

# Position Paper

# Compliance Training

***Comply: to conform, submit, or adapt (as to a regulation or to another's wishes) as required or requested.***  
**Merriam-Webster**

Compliance is regularly viewed as the bane of the learning & development (L&D) industry. They're courses that are required, but not valued. They're not driven by a performance need, but instead by a legal requirement, and the associated need to 'cover your assets', e.g. to avoid litigation. Also, they're typically not measured in any meaningful way. Yet, they must be accomplished. As a consequence, they are resourced at a minimum, creating experiences that are not compelling for learners, nor effective for organizations.

We believe that compliance courses don't have to be uninteresting nor ineffective. What matters is changing the focus. This position paper is our take on meaningful and effective compliance training.

## What is it?

Government agencies in different areas of endeavor create requirements that must be covered. In some cases, the rationale is to participate in governmental relationships, in others it's simply the law for all organizations. There can be different requirements for different industries, such as financial versus medical requirements, but some affect every business, some affect certain industries, and others may affect certain business units.

The underlying motivation is to avoid the risk of litigation and damages. Regardless of the driving reason, however, these courses *must* be undertaken. Some are to avoid behaviors that the government has decreed as undesirable. This can include sexual harassment, bullying, and unethical behavior. Others are to avoid business risks, such as cybersecurity, for protecting data. It can also be about what you are allowed to, or proscribed from, saying.

However, there's little true motivation. Business is required to conduct the training, but the rationale is to avoid bad outcomes, rather than generate good ones. Thus, the organization's lawyers want this to occur to 'cover their assets'; ensure that they're not in trouble for not complying. This isn't perceived as an inherent business advantage, as all organizations have to do it. Thus, this is seen as a 'must do', not a 'want to do'. With that lack of interest on the part of the organization, the minimal resources expended is considered the best outcome.

Because it's required but not perceived as valuable, the learning experience typically has flaws. For one, the focus is on information, not ability. That is, you have to demonstrate knowledge of the problem, but not necessarily the ability to successfully change behaviors. For this reason, such courses tend to be information dump and knowledge test. This is uninteresting for learners, so they aren't enthused about the requirement.

Also, the way such requirements are met aren't of interest. Typically, it's a periodic requirement, that you have to retake the course every year. There are a couple of concomitant requirements. One is by time, that is you have to be engaged in content for so much time, e.g. 2 hours for each year. Another is by success on a quiz, e.g. achieving an arbitrary number like 80% on an assessment each year. Or, of course, it could be both.

## Why is it important?

Despite the problems, there are legitimate reasons for compliance courses. The issues that are addressed do tend to be important ones. Some, having to do with safety, protect lives! Others protect people's assets and livelihoods.

When you are advocating for legitimate processes governing food and drug safety, you're working to keep people safe. Similarly with safety. When you prevent bullying and harassment, you're protecting people's ability to work and earn a living. When you target ethical behavior and block cybersecurity, you're keeping people's identity and savings protected, as well as organizational success.

The laws were passed based upon historical evidence that not doing so causes problems. There typically are real cases where these things led to unnecessary problems and the legislation is a remedy. Of course, little is perfect, but the intent is laudable. We should be creating safe and effective workplaces. So why is there a problem?

## Why is it problematic?

One of the problems with legislation is that it's often written by people who don't necessarily know the end result. For one, it's pretty clear that no one who understood learning had any involvement with the process. That doesn't come from the result, but from the requirement. When we're advocating for particular time or knowledge test criteria, we're clearly not concerned with outcomes.

If we wanted different behaviors, not just different understandings, we'd be focused on them. That means requiring demonstration of the necessary behaviors. This is too infrequently seen in training as it is, but it's exacerbated in compliance training.

Moreover, it leads to the belief that presenting information is a path to success. We will frequently see the presentation of information about the issue. Less frequently will we see a focus on what people should actually do (or not). When we do see it, it tends to not be assessed. If it is assessed, it typically is information *about*. The best compliance courses will put people in situations that require them to make decisions, however the decisions are typically unrepresentative of the ways people actually go wrong.

Granted, it's hard to make a compliance situation feel as pressured as occurs in the real world. If you're needing to get approval by a government agency, it's rare that you can be calmly resistant in the face of a request for a bribe. You probably *need* this approval! Even the best attempts can fall short.

## Our approach

None of the above means that compliance training *has* to be the victim of the circumstances. We can do better. At Upside Learning, we believe that such courses can still be designed to have an impact. Moreover, we believe we can, and should, leverage that focus to make them engaging as well.

First, we believe that you need to establish meaningful objectives for any compliance training. What do people need to *do* differently? This is a rallying cry for learning in general, but compliance courses shouldn't be exempt!

From that actual behavior change, you want to first show people in such situations. That needs to be coupled with actually having learners be put in situations and forced to make the decisions that they will potentially face in the real world.

A critical focus is on determining what's an acceptable level of success. Too often, an arbitrary choice of 80% is used, with little justification. (Worse, most often with just knowledge-level tests, not actual decisions!) Yet a good criterion would be some level of performance that means they're unlikely to get it wrong.

With a real focus on making a difference, it then becomes much easier to make the course compelling. Making a meaningful change in organizational success is a great hook. Developing real abilities to cope through the experience maintains that interest. Again, these are principles that should be reflected in all learning, including compliance courses.

We understand the need for compliance courses, but we don't accept that they have to be aversive. We think they can be relevant and engaging. That's our stance, and we're working to deliver on the promise.