

MITR/TECH

Five Building Blocks  
of Effective Policy  
Management

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# 01 Introduction

Well-drafted and well-communicated policies are protectors of an organization - both for the employer and the employee. They protect a company's reputation, moral compass and even its bottom line.

Effective policy management reduces the risks of noncompliance by demonstrating rigorous process management to regulatory bodies. It provides senior leadership visibility into how employees understand, accept and comply with policies. It also drives down administrative costs and streamlines business processes so the compliance team can focus on its core function - monitoring new regulations and communicating them to the rest of the business.

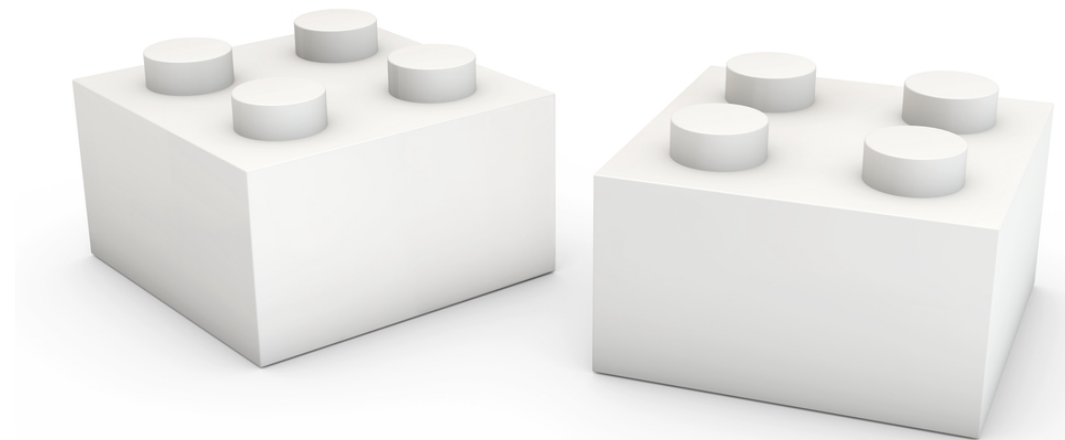
Pulling from decades of experience in the policy management and compliance sphere, our experts pieced together this guide to help you build a more effective policy management program and meet today's rigorous regulatory standards.

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Effective policy management reduces the risks of noncompliance by demonstrating rigorous process management to regulatory bodies.

## In this guide, we'll explore:

- Why policies are important and why you should create them in the first place
- The current - outdated - approach to policy management
- The five critical building blocks needed to establish a program that improves your compliance function.



## 02 Why Create Policies in the First Place?

Before we dive into the details of the steps needed to build an effective policy management program, we need to understand why policies are important to create in the first place. Why should organizations divert precious resources away from key business areas to allocate them to what seems like an irritating overhead of creating and administering policies?

The answer is simple.

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There are four fundamental reasons why corporations need policies.

**There are four fundamental reasons why corporations need policies:**

- To build proactive, defensible and ethical compliance management programs that work as smartly as possible
- To avoid costly litigation and reputational damage due to policy breaches
- To reduce management and administrative costs as well as manual staff efforts
- To mitigate your company's risk

Today, more and more aspects of an organization's conduct are becoming compliance issues. Companies must now comply with more than just regulations to maintain a healthy and successful business.

True compliance now encompasses various legal requirements, such as sexual discrimination, compliance against audits, as in the financial sector, as well as compliance against various industry standards. Companies now need policies and procedures in place that create an environment to support this ethical landscape.

# Create a Culture of Compliance Through Policies and Procedures

One way to address these growing needs is to cultivate a culture of compliance. In fact, many of the largest and most successful companies are characterized by a clear, established culture and values.

According to the Federal Sentencing Guidelines for Organizations (FSGO), one of the seven hallmarks of creating an effective compliance program--program oversight--focuses on this layer of creating a culture of compliance.

Many organizations mistakenly convince themselves that just by proving they have policies, procedures and training in place they have an effective compliance program. That just by demonstrating knowledge transfer to employees, they've done enough to tick boxes off the compliance checklist.

Former Department of Justice (DOJ) Enforcement Expert Hui Chen takes a different approach. Chen highlights the importance of understanding the objective of your compliance program and what it needs to accomplish.

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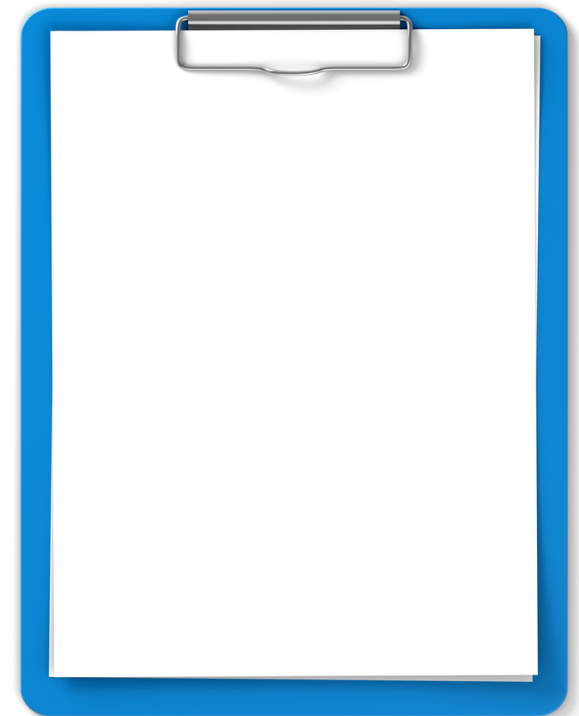
*“The problem is not with knowledge,” Chen states. “The problem is with behavior. You should be measuring [employee] behavior.”*

However, conducting this type of analysis presents a host of challenges. Many organizations simply lack the tools, technology or resources to measure their compliance program’s effectiveness.

This leads us to the FSGO guideline on resources — that people tasked with day-to-day compliance operations need enough resources to do their jobs properly. While some organizations argue they allocate resources because they have a compliance program, simply having a program is not enough.

Chen argues that to truly create a culture of compliance, leadership needs to put their time, money and action where their mouth is. And they need to back all that up with policies that clearly communicate to their employees what is expected of them, where their entire organization stands and what their core values are as a business.

*“When you pause and think about it, it all comes down to the choices that are made, how time is spent and how resources are allocated,”* Chen mentions. *“These answers are what ultimately convince you of a manager’s or company’s commitment—not what they say.”*





A company's commitment to compliance can also benefit their bottom line. The FSGO actually offers a three point reduction in culpability scores for an organization that can demonstrate an effective compliance program. This lowered score can reduce potential fines up to 60 percent. On an enterprise-scale, that translates to significant cost savings.

Not only can effective compliance reduce a fine, it has the potential to completely eliminate a fine if a company willingly self-reports and demonstrates they have robust procedures in place to capture, prohibit and remediate compliance breaches.

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# The Place to Start is Policy

As most international regulators agree, the foundational element of an effective compliance program are its written policies and procedures. Not being able to prove the required level of compliance not only has enormous, negative financial impact on a company, it can have hidden publicity costs as well. An entire brand's reputation - and the stock prices linked to that reputation - can be destroyed overnight because of a compliance breach.

When the story broke that one of the world's largest mortgage lenders disregarded regulations by opening unauthorized accounts, not only did they face over \$135 million in regulatory penalties, their stock prices plummeted by several percentage points and their profit from one quarter to the next dropped by nearly 20%. To make up for the difference in revenue, the company responded with massive layoffs to their workforce. Basically, the consequences of their noncompliance was a financial, reputational and human resources disaster.

This is just one example of what's at stake if your company doesn't implement the necessary tools to internally regulate and enforce your compliance program. In other words, failure to comply never wins, and your



responsibility to take preventive action only increases as regulations grow more strict.

Good policies should leave no doubt as to what obligations, expectations and behaviors are in place for an organization. They should clearly communicate your commitment to compliance and the regulatory requirements of your industry.

So why should you create policies again? It's simple. The risks of not having these policies in place are too great. The costs of noncompliance are too high. And the reputation, stock prices, job security and bottom line of your entire organization hangs in the balance.

Ready to take the first step towards building an effective compliance program? Both the FSGO and other regulatory bodies agree - the place to start is with policies.

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# 03 The Current (Ineffective) Approach to Policy Management

Organizations currently use a wide range of policies to govern and shape employee behavior. Typically, the methods used today to create those policies fall into one of three categories:

- Using in-house experts
- Using pro forma policies
- Engaging third-party experts



## Using In-House Experts

Some companies rely on experts from within their organization to create their own policies. While it can at times be beneficial to work with your own experts in-house, the time and research needed to create policies from scratch can be a lengthy, costly process. From conducting full research to clearly defining legislative and regulatory requirements, this option requires a high level of expertise and a huge commitment of staff time.

## Using *Pro Forma* Policies

*Pro forma* policies are essentially premade template policies that are available from third party sellers. They can usually be purchased online and are mainly available for a company's most basic policy needs. For example, if a company just needs a very basic sexual harassment policy - something generic and for all employees - a *pro forma* policy could be just the ticket.

However, while these types of policies can be great for getting started, there are several disadvantages to this type of format over the long term. For one, these policies often do not have the flexibility to grow and change with your compliance needs over time, and are not easy to update. They are often too generic and not tailored to your company's specific needs.

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## Engaging Third-Party Experts

Sometimes, bringing in outside legal counsel and experts can help get the policies you need in place. While this solution can offload work from an in-house team and therefore be more efficient, it often comes at a steep price. While each of these three methods comes with their own benefits and challenges, selecting the right method for your company's needs and goals will ultimately provide the best benefits for your organization.

## Current Methods for Deploying and Auditing Policies

No matter how well a policy is drafted, if it's not communicated effectively to employees, the policy, and as a byproduct, your compliance program, will fail. Many companies spend hours drafting policies, then neglect to follow through to ensure regulations are met. Just like people use a number of alternatives to draft policies, they also use a wide range of techniques to communicate and deploy those policies to employees.



According to DOJ expert Hui Chen, once a company rolls out a policy, they need to consider what they hope to accomplish with that policy.

*“What is the purpose of that policy?” Chen asks. “I think it goes back to the ‘why’ question. Why are you doing this training? If your training is successful, what would be the result? I don’t think people are asking the ‘why’ question enough.”*

Many organizations have adopted the approach of posting a policy on a notice board - whether the board is a physical location or the technological equivalent of a board, such as an intranet. However, neither of these approaches can collect certified attestations that an employee has read, understood and signed up to agree to this policy. Neither approach creates an audit trail either. There’s no way to automatically prove an employee walked past a sign and agreed to adhere to the policy posted there. Training completion rates is another metric companies use to bolster the appearance of their policy management program.

*“I’ve had many conversations with people who have been counting completion rates as a measure of the success of a training program. They’re measuring effectiveness by the number of training completions,”* Chen mentions.

“I don’t think people are asking the ‘why’ question enough.”

**HUI CHEN**

Department of Justice Expert

This type of measurement is similar to assuming the mentality of the notice board. Just by posting something, just by checking a box, you cannot assume that everyone has read and understood a policy. Assumption certainly won't hold up in litigation.

*“Now, if you're a company that rewards people with a promotion simply because they show up at their job every day, then go ahead--that would be consistent with your values,”* Chen states. *“But I don't know of any company that awards promotions purely because somebody showed up for work. They need to demonstrate that they do good work, so why is the same not true when you're measuring training?”*

Another approach some organizations take is to distribute a staff handbook with a clause in an employee's contract that requires them to read it. As quite lengthy, involved documents, these handbooks are not only difficult to update, there's --again-- no way to prove an employee followed through on their missive to read the book. Much less understood the meaning behind it.





## Moving Your Policies Into the Modern Age

Have you caught onto the problem with these outdated approaches to distributing policies yet? The point is, you can distribute them all you want, but you can't track how many of your employees actually read through those policies, processed and understood them and opted into adhering to those policies.

You're left with no proof, no trail to follow and nothing that can hold up against litigation.

One manual way to collect these attestations is for employees to sign a policy on paper and return it to the issuing manager. This approach represents an early stage of an effective policy management program. But the real question is, who has time to manually process all those easily-lost pieces of paper floating around and either manually upload them to a computer or enter them into a database by hand?

Another downside to this type of manual attestation is that many of these signed policies are returned with handwritten notes and amendments, which dilutes their purpose and undermines a policy's value.

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The real question is, who has time to manually process all those easily-lost pieces of paper floating around and either manually upload them to a computer or enter them into a database by hand?

While each of these approaches has various advantages and disadvantages, the main disadvantage for all of them is the amount of staff oversight and management effort (and therefore time costs) they require.

In these scenarios, everything has to be manually updated. You have to constantly monitor and track down the latest version of a policy. You have to manually enter edits into every version. You have to constantly revise the staff handbook, not to mention manually print, distribute and collect any and all paper copies.

In other words, the exhausting result of all these outdated, manual efforts are almost all pain and no gain, and increased costs to boot. These outdated methods increase labor costs in terms of staff hours worked, printing costs in certain instances concerning ink and paper costs and ultimately creates more work on the back end for whoever has to go through and manually process all the paperwork afterwards.

Now, what if you could completely eliminate most of those manual steps? Imagine what your life would look like if you could spend more time chipping away at your true priorities in the workplace? How much more productive could you and your department be? How much more impressive could you look to leadership if you could devote your full efforts towards

furthering and bettering the mission and goals of the organization?

Imagine if you could streamline efficiency, cut costs and improve compliance in one fell swoop?

These are the real benefits that come from taking another look at updating your policy management approach and solution. By automating many of these processes and putting them online, management can skip the administrative work and do what they're hired to do - empower their employees to do their jobs in a safe, compliant and effective manner.

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# 04 The Five Building Blocks of Effective Policy Management

For organizations seeking to drive a positive culture and avoid compliance breaches, assessing the level of understanding of a policy among the workforce becomes a critical issue. We've now looked at the issues that limit current ways we can produce and distribute policies. Now how can we transform these outdated, limited options into unlimited opportunities?

There are five critical building blocks needed to form an effective policy management program.

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How can we transform these outdated, limited options into unlimited opportunities?

**These five building blocks require that you:**

1. Establish policy requirements
2. Draft policies
3. Deploy policies
4. Test understanding and affirm acceptance of policies
5. Audit policies

The key word here, and a word you could easily put in front of each of these five building blocks, is “effective.” After all, none of these steps will help you build a better compliance function if they are not effective. For a policy management program to succeed, you need to draft effective policies, you need to effectively deploy them and you need to effectively audit these policies afterwards.



# 1. Establish Policy Requirements

The first step in creating a successful policy management program is to establish policy requirements. To create these requirements, extensive research must be done to determine relevant legal and regulatory requirements, guidelines and best practices. For more information on how to establish a baseline for what effective compliance program requirements look like, be sure to check out our blog on the [Seven Hallmarks of Effective Compliance](#).

The second step in establishing policy requirements is to identify your organization's requirements concerning this research. Any policy document issued by an organization should comply with and reflect all applicable laws, regulatory requirements and best practices.

The goal when establishing policy requirements is to strike a balance between external requirements and the internal needs of an organization and the organization's culture. A policy that sets out to be too comprehensive is more likely to fail as a usable document. It must be able to convey necessary information in a concise, clear and organized way.

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## 2. Draft Policies

The goal in drafting policies is to create documents that are legally sound and written in clearly understood rhetoric.

Different organizations have different ways of expressing themselves. Whoever writes and drafts a policy will have to take that into account when considering the proper usage of tone and language, among other things. They should strive to use clear, understandable rhetoric and shy away from excess jargon and legal speak. The policy creator should also seek consistency of style across a suite of policies.

In large, multinational organizations, it's important to consider whether to translate these policies into different languages based on who needs to view and understand them. After all, how can a policy be effective if employees can't understand it because it's not written in their native language? The good news is, most policy management software can help, at least in small ways, bridge a language barrier.

Before implementing and distributing a policy on a large scale, an organization should consider a testing phase through either the individuals directly impacted by a policy, a staff consultative body or an external consultant.



## 3. Deploy Policies

For an organization to effectively communicate its policies, it must be able to distribute them rapidly and reliably around the organization.

While some policies are applicable to all aspects of any organization (such as a sexual harassment policy), many policies only apply to a specific group within an organization.

Organizations must be able to send the right policy to the right person at the right time, regardless of their location. The right software enables managers to target specific job titles, positions or people if necessary to ensure the right information ends up in the right place.

For example, the legal department at a construction company is not likely to need targeted safety training on how to operate specific pieces of construction equipment. Whereas that information could be crucial to the people operating such equipment. It would be a waste of time to send that training out to everyone in the company.

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A policy management solution plays a key role in improving and streamlining policy deployment. The right technology can integrate with a company's directory and divide its members into groups for policy deployment. This means, if a specific departmental trainings needs to go out, the deployment software can easily identify members of the correct department and send a policy directly to them.

With targeted delivery, management can ensure that no employee receives a policy that wastes their time, and that no employee ignores a policy they need to sign off on.



## 4. Test Understanding and Affirm Acceptance of Policies

This step is critical for minimizing an organization's risk as this is the step that ensures employees read and understand a policy as well as agree to follow it. It helps track the receipt of policies by employees across an organization and enables employers to collect evidence that proves their employees agreed to abide by a policy.

As recent court cases demonstrate, an employee's acceptance of a policy can still be brought into question if an employer cannot demonstrate the person understood exactly what he or she signed up for. By testing employee knowledge and understanding, companies eliminate the opportunities for regulators to even ask that question, since they have the data to prove otherwise.

By necessity, this fourth building block is broken down into two parts. The first part tests an employee's understanding of a policy.

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By testing employee knowledge and understanding, companies eliminate the opportunities for regulators to even ask that question, since they have the data to prove otherwise.

The easiest and most accurate way to assess whether employees fully understood a policy or not sounds pretty obvious. To assess an employee's knowledge, you have to ask questions about what they know. Sure, you could do this via paper tests you hand out and grade individually. But who has time for that these days? Especially when you could use an electronic alternative that pulls questions up on-screen right then and there and automatically score responses.

With testing in place, management knows right away whether an employee fails to demonstrate understanding of a policy. Immediate action can be taken to determine the appropriate steps to solve the issue and correct any knowledge gaps.

For example, if an employee fails a test concerning a safety policy, their manager could automatically deny the employee's access to a certain system, alert the line manager, or suggest alternative and additional training options.

Only after an organization encourages an employee to think about a policy through some sort of evaluation does the second part of this step come into play. Once evaluated, and only after receiving feedback on their evaluation, should an organization allow the employee to record their acceptance of a policy.

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With testing in place, management knows right away whether an employee fails to demonstrate understanding of a policy.

This is another instance where technology can offer an easy assist.

Without even thinking about it, managers can set the program up so the appropriate employee automatically receives a policy, reads a policy, takes an evaluation on the details of the policy, receives immediate feedback on their understanding of a policy and can sign off on their agreement and adherence to a policy.

A policy management solution, such as [Mitratesch's PolicyHub](#), makes this part of the process easy for employees too. With no need for training on how to use the software, a good policy management solution takes employees step by step through reading the policy and attesting to it. All employees have to do is follow along, click the necessary buttons and prove they understand what they're reading.

The software also makes it clear that, when an employee accepts a policy, they are making a legally binding agreement, which will be recorded by the employer for future reference.

While manually handling these steps would be a timely and costly affair, policy management software streamlines and simplifies this process. Software also automatically measures and records employee understanding and agreement to specific policies.

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## 5. Audit Policies

Boards and regulatory bodies with stringent requirements increasingly demand accurate, time-stamped information on policy deployment and acceptance. The people charged with deploying policies must be in a position to readily generate reports on that process.

For people in a leadership role, reports that show compliance-at-a-glance are a must-have. Management needs to quickly and easily understand to what extent a policy has been accepted and understood. These reports also enable them to quickly understand if any groups have not accepted or understood certain policies, and who those groups include. Reports help management address and correct issues as they arise, and provide continuous feedback to employees to help them better adhere to and improve their understanding of company policies.

Insights from these reports also inform management if any policies are proving difficult for employees to understand. That way, policies can receive the edits they need to clearly and effectively communicate the desired results to employees. Reports can highlight additional risks the company might face and any other trends since the previous policy deployment.

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Reports help management address and correct issues as they arise, and provide continuous feedback to employees to help them better adhere to and improve their understanding of company policies.

Management can then use these reports to influence their development or review of any current or future policies, and thus their compliance program as a whole.

The ability to provide auditable reports quickly can drastically improve your company's compliance function and prove your program to regulators.



# 05 Policy Management Tech? Where to Start

Like the many gears that keep machinery running efficiently and working together, an effective policy management program involves many moving parts. Trying to wrangle these parts on your own, without help from a software solution, is no longer an option.

Sure, you can try. Sure, you can devote hours of effort manually piecing together everything regulators require to prove compliance – only to do it all over again when regulations change. Sure, you can throw thousands of dollars, if not more, at staff time annually to try and make this happen. Or you could implement a system that automates all this for you, while saving you overhead and labor costs.

The one thing you cannot do is turn a blind eye and refuse to take action any longer. In this 24 hour, watchdog news cycle, where compliance breaches can break reputations (and stock prices) in a matter of hours, it's time to get with the compliance program and protect yours.

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The one thing you cannot do is turn a blind eye and refuse to take action any longer.

It's time to step up to proactively protect your organization, your employees and ultimately yourself, from compliance breaches. Maybe some part of you knew that already, but you don't know how to move forward. That's okay, there are tools that can help you move towards your goal.

When it comes to implementing technology to support a policy management program, the best place to start is with the best practice wheel. Similar to the building blocks for effective policy management, this wheel visualizes the elements needed when trying to find the right technology tool.

The wheel, like any effective policy management program, is cyclical because the starting point is a point every company should continuously return to and cycle through on a consistent basis. There's no start and finish because, with the way regulations stack up these days, no compliance program is ever completely done. That's why it's important to automate as many policy management practices as possible so you can keep up.

As you search for a policy management solution, be sure to find one that can guide your efforts and take care of each of these spokes on the wheel for you. At every step of the way, an effective policy management solution – such as Mitratesch's PolicyHub – will help automatically tick these best





practice boxes off for you. This type of solution supports you through the entire policy lifecycle.

So what do each of these spokes mean? Let's break these steps down a little further, starting with the Develop phase.

## Develop

To create an effective policy management program, you need to create a centralized repository where you can develop, create and maintain policies. This single source of truth should serve as the hub to keep all your policies easily accessible in one area. You need to develop a hub where an audit trail follows behind everything like breadcrumbs follow a hungry two year old eating a baguette.

## Review

With a central hub for all policies, being able to continuously monitor your policy management program becomes easy and intuitive. You can set an automated workflow for each policy created and make sure the right people review the right policies at the right time before a policy goes live to a wider audience.

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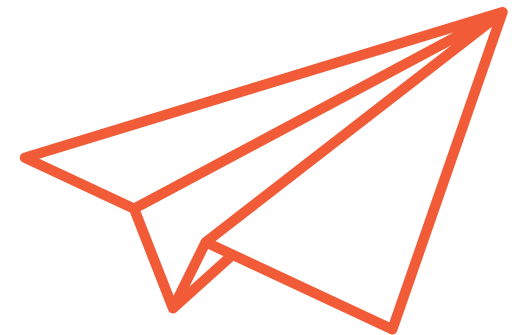
Version control ensures that your approvers only see the most recent version of a policy, which makes getting the document to management for reviews and approval, and gaining senior level buy-in, a simple process.

## Publish

A policy management solution lets you publish your policies quickly and get them in front of the right people in an easy-to-use fashion. It helps you set up flows that trigger automatically based on what you've decided is the right way to communicate, and only goes to the people who need to understand and attest to a certain policy. This makes sure you aren't wasting employees' time, since the software sends relevant policies only to the specific job titles that need them.

## Affirm

The affirmation is the ethical element in the best practice wheel, as well as a key factor in running reports and audits on your compliance program. This is the step where, with the right tool in place, management can gain real time views into who has accepted which policies, which version of that policy and when.



Including this affirmation helps enforce your compliance program from the top down. This step makes it clear to employees why a specific policy is important to your organization, to your leadership team and clarifies why it is presented to certain employees. This step enables employees to understand the core principles of an organization and gives them the opportunity to opt into those policies, ethics and values. This aligns everyone from leadership down to the most entry-level employees.

## Assess Knowledge

Policies will never work properly if the people who create them don't have insight into whether or not they're communicating effectively. It's therefore critical that leadership knows if employees understand their policies and procedures. The only way to gain this insight is to assess an employee's knowledge through an exam.

A true knowledge assessment should consist of two parts. The first part happens right after an employee completes their training, when they take a test on what they read and learned. These assessments let you immediately test an employee's understanding. If they don't understand, these assessments provide insight into where leadership needs to fill the knowledge gap. If the knowledge gaps occurs because a policy was poorly

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written, leadership can remediate, review and change the procedure as needed, all within the same system.

The second type of assessment could include a survey taken months after the initial policy review. Surveys help leadership determine if the knowledge their policies attempted to communicate in theory work in practice.

For example, if the original policy focused on bribes, you could send a periodic survey asking employees if they received any gifts recently, where the gift originated from and what the total value was.

Assessing the knowledge and understanding of your employees helps determine if your policy management program is effective, and helps you take steps to remediate your program if it's not.

## Report and Audit

Ultimately, regulators want to see evidence that your compliance program is effective. Through your policy management solution, you should be able to quickly understand if your organization is protected, if you can prove that employees understand and comply with regulations and whether you published your policies in a timely fashion.



In other words, you should be able to wrap up everything you've done and demonstrate your program's effectiveness by providing a full report, including a report on your surveys and test results.

At this point, you might wonder why you can't just handle this on your own, using an ad hoc combination of various software. Many people try to manage policies their own way, arguing that they don't need a software solution to do this for them.

The simple truth is, traditional, ad hoc methods don't provide you with the robustness and level of detail you need to prove your compliance to today's regulators. If you really look at the level of granularity and detail most regulators ask for, self-created systems simply aren't effective.

While not all regulators agree on the details of compliance, most regulators across the world do agree that the foundation of an effective compliance program is policy management. And policy management is something you can start implementing today - one spoke on the wheel at a time.



# About Mitratesch

Mitratesch is a proven global technology partner for corporate legal professionals who seek out and maximize opportunities to raise productivity, control expense and mitigate risk by deepening organizational alignment, increasing visibility and spurring collaboration across the enterprise.

With Mitratesch's proven portfolio of end-to-end solutions, operational best practices permeate the enterprise, standardizing processes and accelerating time-to-value. By unlocking every opportunity to drive progress and improve outcomes, we're helping legal teams rise to the challenge of serving the evolving needs of the modern, dynamic enterprise.

For more info, visit: [www.mitratesch.com](http://www.mitratesch.com)

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# About Mitratesch PolicyHub

PolicyHub is a best-in-class policy and procedure management solution that handles the complexities of managing policies and procedures through the use of powerful, automated and intuitive built-in tools.

From creating, approving and communicating policies to intelligent distribution, knowledge assessments and reporting, PolicyHub saves time and improves efficiency. It also provides an organization with the defensible program it needs to demonstrate corporate responsibility and reduce the risks associated with noncompliance.

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