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**Ethics**

**Activities of the UNDP Ethics Office in 2020**

**Report of the Ethics Office**

*Summary*

Pursuant to decision 2008/37 of the Executive Board, the UNDP Ethics Office submits the present report covering its activities in 2020. In accordance with the Secretary-General's bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11), the Ethics Panel of the United Nations reviewed the report in February 2021.

This is the thirteenth annual report presented by the Ethics Office since its establishment in 2007.

*Elements of a decision*

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



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## I. Introduction

1. The present report is submitted in accordance with Executive Board decision 2008/37 and details the work of the UNDP Ethics Office in 2020 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”, as stipulated in the Secretary-General’s bulletin ST/SGB/2007/11 (as amended).

2. Operating out of New York headquarters, the Ethics Office provides ethics services to UNDP personnel stationed in over 170 countries and territories. While facing unique challenges in 2020 as a consequence of the COVID-19 pandemic, the office continued throughout the year to deliver timely and quality services. This report summarizes the 2020 activities and achievements of the office in its following mandate areas: (a) standard-setting and policy support; (b) ethics training, awareness-raising and outreach; (c) providing confidential advice and guidance to staff and management on ethics issues and ethics-related policies; (d) administering the UNDP financial disclosure programme; and (e) administering the UNDP protection against retaliation policy. The report additionally details the office’s engagement in 2020 with the Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations.

3. The Ethics Office functions on the principles of independence, impartiality and confidentiality. Recognizing that a strong organizational culture of ethics and accountability is an essential foundation for the effective performance of UNDP programmes, the office promotes ethical conduct and decision-making by all personnel. Approaching ethics from a pragmatic perspective, the promotion of core ethical standards and the visible adherence to those standards by all personnel ultimately serves to uphold the reputation of the organization with government partners, donors, other stakeholders and the public that UNDP serves. The office accordingly works to embed and consolidate ethics in UNDP business processes and decision-making throughout all levels of the organization.

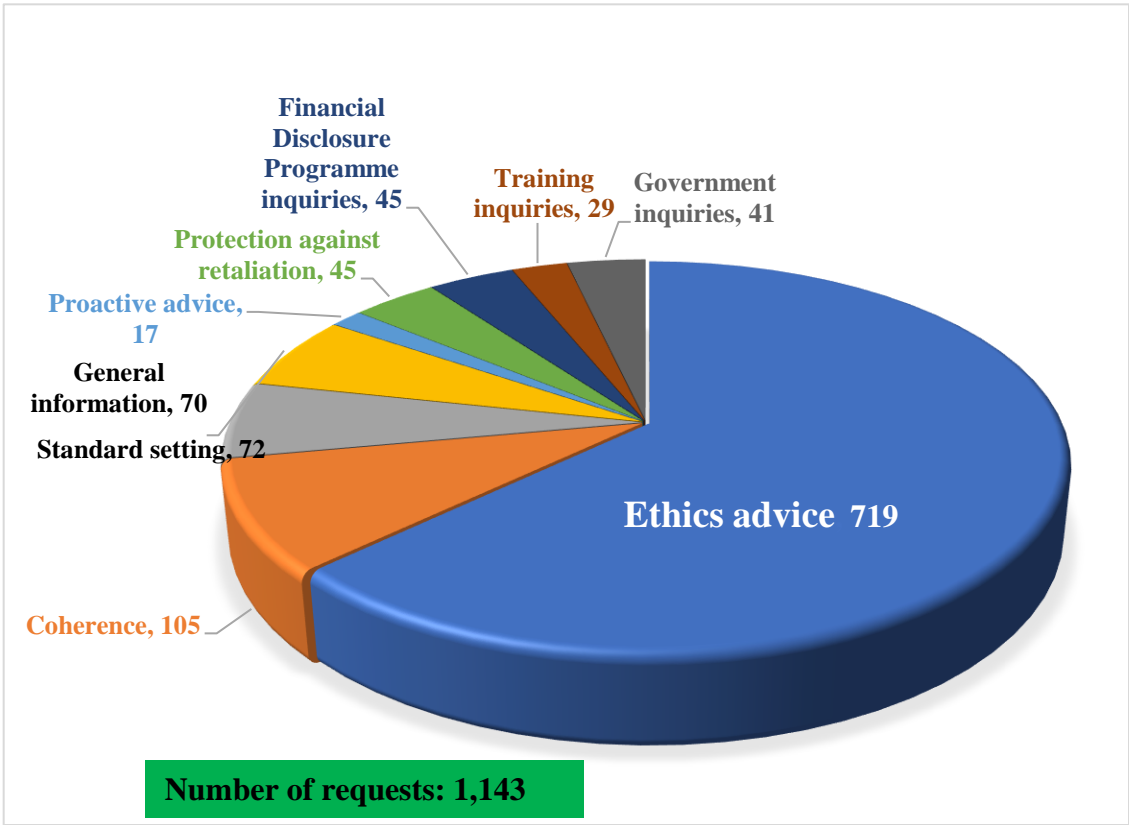
4. As the COVID-19 pandemic had a significant impact on UNDP and its operations in 2020 with a majority of personnel working from home for an extended period of time, throughout this period the Ethics Office ensured it remained fully responsive to personnel requests and proactive in its development and delivery of its ethics programme. Despite most personnel not being physically located in their offices for much of 2020, the office addressed a record 1,143 matters (compared with 1,120 matters in 2019). This further caseload increase maintained the upward trend in demand for ethics services, which has been evident since 2015 when the office dealt with 643 matters. The fact that the office again dealt with a record number of matters in 2020 attests to the sustained efforts of the office to raise its profile across UNDP through its training and awareness-raising activities. It also demonstrates the trust placed in the office by personnel for timely, informed and practical ethics advice and guidance, particularly during a period of unprecedented challenge and uncertainty. Noting that the office has experienced a 78 per cent caseload increase since 2015, figure 1 below provides a breakdown of total service requests received by the office in 2020.

5. In pursuit of remaining engaged with as many UNDP personnel as possible in 2020, the office provided live ethics-related training to 1,667 personnel (compared to 2,131 personnel in 2019 and 1,570 in 2018). As a consequence of COVID-19, the vast majority of these trainings were conducted on-line in close collaboration with UNDP offices at headquarters, regional and country office levels. Concerning the UNDP financial disclosure programme, the office reviewed 1,459 individual financial disclosure statements and issued conflict of interest avoidance advice to 281 filers. The

office further conducted reviews of multiple UNDP policies and processes to support their incorporation of ethics considerations and best practices and continued to provide tailored ethics briefings to senior management to promote ethical leadership behaviour.

6. The effects of the COVID-19 pandemic will inevitably shape the work and operations of governments, UNDP and the international humanitarian sector moving forward. Central to the success and effectiveness of UNDP and other organizations during this period of upheaval and transformation will be the maintenance and fostering of robust ethical cultures that uphold essential values of fairness, transparency and responsible stewardship. In this regard, the Ethics Office remains committed to supporting and protecting the integrity of UNDP programming and service delivery through its role as a primary proponent of UNDP ethical values.

Figure 1. Requests for advice and other services, by category, 2020



## II. Administrative activities

7. In 2020, the Ethics Office operated with a small core staff consisting of a Director (D1), Ethics Adviser (P5), Ethics Specialist (P3) and an Administrative Associate (G6). As the office's new Ethics Specialist post was filled in October 2019, this additional staff member has significantly enhanced the office's capacity to effectively manage its increasing caseload while also safeguarding the development and sustainability of its proactive ethics awareness initiatives. Given that increased resources and capacity allow for additional programming, in November 2020 the office also submitted a 2021 junior professional officer (JPO) placement request via the UNDP JPO online request system for Member States' consideration.

8. The office's budget in 2020 increased as a result of the hiring of its P3 Ethics Specialist in the final quarter of 2019 and, as a result of the continuing increase in demand for services, the Ethics Office operations budget increased again for 2021.

9. Subsequent to the 13 March 2020 decision from UNDP management that New York-based personnel should proceed to telecommute/telework in order to mitigate the spread of COVID-19, all Ethics Office staff worked from home for the remainder of 2020. Despite this unparalleled situation, the office successfully managed to ensure the continuity of its timely and effective services with minimal disruption. Through increased use of new business communication and video conferencing platforms, the office was able to remain fully engaged with UNDP personnel regardless of location. As the building of trusted relationships with staff and management is central to the work and efficacy of the Ethics Office, the office leveraged online tools to remain fully responsive to, and connected with, the UNDP global workforce.

## III. Mandated activities

10. Focusing on the practical application and business value of ethics, in 2020 the office continued to advance a forward-looking ethics programme across its core areas of responsibility.

### A. Standard-setting and policy support

11. In 2020, the Ethics Office continued to support UNDP policy development through the Director's observer status in the Organizational Performance Group. The office additionally engaged in policy and process reviews upon requests from management, and through proactive engagement with business units. Examples of UNDP policies, guidelines and other institutional documents that, according to the office's assessment, should incorporate ethics considerations and standards necessary to support effective business performance included: UNDP data privacy policy; UNDP transparency action plan; UNDP talent review process; social and environmental standards; UNDP business continuity support to governments (COVID-19); information technology strategy; UNDP Security Governance Group terms of reference; UNDP anti-fraud strategy; Office of Human Resources (OHR) career management framework; UNDP mobility policy; UNDP revised policy on individual performance management and development; UNDP role in health crises: corporate guidance for response and recovery; UNDP fellowships policy, and the UNDP internship policy.

12. As previously reported, the Ethics Office is required to provide ethics services, including reviews of retaliation complaints, to all individuals holding UNDP-issued contracts but working for other United Nations organizations and offices. Noting that existing UNDP obligations vis-à-vis such individuals place significant resource demands on UNDP, cause operational inefficiencies, and create reputational risk for UNDP, the Ethics Office considers that individuals holding UNDP contracts but

assigned to other United Nations organizations should fall under the full authority of their host organization with regard to, inter alia, management of disputes, conduct of investigations, and provision of ethics services, including protection against retaliation. To this end, in 2020 the office issued recommendations to that effect to UNDP OHR in consultation with the UNDP Office of Legal Services and the Executive Office. Those recommendations are being considered as part of a wider review of UNDP contractual modalities by OHR.

13. During the reporting period, the UNDP Bureau for External Relations and Advocacy (BERA) approved the new UNDP guidance note for UNDP personnel entitled, "Writing in a personal capacity for external publications". The guidance note was developed by the Ethics Office in collaboration with BERA to complement BERA 2019 knowledge product production and quality assurance guidelines which address the publication of official UNDP products.

14. In 2020, UNDP formally issued its policy on gifts, honours, decorations, favours, hospitality or remuneration from governmental and non-governmental sources. Drafted by the Ethics Office and endorsed by the Bureau for Management Services (BMS), the policy provides detailed guidance to UNDP personnel on relevant obligations and procedures and is administered by BMS.

15. As previously reported, in the course of issuing ethics advice in 2019 the Ethics Office identified concerns relating to the implementation of the UNDP recruitment and selection framework policy and the UNDP policy on special leave with regard to (a) UNDP recruitment of government personnel who wish to maintain their governmental employment status for government pension purposes; and (b) UNDP staff members seeking to take special leave without pay (SLWOP) to pursue outside employment. Having raised its concerns with UNDP management, in 2020 OHR made corrective revisions to the respective policies.

16. Throughout 2020, the Director of the Ethics Office continued to serve as a member of the UNDP Task Force on Prevention of Sexual Harassment and Sexual Exploitation and Abuse, as established by the Administrator in 2018 and led by his Executive Office. Having been expanded to cover all forms of harassment, the task force is mandated to drive change across UNDP in preventing and responding to such prohibited conduct. The activity of the task force in 2020 is reviewed in detail in a separate oral report/background paper that will be presented by the Executive Office to the Executive Board at its annual session 2021.

17. Recognizing the global movement that took root in 2020 against racism and all forms of discrimination, and to demonstrate UNDP commitment to that cause, in September 2020 the Administrator established a UNDP Team on Racism and Discrimination to lead a consultation process on the issue of racism in the workplace and to provide a report to senior leadership with recommendations for further action. The Director served as a senior adviser to the team and provided feedback on the team's draft report which was issued in December 2020.

18. The Ethics Office also continued to work with the UNDP Digital Governance Group and the People Development Governance Group. The Digital Governance Group provides strategic guidance and recommendations on the allocation of resources to support UNDP digital transformation. The People Development Governance Group identifies and prioritizes corporate learning needs, as well as serves as the sounding board for the people development strategy, the competency framework and related policies and practices.

19. Reflecting UNDP commitment to being a gender-balanced, inclusive organization, in 2020 UNDP initiated its own economic dividends for gender equality (EDGE)

certification process. EDGE is considered a leading global assessment and business certification for gender equality in the workplace, focused on indicators such as gender balance, equal pay and effective policies and practices. The office participated in EDGE focal point meetings and provided input into the development of the UNDP EDGE survey, which was launched in August 2020. Conducted by an external auditor, the assessment and certification process, which will also include an action plan to address priority areas, are expected to be finalized in the first half of 2021.

20. During the reporting period, the Ethics Office additionally contributed to the development of the UNDP 2020 global staff survey (GSS), which gives UNDP personnel the opportunity to provide feedback on organizational performance and ways to strengthen the UNDP work environment. The 2020 GSS, launched in November 2020, will also assist UNDP in determining the impact of actions taken across UNDP in response to the results of the 2018 GSS and to design UNDP employee management approaches moving forward. Collaborating with OHR, the office reviewed and revised ethics-related questions in the GSS developed to gauge personnel perceptions of ethics and integrity within UNDP. The results of the 2020 GSS are expected to be received in the first quarter of 2021. As done previously, the Ethics Office will use data gathered from the 2020 GSS to develop country-specific ethics trainings and to enable targeted interventions at the headquarters, regional and country office levels in the event survey results raise any ethics concerns.

21. Helping to support the ethics function across the the United Nations system, the Ethics Office provided input and expertise to various United Nations system entities. Notably, the office provided guidance to one particular ethics office on outside activity review procedures and the development of its financial disclosure programme, including its online reporting system. The office was also contacted by consultants reviewing the form, structure and responsibilities of one United Nations entity's ethics office. Furthermore, the office: (a) provided an annual briefing to the United Nations Board of Auditors; (b) met with the United Nations Joint Inspection Unit (JIU) for their review of the ethics function within the United Nations system; (c) submitted commentary to the additional JIU draft report on the investigative function within the United Nations system; and (d) provided to the United Nations Ethics Office proposed amendments to Secretary-General's bulletin ST/SGB/2007/11, United Nations system-wide application of ethics: separately administered organs and programmes.

## **B. Training, outreach and awareness-raising**

22. The office's training and awareness-raising activities are critical components of its mandate. In the delivery of trainings and briefings on personnel obligations and required standards of conduct, the office focuses on the practical application of ethics and seeks to empower staff to make ethical decisions and engage in ethical behaviour that is in the best interests of the organization. As UNDP works in high-risk environments and consists of a diverse, multinational work force, effective and accountable service delivery depends on UNDP personnel both understanding and adhering to the organization's unified set of ethical standards and expectations. Such adherence takes on even greater importance in circumstances where personnel spend significant time working remotely and making decisions outside of their normal office workspace. By ensuring their daily actions and decisions are guided by UNDP core ethical values, UNDP personnel protect the organization's reputation and strengthen institutional integrity.

23. An organization's ethical culture is further enhanced by its leadership's visible demonstration of ethical conduct. Accordingly, and in addition to its general personnel trainings, the Ethics Office provides ethical leadership training that reinforces 'tone at the top' and 'mood in the middle' (mid-level managers who handle daily operations, and are particularly situated to display role-model behaviour).

*Ethics and Integrity at UNDP online course, and other Ethics Office modules*

24. The Ethics Office's training programme includes an online course, Ethics and Integrity at UNDP, available in English, French and Spanish. Introduced in 2015, in 2020 the office comprehensively updated the course in cooperation with the Talent Development Unit, OHR, so that it fully incorporates and reflects current UNDP policies and other relevant documents, including the UNDP code of ethics. Mandatory for all personnel, the course utilizes actual work scenarios to facilitate a common, foundational understanding of UNDP ethical standards and expectations. As of 31 December 2020, the course has been completed by 14,540 UNDP personnel.

25. Through the UNDP online learning platform, the office additionally offers three voluntary ethics mini-courses on avoiding conflicts of interest, the financial disclosure programme, and protection against retaliation. Also available in English, French and Spanish, there have been 1,992 course completions as of the end of 2020. The availability of these course is highlighted in Ethics and Integrity at UNDP and in Ethics Office outreach and in-person trainings materials.

*Face-to-face workshop and webinars*

26. In addition to its online courses, the Ethics Office's in-person training initiatives serve as a crucial means to enhance understanding of ethics requirements and to directly engage with personnel on ethics-related concerns. As a consequence of the office's proactive outreach the number of personnel receiving face-to-face training has increased significantly from 2017, when 883 personnel received direct training. Despite the COVID-19 pandemic, in 2020 the Ethics Office delivered live ethics training to 1,667 UNDP personnel via live face-to-face ethics workshops and group briefings. Given travel restrictions, the majority of face-to-face trainings were delivered via online platforms. The number of personnel receiving direct training in 2020 is also a testament to the importance placed in ethics by UNDP management at the headquarters, regional and country office levels who continued to request ethics training during the pandemic.

27. The Ethics Office conducted live ethics workshops and ethical leadership sessions at all hours for UNDP personnel in, inter alia, Armenia, Azerbaijan, Guyana, Guinea Bissau, Guatemala, Kazakhstan, Mongolia, Peru, the Philippines, Sri Lanka, Thailand, Turkey and the Ukraine. The office additionally delivered ethics briefing for United Nations Volunteers (UNV) in Bonn, incoming UNDP JPOs, the UNDP Istanbul Regional Hub, the UNDP Regional Bureau for Arab States (RBAS) Staff Council retreat, UNDP Accelerator Lab personnel, and all new Prevention of Sexual Exploitation and Abuse (PSEA) Respectful Workplace Facilitators.

28. As in prior years, the office continued to customize its training presentations to the specific needs of each UNDP office or location, focusing on the practical and value-added application of ethics. By addressing office specific-concerns and local political realities, the office's pragmatic approach facilitates engaged audiences and has contributed to the increased growth in training and advice service requests from staff and management across UNDP office locations.

*Senior management briefings*

29. While the Director of the Ethics Office has been regularly invited to attend and deliver ethics presentations at regional senior management meetings, due to the COVID-19 pandemic UNDP regional management meetings were postponed in 2020. Given the importance of UNDP leadership in upholding and advancing an ethical culture throughout the organization, the Director continued however to provide ethics briefings, including conflict of interest vetting, to new members of the UNDP senior leadership team and all other newly appointed officials at the D1 level and above.



Throughout 2020, senior UNDP managers regularly turned to the Ethics Office for ethics advice and guidance, including on novel challenges faced as a consequence of the pandemic (with most UNDP personnel working from home, issues included effectively managing workforces and productivity in decentralized environments and associated operational stresses).

*Awareness-raising and communication activities*

30. Throughout 2020, the Ethics Office maintained its proactive development and distribution of ethics information and guidance materials. As part of its efforts to strengthen personnel awareness of their ethical obligations, the office has prioritized the production of accessible and useful information resources. Via consistent messaging to the UNDP global workforce, the office reinforces that ethical decision-making and consistent adherence to the organization's values and standards of conduct enhance workplace trust and accountability, raise organizational performance, and protect the reputation of UNDP.

31. Given that the regular provision of ethics guidance is essential to ensure personnel are equipped with the knowledge necessary to appropriately regulate their professional and personal conduct and to make informed ethical decisions, in 2020 the Ethics Office issued a number of guidance bulletins. As national elections were to be held in over 60 countries in 2020, and noting that political tensions continued to persist in regions around the world, in February 2020 the office released a 'Political Activities' bulletin in English, French and Spanish detailing the scope of permissible activity by UNDP personnel. The bulletin has since been translated into Russian. As a direct consequence of this bulletin, multiple UNDP country offices requested specific ethics training sessions on political activities, which were provided. The office additionally issued to all personnel in multiple languages, and in cooperation with BERA, ethics guidance regarding personal use of social media as well as an annual holiday guidance bulletin addressing gifts and personal conduct.

32. Among Ethics Office-produced awareness materials, the *UNDP Code of Ethics* and *Where to Go When: A Resource Guide for UNDP Personnel* constitute keystone publications. The *Code of Ethics* – the first such code in the history of UNDP – consolidates and synthesizes all policies and procedures impacting the organization's ethical culture in an easy-to-understand format. As a companion publication to the *Code of Ethics*, *Where to Go When* is the first comprehensive UNDP guide detailing the various support offices and services available to UNDP personnel. Initially released in 2017, both documents were reissued in 2020 after being comprehensively reviewed and revised to reflect subsequent changes to referenced UNDP policies and procedures. Originally issued in English, French and Spanish, both documents were further translated into Arabic and Russian in 2020. The office promotes both publications at all of its training sessions and encourages personnel to review the documents and to keep them in close proximity for ease of reference. In producing such materials, the office has a fundamental faith in personnel to engage in appropriate conduct and to make ethical decisions when equipped with clear and practical information concerning their UNDP obligations.

33. Also leveraging social media to drive ethics awareness and education, the office used its presence on Twitter and Yammer (an internal UNDP social network) to circulate ethics articles, surveys, opinion pieces and office summaries of United Nations Dispute Tribunal judgments with ethics implications. Emphasizing the importance of keeping ethics considerations at the heart of UNDP business practices and operations, the Director has issued a total of 585 tweets through year-end 2020, with a similar number of Ethics Office Yammer posts.

34. During the reporting period, the office also continued to update its intranet site and public-facing Internet pages. Both sites contain information on the Ethics Office and the UNDP ethics programme, with links to relevant policies and resource materials. While the

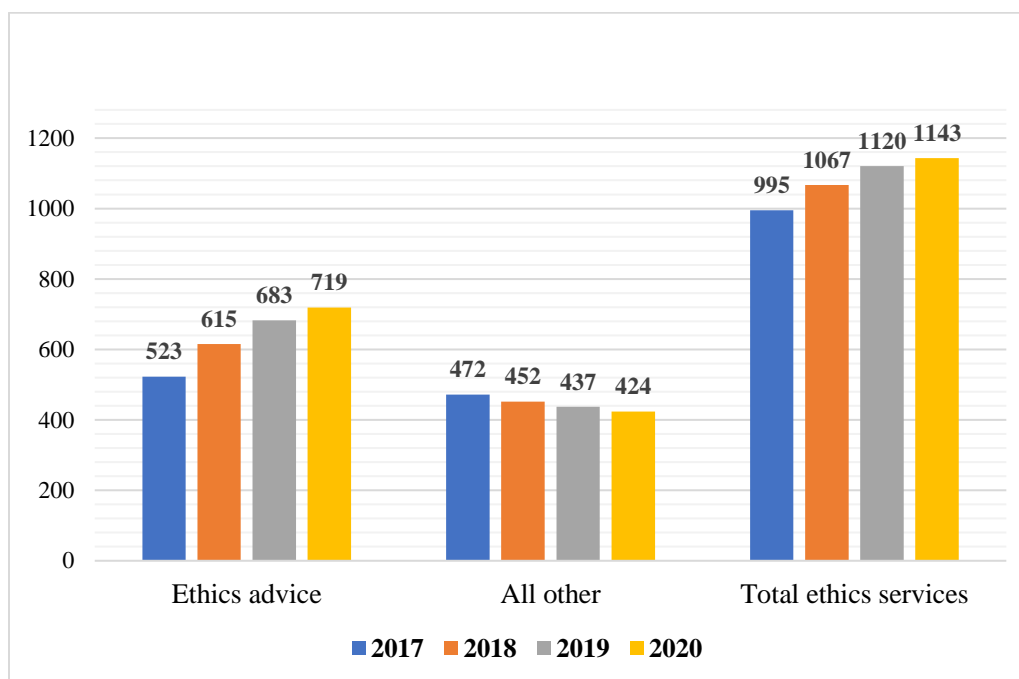
office's intranet site had 11,353 page views by UNDP personnel in 2020, the public site had 5,113 visits.

### **C. Confidential advice and guidance**

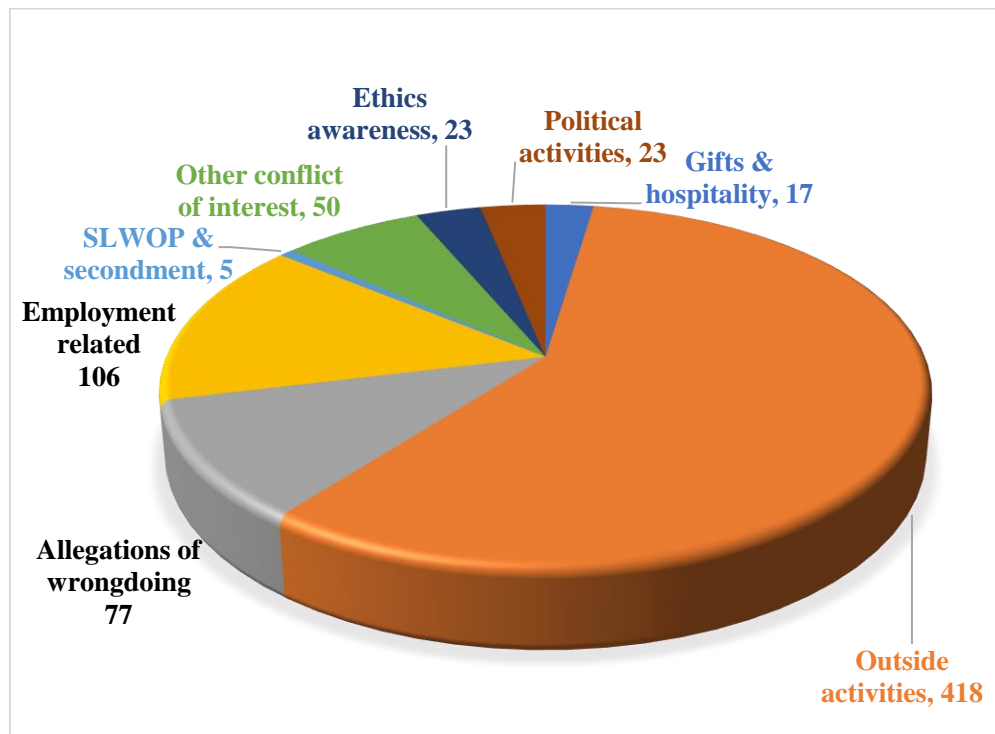
35. Through its provision of confidential and impartial ethics advice, the Ethics Office plays an essential role in promoting UNDP ethical standards and culture. In providing practical guidance on the ethical obligations of UNDP personnel, and appropriate courses of action, the office supports personnel to make informed decisions that protect the interests of the organization.

36. By providing actionable, pragmatic advice, the office further enables personnel to better identify and resolve potential conflicts of interest, as well as other complex or sensitive workplace issues, before they develop into problems that could have negative impact on UNDP. In assisting personnel in preventing and resolving actual or potential conflicts of interest, the Ethics Office performs a vital risk management function for UNDP. Acting as a trusted, consultative resource for all UNDP personnel, the office also provides a safe haven where personnel can raise concerns and alert the office to situations that may require remedial action to prevent or mitigate harm to the organization. In supporting the integrity of UNDP operations and programming through its daily provision of ethics advice and guidance to the UNDP global workforce, the office assists in upholding the good name and reputation of UNDP.

37. As previously reported, and reflective of the office's concerted efforts to expand its profile and engagement with UNDP personnel regardless of location, the number of personnel seeking ethics advice and guidance has significantly increased over recent reporting cycles. Maintaining this trend during the COVID-19 crisis, the office saw another increase in service matters and advice requests in 2020. As shown in figure 2 below, in 2020 the office processed a record 1,143 service matters (a slight increase from 1,120 matters in 2019), of which 719 were requests for ethics advice (up from 683 requests in 2019). Continuing to serve as a valued and trusted advisory resource throughout a challenging and unprecedented period, the fact that the number of advice requests actually increased during this period is further indicative of the successful mainstreaming of ethics throughout the organization, pursuant to which UNDP personnel reflexively reach out to the office even when working remotely. Concerning the significant upward trajectory of the office's annual caseload over the last six-year period, in 2015 the office received 643 requests for services, with 431 ethics advice requests. The 2020 numbers constitute a 78 per cent increase in total ethics service matters, and a 67 per cent increase in received advice requests. As stated, the office's new P3 post filled in late 2019 will secure the office's ability to effectively manage this service demand increase, while continuing to develop its ethics programme.

**Figure 2. Ethics advice as a component of total services, 2017-2020**

38. In 2020, 63 per cent of all requests for Ethics Office services concerned ethics advice and guidance (as compared to 61 per cent in 2019). As shown in figure 3 below, the office provided advice on a broad range of matters, including: outside activities; acceptance of awards, gifts and honours; involvement in political activities; internal procedures for the reporting of alleged misconduct; conflicts of interest; and other ethics-related employment concerns, including referrals to appropriate support offices, including the Office of the Ombudsman for United Nations Funds and Programmes, and the United Nations Office of Staff Legal Assistance (OSLA). Noting that ethics advice constitutes a significant aspect of the office's daily interaction with UNDP personnel, the willingness of personnel to approach the office is dependent in part on receiving pragmatic and action-oriented guidance in a timely manner. As such, the office continues to pride itself as one of the most responsive offices in UNDP, consistently adhering to its commitment to providing same day responses and issuing ethics advice within 24 hours (one business day) of receiving any additionally required case information.

**Figure 3. Ethics advice breakdown, 2020**

39. As in prior reporting periods, the highest number of advice matters were requests to engage in outside activities, including Board memberships, external publishing in a personal capacity, and occasional, part-time outside employment such as limited university teaching. Outside activity requests are vetted by the office to ensure the activity does not conflict with the requestor's UNDP function or status (including their fundamental obligations of independence, impartiality and loyalty to UNDP), nor reflect adversely on UNDP. The continuing high number of such requests received by the office in 2020 attests to the awareness on the part of personnel to seek and obtain prior approval for outside interests and affiliations, even during a protracted period of working away from the office.

40. Given that the UNDP outside activity request process is a paper-based system, and pursuant to the Ethics Office's efforts to streamline ethics services and to leverage information technology platforms for greater process efficiencies, in 2020 the office continued to collaborate with the UNDP Executive Office on the development of an online application system. Following development delays in 2020, the office anticipates that the new online system will be launched in 2021.

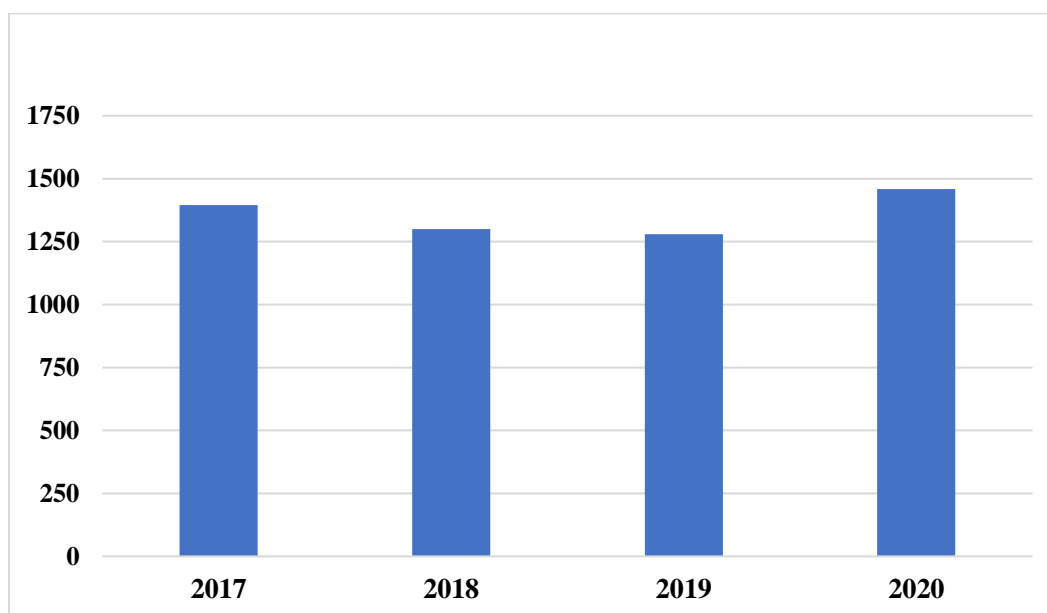
41. The sustained increase in yearly demand for Ethics Office services is a consequence of the office's expansive training and outreach activities, and reflects the value that personnel place in receiving pragmatic advice that has real-world applicability for the ethics issues they face in their daily work. Noting that UNDP personnel continued to regularly seek the office's counsel in 2020 prior to taking actions or making decisions, the office remains committed to cultivating its relations with both staff and management and to providing quality ethics expertise that brings business value to the work and operations of UNDP.

## D. Financial disclosure programme for the 2019 transaction year (filed in 2020)

42. The UNDP annual financial disclosure programme (FDP), as administered by the Ethics Office, is designed to identify, manage and eliminate conflicts of interest between a filer's personal holdings, interests and affiliations (and those of their immediate family members) and their UNDP duties and obligations. Applicable to all management at the D1 level and above, and to personnel whose principal duties involve procurement and investment, the FDP seeks to ensure that private interests do not interfere, or are not perceived to interfere, with official actions or decision-making. The FDP constitutes a key instrument in promoting organizational transparency and public trust in UNDP.

43. In 2020, the office conducted its fourteenth annual financial disclosure exercise. Covering the 2019 transaction year, 1,459 filers participated in the programme. As shown in figure 4, the number of FDP filers has remained relatively consistent over recent filing cycles. While some United Nations system ethics offices outsource the review of filer statements to external vendors, the Ethics Office directly reviews all FDP statements submitted under the UNDP programme. This approach results in significant cost savings for UNDP and ensures that reviews benefit from the office's UNDP-specific conflict of interest expertise. As with prior FDP exercises, the programme again achieved a 100 per cent compliance rate.

**Figure 4. Number of financial disclosure policy annual filers from 2017 to 2020**



44. Regarding the applicable review process, the office commenced reviews of FDP statements upon submission, allowing for immediate filer follow-up and enabling the provision of prompt guidance to filers on required actions to mitigate conflict of interest risk, or to remedy identified conflict of interest situations.

### *Review of data and provision of conflict of interest advice*

45. The review of FDP statements involves a three-step approach. First, statements are assessed to ensure submitted information is complete. In the event of incomplete or unclear information, filer follow-up is conducted. Second, declared holdings such as

company stocks are considered in view of any UNDP business engagement with the relevant entity. Third, declared outside activities and affiliations are assessed against applicable restrictions and obligations as contained in relevant staff rules and policies. Taking into account the filer's UNDP work functions and duty station, all reviews are conducted to identify actual or potential conflicts of interest and, where conflicts are detected, to provide remedial or proactive advice.

46. Under the FDP, and pursuant to applicable staff regulations, participating filers are required to report, inter alia, all financial assets with a value of \$10,000 and above for themselves, their spouses/partners, and their dependent children. Until 2019, filers who declared that neither they nor their family members held any assets worth \$10,000 or more, nor held any affiliations relevant to UNDP, received automatic "no transaction" clearances of their statements through the FDP online system. In 2019, the Ethics Office revised the online FDP system so that automatic clearances are no longer generated and filers who claim to have no reportable holdings are now required to provide written confirmation to the office of the accuracy of their filing.

47. Following the above change, 53 filers in 2019 who initially submitted statements asserting that they had no reportable holdings requested that their statements be reopened so that they could resubmit required disclosure information. The main reason given by those filers for failing to report mandatory information was that they had not fully understood the range of items and/or affiliations that must be disclosed under the programme. In 2020, 26 filers who initially claimed to hold no reportable items were subsequently required to resubmit their statements with required information. The majority of these 2020 filers were new participants to the FDP. To ensure all filers adhere to their disclosure obligations, the requirement that all filers who claim to have no reportable items subsequently provide written confirmation of the accuracy of their declarations will remain a permanent feature of the online reporting system.

48. To strengthen the FDP as a more robust and comprehensive conflict of interest identification mechanism, in 2018 the office incorporated additional disclosure questions targetting affiliations and relationships that could potentially influence, or be perceived to affect, official decision-making. While the office had issued advice to an average of 59 filers over the 2014-2017 filing cycles, as a consequence of the additional information obtained through these questions, the office issued FDP advice to 152 filers in 2018 and 182 filers in 2019.

49. As this further refinement of relevant questions resulted in a significant increase in received filer information pertaining to outside affiliations and relationships, in 2020 the Ethics Office issued FDP advice to a record high 281 filers, or 19 per cent of the filer population. The office specifically provided advice to eight filers in cases where a potential conflict of interest was detected. The majority of these cases involved low risk, undeclared outside activities, including significant ownership stakes in family businesses. Upon informing each filer of their obligation to seek UNDP authorization, the office subsequently vetted each request and made recommendations to management on whether the requests should or should not be approved. For the other 273 filers, proactive advice was provided to ensure the filers avoided any future actions that could give rise to conflict of interest situations. The majority of these cases involved UNDP personnel with family members or other close personal affiliates employed by government agencies, non-governmental organizations engaged in UNDP work areas, or actual or potential UNDP vendors. The highlighted increase in issued conflict of interest advice has demonstrated the utility in expanding the scope of FDP relationship questions so as to address previously unidentified conflict of interest risk areas.

### *Verification of financial disclosure programme statements*

50. At the conclusion of each annual FDP statement review process, a subset of filers are usually selected to participate in a separate verification exercise to authenticate the accuracy and completeness of their statements through the provision of third-party documentation for each declared item. Given movement restrictions under COVID-19 lockdowns and associated challenges in compiling and submitting relevant documentation, however, the Ethics Office dispensed with the FDP verification exercise in 2020. It is anticipated that verification will resume for the 2021 FDP cycle, conditions permitting.

### *Revision of the UNDP policy on the financial disclosure programme*

51. Having last been updated in 2012, in 2020 the Ethics Office further conducted a comprehensive review and revision of the UNDP policy on the financial disclosure policy. Updating the policy to, inter alia, reflect recent strengthening of the programme vis-à-vis mandatory disclosure information and to improve privacy protections, the office expects the revised policy to be formally adopted in 2021.

## **E. Protection of staff against retaliation for reporting misconduct and/or cooperating with duly authorized audits or investigations**

52. The Ethics Office administers the UNDP policy for protection against retaliation, which applies to UNDP contract holders who allege they have been subjected to or threatened with detrimental, retaliatory action as a result of reporting misconduct for the purpose of investigation, or for cooperating with an official investigation or audit (referred to as “protected activities” under the policy). In promoting the obligations of UNDP personnel to report misconduct and to cooperate with investigations/audits, the policy aims to enhance UNDP ability to investigate and remedy conduct that, if left unaddressed, could cause significant damage to UNDP operations and reputation.

53. Pursuant to the policy, the office receives complaints of retaliation and conducts preliminary assessments to determine whether a complainant has engaged in a protected activity and, if so, whether the protected activity was a contributing factor in causing the alleged retaliation. If the office determines that a prima facie case of retaliation has been established, the matter is referred to the UNDP Office of Audit and Investigations (OAI) for investigation. The Ethics Office makes a final retaliation determination after conducting an independent review of the completed OAI investigation report and evidential materials, such as obtained witness statements.

54. During 2020, the office received 45 inquiries relating to protection against retaliation (in comparison, the office received 47 inquiries in 2019). Of these inquiries, 41 involved: (a) requests from UNDP personnel and other sources for policy information and advice; and (b) requests from multiple United Nations system ethics offices for advice on specific protection against retaliation cases. The latter requests were made in light of the Ethics Office being recognized as having significant experience in assessing and handling protection against retaliation matters.

55. In addition to providing general advice on policy content and applicability, UNDP personnel who raised alleged workplace reprisal concerns not covered by the policy were referred to other appropriate offices, including OAI, OHR, the Office of the Ombudsman, and OSLA. The Ethics Office further maintained its open door policy for any such personnel who wished to provide subsequent case updates or obtain additional confidential guidance.

56. Of the total 45 inquiries received in 2020, four were formal complaints of retaliation falling under the scope of the policy. As previously reported, in 2019 the office received 12 formal retaliation complaints, of which eight came from individuals who held UNDP-issued contracts but worked for other United Nations organizations

(the other four complaints in 2019 came from UNDP personnel). In the present reporting period, all four complaints came from UNDP personnel working at UNDP offices. The number of complaints from UNDP personnel has remained relatively consistent over recent reporting cycles, with two complaints received from UNDP personnel in 2018, three in 2017, and two in 2016.

57. As previously stated, the Ethics Office has recommended to OHR that individuals holding UNDP-issued contracts but assigned to other United Nations organizations should be placed under the full authority of their host organization with regard to dispute resolution and applicable recourse mechanisms. With such a change, any such UNDP contract holders claiming retaliation within their host organization would fall under the review jurisdiction of their host organization's respective ethics office, which is best situated to address the issue. While the office did not receive any formal retaliation complaints from UNDP contract holders working for other United Nations organizations in 2020, the office did however receive general workplace reprisal allegations from UNDP contract holders working at the United Nations Office on Drugs and Crime (UNODC), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). While not falling under the scope of the UNDP protection against retaliation policy, the office nonetheless dedicated substantial time and attention to reviewing these matters prior to referring the relevant individuals to other appropriate offices to have their concerns addressed.

58. For the four formal retaliation complaints received in 2020, the office conducted detailed preliminary assessments that involved the review of submitted case documentation and follow-up with relevant information sources upon complainant authorization. Two of these complaints were received from UNDP staff members at the same UNDP country office; their posts were not retained following a change management process and reorganization exercise in the respective country offices. While claiming that the non-retention of their posts and associated non-renewals of their UNDP contracts was taken in retaliation for having raised alleged improper conduct by country office personnel with country office management, comprehensive reviews of their cases demonstrated that the relevant change management process had been conducted in a transparent manner and that the post non-retention decisions were well documented and based on operational justifications affecting multiple individuals. The office further determined that one of the complainants had not in fact engaged in a protected activity as per the requirements of the policy. As such, a prima facie case of retaliation was not established for either complaint.

59. The other two complaints concerned: (a) an alleged retaliatory reallocation of functions to another colleague; and (b) a retaliatory termination of contract. Concerning the function reallocation case, the Ethics Office determined upon review of provided case documentation that the stated reallocation action had clearly occurred before the complainant's protected activity. As for the termination case, the office's review of submitted documents, and follow-up with OHR upon the consent of the complainant, clearly indicated that the termination decision was attributable to work performance and other considerations that both predated and existed independent of the complainant's relevant protected activity. Neither case accordingly raised a prima facie case of retaliation. The protected activities in both of these cases involved general harassment allegations against respective office management.

60. While not finding prima facie cases of retaliation, all four complainants were advised by the office of other appropriate internal recourse mechanisms to address their concerns. For the termination and post non-retention cases, complainants were advised of available appeal procedures under the United Nations internal justice system. The



complainant in the function reallocation case was encouraged to contact the Office of the Ombudsman for guidance on informal resolution options to address the workplace interaction concerns raised. While retaliation complainants who receive no prima facie determinations from the office additionally have the right under UNDP protection against retaliation policy to seek review of the determination from the Chairperson of the Ethics Panel of the United Nations, following receipt of detailed, written explanations of the office's findings, none of the four complainants sought further review.

61. In both the public and private sectors, whistleblowing against serious misconduct that is contrary to the public interest strengthens institutional accountability and bolsters the fight against fraud, corruption and gross mismanagement of resources. In pursuit of protecting the integrity of UNDP, the Ethics Office continues to emphasize in its interactions with UNDP business units and managers the importance of fostering a speak-up culture and workplace environment free of retaliation. The provision of information on UNDP protection against retaliation policy also remains a critical component of the office's training and awareness raising activities.

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

62. In 2020, the Director of the Ethics Office continued to participate in monthly meetings of the Ethics Panel of the United Nations (EPUN). With the onset of the COVID-19 pandemic, these meetings were moved online. Mandated to establish a unified set of ethics standards and to consult on complex ethics matters having system-wide implications, EPUN is composed of the heads of ethics offices of the United Nations Secretariat and separately administered organs and programmes and chaired by the Director of the United Nations Secretariat Ethics Office.

63. In addition to sharing his public and private sector expertise with EPUN on multiple ethics matters, the Director conducted several reviews of contested protection against retaliation determinations as EPUN Alternate Chair pro tem. The Director also remained an active member of the Ethics Network of Multilateral Organizations (ENMO), composed of ethics officers from United Nations system entities, affiliated international organizations, and international financial institutions. The Director served on the planning committee for the ENMO July 2020 annual meeting (also held online), and secured the meeting's keynote speaker, the CEO of Ethisphere, a well-known ethics thinktank and the organization behind the annual designation of the World's Most Ethical Companies award among private sector entities. Throughout 2020, EPUN and ENMO members further continued to independently seek out the office's advice on a range of ethics issues.

#### **V. Recommendations to management to strengthen the UNDP culture of integrity and compliance**

64. In its decision 2011/24, the Executive Board called on the Ethics Office to issue recommendations to management on strengthening the UNDP culture of ethics, integrity and accountability. Given that UNDP management remains committed to addressing and remedying concerns raised by the office in the course of its work, most recently in regards to identified risks vis-à-vis UNDP-issued contracts for individuals working for other United Nations organizations, the office does not issue any formal management recommendations for the 2020 reporting period.

## VI. Conclusion

65. An especially challenging year for UNDP, 2020 was marked by the COVID-19 pandemic and political tensions in various regions around the world, including mass movements for racial and social justice. While the majority of UNDP personnel were required to work from home with the onset of the pandemic, the need for UNDP operations to continue with minimal disruption remained of paramount importance given that beneficiaries of UNDP development assistance are among the most at-risk populations in terms of both the immediate and long-term health and livelihood consequences of the pandemic. Within this context, the Ethics Office ensured that it remained fully engaged with, and accessible to, UNDP personnel and office locations across the globe.

66. In times of crisis, and during extended periods of working remotely, it is essential for the organization's reputation and operations that UNDP personnel continue to adhere to the highest standards of ethical conduct. By proactively working to embed ethics in the daily business practices of the organization, and through its expansive ethics training, awareness-raising and advisory services, the Ethics Office has provided UNDP personnel with the tools and knowledge necessary to ensure their professional and personal conduct remains fully aligned with the values and expectations of the organization, with actions and decisions guided by the best interests of UNDP. Through its robust ethics programme and trusted relations with staff and management, the office remains a leading advocate of institutional integrity and effective, reputable business operations within UNDP.

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