Forensic accounting

Student’s Name

Institution

Date

2a. The action of Chiquita Banana falls under FCPA, because it is bribing to the terrorist group. The amount paid to rebel group in Colombia was in form of kick back for the exchange of protection. Again, the FCPA also prevent any American company from working with any illegal company or any group or company associated with any terrorist group. Therefore, by working with rebel or terrorist group in Colombia, Chiquita Banana violated FCPA and therefore, it was prosecuted.

2b. If I was faced with deadly threat against the people working on the farm, I would negotiate for their smooth evacuation from the firm. It is important to observe the code of conduct established and FCPA when operating anywhere in the world. The best thing would be to withdraw workers from the field and shift operation instead of working with terrorist group.

**2c. what has been some of the fallout about Chiquita banana**

The Banana Company Chiquita international brand admitted to have committed fraud when operating in Colombia. The company paid a lot of money to terrorist for protection of his workers which is against the code of conduct policies and the law of the United States and the FCPA. Therefore, the company was changed in the United States for working with terrorist. This has forced the company to close its Colombia farm and other operation in Colombia.

1. **Should a company have a uniform global code of conduct policy why and why not?**

Regardless of whether n organization is mandated to have a proper code of conduct similar to public companies, it is important for a company to have a uniform global code of conduct policy. A code has a value for both internal guidelines and external communication to of corporate value to shareholders. A well defined clarifies a company objectives, goals mission and principles of operations. The code properly articulates the values which a company wishes to foster in employees, leaders and therefore, it defines behavior desired by the company. For instance, a company which does not tolerate corruption and misuse of financial applies the same code in every country or regions where it operates (Learns, 2016). Having a uniform global code of conduct ensures that a company’s image is maintained global and therefore, it helps in building trust and confidence in company. It is therefore, essential for a company to have one code of conduct policy.

1. **Should these policies be implemented globally, or at the regional, country or local level?**

The code of conduct policies are developed for global practice and therefore, the implementation should be done globally. Multinational Companies (MNC) operate in several countries around the world (Laguarta, 2015). However, the code of conduct policies are developed at headquarter and used worldwide, in every region or country where it operations. Therefore, for efficient operations that can ensure that an image of a company is maintained, the code of conduct policies should be implemented at the global level to make sure that similar policies are applied in every country where it operates. For instance, the code of conduct policies applied and being implemented by HP Corporations in the United State should be similar to the policies being implemented at its regional offices. The implemented should be done by the globally and this will ensure that a company is able to achieve its goals, missions and objectives.

1. **Should a company have specific global policy regarding gifts, gratuities, payment, entertainment, conflicts of interest and related matters why?**

Most global companies have strict codes of conduct policy regarding gifts and forms of gratitude. However, it is essential for a company to have specific policy regarding gifts payment, entertainment to ensure that form of bribery or corruption is eliminated at all cost. According to Heathfiel (2019), some bribes are given to employees, vendors and suppliers in form of gifts or gratitude to avoid being detected. Strict policy ensure that bribes are not given inform of gifts to ensures. A company should outline the maximum value of a gift which can be given to an employee or any shareholder of the company. With strict laws or policies, excessive gifts and gratitude would be avoided. This is likely to limit chances of receiving or giving bribes to any shareholder of a company. For instance, a company can have strict policy regarding value of gift of a maximum of $5000 and therefore, no vendors or supplier can gift an employee of gift more than and the gift must be submitted through the company before being given to a specific person. The policy should also outline what is appropriate to be received as a gift and how it should be delivered to an employee, a vendor or a supplier. Therefore, a company should have a specific policy regarding gratitude, gifts and payment.

1. **Who should be responsible for communicating, monitoring, and enforcing the company’s policy?**

Deriving s strict code of conduct policy is a maybe easier but implemented of these policies is one of the biggest challenges most companies face. In most cases the human resource department usually communicates to employees the policies of the company which they are required to observe. However, the enforcing and monitoring of these policies should be done by the board of directors of the company. In most companies, the board of directors is the highest organ in the company’s hierarchy (Newman, 2016). The board makes major decisions including formulation of policies including code of conduct policies and therefore, it should be in position to monitor and enforce those policies as well. In some cases, the policies are communicated by the secretary of the board to vendors, suppliers, and other stakeholders. It is therefore, important to point that human resource department also plays a critical role in communication, monitoring and evaluation of the success implementation of the policies.

# References

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