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Policy Addressing Prohibited Conduct, Including Fraud, Corruption and Other Financial Misconduct, and Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority

1. Introduction

- 1.1 IRENA is committed to maintaining a working environment that respects the inherent dignity of all persons, affords them the opportunity to reach their fullest potential, and empowers them to deliver the best possible results. Every person has the right to be treated with dignity and respect and to work in a safe environment free from harassment, sexual harassment, discrimination and abuse of authority. All IRENA personnel, both staff members and non-staff personnel as defined in section 2.6, below, also have a corresponding responsibility to promote such an environment.
- 1.2 IRENA is promulgating the present Policy to ensure that:
 - 1.2.1 All staff members and non-staff personnel are aware that they are prohibited from engaging in, and must act to prevent, fraud, corruption, and any other form of financial misconduct; and,
 - 1.2.2 Staff members and non-staff personnel are treated with dignity and respect and are aware of their role and responsibilities in maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of authority; and,
 - 1.2.3 Staff members and non-staff personnel are mindful of the need to prevent such conduct, and,
 - 1.2.4 If such prohibited conduct occurs, timely and appropriate corrective action can be taken and support can be offered to those targeted by such prohibited conduct.

2. Definitions

- 2.1 For the purposes of the present Policy, the following terms shall have the meanings specified below. These terms, or elements of these terms, may also be referred to in the Staff Regulations and Rules, including the Code of Conduct, or in the Financial Regulations and Procedures, or in the applicable policies and procedures of IRENA. Whenever appropriate, the following terms should be read consistently with the corresponding terms or elements specified in such regulations, rules, policies and procedure.

- 2.2 “Prohibited Conduct,” collectively and individually, means any acts or omissions constituting “abuse of authority,” “discrimination,” “fraud,” “corruption,” “other financial misconduct,” “harassment,” sexual abuse,” “sexual exploitation,” “sexual harassment,” each of which is separately defined as follows:
- 2.2.1 “Abuse of authority” means improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.¹
- 2.2.2 “Discrimination” means any unfair treatment or arbitrary distinction based on a person’s race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin, or other similar shared characteristic or trait. Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or it may manifest itself through harassment or abuse of authority.²
- 2.2.3 The definition of fraud, corruption, and other financial misconduct varies widely, and the terms are commonly used to describe a variety of dishonest practices.³ For purposes of this Policy, the following definitions apply:
- (a) “Fraud” is any act or omission in which a person knowingly misrepresents a pertinent fact or facts in order to obtain any undue benefit or advantage, to avoid any personal obligation or that of any third party, or to cause, or that would result in, an individual or entity to act, or to fail to act, to the detriment of such person or entity.
- (b) “Corruption” means an act or omission intended to give an advantage inappropriate with a staff member’s or non-staff personnel’s official duties in order to obtain a benefit for oneself or another from, or to harm, or to inappropriately influence the actions of, any other party engaging with or on behalf of the Agency.
- (c) “Other financial misconduct,” means any other failure to comply with the Financial Regulations and Procedures, including any applicable policies or procedures, or any act or omission intended to promote personal interests inconsistent with the interests of the Agency and which results in the loss or imminent loss of the property or assets of the Agency.
- 2.2.4 “Harassment” means any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person,

¹ See also Staff Regulation 2.4(a); Code of Conduct, paragraph 19.

² See also Staff Regulation 2.4(a); Code of Conduct, paragraphs 9 and 22.

³ See also Staff Regulation 2.8(b) and (c)-(f); Code of Conduct, paragraphs 13, 14, 28 to 32, 33 to 45, and 56.

when such conduct interferes with work or creates an intimidating, hostile or offensive work environment. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another. Harassment normally implies, but does not require there to be, a series of incidents.⁴

- 2.2.5 “Misconduct” means, under Staff Rule 111.1(a), a failure by a staff member “to comply with his or her obligations under the Staff Regulations and Rules, including the Code of Conduct, the Financial Regulations and Procedures, and directives issued by the Director-General.” Pursuant to Staff Rule 102.2(c), a “violation of the provisions of the Code of Conduct shall constitute misconduct under Article 11 of the Staff Regulations and Chapter 11 of the Staff Rules.” Staff Rule 111.1(b) further provides that “once it has been established that misconduct has occurred, disciplinary measures proportionate to the gravity of the misconduct may be imposed.”
- 2.2.6 “Sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.⁵ Any action or activity of a sexual nature with any person under the age of 18 years constitutes sexual abuse.
- 2.2.7 “Sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.⁶
- 2.2.8 “Sexual Harassment” means any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive working environment. Sexual harassment may occur in the workplace or in connection with work, including outside the workplace, outside official working hours, or during official travel or social functions related to work. While typically involving a pattern of behaviour, sexual harassment can take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct at issue shall be considered. Sexual harassment is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics. Sexual harassment may involve any conduct of a verbal, non-verbal or physical nature, including written and electronic communications. Sexual harassment may occur between persons of the same or opposite genders, and individuals of any gender can be either the persons affected by sexual harassment or the alleged perpetrators. Sexual harassment may be perpetrated by anyone in the workplace, whether a supervisor, a peer, a subordinate, individual contractor, or other person subject to the IRENA Code of Conduct.⁷

⁴ See also Code of Conduct, paragraph 20.

⁵ See also *ibid.*, paragraph 21.

⁶ See also *ibid.*

⁷ See also Code of Conduct, paragraph 20.

- 2.3 “Inter-Personal Prohibited Conduct” means the prohibited conduct defined in sections 2.2 (*i.e.*, abuse of authority), 2.2.1 (*i.e.*, discrimination), 2.2.4 (*i.e.*, harassment), 2.2.5 (*i.e.*, sexual abuse), 2.2.6 (*i.e.*, sexual exploitation), 2.2.7 (*i.e.*, sexual harassment), above;
- 2.4 “Human Resources Focal Point(s)” means one or more officials of the Agency designated by the Director, Administration and Management Services (“Director, AMS”) and adequately trained and resourced to assist and counsel any affected person.
- 2.5 “Affected Person(s)” means any individual to whom possible inter-personal prohibited conduct is directed, whether in the workplace or otherwise in connection with any work performed at the direction of or for the benefit of the Agency;
- 2.6 “Impacted person(s)” means any individual other than the affected person(s) whose have been or are likely to have been impacted by inter-personal prohibited conduct, such as, without limitation, bystanders, including witnesses to the possible prohibited conduct, or any individual who intervened in a situation involving possible prohibited conduct;
- 2.7 “Non-Staff Personnel” means any individual engaged by contract or other agreement between such individual and the Agency to perform or provide services to the Agency and whose relationship with the Agency is not governed by a letter of appointment subject to the Staff Regulations and Rules. Non-staff personnel include, without limitation, consultants, individual contractors, service contract holders, interns, volunteers, persons engaged on a reimbursable or non-reimbursable loan agreement, or IRENA officials other than staff members;
- 2.8 “Supervisor” means staff members or non-staff personnel responsible for managing the performance of other personnel performing services for the Agency; and,
- 2.9 “‘Clear Check’ System” means the database used by the United Nations System of organizations, or any other similar system used by international organizations, to record and share information with other such organizations about any current or former members of the personnel of such organizations who are found to have engaged in prohibited conduct or who failed, after resigning from or leaving the employ of such organizations, to cooperate with an official investigation into whether they had engaged in prohibited conduct.

3. Policy Overview

- 3.1 IRENA has a zero-tolerance approach to prohibited conduct.
- 3.2 Any reports of prohibited conduct will be considered, and where appropriate, dealt with promptly, justly, and effectively in accordance with the Agency’s applicable Regulations, Rules, policies and procedures. Failure to meet obligations under this Policy may lead to administrative or disciplinary action, up to and including dismissal. IRENA also commits to a victim-centered approach. This means that persons affected by prohibited conduct will be treated with sensitivity, dignity, and confidentiality and may be offered support services.
- 3.3 Fraud, corruption, and other financial misconduct by staff members and non-staff personnel and by contractors, suppliers and implementing partners is prohibited. IRENA seeks to prevent and promptly address any instances of fraud, corruption, or other

- financial misconduct and to minimize financial risks, operational risks and reputational risks to the Agency.
- 3.4 IRENA seeks to prevent inter-personal prohibited conduct and, if it occurs, to take timely and appropriate corrective action, while offering support to those targeted by inter-personal prohibited conduct.
- 3.5 Accordingly, the Agency has promulgated this Policy in order to:
- 3.5.1 Reinforce the Agency's commitment to protecting both staff members and non-staff personnel from inter-personal prohibited conduct;
 - 3.5.2 Increase awareness of and prevent occurrences of prohibited conduct;
 - 3.5.3 Intervene as soon as possible in appropriately addressing instances of inter-personal prohibited conduct;
 - 3.5.4 Establish processes for promptly reporting and addressing any prohibited conduct;
 - 3.5.5 Minimize financial, operational and reputational risk from fraud, corruption, and other financial misconduct;
- 3.6 This Policy should be read in connection with other applicable regulations, rules, policies and procedures, including without limitation:
- 3.6.1 The Financial Regulations and Procedures;
 - 3.6.2 The Staff Regulations and Rules, including the Code of Conduct annexed to the Staff Rules;
 - 3.6.3 The Policy on Ethics and Conflicts of Interest for IRENA;
 - 3.6.4 The Policy on Protection from Retaliation for Reporting Misconduct or Cooperating with Duly Authorized Audits and Investigations;
 - 3.6.5 The Internal Audit Charter of IRENA; and,
 - 3.6.6 The Directive on the Disciplinary Process.

4. Application of the Policy

- 4.1 This Policy applies to all staff members and non-staff personnel of the Agency, and compliance with this Policy is mandatory.
- 4.2 This Policy extends to prohibited conduct that takes place in the IRENA workplace or in relation to actions or events outside the workplace that are connected with work directed by or performed for the benefit of the Agency.
- 4.3 Protection from inter-personal prohibited conduct under this Policy extends to persons interacting with the Agency, including but not limited to employees or representatives or agents of vendors or implementing partners, interns, representatives of Member States, or visitors.

- 4.4 Reports of prohibited conduct in the IRENA workplace or in connection with work directed by or performed for the benefit of the Agency can be submitted by any person and against any person, irrespective of whether such persons have any contractual status with the Agency.
- 4.5 Any action or actions to be taken pursuant to this Policy in respect of any reports of prohibited conduct depend on the status of the alleged perpetrator of the prohibited conduct. Any measure or measures intended to remedy the results of any inter-personal prohibited conduct likewise depend on the status of the affected person(s) or impacted person(s).
- 4.6 Staff members who are alleged to have committed prohibited conduct may be subject to disciplinary or other administrative action in accordance with the Staff Regulations and Rules, including the Code of Conduct, and the applicable policies and procedures of the Agency.
- 4.7 Non-staff personnel who are alleged to have committed prohibited conduct may be subject to action in accordance with the terms and conditions of the contract or other agreement governing their services, as well as to other measures as set forth in other applicable policies regarding non-staff personnel, including but not limited the IRENA Code of Conduct when incorporated by reference in such contract or other agreement.
- 4.8 Where credible evidence exists that a staff member or non-staff personnel has engaged in possible criminal conduct, the matter may be referred to national authorities.

5. Prevention and Awareness

- 5.1 The Director-General shall undertake or cause to be undertaken the following actions:
 - 5.1.1 Establish and manage, in accordance with the Financial Regulations and Procedures and the Internal Audit Charter, effective internal controls to prevent fraud, corruption, and other financial misconduct, including, but not limited to:
 - (a) An Enterprise Risk Management System;
 - (b) Asset and property management controls;
 - (c) Procurement controls;
 - (d) Financial reporting controls, including certification of controls in the financial statements; and,
 - (e) A database showing action(s) taken on internal and external audit reports and recommendations;
 - 5.1.2 Promptly address suspected instances of fraud, corruption, and other financial misconduct;
 - 5.1.3 Promote awareness of policies for the prevention of, and establish processes designed to prevent and address, sexual exploitation and abuse;

- 5.1.4 Promote a harmonious working environment that respects the inherent dignity of all persons, affords them the opportunity to reach their fullest potential, and empowers them to deliver the best possible results;
 - 5.1.5 Conduct effective reference checks, including but not limited to checks through a system, such as the Clear-Check System, during recruitment of personnel or when promoting staff members to any supervisory positions in order to take into account any history or instances of inter-personal prohibited conduct or of the staff member's ability to promote and maintain a harmonious work environment;
 - 5.1.6 Ensure zero-tolerance of prohibited conduct by contractors, suppliers and partners;
 - 5.1.7 Develop training standards, including a programme for targeted trainings to be conducted, preferably in person, and aimed at building skills to effectively communicate with affected persons and alleged perpetrators of inter-personal prohibited conduct and to respond appropriately;
 - 5.1.8 Ensure that such training programmes are undertaken by Agency managers and supervisors, HR focal points, staff representatives, human resources officers, and any other staff or non-staff personnel engaged to provide support to affected persons, especially those who are targets of sexual harassment;
 - 5.1.9 Develop standards, including a programme for ongoing training for all staff members and such non-staff personnel who are regularly present in Agency premises, to be conducted preferably in person, to raise awareness of issues relating to diversity, respect, and equality and to build skills on bystander techniques for intervening in situations of prohibited conduct;
 - 5.1.10 Ensure accessibility of reporting mechanisms for all staff members and non-staff personnel and maintain effective informal and formal mechanisms for addressing prohibited conduct; and
 - 5.1.11 Monitor the implementation of the present Policy and make recommendations for improvements to the Policy.
- 5.2 In addition to their obligations under the Financial Regulations and Procedures, the Staff Regulations and Rules, including the Code of Conduct, and any other applicable policies and procedures, including the present Policy, Managers and Supervisors shall:
- 5.2.1 Monitor and ensure the proper use of Agency property and finances;
 - 5.2.2 Demonstrate a commitment to the creation of a harmonious work environment and the prevention of prohibited conduct, educate themselves about the issue, act as role models by maintaining a high standard of personal conduct with consciousness of the power their positions hold, and treat all colleagues courteously and with dignity and respect;
 - 5.2.3 Address any conduct coming to their attention that may be in violation of the prohibitions set forth in the present Policy, and take seriously complaints of possible prohibited conduct, respond promptly to any such complaints, and ensure

- that the necessary actions for which they are responsible under this Policy are diligently taken;
- 5.2.4 Maintain an atmosphere of zero tolerance of prohibited conduct in their workplaces and endeavour to create an atmosphere in which staff members and non-staff personnel under their supervision may express concerns about possible prohibited conduct, including by maintaining open dialogues and an open-door policy with concerned personnel;
 - 5.2.5 Encourage reporting and the use of both formal and informal processes in place in order to prevent or address prohibited conduct;
 - 5.2.6 Encourage, when appropriate, informal resolution processes in order to address any suspected instances of inter-personal prohibited conduct;
 - 5.2.7 Periodically engage providers of training on prohibited conduct and its prevention to develop or establish appropriate training programmes as envisaged in sections 5.1.7 and 5.1.8, above.
 - 5.2.8 Monitor and take appropriate action to report on instances of possible prohibited conduct in accordance with the applicable regulations, rules, policies and procedures;
 - 5.2.9 Monitor the situation, when it is brought to their attention that any staff members or non-staff personnel under their supervision may be subject to prohibited conduct, such as discrimination or harassment, or to other misconduct, such as retaliation, because they:
 - (a) Have availed themselves or are availing themselves of a formal or informal process under the present Policy;
 - (b) Have otherwise exercised their rights as a staff member, including by acting as a staff representative or by challenging an administrative decision in accordance with the applicable regulations and rules; or,
 - (c) Have appeared or will appear as a witness in any dispute resolution proceedings under the Staff Regulations and Rules or under any consultancy or individual contractor or other personal services agreement in which the provisions of the present Policy apply;
 - 5.2.10 Communicate the terms and procedures of the present Policy to staff members and non-staff personnel under their supervision on a regular basis through a dedicated in-person meeting;
 - 5.2.11 Evaluate the performance of staff members and non-staff personnel under their supervision regarding, inter alia, the adherence of such staff members to the principles and requirements of the present Policy; and,
 - 5.2.12 Prevent and address, in accordance with the Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Duly Authorized

Audits and Investigations, any retaliation that may arise from complaining or reporting on prohibited conduct under the present Policy.

- 5.3 Pursuant to or in addition to their obligations under, as applicable, the Financial Regulations and Procedures, the Staff Regulations and Rules, including the Code of Conduct, their contract or other agreement with the Agency, and any other applicable policies and procedures, including the present Policy, all staff members and non-staff personnel shall:
 - 5.3.1 Undertake any applicable mandatory training and, to the extent possible, attend any other training opportunities on the prevention of sexual harassment and other prohibited conduct and familiarize themselves with the present Policy and related regulations, rules, policies and procedures;
 - 5.3.2 Demonstrate commitment to zero tolerance of any prohibited conduct and treat all people in the workplace courteously and with dignity and respect, as well as with an awareness of their own behaviour and how it may be perceived and/or received by others;
 - 5.3.3 Refrain from encouraging other staff members and non-staff personnel to engage in prohibited conduct;
 - 5.3.4 Take action if they witness prohibited conduct, provided they feel comfortable doing so, and, whenever possible, after consulting the affected person, as appropriate, and to the best of their ability;
 - 5.3.5 Support impacted persons, as appropriate and to the best of their ability; and,
 - 5.3.6 Report possible prohibited conduct in accordance with the applicable regulations, rules, policies and procedures, and cooperate with any resulting investigations, audits and reviews.
- 5.4 IRENA should include provisions in its contracts and other agreements with institutional contractors and implementing partners requiring that they maintain processes, policies and standards designed to prevent and appropriately address conduct defined as “prohibited conduct” in this Policy, and that they undertake to:
 - 5.4.1 Account promptly, truthfully, and fully to the Agency in connection with all financial interactions with IRENA;
 - 5.4.2 Cooperate with authorized investigations and audits carried out by on or behalf of the Agency;
 - 5.4.3 Act only in IRENA’s interests and without accepting any instructions from any source external to the Agency when providing goods or services to the Agency; and,
 - 5.4.4 Adhere to the highest standards of conduct and comply with all laws or other legal requirements applicable to the provision of goods and services to the Agency.

6. Early Intervention and Informal Processes for Resolving Possible Inter-Personal Prohibited Conduct

- 6.1 The Director-General shall issue a Directive or other procedures that, in addition to specifying other requirements set out in this Policy, such as training programmes, establish or maintain, and draw the attention of Agency personnel to any mechanisms and processes intended to resolve, when appropriate, promptly, fairly, respectfully and in a non-adversarial manner, concerns and conflicts arising from inter-personal prohibited conduct. In addition to those informal recourse mechanisms mentioned in this Policy, such mechanisms may include the designation, selection, or engagement of one or more of the following: an ombudsman, mediator, counsellor, focal point, or other expert. Those who are so designated, selected, or engaged for any such functions shall be appropriately trained and experienced to provide support to staff and non-staff personnel who are victims of inter-personal prohibited conduct and to mediate and informally resolve conflicts in the workplace. Such mechanisms may also include the establishment of or the use, through an appropriate agreement, of another international organization's sexual harassment helpline and related facilities. In addition to the foregoing, such mechanisms shall endeavor to provide victim-centered support for affected staff or non-staff personnel, including, without limitation, as necessary and appropriate and as applicable:
- 6.1.1 The right of an affected person to accompaniment when reporting or otherwise during the informal or formal processes set forth in this Policy;
 - 6.1.2 Access to medical and psychological care and counselling;
 - 6.1.3 Advice and referral to external expert support services; and,
 - 6.1.4 Paid leave, or transfer arrangements, and/or other workplace accommodations.
- 6.2 The use of any informal support mechanisms shall be made available on a confidential basis. In particular, any ombudsman, mediator, counsellor, or focal point, or other expert in providing support services provided in accordance with section 6.1, above, shall be bound by strict rules of confidentiality under their respective terms of reference. Any discussions among affected persons, supervisors and/or other Agency officials with such ombudsman, mediator, counsellor, or focal point, or other expert in providing support services shall be strictly confidential, and any documentation or other information shared with them may not be shared with any other person without the express consent of the affected person or other person seeking support.
- 6.3 Whenever possible and appropriate, early direct action to address possible instances of prohibited conduct is encouraged.⁸ Affected persons or impacted persons, on a voluntary basis and provided they feel safe doing so, may approach alleged perpetrators about possible instances of inter-personal prohibited conduct and request that such conduct cease, insofar as the alleged perpetrator may not be aware that such conduct constitutes inter-personal prohibited conduct under this Policy or may not be aware of the negative impact that such conduct has on others.

⁸ Disparity in power or status, fear of retaliation, or the nature of the conduct may make direct confrontation difficult, and there is therefore no requirement for such action to be taken.

- 6.4 Affected persons who believe that they may have been subject to instances of possible inter-personal prohibited conduct may raise the matter with their supervisors or other Agency officials if the situation permits such an approach and if they feel comfortable doing so. Any supervisor or other Agency official approached by an affected person in such circumstances shall inform that affected person about the informal mechanisms, as established by the Director-General pursuant to section 6.1, above, that are available to address possible inter-personal prohibited conduct.
- 6.5 Supervisors or other Agency officials who are approached for assistance and/or information by an affected person shall provide such assistance and/or information in a timely, sensitive, and impartial manner, in accordance with the provisions of the present Policy. To address the matter promptly at the managerial level, supervisors or other Agency officials may:
- 6.5.1 With the consent of the affected person, bring the matter to the attention of the alleged perpetrator of the possible inter-personal conduct, who may be required to undergo training and/or coaching, as available, to prevent reoccurrence of the possible prohibited conduct;
- 6.5.2 Agree with all concerned on other approaches to address the issues raised, including recommending to the Director, AMS, or to the Chief of Staff, Office of the Director-General (“Chief of Staff), as the case may be,⁹ the interim measures referred to in section 7.9 or the measures referred to in section 8.1;
- 6.5.3 With the consent of the affected person, arrange for the affected person to utilize the informal recourse mechanisms established or inter-personal conflict resolution experts designated, selected, or engaged by the Director-General in accordance with section 6.1 above.
- 6.6 Supervisors or other Agency officials shall submit a confidential report regarding any managerial intervention carried out pursuant to this section 6 to the Director, AMS, or the Chief of Staff, as the case may be. Such intervention, whether or not successful in resolving the inter-personal conflict concerned, does not preclude the matter from being formally reported as an instance of possible misconduct.
- 6.7 Any informal resolution of a situation involving possible prohibited inter-personal conflict carried out in accordance with this Policy may result in an agreement among the Agency, the alleged perpetrator(s), and the affected person(s) specifying the conditions regarding the resolution of the conflict. Any such agreement that specifies that no further action is to be taken against the alleged perpetrator in respect of the possible prohibited conduct referred to in the agreement shall not be valid and binding on the Agency unless it has first been approved by the Director-General.

⁹ In cases in which the Director, AMS, is the alleged perpetrator of the possible inter-personal prohibited conduct, or may have an apparent conflict of interest in dealing with the alleged perpetrator of the possible inter-personal prohibited conduct.

7. Receipt and Handling of Formal Reports of Possible Prohibited Conduct

- 7.1 Formal reports of possible prohibited conduct may be made by any person who has knowledge of possible prohibited conduct, whether or not such person is considered to be an affected person or an impacted person. The Director-General by means of the Directive referred to in section 6.1, above, shall establish mechanisms for reporting prohibited conduct, including an anonymous hotline or on-line facility.
- 7.2 Formal reports may be made anonymously and are not subject to time limits. However, the anonymity of reports of possible prohibited conduct and the passage of time may render the initiation or completion of an investigation or disciplinary process more difficult.
- 7.3 Possible prohibited conduct in the nature of fraud, corruption, or other financial misconduct shall be reported to the IRENA Internal Auditor.¹⁰ All other possible prohibited conduct shall be reported to the Director, AMS, or to the Chief of Staff, as the case may be.¹¹ In cases in which reports of possible misconduct are received anonymously, such report shall be forwarded to the appropriate officials of the Agency for further action in accordance with the applicable regulations, rules policies and procedures.
- 7.4 Formal reports of possible prohibited conduct other than financial misconduct shall be investigated by an investigative entity external to the Agency and independent from the Agency and its officials, and such investigation and any resulting disciplinary process shall accord with the procedures set out in the applicable regulations, rules, policies and procedures and with the following additional requirements:
- 7.4.1 If not reported anonymously, the person who submitted a formal report of possible prohibited conduct will receive an acknowledgement of the receipt of the report and shall be informed of and, if necessary, provided a copy of the Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Duly Authorized Audits and Investigations;
- 7.4.2 In cases in which a formal report of possible prohibited conduct involves alleged sexual abuse, sexual exploitation, or sexual harassment, the views of the affected person, if possible, shall be sought before deciding whether to proceed with the assessment and investigation of the matter;
- 7.4.3 The investigator(s) assigned to investigate possible inter-personal prohibited conduct, and particularly in cases involving alleged sexual abuse, sexual exploitation, or sexual harassment, shall be certified to have adequate expertise or training to effectively conduct investigations into such possible inter-personal prohibited conduct;
- 7.4.4 Investigator(s) assigned to investigate possible inter-personal prohibited conduct, and particularly in cases involving alleged sexual abuse, sexual exploitation, or sexual harassment, shall notify the affected person(s) of the status of the

¹⁰ See Internal Audit Charter of IRENA, section IV(k); see also Directive on the Disciplinary Process, paragraph 7.

¹¹ Possible instances of prohibited conduct are to be reported to the Chief of Staff in cases in which the Director, AMS, is the alleged perpetrator of the possible prohibited conduct, or may have an actual, potential or apparent conflict of interest in dealing with the alleged perpetrator of the possible prohibited conduct.

investigation and any disciplinary proceedings regularly, and not less than every three (3) months, during the pendency thereof; and,

- 7.4.5 The affected person shall be informed, on a strictly confidential basis, if the investigation into a report of possible inter-personal prohibited conduct is closed without further disciplinary proceedings.
- 7.5 At the request of the affected person or the alleged perpetrator, the Director, AMS, or the Chief of Staff, as the case may be, may, in his or her sole discretion, provide a statement on the outcome of the action taken on the report of prohibited inter-personal conduct. The statement shall respect the confidentiality of the disciplinary process and preserve the privacy of those involved (e.g., witnesses). The affected person may disclose such statement to third parties.
- 7.6 If it is indicated in an investigation report that the report of possible prohibited conduct was knowingly false, the Director, AMS, or the Chief of Staff, as the case may be, shall refer the matter for disciplinary action in accordance with the applicable regulations, rules, policies and procedures.
- 7.7 Where an investigation is initiated following receipt of a formal report of prohibited conduct, the Director, AMS, or the Chief of Staff, as the case may be, shall take appropriate measures to monitor the status of the affected person, the alleged perpetrator and the work unit(s) concerned until such time as the investigation report has been submitted and any subsequent disciplinary or other appropriate action has been completed. In doing so, the Director, AMS, or the Chief of Staff, as the case may be, shall ensure that all parties comply with their duty to cooperate with the investigation and any resulting disciplinary process into the possible prohibited conduct and that no party is subject to retaliation or any other prohibited conduct as a result of the complaint or the investigation. When the Director, AMS, or the Chief of Staff, as the case may be, considers that retaliation has occurred, he or she shall promptly notify the Ethics Officer to have the matter handled in accordance with the provisions of the Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Duly Authorized Audits or Investigations.
- 7.8 When a supervisor or other Agency official has information that a staff member or non-staff personnel may be a target of prohibited conduct, the supervisor shall inform the Director, AMS, or the Chief of Staff, as the case may. The Director, AMS, or the Chief of Staff, as the case may be, shall enquire from the relevant supervisor(s) or other Agency official(s) whether the affected person's work performance or conduct has been impacted. If performance or conduct issues have emerged, arrangements will be made to provide support or accommodations to the affected person with a view to appropriately addressing the performance issues, but without prejudice to the Agency's performance review system.
- 7.9 Accommodations which may be considered to respond to related work performance issues include creating a new workplan for the affected person, or authorizing special leave, and/or authorizing other flexible working arrangements. Due regard to confidentiality must be given when communicating accommodations to supervisors or colleagues, as appropriate.

- 7.10 After the relevant supervisor(s) or other Agency official(s) receives notice in writing that a person may be a target of inter-personal prohibited conduct, the relevant supervisor(s) or other Agency official(s) shall consider whether interim measures should be taken to protect the integrity of any investigation, prevent the occurrence or repetition of any possible inter-personal prohibited conduct and/or address risks of possible retaliation under the Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Duly Authorized Audits or Investigations, or whether such measures would otherwise be in the interests of the Agency or work unit. Such measures may include:
- 7.10.1 Physical separation of the alleged perpetrator and the affected person;
 - 7.10.2 Reassignment of either the alleged perpetrator or the affected person with the consent of the alleged perpetrator or the affected person;
 - 7.10.3 Instituting flexible working arrangements for either the alleged perpetrator or the affected person;
 - 7.10.4 Granting unplanned annual leave or suggesting to either the alleged perpetrator or the affected person to take annual leave;
 - 7.10.5 Consideration of special leave for either the alleged perpetrator or the affected person;
 - 7.10.6 Temporary changes in reporting lines;
 - 7.10.7 Placement of the alleged perpetrator on administrative leave in accordance with the applicable regulations, rules, policies and procedures.
- 7.11 If the relevant supervisor(s) or other Agency official(s) becomes aware of an allegation of prohibited conduct involving attempted or actual assault, including sexual assault, appropriate precautionary measures shall be taken, without delay, to address the safety and security concerns of the affected person, including instituting flexible working arrangements or other means to achieve the physical separation of the affected person and the alleged perpetrator.
- 7.12 If an investigation into possible prohibited conduct establishes credible allegations of criminal conduct, such allegations may, upon consultation with the Agency's Legal Adviser, be referred to national authorities for possible criminal accountability. Possible criminal conduct may also be reported directly to national authorities by an affected person.

8. Post-Investigation Review

- 8.1 Once any investigation into possible prohibited conduct has been completed and a decision has been taken on the outcome, the Director, AMS, or the Chief of Staff, as the case may be, shall take appropriate measures through the HR focal point(s) to keep the situation under review. Those measures may include, but are not limited to, the following:

- 8.1.1 Monitoring for at least one year the status of the affected person, the perpetrator and the work unit(s) concerned at regular intervals, but at least every three months, in order to ensure that no party is subjected to retaliation or any other prohibited conduct as a consequence of the investigation, its findings or the outcome of any disciplinary process. When retaliation is suspected by the relevant supervisor or Agency Manager, the matter shall be promptly notified to the Ethics Officer to have the matter handled in accordance with the provisions of the Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Duly Authorized Audits or Investigations;
 - 8.1.2 Ensuring that due consideration is given to any special requirements for the affected person as a result of the prohibited conduct;
 - 8.1.3 Ensuring that any administrative or disciplinary measures or other appropriate measures taken at the conclusion of any investigation or disciplinary process have been duly implemented.
- 8.2 The informal support mechanisms established by the Director-General in accordance with section 6.1, above, may be employed to support supervisors, other Agency officials and affected and impacted persons in order to restore trust and workplace harmony following any issues concerning inter-personal prohibited conduct that have been the subject of the processes specified in this Policy.

9. Cooperation with UN System and other International Organizations

- 9.1 To facilitate and improve this Policy and its implementation, the Director-General is encouraged to make efforts to establish cooperation with UN System organizations, such as the following:
 - 9.1.1 Outreach to UN System organizations, if possible, through the Chief Executives Board (CEB) of the UN System, or to other international organizations to participate in the Clear Check System or similar systems for vetting candidates for appointment or promotion to positions within the Agency.
 - 9.1.2 Cooperation to prevent and address financial misconduct through engaging with the CEB financial and procurement networks or with the audit and investigative bodies of other international organizations.
 - 9.1.3 Exchanges of anonymized data on types and numbers of cases of reported prohibited conduct and outcomes of investigations and disciplinary processes and other cooperation through the CEB Human Resources network or with human resources officials of other international organizations in order to improve policy and compliance on preventing and addressing prohibited conduct.
- 9.2 Prepare and promulgate a Code of Conduct modelled on the “*Code of Conduct to Prevent Harassment, Including Sexual Harassment, at UN System Events*” as promulgated by the United Nations, to apply to all persons attending or involved in any capacity in an Agency event, including events carried out by Member States or other parties on Agency premises.

10. Monitoring Implementation and Policy Review

- 10.1 The Director, AMS, will collect data and information for monitoring and analysis of formal reports of possible prohibited conduct. Anonymized information on and analysis of such reports may be published on an annual basis and provided to oversight bodies. Such information includes, if available, the number and type of formal reports, relevant demographics of affected persons and alleged perpetrators and the length of time required to complete the process of handling the formal reports.
- 10.2 The Director-General will arrange for Agency staff members and non-staff personnel to be surveyed periodically in order to ascertain concerns about the attitudes and instances of staff members and non-staff personnel regarding:
 - 10.2.1 The Agency's efficacy in identifying risks of preventing fraud, corruption, or other financial misconduct;
 - 10.2.2 The prevalence of and effectiveness of the Agency in preventing and addressing inter-personal prohibited conduct; and,
 - 10.2.3 The effectiveness of training programmes and awareness of policies and procedures for preventing and addressing inter-personal prohibited conduct.
- 10.3 The Director-General shall, in consultation with the Ethics Officer and the Director, AMS, periodically review this Policy. Following such review, the Director-General shall inform the Ethics Advisory Board of any proposed additions to or modifications of this Policy that may be warranted.
- 10.4 Following consultation with the Director-General and the Ethics Officer, the Ethics Advisory Board may recommend at any time to the IRENA Council additions to or modifications of this Policy.