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Ethics

**Activities of the UNOPS Ethics and Compliance Office in 2020
Report of the Ethics and Compliance Office**

Summary

The UNOPS Ethics and Compliance Officer provides this report annually to the Executive Director. The report is then submitted to the Executive Board at its annual session, pursuant to Board decision 2010/17.

The members of the Ethics Panel of the United Nations reviewed the draft report in March 2021, in accordance with section 5.4 of the United Nations system-wide application of ethics in the separately administered organs and programmes (ST/SGB/2007/11, as amended). The UNOPS Audit Advisory Committee reviewed the draft report at its 24 March 2021 meeting. The report covers the period from 1 January 2020 to 31 December 2020.

This is the twelfth annual report presented by the Ethics and Compliance Office (formerly the Ethics Office) since its establishment in 2009.

Elements of a decision

The Executive Board may wish to take note of the present report and comment on progress made by the UNOPS Ethics and Compliance Office in strengthening the ethical culture of UNOPS.



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I. Introduction

1. This report is submitted in accordance with Executive Board decision 2010/17 and covers the activities of the UNOPS Ethics and Compliance Office in 2020. The report is submitted to the Executive Director of UNOPS and the Executive Board of UNDP, UNFPA and UNOPS.

2. The office was established in 2009 pursuant to the Secretary-General's Bulletin ST/SGB/2007/11 as amended. The office is based in Copenhagen and provides ethics and compliance support to 5,038 UNOPS personnel and 7,498 partner personnel across its operations in more than 80 countries.

3. Pursuant to the bulletin, the office's mandate is to "cultivate and nurture a culture of ethics, integrity and accountability, and thereby enhance the trust in and credibility of the United Nations, both internally and externally." Under the bulletin, the office has specific responsibility for:

- (a) developing standards, training and education on ethics issues;
- (b) providing guidance to management to ensure UNOPS policies and procedures promote integrity standards;
- (c) providing confidential advice and guidance to personnel on ethical issues;
- (d) raising awareness on ethical standards and expected behaviour;
- (e) managing UNOPS protection against retaliation policy; and
- (f) administering UNOPS financial disclosure programme.

II. Development of the Ethics and Compliance Office

4. Since the end of 2015, the Executive Director has been progressively increasing the resources available to support the UNOPS ethics programme. An important milestone was reached in 2019 when the office gained its first full-time director, the Chief Ethics and Compliance Officer. By the end of 2019, the office had three full-time team members. In the summer of 2020, the office was further strengthened by the recruitment of one additional team member and interim support.

5. The increased resources have been accompanied by an expansion of the office's mandate, most notably pursuant to OI.LG.2018.08:Compliance, which since December 2018 formally entrusts the office with the compliance function. As noted in the office's report on its 2019 activities, the office is also extending its focus to institutional integrity matters – ethics issues that concern UNOPS as an organization rather than only individual ethics matters.

6. In 2019, the Chief Ethics and Compliance Officer established a detailed workplan for the office that runs to the end of 2021. The workplan is centred around five key strategic areas:

- (a) continued delivery of existing ethics programme work;
- (b) projects enhancing existing ethics activities;
- (c) development of the new ethics programme, increasing focus on institutional integrity;
- (d) development of the new compliance programme; and
- (e) supporting the wider United Nations system on ethics and compliance.

III. Report on 2020 Activities

7. In 2020, the office continued to provide services across a broad range of areas, as shown in figure 1. 2020 was also the first year in which the office had an annual workplan focused on working towards the achievement of identified long-term strategic objectives. Additionally, as a

result of various external events, including the COVID-19 pandemic and current global movements and protests against racism and discrimination, the office demonstrated agility and the ability to adjust its plans. Accordingly, the office amended its workplan to both address practical considerations, such as the curtailment of travel plans, and to ensure that, through training and awareness campaigns, colleagues were informed of their rights and obligations and UNOPS stance on topical issues.

8. Significant activities in 2020 included:

- implementation of a new and wider operational definition of ethics for UNOPS;
- design and roll out of the global ethics risk assessment programme;
- a comprehensive communications campaign to raise awareness among personnel about the wider definition of ethics and to enhance the culture of speaking up;
- stewardship of a grassroots programme to celebrate diversity at UNOPS and address important questions arising from global movements against racism and discrimination;
- an independent review of the UNOPS protection against retaliation policy and procedures.

9. The office has benefitted from the commitment to ethical issues shown by the Executive Director and the Senior Leadership Team who have been supportive of the Chief Ethics and Compliance Officer and her ambitions for the ethics programme. The Chief Ethics and Compliance Officer briefs the Senior Leadership Team at quarterly meetings which she attends on an ex-officio basis. This is an opportunity for the office to bolster awareness within the Senior Leadership Team of the nature of ethical issues that arise while respecting the office's independence and obligations of confidentiality.

Figure 1. Breakdown of services by category: 2020¹

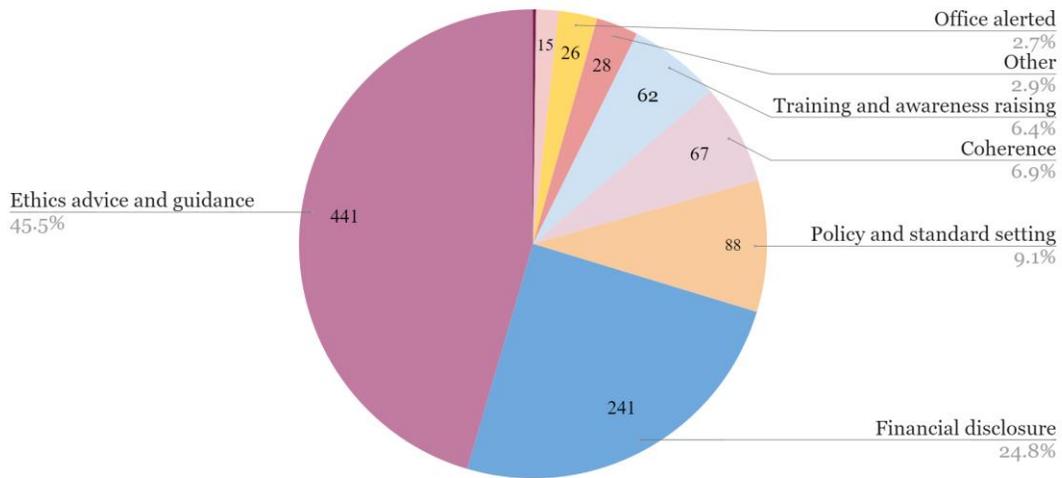
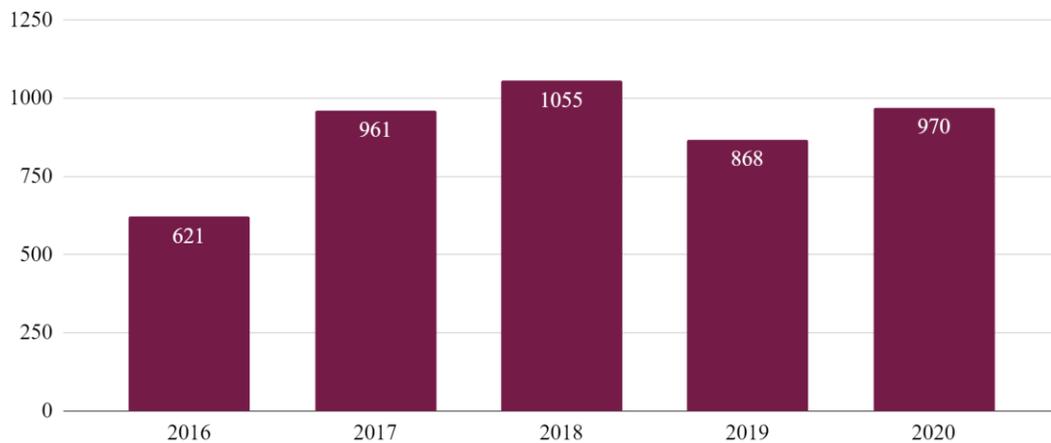


Figure 2. Comparison of requests for services by reporting cycle: 2016-2020



10. In 2020, the office handled 970 matters, an 11 per cent increase from the 868 received in 2019. As seen in figure 2, there was a sizable increase in matters handled in 2018 followed by a slight drop in 2019. Overall volume for 2020 is at the same level as for 2017. The volume of

¹ **Key to categories**

Protection against retaliation: Requests for protection against retaliation and proactive steps taken to reduce likelihood of retaliation.

Policy and standard-setting: Initiatives with respect to ethics policies, collaboration with other units on related policies, work carried out to meet Joint Inspection Unit recommendations.

Training and awareness-raising: Creation, collaboration on and delivery of training, and internal communications.

FDCOI programme: Administration of the annual programme.

Coherence: Collaboration and information-sharing with the Ethics Panel of the United Nations and other multilateral organizations and with other units in UNOPS.

Office alerted: Ethics Office contacted regarding matters falling outside its role and referred onward.

matters handled remains significantly higher than in the period 2010 to 2015, when it varied between 400 and 500 per year. As previously noted in the 2019 annual report (DPS/OPS/2020/3), these figures are provided to ensure consistency with ethics office reports across the Ethics Panel of the United Nations (EPUN). However, the office considers that raw case numbers do not capture the nuances of progress within the organization on awareness levels, ethical standards or impact. For example, several of the office's activities (such as the global ethics risk assessment) are significantly more resource-intensive and impactful than a single advice case to one member of personnel.

11. Case numbers for advice-related matters continued to rise in 2020, increasing from 343 in 2018 to 401 in 2019 and 441 in 2020. Requests for advice represented 45 per cent of the 2020 total (against 46 per cent in 2019 and approximately 33 per cent in 2018 and 2017). This demonstrates steady and ongoing growth in personnel awareness of and confidence in the office. The continued increase in demand for advice can also be attributed in part to the office's greater visibility thanks to its sustained awareness-raising efforts throughout 2020.

12. In 2020, the office's non-advice services increased from 467 in 2019 to 529 in 2020. The primary reason for this increase was a rise in the number of individuals participating in the financial disclosure category. Cases in this category increased from 181 in 2019 to 241 in 2020.

A. Policy and standard setting

13. The office substantially increased its policy and standard-setting activities in 2020 that included a combination of its own initiatives and requests to contribute to workstreams led by other units.

Global ethics risk assessment

14. A core responsibility of the office is to provide guidance to management to ensure UNOPS rules, policies, procedures and practices reinforce and promote the standards of integrity called for in the Charter of the United Nations. As such, the Chief Ethics and Compliance Officer has advised the Executive Director and Senior Leadership Team on the importance of considering the full range of ethics risks that can arise in UNOPS rather than focusing exclusively on those issues specifically identified in the bulletin. This is particularly relevant as ethics risks evolve over time and are particular to the nature of an entity's operations. Therefore, the office proposed to conduct an assessment of the ethics risks it considers exist in UNOPS operations and provide advice on the effectiveness of current rules and procedures to manage those risks and recommendations on actions which can be taken to further protect against ethics risk. The Executive Director and Senior Leadership Team supported this proposal and allocated additional funds to the office to develop and deliver on this initiative. The global ethics risk assessment was therefore the single largest category of work carried out by the office in 2020. It is the office's most significant strategic project in 2020 and will continue into 2021 and beyond. Given the scale of the project, it represented around 25 per cent of the office's activities in 2020.

15. As a first step, the office developed a new day-to-day definition of ethics to make it more relevant to UNOPS. The new definition encompasses a wider range of ethics risks than those specifically named in ST/SGB/2007/11, addressing both individual and institutional risk and factoring in those risks which arise due to the special nature of the United Nations as an entity. In developing the definition, the office relied on relevant UNOPS materials, from the wider United Nations system and from ethics and compliance best practices in the private sector and development banks.

16. The office subsequently undertook extensive work to develop the strategic approach, methodology and associated materials for the global ethics risk assessment while ensuring alignment to the existing UNOPS risk assessment framework and methodology. The methodology deployed incorporates a combination of data gathering and analysis prior to field visits and on-site interviews of key personnel, focused on risk exposures and existing mitigation activities. The new global ethics risk assessment was tested in two pilots – in the New York

Service Cluster and the UNOPS Geneva office. Feedback obtained from the pilot was used to enhance and refine the global ethics risk assessment programme and materials.

17. The original project plan envisaged the roll-out of the global ethics risk assessment to every UNOPS country office within three years. However, due to continued COVID-19 travel restrictions, the office has been unable to conduct field visits, delaying the full deployment of the programme. There is no full substitute for face-to-face risk assessment meetings. To work around travel restrictions, the office deployed an interim solution through ethics self-assessment risk questionnaires, requiring UNOPS country and multi-country offices to self-assess ethics risk exposures. The results will enable UNOPS to: (a) establish a baseline understanding of ethics risk across the organization; and (b) prioritize regions or countries with higher ethics risk exposures once travel restrictions are lifted. In December 2020, the office deployed 30 country questionnaires with staggered completion deadlines. To ensure accuracy and consistency of the submissions, the office follows up each submission with a question-and-answer session. Depending on the success of this interim solution, the office may repeat the questionnaires in the future. At the time of this report, the office has seen a strong level of engagement from all levels of the organization and an increased willingness to learn more about ethics risks management.

18. In parallel, the office began developing a new reporting dashboard to illustrate the findings of the global ethics risk assessment and country questionnaires and to provide status progress reporting of the roll-out of the global ethics risk assessment.

Conflicts of interest and outside activities

19. The office was involved in several policy-setting conflict-of-interest initiatives in 2020.

20. The office carried out a review of conflicts of interest and outside activities. The overall purpose of the review was to identify any changes needed to UNOPS policies, practices and training in respect of conflicts of interest and outside activities after assessing the probability and impact of risks posed to UNOPS by conflicts of interest and outside activities. The office identified specific conflicts of interest and aspects of outside activities that it wished to explore and then analysed UNOPS policies, training, practices and other sources of data before conducting interviews with a wide group of colleagues from across UNOPS. UNOPS will finalize the review in the first quarter of 2021 and implement identified actions during the rest of the year.

21. In 2020 the office helped draft a conflict-of-interest policy that was signed by members of the steering committee of a hosted initiative. The committee members are not UNOPS personnel and not covered by UNOPS policies.

22. The office also collaborated with colleagues from the Implementation Practices and Standards Group and the Procurement Group on an induction handbook for individuals on retainer contracts – providing guidance on restrictions applicable to them regarding outside activities. This helped to address an issue identified in the office’s 2019 annual report where the office had been approached with regard to instances in which individuals on retainer contracts were also managing directors of companies seeking to do business with UNOPS.

Advising strategic UNOPS projects and initiatives

23. During 2020 the office supported UNOPS by bringing ethics efforts in line with best practices in the private sector and development banks. Considerable effort was spent on supporting strategic projects and initiatives more proactively.

24. The office provided ethics support to the Sustainable Infrastructure Impact Investment (S3I) Office. Advice ranged from: (a) identifying ethical risks triggered by S3I investment activities; (b) managing deal management services; (c) determining the organization’s risk appetite; (d) supporting the development of an operations manual and recruitment activities (including developing a new S3I ethics induction). Another strategic project the office supported in 2020 is the new partnership agreement with the Government of Mexico to support national procurement

of medicines beginning in 2021. The office advised on potential ethics risks and the need to have personnel specifically assigned the responsibility of managing project ethics risks within their terms of reference. The office assisted in recruiting suitable personnel for this task.

25. In UNOPS view, strategic projects such as these benefit from specifically tasking one or more individuals with responsibility to coordinate project ethics risk management at an operational level. This enables UNOPS to ensure ethics risks are spotted promptly and increases levels of ownership and accountability for addressing ethics risks at a local level. It is important that the office has appropriate oversight of such personnel to ensure consistency and proper escalation of issues. However, the office continues to perform core mandate activities set out under the Secretary-General's Bulletin.

Intake forms

26. The office achieved enhanced efficiency by introducing a number of online intake forms to be used by UNOPS personnel when contacting the office with a request on a particular topic. These include a revised form for declaring receipt of a gift or hospitality in the course of official duties, two new forms for colleagues seeking approval to engage in an outside activity, and a form for seeking guidance on conflicts of interest. In 2021 the office will consider expanding intake forms to include requests for protection against retaliation.

Preventing Sexual Exploitation and Abuse Working Group

27. During 2020, the office continued to field a member to the Prevention of Sexual Exploitation and Abuse Working Group, established by the Executive Director at the end of 2018. The group was expanded in 2020, The working group met five times in 2020 and carried out a number of initiatives. These included considering how the United Nations Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners would translate into UNOPS procedures.

Compliance framework

28. As part of a drive to enhance governance, risk and compliance measures within UNOPS, the office is responsible for compliance. The compliance mandate covers: (a) advisory support to the organization, including design, implementation and management of compliance standards and the supporting framework; and (b) targeted advice to key stakeholders, such as policyholders, on compliance management, monitoring needs and minimizing non-compliance risks.

29. In 2020 the office undertook an extensive scoping exercise to assess the organization's current status and needs. This exercise involved consultations with key stakeholders and policy reviews. In 2021 the office will engage in further discussions with senior leadership to fine tune the compliance mandate to ensure that the office predominantly takes on a strategic advisory role without duplicating compliance efforts conducted by other stakeholders.

30. As part of the compliance mandate, the office has also worked with UNOPS to assess ways to enhance the culture of accountability. As part of these efforts, the office collaborated with the People and Change Group to consider more closely how best to assess the organizational culture towards compliance and accountability. It is the view of the office that an in-depth culture assessment is required to enable it to link accountability to organizational culture and values. Such an assessment will inform further work in this space and require the collaboration and support of the Senior Leadership Team and People and Change Group.

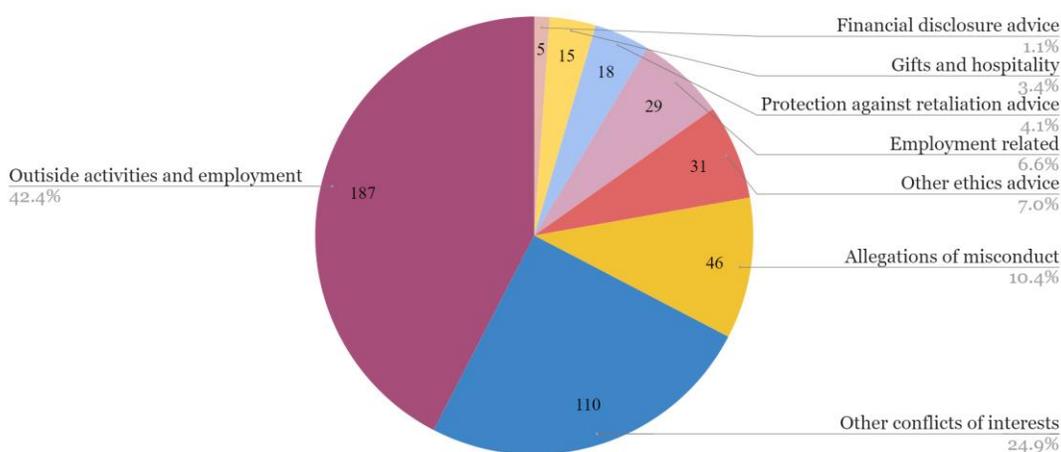
B. Advice and guidance

31. Any member of UNOPS personnel may contact the office directly for confidential, impartial advice on an ethical dilemma, without having to submit their query first through a supervisor or the human resources office. The office views the provision of ethics advice directly to individuals as a critical aspect of its role. The office is pleased to see that the number of requests for advice continues to grow each year.

32. The increase in advice requests observed in 2019 was confirmed in 2020. In 2017 and 2018, advice requests were approximately 345 cases annually and represented one-third of total services provided. In 2019, this grew to 401 requests for advice and in 2020 further expanded to 437 cases.

33. Figure 3 gives a breakdown of the different categories of advice requested in 2020.

Figure 3. Breakdown of subcategories of requests for ethics advice: 2020²



Outside activities

34. Outside activities continue to form the single largest category of advice provided by the office. In 2020, there were 187 requests for advice in respect of outside activities, representing 42 per cent of total requests for advice. From 2017 onwards, outside activities have represented between 37 and 44 per cent of requests for advice each year. The office expects this trend to continue.

35. In 2020 the office noted that it is increasingly approached by colleagues working in human resources, in the field and headquarters, to provide advice about the outside activities of an individual in the process of being recruited. The office views this as a positive step as it shows a growing awareness among human resources colleagues of general restrictions in this area. Addressing outside activities at this stage helps integrate new recruits into UNOPS and avoids the misconception that can result when a candidate has openly described an ongoing outside activity in their application but then discovers several months after joining UNOPS that its continuation is incompatible with their status as a member of UNOPS personnel.

36. The outside activities category covers not just professional activities but also political activities. In 2020 the office saw a rise of requests for advice regarding political activities. In the latter half of the year, the office found that when responding to such queries it was helpful to send a link to the comprehensive communication issued to all personnel from the Chief Ethics and Compliance Officer regarding political activities along with an answer on the specific query.

² **Key definitions**

Employment-related: Includes advice given on ethical issues in relation to recruitment, employment and post-employment restrictions.

Misconduct allegations: Includes advice given on duties and options in circumstances of possible misconduct and collaboration with the Internal Audit and Investigations Group on same.

Financial disclosure advice: Relates to advice on obligations to file, not the annual FDCOI process itself.

Protection against retaliation advice: Refers to advice regarding protection against retaliation but not formal steps taken to provide protection.

37. A request to engage in an outside activity can also have a negative outcome on the grounds that it is political in nature, even when the individual requesting approval would not themselves be engaging directly in any political activity or statements. This was the case for several colleagues in 2020 hoping to take up roles in non-governmental organisations (NGOs). In each case, the NGO had a core charitable mandate but also posted statements on its website which were critical of the policies of particular governments.

Reports of misconduct

38. The office provides advice to colleagues about the options and their duties in case of allegations of misconduct. This is an important responsibility of the office as it helps foster a robust speak-up culture at UNOPS. During 2020 the office noticed a marked increase in colleagues seeking advice and support before reporting misconduct. Additionally, the Chief Ethics and Compliance Officer has been increasingly asked to assist in resolving complex cases beyond the traditional mandate of the office and called on by the Executive Director to advise on how to address concerns brought directly to her attention by reporters.

39. In 2020 the Chief Ethics and Compliance Officer was involved in the follow-up of two particularly sensitive cases. In the first, she took on the role of reviewer and, in the second, was responsible for retaining external investigators.

40. While case details are usually confidential, one of these cases is a matter of public record. It involved allegations of racism and abuse of authority within the Stop TB Partnership, a United Nations initiative hosted by UNOPS. In June 2020 when UNOPS was made aware of further details of past allegations of misconduct at the Stop TB Partnership, the office was asked to undertake a further review of these cases and how they were handled. The Chief Ethics and Compliance Officer was identified as the appropriate individual to conduct this review as the office had been involved in the original matter. But she was new to the organization since the events of 2018. The review confirmed that the conduct of individuals in these cases fell short of UNOPS commitment to a respectful and inclusive working environment. However, it found that overall the sanctions and series of disciplinary and management actions issued in relation to these cases were appropriate. The review also recognized that UNOPS had taken appropriate steps since the original report to strengthen and improve the way misconduct is addressed as part of its commitment to regularly review policies and procedures based on experience.

Shifting balance of requests for advice

41. In 2020 the breakdown of advice requests changed. The office viewed two of these changes positively. There was an increase of almost 70 per cent in the number of conflict-of-interest queries, while requests for advice on employment issues dropped by 45 per cent. The office views both developments positively as it sees conflicts of interest as part of its core mandate while it believes that queries on employment should normally be addressed to the People and Change Group.

42. The office noted a sharp decrease in the number of queries regarding gifts and hospitality. There were only 15 such cases in 2020, which is a reduction of 68 per cent of similar queries in 2019. Given that it has stepped up its communications regarding gifts and hospitality, the office hopes the decrease is due to a reduction in gifts and hospitality offered to UNOPS personnel, which can be attributed to reduced human interaction as a result of the pandemic or personnel's better understanding of the need to decline gifts. This will be continuously monitored in 2021.

C. Training and awareness raising

Training

43. The office's ethics training is a core element in raising awareness of the importance of identifying, managing and mitigating ethics risks and how to seek help at UNOPS. Compared to 2019, training and awareness-raising activities increased by 34 per cent in 2020. The majority of training was delivered remotely but two face-to-face induction sessions were held with the new

Global Management and Oversight Senior Advisor and the new Internal Control Specialist. In 2020, 1,392 new colleagues completed the mandatory ethics and integrity course online.

44. The office began developing a dedicated UNOPS ethics e-learning course for new starters. This new course will ensure that course content is relevant and reflects UNOPS unique operational model and risk profile. It will also address the new wider ethics definition. The office had hoped to release this training in 2020. However, due to supplier challenges, the course has been delayed to 2021.

45. To make it as easy as possible for new starters to understand what ethics means at UNOPS, the office developed an ethics induction summary. This summary contains leadership messages on the importance of ethics at UNOPS and an overview of all available ethics resources. In addition, the office developed a set of infographics to convey important ethics information in an easy to understand and visually engaging format. Topics covered include: (a) what ethics means at UNOPS; (b) the different ethics risks; (c) the role of the office; (d) everyone's responsibility; and (e) protection against retaliation.

46. The office conducted several remote training sessions throughout 2020 to raise awareness of ethics at UNOPS, which included a town hall meeting to one of the multi-country offices, a training session to colleagues in the Integrated Practice and Support Advice Team, and a remote training session on ethics risk management to more than 30 regional and local risk leaders. The office also supported the People and Change Group's Diversity and Inclusion Team in developing a training campaign for UNOPS leadership on inclusive leadership.

Awareness-raising

47. In 2020 awareness-raising via communication and engagement activities became one of the office's top strategic priorities. A robust and visible communications programme is invaluable to raising awareness in the office, including on its role and the risks personnel should consider in their day-to-day work. Accordingly, the office developed a detailed and structured communications strategy and plan. For 2020-2021, the two core communication objectives are: (a) raising awareness and understanding of the range of ethical risks across the organization; and (b) enhancing its speak-up culture. Delivery of the communications plan began in the second half of 2020 and consisted of five campaigns, including:

(a) *Ethics at UNOPS*. Raising awareness of ethics at UNOPS and everyone's responsibilities, which included a podcast conversation between the Executive Director and the Chief Ethics and Compliance Director on the importance of ethics;

(b) *Speak-up campaign*. Collaborating with the Internal Audit and Investigations Group (IAIG), the People and Change Group and the Health, Safety, Social and Environmental Management Team, the office led a campaign to highlight the importance of speaking up and to raise awareness of UNOPS external speak-up platform. The campaign included email and video messages from numerous members of senior leadership on the importance of speaking up. Speak-up posters have also been provided to all UNOPS offices for display.

(c) *Celebrating diversity*. Launched in 2020, this one-year campaign was borne out of the Black Lives Matter movement and aims to increase awareness and understanding of how differences make up and benefit UNOPS and its mission of improving lives and securing peace. The campaign consists of a series of podcast conversations between the Chief Ethics and Compliance Officer and colleagues with different backgrounds from across UNOPS.

(d) *Protection against retaliation*. The purpose is to reiterate UNOPS zero tolerance for any type of retaliation.

(e) *Gifts and hospitality*. A reminder was issued shortly before the year-end holidays to reinforce UNOPS personnel's obligations regarding UNOPS policy on the prohibition

of accepting gifts, honours, decorations, favours or non-United Nations remuneration or benefits from governmental and non-governmental sources.

48. The Chief Ethics and Compliance Officer participated in a town hall meeting organized by the New York office to talk about what everyone can do to ensure racism has no home at UNOPS. In addition, the office supported the People and Change Group's Diversity and Inclusion Team in organizing a campaign to celebrate Black History Month throughout October 2020.

49. The communications campaigns have attracted a significant increase of 142 per cent in visitors to the newly updated ethics intranet pages when comparing data of the first and second half of 2020. There was a considerable level of engagement by colleagues during the individual campaigns as they shared campaign messages and comments through internal social media and other communication tools. The office continues to assess the effectiveness of available communication channels.

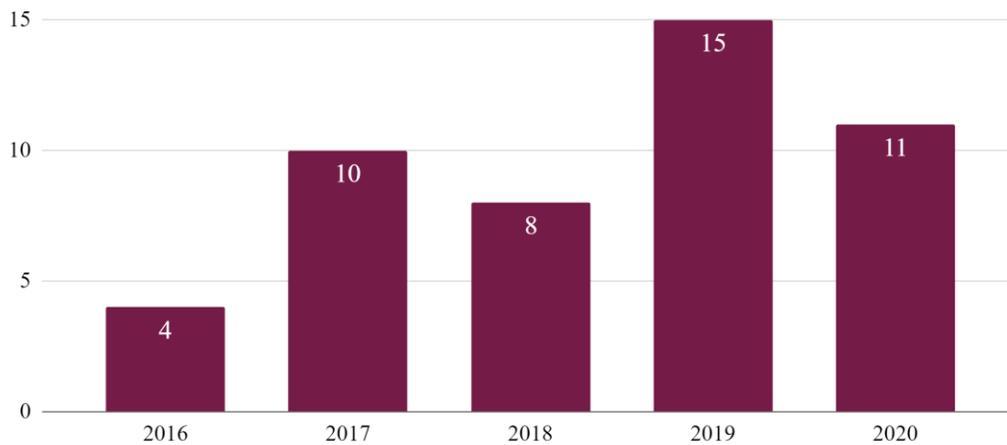
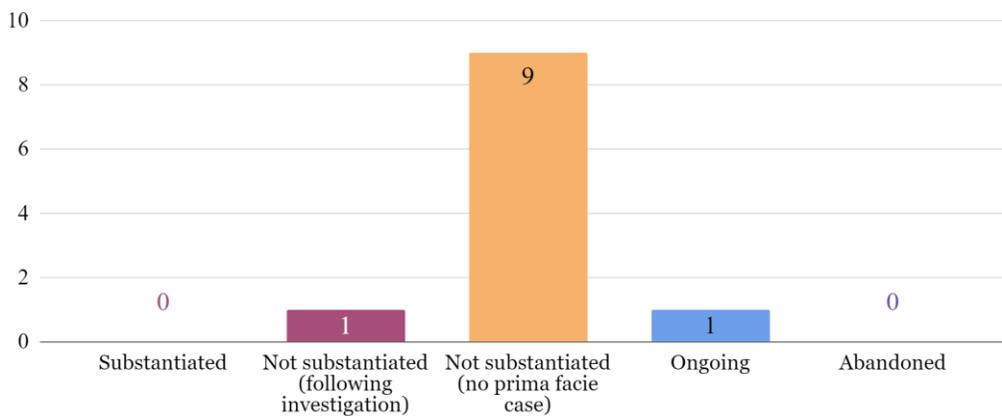
50. In 2020 the office also focused on developing a more strategic engagement strategy. Stakeholder engagement moved from a reactive to a proactive approach, focused on outreach and building relationships across the organization. A strategic priority for the office in the 2020 virtual stakeholder sessions was the periodic 'catch-ups' with members of the Senior Leadership Team, regional directors and regional leadership teams during which colleagues had the opportunity to speak in an informal setting.

D. Protection against retaliation

51. Managing UNOPS policy on protection against retaliation continues to be a key part of the office's work. The purpose of the policy is to enhance accountability within UNOPS and ensure UNOPS functions in an open, transparent and fair manner. The policy protects both whistleblowers and those who cooperate with an audit, investigation or other duly authorized fact-finding activity. An individual who believes that they have suffered retaliation can request protection from the office. The office will then carry out a preliminary review to determine if, on the balance of probabilities, the individual has suffered a detrimental action because they reported misconduct or cooperated with an audit or investigation or similar. If the office does make such a determination, the office can recommend safeguarding measures to preserve the individual's position and will refer the matter for investigation. It is important to note that the office does not consider whether the original report of misconduct was founded, but only whether it was made in good faith.

Requests for protection against retaliation

52. In 2020, 11 colleagues contacted the office to request protection against retaliation. Retaliation was not substantiated in any case (see figure 3). The office had anticipated that 2020 would demonstrate a continuing upwards trend in requests for protection against retaliation and mid-year projections would support this outcome. However, that was not borne out in the year's numbers, with requests tailing off in the later part of 2020 (see figure 4). The office did receive a higher number of requests for advice about protection against retaliation, which may have helped individuals, who were considering to bring a request for protection, understand their situation better. Given the extensive efforts to raise awareness about the office and its activities, and the overall increase in the office's involvement in ethics matters generally, the office considers that requests have plateaued – meaning that UNOPS has a fairly accurate picture of the retaliation risk in UNOPS. Figure 4 shows how the number of requests for protection against retaliation has evolved since 2016. The office notes that there are variations year to year but that there is no sharp upwards trend. Figure 5 shows how the 11 requests were resolved.

Figure 4: Requests for protection against retaliation: 2016 - 2020**Figure 5: Resolution of requests for protection against retaliation: 2020**

53. In 2020 two requests were made by the same individual. Additionally, on two occasions, two requests came from individuals working in the same business unit. The requests were not otherwise connected.

54. In one case, a prima facie case of retaliation was found and the matter was referred for investigation. In short, the complainant alleged that changes planned in the allocation of work and reporting lines in the team would have a detrimental effect on him/her and were done to punish the individual for reporting an allegation of misconduct. The office agreed on relevant safeguarding measures to protect the complainant while a detailed investigation followed. However, following the investigation, the final determination found that there was no retaliation and that it was clear the changes were not connected to the protected activity.

55. In 2020 the office sought to employ a different, more formal approach to handling requests for protection. In 2018 and 2019, respectively, one-quarter and one-third of cases filed with the office never made it through the preliminary review stage. The prior approach employed by the office was to encourage individuals and the organization to seek a management solution to potential retaliation cases rather than pursue the formal retaliation process, thereby moving matters out of the control of the office. The office now systematically advises all complainants from the outset how the policy works and what to expect. This helps increase confidence in the office and allows the office to remain actively engaged in matters through to their conclusion.

Outstanding protection against retaliation request from 2019

56. At the time of submitting its 2019 report, the office had not completed its review of one request for protection from retaliation. The request was one of the six requests received in 2019 regarding the conduct of an individual who was not a member of UNOPS personnel. The scope of the UNOPS preliminary review was necessarily limited in scope. The request was abandoned in 2020. The office notes that the individual who was the subject of the complaints is no longer in post.

Advice

57. In 2020 the office advised 18 colleagues on protection against retaliation. This is an increase from 11 instances in 2019. In the majority of instances, the colleague sought reassurance about whistle-blower protection either before going on to report misconduct or when feeling exposed, after having engaged in protected activity. None of these cases evolved into a request for protection against retaliation. The remaining cases involved colleagues who were unsure about the definition of protected activity and several miscellaneous queries.

58. One colleague who contacted the office for advice had been inspired to take action because of the office's speak-up campaign and the Chief Ethics and Compliance Officer's reminder to all personnel of the existence of whistle-blower protection. A further case was also received after the start of the campaign. As the campaign was held at the end of the reporting year, it is too early to gauge if it has led to an increase in queries regarding protection against retaliation. This is an issue which the office will further explore in 2021.

Prevention action

59. UNOPS policy on protection against retaliation provides that IAIG and the People and Change Group will inform the office of any report of wrongdoing received that IAIG or the People and Change Group identifies as posing a retaliation risk. The office then consults with the individual about possible preventive action. The provision is helpful as it allows the office to be proactive rather than offering advice to a whistle-blower and then waiting to see if retaliation will materialize.

60. A new development in 2020 was that on several occasions the People and Change Group and the Legal Group proactively consulted the Chief Ethics and Compliance Officer in advance of terminating an individual's contract to clear any concerns about retaliation risk.

61. In 2020, the office also carried out preventive action with respect to five whistle-blowers. In each case, the office took the initiative, without a referral by either the People and Change Group or IAIG.

62. In the first case, an individual who had previously reported suspected misconduct by a colleague in another business unit was wary when they learned that the same colleague was to be a key member of a mission to review work carried out by the whistle-blower's team. The office verified the existence of a protected activity and then shared the whistle-blower's fears with the director of the unit responsible for the review. The director discreetly took steps within their team to safeguard the integrity of the review.

63. A further case of preventative action related to a colleague who was nervous to report allegations of serious misconduct against a senior member of their business unit. The individual was encouraged to speak to the Chief Ethics and Compliance Officer to obtain advice and comfort about reporting their allegations formally. In supporting the individual to speak up, the Chief Ethics and Compliance Officer facilitated an introduction to the Head of Investigations within IAIG. To provide further comfort to the reporter and to minimize the risk of revealing the individual's identity, the Chief Ethics and Compliance Officer remained in ongoing contact with both IAIG and the reporter concerning the status of the case through to its conclusion.

64. Three cases of preventive action in 2020 were related. A group of three colleagues approached the Chief Ethics and Compliance Officer for advice on filing allegations of

misconduct against individuals in their chain of supervision, stressing their fear of retaliation. The Chief Ethics and Compliance Officer gave advice about reporting modalities and on protection against retaliation. The Chief Ethics and Compliance Officer determined that the particular circumstances of the colleagues' business unit warranted interim protection measures. Accordingly, a flag was applied to each individual's personnel file to prevent any adverse action being taken without consulting with the office.

Policy review

65. In late 2019 the Chief Ethics and Compliance Officer commissioned an external, independent review of the UNOPS protection against retaliation policy and procedures. The review was conducted by an international law firm on a pro-bono basis to identify improvements in relation to policy and practice. The Chief Ethics and Compliance Officer presented the review's high-level findings to the Senior Leadership Team and took steps in 2020 to commence implementation of its recommendations.

66. In summary, the review concluded that UNOPS protection against retaliation processes are largely consistent with good international practice in many respects and that the policy is overall effective in protecting whistle-blowers. The reviewers made a number of recommendations which the office has considered and, where it considers appropriate, has begun implementing.

67. The report recommends some policy improvements, including improving the language of the policy and refining its scope to provide enhanced protection for a wider range of individuals and types of misconduct. A revision of the policy is scheduled for 2021.

68. The review also identified opportunities to simplify internal processes and recommended changes to the review and investigation procedures. The office is assessing these and will consult with EPUN to ensure consistency and best practice across the United Nations system.

69. In relation to reporting and communications, the review recommended raising awareness of the policy to increase personnel confidence in the effectiveness of protection against retaliation policies and procedures. This recommendation was timely in that it aligned to the office's communications plan, which already envisaged a communications campaign on this topic. In 2020 the office ran a dedicated protection-against-retaliation campaign to reiterate UNOPS zero tolerance for any type of retaliation and raise awareness of the policy. For further details see section C.

70. Finally, with respect to the policy's application, the review identified a gap in its coverage. The policy assumes that both the individual requesting protection and the person alleged to engage in retaliatory action work for UNOPS. The office had highlighted this issue in its 2019 report where it referred to a situation of six UNOPS personnel who had requested protection against retaliation in respect of the conduct of an individual who worked for another United Nations entity and was therefore not a member of UNOPS personnel. In 2020, the office encountered one further instance where the main individual involved in an allegation was not UNOPS personnel. The office has raised this issue. However, it is considered a system issue that requires a joint effort to resolve as it cannot be regulated by UNOPS unilaterally.

E. Financial disclosure programme

71. The office introduced further changes to its financial disclosure and conflict-of-interest (FDCOI) programme in 2020 to better protect UNOPS from conflicts of interest that may affect new recruits. This resulted in interim filing cycles in March and December 2020, in addition to the main annual filing cycle in summer. As a result, 1,051 individuals filed an FDCOI statement in 2020, representing approximately 21 per cent of UNOPS personnel. In 2019, 18 per cent of personnel filed an FDCOI statement. The three cycles held in 2020 are described below.

2020 annual cycle

72. The office launched the 2020 annual filing cycle in the beginning of July. This is almost four weeks earlier than in 2019 and follows the plan identified in the 2017 report to progressively bring the launch date forward to an earlier point in the year.

73. There were 893 filers in the 2020 annual programme.

74. In the 2019 annual report, the office noted that too many filers failed to submit their FDCOI statement by the deadline (19 per cent). The office is pleased to report that 91 per cent of the 893 filers in the 2020 annual programme filed on time and that all filers had submitted their statement within 28 days of the deadline. The office considers this to be a reflection of an enhanced system of reminders and escalation where necessary to line managers.

75. The office continues to engage an external reviewer to carry out the initial review of submitted FDCOI statements and to gather information where needed in line with review guidelines issued by the office. At the time of writing this report, the review is at an advanced stage but is not yet complete. The outcome of the review will be included in the office's report for 2021.

Interim cycles

76. The office noticed that most new recruits subject to the FDCOI programme were not following instructions to contact the office and therefore were not filing their first FDCOI statement until asked to do so under the next annual programme. Depending on the month of recruitment, this could result in an individual working in UNOPS for up to a year before disclosing a potential conflict of interest. The office therefore implemented two interim cycles to ensure individuals do not slip between the cracks. The office carried out a search in UNOPS enterprise resource planning system to identify relevant individuals who had not been asked to file in the 2019 annual filing programme. This resulted in 87 individuals filing for the first time in March 2020. A further 77 new filers were asked to file in December.

Finalization of 2019 cycle

77. At the time of writing the 2019 report, the review of the 2019 statements had not been completed. The office has therefore included in this report a summary of the 2019 annual process.

78. In the 2019 annual process, 83 statements, representing 10 per cent of the total, were referred to the office by the external reviewer in accordance with the review guidelines. The largest category of referrals was in respect of outside activities. In 22 cases, the office established that the filer needed, but had not sought, approval to undertake the activity. The office recognizes that many individuals were not aware of the need for approval. Accordingly, as in previous years, the office did not report such filers for misconduct but instead advised them on the policy and took them through the review and approval process. In several cases, the filer ceased the outside activity in light of the risks pointed out by the office. One filer however had been in the same position the previous year but had nonetheless engaged in further activities without seeking approval. The office reported the individual to IAIG for misconduct and an investigation took place. The investigation concluded that the allegation of misconduct was substantiated.

79. The other major categories of referral were in respect of a filer's family member working in UNOPS or the United Nations system. All potential conflicts in respect of family members were resolved. Finally, seven filers had accepted a gift or hospitality in the course of their official duties. The office reminded filers of UNOPS policy in respect of gifts and hospitality.

F. Other

External reviews of UNOPS

80. In 2020 the office was called on to participate in multiple reviews by different bodies. The office acknowledges the importance of these reviews but notes that these activities are highly time-consuming exercises and place a considerable burden on a very small team, taking it away from delivery of its strategic workplan. It would be preferable if such reviews were spread over different years or timed to avoid becoming a burden on the office. Nevertheless, the office participated fully and candidly in all such reviews.

United Nations Board of Auditors

81. In 2020 the office answered queries from both the outgoing and incoming teams of auditors from the United Nations Board of Auditors (UNBOA). The areas of review were the office's practices in respect of protection from retaliation in 2019, the FDCOI programme in both 2019 and 2020, and outside activities in 2020. In total, the office answered 54 different queries from the two UNBOA teams. While the office is completely supportive of UNBOA objectives and fully supports that UNOPS and the Ethics and Compliance Office should be held accountable for their performance, several of the queries presented challenges for the office. A number of requests for information pertained to confidential and private information of individual personnel – the office, for example, had to explain to both UNBOA teams that it could not provide copies of FDCOI statements submitted by UNOPS personnel.

Joint Inspection Unit

82. In June 2020 the Joint Inspection Unit (JIU) of the United Nations launched its system-wide review of the current status of the ethics function. The office responded to a corporate questionnaire and provided supporting documents, and team members were later interviewed by the JIU inspector in November 2020. The office looks forward to seeing the outcome of the JIU review.

Participation in wider reviews of UNOPS activities

83. The Chief Ethics and Compliance Officer was interviewed as a stakeholder for the purposes of a peer review of the IAIG investigation function. She was also interviewed twice as part of an assessment of UNOPS by the Multilateral Organisation Performance Assessment Network.

Vendor Review Committee

84. Throughout 2020 the Chief Ethics and Compliance Officer participated in the Vendor Review Committee, providing advice from the perspective of the office. This committee is chaired by the Director of the Procurement Group and meets, following an IAIG investigation, to consider whether a UNOPS vendor has engaged in collusion, fraud or other proscribed practices in respect of a UNOPS procurement process.

Other cross-departmental activities

85. Finally, the office assisted in collaborative efforts with peers in IAIG, the People and Change Group and the Legal Group to identify the best way to respond to individuals making multiple allegations to different units. Such collaboration is in the best interests of UNOPS and its personnel as it can assist in speedier resolution of issues. While facilitating such collaboration, the office was particularly careful to respect the confidentiality of prior interactions between the individual concerned and the office.

IV. The Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations

Ethics Panel of the United Nations

86. Throughout 2020 the Chief Ethics and Compliance Officer participated in seven EPUN monthly meetings and one special informal session and participated in several meetings for the working groups on gifts and hospitality and the future direction of EPUN. This is a forum for the heads of ethics offices of the United Nations Secretariat and the separately administered organs and programmes to consult each other confidentially in respect of complex ethics-related issues. She acted as the alternate chair of EPUN, ad hoc, for the review of one United Nations Ethics Office determination on a protection-against-retaliation case and provided her views to the alternate chair on a number of other cases.

Coherence

87. Throughout 2020 the office was pleased to be in contact with the ethics offices of other multilateral organizations to identify and share best practices. In 2020 the office prioritized requests from EPUN members.

Ethics Network of Multilateral Organizations

88. As a member of the Ethics Network of Multilateral Organizations (ENMO), throughout 2020 the office continued to provide support to other members' queries with respect to ethics procedures and standards and acted as a member of the ENMO membership committee – in that capacity, it reviewed several applications to join the network.

Support to other organizations

89. Since 2017 the office has been the outside reviewer of requests for review by personnel of the World Intellectual Property Organization (WIPO) with regard to determinations by the WIPO Ethics Officer in whistle-blower cases. The agreement with WIPO reached its term in September 2020. The office opted not to proceed with renewal, preferring in the medium term to concentrate its resources on implementing its internal workplan. In 2020 the office reviewed one request from WIPO personnel.
