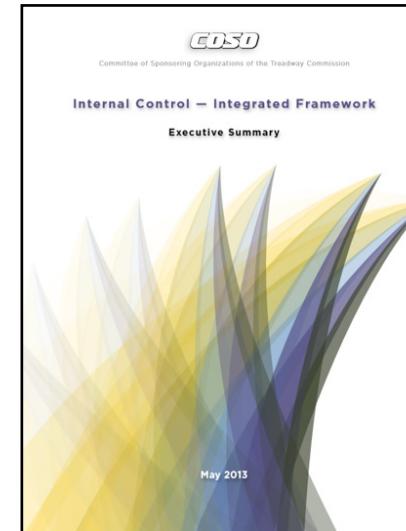
6.

1. Source: Luat Vietnam
2. Source: NACC Thailand
3. Source: Official Gazette, Philippines
4. Source: ACC Myanmar
5. Source: MACC Malaysia
6. Source: KPK Indonesia



## Keeping my business in order

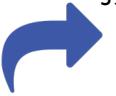
The COSO internal control framework – illustrated in the diagram on the left - provides an integrated system for the control of a company and management of risk. Smaller companies rarely require such an extensive infrastructure, but the basic principles of internal control are relevant to any company. You can learn more about COSO in the Executive summary. COSO and the World Business Council for Sustainable Development (WBCSD) have also published guidance on enterprise risk management related to environmental, social and governance-related risks. There's more about risk management in Identify and manage the risks.



Source: UK Ministry of Justice

## Know your co-owner 1/2

- Setting up a company with someone else is one of the most intimate relationships outside marriage. It's best for new co-owners to get things right between you before you both take the plunge
- Make sure that you and your co-owner agree not only about the goals of the company but also the methods. This could take the form of a deep conversation (or several conversations) about what you both think is important
- What are your values and ethical positions and what else do you both care about other than maximizing profits?
- If you do not know each other well personally, do a background check or [due diligence](#) on each other. Consider the visible profile of your new partner on social media. What sort of reputation has your partner got?
- Follow your intuition. If something feels wrong about your partner's character or beliefs, it may be wrong. In this case, try your partnership out first on a short project.
- You will need to exchange CVs – there is no harm in verifying certain aspects of your partner's past by seeking references.
- Jointly write a formal partnership agreement with the goals and values of your new company – this will flush out any potential mismatch between the partners.



## Know your co-owner 2/2

Here is a video about “Why You Need Trust to Do Business:  
Crash Course Business - Soft Skills #1”:



Source: Complexly

And here from our Youth Co:Lab incubator Diane Eustaquio,  
a [case study](#) of how to manage a change of co-owner:



## Identify and analyse the risks 1/3

Here are some basic first steps that you can take to identify the risks your business might face:

- Analyse the risk: think about how risk might occur and affect your business.
- List the situations that potentially pose risks to your company. The risks could be internal or external and specific or systematic.  
Learn more about the risks of corruption in [Section 2](#), for example [Red flags](#) and [Grey areas](#).
- Evaluate and score risks using a risk assessment survey. Weigh the effect of the risks on a scale of 1 to 10 (from the least to the most urgent).  
This enables you to prioritize which risk you should address first.
- Discuss the issue of risk with your team or your business mentor.
- Develop a risk management plan with concrete measures to [prevent](#), [detect](#) and [respond](#) to priority risks.
- Assign responsible colleagues (employees, non-executive directors or trustees) to monitor the risk factors.
- Regularly evaluate the effectiveness of your risk management system.

## Identify and analyse the risks 2/3

This webinar gives a detailed view about how to go about a risk assessment for your company and how to structure your activity and compliance systems around managing risk.





## Identify and analyse the risks 3/3

You can use this free Risk Assessment Tool and the template next to it to quickly create a risk map for your business:

# Risk Assessment Example

Source: SurveyAnyPlace

Source: Words templates

## Red flags 1/2

Here are some red flags to look out for:

- Your client or agent demands high commissions or unusually large fees.
- There is no written agreement or contract between you and your client.
- The contract doesn't conform to industry and government standards.
- There is missing and/or incomplete technical and financial documentation.
- Your client appoints an agent to negotiate the contract and receive payment.
- Your agent has staff related to a government official.
- You have not been able to conduct a proper review of your client or their agent.
- Your client or their agent want to make payment into an offshore account.
- Your client or their agent want to make payment in cash.



## Red flags 2/2

This webinar provides detailed insights into how to analyse red flags once they have been recognized.

This report provides case studies which will help you understand and relate to real red flag situations.

Fraud's Red Flags

Presented by:  
WESSEL ACCOUNTING

Source: Wessel Accounting

FEAK

Case Studies  
on fighting  
Money  
Laundering,  
Terrorist  
Financing  
and  
Economic  
Crime

May 2018

Source: ICPAC

## Grey areas 1/2

Here are some points you might consider in order to bring clarity to the grey areas potentially surrounding your business:

- Beware of the grey areas – these are risks to your business!
- Try to distinguish between different shades of grey – the dividing line between right and wrong.
- Try to understand all the consequences of making a decision.
- Do you feel personally comfortable pursuing a particular course of action?
- How would you feel if your chosen course of action appeared in the media next day?
- How do you think your decision will be perceived by your employees and colleagues?
- What would your mother or your best friend say about it?



## Grey areas 2/2

This video tells the story of a major ethical dilemma which confronted a US financial services institution. The dilemma was around how the sales incentives awarded to sales staff encouraged the wrong behaviour.



Source: Valuetainment

## Code of Conduct 1/3

Daniel Loy, one of the Youth Co:Lab participants, produced this short presentation for our Toolkit about Codes of Conduct, their purpose and what should be included:



The image shows a presentation slide titled "A Visual Guide to Developing a Code of Conduct". The title is in large, bold, black font. Below it is a subtitle in smaller, italicized black font: "Towards startups with business integrity". To the right of the text area, there is a photograph of several hands of different skin tones reaching towards the center from around a circular frame. The slide has a teal vertical bar on the right side with the text "CODE OF CONDUCT 101". At the bottom left, it says "Source: Daniel Loy".

# A Visual Guide to Developing a Code of Conduct

Towards startups with business integrity

Source: Daniel Loy

CODE OF CONDUCT 101

## Code of Conduct 2/3

Codes of Conduct come in many shapes and sizes. Click on the picture and take a look at 18 examples from major multinational corporations for inspiration:





## Code of Conduct 3/3

It's best to design your own Code of Conduct, but a ready-made template will help you to get you started! Here are two templates you can use:

The image shows the cover page of a document titled "Sample Code of Conduct for Small and Medium Enterprises". The page features the Norwegian Ministry of Foreign Affairs logo (a heraldic lion), the Central National Anti-Corruption Bureau logo (a circular emblem with a central figure), and the UNDP logo (United Nations Development Programme). The title is centered in large blue text.

Norwegian Ministry  
of Foreign Affairs

CENTRAL NATIONAL ANTI-CORRUPTION BUREAU

UNDP  
Empowered lives.  
Resilient nations.

**Sample Code of Conduct for  
Small and Medium Enterprises**

Source: UNDP



Source: i-Sight



## Due diligence 1/3

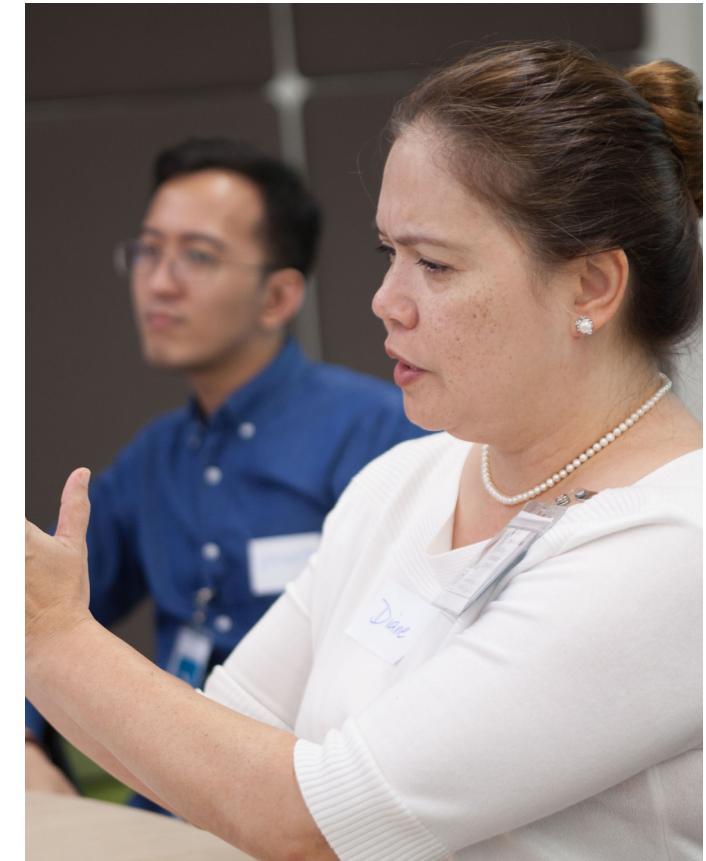
Due diligence gives you all the necessary information and the peace of mind that you are making the right decision in entering a new commercial relationship. These due diligence guidelines show how a tiered approach to due diligence can bring you some of the basic answers about your partners that you need.



## Due diligence 2/3



This checklist covers all aspects of third-party risk in a simple-to-use structure.





## Due diligence 3/3

This report from the United Nations in Myanmar shows how economic and military interests are closely interrelated. You will want to avoid such relationships if your partners are somehow connected with human rights abuses.

And this [case study](#) from Youth Co:Lab incubator Diane Eustaquio, gives you an idea of how to get to know your customer:



A/HRC/42/CRP.3

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5 August 2019  
English only

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**Human Rights Council**  
Forty-second session  
9–27 September 2019  
Agenda item 4  
Human Rights situations that require the Council's attention

**The economic interests of the Myanmar military\***

**Independent International Fact-Finding Mission on Myanmar**

Source: UN Human Rights Council

## Hiring 1/2

How to do value-based recruitment:

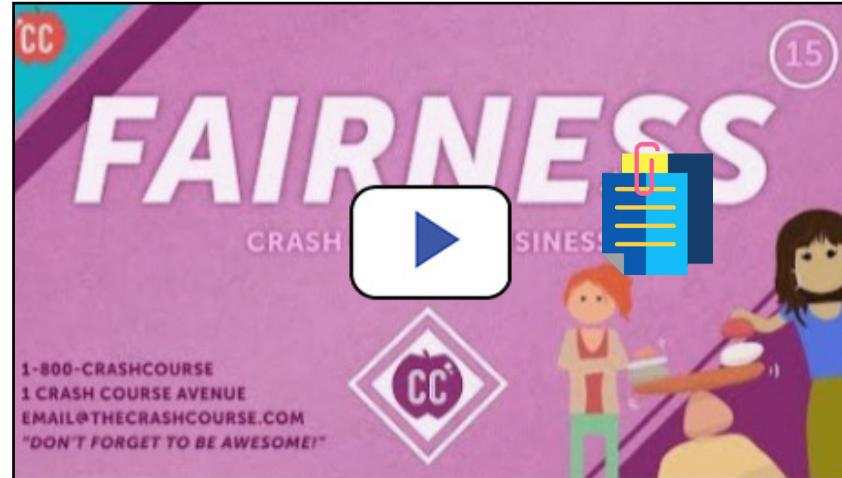
- Understand and define your organizational values in a [Code of Conduct](#).
- Make your values clear explicitly during the recruitment process, e.g. in the job description.
- Use behavioural interview techniques which includes value-based questions, for example:
  - Adaptability: Have you ever had to change a project around at the last minute? What did you do? How did it work out?
  - Collaboration: Do you prefer to work alone or with a team? Why?
  - Communication: Tell me about a time when you had to sell an idea to someone in the workplace (e.g. boss, co-workers, or customers). What was the result?
  - Dedication: Where do you see yourself in five years?
  - Integrity: Have you ever been asked to do something unethical? How did you handle it?
  - Responsibility: Have you ever had to juggle more projects than you had time for? How did you prioritize? How did you manage stress?
- Compare the answers you receive to the values of your company and decide the outcome of the interview.



## Hiring 2/2

Here is a video about “How to Create a Fair Workplace: Crash Course Business: Soft Skills #15”:

And from our Youth Co:Lab incubator Diane Eustaquio,  
here is a [case study](#) of how to manage a hiring situation:



Source: Complexly



## Bribery

This short video, created for a law firm, is ideal for explaining to your employee why bribery is wrong and runs counter to your company values. It can be used as an introduction to a more in-depth discussion on Business Integrity with your team.

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## Facilitation payments 1/2

How do you draw the line between a facilitation payment (which may or may not be illegal but is tolerated)

and a bribe (which is illegal and not tolerated)?

- Notice the size of payment. Is the amount you have to pay bigger than the regulated limits?
- Have you met all the business requirements or are you asking the officials to ignore your weak spots?
- Do you have to make a payment to a certain official or a senior official?
- Have you sought approval or advice from your company's risk management experts and legal counsel?
- Have you recorded every facilitation payment?
- Do you have a Code of Conduct and monitoring programme and are you following them?



## Facilitation payments 2/2

From our Youth Co:Lab incubator Diane Eustaquio, here is a [case study](#) of how to manage a solicitation for a facilitation payment.



## Gifts and entertainment 1/3

How can you minimize the risks of business gifts and entertainment?

- Establish a clear gift policy as part of your company's rules and regulations, which defines value thresholds, above which approval is required.
- Make the gift policy an open and shareable document, accessible not only by employees but also by clients, partners and public officers.
- Include in the policy guidelines for interactions with different stakeholders including clients, partners and public officers. The usual approach is for the employee to get approval before giving or receiving any gift that might be questioned.
- Inform your employees whom to contact for questions or approval. The person could be a manager in your company, for example from your human resources or legal team.
- Train your employees about this policy and procedure. Document approval processes and a gift log of items offered and received.
- Track gifts and hospitality records regularly with your external auditor or accountant.
- When you or your managers are asked to approve a gift that is questionable, ask the following:
  - Is the gift likely to influence your business partner's objectivity?
  - Will the gift appear to people outside as an alternative to a bribe?
  - If the answer to either of these two questions is "yes", proceed with caution!

## Gifts and entertainment 2/3

Gifts and Entertainment are definitely a grey area in business management and integrity. Keep your wining and dining proportional! Make sure that your invitation is not intended or interpreted as a bribe! Here is a short guide put together by a Youth Co:Lab participant:

# A Visual Guide to **Gifts and Entertainment**

Towards startups with business integrity

Source: Daniel Loy



GIFTS AND ENTERTAINMENT 101



## Gifts and entertainment 3/3

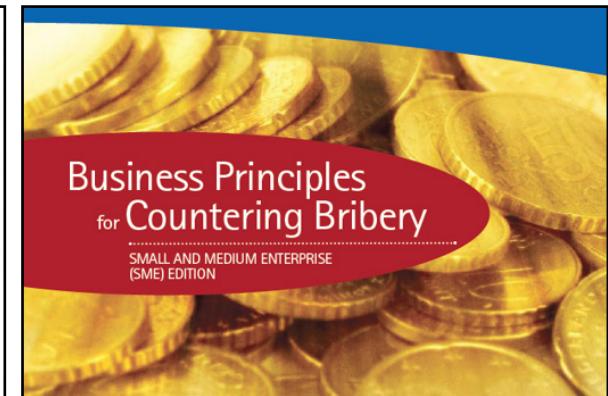
This short video on business gifts and bribes gives you an idea about how to distinguish between the two. And take a look at the case study from the Coalition against Corruption in Thailand about how their member companies agreed to a “no gift” policy. It might help you and your staff to have a short policy on gifts and entertainment. You can make it part of your Code of Conduct or have it as a separate document. Take a look at the template provided by Transparency International:



Source: Global Ethics Solutions



Source: CIPE



Source: TI

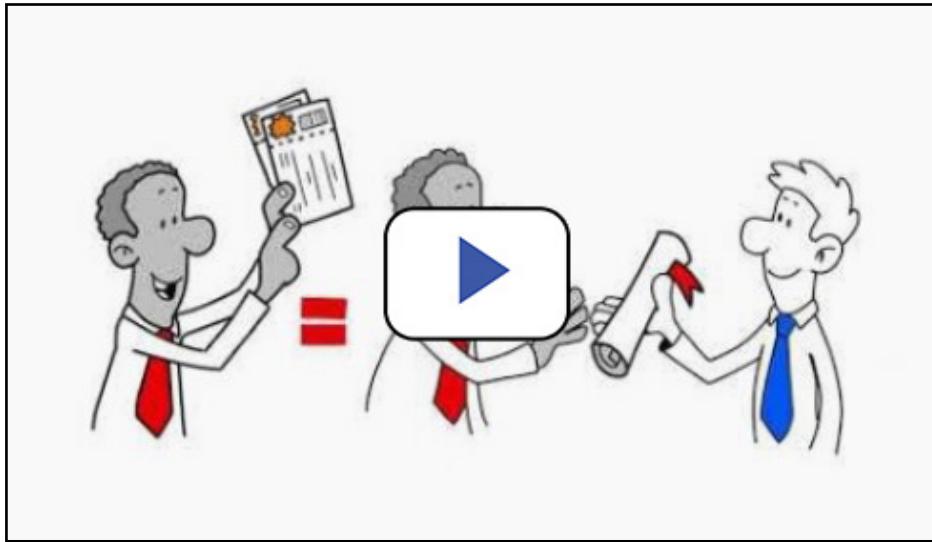
## Conflicts of interest 1/3

Here are five tips to detect conflicts of interest:

- Create a [Code of Conduct](#) which prohibits conflicts of interest and will help to identify when a conflict of interest has taken place.
- Educate employees about conflicts of interest with regular ethics and compliance [training](#).
- Encourage them to disclose potential risks such as outside jobs and relationships with related stakeholders.
- Require them to sign report forms to ensure they disclose all the risks.
- Use audits to detect conflicts of interest. Employees' data and social media and analytical tools can be good assets.

## Conflicts of interest 2/3

The first video, made for employees of a US government agency, explains in simple terms what is a conflict of interest. Although this is a video for government employees, the same message holds true for employees of SMEs anywhere in the world. The second video shows how management can systematically deal with conflicts of interest.



Source: US Department of Agriculture

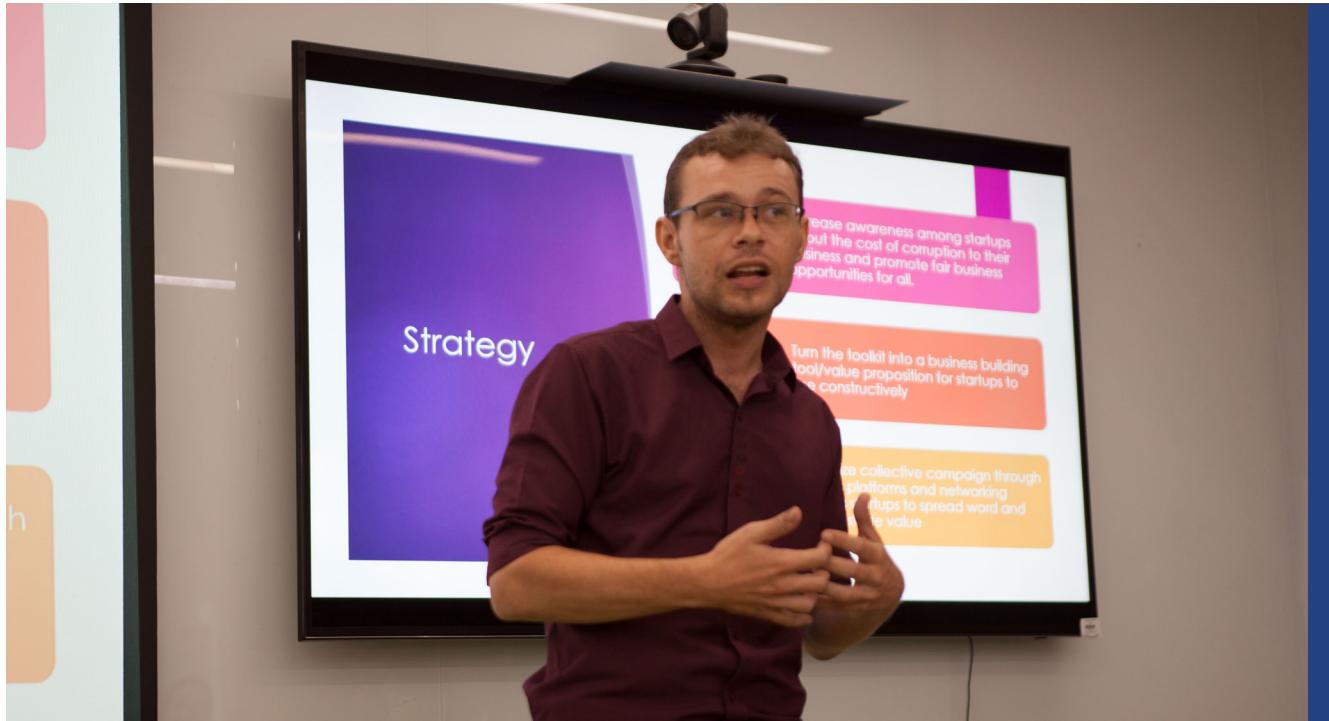


Source: Knust School of Business



## Conflicts of interest 3/3

This [case study](#) on education in Viet Nam was provided by Youth Co:Lab participant, Rafael Masters.



## Workplace harassment 1/2

Workplace harassment is improper and/or unwelcome conduct that hurts and causes offence or humiliation to you or your colleagues. Here are some possible actions to put an end to workplace harassment:

- Create a company statement such as a [Code of Conduct](#) that addresses workplace harassment.
- Develop and implement a process for reporting workplace harassment and for dealing with misconduct.
- Train and require your employees to comply with your company's policies and not to engage in workplace harassment.
- Assign a person in charge to inspect how people are dealing with workplace harassment.
- Promote workplace harmony through formal and informal engagements with workers such as participation in ethics workshops.
- Through the recruitment process, ensure that potential candidates have a clean track record and look for possible red flags that may implicate them in unethical behaviour.



## Workplace harassment 2/2

These videos cover different aspects of workplace harassment. The first three deal with how you as the owner of your company can establish fair and clear ground rules for all your employees. The last video is a direct message to potential victims of harassment and what they can do about it.



1.



3.



2.



4.

1. Source: WorkSafe BC

2. Source: I-Sight

3. Source: Better Work Viet Nam

4. Source: Cleverism

## Discrimination 1/2

To prevent discrimination:

- Prohibit discrimination through company policies by including the subject in your Code of Conduct.
- Educate staff by making them sign a written set of discrimination policies.
- Encourage employees to respect each other. Be their role model. Lead by example.

To detect discrimination:

- Develop a reporting system which allows concerns to be raised anonymously.
- Respond to complaints promptly and with sensitivity.



## Discrimination 2/2

This first video shares some imaginative, unusual approaches to discrimination in the workplace. The second briefly outlines the obligations of employers to identify discrimination in the workplace and to do something about it. The third video is a useful tool to show to your employees to raise their awareness about discrimination.



Source: TEDx



Source: Skill Boosters



Source: Crash Course

## Child labour 1/2

To eliminate child labour:

- Carry out a risk assessment for your industry.
- Make sure none of the business partners in your supply chain or your other stakeholders engage in child labour.
- Conduct due diligence on your stakeholders. Know your customer!
- Include a code of labour practice in your company's Code of Conduct.
- As a social entrepreneur, be public in your support towards children's rights and well-being in your market sector and in your country. Doing so promotes public a trust and a good reputation.



## Child Labour 2/2

The video show ways of dealing with child labour in different ASEAN countries. The ILO website outlines some of the worst forms of child labour. The UNICEF checklist helps companies understand whether they or their third-party agents are inadvertently employing children. The ILO's report form can be used to report abuses of child labour.



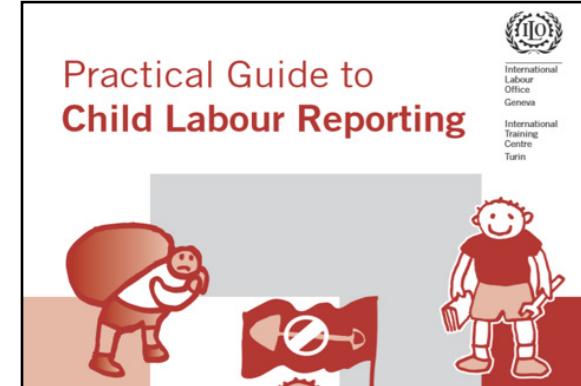
1.



2.



3.



4.

1. Source: Better Work Viet Nam

2. Source: ILO

3. Source: UNICEF

4. Source: ILO via MCRB

## Modern slavery 1/2

How to avoid modern slavery in your business and your supply chain:

- Include an anti-slavery statement in your [Code of Conduct](#) and publish it.
- Make sure your employees and business partners are aware of your position.
- Review business policies in relation to slavery, especially your procurement policies.
- When you are [identifying and analysing risks](#), make sure you keep an eye open for slavery, especially in low-income markets.
- Make your Code of Conduct part of your supplier and distributor contract. It will encourage them to make sure that there is no forced labour, unfair payments and unsafe working conditions anywhere near their business.



## Modern slavery 2/2

Youth Co:Lab's Khoirun Nisa' Sri Mumpuni has put together a [short guide](#) to modern slavery and the private sector, including some case studies of how companies have eliminated their exposure to modern slavery. In the other documents, you will find some useful approaches to dealing with modern slavery from a management point of view.



## How to say no

In the first document, Youth Co:Lab's Rafael Masters outlines the different ways of saying no. The second document is the Institute of Business Ethics' Say No Toolkit, which can be used equally by senior management and employees.



Source: Rafael Masters



Source: IBE

## Whistle-blowing 1/2

A whistle-blowing system helps you and your colleagues detect unethical behaviour in your company and take appropriate action.

- Ensure that the system is fair and transparent, and well communicated to all your employees. It should be clear to them how the system works, its purpose, and what happens to the information that they provide when they are making a report.
- Decide on whether the system should enable the whistle-blower to complain anonymously or not. Generally, this is considered to be desirable.
- In small companies, to preserve anonymity, you may need to have a hotline (which could be by phone or email) where the complaint is transmitted to a neutral third party.
- Keep the process fair – allow the person under investigation every opportunity to defend their actions. There are plenty of examples of false complaints, so don't jump to conclusions too quickly.
- Respond with fair and proportionate action. There's advice about this under [Managing when things go wrong](#).

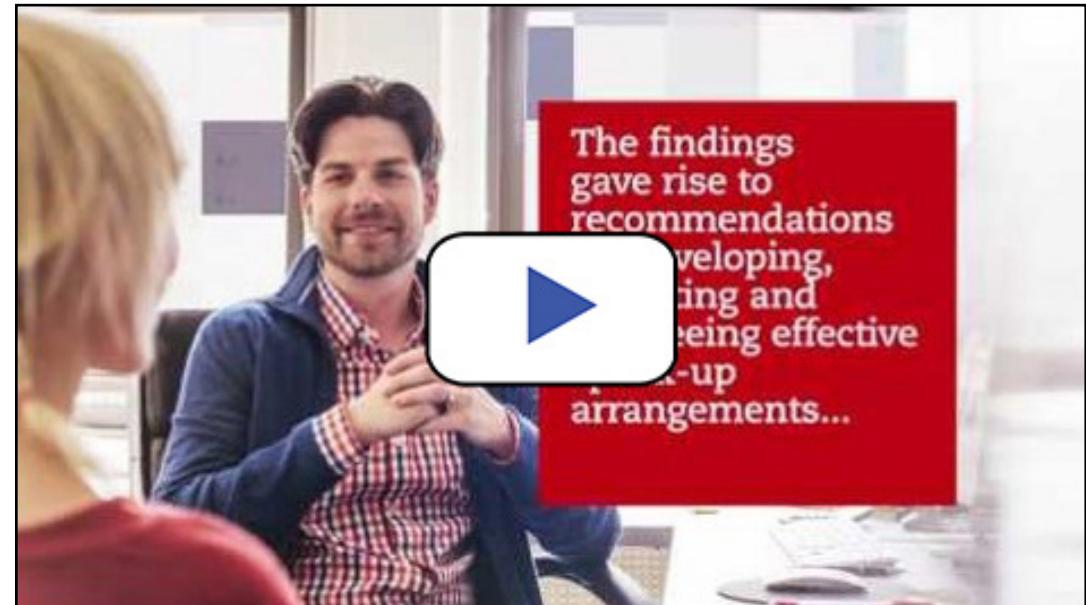


## Whistle-blowing 2/2

This blog explains the benefits of whistle-blowing, and the video gives guidance on basic arrangements that companies can make to create a “speak up” culture.



Source: Ethical Corporation



Source: Ethical Corporation



## Managing when things go wrong

Here are some guidelines for how to deal with managing complex situations:

- Have a clear policy for how to deal with certain types of risk, such as bribery or corruption, and poor workplace practices such as harassment.
- Make clear what the rules are (perhaps through your [Code of Conduct](#) or your company handbook, which should contain company rules and regulations).
- You should make sure that you are not accidentally incentivizing poor behaviour. For example, an overly generous bonus scheme for salespeople might inadvertently encourage them to provide facilitation or even bribes to the purchasing agents in their client company.
- Always provide a central point through which an experienced member of staff can provide less experienced staff with advice.



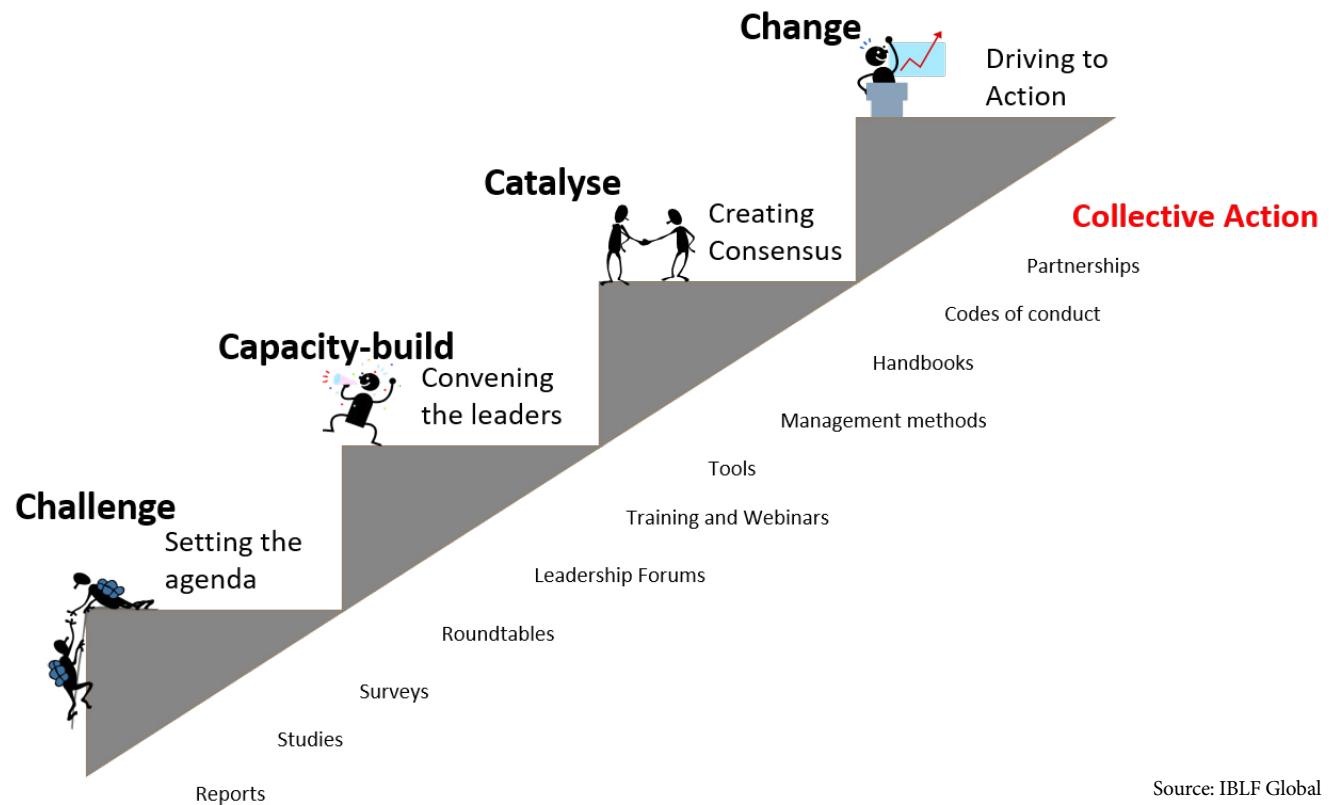
## Reporting

Reporting illegal activity to the authorities is a complicated matter. Whether it was your company at fault, a manager or an individual employee whose behaviour is under question, this is one of the hardest situations to deal with.

- Fully investigate the facts. Was this really illegal? Or unethical? The answer will help to determine your course of action.
- Was a single individual involved? A team? A manager? Was it institutionalized in your company? Did your company's policies inadvertently encourage this behaviour?
- Was the illegal activity deliberate? A case of "ethical blindness"? Negligence? Ignorance? Incompetence?
- If you do decide to report the illegal activity to the authorities, or self-report your company, consider carefully how to report it and whom to report to.
- Above all, get legal advice before you do anything!

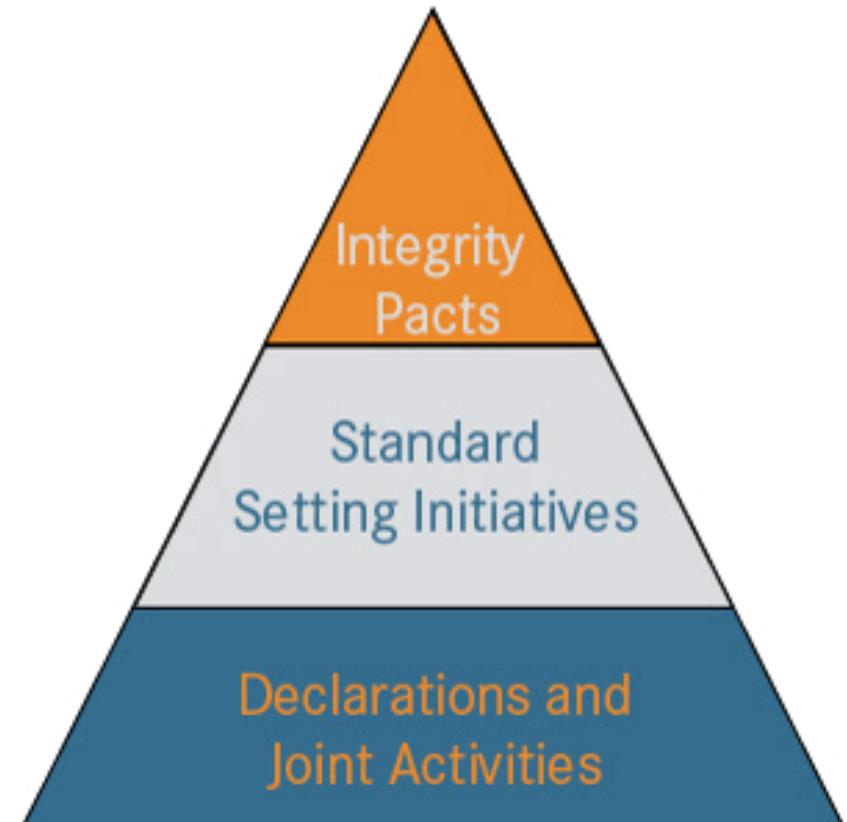
## Collective action 1/3

There are many ways to develop and construct a collective action initiative, depending on the market, country and players. IBLF Global's "Staircase to Heaven" suggests a helpful methodology.



## Collective action 2/3

This diagram, put together by the Basel Institute for Governance in collaboration with IBLF Global, shows the different types of initiatives for collective action. The most common type are declarations and joint activities, a useful starting point. From there, they may progress to standard-setting initiatives. At the apex of the pyramid are integrity pacts, which are usually monitored by a neutral third party. These are much harder to establish and far less frequent than the other two.



Source: Basel Institute for Governance



## Collective action 3/3

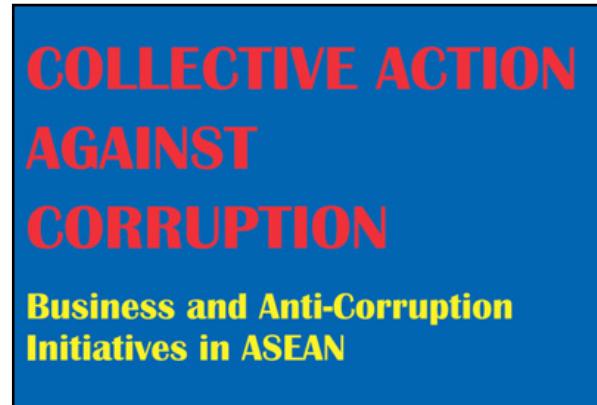
From the ASEAN CSR Network, here is a useful collection of collective action initiatives in ASEAN and also a framework for setting up regional collective action in the ASEAN business community. If you are putting together a collective action initiative involving SMEs, you may find useful this report on an initiative in Malawi published by the International Anti-Corruption Academy. Or take a look at the video about a powerful collective action project in the Philippines.

1. Source: ASEAN CSR Network

2. Source: ASEAN CSR Network

3. Source: IACA

4. Source: Integrity Initiative



1.

**Inhibiting Factors for Small and Medium Scale Enterprise (SMEs) Participation in Anti-Corruption Collective Action**  
A CASE STUDY OF THE MALAWI SMEs



2.



3.

## Training and resources 1/6

Here are some of the questions you should be asking yourself when designing business integrity training. The answers will depend on what you are trying to achieve from the training, the nature and needs of the audience, and the business environment in which your company is operating.

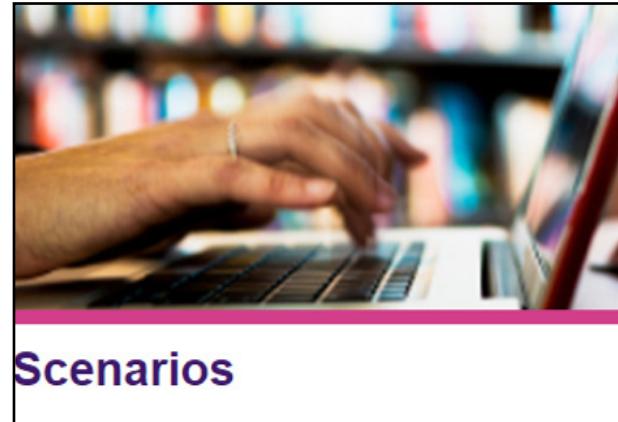
- Channel: Online, via app or in person?
- Language: Local language or English?
- Engagement: Compulsory or voluntary?
- Seniority: All levels or management only?
- Content: Universal case studies or localized?
- Format: Interactive or sedentary?
- Length: Short or long?
- Frequency: Regular or occasional?
- Effectiveness: Test of knowledge acquired or participant feedback?

## Training and resources 2/6

These training programmes provide examples of useful case studies which can be adapted to your training needs. There are many imaginative techniques for getting your employees interested in your compliance training programme. In the video, you will find some approaches to keep your audience interested and to ensure that your key messages have really been understood.



Source: TI and ICC



Source: IBE



Source: Ethintegrity

## Training and resources 3/6

There are many useful toolkits on the internet which may be just as useful as this one. Here are a few:

NAME	PUBLISHED BY	BRIEF DESCRIPTION
The Fight Against Corruption	UNODC and UNGC	Online e-learning tool with six interactive video modules for private sector employees, including a certificate programme.
SME Integrity Toolkit	IFC	Online modules
Business principles for countering bribery: SME edition (2012)	Transparency International	Online document
Business Integrity Guidance		Online document
Doing Business Without Bribery		Online training
Corruption Prevention to Foster SME Development	UNODC	Online publication analyzing corruption challenges faced by SMEs and their solutions.
Education for Justice (E4J)		Educational materials developed for teaching all levels of school and college.

## Training and resources 4/6

NAME	PUBLISHED BY	BRIEF DESCRIPTION
B20 and G20 anti-corruption SME Toolkit	IBLF Global	Online toolkit and training modules to be adapted in all G20 countries and beyond
Anti-corruption Toolkit – a teaching resource Anti-Corruption Toolkit multi language	UN PRME	Educational modules not specifically focused on business or SMEs
Business Anti-corruption Portal	GAN Integrity solutions	A one-stop shop for business anti-corruption information. Includes e-training modules and a compliance quiz
A Guide for Mid-sized Companies in Emerging Markets	CIPE	Online document distributed through local partners
Anti-corruption Manual for SMEs	CIPE	Online toolkit
Why complying with competition law is good for your business	ICC	Online and hard copy. Specifically relates to competition law.

## Training and resources 5/6

NAME	PUBLISHED BY	BRIEF DESCRIPTION
A Compliance & Ethics Programme on \$1 a Day: How Small Companies Can Have Effective Programs	SCCE	Online document
Doing Business without Bribery (2013)	TI	1.5-hour presentation-style course with trainers notes available from TI site
Anti-corruption Third Party Due Diligence (2015)	ICC	Guide for SMEs to assess and manage corruption risks associated with engaging third-party suppliers
RESIST	UNGC, WEF, ICC, TI	Employee training tool available online. Provides approaches to resisting solicitation
Online training for Partners	CISCO	Online course includes Cisco's anti-corruption policies, and its expectations for its business partners



## Training and resources 6/6

NAME	PUBLISHED BY	BRIEF DESCRIPTION
An Anti-Corruption Ethics and Compliance Programme for Business: a Practical Guide	UNODC	Online publication sharing good practices and offering guidance to private sector companies in developing strong ethics and compliance programs
Anti-Corruption Ethics and Compliance Handbook for Business	OECD, UNODC World Bank	Online handbook with guidelines on private sector anti-corruption compliance. The handbook outlines principles from major organizations and complements them with real-world cases.
Say No Toolkit	IBE	The IBE Say No Toolkit is a decision-making tool, designed to help organizations support their employees to make the right decision when faced with a difficult situation.

## Where to get more information 1/2

Multilateral intergovernmental organizations:



International non-governmental organizations:



Research and educational resources:





## Where to get more information 2/2

Asia-Pacific regional intergovernmental organizations:



Asian Development Bank

National Governments of 6 ASEAN countries:



Regional and national non-governmental organizations:



*Indonesia Business Links*  
Resource Centre for Corporate Citizenship

