



Staff recruitment – your obligations under the Bribery Act 2010

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Speaker



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Topics



- A gallop through the Bribery Act 2010
- The impact on staff recruitment
- Q&A

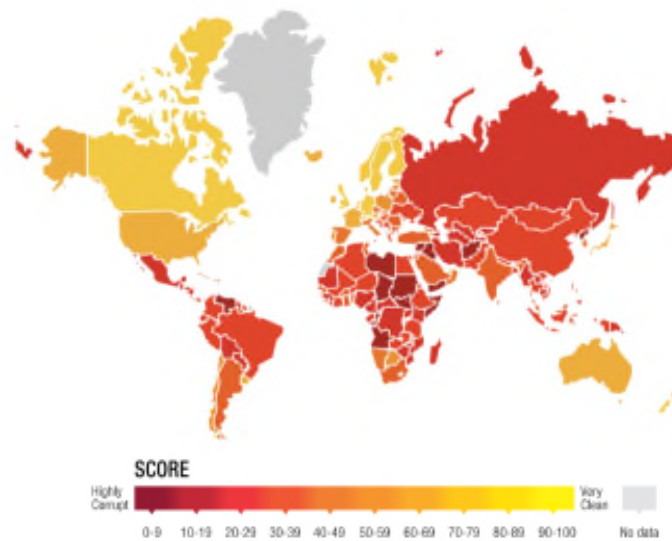


Corruption – in the news



PSG president Nasser Al-Khelaifi charged with corruption after being accused of trying to buy 2017 World Athletics Championships

Michel Platini: French football legend questioned on suspicion of corruption over 2022 Qatar World Cup



HEALTH NEWS
GlaxoSmithKline to stop paying doctors to promote its drugs

Enrique Sanz: Concacaf official found guilty of bribery charge

1 October 2019 - Football

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The Bribery Act 2010



- Offences
 - General offences
 - Giving/promising/accepting
 - Foreign public official offence
 - Corporate offence
 - Jewel in the crown
 - Statutory defence – adequate procedures
- Covers
 - Briber-maker/bribe-taker
 - Public/private sector
 - Any form of an advantage
 - Bribes by third parties acting on your behalf
- Jurisdiction
 - Anything done by anyone on UK soil
 - British national/person ordinarily resident in the UK
 - UK corporates
 - Corporates carrying on any business of part of a business in the UK.



The Bribery Act 2010 – The Corporate

- Can only be found guilty of:
 - the 'active'/FPO offence
 - committed by someone performing services on the corporate's behalf in any capacity – the "**associated person**"
 - intending to obtain/retain business/advantage on behalf of the corporate
- Associated person
 - Employee
 - Contractor
 - Consultant
 - Agent
- Defence to the s.7 corporate offence where the corporate can prove it had "**adequate procedures**" in place designed to prevent bribery on its behalf.

The Bribery Act 2010 - Penalties



- Corporate
 - Unlimited fine
 - Debarment from competing for public contracts
 - Confiscation
- Individuals
 - Imprisonment – up to 10 years
 - Unlimited fine
 - Confiscation
 - Director disqualification



Recruitment of employees

- Get to know them
 - Is detailed vetting required?
- What area are they employed in?
 - Sales/marketing agents/consultants
 - Historically, higher risk areas
- Culture/ethos
 - Top down message
 - Formal statement from the Board/Management
 - Condition in employment contracts
- Training
 - What is acceptable from a gifts and hospitality front
 - Christmas season
 - Test their knowledge
 - Retain records of training



Questions





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