



Business Council of Canada

Deferred Prosecution Report

PRESENTER NAME

Job title, date, or other relevant presenter info

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Background and Methodology

- These are findings of an Ipsos poll conducted between May 20th and 24th, 2016 on behalf of the Business Council of Canada.
- For this survey, a sample of 1,004 adults from Ipsos' Canadian panel was interviewed online.
- Weighting was then employed to balance demographics to ensure that the sample's composition reflects that of the adult population according to Census data and to provide results intended to approximate the sample universe.

The precision of Ipsos online polls is measured using a credibility interval. In this case, the poll is accurate to within ± 3.5 percentage points, 19 times out of 20, had all Canadian adults been polled. The credibility interval will be wider among subsets of the population. All sample surveys and polls may be subject to other sources of error, including, but not limited to coverage error, and measurement error.

Key Findings

- **Overall, Canadians agree that DPAs should be added to this list of tools available to prosecutors (80%), support is particularly high among older Canadians.**

Taking Responsibility for Corrupt Corporate Practices

- Most Canadians agree that our companies should be held to the highest ethical standards (93%).
- Over nine in ten (92%) of Canadians agree that Canadian companies and executives should face tough consequences for unethical and corrupt practices.
- Nearly as many (89%) feel that the individuals who commit unlawful acts should bear most of the responsibility for having done so.

Ensuring Fairness when Dealing with Corrupt Corporate Practices

- Most Canadians agree that Canada's laws for dealing with companies involved in unethical or corrupt corporate practices should be similar to those of other developed countries (80%).
- Most Canadians feel that it is unfair to innocent workers if unethical practices by a small number of people may jeopardize their jobs or the survival of the company (87%).
- Most Canadians agree that Canada should make it easier for companies to come forward, cooperate, and self-report wrongdoing that has been uncovered (90%), and that white-collar crime legislation should be structured to make it easier for them to come forward and cooperate with law enforcement (89%).

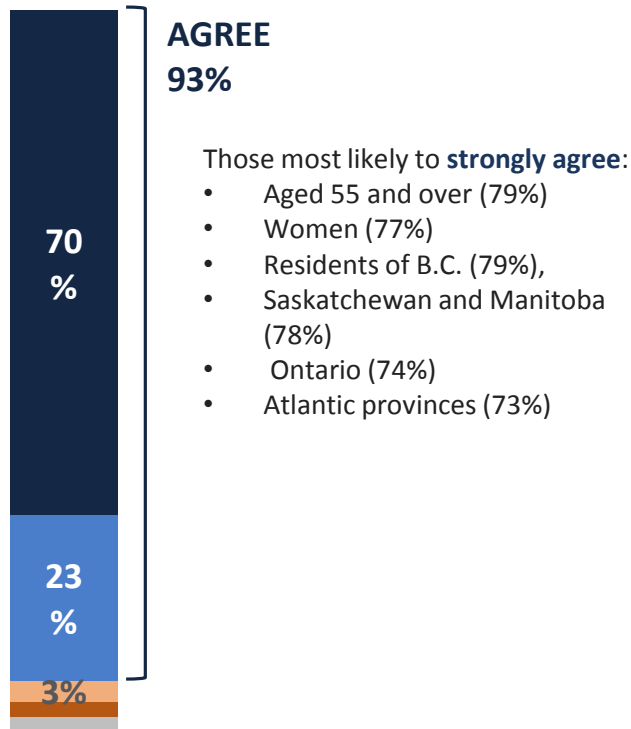
Key Findings

Legislation and Prosecution

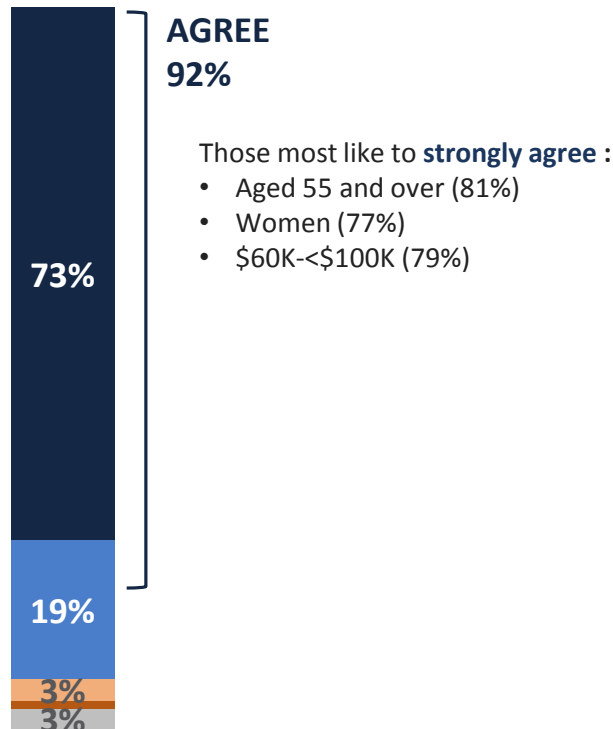
- Two in three Canadians agree that in addition to the current tools available to them, prosecutors should also have the option of setting conditions in place to make a company change its behaviour rather than immediately prosecuting.
- Most Canadians agree that legislation should be structured so that it targets individuals who have broken the law (91%); ensures innocent people do not lose their jobs because of the actions of individuals at a company(90%); makes it easier for companies to come forward and cooperate(89%); and to a lesser extent, takes into account the impact enforcement could have on Canadian jobs, company shareholders, and the economy (78%).
- Most Canadians agree that implicated individuals should be prosecuted personally even when the companies they work for are not (85%). Similarly, many also believe that, in drafting white-collar crime legislation, an important factor is that it be structured to target individual business executives who may have personally broken the law (91%).
- Most Canadians agree that Canadians should have access to the same tools that other developed countries have to prosecute white-collar crime (88%), and that DPAS should be added to this list of tools (80%).
- Nearly nine in ten (X%) say a system that includes a judge's oversight, like that of the UK, is more effective.

Taking Responsibility for Corrupt Corporate Practices

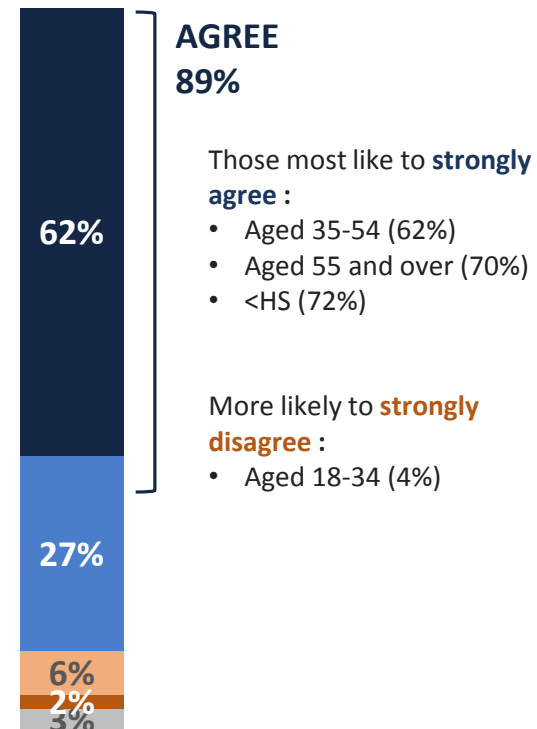
Canada should **hold its companies to the highest ethical standards**, both at home and abroad.



When **Canadian companies and executives** are involved in unethical or corrupt corporate practices, such as paying bribes, they **should face tough consequences**.



If a company is found to have been involved in unethical or corrupt corporate practices, the **individual people who commit the unlawful acts** should bear most of the responsibility.



Strongly agree Somewhat agree Somewhat disagree Strongly disagree Don't know

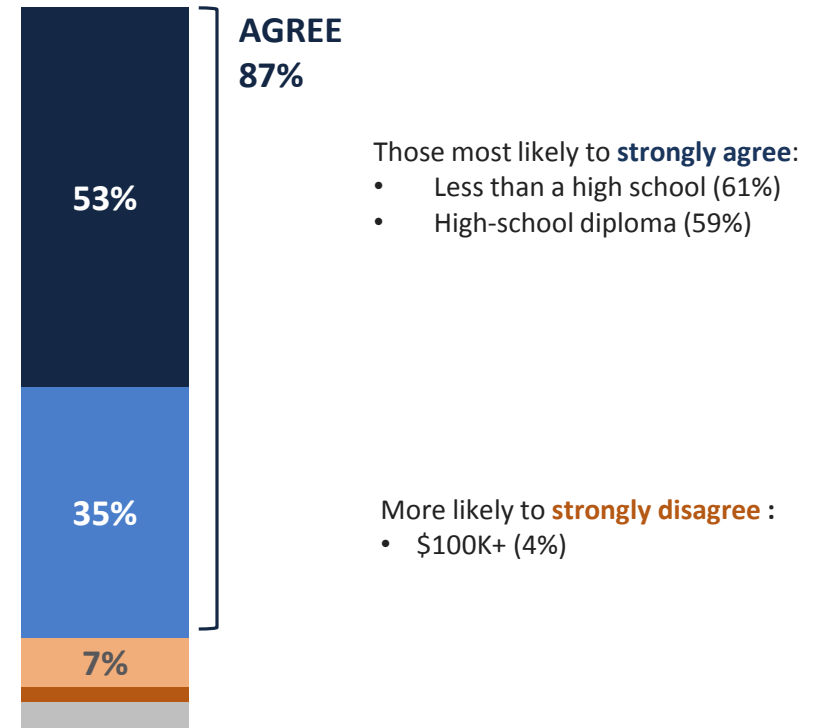
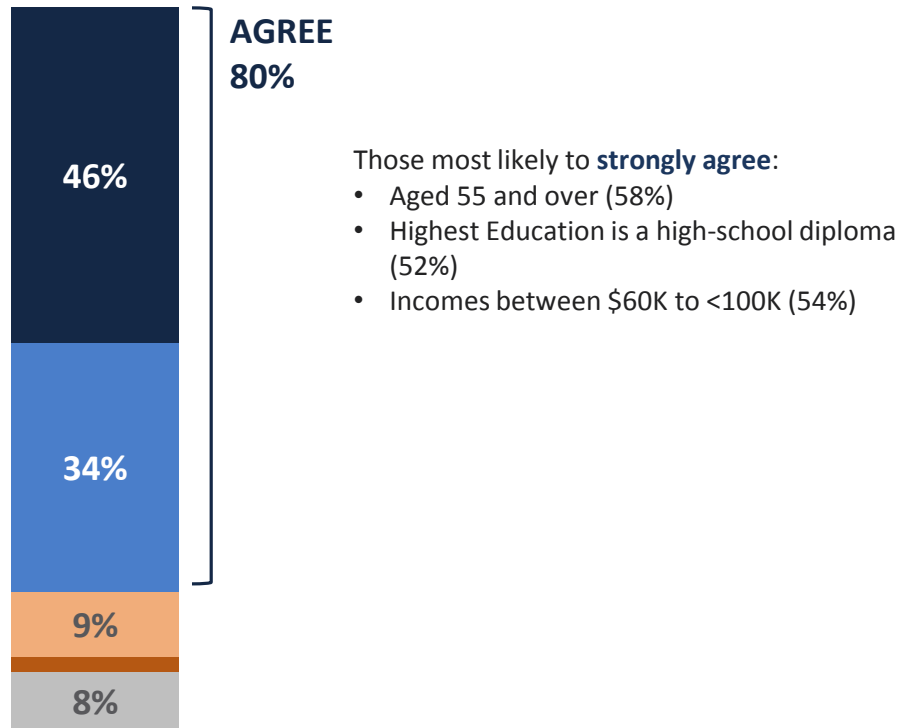
1. The following questions have to do with white-collar crime. Please indicate the extent to which you agree or disagree with the following statements.

3. Based on what you've just learned about the system used in the U.S. and Britain called deferred prosecution agreements or DPAs, please indicate the extent to which you agree or disagree with the following statements. Base: All Respondents (n=1,004)

Ensuring equal treatment for Canadian companies and protection of innocent workers

Canada's laws for dealing with companies involved in unethical or corrupt corporate practices **should be similar to other developed countries**, such as the United States and Britain, so that Canadian companies are operating on a level playing field with their foreign competitors.

It is **not fair to innocent workers** if the consequences a company faces for unethical or corrupt practices by a small number of people jeopardize their jobs or the company's survival.



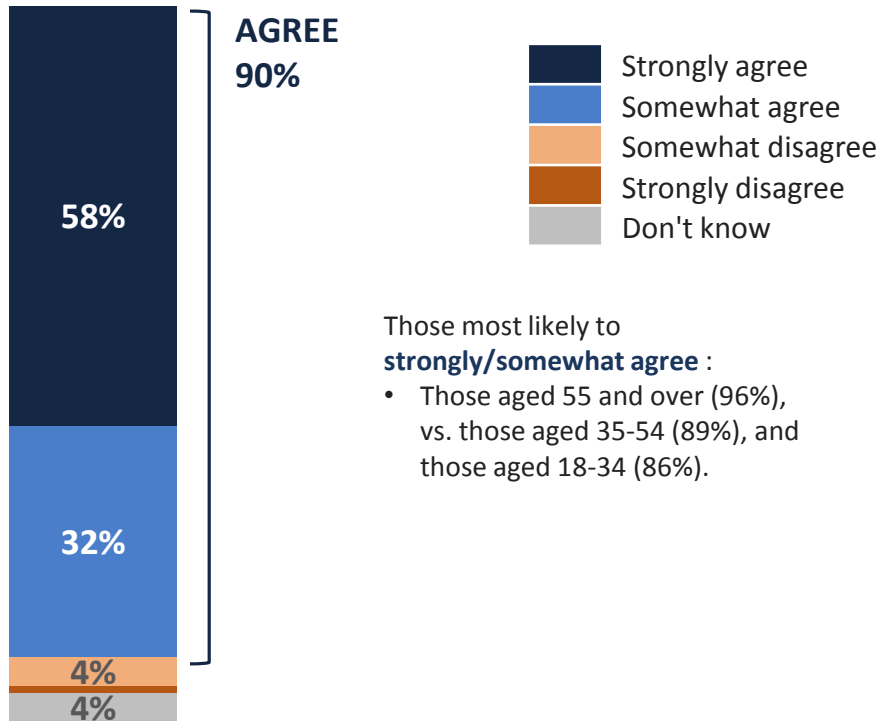
Strongly agree Somewhat agree Somewhat disagree Strongly disagree Don't know

1. The following questions have to do with white-collar crime. Please indicate the extent to which you agree or disagree with the following statements. Base: All Respondents (n=1,004)

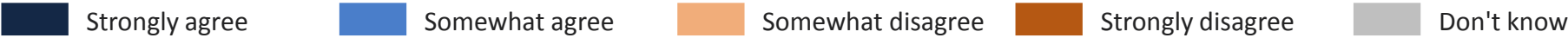
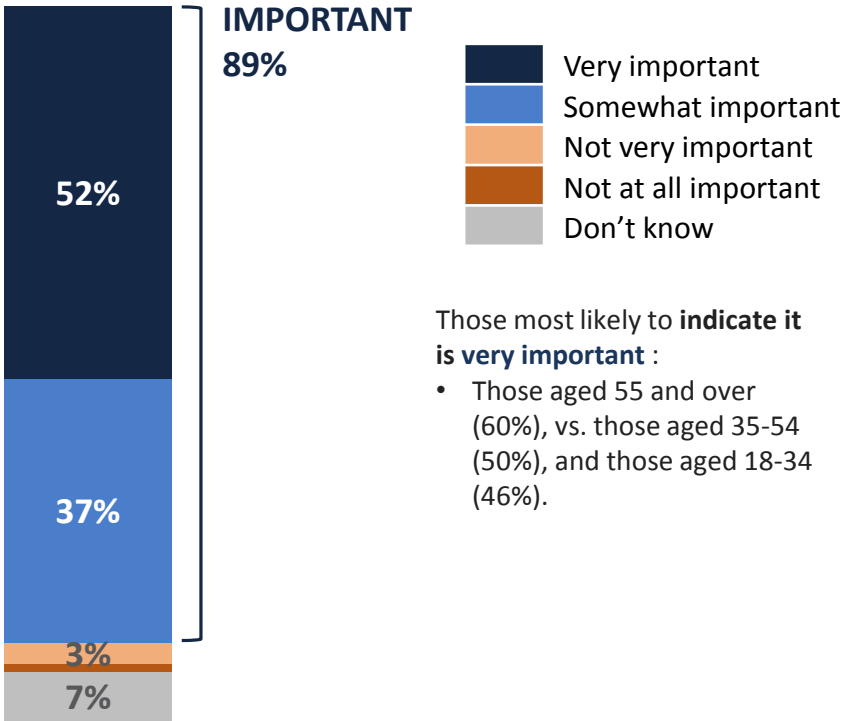
Data <3% not labeled

Self-Reporting of Wrongdoing

Canada should **make it easier** for companies to come forward, to cooperate, and **to self-report** any corporate wrongdoing that has been uncovered.



Legislation should be structured to **make it easier for companies to come forward** and cooperate with law enforcement.*



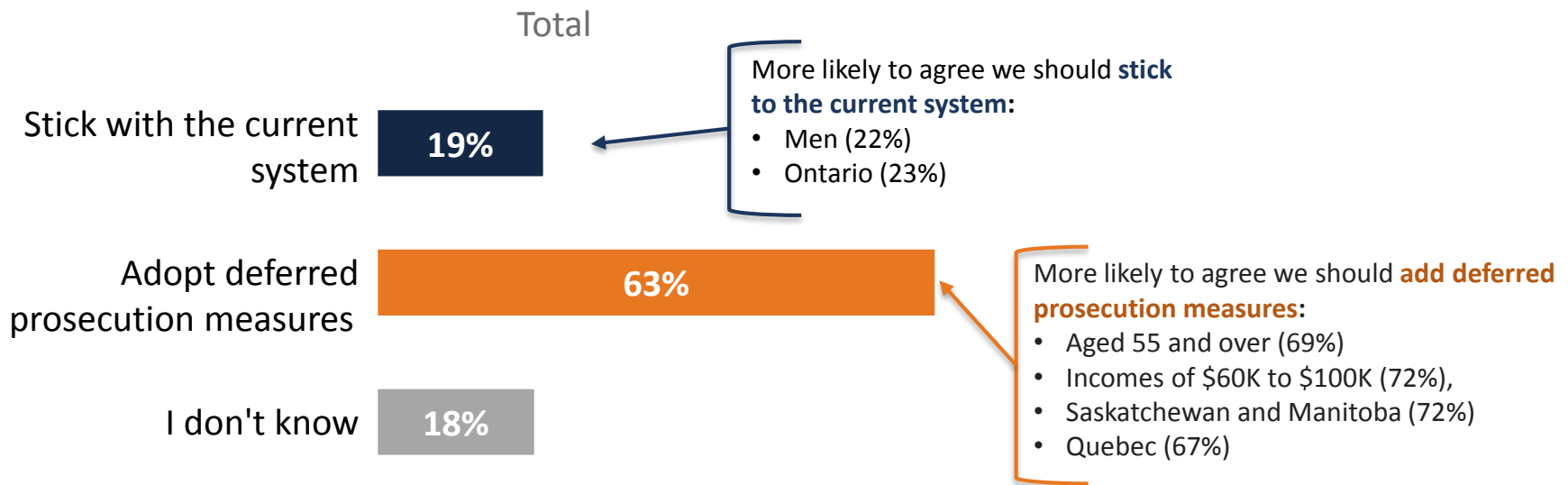
1. The following questions have to do with white-collar crime. Please indicate the extent to which you agree or disagree with the following statements. Base: All Respondents (n=1,004)

4_4. There are a number of factors that the Government of Canada may consider when drafting white-collar crime legislation. Please indicate how important or unimportant you consider each of the following factors. - Legislation should be structured to make it easier for companies to come forward and cooperate with law enforcement. Base: All Respondents (n=1,004) *This statement was presented to respondents **after** they were shown a text regarding the current tools available to prosecutors in Canada, the USA, and Britain for dealing with white-collar crime.

Having an additional option available to prosecutors that gives companies a chance to change their behaviour appeals to many Canadians

Respondents were presented with a statement about the current tools available to prosecutors in the USA, Britain and Canada with regard to white-collar crime, and about Deferred Prosecution Agreements as one such option not available in Canada. After being shown this statement, nearly two in three Canadians agree that in addition to the current tools available to them, prosecutors should also have the option of setting conditions in place to make a company change its behaviour rather than immediately prosecuting.

- **Stick with the current system** which gives prosecutors the choice to 1. Negotiate a guilty plea, 2. Go to court in hopes of securing a conviction, or 3. Decide not to bring charges.
- Adopt a system like in the U.S. and Britain, which allows prosecutors to 1. Negotiate a guilty plea, 2. Go to court in hopes of securing a conviction, 3. Decide not to bring charges or **4. Have the additional option to set in place conditions such as a fine and measures to make a company change its behaviour, rather than immediately prosecuting.**
- I don't know

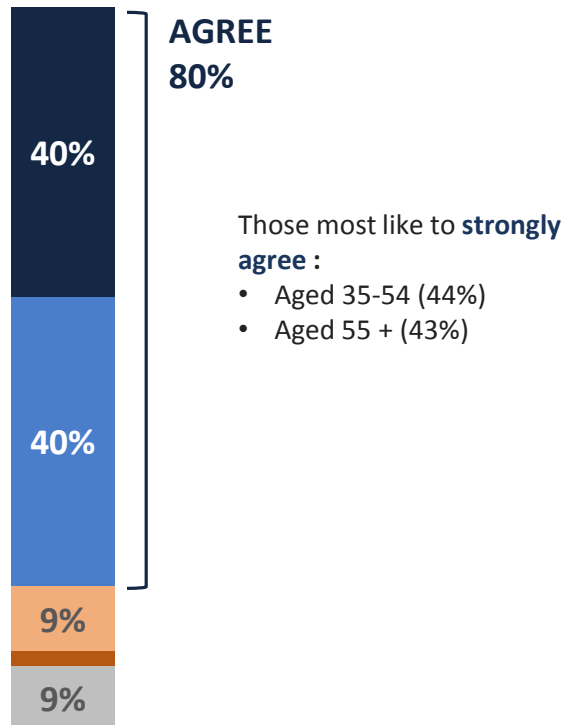


2. Now that you have learned a bit more about the different ways that countries can approach dealing with unethical and corrupt corporate practices, do you think Canada should:

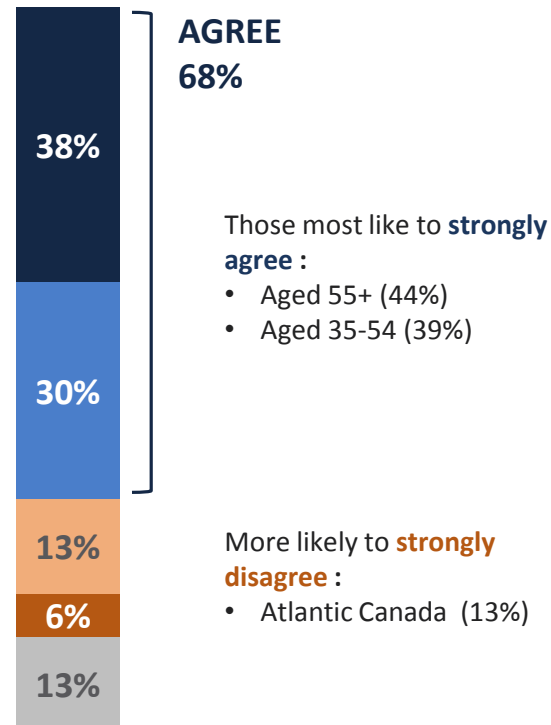
Views of Deferred-Prosecution Agreements

After being presented with a statement about DPAs, most Canadians agree that they are a good way for companies to be able to come forward without risking the jobs of innocent employees; however, they do not think that DPAs should be used when unethical or unlawful practices are endemic to the company, or that DPAs are a strong enough deterrent to stop companies from engaging in such practices.

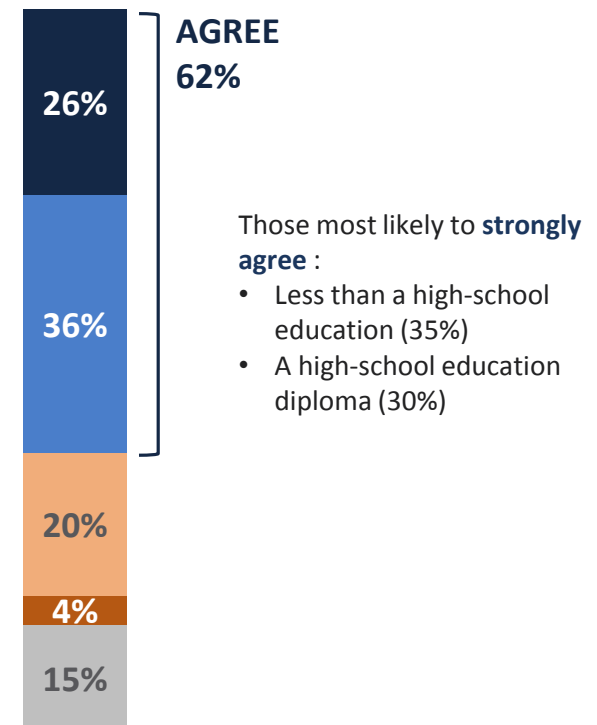
Deferred-prosecution agreements (DPAs) can be a **good way for companies to cooperate** with authorities and make amends for wrongdoing **without jeopardizing the jobs of innocent employees**.



Deferred-prosecution agreements (DPAs) should not be used when unethical or unlawful practices reflect a **corrupt corporate culture** throughout the company



Deferred-prosecution agreements (DPAs) are **not a strong enough deterrent** to stop companies from engaging in unethical or corrupt practices.

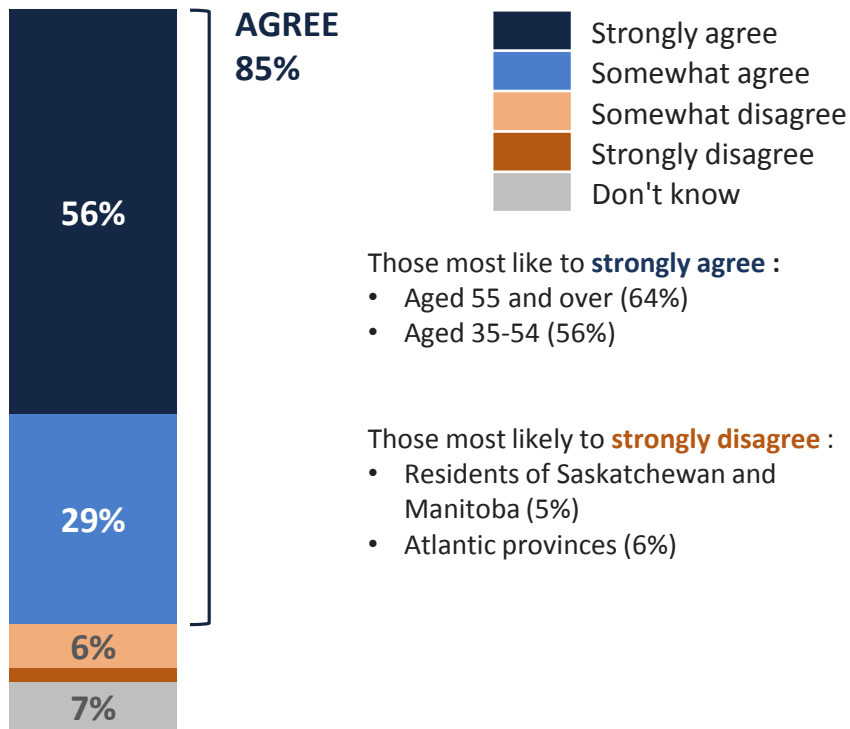


Strongly agree Somewhat agree Somewhat disagree Strongly disagree Don't know

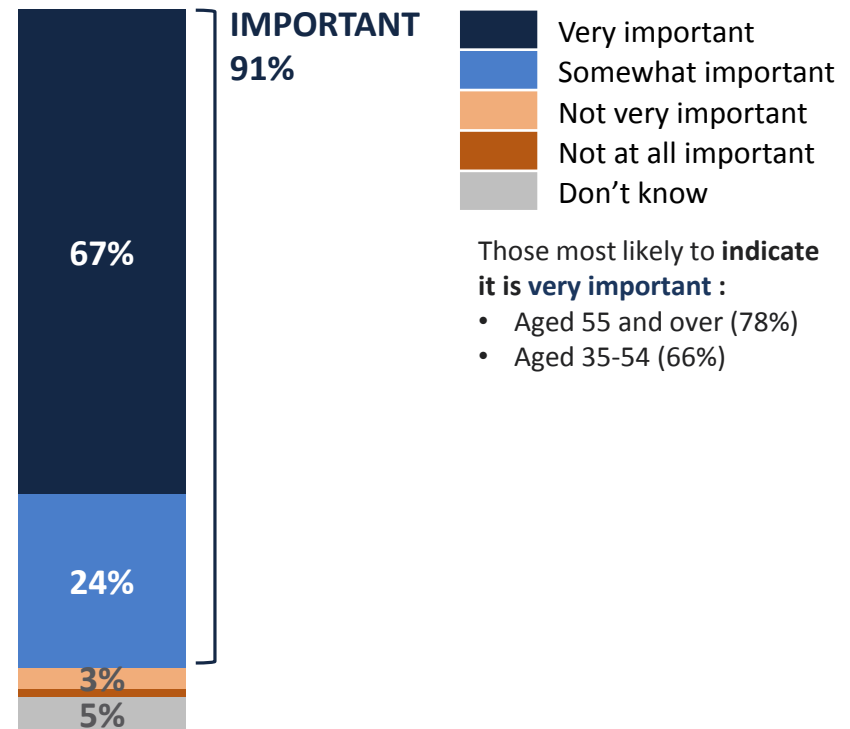
Views of Prosecuting Individuals

After being presented with a statement about DPAs, most Canadians agree that individuals should be prosecuted personally even when the companies they work for are not. Similarly, many also believe that in drafting white-collar crime legislation, an important factor is that it be structured to target individual business executives who may have **personally** broken the law.

Individual executives who commit unlawful acts should be **prosecuted personally** even when the companies they work for are not.



Legislation should be structured to **target the individual business executives** who may have personally broken the law.



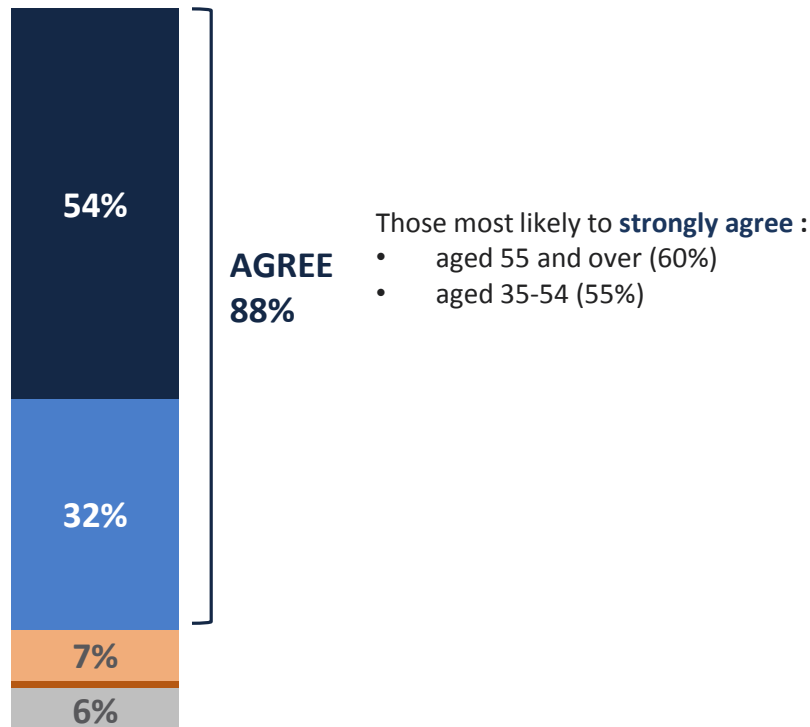
3. Based on what you've just learned about the system used in the U.S. and Britain called deferred prosecution agreements or DPAs, please indicate the extent to which you agree or disagree with the following statements. Base: All Respondents (n=1,004)

4. There are a number of factors that the Government of Canada may consider when drafting white-collar crime legislation. Please indicate how important or unimportant you consider each of the following factors. Base: All Respondents (n=1,004)

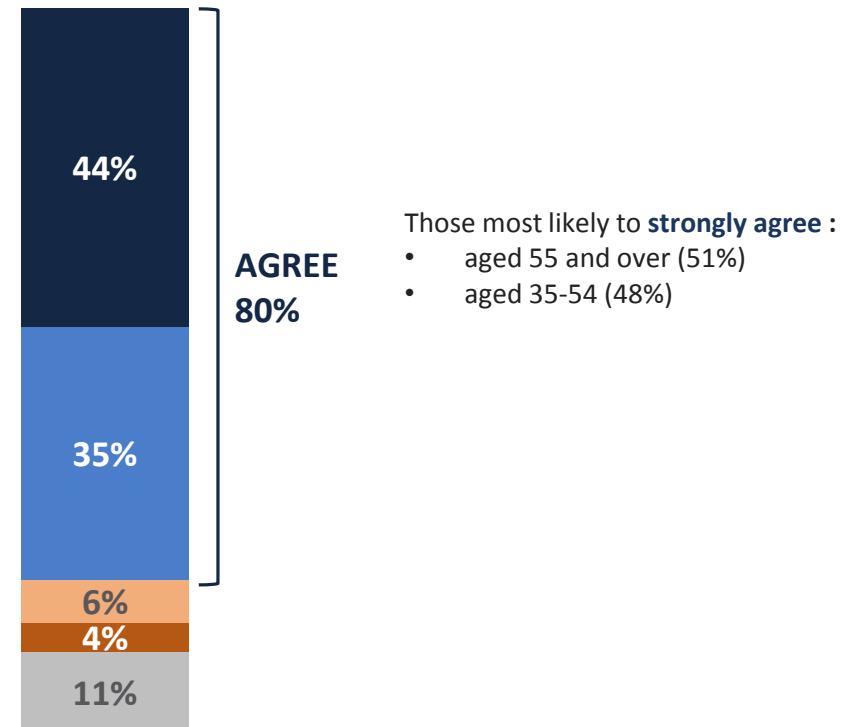
Views of DPAs as a similar tool to those elsewhere

After being presented with a statement about DPAs, most Canadians agree that Canadians should have access to the same tools that other developed countries have to prosecute white-collar crime, and that DPAs should be added to this list of tools.

Canada should have access to the **same types of tools that other developed countries** have to fight unethical or corrupt corporate practices



Canada should **add deferred prosecution agreements (DPAs)** to the list of tools available to prosecutors so they have another way to enforce Canada's laws.

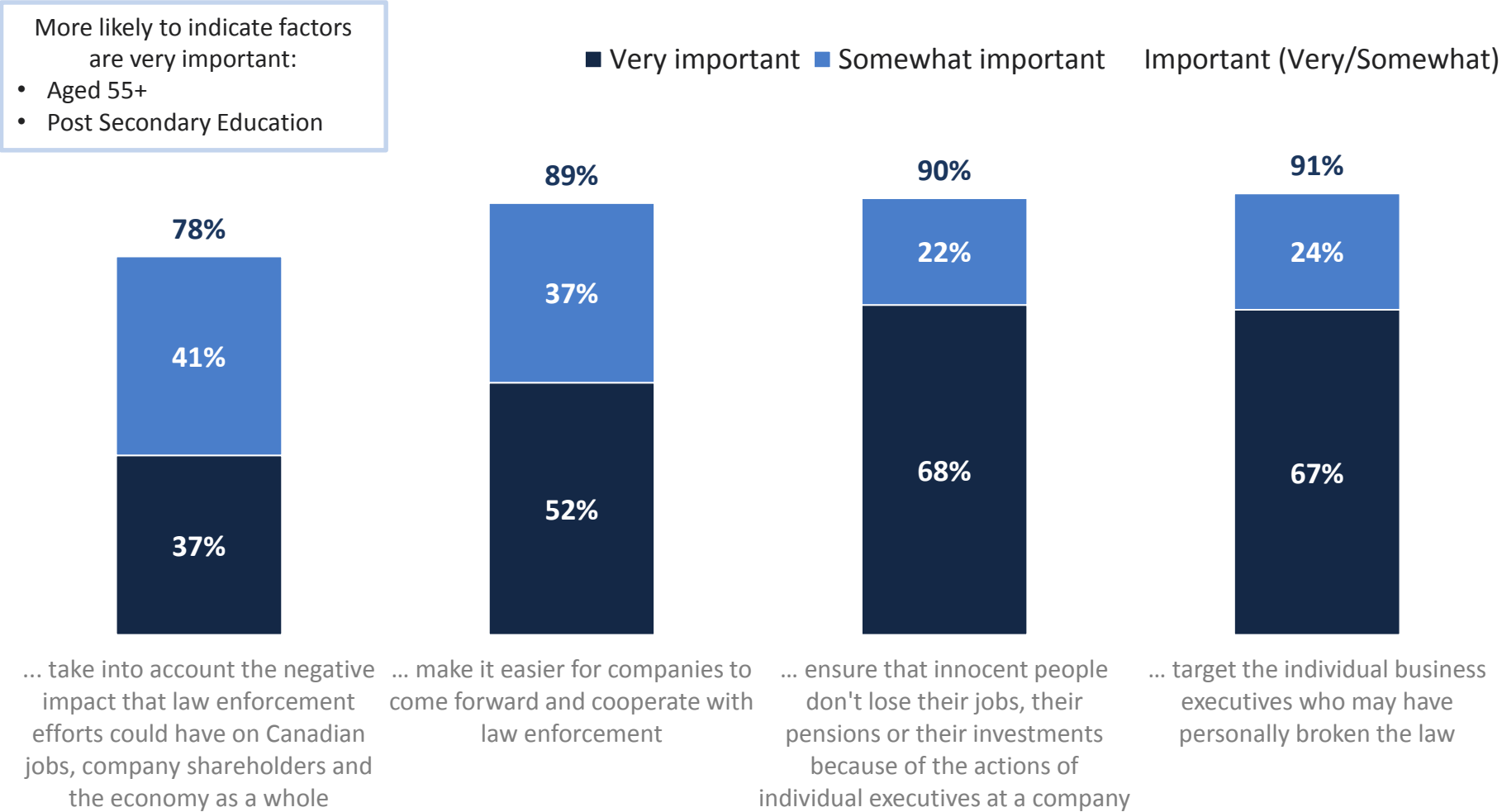


Strongly agree Somewhat agree Somewhat disagree Strongly disagree Don't know

Priorities for Drafting of White-Collar Crime Legislation

After being presented with a statement about DPAs, most Canadians agree with the proposed legislation priorities.

Importance legislation be structured to...



4. There are a number of factors that the Government of Canada may consider when drafting white-collar crime legislation. Please indicate how important or unimportant you consider each of the following factors. Base: All Respondents (n=1,004)

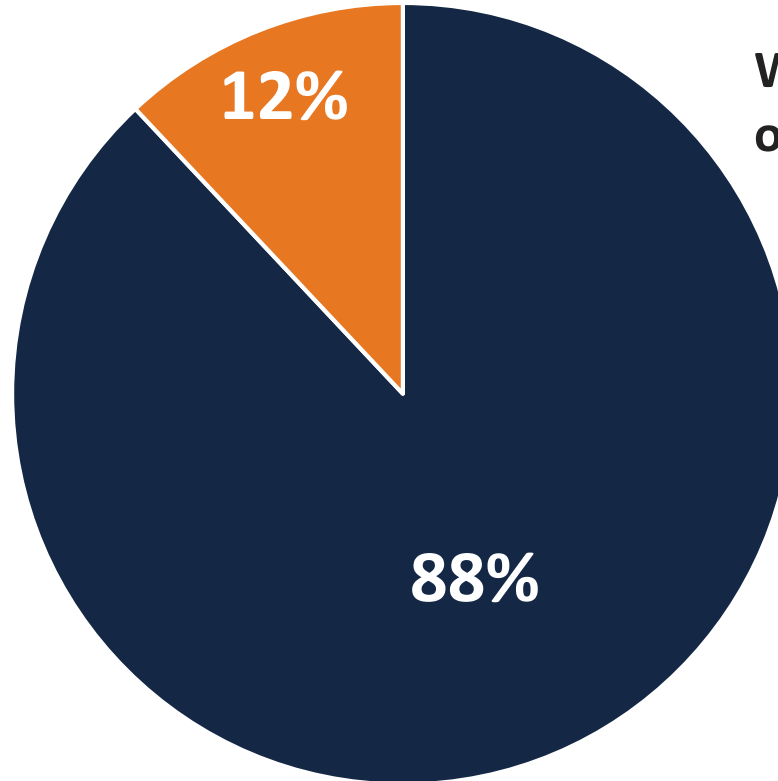
More Effective System

Nine in ten believe that the system that includes a judge's oversight, like that of the UK, is more effective.

Without the involvement of a judge

More likely to agree we should **without the involvement of a judge:**

- Saskatchewan and Manitoba (21%)



With the involvement of a judge

More likely to agree we should **with the involvement of a judge:**

- British Columbia (91%)
- Ontario (89%)
- Atlantic (96%)

5. In the United States, the public prosecutor decides the terms of a deferred prosecution agreement with a corporation, without the involvement of a judge. In the UK, a judge is mandated to oversee the terms and conditions. Which do you think would be more effective, a system with or without the involvement of a judge? Base: All Respondents (n=1,004)