

A still life composition on a wooden surface. On the left is a translucent globe showing the continents. In the center is a US dollar bill, partially obscured by a green lime and a purple flower. The background is a warm, wooden texture.

# COMPLIANCE

¿QUÉ?  
¿PORQUÉ?  
¿CÓMO?

*Paolo Abad*

*Lima, Octubre de 2018*

**¿QUÉ?**

- Anti-corrupción
  - De funcionarios de gobierno
  - Comercial
- Derechos humanos:
  - Fuerzas de seguridad privadas y públicas
  - Laborales (trabajo libre, no infantil, justa remuneración, no acoso, no discriminación, diversidad, sindicalización, salud y seguridad, etc.)
  - Trato justo (contratistas, comunidades, etc.)
  - Medio ambiente, salud y seguridad, CSR
- AML/CTF
- Anti-fraude
- Conflictos de intereses
- *Data privacy*
- *Insider Trading*
- *Conflict minerals*
- Sanciones y control de exportaciones
- Reportes a autoridades en estos asuntos (*SOX, Dodd Frank Act, ESTMA, etc.*)

**¿PORQUÉ?**

# Baja del Valor de las Acciones por Problemas Reputacionales

UNC | 1 Ye | Wha | No s | Link | Con | Ode | FIN | Ethic | Rec | CRE | Mur | Diar | LAT | Ren | X | G | indi. | + | - | X

gestion.pe/empresas/grana-y-montero-cerro-s-220-caida-record-33-jornada-2183101

MERCADO DE VALORES | SPBLGPT 0.08 | DOW JONES +0.21 | NASDAQ +0.39 | S&P 500 +0.33 | SPBLPGPT 0.21 | SPBL25PT 0.45 | SPBLBGPT 0.08 | DOW JONES +0.21 | NASDAQ +0.39

## GESTIÓN

EL DIARIO DE ECONOMÍA Y NEGOCIOS DE PERÚ

Domingo, 12 de marzo del 2017 | Contáctenos

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### Graña y Montero: acción cerró con caída récord de 33%

Viernes, 24 de febrero del 2017

**EMPRESAS** 18:02

**Graña y Montero** fue afectada tras divulgarse que conocía de los sobornos pagados por Odebrecht en Perú. La empresa ha negado rotundamente esa declaración.



Foto: Gestión.

**GESTIÓN TV**

ÚLTIMA HORA VER TODAS

- 16:00 | Casi S/ 21 millones costará rehabilitar infraestructura agrícola dañada por lluvias en Piura
- 16:32 | Nike lanza un Hiyab para deportistas musulmanas
- 16:47 | Alitalia se enfrenta al fantasma de una tercera bancarota
- 17:04 | Venezuela amenaza con expropiar panaderías para ganar "guerra del pan"
- 17:34 | Lima tiene la mejor gastronomía del mundo, según los números
- 05:05 | Alientan a brasileños a ser menos austeros y gastar su efectivo

El Comercio se une a Google para ayudarte a llegar a más clientes. Haz crecer tu negocio llamándonos al **311-6500 \*3436** o escríbenos a [google@comercio.com.pe](mailto:google@comercio.com.pe)

Anuncios de interés

**GRAN CACERÍA FINAL 2016 - CHEROKEE**  
Tu próximo Cherokee está en la mira. Cázalo ahora con nuestros increíbles descuentos. Últimas unidades 2016. Cotiza AQUÍ <http://jeep.pe>

**Entrenamiento Espartano 360**  
Prueba un sistema de entrenamiento funcional y militar con 33% dscto. solo por ser parte del Club El Comercio.

Windows taskbar: 3:40 p. m. 12/03/2017

# Altos Costos de Investigación, Defensa y Remediación

The image is a screenshot of a web browser displaying a news article from WWD (Women's Wear Daily). The browser's address bar shows the URL: <https://wwd.com/business-news/financial/wal-mart-costs-of-bribery-fcpa-probe-set-to-exce>. The WWD logo is prominent in the top left, with navigation links for 'SECTIONS', 'FASHION. BEAUTY. BUSINESS.', 'Subscribe', and 'Log In'. A search bar is located in the top right. Below the navigation is a yellow banner with the text 'Your Front Row Ticket to All the News and Scoops from Fashion Weeks: NEW YORK · LONDON · MILAN · PARIS' and a red 'SUBSCRIBE NOW' button. The main headline of the article is 'Wal-Mart Costs Related to Bribery Probe Set to Exceed \$1 Billion'. The sub-headline reads: 'The megaretailer is nearing a settlement with the government stemming from allegations that an international expansion went too smoothly.' The byline is 'By Kali Hays on November 17, 2017'. The first paragraph of the article states: 'Wal-Mart Stores Inc. is getting close to putting a lengthy government investigation of its foreign operations behind it, but the financial cost has been steep.' A second paragraph begins with 'The retail giant said in its generally glowing third-quarter financial results that it's set aside'. Below the text are two buttons: a blue 'SUBSCRIBE NOW' button and a white 'LOG IN' button. On the right side of the article, there is an advertisement for 'ORIGINS WAKE UP & ENERGIZE SKIN' featuring a jar of cream and coffee beans. The Windows taskbar is visible at the bottom, showing various application icons and the system clock displaying '7:47 p. m. 3/10/2018'.

WWD SECTIONS FASHION. BEAUTY. BUSINESS. Subscribe | Log In Search WWD'S 2M+ Stories

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BUSINESS / FINANCIAL

## Wal-Mart Costs Related to Bribery Probe Set to Exceed \$1 Billion

The megaretailer is nearing a settlement with the government stemming from allegations that an international expansion went too smoothly.

By Kali Hays on November 17, 2017

Wal-Mart Stores Inc. is getting close to putting a lengthy government investigation of its foreign operations behind it, but the financial cost has been steep.

The retail giant said in its generally glowing third-quarter financial results that it's set aside

To continue reading this article...

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7:47 p. m. 3/10/2018

# Demandas de Accionistas

The screenshot shows a web browser window displaying the Osler website. The browser's address bar shows the URL: [osler.com/en/resources/critical-situations/2015/avon-settles-fcpa-related-class-action-for-\\$62-mil](http://osler.com/en/resources/critical-situations/2015/avon-settles-fcpa-related-class-action-for-$62-mil). The website's navigation menu includes links for ALUMNI, ABOUT US, CONTACT US, EVENTS, CAREERS, and FRANÇAIS. The Osler logo is prominently displayed. Below the logo, a horizontal menu lists: TEAM, EXPERTISE, YOUR BUSINESS NEEDS, RESOURCES (highlighted in red), WHY OSLER, and STUDENTS. The breadcrumb trail reads: HOME / RESOURCES / CRITICAL SITUATIONS. The main article title is "Avon Settles FCPA Related Class Action for \$62 Million: Lessons for Canadian Companies on Undertaking Timely Investigations". The author is identified as Riyaz Dattu and Sonja Pavic, with a date of Sept 14, 2015. The article text begins with "Avon Products Inc. (Avon) and a group of its shareholders reached a \$62 million settlement last month in a derivative class action law suit alleging securities fraud. The plaintiffs claimed that Avon and its officers had concealed that the company had given bribes to Chinese government officials by various means, including gifting Gucci bags and improper travel expense payments. This settlement follows the December 2014 payment of a total of \$135 million in fines to both the U.S. Securities and Exchange Commission (SEC) and the Department of Justice (DOJ) for violating the Foreign Corrupt Practices Act (FCPA)." A "Background" section is partially visible at the bottom. On the right side, there are social media sharing options (Twitter, LinkedIn, Facebook) and a "Download PDF" button. A sidebar titled "RESOURCE CATEGORY" lists: All Resources, Critical Situations, Contracts & Transactions, Cross-Border Markets, Canadian Legislation & Regulations, and Corporate & Investor Governance. The Windows taskbar at the bottom shows the time as 5:00 p.m. on 18/11/2016.

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## Avon Settles FCPA Related Class Action for \$62 Million: Lessons for Canadian Companies on Undertaking Timely Investigations

Author(s): [Riyaz Dattu](#), [Sonja Pavic](#)  
Sept 14, 2015

Avon Products Inc. (Avon) and a group of its shareholders reached a \$62 million settlement last month in a derivative class action law suit alleging securities fraud. The plaintiffs claimed that Avon and its officers had concealed that the company had given bribes to Chinese government officials by various means, including gifting Gucci bags and improper travel expense payments. This settlement follows the December 2014 payment of a total of \$135 million in fines to both the U.S. Securities and Exchange Commission (SEC) and the Department of Justice (DOJ) for violating the *Foreign Corrupt Practices Act* (FCPA).

### Background

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RESOURCE CATEGORY

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- [Critical Situations](#)
- [Contracts & Transactions](#)
- [Cross-Border Markets](#)
- [Canadian Legislation & Regulations](#)
- [Corporate & Investor Governance](#)

# Pérdida de Negocios

The screenshot shows a web browser window with the URL [fcpablog.com/blog/2014/3/13/uk-oil-firm-declares-corruption-force-majeure-in-guinea-beca.html](http://fcpablog.com/blog/2014/3/13/uk-oil-firm-declares-corruption-force-majeure-in-guinea-beca.html). The page features the Bureau Van Dijk logo and a navigation menu. The main content area displays the article title and author information. A sidebar on the left contains a search bar and a newsletter subscription form. A sidebar on the right promotes daily news and research services.

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« FLORIDA MAY SNUFF CROOKED BURG | MAIN | SWITZERLAND LAUNCHES PROBE OF UZBEK FIRST DAUGHTER »

### UK oil firm declares 'corruption force majeure' in Guinea because of FCPA probe

By [Richard L. Cassin](#) | Thursday, March 13, 2014 at 3:18AM



Tullow Oil declared force majeure on its offshore exploration block in Guinea following the disclosure that its partner, U.S.-based Hyperdynamics Corporation, is under investigation by the DOJ and SEC for possible violations of the Foreign Corrupt Practices Act.

As reported Thursday by [Oil Patch Asia](#), the U.S. investigation was launched after the West African country of Guinea sought help from the G8 countries to track potentially corrupt deals.

Image courtesy of Tullow Oil

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**Due diligence and market entry research** by the experts at **STROZ FRIEDBERG**

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Fraud and corruption country profiles  
Security and business incident feeds  
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Interactive mapping

Windows taskbar: 4:56 p. m. 18/11/2016



# Sanciones de Organismos Multilaterales

The screenshot shows a web browser window displaying a press release from the World Bank. The browser's address bar shows the URL: [worldbank.org/en/news/press-release/2013/04/17/world-bank-debars-snc-lavalin-inc-and-its-affiliates-for-ten-years](http://worldbank.org/en/news/press-release/2013/04/17/world-bank-debars-snc-lavalin-inc-and-its-affiliates-for-ten-years). The page header includes the World Bank logo and navigation menus for 'ABOUT', 'DATA', 'RESEARCH', 'LEARNING', 'NEWS', 'PROJECTS & OPERATIONS', 'PUBLICATIONS', 'COUNTRIES', and 'TOPICS'. The main content area features the title 'World Bank Debars SNC-Lavalin Inc. and its Affiliates for 10 years' with a sub-header 'PRESS RELEASE' and the date 'April 17, 2013'. Below the title are social media sharing buttons for Twitter, Facebook, and LinkedIn, along with a plus sign for more options. A quote states: 'This represents the longest debarment period that has ever been agreed to in a World Bank settlement.' The main text begins with 'WASHINGTON, April 17, 2013 - The World Bank Group today announced the debarment of SNC-Lavalin Inc. - in addition to over 100 affiliates - for a period of 10 years following the company's misconduct in relation to the Padma Multipurpose Bridge Project in Bangladesh, as well as misconduct under another Bank-financed project. SNC-Lavalin Inc. is a subsidiary of SNC-Lavalin Group, a Canadian company, and represents more than 60% of its business.' The text continues to describe the debarment as part of a Negotiated Resolution Agreement and mentions the Integrity Vice Presidency's findings. On the right side, there is a 'MEDIA CONTACTS' section listing Dina Elnaggar with her phone number and email address, and a 'RELATED' section with a link to 'World Bank Group Integrity Vice Presidency'. A 'PRESS RELEASE NO:' section lists '2013/337/INT' and links for 'Bangladesh' and 'Canada'. The Windows taskbar at the bottom shows various application icons and the system clock indicating 5:01 p.m. on 18/11/2016.

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News

PRESS RELEASE

## World Bank Debars SNC-Lavalin Inc. and its Affiliates for 10 years

April 17, 2013

This page in: English | Français

TWEET SHARE SHARE +

*This represents the longest debarment period that has ever been agreed to in a World Bank settlement.*

**WASHINGTON, April 17, 2013** - The World Bank Group today announced the debarment of SNC-Lavalin Inc. - in addition to over 100 affiliates - for a period of 10 years following the company's misconduct in relation to the Padma Multipurpose Bridge Project in Bangladesh, as well as misconduct under another Bank-financed project. SNC-Lavalin Inc. is a subsidiary of SNC-Lavalin Group, a Canadian company, and represents more than 60% of its business.

The debarment is part of a Negotiated Resolution Agreement between the World Bank and SNC-Lavalin Group following a World Bank investigation into allegations of bribery schemes involving SNC-Lavalin Inc. and officials in Bangladesh.

While the investigation was ongoing, the World Bank's Integrity Vice Presidency also learned of misconduct by SNC-Lavalin Inc. in relation to the World Bank-financed

**MEDIA CONTACTS**

Washington  
Dina Elnaggar  
Tel : [202 473 3245](tel:2024733245)  
[Delnaggar@worldbank.org](mailto:Delnaggar@worldbank.org)

**RELATED**

[World Bank Group Integrity Vice Presidency](#)

**PRESS RELEASE NO:**  
2013/337/INT

[Bangladesh](#)  
[Canada](#)

RYOHO TECH DE MEXICO S.A. DE C.V.	GABRIEL MACERA 516, DESPACHO 301, COLONIA DEL VALLE, DELEGACION BENITO JUAREZ, MEXICO, D.F. (03100)	Mexico	27-JUL-2016	08-JUN-2023	Cross-Debarment: IDB
ANDRES RODRIGUEZ DE LA TORRE	INSURGENTES SUR 1898, PISO 12, COLONIA FLORIDA, DELEGACION ALVARO OBREGON, CIUDAD DE MEXICO, D.F.	Mexico	09-JUL-2015	20-MAY-2022	Cross-debarment: IDB
JOVENES FUTUROS EMPRESARIOS POR MEXICO, A.C. (JEMAC)	INSURGENTE S SUR 1898, PISO 12, COLONIA FLORIDA, DELEGACION ALVARO OBREGON, CIUDAD DE MEXICO, D.F.	Mexico	09-JUL-2015	20-MAY-2022	Cross-debarment: IDB
SNC-LAVALIN DE MEXICO, S.A. DE C.V.*150	MEXICO CITY	Mexico	17-APR-2013	17-APR-2023	Consult. Guidelines 1.22(a)(i)-(ii); Proc. Guidelines 1.15(a)(i)-(ii)
SNC-LAVALIN INGENIERIA Y CONSTRUCCION, S.A. DE C.V.	SAN FRANCISCO 1005 DEL VALLE BENITO JUAREZ DISTRITO FEDERAL 03100, MEXICO CITY	Mexico	17-APR-2013	17-APR-2023	Consult. Guidelines 1.22(a)(i)-(ii); Proc. Guidelines 1.15(a)(i)-(ii)
DE LORENZO OF AMERICA CORP., S.A. DE C.V.*107	PENSYLVANIA NO. 189 P.B., COL. NAPOLES, DEL BENITO JUÁREZ, C.P. 03810 MÉXICO, D.F.	Mexico	30-MAY-2012	Ongoing	Procurement Guidelines, 1.15(a)(ii)

**Cross-debarred Entities**

Cross-debarment applies to:

- (a) all projects subject to the May 2010 or later dated revisions to the Procurement Guidelines and Consultant Guidelines; and
- (b) to all projects subject to earlier editions of the Procurement Guidelines and Consultant Guidelines for which the legal agreements have been amended to give effect to the cross-debarment regime, with the exception of projects in the following countries for which such amendments have not taken effect:
  - (1) Federative Republic of Brazil (not including States and other financing recipients in Brazil);

# Sanciones a Empresa por Gobiernos en los Países de Operación y en Otros Países (“Brazo Largo”)

## PERÚ: Responsabilidad Autónoma de las Personas Jurídicas

Ley **30424** (publicada 21 Abril 2016) modificada por **D. Leg. N° 1352** (publicado 7 enero 2017)

- Vigente desde **1 Enero 2018**
- Corrupción de funcionarios de gobierno peruanos y extranjeros (entre otros delitos) cometida en su nombre o por cuenta de ellas y en su beneficio, directo o indirecto, por:
  - a. Socios, directores, administradores de hecho o derecho, representantes legales o apoderados de la persona jurídica, o de sus filiales o subsidiarias.
  - b. La persona natural que, estando sometida a la autoridad y control de las personas mencionadas en el literal anterior, haya cometido el delito bajo sus órdenes o autorización.
  - c. La persona natural señalada en el literal precedente, cuando la comisión del delito haya sido posible porque las personas mencionadas en el literal a. han incumplido sus deberes de supervisión, vigilancia y control sobre la actividad encomendada, en atención a la situación concreta del caso.
- Las personas jurídicas que tengan la calidad de matrices serán responsables y sancionadas siempre que las personas naturales de sus filiales o subsidiarias, que incurran en cualquiera de las conductas señaladas en el primer párrafo, hayan actuado bajo sus órdenes, autorización o con su consentimiento.

- **Sanciones:**

- Económicas
- Suspensión temporal de actividades
- Prohibición temporal o definitiva de determinadas actividades
- Inhabilitación definitiva para celebrar contratos con el Estado (“muerte civil”)
- Extinción de licencias, concesiones, derechos y otras autorizaciones administrativas o municipales
- Cierre temporal o definitivo del lugar de negocios de la persona jurídica
- Confiscación
- Intervención
- Disolución

- **Atenuantes de responsabilidad:**

- (i) Confesión bajo ciertas circunstancias;
- (ii) Cooperación con autoridades;
- (iii) Evitar daños resultantes del delito;
- (iv) Indemnización total o parcial del daño;
- (v) Implementación, después del delito, pero antes de cierto momento en el proceso judicial, de un “modelo de prevención” que tenga ciertas características (inclusive cumplimiento parcial de ese modelo de prevención).

- **Exoneración de responsabilidad:**

- (i) Implementación, antes del delito, de un “modelo de prevención”.
  - “Modelo de prevención” de acuerdo a la naturaleza, riesgos, necesidades y características de la persona jurídica – vigilancia y medidas de control para prevenir o disminuir significativamente el riesgo de ocurrencia del delito.
  - Ciertas características, como persona autónoma responsable de prevención, evaluación de riesgos y mitigación, sistemas de denuncias, difusión periódica de, entrenamiento sobre y auditoría del “modelo de prevención”.
  - Reglamento debe establecer contenido del “modelo de prevención”.
- (ii) Para fusiones y escisiones, entidad resultante será exonerada si apropiado due diligence antes de la reorganización.



Home » Office of Public Affairs » News

JUSTICE NEWS

Department of Justice Office of Public Affairs



FOR IMMEDIATE RELEASE

Monday, July 25, 2016

LATAM Airlines Group Resolves Foreign Corrupt Practices Act Investigation and Agrees to Pay \$12.75 Million Criminal Penalty

LATAM Airlines Group S.A. (LATAM), a commercial airline company based in Chile, has agreed to pay a \$12.75 million criminal penalty in connection with a scheme to pay bribes to Argentine union officials via a false consulting contract with a third-party intermediary in violation of the accounting provisions of the Foreign Corrupt Practices Act (FCPA).

Assistant Attorney General Leslie R. Caldwell of the Justice Department's Criminal Division and Special Agent in Charge George L. Piro of the FBI's Miami Field Office made the announcement.

According to admissions made in the resolution documents, executives at LATAM's predecessor-in-interest, LAN Airlines S.A. (LAN), executed a fictitious \$1.15 million consulting agreement with an advisor to the Secretary of Argentina's Ministry of Transportation in October 2006. Although the agreement purportedly required the consultant to undertake a study of Argentine airline routes, the consultant never provided any such services. Instead, the purported consultant funneled the monies he received pursuant to the contract to Argentine labor union officials in exchange for the union agreeing to accept lower wages and to not enforce what would have been a costly labor rule. In total, LAN profited by more than \$6.7 million as a result of the bribes paid to the union officials.

LATAM entered into a three-year deferred prosecution agreement (DPA) to resolve the case. As part of the DPA, LATAM agreed to pay a \$12.75 million criminal penalty, continue to cooperate with the department's investigation, enhance its

DEPARTMENT OF JUSTICE ACTION CENTER. Report a Crime, Get a Job, Locate a Prison, Inmate, or Sex Offender, Apply for a Grant, Submit a Complaint, Report Waste, Fraud, Abuse or Misconduct to the Inspector General, Find Sales of Seized Property, Find Help and Information for Crime Victims, Register, Apply for Permits, or Request Records, Identify Our Most Wanted Fugitives, Find a Form.

# Alcoa y una de sus subsidiarias pagaron **US\$384 millones (2014)**

The screenshot shows a web browser displaying a Bloomberg news article. The browser's address bar shows the URL: <https://www.bloomberg.com/news/articles/2014-01-09/alcoa-pays-384-million-to-resolve-foreign-bribery-probe>. The article's main headline is "Alcoa Pays \$384 Million to Resolve Bahrain-Bribery Probe". The author is Alan Katz, and the article was published on January 9, 2014, at 9:01 p.m. PST. The article text states: "Alcoa Inc., the largest U.S. aluminum producer, agreed to pay \$384 million to resolve U.S. criminal and civil probes, after a unit admitted paying tens of millions of dollars in bribes to members of Bahrain's royal family and officials at a state-owned company to win business." A sidebar on the right features a large number "18" and the text "Our senior leveraged finance analysts have an average". The Windows taskbar at the bottom shows the time as 3:21 p.m. on 12/03/2017.

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## Alcoa Pays \$384 Million to Resolve Bahrain-Bribery Probe

Alan Katz  
9 de enero de 2014 9:01 p. m. PST

Alcoa Inc., the largest U.S. aluminum producer, agreed to pay \$384 million to resolve U.S. criminal and civil probes, after a unit admitted paying tens of millions of dollars in bribes to members of Bahrain's royal family and officials at a state-owned company to win business.

Our senior leveraged finance analysts have an average **18**

LIVE TV AUDIO

Alumina LLC, a majority-owned unit that supplies the raw material used by smelters to make aluminum, pleaded guilty yesterday in

3:21 p. m.  
12/03/2017

**Gold Fields Limited** anunció que recibió una comunicación de *SEC* indicando que no se iniciaría proceso en su contra **(2015)**

The screenshot shows a web browser displaying a news article on the mining.com website. The article title is "US regulator drops probe on Gold Fields' South Deep BEE deal" by Cecilia Jansamie, dated June 22, 2015. The article features a video player showing Gold Fields chief executive officer Nick Holland. To the right of the article is a sidebar with a "Quickly Measure Stockpile Volumes" advertisement for LAYER TECHNOLOGY, a gold and silver price table, and another advertisement for "Ideal for industrial minerals". The browser's address bar shows the URL "mining.com/us-regulator-drops-probe-on-gold-fields-south-deep-bee-deal". The Windows taskbar at the bottom indicates the date is 12/03/2017 and the time is 3:27 p.m.

Commodity	Price	Change
Gold	\$1,204.55	0.31%
Silver	\$17.00	0.47%



**BHP Billiton** aceptó pagar **US\$25 millones** y reporter a *SEC* la implementación de su programa anti-corrupción por 1 año **(2015)**

The screenshot shows a web browser displaying a Wall Street Journal article. The browser's address bar shows the URL: [www.wsj.com/articles/sec-charges-bhp-with-violating-fcpa-at-2008-summer-olympics-1432127870](http://www.wsj.com/articles/sec-charges-bhp-with-violating-fcpa-at-2008-summer-olympics-1432127870). The page header includes the Wall Street Journal logo, a subscription offer for \$12 for 12 weeks, and a navigation menu with categories like Home, World, U.S., Politics, Economy, Business, Tech, Markets, Opinion, Arts, Life, and Real Estate. Below the navigation menu, there are several article teasers with images and headlines, such as 'Uber Urges Drivers to Reject Unionization Effort in Seattle', 'After Strong Opening, 'Kong' Will Need Momentum', and 'Tesla's Musk Sets Sights on Australia—Via Twitter'. The main article is titled 'SEC Fines BHP \$25 Million After Gifts Probe' and is categorized under 'BUSINESS'. The author is Scott Patterson, and the article was updated on May 20, 2015, at 2:00 p.m. ET. The article text states: 'The U.S. Securities and Exchange Commission slapped Australian mining company BHP Billiton with a \$25 million fine for practices tied to gifts offered to foreign government officials during the 2008 Summer Olympic Games in Beijing. BHP agreed to pay the fine to settle the charges, the SEC said.' A sidebar on the right features a 'BARRON'S' logo and the text 'WILL THE BULL MARKET REIGN?'. The Windows taskbar at the bottom shows the date and time as 3:17 p.m. on 12/03/2017.

# Rio Tinto y su Proyecto Simandou en Guinea (2016)

The screenshot shows a web browser window with the URL [riotinto.com/documents/161109\\_Rio\\_Tinto\\_contacts\\_regulatory\\_authorities.pdf?\\_ga=1.250986831.830591251.1470111298](http://riotinto.com/documents/161109_Rio_Tinto_contacts_regulatory_authorities.pdf?_ga=1.250986831.830591251.1470111298). The page content includes the Rio Tinto logo and the title "Media release". The main heading is "Rio Tinto contacts regulatory authorities" dated "9 November 2016". The text describes an investigation into contractual payments from 2011 and the suspension of executives Alan Davies and Debra Valentine. It concludes with a statement of cooperation with regulatory authorities.

**RioTinto** Media release

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## Rio Tinto contacts regulatory authorities

9 November 2016

On 29 August 2016, Rio Tinto became aware of email correspondence from 2011 relating to contractual payments totalling US\$10.5 million made to a consultant providing advisory services on the Simandou project in Guinea.

The company launched an investigation into the matter led by external counsel. Based on the investigation to date, Rio Tinto has today notified the relevant authorities in the United Kingdom and United States and is in the process of contacting the Australian authorities.

Energy & Minerals chief executive Alan Davies, who had accountability for the Simandou project in 2011, has been suspended with immediate effect.

Legal & Regulatory Affairs group executive Debra Valentine, having previously notified the company of her intention to retire on 1 May 2017, has stepped down from her role.

Rio Tinto intends to co-operate fully with any subsequent inquiries from all of the relevant authorities. Further comment at this time is therefore not appropriate.

- **Newmont** anunció una investigación interna por sospechas de transgresiones de *FCPA* fuera de *USA* (2015)
- Newmont informó que estaba tomando medidas para prevenir corrupción: gerentes de ética y cumplimiento, entrenamiento, y auditorías externas de sus políticas y procedimientos anti-corrupción (2016)
- *SEC* y *DOJ* informaron que no procesarían a Newmont. Newmont no ha comentado si las transgresiones ocurrieron sino sólo que el asunto involucró a contratistas extranjeros (2017)

The screenshot shows a web browser window with the URL `mining.com/newmont-mining-faces-bribery-allegations`. The page features a navigation bar with links for HOME, GOLD, COPPER, IRON ORE, and more. Below the navigation bar, there are several advertisements, including one for LSC Lithium Corporation and another for TruPulse 200X + MapSmart with Volume. The main article is titled "Newmont Mining investigating bribery allegations" and is dated April 21, 2016. The article includes a large image of a mining site and a caption that reads: "Newmont has been panning gold in Nevada for about 50 years in the northern part of the state. (Image courtesy of Newmont Mining)". The article text states: "Newmont Mining Corp's (NYSE:NEM), the world's 2nd largest gold miner, is reviewing its compliance with US foreign bribery law." and "Reporting its first-quarter earnings, the Colorado-based company said it had engaged outside counsel as part of a review of its compliance with the Foreign Corrupt Practices Act, which bars the use of bribes to foreign officials." The browser's taskbar at the bottom shows the time as 3:30 p. m. on 12/03/2017.

- **Kinross** acuerda con SEC por casi 1 millón US\$
- Acusación de que Kinross no adoptó suficientes controles internos en países de Africa (ej: US\$ 1000 pagados a un tramitador para ayudar a obtener visa de trabajo para un trabajador de Kinross) **(Marzo 2018)**

The screenshot shows a web browser displaying a Reuters article. The browser's address bar shows the URL: [reuters.com/article/us-kinross-sec/kinross-gold-settles-u-s-charges-related-to-bribe-prevention-in-africa-idUSKBN1H22DW](https://reuters.com/article/us-kinross-sec/kinross-gold-settles-u-s-charges-related-to-bribe-prevention-in-africa-idUSKBN1H22DW). The page features the Reuters logo and navigation links for World, Business, Markets, Politics, and TV. A search bar is visible in the top right. Below the navigation, there are several topic tags: Myanmar, Energy & Environment, Brexit, North Korea, Charged: The Future of Autos, Future of Money, and Breakingviews. The main article is dated MARCH 26, 2018 / 5:17 PM / 23 DAYS AGO. The headline reads: "Kinross Gold settles U.S. charges related to bribe prevention in Africa". The author is Joel Schectman, and the article is marked as a "2 MIN READ". The text of the article states: "WASHINGTON (Reuters) - The U.S. Securities and Exchange Commission said Canadian-based mining company Kinross Gold Corp agreed to pay \$950,000 to settle civil charges that it failed to ensure its payments in Africa were not being used to bribe government officials." Below the article text is a video player showing the Kinross logo. On the right side, there are three recommended articles: "10 Worst performing ETFs of 2017", "Where is the clever money going?", and "Central Bankers Face a Crisis of Confidence as Models Fail". The Windows taskbar at the bottom shows the time as 3:01 p. m. on 18/04/2018.

The screenshot shows a web browser window displaying the FCPA Clearing House website. The URL is [fcpa.stanford.edu/statistics-top-ten.html](http://fcpa.stanford.edu/statistics-top-ten.html). The navigation menu includes Home, Enforcement Actions, Statistics & Analytics (selected), S&C Research & Reports, Resources, and About. A search bar is present with the text "Search FCPAC Website".

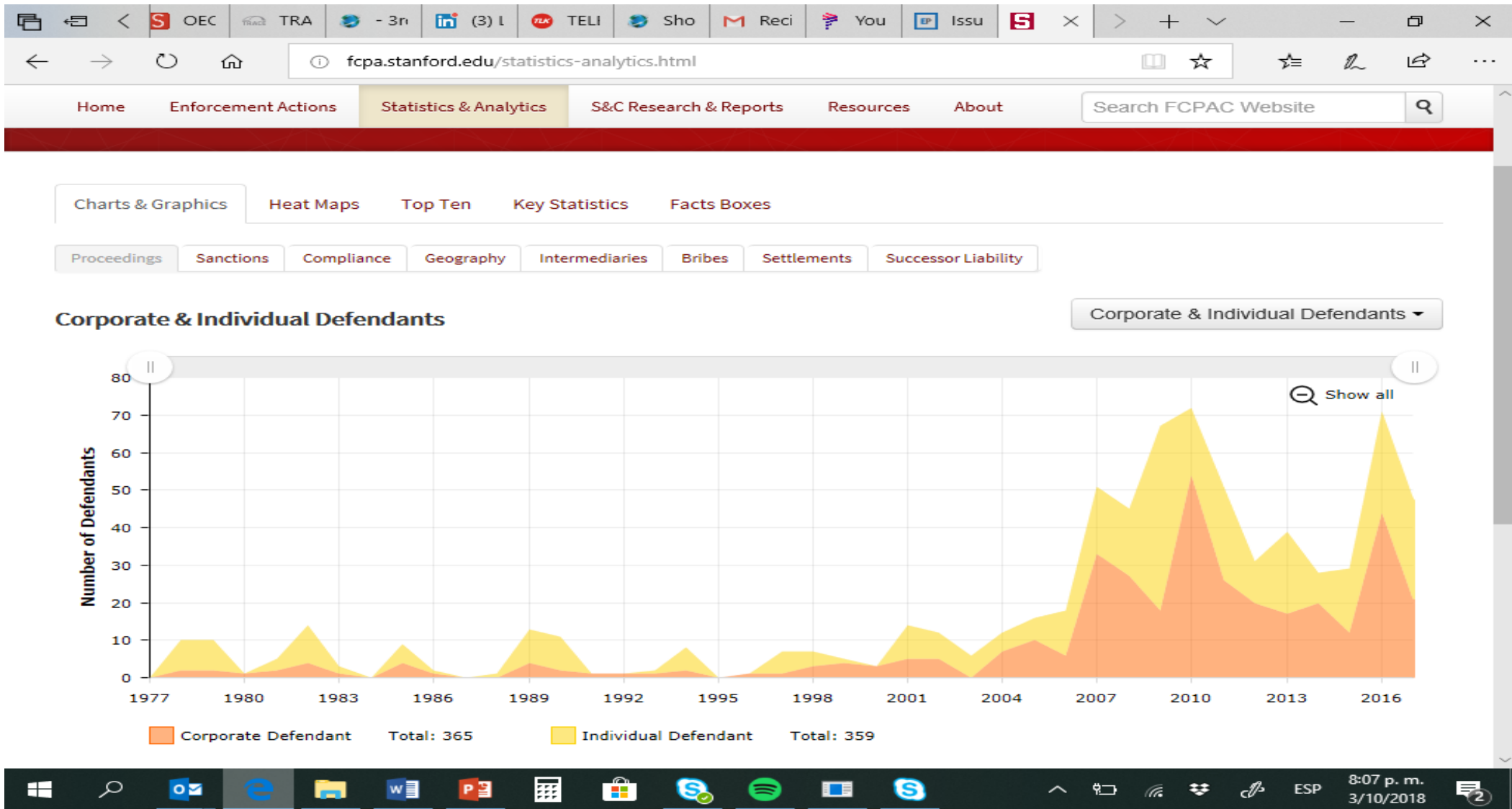
Under the "Statistics & Analytics" tab, there are sub-tabs for Charts & Graphics, Heat Maps, Top Ten (selected), Key Statistics, and Facts Boxes. The "Top Ten by Largest Monetary Sanction" section is active, with a dropdown menu set to "Largest Monetary Sanction".

Case Name	Sanction Amount
In the Matter of Petroleo Brasileiro S.A. - Petrobras	\$ 1,018,793,797
United States of America v. Alstom S.A.	\$ 772,290,800
United States of America v. Societe Generale S.A.	\$ 567,776,444
United States of America v. Siemens Aktiengesellschaft	\$ 448,500,800
United States of America v. Kellogg Brown & Root LLC	\$ 402,002,000
United States of America v. BAE Systems PLC	\$ 400,000,400
Securities and Exchange Commission v. Siemens Aktiengesellschaft	\$ 350,000,000
United States of America v. Teva Pharmaceutical Industries Ltd.	\$ 283,177,348
United States of America v. Telia Company AB, et al.	\$ 274,604,372
United States of America v. Total, S.A.	\$ 245,200,000

At the bottom of the page, there is a section titled "About Largest Monetary Sanctions" which is partially visible.

The Windows taskbar at the bottom shows the time as 7:57 p. m. on 3/10/2018.

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EVERYWHERE, EVERYWHY



WORLD NEWS

OCTOBER 24, 2017 / 5:23 PM / 9 MONTHS AGO

# Peruvians take Glencore to court over police abuse allegations

Reuters Staff

2 MIN READ



(Reuters) - Peruvian villagers suing miner Glencore will argue in London's High Court next week that the company should be held liable over their allegations they were abused by Peruvian police,

# FINANCIAL POST

## Canadian multinationals can be sued for alleged human rights abuses committed abroad: B.C. court

*Canadian multinationals are going to have a tough time keeping foreigners from suing them in Canada for alleged human rights violations committed abroad*





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- Smaller Cities Look Big Again to United
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BUSINESS

## LAN Airlines CEO Ignacio Cueto in Settlement With SEC

U.S. watchdog issues cease-and-desist order after company' failed to accurately record payment to consultant

By **RYAN DUBE**

Updated Feb. 4, 2016 9:58 p.m. ET

Chilean-based Latam Airlines Group SA on Thursday said an executive at one of its units consented to a cease-and-desist order from the U.S. Securities and Exchange Commission over the company's failure to properly record a payment to a consultant 10 years ago.

LAN Airlines CEO Ignacio Cueto also agreed to pay a \$75,000 penalty to the regulator, the company said in a brief statement. Mr. Cueto wasn't available for comment.

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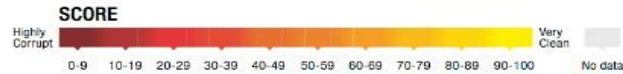
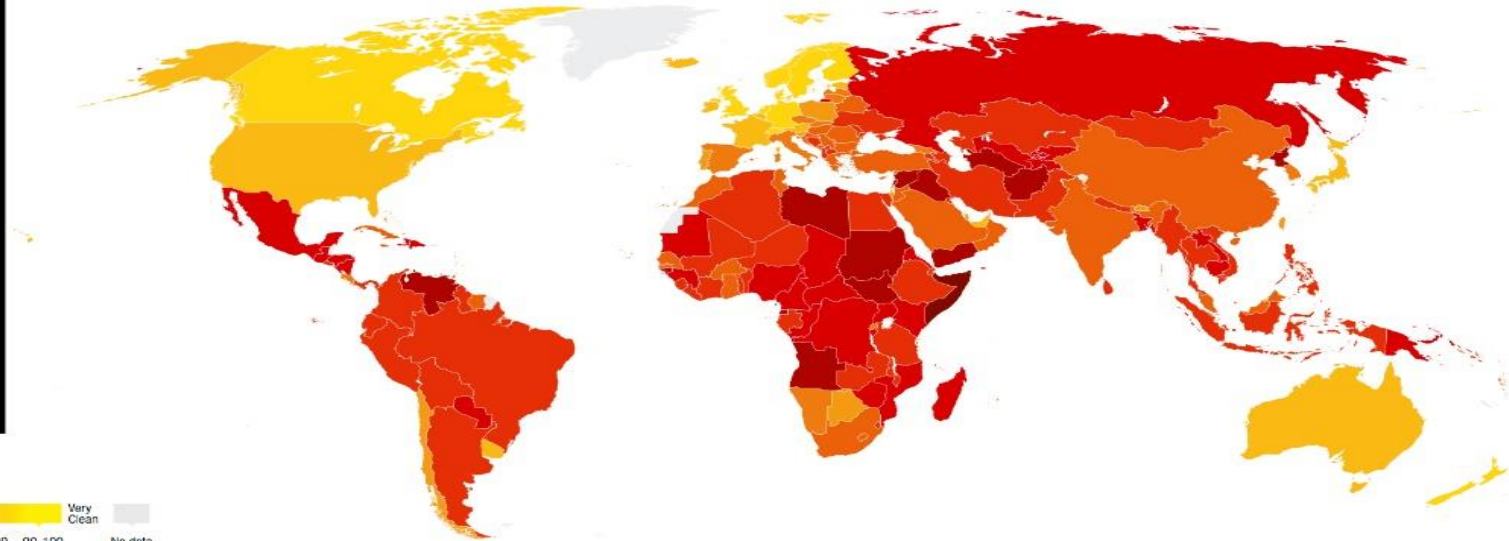


# Además de Ética...

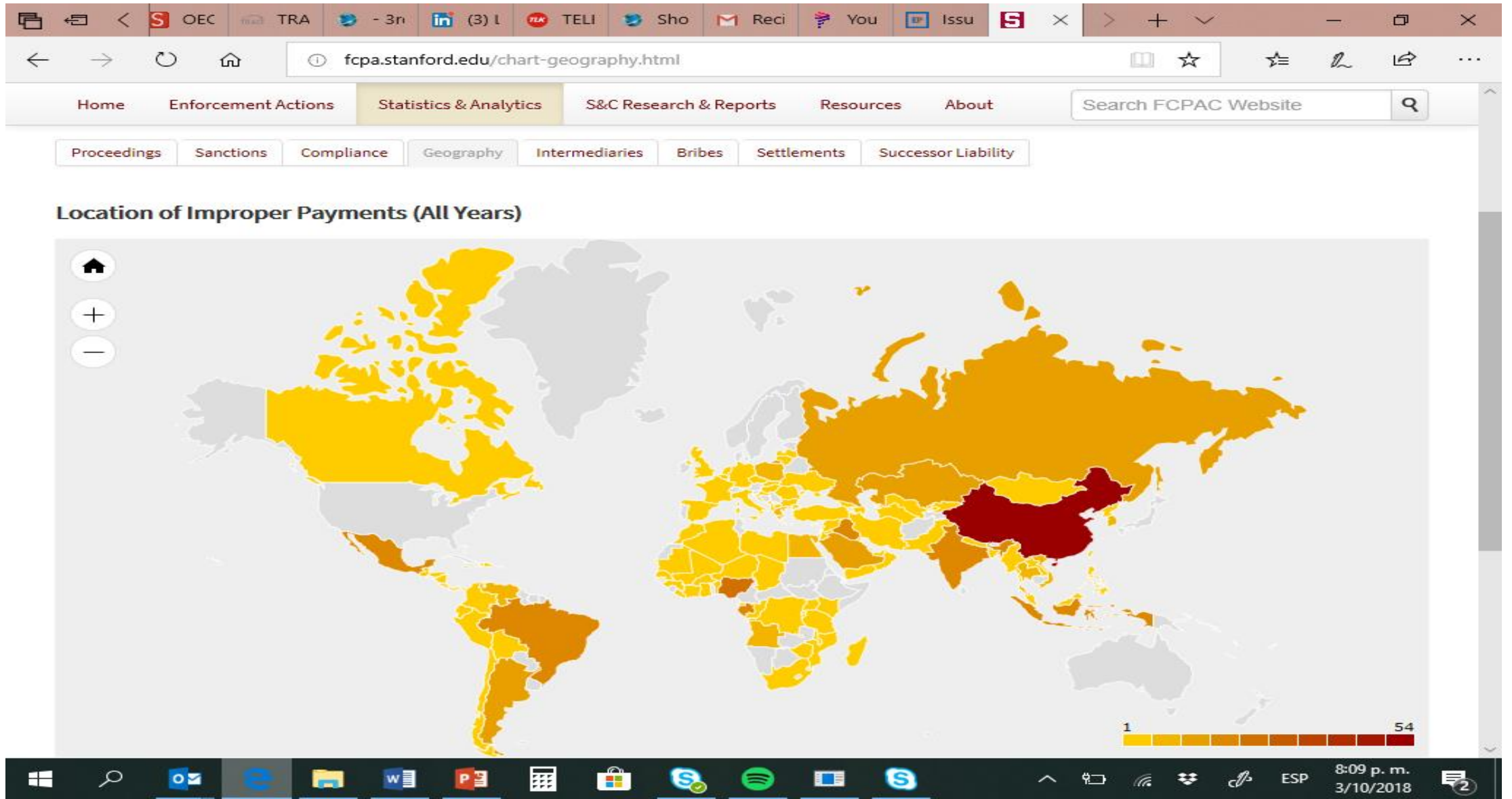
- Reducir riesgos **para la empresa**:
  - Baja en valor de la empresa por problemas de reputación
  - **Revocación, suspensión y cancelación de permisos**
  - Altos costos de investigación, defensa y remediación
  - Demandas de accionistas
  - Pérdida de negocios
  - **Demandas de *whistleblowers***
  - **No estar en condiciones de cubrir la creciente necesidad de mostrar esfuerzos de *compliance* ante *stakeholders* (ejm: accionistas, gobiernos, acreedores, socios, compañías de seguros, proveedores y comunidades)**
  - **Ambiente laboral**
  - **“Más estoy dispuesto a dar, más me piden”**
  - **Costos por sanciones comerciales (incumplimientos contractuales de PAS; etc.)**
  - Costos por sanciones de autoridades del gobierno del país de operación, de otros países (brazo largo apoyado por nuestros países) y de organismos multilaterales
- Reducir riesgos **para nuestros ejecutivos y trabajadores**:
  - **Reputacional**
  - Sanciones de autoridades del gobierno del país de operación y de otros países (brazo largo apoyado por nuestros países) , costos de transacciones y de multas; y cárcel
  - **Altos costos de defensa**
  - **Responsabilidad del Directorio y de ejecutivos, aun por problemas en afiliadas**

# CORRUPTION PERCEPTIONS INDEX 2017

The perceived levels of public sector corruption in 180 countries/territories around the world.



RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE
1	New Zealand	89	21	Estonia	71	39	Romania	48	96	Thailand	37	135	Russia	29	161	Congo	21
2	Denmark	88	21	United Arab Emirates	71	62	Cuba	47	96	Zambia	37	143	Bangladesh	28	161	Congo	21
3	Finland	85	23	France	70	62	Malaysia	47	103	Bahrain	36	143	Guatemala	28	161	Democratic Republic of Congo	21
3	Norway	85	23	Uruguay	70	64	Montenegro	46	103	Côte D'Ivoire	36	122	Kazakhstan	31	143	Kenya	28
3	Switzerland	85	25	Barbados	68	42	Czech Republic	57	103	Mongolia	36	122	Liberia	31	143	Lebanon	28
6	Singapore	84	26	Bhutan	67	42	Dominica	57	103	Tanzania	36	122	Malawi	31	143	Mauritania	28
6	Sweden	84	26	Chile	67	42	Spain	57	107	Armenia	35	122	Mali	31	148	Comoros	27
8	Canada	82	28	Bahamas	65	46	Georgia	56	107	Ethiopia	35	122	Nepal	31	148	Guinea	27
8	Luxembourg	82	29	Portugal	63	48	Malta	56	107	Macedonia	35	122	Moldova	31	148	Nigeria	27
8	Netherlands	82	29	Qatar	63	48	Cabo Verde	55	107	Vietnam	35	130	Gambia	30	151	Nicaragua	26
8	United Kingdom	82	29	Taiwan	63	48	Rwanda	55	107	Solomon Islands	39	130	Iran	30	151	Uganda	26
12	Germany	81	32	Brunei Darussalam	62	51	Saint Lucia	55	111	Swaziland	39	130	Myanmar	30	153	Cameroon	25
13	Australia	77	32	Israel	62	52	Korea (South)	54	112	Albania	38	130	Sierra Leone	30	153	Mozambique	25
13	Hong Kong	77	34	Botswana	61	53	Grenada	52	112	Bośnia and Herzegovina	38	130	Ukraine	30	155	Madagascar	24
13	Iceland	77	34	Slovenia	61	54	Namibia	51	112	Guyana	38	136	Dominican Republic	29	156	Central African Republic	23
16	Austria	75	36	Poland	60	54	Italy	50	112	Sri Lanka	38	136	Honduras	29	157	Burundi	22
16	Belgium	75	36	Mauritius	60	74	Mauritius	50	112	Timor-Leste	38	135	Kyrgyzstan	29	157	Haiti	22
16	United States	75	38	Seychelles	60	54	Slovakia	50	117	Brazil	37	135	Laos	29	157	Egypt	22
19	Ireland	74	38	Costa Rica	59	57	Croatia	49	96	Colombia	37	135	Mexico	29	157	Uzbekistan	22
19	Lithuania	59	38	Lithuania	59	57	Saudi Arabia	49	96	Indonesia	37	135	Pakistan	32	157	Zimbabwe	22
20	Japan	73	40	Latvia	58	59	Greece	48	96	Panama	37	135	Papua New Guinea	29	161	Cambodia	21
			40	Jordan	48	59	Jordan	48	96	Peru	37	135	Paraguay	29			



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**¿CÓMO?**

# Programa de Cumplimiento



# Objetivo

**REDUCIR, LO MÁS QUE PODAMOS,  
LOS RIESGOS DE QUE ALGO MALO OCURRA  
Y  
TENER, SI ALGO MALO OCURRE, LA MEJOR DEFENSA POSIBLE**