



ETHICANA™

54 Issues for Discussion

Suggested issues to be considered by Trainees either before the Training Session and/or during the Training Session

Issue #	Minutes into ETHICANA	Issue	Preliminary Thoughts Prior to Attending the Training Session or Conclusions After the Training Session
		ETHICANA™ may be viewed prior to the workshop and Trainees can establish their initial thoughts prior to the Workshop. Or these issues can be considered after viewing ETHICANA™ during the Workshop.	
1	0.42	What is corruption? Or what do we mean by corruption?	
2	1.10	Does corruption also occur in and affect the private sector?	
3	1.45	Is it corrupt or illegal for all parties to get together to conceptualize a project?	
4	2.40	“Pay to play”: what does it mean? Does size and intent of contribution make a difference? Does this really happen?	
5	3.44	Same agent assigned to both companies? Agent assigned by client and/or government official? Is it normal to share an agent? Is government official naming the agent a violation of the OECD law? Should an engineer accept assignment of this agent? What actions should a corporation take before hiring an agent? What due diligence should be done? What are the terms of the agreement regarding services and compensation? Is there a conflict of interest in serving multiple parties?	
6	4.03	What is the role of the agent?	
7	4.32	What is the role of the bank? What can an engineer learn from the funding authorities?	
8	4.52	What should Unoco do at this time with the statement about having the inside track? Should he have responded?	

9	5.04	Is it normal to sign an Integrity Agreement at this point in a project?	
10	8.17	What is meant by “appreciation for our friend at IIEDA”?	
11	8.36	The agent is actually employed to represent Behemoth and CANT, yet he’s taking money from the minister. Is it normal for money to be passed between the government official and the agent?	
12	8.48	Would it be normal to have this type of discussion between Rudy and Barrere in a cafeteria?	
13	8.57	What is meant by “a little more here, and a lot more there?”	
14	9.00	What’s the clue to the dirty table? <i>{for train-the trainer}</i>	
15	9.15	Does the lawyer have any responsibility to do something once he hears the project is “dirty?”	
16	9.45	Why can the company get off on collusion/extortion, but not on bribery? <i>{Possible response: Extortion can be a defense if the company has all the proper facts.}</i>	
17	10.13	What is the difference between the law and ethics? Should the attorney have addressed the ethical aspects as well as the legal? <i>{Most companies see little difference between the law and ethics.}</i>	
18	10.25	Is Rudy a good lawyer? Would you want him to be your company’s attorney? Why or why not?	
19	11.48	“Initial appreciation” – what is this a nice word for? Does it fit the definition of bribery? When making a deal, is it appropriate to follow local customs and give gifts and appreciations or not? What are the limits? Is there a cultural dimension?	

20	12.16	When do you add a job to the forecast (internal prediction)? Does that preclude the company from changing its mind?	
21	12.35	Observation: Unoco seems to be concerned about doing the right thing. Does he always do the right thing?	
22	12.53	If you are in a responsible position, shouldn't you know who the competitors are? It is normal for an International Financial Institution (IFI) to require providing a list of competitors?	
23	13.23	What is an Integrity Affidavit? Who signs it? Who knows about it in the company? What's included? Is it normal to have one at the contract level? Is it unethical or illegal in a private sector environment to sole source the mining development and construction? What are the benefits? What are the consequences if violated? Why is Unoco being asked to sign the Integrity Affidavit? What happens if Unoco does not sign?	
24	14.00	Is paying double the agent fee okay? What is a reasonable agent fee?	
25	14.19	For those in the US: What is the Foreign Corrupt Practices Act (FCPA)? For those outside the US: Is there a law that opposes corruption?	
26		When are political contributions legal?	
27	15.55	What is the difference between political contributions and appreciation payments?	
28	16.26	Are "appreciation payments" a form of corruption/bribery? Are such payments acceptable?	
29	17.09	What do you think about this concept: Doing the right thing because it is the right thing to do, not because they might get caught.	
30	18.33	"I'd rather not know". This is a situation where Unoco shows weakness. What are his options? What should he do? Is ignorance an excuse?	
31	18.47	"Having a way to handle exceptions with IIEDA" – should this alert Unoco that something might be wrong?	

32	21.20	Is a charitable contribution (building a technical college, in this case) a violation of the FCPA? {Answer: Yes}	
33	24.00	Should something have been done once IIEDA believed that money was being stolen? Should the project be stopped? Should the consequences to the public, especially the poor, of stopping the project be considered? Are there other considerations that should be taken into account?... like the harm done for continuing?... or the harm done for stopping? Do any of the ethical theories or codes of ethics give any guidance here?	
34	25.32	Should CANT remove the project manager (Paulo) to make the project go more smoothly?	
35	26.44	Should Desmond inform the home office they are planning to build the technical college in Henrytown?	
36	27.17	Should Rebecca pay the money to release the equipment? Is it a bribe or a facilitation payment? What are the consequences if she doesn't pay?	
37	28.04	Should Rebecca pay to have the "One Way" sign reversed? Is it a bribe or a facilitation payment? What are the consequences if she doesn't pay?	
38a	28.14	What do you do when you're on a project and suddenly everywhere you turn there are difficult situations that delay progress? To whom should you turn?	
38b	28.14	Define "facilitation payment" {Answer: <i>A small amount of money paid to expedite routine governmental actions, that is NOT special or illegal</i> }	
39	29.00	What do you do if the retainage is arbitrarily increased?	
40	31.05	Is it extortion for other contractors to be asked to contribute to the technical college at this point? Is it improper?	
41	31.15	Is there a potential conflict of interest in Mano buying his uncle's land for the technical college?	

42	31.26	Why is Mano's uncle leading the fund-raising for the technical college when he has no association with CANT? Does Mano's uncle's offer to sell land at "market price" make you believe he is just helping?	
43	32.34	Should CANT willingly disclose their records to the IIEDA audit?	
44	33.00	Is payment of a permit processing fee under the table essentially a facilitation payment? How could these payments be avoided? Is this extortion?	
45	33.12	If Unoco knows corruption is endemic, should he have let CANT get into the project to begin with? Is it appropriate to exclude your company from doing business in places you know there is corruption? Can you do good business with bad people?	
46	34.20	Should IIEDA have monitored the project more closely?	
47	35.22	Should the contractor's meeting in Henrytown have been clandestinely taped? Is that illegal?	
48	36.41	Doing business with your cousins – is that necessarily a conflict of interest? Has it all been disclosed? Are the solicitations proper?	
49	39.24	Is it ethical or correct for Andre NOT to press charges against Victoria?	
50	40.22	Should CANT get Mano out of jail? What is the responsibility of the company to support their employees? What is the employee's responsibility?	

Other Training Issues			Thoughts by Trainees
51	General Comments and Questions	Trainers should be urged to acknowledge that cultural differences exist. However, they should point out that in no culture is stealing condoned. And corrupt practices are a form of stealing.	
52		The conversation between Rudy and Barrere occurs in a cafeteria. Is it likely that there would be discussion of bribery and corruption in open areas?	
53		Does having a receipt make it okay to pay bribes and/or facilitation payments?	
54		Does corruption occur in your country? Or in the country where you work? Have you observed corrupt activities in the news lately?	