Bribery and Foreign Corruption

Understanding and complying with regulations to ensure organizational integrity

Workshop Included:
ENSURING THIRD-PARTY ANTI-CORRUPTION COMPLIANCE

Participating organizations
Advanced Micro Devices, Inc. (AMD)
Blaney McMurtry LLP
Department of Justice (Competition Bureau Legal Services)
Goodmans LLP
IBIS International
McMillan LLP
PricewaterhouseCoopers LLP
SAP
Securefact Transaction Services, Inc.
Shearman & Sterling LLP
Skadden Arps Slate Meagher & Flom LLP
York University

Who should attend
Forensic Accountants; Corporate Counsel; VPs & Directors responsible for corporate responsibility and compliance, ethics, policies, business conduct, international trade, contracts, internal audit

Course highlights
• Key elements of the CFPOA
• Due diligence requirements when dealing with third parties
• Best corporate practices in the areas of anti-corruption
• Communicating with governmental authorities
• Harmonizing Canadian and U.S. compliance
• Enforcement developments in European countries
• Steps to an effective anti-corruption risk assessment
• Addressing problems uncovered by due diligence
• Developing compliant working relationships with state-owned entities
COURSE PROGRAM

CANADIAN ANTI-CORRUPTION LAWS

This session will review the current Canadian federal, provincial and municipal regimes, including the Corruption of Foreign Public Officials Act and laws pertaining to conflict of interest and a range of typical anti-corruption measures and requirements.

- Parliament of Canada Act, Public Service of Ontario Act, Criminal Code, ss. 119-123
- Common forms of corruption in procurement, bid rigging and anti-competitive practices
- Navigating the Municipal Conflict of Interest Act and Broader Public Sector Accountability Act
- Typical municipal and provincial purchasing policies

IN-DEPTH OVERVIEW OF FCPA COMPLIANCE

This session will get you up to speed on the key components of the FCPA, focusing on its anti-corruption and anti-bribery elements, and provide insight into its internal accounting controls and requirements.

- Determining who must comply with provisions of the FCPA
- FCPA and its potential impact on your company
- Key elements of the FCPA's anti-bribery provision
- Triggers to U.S. government anti-bribery investigations

MANAGING AN ANTI-CORRUPTION OR BRIBERY INVESTIGATION

The number of enforcement actions in Canada and worldwide are rising dramatically, and this session will examine the steps in successfully managing a corruption or bribery investigation.

While nothing compares to the experience of attending the live event, with its enhanced networking opportunities and direct contact with leading experts, for those unable to attend in person FP provides a convenient option to still benefit from this unsurpassed learning experience:

FP’s live interactive Webcasts allow you to actively participate in events, from downloading all material distributed by lecturers to asking speakers questions.

- This program can be applied to 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.
- For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.
- Attendance at this course can be reported as 10 hours of Continuing Professional Development (CPD) to the Law Society of B.C.
- The Barreau du Québec automatically accredits training activities held outside the Province of Quebec and accredited by another Law Society which has adopted MCLE for its members.
COURSE PROGRAM

• Responding to a government investigation: implementing the best strategy, responding to requests
• Communicating with governmental authorities
• Handling investigations in multiple jurisdictions
• Investigative authority of U.S. and other jurisdictions with respect to Canadian entities

GOVERNANCE OVERSIGHT OF A CULTURE OF COMPLIANCE: PROMOTING AWARENESS AND ACCOUNTABILITY

This session will give you best practices and practical tips into how to go about establishing and overseeing a culture of compliance through effective training, reporting and assurance.

• Board oversight of anti-corruption and tone at the top
• Red flags and best practices for risk governance
• Overseeing anti-corruption training programs
• Role that education, whistleblowing and investigations play
• Risk adjusted compensation based on ethics and risk management
• Role of the audit committee in creating a compliance culture

ISSUES IN CROSS-BORDER INVESTIGATIONS AND PROSECUTIONS

With the number of enforcement actions being taken worldwide, companies doing business cross-border must be prepared for being the target of a corruption or bribery investigation. This session will examine issues in cross-border investigations and prosecutions including the steps in successfully managing an investigation.

• Limitations on investigation powers in Canada
• Cross-border investigative powers
• Mutual legal assistance treaties
• Preparing the company for internal and external investigations
• Communicating with governmental authorities

ANTI-MONEY LAUNDERING & FOREIGN CORRUPTION: CONTROLS AND COMPLIANCE

Illicit profits are the target of anti-money laundering laws. Increasingly, countries are adapting those laws to fight foreign corruption. Deputized financial and non-financial entities are in turn modifying their controls to prevent, deter, detect and report the laundering of bribes and other corrupt payments. This session will explore:

• Money laundering trends, typologies and indicators related to foreign corruption
• Regulatory responses to foreign corruption constraint through AML measures
• Connection between money laundering and foreign corruption compliance and controls
• Evolution of due diligence for foreign corruption constraint in the context of anti-money laundering

PANEL: FUNDAMENTAL RULES & RECENT DEVELOPMENTS

What is the current state of Canadian corruption, fraud and bribery laws? What areas have seen a major increase in terms of enforcement? What are the latest developments in the Canadian legal system for investigating and prosecuting both domestic and foreign bribery? This panel session will address these questions and provide a framework for examining the key issues in the regulatory and enforcement environment.

• Impact and compliance issues for latest rules regarding bribery and foreign corruption
• Expected future developments in Canada
• Enforcement activity to date in Canada
• Harmonizing Canadian and global anti-corruption compliance obligations
• Anti-corruption cooperation between nations

U.S. FOREIGN CORRUPT PRACTICES ACT ENFORCEMENT

The SEC and the DOJ have issued their “Resource Guide” to the FCPA, and both agencies continue to press jurisdictional boundaries. With new leadership at both the SEC and DOJ, we can expect aggressive enforcement activity. This session will provide you with what you need to know about FCPA enforcement and compliance.

• Recent FCPA cases and investigations
• Enforcement priorities from the DOJ and SEC
• Internal controls and accounting requirements for FCPA compliance
• Harmonizing Canadian and U.S. compliance

ESTABLISHING & IMPLEMENTING AN EFFECTIVE ANTI-CORRUPTION COMPLIANCE PROGRAM

Most companies, even many that regularly engage in international transactions, lack a strong anti-corruption compliance program to mitigate the risk of corruption in their international dealings. This session will examine how to develop and implement an anti-corruption compliance program.

• Key components of a compliance program
• Creating an effective code of conduct
• Implementing effective whistleblower and reporting procedures
• Communicating the program to employees and the need for training
• Reducing the risk of third party liability
• Establishing procedures for dealing with suspected and alleged violations

CASE STUDY: ESTABLISHING & IMPLEMENTING AN EFFECTIVE ANTI-CORRUPTION COMPLIANCE PROGRAM

Most companies, even many that regularly engage in international transactions, lack a strong structured anti-corruption compliance program needed to mitigate the impact of corruption in their international dealings. This case study presentation will look at the practical steps in implementing an anti-corruption compliance program.

• Key components of a compliance program
• Implementing effective whistleblower and reporting procedures
• Getting senior management buy-in
• Creating an effective code of conduct
• Evaluating your internal controls
• Reducing the risk of third party liability

WORKSHOP

ENSURING THIRD-PARTY ANTI-CORRUPTION COMPLIANCE

This workshop will examine risk assessment and due diligence practices when working with foreign third-party intermediaries to ensure anti-corruption law compliance.

• Integrating third-party policies into your compliance procedures
• Key standards to apply when selecting foreign agents or other intermediaries
• Typical red flags when dealing with third-party intermediaries
• Including anti-corruption clauses in third-party contracts
• Ongoing monitoring and due diligence of existing agents and intermediaries
The "Proceedings" is your Web repository of learning resources for this event. It includes:

- the recording of the lectures at the forthcoming event itself, including documentation, slides and audio-visual;
- 25 or more carefully selected additional lectures (below), which are intended as a recommended enrichment of the course content, with many additional topics covered.

The price of the Proceedings (one user licence) is $299 if you are attending in person or by Webcast; or $799 otherwise.

**Fundamental rules & recent developments**
Riyaz Dattu
Osler, Hoskin & Harcourt LLP - Toronto

**Establishing & implementing an effective anti-corruption compliance program**
J. Stephen G. Vaz
Accenture Inc.

**Establishing a culture of compliance: Promoting awareness and developing training**
Kenneth H. Saul
Ken Saul, Compliance Consulting, Inc.

**Panel: International corruption Controls, compliance and mitigation of risks**
Leigh Beijer
MNP LLP

**Crossborder perspectives of government investigations**
Jacob S. Frenkel
Shulman, Rogers, Gandal, Pordy & Ecker, P.A.

**Identification & mitigation of international corruption risks**
Jennifer Fiddian-Green
Grant Thornton LLP

**Doing business in China: Anti-corruption compliance challenges**
Louis Greenstein
Skadden, Arps, Slate, Meagher & Flom LLP

**Anti-money laundering & foreign corruption: Control & compliance**
Sal Jadavji
MCAN Mortgage Corporation

**Ensuring third-party anti-corruption compliance**
John W. Boscariol
McCarthy Tetrault LLP

**Anti-corruption due diligence for M&A's**
Milos Barutciski
Bennett Jones LLP

**Anti-corruption compliance assessments: Identifying areas of corruption risk**
Glen Jennings
Gowling Lafleur Henderson LLP

**Protecting whistle-blowers during workplace investigations**
Sean Sportun
Mac's Convenience Stores

**In-depth overview of FCPA compliance**
Emmy Babalola
Deloitte & Touche LLP

**International anti-fraud corruption enforcement activity**
Riyaz Dattu
Osler, Hoskin & Harcourt LLP

**Canadian anti-corruption laws**
Kevin McGuinness
Ministry of Attorney General (Ontario)

**Managing an anti-corruption or bribery investigation**
Milos Barutciski
Bennett Jones LLP

**Conducting internal investigations of suspected violations**
Charles F. Walker

**Crossborder perspectives of government investigations**
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**WEBCAST + PROCEEDINGS**: $1874

**PROCEEDINGS**: $799*

* One user licence

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