



Transparency International Canada Inc.

TI-Canada

Anti-Corruption Compliance Checklist

First Edition
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Introduction

Transparency International (TI) has a vision: a world in which government, politics, business, civil society and the daily lives of people are free from corruption.

Transparency International Canada (TI-Canada) has a mission: to be an informed voice that promotes anti-corruption practices and transparency in Canada's governments, businesses and society at large.

Our work in the anti-corruption field has convinced us that Canadian firms and the governments that work with them need to stay abreast of the latest developments on this topic. In line with Canada's *Corruption of Foreign Public Officials Act*, the *TI-Canada Anti-Corruption Compliance Checklist (TI-Canada ACC)* is a critical tool for those Canadian corporations seeking to significantly enhance their risk management processes.

The various tools, which make up the *TI-Canada ACC*, are mainly products of Transparency International, some created in concert with other international organizations and business. A number of these tools may be familiar. Others may be new. While there may be some overlap amongst the independently produced tools, each, in whole or part, is of relevance to corporations of any size. All serve to assist corporations to Assess, Plan, Act, Monitor, Report to Stakeholders and Assure, in order to ensure they are playing their part in achieving transparent, level playing fields in international markets, through honouring commitments of transparency, accountability and integrity, established in their codes of conduct.

The *TI-Canada ACC* is in PDF format, allowing for easy download. Each tool is described, in brief, with a live link to the full document. We invite you to explore the *TI-Canada ACC* and employ those tools most suited to creating value for your anti-corruption programme.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'James M. Klotz', written in a cursive style.

James M. Klotz
Chair and President

Transparency International Canada (TI-Canada) wishes to thank Transparency International for the use of its various anti-corruption tools, included in this Checklist, as well as Bennett Jones LLP for its in-kind contribution to the design and production of the Checklist.

Transparency International Canada accepts no liability (including liability in negligence) for and gives no undertakings concerning the accuracy, completeness or fitness for the purpose of the information provided or the results, feedback or other information deriving from use of The TI-Canada Anti-Corruption Compliance Checklist. Before relying on any information or material derived from use of the Checklist in any important matter, users and third parties should carefully evaluate its accuracy, currency, completeness and relevance for the purposes and should obtain any appropriate professional advice relevant to their particular circumstances. The user is bound to inform any subsequent recipient of information or material derived from use of the Checklist of such terms.

This Checklist has been compiled by Bronwyn Best, Executive Director, TI-Canada. For any questions/suggestions or further information, please contact:

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Six Actions for Companies and Tools to Help

Stage	Company Relevance	Tools
Assess	Where do you stand? What are the risks?	<ul style="list-style-type: none"> • TI ABC Anti-bribery checklist • TI Bribe Payers Index • TI Corruption Perceptions Index • Getting the Deal Through: Anti- Corruption Regulation 2010
Plan	Benchmark against best practice using a code and develop detailed policies	<ul style="list-style-type: none"> • Corruption of Foreign Public Officials Act • Business Principles for Countering Bribery • SME Edition of the Business Principles • Resisting Extortion and Solicitation in International Transactions (RESIST)
Act	Implement your no-bribe policies through detailed procedures	<ul style="list-style-type: none"> • TI Six Step Implementation Process • TI Guidance Document • FCPA • TI-UK: Guidance on Adequate Procedures under the UK Bribery Act 2010 • TI Integrity Pact
Monitor	Carry out continuous self-check and improvement	<ul style="list-style-type: none"> • TI Self-Evaluation Tool • ABS Enablon self-assessment software
Report to Stakeholders	Report internally and externally on what you do	<ul style="list-style-type: none"> • The UNGC-TI Guidance for reporting on the 10th principle against corruption • TRAC – a global survey by TI of reporting by companies of anti-bribery practices • Promoting Revenue Transparency Project (PRT)
Assure	Raise the credibility of what you do	<ul style="list-style-type: none"> • TI Framework for Voluntary Independent Assurance of Corporate Anti-Bribery Programmes • Discuss with a potential assurance provider



Assess

Where do you stand?

What are the risks?

TI-Canada Anti-bribery Checklist

Aligned to the Corruption of Foreign Public Officials Act (CFPOA) and the TI Business Principles for Countering Bribery (based on the TI ABC anti-bribery checklist)

POLICY		Yes	No	Partly	Planned	
1	Do you have a formal up-to-date published policy of zero tolerance of bribery?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Have you made a public commitment to be consistent with all relevant anti-bribery laws, worldwide, in particular the CFPOA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Have you made a commitment to implement an overall anti-bribery Programme ¹ ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

IMPLEMENTATION		Yes	No	Partly	Planned	N/A	
4	Do you carry out regular risk assessment to determine the risks of bribery and tailor the Programme to mitigate these risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
5	Does your Programme have detailed policies, procedures and controls for:	political contributions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		charitable donations and sponsorships?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		facilitation payments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		gifts, hospitality and travel expenses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Does your leadership ² show active commitment to the Programme and act as an example for transparency and integrity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7	Does your leadership assign unambiguous responsibility and authority to managers for carrying out the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8	Is the Programme implemented in all business entities over which your company has effective control?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9	Do you encourage an equivalent Programme in business entities in which your company has a significant investment or with which it has significant business relationships?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10	Is the Programme communicated to:	all employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		business partners?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		other stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11	Do your human resources practices ³ reflect your company's commitment to the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12	Is tailored training provided to:	all Directors, managers, employees and agents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		key high risk third parties including other intermediaries, contractors and suppliers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13	Does your company provide secure and accessible channels through which employees and others can obtain advice or raise concerns ("whistleblowing") without risk of reprisal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
14	Are there internal controls to counter bribery comprising financial and organisational checks over accounting and record keeping practices and related business processes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

MONITORING AND REVIEW		Yes	No	Partly	Planned
15	Are the internal control systems, in particular the accounting and record keeping practices, subjected to regular review and audit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Do you have sanctions in place to deal with any incidents of bribery?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Do your senior management periodically review the Programme's suitability and effectiveness and implement improvements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Does the Audit Committee, Board or equivalent body make a regular independent assessment of the adequacy of the Programme?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Does your company publicly disclose information about its programme and its implementation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Do you carry out external assurance of the Programme and is the opinion statement published publicly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ The whole of an enterprise's anti-bribery efforts including values, code of conduct, detailed policies and procedures, risk management, internal and external communication, training and guidance, internal controls, oversight, monitoring and assurance.

² Owner, Board or equivalent body, chair and/or chief executive

³ Including those for recruitment, training, performance evaluation, remuneration, recognition and promotion

TI Bribe Payers Index

The TI Bribe Payers Index evaluates the supply side of corruption - the likelihood of firms from the world's industrialised countries to bribe abroad. It has been conducted four times, since 1999.

The full report for 2008, in English, French, Spanish and Japanese, can be found at: http://www.transparency.org/policy_research/surveys_indices/bpi/bpi_2008

TI Corruption Perceptions Index

The Corruption Perceptions Index (CPI) measures the perceived level of public-sector corruption in 178 countries and territories around the world. The CPI is a "survey of surveys", based on 13 different expert and business surveys.

The complete 2010 CPI, including methodology and source data, in English and French, can be found at:

http://www.transparency.org/policy_research/surveys_indices/cpi/2010/in_detail

Getting the Deal Through Anti-Corruption Regulation 2010

Each year, Getting the Deal Through provides a quick and accurate overview of national efforts to combat corruption around the world, through its Anti-Corruption Regulation, a review of laws in 46 regulations (in 2010), worldwide. It is written for the professional who wishes to be alerted to the regulation of this, all too pervasive, reputational risk when advising clients proposing to do business overseas. It has taken its place alongside Transparency International's Corruption Perceptions Index and its Global Corruption Barometer in providing essential intelligence in this area.

It is free to in-house counsel and is available at a cost of \$400 USD to others.

Information re. ordering is available at:

<http://www.gettingthedealthrough.com/books/2/anti-corruption-regulation/>



Plan

Benchmark against best practice, using a code, and develop detailed policies

Government of Canada

Corruption of Foreign Public Officials Act (CFPOA)

The *Corruption of Foreign Public Officials Act* (CFPOA) is Canada's response to the OECD's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. It was introduced into the Senate on December 1, 1998, and received Royal Assent on December 10, 1998, allowing Canada to ratify the OECD Convention on December 17, 1998. This triggered the OECD Convention coming into force on February 15, 1999, one day after the CFPOA, came into effect.

The CFPOA features the offence of bribing a foreign public official. There is a 5-year maximum term of imprisonment for individuals found guilty under the law and a limitless fine for corporations.

An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (S.C. 2001, c. 32) was assented to on December 18, 2001, and has amended the *Corruption of Foreign Public Officials Act*.

The CFPOA can be found in the Appendix, of this Checklist, and can be downloaded in English from:

[http://laws.justice.gc.ca/eng/acts/C-45.2/;](http://laws.justice.gc.ca/eng/acts/C-45.2/)

and in French from:

[http://www.lois.justice.gc.ca/fra/lois/C-45.2/.](http://www.lois.justice.gc.ca/fra/lois/C-45.2/)

A Guide to the *Act*, prepared by the Department of Justice, can be downloaded in English from

[http://www.justice.gc.ca/eng/dept-min/pub/cfpoa-lcape/guide.pdf;](http://www.justice.gc.ca/eng/dept-min/pub/cfpoa-lcape/guide.pdf)

and in French from

[http://www.justice.gc.ca/fra/min-dept/pub/lcape-cfpoa/guide.pdf.](http://www.justice.gc.ca/fra/min-dept/pub/lcape-cfpoa/guide.pdf)

(NB: Please note that the only offence remaining in this Act is of bribing a foreign public official)

A Guide to the amendments to the *Act* may be downloaded in English from:

[http://www.justice.gc.ca/eng/dept-min/pub/cfpoa-lcape/amend-mod.html;](http://www.justice.gc.ca/eng/dept-min/pub/cfpoa-lcape/amend-mod.html)

and in French from:

[http://www.justice.gc.ca/fra/dept-min/pub/cfpoa-lcape/amend-mod.html.](http://www.justice.gc.ca/fra/dept-min/pub/cfpoa-lcape/amend-mod.html)

Business Principles for Countering Bribery

The *Business Principles for Countering Bribery*, developed by TI and a multi-stakeholder Steering Committee, including major leading multinationals, is a useful and current tool for companies dealing with the challenge and risks posed by bribery. The tool reflects recent developments in anti-bribery practice worldwide and incorporates approaches by business, academia and civil society. The Business Principles for Countering Bribery provides a framework for companies to develop comprehensive anti-bribery programmes, around the following two main principles:

The enterprise shall prohibit bribery in any form whether direct or indirect
The enterprise shall commit to implementing a Programme to counter bribery

Both English and French versions, as well as those in Arabic, Indonesian, German, Japanese, Macedonian, Russian, Spanish and Turkish, can be downloaded from:

http://www.transparency.org/global_priorities/private_sector/business_principles

TI Business Principles for Countering Bribery – Small and Medium Enterprise Edition

To cater for the needs of smaller businesses, TI has produced an edition of the Business Principles for Countering Bribery tailored to the needs of small and medium sized enterprises (SMEs). More than 95% of the world's business is carried out by SMEs which may not have the same human and financial resources as larger companies but are just as vulnerable to the risks of bribery.

The SME Edition includes model anti-bribery principles for companies with fewer resources of time, money and people. It provides practical guidance for developing anti-bribery programmes that suit the size and structure of smaller enterprises.

The SME Edition can also be used by larger companies to encourage SMEs in their supply chain to implement no-bribes policies and practices.

The full Business Principles for Countering Bribery – Small and Medium Enterprise Edition can be downloaded in English, French and Spanish from:

http://www.transparency.org/global_priorities/private_sector/business_principles

TI/World Economic Forum Partnering Against Corruption Initiative/International Chamber of Commerce/United Nations Global Compact RESIST – Resisting Extortion and Solicitation in International Transactions

Companies facing extortion now have a new anti-corruption tool based on real-life scenarios of solicitation and extortion demands. **RESIST** (*Resisting Extortion and Solicitation in International Transactions*) is primarily a training tool to help employees counter solicitation and extortion demands in the most efficient and ethical manner, acknowledging they might be accompanied by a threat. The tool also aims to help companies reduce the probability of such demands being made. Over 20 companies and organisations contributed to designing RESIST, based on their experience of solicitation and extortion demands.

Transparency International, in collaboration with the World Economic Forum Partnering Against Corruption Initiative (PACI), the International Chamber of Commerce (ICC) and the United Nations Global Compact (UNGC), developed RESIST to support companies conducting international business who are potentially exposed to corruption.

RESIST can be downloaded, in PDF from:

http://www.transparency.org/global_priorities/private_sector



Act

Implement your
no-bribe policies through
detailed procedures

TI Six Step Implementation Process

The TI Six Step Implementation Process forms part of the suite of tools being developed to support the Business Principles for Countering Bribery, an anti-bribery code developed by TI in co-operation with leading corporations and non-corporate stakeholders.

The TI Six-Step Process has been developed for companies that have no systematic anti-bribery policy or process for countering bribery. However, it can also be of use for companies that already have elements of a system in place allowing them to enter the TI Six-Step Process at a stage of their choice. The TI Six-Step Process is flexible and can be modified to take into account the size of a company and its ability to complete the steps within the suggested timeframe.

This document will be of use to any manager concerned with countering bribery, but it will be most relevant to senior managers charged with developing and implementing an effective programme in line with the Business Principles.

The next page shows the *TI Six Step Process Chart*.

The full TI Six Step Implementation Process can be downloaded in both English and Spanish from:

www.transparency.org/global_priorities/private_sector/business_principles/six_step_implementation_process

TI Six Step Process Chart

BUSINESS PRINCIPLES FOR COUNTERING BRIBERY: SIX STEP IMPLEMENTATION

Step	1	2	3	4	5	6
Action	Decide to adopt a no bribes policy	Plan the implementation	Develop detailed anti-bribery Programme	Implement Programme	Monitor	Evaluate and improve
Primary responsibility	Owner of company / board / CEO	Appointed senior manager / Project Team	Appointed senior manager / heads of department	Appointed senior manager / line managers / support functions / business partners	Ethics / compliance officer Internal and external auditors	Owner of company / board / CEO / audit committee
Process	<p>Obtain commitment to no-bribes policy "from the top"</p> <p>Decide to implement an anti-bribery Programme</p> <p>Decide extent of any public disclosure</p> <p>Appoint senior manager / cross-functional Project Team</p>	<p>Define specific company risks / review current practices</p> <p>Review all legal requirements</p> <p>Write no-bribes policy, develop and write anti-bribery Programme</p> <p>Test / get commitment from senior management / selected employees</p>	<p>Integrate no-bribes policy into organisational structure and assign responsibilities</p> <p>Review ability of service functions to support new Programme</p> <p>Develop detailed implementation plan to include:</p> <ul style="list-style-type: none"> • adapt HR policies • communications • training programmes <p>Set up issues reporting function</p> <p>Prepare for incidents</p>	<p>Communicate anti-bribery Programme - internal / external</p> <p>Run training courses for all employees and business partners</p> <p>Ensure capabilities are in place of specialist functions up to speed: internal audit, finance, legal department</p> <p>Deal with incidents</p> <p>Review role of Project team</p>	<p>Regular reviews of the system</p> <p>Capture knowledge from incidents</p> <p>Use external verification providers</p> <p>Review use of issues (whistle-blowing) channels</p>	<p>Receive feedback from monitoring</p> <p>Evaluate effectiveness of Programme</p> <p>Develop improvements to Programme</p> <p>Report to management</p> <p>Board review and sign-off on Programme</p> <p>Publish Programme process and results (optional)</p>
Time span	One Month	Three to six months	Three to six months	One year	Continuous	At least annually

TI Six Step Process © Copyright 2005, Transparency International

TI Guidance Document

Transparency International (TI) has produced this Guidance Document to the Business Principles for Countering Bribery to provide background and clarification to the Business Principles and to assist enterprises implementing or reviewing their anti-bribery Programmes.

Structure of the Guidance Document

The Guidance Document provides comments on each section of the Business Principles and, for ease of reference, the relevant section of the Business Principles is stated before each section in the Guidance Document. A three part format is used consisting of background, implementation and, for some sections, questions and answers on key topics. Some sections provide case studies of good practice, examples of bribery cases and issues. A reading list is provided in Section 7. Links to websites are also given, either placed with relevant text or in a list in section 8, sections 9 and 10. Section 11 provides examples of current cases and concerns and a Glossary of key terms is given in Section 12.

The full TI-guidance document can be downloaded in English and Spanish from: http://www.transparency.org/global_priorities/private_sector/business_principles/guidance_document

U.S. Government Foreign Corrupt Practices Act

The Foreign Corrupt Practices Act of 1977, as amended, 15 U.S.C. §§ 78dd-1, et seq. ("FCPA"), was enacted for the purpose of making it unlawful for persons and entities to make payments to foreign government officials to assist in obtaining or retaining business.

The anti-bribery provisions of the FCPA apply not only to U.S. citizens but also to foreign persons and organizations, who cause, directly or through agents, an act in furtherance of such a corrupt payment to take place within the territory of the United States.

The FCPA also requires companies whose securities are listed in the United States to meet its accounting provisions. See 15 U.S.C. § 78m. These accounting provisions, require corporations covered by the provisions to (a) make and keep books and records that accurately and fairly reflect the transactions of the corporation and (b) devise and maintain an adequate system of internal accounting controls.

The FCPA can be downloaded in English and French, as well as Arabic, Bengali, Cantonese, Mandarin, German, Japanese, Basa Jawa, Korean, Bahasa Malaysia, Portuguese, Russian, Spanish and Urdu from:

<http://www.justice.gov/criminal/fraud/fcpa/statutes/regulations.html>

For more background information regarding the anti-bribery provisions of the FCPA, refer to the "Lay Person's Guide", which can be downloaded from:

<http://www.justice.gov/criminal/fraud/fcpa/docs/lay-persons-guide.pdf>

Transparency International UK Guidance on Adequate Procedures under the UK Bribery Act 2010

Transparency International UK has published a Guidance on good practice procedures for corporate anti-bribery programmes. This would be particularly relevant for Canadian companies with a UK footprint that will have to comply with the new Bribery Act. For others, it is good general advice, based on various TI tools.

The Guidance, a Checklist and various Annexes, can be downloaded free of charge from:
<http://www.transparency.org.uk/working-with-companies/adequate-procedures>

Hard copies, comprised of a ring-bound folder with the full 200-page document printed in colour, are available at a cost of £90. To place an order, please download and complete the order form also from:

<http://www.transparency.org.uk/working-with-companies/adequate-procedures>

TI Integrity Pact

Developed by TI, the Integrity Pact (IP) is a tool aimed at, initially, preventing corruption in public contracting. It consists of a process that includes an agreement between a government or a government department (at the federal, national or local level) and all bidders for a public contract. It contains rights and obligations to the effect that neither side will: pay, offer, demand or accept bribes; collude with competitors to obtain the contract; or engage in such abuses while carrying out the contract. The IP also introduces a monitoring system that provides for independent oversight and accountability.

For further information regarding the IP, visit:

<http://www.transparency.org/tools/contracting>



Monitor

Carry out continuous
self-check and
improvement

TI Self-Evaluation Tool

Transparency International's Self-Evaluation Tool (TI SET) is a checklist that enables companies to examine and assess the design of their anti-bribery programme. Comprised of an in-depth and extensive range of indicators, SET identifies the policies, procedures and reporting indicators that companies should consider for their anti-bribery programmes. This will help companies to determine where they stand, identify improvements and prepare reports for management, assurers and stakeholders. In this way, TI SET can assist companies to manage risks more effectively and improve their operational efficiency. TI SET is aimed at larger companies but can also be of use to smaller companies wishing to check particular aspects of anti-bribery.

TI SET is an in-depth check-list, aligned to the Business Principles for Countering Bribery, aiming to assist companies to:

- Identify strengths and areas for improvement;
- Stimulate approaches and thinking related to anti-bribery;
- Provide content for a report to management, the Audit or Governance Committee or the Board on the design completeness, effectiveness and reliability of the anti-bribery Programme;
- Provide a basis for internal audit or an independent verification or assurance provider.

SET can be applied at different levels: to the whole of the company's worldwide activities including subsidiaries and branches or limited to one country, region, subsidiary or business unit. There are 241 Core indicators.

The full TI SET can be downloaded, in Word, with capability of being filled out, from:

http://www.transparency.org/publications/publications/toolkits/ti_set

An interactive diagnostic version of TI SET has been developed by TI and Enablon, a leading software company. This can be purchased from

<http://www.enablon.com>



Report to Stakeholders

Report internally and externally on what you do

UN Global Compact – TI Reporting Guidance on the 10th Principle against Corruption

The Reporting Guidance, developed in the framework of the Global Compact, the world's largest voluntary corporate citizenship initiative (more than 7,000 signatories in 135 countries), equips business with a practical means to report on anti-corruption policies and actions comprehensively and effectively. It sets the standard for thousands of UN Global Compact signatories, while its use will be beneficial well beyond this network.

The Reporting Guidance is a tool to give practical guidance to companies of all sizes as they report on their anti-corruption efforts. The objective of the Reporting Guidance is to set out and promote the strong benefits of reporting on anti-corruption in the annual Communication on Progress by providing a structural and comprehensive guidance document that encourages thorough and consistent reporting of anti-corruption efforts by signatories.

The Reporting Guidance contains two principal sections:

- **Business Case for reporting on the 10th Principle:** This section explains and underscores the benefits of reporting on the implementation of the 10th Principle.
- **Reporting Elements for the 10th Principle:** This section sets out a list of Basic and Desired Reporting Elements for the 10th Principle. Each Reporting Element is supplemented with practical guidance on the importance of the Element, how to implement it and examples of on what to report. These Reporting Elements can help any organization by:
 - identifying the components of a comprehensive anti-corruption programme;
 - giving practical examples on how and what to report, including references to indicators from other initiatives; and
 - providing a clear and easy-to-use format to structure and facilitate the reporting of anti-corruption activities in the annual Communication on Progress.

The complete document can be downloaded from:

http://www.transparency.org/global_priorities/private_sector

TI Transparency in Reporting on Anti-Corruption – A Report of Corporate Practices (TRAC)

TRAC assesses the extent to which close to 500 leading listed companies have reported the strategies, policies and management systems they have in place for combating bribery and corruption. Results are based on the analysis of publicly available documentation. Company performance has been aggregated by country and industry sector to provide an overview of reporting performance.

The results of the TRAC report, produced in 2009, show that, on average, leading companies still have a long way to go in disclosing that they are integrating anti-corruption practices into their organizations.

The complete document can be downloaded from:

http://www.transparency.org/global_priorities/private_sector

TI Promoting Revenue Transparency (PRT)

The Promoting Revenue Transparency Project (PRT) is run by **Transparency International** in partnership with the **Revenue Watch Institute** and builds on the work of the Save the Children UK “Beyond the Rhetoric” report from 2005. The Promoting Revenue Transparency Project seeks to raise awareness in both government and the private sector of the various steps required for revenue transparency to be achieved, sustained and mainstreamed, in the extractive industries sectors.

High revenues from the extractive industries have often fuelled corruption, economic stagnation, inequality and conflict. This paradox has been labelled the “resource curse.” One step towards reversing this curse lies in the transparent and accountable management of revenues generated from the extractive industries.

In the 2008 report, 42 leading oil and gas companies, including three Canadian companies, are evaluated on their current policies, management systems and performance in areas relevant to revenue transparency in their upstream operations (production only).

The full 2008 report, as well as the Executive Summary and Frequently Asked Questions, can be downloaded in English, French, Spanish and Russian from:

http://www.transparency.org/policy_research/surveys_indices/promoting_revenue_transparency

NB: The next PRT will be published in March 2011.



Assure

Raise the credibility
of what you do

TI Framework for Voluntary Independent Assurance of Corporate Anti-Bribery Programmes

Transparency International (TI) is leading efforts to develop a *Framework for Voluntary Independent Assurance of Corporate Anti-Bribery Programmes*.

Despite greater awareness of the risks related to bribery and corruption, corporate scandals continue to make the headlines. Against this background, demand is growing from stakeholders and from companies themselves for mechanisms that can enhance confidence in their anti-bribery programmes.

TI has been developing the Framework in collaboration with the World Economic Forum Partnering Against Corruption Initiative (PACI) in a working group that includes representatives from the six leading global accounting networks.

The Framework will enable assurance professionals to provide an independent opinion on whether a company's anti-bribery controls are suitably designed. It will also be a useful reference for companies to improve their anti-bribery practice.

In parallel, TI aims to examine, with other providers of assurance and certification, how best to use the Framework and build on it to develop a verification process that would focus on the effective implementation of anti-bribery controls throughout a company

TI submitted the Framework for **public consultation**, with comments due by **31 December 2010**. The consultation extended to providers of assurance, such as professional services networks, legal firms, business ethics practitioners and others. Potential users of independent anti-bribery assurance such as companies, civil society and all other interested parties, were also part of the consultation.

The Background Document, TI Framework and Online Survey can be downloaded from:

http://www.transparency.org/global_priorities/private_sector/business_principles



Additional Resources

TI National Integrity System

The National Integrity System (NIS) assessment approach provides a framework which anti-corruption organisations can use to analyse both the extent and causes of corruption in a given country as well as the effectiveness of national anti-corruption efforts. This analysis is undertaken via a consultative approach, involving the key anti-corruption agents in government, civil society, the business community and other relevant sectors, with a view to building momentum, political will and civic pressure for relevant reform initiatives.

The assessment makes use of the concept of the National Integrity System, which has been developed and promoted by TI as part of its holistic approach to countering corruption. The NIS consists of the principle institutions and actors that contribute to integrity, transparency and accountability in a society.



Further information on the NIS, as well as reports on 81 countries, including Canada, and one organization, can be accessed at:

http://www.transparency.org/policy_research/nis

TI Global Corruption Barometer (GCB)

Published annually, since 2003, the Global Corruption Barometer is a survey that assesses general public attitudes toward and experience of corruption in dozens of countries around the world. It assesses the extent to which key institutions and public services are perceived, by their own citizens, to be corrupt, measures citizens' views on government efforts to fight corruption, and, in 2009, for the first time, included questions about the level of state capture and people's willingness to pay a premium for clean corporate behaviour. The 2010 GCB covers 86 countries and territories.

The GCB is designed to complement the expert opinions on public sector corruption provided by TI's Corruption Perceptions Index and the views of senior business executives on international bribery flows reflected in TI's Bribe Payers Index. It also aims to provide information on trends in public perceptions of corruption.

The full 2010 GCB, in English, French and Spanish, can be downloaded from:

http://www.transparency.org/policy_research/surveys_indices/gcb

TI Anti-Corruption Plain Language Guide

TI has developed the first "Anti-Corruption Plain Language Guide." The Guide provides standardised, easy-to-understand definitions for 45 key terms commonly used by the anti-corruption movement – from "access to information" to "whistle blowing." Each term includes a practical example of how TI approaches these issues and helpful links for further research.

The Guide may be downloaded in English, French and Spanish from:

http://www.transparency.org/publications/publications/other/plain_language_guide



CANADA

CONSOLIDATION

CODIFICATION

Corruption of Foreign Public Officials Act

Loi sur la corruption d'agents publics étrangers

S.C. 1998, c. 34

L.C. 1998, ch. 34

Current to October 17, 2011

À jour au 17 octobre 2011

Published by the Minister of Justice at the following address:
<http://laws-lois.justice.gc.ca>

Publié par le ministre de la Justice à l'adresse suivante :
<http://lois-laws.justice.gc.ca>

OFFICIAL STATUS
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL
DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit:

Published
consolidation is
evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications
comme élément
de preuve

Inconsistencies
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité
— lois

NOTE

This consolidation is current to October 17, 2011. Any amendments that were not in force as of October 17, 2011 are set out at the end of this document under the heading “Amendments Not in Force”.

NOTE

Cette codification est à jour au 17 octobre 2011. Toutes modifications qui n'étaient pas en vigueur au 17 octobre 2011 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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S.C. 1998, c. 34

L.C. 1998, ch. 34

An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts

Loi concernant la corruption d'agents publics étrangers et la mise en œuvre de la Convention sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales, et modifiant d'autres lois en conséquence

[Assented to 10th December 1998]

[Sanctionnée le 10 décembre 1998]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Corruption of Foreign Public Officials Act*.

1. *Loi sur la corruption d'agents publics étrangers*.

Titre abrégé

INTERPRETATION

DÉFINITIONS

Definitions

2. The definitions in this section apply in this Act.

2. Les définitions qui suivent s'appliquent à la présente loi.

Définitions

"business"
« affaires »

"business" means any business, profession, trade, calling, manufacture or undertaking of any kind carried on in Canada or elsewhere for profit.

« affaires » Commerce, métier, profession, industrie ou entreprise de quelque nature que ce soit exploités ou exercés au Canada ou à l'étranger en vue d'un profit.

« affaires »
"business"

"foreign public official"
« agent public étranger »

"foreign public official" means

(a) a person who holds a legislative, administrative or judicial position of a foreign state;

(b) a person who performs public duties or functions for a foreign state, including a person employed by a board, commission, corporation or other body or authority that is established to perform a duty or function on behalf of the foreign state, or is performing such a duty or function; and

(c) an official or agent of a public international organization that is formed by two or

« agent de la paix » S'entend au sens de l'article 2 du *Code criminel*.

« agent public étranger » Personne qui détient un mandat législatif, administratif ou judiciaire d'un État étranger ou qui exerce une fonction publique d'un État étranger, y compris une personne employée par un conseil, une commission, une société ou un autre organisme établi par l'État étranger pour y exercer une telle fonction ou qui exerce une telle fonction, et un fonctionnaire ou agent d'une organisation internationale publique constituée par des États, des

« agent de la paix »
"peace officer"

« agent public étranger »
"foreign public official"

	more states or governments, or by two or more such public international organizations.	gouvernements ou d'autres organisations internationales publiques.	
"foreign state" « État étranger »	"foreign state" means a country other than Canada, and includes (a) any political subdivision of that country; (b) the government, and any department or branch, of that country or of a political subdivision of that country; and (c) any agency of that country or of a political subdivision of that country.	« État étranger » Pays autre que le Canada. Sont assimilés à un État étranger : a) ses subdivisions politiques; b) son gouvernement, ses ministères, ses directions ou ceux de ses subdivisions politiques; c) ses organismes ou ceux de ses subdivisions politiques.	« État étranger » "foreign state"
"peace officer" « agent de la paix »	"peace officer" means a peace officer as defined in section 2 of the <i>Criminal Code</i> .	« quiconque » S'entend au sens de l'article 2 du <i>Code criminel</i> .	« quiconque » "person"
"person" « quiconque »	"person" means a person as defined in section 2 of the <i>Criminal Code</i> .		
	GENERAL	DISPOSITIONS GÉNÉRALES	
Bribing a foreign public official	3. (1) Every person commits an offence who, in order to obtain or retain an advantage in the course of business, directly or indirectly gives, offers or agrees to give or offer a loan, reward, advantage or benefit of any kind to a foreign public official or to any person for the benefit of a foreign public official (a) as consideration for an act or omission by the official in connection with the performance of the official's duties or functions; or (b) to induce the official to use his or her position to influence any acts or decisions of the foreign state or public international organization for which the official performs duties or functions.	3. (1) Commet une infraction quiconque, directement ou indirectement, dans le but d'obtenir ou de conserver un avantage dans le cours de ses affaires, donne, offre ou convient de donner ou d'offrir à un agent public étranger ou à toute personne au profit d'un agent public étranger un prêt, une récompense ou un avantage de quelque nature que ce soit : a) en contrepartie d'un acte ou d'une omission dans le cadre de l'exécution des fonctions officielles de cet agent; b) pour convaincre ce dernier d'utiliser sa position pour influencer les actes ou les décisions de l'État étranger ou de l'organisation internationale publique pour lequel il exerce ses fonctions officielles.	Corruption d'agents publics étrangers
Punishment	(2) Every person who contravenes subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.	(2) Quiconque commet une infraction prévue au paragraphe (1) est coupable d'un acte criminel passible d'un emprisonnement maximal de cinq ans.	Peine
Saving provision	(3) No person is guilty of an offence under subsection (1) if the loan, reward, advantage or benefit (a) is permitted or required under the laws of the foreign state or public international organization for which the foreign public official performs duties or functions; or (b) was made to pay the reasonable expenses incurred in good faith by or on behalf of the foreign public official that are directly related to	(3) Nul ne peut être déclaré coupable d'une infraction prévue au paragraphe (1) si le prêt, la récompense ou l'avantage : a) est permis ou exigé par le droit de l'État étranger ou de l'organisation internationale publique pour lequel l'agent public étranger exerce ses fonctions officielles; b) vise à compenser des frais réels et raisonnables faits par un agent public étranger, ou pour son compte, et liés directement à la promotion, la démonstration ou l'explication des	Défense

(i) the promotion, demonstration or explanation of the person's products and services, or

(ii) the execution or performance of a contract between the person and the foreign state for which the official performs duties or functions.

Facilitation payments

(4) For the purpose of subsection (1), a payment is not a loan, reward, advantage or benefit to obtain or retain an advantage in the course of business, if it is made to expedite or secure the performance by a foreign public official of any act of a routine nature that is part of the foreign public official's duties or functions, including

(a) the issuance of a permit, licence or other document to qualify a person to do business;

(b) the processing of official documents, such as visas and work permits;

(c) the provision of services normally offered to the public, such as mail pick-up and delivery, telecommunication services and power and water supply; and

(d) the provision of services normally provided as required, such as police protection, loading and unloading of cargo, the protection of perishable products or commodities from deterioration or the scheduling of inspections related to contract performance or transit of goods.

Greater certainty

(5) For greater certainty, an "act of a routine nature" does not include a decision to award new business or to continue business with a particular party, including a decision on the terms of that business, or encouraging another person to make any such decision.

4. to 7. [Repealed, 2001, c. 32, s. 58]

RELATED AMENDMENTS

8. to 10. [Amendments]

CONDITIONAL AMENDMENT

11. [Amendment]

ANNUAL REPORT

Annual report

12. Within four months of the end of each fiscal year, the Minister of Foreign Affairs, the Minister for International Trade and the Minister of Justice and Attorney General of Canada

produits et services de la personne, ou à l'exécution d'un contrat entre la personne et l'État étranger pour lequel il exerce ses fonctions officielles.

(4) Ne constitue pas un prêt, une récompense ou un avantage visé au paragraphe (1) le paiement visant à hâter ou à garantir l'exécution par un agent public étranger d'un acte de nature courante qui est partie de ses fonctions officielles, notamment :

Exception

a) la délivrance d'un permis, d'une licence ou d'un autre document qui habilite la personne à exercer une activité commerciale;

b) la délivrance ou l'obtention d'un document officiel tel un visa ou un permis de travail;

c) la fourniture de services publics tels que la collecte et la livraison du courrier, les services de télécommunication, la fourniture d'électricité et les services d'aqueduc;

d) la fourniture de services occasionnels tels que la protection policière, le débardage, la protection des produits périssables contre la détérioration ou les inspections relatives à l'exécution de contrats ou au transit de marchandises.

(5) Il est entendu que l'expression « acte de nature courante » ne vise ni une décision d'octroyer de nouvelles affaires ou de reconduire des affaires avec la même partie — notamment ses conditions — ni le fait d'encourager une autre personne à prendre une telle décision.

Précision

4. à 7. [Abrogés, 2001, ch. 32, art. 58]

MODIFICATIONS CORRÉLATIVES

8. à 10. [Modifications]

MODIFICATION CONDITIONNELLE

11. [Modification]

RAPPORT ANNUEL

12. Dans les quatre mois suivant la fin de chaque exercice, le ministre des Affaires étrangères, le ministre du Commerce international et le ministre de la Justice et procureur général du

Rapport annuel

shall jointly prepare a report on the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and on the enforcement of this Act, and the Minister of Foreign Affairs shall cause a copy of the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the report is completed.

Canada préparent conjointement un rapport sur la mise en œuvre de la Convention sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales et sur l'application de la présente loi et le ministre des Affaires étrangères fait déposer une copie de ce rapport devant chacune des chambres du Parlement dans les quinze premiers jours de séance de cette chambre après l'établissement du rapport.

COMING INTO FORCE

ENTRÉE EN VIGUEUR

Coming into
force

***13.** This Act or any of its provisions comes into force on a day or days to be fixed by order of the Governor in Council.

* [Note: Act in force February 14, 1999, *see* SI/99-13.]

Entrée en
vigueur

***13.** La présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret.

* [Note: Loi en vigueur le 14 février 1999, *voir* TR/99-13.]