



6. Perform root cause analyses non-compliant behavior

Challenge

Why do certain forms of non-compliance persist? What is the basis for this? When we can identify those root causes, we can really do something about it.

Solution

If serious or long-term non-compliance has been detected, this should be investigated to determine the root causes, so that non-compliance can be prevented or stopped. In the event of identified incidents, constantly ask the 'Why' question to find out what the root cause of non-compliance is. For example, was it caused by ignorance? Flawed processes? Flawed IT tools? Indifference? Lack of clarity about applicable laws, rules and/or internal regulations? Too much pressure from a manager? Non-compliance by competitors, 'so then we can do it too'? And could Compliance or Management have done anything better/different to prevent this incident?

Finding out the root cause makes it easier to combat non-compliance. For example, you may find out that a process, a document or IT system is unworkable or (unconsciously) misapplied, so that employees cannot reasonably be asked to show compliant behavior. That then has to be adjusted.

Actors

- Compliance professional (coordination of root causes analysis, preparation of analysis report and mitigating actions, business questions)
- Employees
- Risk management

Techniques

Interviewing employees in a department where non-compliance has occurred. In addition, a safe environment must be created to retrieve information, for example by using an anonymous survey, or by providing a secure interview setting with prior information about the purpose of the interview and the safeguards with which it is dressed. Constructive interviews, in which it is made clear that it is about facilitating the employee to be able to act compliantly and not about punishing employees.



Therefore, ask how one can best be supported: what do you need to be and remain compliant? This can be packaged in scenarios that can actually happen on the work floor; then it appeals more to the imagination.

Role Compliance Professional

Researching, interviewing, analyzing, reporting, making suggestions for improvement.