

**Trench
Rossi
Watanabe.**



**COMPLIANCE AND
INVESTIGATIONS**

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COMPLIANCE: A CORPORATE IMPERATIVE

Developing and implementing a global compliance program can become a big challenge, especially when such implementation will take place in dozens of jurisdictions.

In our experience, we identified eight critical areas to develop and implement an effective compliance program.

Trench Rossi Watanabe, in cooperation with Baker McKenzie, has local expertise and international coverage to help you devise and implement a compliance program consistent with international requirements and fit to Brazilian laws.

AWARDS AND RECOGNITIONS

Análise Advocacia 500. The 2017 edition conducted an interview with more than 700 representatives of the major companies in Brazil. Trench Rossi Watanabe appears in all the 12 areas researched by the publication as one of the most admired law firms in the country.

Latin Lawyer 250. The 2017 edition recommends Trench Rossi Watanabe, highlighting the quality and expertise of our lawyers in the Compliance area.

Chambers Latin America. Trench Rossi Watanabe was recognized as the leading law firm in Compliance practice in Latin America. Clients say that "Their strengths lie in their compliance-related matter expertise, and their in-depth knowledge of local and major international law in this field." and "They have an amazing international investigations and cross-border practice. They are super-experienced and their technical work is incredible."

Global Investigations Review (GIR). We were recognized among the top 100 prominent firms in anticorruption, investigation and compliance worldwide.

1. LEADERSHIP

A compliance program can only be effectively implemented in an environment with a strong corporate culture. Unfortunately high-value companies' leaders many times do not manage to effectively communicate such values to their internal audience. In those situations a sustained communication effort is required so that messages are properly absorbed.

■ How we can help:

We work on development of company's compliance structure, as well as Board-level compliance training and counseling, and customized corporate management retreats.

2. ORGANIZATION STRUCTURE

Concerns about ethics and compliance may some times conflict with certain business interests of companies. So that a compliance system can be effective, it is essential that employees responsible for the compliance program have access to corporate leadership. Many organizations have been creating compliance monitoring groups composed of high executives who meet regularly to monitor compliance-related issues.

■ How we can help:

We provide in-company, custom-made training to compliance agents.

3. RISK ASSESSMENT

It is indispensable that companies fully evaluate their risk factors and set suitable monitoring means to manage them. Factors like: kinds of clients, trading structures, financial controls, hiring of third parties and business facilities will determine the degree of risk. Such evaluation must be performed on a regular basis.

How we can help:

We carry out risk evaluations, for creation and maintenance of effective compliance programs. Our expertise in complex markets assures us that every detail in your organization will be taken into account.

4. GENERAL STANDARDS

Corporate codes of conduct or business standards of different organizations have points in common, but globalizing such standards is a significant challenge. Using a sole approach for all countries may not be the most suitable form of addressing the peculiarities of each jurisdiction. Aspects like data privacy, requirement to submit reports, besides labor and criminal laws vary from country to country. Moreover, many companies are expanding their codes with corporate policies contents, aiming at emphasizing the importance to adopt a suitable behavior in situations involving higher risks like corruption and antitrust.

How we can help:

We develop codes of conduct compatible both with international requirements (e.g., Oxley) and Brazilian laws.

5. INTERNAL CONTROLS

Beyond a set of general principles set forth in a code of conduct, companies need practical mechanisms for securing compliance with key policies. Other controls include questionnaires and protocols for due diligence in mergers, acquisitions, and joint ventures, practical steps for post-closing integration of merged businesses, and extensive procedures for ensuring compliance by intermediaries, especially in high-risk countries.

■ How we can help:

We assist in the development and implementation of internal controls to support the planned activities in company policies and codes



6. TRAINING AND COMMUNICATION

Compliance 'best practices' include risk-based training programs which ensure that employees fully understand what is expected from them. Such training may include online programs, but face-to-face training for at least a portion of the workforce has become standard practice. Beyond training, communicating the ethics and compliance message can be accomplished through conferences, bulletins, websites, and similar tools, all of which goes hand-in-hand with a strong leadership tone.

■ How we can help:

Our unique training matrix enables you to customize your training sessions to your individual needs – by region or country and by area of expertise.

7. MONITORING AND AUDITING

A comprehensive system for reviewing corporate behavior is another critical element of a robust compliance program. Such a system begins with the necessary financial audits of internal controls. Periodic review of agent practices and agreements, prioritized by risk, is another important aspect of oversight. In addition, the presence of hotlines for reporting misconduct is an indispensable means for monitoring behavior.

■ How we can help:

- Creation and implementation of reporting channels
- Compliance audits

8. INVESTIGATIONS AND REMEDIATION

Responding quickly and effectively to inevitable failures is extremely important. It is best to anticipate the issues that will arise in an internal investigation before one occurs. Some of the most significant issues are document preservation, data privacy, employment rights, and attorney-client privilege.

■ How we can help:

- Development of investigation guidelines
- Independent internal investigations
- Analysis of labor and other areas of risk
- Reporting to authorities



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