



Open letter to encourage transformative debate for the compliance profession

Compliance – Having the courage of our convictions.

We have often thought of the thousands of dedicated, hardworking, honest individuals across professions who serve as watchmen in our modern society. One such profession that is close to our hearts is that of compliance. The world owes much to the men and women behind the scenes who act courageously to promote the right behaviour and conduct from a regulatory compliance perspective in various institutions, often in the face of 'push back' or being called the "business prevention officer."

By professionalising the practice of compliance, considerable effort has gone into implementing a series of internationally recognised practices, processes, and procedures around compliance management plans, training and development, and other related operational guidelines targeted at compliance officers, such as the development of the Generally Accepted Compliance Practice framework which is aligned with ISO31000:2018 and ISO37301:2021, as well as the new principle that states: *'The compliance management system and approach of an organisation should be designed, implemented and maintained to achieve sustainable compliance outcomes in the economic, societal and environmental contexts.'*

And we venture to say: Rightly so.

Yet we have a nagging feeling that the profession has relegated itself to the back of thought leadership on:-

1. what is eroding institutional trust; and
2. what needs to be done at a systemic level to influence meaningful and lasting change, to embed fair and just institutional practices that deliver actual shared value; and
3. what are the relevant anchor principles to shape sustainable business practices into the future?

An opportunity exists to positively and pro-actively influence the operating environment that institutions and compliance officers find themselves in. For instance, investigative journalists and other social partners have taken the baton to confront unlawful and unethical business practices, such as bribery and corruption, which have irked our society for decades. You just have to think of the multitude of witness testimonies at public fora, such as the most recent Zondo Commission, Mpati Commission, and various other corruption and massive fraud investigations.

As a point of reflection, we must ponder whether the collective voice of the profession was loud enough as South Africa's corruption was evolving to endemic levels. Many practicing compliance officers with their fingers on the pulse would have seen and detected the changing temperature. The question is whether safe mechanisms were available for them at a collective professional level to raise the alert or red flags identified and experienced. Can the profession do more to address occupational detriment that may arise from raising uncomfortable issues?



- *What is the profession's collective voice in the face of whistle-blowers' intimidation and detriment in private and public institutions?*
As one example of a plethora of such experiences, on 29 January 2023, the Times newspaper published the story of Sabelo Skiti, an auditor and whistle-blower, in the Daybreak Farms case that prevented the theft of more than R200 million. After her ordeal, she says, 'they have broken me, my life is hell' and would never do it again after enduring two years of harassment and financial ruin. This is one of the many tragic stories out there, and there are many compliance officers who are most likely in similar situations. Professionals like Martha Ngoye and many more have lost jobs whilst Noby Ngombane, Babita Deokoran, Cloete Murray and Thomas Murray have tragically lost their lives for carrying out their mandates.
- *What is the profession's collective voice in contributing to the social dialogue about creating workplace cultures and operating environments that promote instead of punishing transparency, integrity, and fair dealing?*
- *What is the profession's collective voice in contributing to meaningful social dialogue around promoting a culture of accountability and rewarding the right behaviours?*

Beyond the essential day-to-day 'bread and butter' issues, therein lies an opportunity to lift the nature of strategic dialogue within the profession and society. The voice and practice of compliance must also evolve to become agents of positive social change on matters directly affecting and impacting the core mandate of compliance risk management. Compliance should publicly promote values based ethical practices with compliance as an outcome.

The profession must be a valuable, trusted business advisor and social partner in effecting such changes throughout all institutions, both in the private and public spheres. This will not be an easy task and may – in all likelihood – face strong headwinds.

It will be unfortunate, at times like these, if the profession remains in the shadows and does not step up to drive change and be counted among the true heroes of our beautiful country.

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