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Compliance and top management: One team or grudge match?

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As a compliance professional, you are sometimes greeted with groans or comments such as, “Oh no, compliance is here. Everyone, straighten up!” followed by a huge laugh. Other times, compliance may be seen as the only barrier to a manager’s latest pet project getting off the ground. It is a fair guess that this has happened at least once in every compliance professional’s career.

Compliance can sometimes be perceived as a stumbling block for management’s initiatives. In reality, compliance and an effective compliance program can be management’s biggest ally. The skills and expertise that make a compliance program effective also enhance the organization as a whole and strengthen the culture senior leadership is striving to attain.

In addition, the expectations set forth by the federal government, state laws, and the myriad regulations have made it imperative that an effective compliance program exists. The Department of Justice stated in June 2020: “Beyond compliance structures, policies, and procedures, it is important for a company to create and foster a culture of ethics and compliance with the law at all levels of the company. The effectiveness of a compliance program requires a high-level commitment by company leadership to implement a culture of compliance from the middle and the top. The company’s top leaders – the board of directors and executives – set the tone for the rest of the company.”^[1]

The Department of Justice clearly indicates that the tone at the top can make or break the effectiveness of your organization’s compliance program. However, the same can be true in the reverse—the effectiveness of your organization’s compliance program can support or undermine top management. For the two to exist in tandem, both compliance and top management need to understand what makes each strong. Therefore, the goals of this article are:

- Identifying key elements or components of an effective compliance program and a strong leader,
- Outlining the benefits and interactions of a strong compliance program for leadership, and
- Sharing tips to increase the compliance IQ or awareness for leaders.

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