

Our guest this week is Hemrish Aubeelack. He is a management consultant specialising in business ethics, anti-corruption, other financial crime and human rights. In the following interview, he tells how important ethics is to business.

## HEMRISH AUBEELACK:

# "Bribery and corruption have a negative correlation with human rights and health and safety"

Sunil Gopal

### ■ Can you tell us why ethics is important in business?

In business, it is important to act with conscience and look after all stakeholders, whether, the environment or society at large.

Stopping at a red light on the road is complying with the law – we do it because we have to. Giving money to charity is going the extra mile to help another – we do it because we want to. Similarly, ethics in business is about complying with the law whilst working with a conscience: doing things right, and doing the right thing.

This transpires in other areas of concern like corruption and fraud. Corruption and fraud stem from our level of greed for power or material gain. These are both illegal and immoral. A business with well-established business standards will be able to reject these.

### ■ Do you think that our existing legislations are sufficient? What can be done to instil the culture of ethics?

There is still lots of work to be done locally regarding curbing down corruption. We have had laws for a long time but we still hear about scandals. True it is that ICAC has a hotline where people can report suspected cases of corruption. However, the proof of the pudding is in the eating.

I would like to see more law enforcement and more signals and precedence. It is said that we should lead by example. So far, I haven't seen high profile actions. We do hear cases being brought forward but we are yet to see results. You can legislate as much as you can but still, action is required.

You need to have the legislation but at the same time you need to trust the system and to trust the system, you need to see evidence that it is working.

### ■ The Prevention of Corruption Act (2002) caters for corruption in the public sector. Isn't a need for legislating so as to curb down bribery and corruption in the private sector?

Both public sector corruption and private sector corruption contribute to a malfunctioning society. The private sector has



Text  
Text  
Text

their role to play in tackling bribery and corruption. Failing to prevent bribery or not to have controls in place is no excuse.

What I would like to see is a legal model similar to that of the UK Bribery Act whereby companies will be required, by law, to implement ethics and anti-corruption controls called 'adequate procedures' as follows:

- Top-level commitment (e.g. clear leadership, messaging, board/senior management discussions/committees)
- Proportionate procedures (e.g. code of conduct, gifts and hospitality procedure, whistleblowing procedure)
- Risk assessment (e.g. ensuring that there is a documented risk register)
- Communication and training (e.g. eLearning, face-to-face training, email/intranet messages, poster campaigns)
- Due diligence (e.g. risk-based checks on prospective third parties, including customers, JV partners, suppliers)

- Monitoring and review (e.g. regular checks of gifts register, due diligence performance, sanctions checks, investigations)

Everybody in the organisation should be able to articulate the ethical stance of the organisation. We shall then be able to see a rising ethical culture.

### ■ Although the POCA exists since 2002, and that there have been actions as well as sensitization, the perception is that corruption is rampant in the country. How do we address this dilemma?

I believe that the government has a code of conduct. This should be implemented internally with the help of dedicated officers.

For instance, the United Nations has an Ethics Office responsible for promoting an ethical organisation and investigating non-compliances.

Similarly, we could have ethics officers in each ministry to

“

**DO THINGS RIGHT, AND DO THE RIGHT THING.**

”

ensure that ethics are observed. The Ethics Office should be run independently and mandated by law.

Another item that counts is that people should be comfortable to report non-compliance, without fear of retaliation, and anonymously if necessary. The person who makes the complaint should be reassured that the matter will be looked into, even if anonymous.

If you cannot share the information which is confidential, at least you should inform the person who disclosed the matter that this is being investigated. Trust is important. It is the duty of the ethics officer to listen and not to judge straight away.

Last but not the least, we need to protect whistleblowers – perhaps even legislate to do so.

### ■ How are human rights related to doing business?

In many countries, a client cannot accept to deal with an enterprise that does not respect human rights.

In the United Kingdom, there is the Modern Slavery Act 2015. Companies are required to conduct due diligence on their prospective supplier before striking a commercial deal. They would go down the chain to be sure that human rights and labour conditions are respected.

For instance, in the textile industry, a foreign customer buying garments from Mauritius would find out first if workers are well treated or ill-treated. They may also investigate if the workers are working too many hours. The supplier must ensure that he is adhering to the best practices. The customer may even verify if the supplier has ever violated the human rights policy and if they have been convicted or not.

There is also an impact on health and safety. Here in Mauritius, I have noticed over-loaded goods vehicles and big trucks over-speeding. What comes to my mind when I see these situa-

tions is whether the driver is driving recklessly under pressure or if their company is checking these standards.

You would recall the tragedy of the Rana Plaza in Dhaka, Bangladesh which occurred in 2013 with a death toll of 1134 persons. The building was reportedly designed to be a mall and not to support heavy textile machinery. There were huge cracks in the building. In the morning of the disaster, workers refused to get in but were told they would not be paid if they did not. How did they pass safety inspections? Why were prior safety concerns not looked into?

Bribery and corruption have a negative correlation with human rights and health and safety.

### ■ You also researched on political leadership?

I researched on what is ethical political leadership. I interviewed local politicians and it was interesting that they were not able to cite one single local political leader as a role model or an example of an ethical political leader. They mentioned Mahatma Gandhi, Nelson Mandela, Barack Obama and even Justin Trudeau.

If there is no single local role model whom you can cite, who should our society look up to? We need a benchmark.

There is a chance here for an emerging leader to become the benchmark of an ethical political leader. He or she should be free from corruption and start by putting the interest of people first, before their own or party's own.

When I did my research, I also interviewed followers. The leaders mentioned more about their sense of responsibility and duty whereas what the followers really want to see in a leader is good moral character and well-mannered. You see this disconnect?

But one thing is for sure. People will earn respect only if they know how to behave.

“

**IF THERE IS NOT A SINGLE LOCAL ROLE MODEL, WHO SHOULD WE LOOK UP TO? WE NEED A BENCHMARK.**

”