

Twenty-eighth meeting of the Council
Abu Dhabi, 24-25 October 2024

Review of the Policy on Ethics and Conflict of Interest for IRENA

Recommendations by the Ethics Advisory Board

At its twenty-seventh meeting, the Council took note of the Review of the Policy on Ethics and Conflict of Interest for IRENA, contained in document C/27/8 and the recommendations put forward by the Chair of the Ethics Advisory Board.

The Council also requested the Secretariat, in consultation with the Ethics Advisory Board, to review the Policy on Ethics and Conflict of Interest for IRENA, with the view to provide detailed recommendations to the Council at its twenty-eighth meeting, and in preparation for consideration of this matter at the fifteenth session of the Assembly.

The Council further agreed that the Secretariat will work with the Ethics Advisory Board to develop policies and draft decisions on the specific issues outlined in document C/27/8.

This document contains the following policies, in preliminary form, for consideration by the Council:

- Draft Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct Against the Director-General of the International Renewable Energy Agency, and on Investigations and the Disciplinary Process for such Conduct;
- Draft Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Oversight Activities;
- Draft Policy on Addressing Prohibited Conduct, Including Fraud, Corruption and Other Financial Misconduct, and Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority;
- Draft Policy on Ethics and Conflicts of Interest for the International Renewable Energy Agency.

The Council is invited to provide guidance and feedback on these policies during its twenty-eighth meeting.

DRAFT Policy on Handling Allegations of Unsatisfactory Conduct and Misconduct Against The Director-General of the International Renewable Energy Agency, And on Investigations and the Disciplinary Process for such Conduct

Section 1 - Scope of Application

- 1.1 The present policy applies to the Director-General of the International Renewable Energy Agency (IRENA).
- 1.2 This policy should be read together with the following:
 - 1.2.1 The Statute of IRENA;
 - 1.2.2 The Staff Regulations and Staff Rules of IRENA, including the Code of Conduct;
 - 1.2.3 The Financial Regulations and Procedures of IRENA;
 - 1.2.4 The Policy on Ethics and Conflicts of Interest and,
 - 1.2.5 Any IRENA Directives related to and consistent with any of the foregoing.

Section 2 - Definitions

- 2.1 For the purposes of the present policy, the following terms shall have the following meanings:
 - 2.1.1 The “President” is the President of the IRENA Assembly within the meaning of Article IX(E) of the Statute of IRENA.
 - 2.1.2 The “Director-General” is the head and chief administrative officer of IRENA within the meaning of Articles IX(I) and XI(B) of the Statute of IRENA.
 - 2.1.3 The “Assembly” is the IRENA Assembly within the meaning of Article IX of the Statute of IRENA.
 - 2.1.4 The “Council” is the IRENA Council within the meaning of Article X of the Statute of IRENA.
 - 2.1.5 “Administrative Measures” mean a written reprimand placed on the official records of IRENA pertaining to the status of the Director-General, together with any written report of the findings leading to such reprimand and any response to such findings by the Director-General.
 - 2.1.6 “Managerial Action” means an oral or written caution, warning, or advisory, or direction to undertake training that is considered necessary to address the Director-General’s ongoing conduct.
 - 2.1.7 “Investigating Entity” means an investigative body within the United Nations system of organizations, such as the United Nations Office of Internal Oversight Services, or within another international intergovernmental body, or an outside entity qualified to carry out an investigation, such as a qualified law firm, with whom the IRENA Council will have established or will establish, from time to time, an agreement to perform the investigative functions set forth herein.

- 2.1.8 “Investigation” means a process, consistent with the highest international standards,¹ of gathering information to establish facts in order to allow for a determination as to whether the Director-General has engaged in suspected unsatisfactory conduct. Investigations are administrative in nature.
- 2.1.9 “Preliminary Assessment” means the review and analysis of the allegations of possible unsatisfactory conduct by the Director-General in order to determine whether there is probable cause to believe that such possible unsatisfactory conduct has occurred such that an investigation should be initiated and conducted.
- 2.1.10 “IRENA Council Disciplinary Committee” means the committee of five (5) members of the Council designated to advise the President on matters concerning disciplinary proceedings against the Director-General for alleged unsatisfactory misconduct. Four (4) members of the IRENA Council Disciplinary Committee shall be designated by the Council from each of the four regional groups mentioned in Rule 69 of the Rules of Procedure of the Assembly, and the fifth member shall be the Chair of the Council.
- 2.1.11 “Disciplinary Measures” means one or more of those measures specified in IRENA Staff Rules 111.1(c)(ii) through 111.1(c)(vi).
- 2.1.12 “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.
- 2.1.13 “Harassment” means any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person, 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.
- 2.1.14 “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 individuals affected by sexual harassment or the alleged offenders. Sexual harassment may be

¹ See, e.g., “Uniform Principles and Guidelines for Investigations,” 2nd ed., Conference of International Investigators (2009), available at https://www.ciinvestigators.org/wp-content/uploads/2021/11/CII-Uniform-Principles-and-Guidelines-for-Investigations_2ed.pdf

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.

- 2.1.15 “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.
- 2.1.16 “Sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- 2.1.17 “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.
- 2.1.18 “Retaliation” means any direct or indirect detrimental action that adversely affects the employment or working conditions of an individual, where such action has been recommended, threatened or taken for the purpose of punishing, intimidating or injuring an individual because that individual has engaged in a protected activity.
- 2.1.19 “Protected Activity” means acts relating to:
- (a) the reporting of the failure of the Director-General to comply with the Director-General’s obligations under the Statute of IRENA and/or the Financial and/or Staff Regulations and Rules, including the Code of Conduct, of IRENA;
 - (b) the reporting of the Director-General requesting an official, or a staff member, or another person, to engage in any act or omission that would result in the failure of such official, staff member, or other person to comply with his/her obligations under the Statute of IRENA and/or the Financial and/or Staff Regulations and Rules, including the Code of Conduct, of IRENA; and/or
 - (c) Cooperating in good faith with a duly authorized investigation or audit.

Section 3 - Unsatisfactory Conduct and Misconduct

- 3.1 “Unsatisfactory conduct” is any conduct, whether an act or omission, by the Director-General that constitutes abuse of authority, harassment, sexual harassment, sexual exploitation or sexual abuse, retaliation, or which otherwise constitutes a failure by the Director-General to comply with the Director-General’s obligations under the Statute of IRENA, or the IRENA Financial Regulations and Procedures, or the Staff Regulations and Rules of IRENA, including the Code of Conduct, or any directives or administrative issuances relating to any of the foregoing.²
- 3.2 Unsatisfactory conduct may lead to the imposition of administrative measures or managerial action in accordance with this policy in cases in which the conduct by the Director-General

² Staff Regulation 1.1 provides that “the Staff Regulations apply to all staff at all levels, including the Director-General.”

has not been established as having constituted misconduct but, nevertheless, has been determined to constitute a failure by the Director-General to satisfy the standards of conduct expected of the Director-General under the Statute of IRENA or the Financial or Staff Regulations and Rules of IRENA, including the Code of Conduct, or any directives or administrative issuances relating to any of the foregoing.

- 3.3 Unsatisfactory conduct by the Director-General which, in accordance with this policy, is established as having constituted misconduct³ may lead to the imposition of disciplinary measures.
- 3.4 By way of example, misconduct by the Director-General for which disciplinary measures may be imposed includes, but is not limited to, the following:
- 3.4.1 Acts or omissions that contravene the duties and obligations of the Director-General as set forth in the Financial Regulations and Procedures, or in Article 2 of the Staff Regulations, Chapter 1 of the Staff Rules, the Code of Conduct;
 - 3.4.2 Acts or omissions that contravene applicable national or international laws, such as theft, fraud, corruption, sale or possession or transporting illicit substances or information, whether or not in connection with official activities;
 - 3.4.3 Misrepresentation, forgery, false certification, or failure to disclose material facts in connection with any claim or benefit from IRENA or that would otherwise further the personal interests of the Director-General or of any family member or acquaintance;
 - 3.4.4 Discrimination, harassment, including sexual harassment, sexual exploitation, sexual abuse, retaliation, or abuse of authority;
 - 3.4.5 Misuse of the property, whether tangible or intangible, or the information belonging to IRENA;
 - 3.4.6 Misuse of office, including breach of confidentiality, or of the privileges and immunities of IRENA accorded to the Director-General;
 - 3.4.7 Conduct that would bring discredit to IRENA or that otherwise fails to observe the standards of conduct expected of an international civil servant;⁴
 - 3.4.8 Assisting in, contributing to, covering up, or failing to report or address misconduct by any person subject to the authority of IRENA and the Director-General.
- 3.5 Sexual exploitation, sexual abuse, and any misconduct involving deceit by the Director-General constitutes serious misconduct within the meaning of the Staff Regulations and Rules.

Section 4 - Reporting of Possible Unsatisfactory Conduct

- 4.1 Any reports of possible unsatisfactory conduct by the Director-General will be sent directly to the Investigative Entity in accordance with instructions provided on a conspicuous public

³ Pursuant to Staff Rule 111.1, “misconduct” results from a failure by the Director-General “to comply with his or her obligations under the Staff Regulations and Rules, the Code of Conduct, the Financial Regulations and Procedures, and directives issued by the Director-General.”

⁴ See “Standards of Conduct for the International Civil Service,” International Civil Service Commission, 2013, available at <https://icsc.un.org/Resources/General/Publications/standardsE.pdf>

website of the Investigative Entity and of IRENA. Reports may be made anonymously through a hotline established by IRENA and regularly monitored by the Investigative Entity. The Investigative Entity may receive information about unsatisfactory conduct by the Director-General from staff members or any other person. This includes any information obtained during an investigation, a disciplinary process, an audit, a management enquiry or review, a judgment from a national court or information from another entity or organization.

- 4.2 The Director-General shall not retaliate against any staff member or other person or entity (*e.g.*, an institutional contractor) for reporting possible misconduct involving the Director-General or anyone else subject to the authority of IRENA to the Investigative Entity or to any other official whose responsibility it is to undertake duly authorized audits or investigations.
- 4.3 Reports of possible unsatisfactory conduct by the Director-General should contain sufficient details for the conduct to be assessed under the present instruction, including, but not limited to, the following:
 - 4.3.1 A description of the possible unsatisfactory conduct with as much detail as possible regarding the nature of the alleged conduct;
 - 4.3.2 The time, place, and persons who may have also been involved, whether as the subjects or objects of the alleged conduct;
 - 4.3.3 The identities and locations of any potential witnesses to the alleged conduct; and,
 - 4.3.4 Any supporting information or documentation available or a description of where such information or documentation can be found.

Section 5 - Preliminary Assessment of the Report of Possible Unsatisfactory Conduct

- 5.1 Upon receiving a report of possible unsatisfactory conduct by the Director-General, the Investigative Entity will promptly log the report and shall promptly undertake a preliminary assessment as to whether or not in accordance with this policy an investigation into such possible misconduct is warranted.
- 5.2 In undertaking such preliminary assessment of the reported possible misconduct by the Director-General, the Investigative Entity may consider the following:
 - 5.2.1 Whether, in accordance with this policy, the alleged conduct could be determined to amount to misconduct leading to the imposition of disciplinary measures or could otherwise be considered as unsatisfactory conducting leading to the imposition of administrative measures or managerial action;
 - 5.2.2 Whether the report of possible unsatisfactory conduct has been made in good faith and has been provided with sufficient information or detail that would form the basis for an effective investigation into such alleged conduct;
 - 5.2.3 Whether there is a likelihood that an investigation into the alleged conduct would reveal sufficient facts or evidence for the alleged conduct to be determined to amount to misconduct leading to the imposition of disciplinary measures or otherwise to be considered as being unsatisfactory conducting leading to the imposition of administrative measures or managerial action; and,
 - 5.2.4 Any other facts, circumstances, or factors that reasonably require an investigation into the alleged conduct.

- 5.3 The Investigative Entity retains the ultimate authority to decide whether, in accordance with this policy, the information in the report of possible unsatisfactory conduct by the Director-General merits any further action under this policy.
- 5.4 Upon completing the preliminary assessment, the Investigative Entity shall either:
 - 5.4.1 Initiate an investigation in accordance with this policy into all or any part of the matters that are raised in the report of possible unsatisfactory conduct by the Director-General or that otherwise arise from such report; or,
 - 5.4.2 Close the matter, logging such closure with a written explanation of the reasons therefor.
- 5.5 In cases in which the Investigative Entity decides to close the matter following a preliminary assessment in accordance with this policy, the Investigative Entity will promptly inform the President in writing of the nature of the reported possible unsatisfactory conduct and the reasons for determining that the matters raised in or arising from the report do not merit further investigation. The President promptly shall so inform the IRENA Council Disciplinary Committee.
- 5.6 If the Investigative Entity determines that an investigation into the reported possible unsatisfactory conduct by the Director-General is warranted, the Investigative Entity shall promptly conduct such investigation in accordance with this policy. The Investigative Entity shall promptly also inform the President in writing that such a report has been made and that it is investigating the alleged conduct by the Director-General.

Section 6 - Investigations

- 6.1 Under this policy, the purpose of an investigation is to gather information to establish the facts that gave rise to the matters in or arising from the report of possible unsatisfactory conduct by the Director-General. The investigator(s) deployed by the Investigative Entity shall pursue all appropriate lines of enquiry and collect and record information, both inculpatory or exculpatory, in order to establish the facts relevant to determining whether, in accordance with this policy, the alleged conduct could be determined to amount to misconduct leading to the imposition of disciplinary measures or could otherwise be considered as unsatisfactory conducting leading to the imposition of administrative measures or managerial action.
- 6.2 Neither the Investigative Entity nor the investigator(s) shall make a legal determination about the established facts. Any such determination(s) shall be made in accordance with this policy solely by the President upon the advice of the IRENA Council Disciplinary Committee.
- 6.3 The Director-General, staff members, and any persons or entities subject to the authority of or under contract with IRENA, are required to fully cooperate with all duly authorized investigations and, whenever requested, to promptly provide any records, documents, information, and communications technology equipment or other electronic information under the control of the Agency or used in connection with the official activities of the Agency. Any failure to cooperate with any such request may be considered unsatisfactory conduct that may amount to misconduct.
- 6.4 Any investigation conducted under this policy shall comply with the following procedures:
 - 6.4.1 The investigator(s) may digitally record any interview. Interviewees are not permitted to record their interviews. If an investigation report is to be transmitted to the

President for possible disciplinary or administrative action, a written record, such as transcripts of the interviews of the subject(s) of the investigation and key witnesses and synopses of the interviews of the other interviewees, shall be prepared of digitally recorded interviews and transmitted with the investigation report.

- 6.4.2 In cases in which an interview is not digitally recorded, a record of the interview, such as a synopsis, written statement or record of questions and answers, shall be prepared and shared with the interviewee for the interviewee's signature. Interviewees shall be given a reasonable opportunity to review and provide comments on the record of interview, including comments regarding the interview process, before signing. If the interviewee does not review and/or sign the record of interview, the reasons given, if any, shall be noted on the record of interview or in the investigation report. The interviewee, other than those specified in section 6.4.4, below, shall not normally be entitled to retain a copy of the record of interview, but the President may authorize the interviewee to retain a copy of the record of the interview if strictly necessary to protect the legal interests of the interviewee.
- 6.4.3 Interviewees, other than those specified in section 6.4.4, below, are not entitled to the presence of a third party, including counsel, during an interview. If the investigator(s) determine that an interviewee has special needs, such as being under 18 years old or requiring other assistance to participate, a "support person" may be present or such other required assistance shall be provided. A support person's role shall be limited to facilitating the conduct of the interview, where appropriate, and not to advocate on behalf of the interviewee or otherwise participate in the interview. The rescheduling of interviews owing to the unavailability of a support person should normally be avoided. The investigator(s) will determine whether an interpreter is required for an interview.
- 6.4.4 The Director-General or any other persons identified as the subject of an investigation shall be:
- (a) Permitted to be accompanied by a person selected by the Director-General to act as an observer during an interview. An observer shall not participate in any way in the interview, including by speaking or gesturing in any manner. If the observer does not abide by this requirement, the observer will be removed from the interview. An observer may take notes of the interview in handwritten form and must provide a copy of such notes to the investigator(s). The Director-General shall ensure that the observer is available at the time scheduled. Interviews shall not be rescheduled owing to the unavailability of such observer;
 - (b) Informed in writing, prior to or at the start of the interview, that the Director-General and, if such be the case, other person(s), is or are the subject of an investigation and of the nature of the alleged unsatisfactory conduct being investigated;
 - (c) Informed in writing of the name(s) of the investigator(s) prior to the commencement of the interview;
 - (d) Given a reasonable opportunity during the interview to present his or her version of the facts and circumstances relevant to the alleged unsatisfactory conduct and to present any other information that the Director-General or other subject of the investigation considers relevant to the alleged conduct;

- (e) Given a reasonable opportunity to provide the investigator(s) with names and contact details of persons who may be in possession of relevant information about the matter under investigation;
 - (f) Given a reasonable opportunity to submit, within two (2) calendar weeks following the date of an interview, a written statement providing further information about the matters under investigation and/or the matters covered during the interview, together with relevant documentary information. Requests for extensions of time for submitting such statements must be made in writing to the investigator(s) and must include the reason for the requested extension. The President shall decide whether to grant any such extension of time. Failure to provide such a statement within the time granted shall be considered as a decision by the subject of the investigation to decline to provide such statement; and
 - (g) Provided with a copy of the digital recording of the interview, if the interview was digitally recorded, and a written record, if available.
- 6.5 The investigator(s) shall have direct and prompt access to all records, documents or other information under the control of the Agency. However, other than records concerning financial disclosures required under the Staff Regulations and Rules, including the Code of Conduct, the investigator(s) shall not have access to the confidential records, including documents, communications, and other information concerning or relating to confidential advice provided by the Ethics Officer.
- 6.6 Where relevant and accessible, the investigator(s) may include as part of the investigative record, information and documentation obtained from national authorities, or persons or entities outside of IRENA.

Section 7 - Investigation Report

- 7.1 At the conclusion of the investigation, the Investigative Entity shall prepare an investigation report. Such report shall contain an analysis of the information obtained during the investigation and shall be accompanied by copies of all supporting documentation, which may include records of interviews, any written statements provided by the subject of the investigation or by other witnesses, documents and/or photographs or other reproductions of any physical evidence.
- 7.2 The investigation report shall set out in as much detail as possible the factual findings resulting from the investigation.
- 7.3 In cases where the investigation includes a finding of financial loss to the Agency as a result of the actions of the Director-General, the investigation report should, where possible, specify the amount of financial loss attributable to the Director-General and include a description of how such loss may have resulted from unsatisfactory conduct by the Director-General. This information may be used to effect financial recovery from the Director-General pursuant to Financial Regulation 12.7 and Financial Procedure 112.4.
- 7.4 So that the information may be used to draw adverse inferences, the investigation report should detail any situations in which the Director-General:
- 7.4.1 Fails, without a satisfactory reason, to attend one or more scheduled interviews with the investigator(s);

- 7.4.2 Provides false information or fails to disclose or otherwise withholds material information;
 - 7.4.3 Fails, during an investigation, to mention a matter or provide information without a satisfactory explanation, which the Director-General subsequently seeks to rely on during any disciplinary process; or,
 - 7.4.4 Refuses to provide the investigator(s) with requested information or documentation that the Director-General has or can reasonably obtain or access.
- 7.5 If the Director-General is on certified sick leave, the investigative and disciplinary processes shall normally proceed as envisaged in the present policy, but the Investigative Entity shall obtain an opinion from a qualified Medical Doctor as to the capacity of the Director-General to effectively participate in the process, including in the investigation of possible unsatisfactory conduct. The Investigative Entity shall include the conclusions of such medical opinion in the investigation report. If the Director-General is on any other leave, including maternity and paternity leave, the investigative and disciplinary processes should normally proceed as envisaged in the present policy.

Section 8 - Administrative Leave during the Investigation and Disciplinary Process

- 8.1 The Director-General may be placed on administrative leave with or without pay at any time after an allegation of possible unsatisfactory conduct has been made and pending the completion of the disciplinary process pursuant to this policy. The period of administrative leave may continue until the completion of the disciplinary process. Such action is without prejudice to the rights of the Director-General and does not constitute a disciplinary measure. Whenever placed on administrative leave, the Director-General shall be given a written statement of the reason(s) for such leave and shall be informed of its likely duration.
- 8.2 A decision to place the Director-General on administrative leave without pay shall be without prejudice to the continuation of any education grant to which the Director-General may be entitled, as well as without prejudice to the continuation of medical insurance coverage and participation in the Agency's pension scheme. The amount of pay withheld from the Director-General during the period that the Director-General is on administrative leave without pay shall be net of all contributions by the Director-General and the Agency for maintaining such entitlements and benefits.
- 8.3 The decision to place a Director-General on administrative leave with pay may be made by the President, after consulting with the IRENA Council Disciplinary Committee, on a recommendation by the Investigative Entity at any time following a report of possible unsatisfactory conduct and following the Investigative Entity's determination that at least one of the following circumstances has been met:
- 8.3.1 The Director-General is unable to continue to effectively perform the Director-General's functions, given the nature of the allegations set forth in the report of possible unsatisfactory conduct;
 - 8.3.2 Continued service by the Director-General would create a risk that the Director-General could destroy, conceal or otherwise tamper with potential evidence, or interfere in any way with the investigation or disciplinary process, including by retaliating against individuals or intimidating a witness;

- 8.3.3 The continued performance by the Director-General of official functions and presence in the Agency's premises could constitute a security or financial risk to the Agency and/or its personnel, or could otherwise prejudice the interests or reputation of the Agency;
- 8.3.4 The Director-General's continued presence in the Agency's premises could have a negative impact on the preservation of a harmonious work environment; or
- 8.3.5 There is a risk of repetition or continuation of the alleged unsatisfactory conduct.
- 8.4 The Director-General may be placed on administrative leave without pay by the President, after consulting with the IRENA Council Disciplinary Committee, on a recommendation by the Investigative Entity that at least one of the following conditions has been met:
- 8.4.1 There are reasonable grounds to believe (probable cause) that the Director-General engaged in sexual exploitation and/or sexual abuse;
- 8.4.2 There are exceptional circumstances that warrant the placement of the Director-General on administrative leave without pay because the alleged unsatisfactory conduct, if established, would be of such gravity that it would warrant separation or dismissal and there is information before the President about the unsatisfactory conduct that makes it more likely than not (preponderance of the evidence) that the Director-General, in fact, has engaged in the alleged unsatisfactory conduct
- 8.5 Provided that at least one of the conditions of section 8.4, above, of this policy has been met, the President, after consulting with the IRENA Council Disciplinary Committee, on a recommendation by the Investigative Entity may convert the Director-General's administrative leave with pay to administrative leave without pay at any time pending the conclusion of the investigation or disciplinary process.
- 8.6 If the Director-General is placed on administrative leave without pay and either the allegations of unsatisfactory are subsequently not sustained or it is subsequently found that the conduct at issue does not warrant dismissal or separation, any pay withheld shall be restored. The Agency may decide not to restore any pay withheld for the period during which the Director-General was placed on administrative leave without pay if the Director-General separates from the Organization for any reason prior to the completion of the investigation or disciplinary process, and the matter cannot be pursued as a result of lack of cooperation on the part of the Director-General.
- 8.7 Notice of placement of on administrative leave may be communicated to the Director-General in hard copy or electronically. Where transmission to the Director-General is in hard copy, this shall be done by registered mail or by hand.
- 8.8 When placed on administrative leave, the Director-General shall:
- 8.8.1 Surrender any official credentials, including any grounds pass, any laissez-passer or other travel documents, or any other badges or insignia that confer access to the Agency's premises or information and communications technologies;
- 8.8.2 Return any Agency-owned equipment that has been assigned;

- 8.8.3 Obtain written approval from the President if he/she requires access to Agency premises or information and communications technologies during the period of administrative leave, such access normally being granted only to enable the Director-General to prepare and defend his or her response to charges of misconduct;
 - 8.8.4 Obtain written approval from the President before leaving the duty station during the period of administrative leave;
 - 8.8.5 Immediately provide to the President, and update as necessary during the period of administrative leave, the Director-General's current contact information, including telephone number(s), personal email address(es) and current residential address;
 - 8.8.6 Remain available to be contacted by the Agency and the Investigative Entity and its investigator(s) through the contact information provided;
 - 8.8.7 Remain available for the purposes of cooperation with an investigation, participate in the disciplinary process, and follow any directions and instructions issued by the President; and,
 - 8.8.8 Request and obtain permission from the President before engaging in any outside activities.
- 8.9 In situations in which the President or Investigative Entity has made at least three documented attempts to contact the Director-General on administrative leave using the most recent contact information provided, and the Director-General does not contact the President or Investigative Entity within three weeks of the last documented attempt, then the matter may proceed to be considered as the Director-General having resigned from his or her post.

Section 9 - Initial Action(s) on an Investigation Report

- 9.1 Where the Investigative Entity finds that there is no factual basis indicating that the Director-General may have engaged in unsatisfactory conduct, a written closure notice shall be provided to the President, providing a summary of the findings and reasons therefor. The President shall then inform the Director-General that the investigation has been closed. The President shall also inform the IRENA Council Disciplinary Committee.
- 9.2 Where the Investigative Entity determines that there is a factual basis indicating that the Director-General has engaged in unsatisfactory conduct, The Investigative Entity shall submit to the President the investigation report and all relevant supporting documentation, including copies of all written records of interviews and copies of any digital recordings of interviews. The President shall forward such investigative documentation to the IRENA Council Disciplinary Committee.

Section 10 - Disciplinary Process

- 10.1 Upon receipt of the investigation report, the President in consultation with the IRENA Council Disciplinary Committee shall assess the investigation report and supporting information and any comments from or information provided by the Director-General. The President in consultation with the IRENA Council Disciplinary Committee may seek advice from the IRENA External Auditor, the IRENA Audit Office, and/or the IRENA Legal Adviser with respect to points of law or process.

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- 10.2 On the basis of the investigation report, supporting information and any additional information obtained, the President, in consultation with the IRENA Council Disciplinary Committee, shall decide whether to:
- 10.2.1 Initiate a disciplinary process pursuant paragraph 10.3, below, of this policy by issuing written charges of misconduct;
 - 10.2.2 Take managerial actions and/or administrative measures, if the unsatisfactory conduct, in the view of the President in consultation with the IRENA Council Disciplinary Committee, does not rise to the level of misconduct; or
 - 10.2.3 Close the matter, provided that in such case, the President in consultation with the IRENA Council Disciplinary Committee shall inform the Director-General.
- 10.3 Following a decision to initiate a disciplinary process, the President in consultation with the IRENA Council Disciplinary Committee shall provide the Director-General with:
- 10.3.1 The written charges of misconduct, which shall include the specific obligations or standards of conduct that the Director-General is accused of having breached;
 - 10.3.2 Notification of:
 - (a) The Director-General's right to respond to the allegations of misconduct and to provide any evidence within a specified period in accordance with section 10.6, below;
 - (b) The Director-General's right to seek the assistance of counsel at the Director-General's own expense; and
 - (c) In relevant cases, the possibility of financial recovery if misconduct is established;
- 10.4 A copy of the investigation report and the relevant supporting documentation shall be provided to the Director-General. The copies of such documentation may be subject to any measures, including redaction, to ensure that the interests of the Agency or its staff members, including privileged information and safety and security concerns, are not adversely affected by the disclosure of particular information.
- 10.5 The allegations of misconduct, investigation report and supporting documentation may be transmitted to the Director-General in hard copy or electronically. Where transmission to the Director-General is in hard copy, this shall be done by registered mail or by hand.
- 10.6 The Director-General shall be given an opportunity to respond in writing to the charges of misconduct within one month of the date of receipt of the charges. The Director-General may request, in writing, from the President additional time to respond. Any such request must be made prior to the expiration of the deadline and must contain reasons for the request. If no response to the allegations of misconduct is received within the specified time limit, the matter may nevertheless proceed, without further notice to the Director-General.
- 10.7 The President in consultation with the IRENA Council Disciplinary Committee may seek further information from any relevant source. Any new additional information received by the President must be provided to the Director-General for a further response. In each such case, the Director-General shall be given an additional two weeks to respond to such additional information. The Director-General may request, in writing, additional time to respond. Any such request must be made prior to the expiration of the deadline and must contain reasons for the request. If no response on the additional information is received within the specified

time limit, the matter may nevertheless proceed, without further notice to the Director-General.

- 10.8 During the disciplinary process, the Director-General shall be responsible for including in his or her response(s) all information relating to the allegations of misconduct that the Director-General wishes the President and the IRENA Council Disciplinary Committee to consider.

Section 11 - Outcome of the Disciplinary Process

- 11.1 The President, in consultation with the IRENA Council Disciplinary Committee, shall apply the following standards of proof in determining whether the Director-General has engaged in misconduct and, in such case, in deciding what disciplinary measure should be imposed as a consequence:

11.1.1 In deciding whether to impose the disciplinary measure of separation from service or dismissal upon the Director-General, there shall have been established “clear and convincing evidence” that the Director-General has engaged in misconduct warranting such disciplinary measure. Such standard of proof is less than the standard of proof of “beyond a reasonable doubt” that may apply to the determination of criminal liability; and

11.1.2 In deciding whether to impose any other disciplinary measure(s) upon the Director-General, there shall have been established “by a preponderance of the evidence” (*i.e.*, that it is more likely than not) that the Director-General has engaged in misconduct warranting any such disciplinary measure(s).

- 11.2 Other than the disciplinary measures of separation from service or dismissal, one or more other disciplinary measures may be imposed upon the Director-General for having engaged in misconduct, as warranted by the facts and circumstances.

- 11.3 On the basis of the investigation report, all supporting documentation and responses from the Director-General, the President in consultation with the IRENA Council Disciplinary Committee, shall decide whether to:

11.3.1 Take no further action;

11.3.2 No longer pursue the matter as a disciplinary case and determine whether to impose administrative measures and/or require managerial action to be taken; or

11.3.3 Impose a disciplinary measure.

- 11.4 Such decision of the President, in consultation with the IRENA Council Disciplinary Committee shall be communicated in writing to the Director-General, the Council, and the Assembly.

- 11.5 The Director-General may be subject in any case to financial recovery for any losses found to be attributable to unsatisfactory conduct, whether or not having been established as misconduct, by the Director-General. The President, in consultation with the IRENA Council Disciplinary Committee, may then decide to recover, in part or in full, any financial loss suffered by the Agency. The President, in consultation with the IRENA Council Disciplinary Committee, may consult the IRENA External Auditor, the IRENA Audit Office, or the IRENA Legal Adviser with respect to points of law or process with respect to the financial recovery.

- 11.6 If the Director-General resigns or otherwise separates from service before the conclusion of investigative and/or disciplinary processes, the President, in consultation with the IRENA Council Disciplinary Committee, may decide to withhold the estimated financial loss suffered by the Agency from the Director-General's final separation emoluments and entitlements, until the investigation has been concluded and the findings support the imposition of financial recovery. In cases when the investigative and/or disciplinary processes cannot be finalized owing to the former Director-General's lack of cooperation, the Agency shall have the uncontested right to recovery of the amount of the financial loss.

Section 12 - Disclosure of Information Obtained During an Investigation

- 12.1 All information obtained at any stage during the reporting of possible unsatisfactory conduct, the preliminary assessment thereof, and the investigation and the disciplinary process, as set forth in this policy, shall be considered confidential.
- 12.2 Should the Assembly or the full Council require any such information, the President shall provide a summary of the report of possible unsatisfactory conduct by the Director-General, a summary of any investigation report with the names of the complainant(s) and witnesses redacted, and a summary of the outcome of the investigation and disciplinary process, if any.

Section 13 - Process for Appeals by the Director-General

- 13.1 Within ninety (90) days following any decision by the President, the Director-General may seek to appeal the decision of the President regarding any disciplinary measure, administrative measure, or managerial action imposed or required.
- 13.2 The Director-General shall appeal any such decision by commencing an arbitration against IRENA pursuant to the UNCITRAL Arbitration Rules then obtaining. There shall be one arbitrator appointed for the arbitration under the Rules. The President shall designate the official of IRENA who shall act as the representative of the Respondent (i.e., IRENA) for purposes of such arbitration.
- 13.3 The award of the arbitral tribunal shall be limited to ruling on the decision(s) of the President under appeal, and such award may result only in compensation. The arbitral tribunal shall have no authority to order special, exemplary, or punitive damages, or to order rescission of any decision of the President that is the subject of the appeal. Any award of interest shall be simple interest only and shall be at the rate used for any interest payments under the IRENA pension scheme.
- 13.4 The arbitral award shall be final and binding on the parties, and the award shall not be subject to further appeal or judicial review in any jurisdiction.

DRAFT Policy on Protection against Retaliation for Reporting Misconduct or Cooperating with Oversight Activities

1. Statement of Policy

- 1.1 Policy Summary: It is the policy of IRENA that it is strictly prohibited to retaliate against staff members and non-staff personnel, as defined in section 2, below, who have, in good faith, properly reported allegations of misconduct, or who have cooperated with a duly authorized audit or investigation. Such retaliation violates the fundamental obligation of all personnel to uphold the highest standards of efficiency, competence and integrity as required under the Statute of IRENA and under the IRENA Staff Regulations and Rules, including the Code of Conduct, and to discharge their functions and regulate their conduct with the interests of IRENA only in view. Retaliation, as defined under this Policy, is itself misconduct and any Agency personnel who commit retaliation may be subject to disciplinary measures or other applicable sanctions.
- 1.2 Objectives of the Policy: The Agency has promulgated this policy in order to:
 - 1.2.1 Encourage staff members and non-staff personnel, as defined in section 2, below, to report, in good faith and without fear of retaliation or retribution, possible misconduct and/or to fully cooperate with a duly authorized audit or investigation;
 - 1.2.2 Establish the basis by which the Agency can effectively address any instances of retaliation, manage the risk of retaliation, and protect individuals reporting misconduct in good faith; and,
 - 1.2.3 Foster a working environment that operates with accountability and transparency.
- 1.3 This policy should be read in connection with the following regulations, rules, policies, and directives, together with any other applicable regulations, rules, policies, procedures, and directives:
 - 1.3.1 The IRENA Staff Regulations and Rules;
 - 1.3.2 The IRENA Financial Regulations and Procedures;
 - 1.3.3 The IRENA Code of Conduct, as amended, including, without limitation, paragraphs 59 to 62 of the Code of Conduct;⁵
 - 1.3.4 The IRENA Policy on Preventing and Addressing Prohibited Conduct;
 - 1.3.5 The Policy on Ethics and Conflicts of Interest for IRENA;
 - 1.3.6 The IRENA Audit Charter;
 - 1.3.7 The IRENA Directive on the Disciplinary Process; and,
 - 1.3.8 The IRENA Directive Establishing the Disciplinary Board.

2. Definitions

- 2.1 For the purposes of the present policy, the following terms shall have the following meanings:

⁵ In particular, paragraphs 59 to 62 of the Code of Conduct, as set forth in IRENA Document C/4/10 of 14 October 2012, set forth the provisions of the Code on protection for “covered individuals” (as defined in paragraph 3 of the Code) who report possible cases of misconduct.

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- 2.1.1 “Complaint” means a request for protection against retaliation made to the Ethics Officer on the “Form for Requesting Protection against Retaliation” either by hand or by email at ethics@irena.org and within the time prescribed by this policy;
- 2.1.2 “Complainant” means any staff member or non-staff personnel who makes a request for protection under this policy;
- 2.1.3 “Ethics Officer” means the Secretariat staff member appointed by the Director-General to implement the ethics and conflict policies of IRENA, including as specified in this policy;⁶
- 2.1.4 “Investigating Entity” means an investigative body within the United Nations system of organizations, such as the United Nations Office of Internal Oversight Services, or within another international organization, or an outside entity qualified to carry out an investigation, such as a qualified law firm, with whom the IRENA Council has established or will establish, from time to time, an agreement to perform the investigative functions set forth in this policy and/or the Directive on the Disciplinary Process;
- 2.1.5 In accordance with Staff Rule 111.1(a), “Misconduct” means 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.” As stated in 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.”
- 2.1.6 “Non-staff personnel” means any individual engaged by contract or other agreement between such individual and IRENA to perform or provide services to IRENA and whose relationship with IRENA is not governed by a letter of appointment subject to the Staff Regulations and Rules of IRENA. 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].
- 2.1.7 A “prima facie” case of retaliation has the meaning set forth in section 9.3, below.
- 2.1.8 A “protected activity” means an act described in section 4.1, below.
- 2.1.9 “Retaliation” or “retaliatory action” means any direct or indirect detrimental action that adversely affects the employment or working conditions of an individual, where such action has been recommended, threatened or taken for the purpose of punishing, intimidating or injuring an individual because that individual has engaged in a “Protected Activity.” Retaliation is itself an act of misconduct within the meaning of the Staff Regulations and Rules and the Code of Conduct as well as being a violation of this Policy. For purposes of this Policy, the legitimate application of regulations, rules or administrative policies, issuances or procedures, or the mere expression of disagreement, admonishment, criticism or a similar expression regarding work performance, conduct or related issues within a supervisory or similar relationship, do not constitute retaliation.
- 2.1.10 “Unsatisfactory conduct” means any failure by a staff member or a non-staff personnel to satisfy the standards of conduct expected of such staff member or

⁶ See Policy on Ethics and Conflict of Interest for the International Renewable Energy Agency, section 2.7.

such other person under the Staff Regulations and Rules, including the Code of Conduct, the Financial Regulations and Rules, and any Directives issued by the Director-General. In cases in which it has *not* been established that a staff member's conduct constitutes misconduct, but it has, nevertheless, been established to constitute unsatisfactory conduct, such unsatisfactory conduct may lead to the imposition of administrative measures, managerial action, or other applicable measures.

3. General Principles

- 3.1 The Director-General and the management of the Agency have a duty to address suspected misconduct and to prevent or address retaliation for reporting in good faith unsatisfactory conduct or misconduct, or for cooperating in good faith with any duly authorized audits and investigations.
- 3.2 It is the duty of staff members to report, to officials of the Agency whose responsibility is to take appropriate action upon receipt of such report, any breach of the Agency's Financial Regulations and Procedures, the Staff Regulations and Rules, including the Code of Conduct, or directives issued by the Director-General. An individual who makes such a report in good faith has the right to be protected against retaliation.
- 3.3 It is also the duty of staff members or non-staff personnel to cooperate with duly authorized audits and investigations. An individual who cooperates in good faith with a duly authorized audit or investigation has the right to be protected against retaliation.
- 3.4 Retaliation against individuals who have reported misconduct or who have cooperated with duly authorized audits and investigations violates the fundamental obligation of all staff members to uphold the highest standards of efficiency, competence, and integrity and to discharge their functions and regulate their conduct only with the interests of the Agency in view.
- 3.5 Staff Members and non-staff personnel are prohibited from retaliating or threatening to retaliate against any staff member or non-staff personnel who have engaged in a protected activity.
- 3.6 Retaliation by staff members or non-staff personnel against a third-party engaged in any dealings with IRENA (*e.g.*, institutional or individual contractors, Agency partners, or Agency clients), or any employees, agents or representatives of such third party, because such third-party or such person has reported misconduct or cooperated with a duly authorized audit or investigation is prohibited and may lead to the imposition of disciplinary measures or other appropriate action.
- 3.7 It is the role of the Ethics Officer under this policy to:
 - 3.7.1 Receive complaints of retaliation or threats of retaliation and requests for protection against retaliation from complainants;
 - 3.7.2 Maintain the confidentiality of complaints and the records associated with them; and,
 - 3.7.3 Conduct a preliminary assessment of the allegations of retaliation made by complainants in accordance with this policy.

4. Protected Activities

- 4.1 Under this policy, staff members and non-staff personnel are protected for, in good faith:

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- 4.1.1 Reporting the failure of any staff member to comply with his or her obligations under the Statute of IRENA, the Staff Regulations and Staff Rules, including the Code of Conduct, the Financial Regulations and Procedures, any directives issued by the Director-General;
 - 4.1.2 Reporting the failure of any non-staff personnel to comply with his or her obligations regarding conduct as set forth in the applicable agreement with IRENA or in the Code of Conduct, when made part of such agreement;
 - 4.1.3 Reporting any request or instruction from any staff member or non-staff personnel to violate the above-mentioned regulations, rules, directives, or terms of agreement, or
 - 4.1.4 Reporting any conduct by any person that, if established to have occurred, would be manifestly harmful to the interests, operations, or governance of the Agency; or
 - 4.1.5 Cooperating with any duly authorized audits or investigations.
- 4.2 In order to receive protection against retaliation or threats of retaliation under this policy, the report should be made as soon as possible, but not later than the time-limit specified in section 7.2, below. The individual must make the report in good faith and must submit information or evidence to support a reasonable belief that the reported unsatisfactory conduct or misconduct has occurred.
- 4.3 While an individual who cooperates in good faith with a duly authorized audit or investigation may seek protection against retaliation or threats of retaliation under this policy, cooperation with such an audit or investigation will not excuse an individual's own complicity in the underlying matter. That is, notwithstanding his or her cooperation, an individual may face disciplinary or other appropriate action (*e.g.*, in the case of non-staff personnel, the measures set forth in the applicable agreement with the Agency) for the individual's role in the matter under such audit or investigation. Neither the investigation nor the imposition of any disciplinary or other appropriate measure resulting from an individual's complicity in the underlying matter under investigation constitutes retaliatory action.
- 4.4 This policy does not prejudice the Director-General or Agency managers from applying regulations, rules, policies and procedures or performing performance evaluation and performance management activities. For purposes of this policy, the legitimate application of regulations, rules, policies, or administrative directives or procedures, or the mere expression of disagreement, admonishment, criticism or a similar expression regarding work performance, conduct or related issues within a supervisory or similar relationship, do not constitute retaliation.
- 4.5 Where, in accordance with this policy, a *prima facie* case of retaliation has been found to have occurred, the Director-General or Agency managers must show by *clear and convincing evidence* that the alleged retaliatory action taken against the individual seeking protection would have been taken irrespective of the protected activity referred to in section 4.1, above, *and* that the alleged retaliatory action was not taken for the purpose of punishing, intimidating or injuring the individual who engaged in the protected activity.⁷
- 4.6 The dissemination of unsubstantiated information or false rumors, or the reporting of intentionally false or misleading allegations of wrongdoing, are not protected activities under this Policy. Such acts may constitute misconduct for which disciplinary or other appropriate measures may be imposed either in accordance with the Staff Regulations and

⁷ See section 10.4, below.

Staff Rules and applicable Directives issued by the Director-General (for staff members) or as are referenced within an applicable agreement regarding the individual's services to the Agency (for non-staff personnel).

5. Reporting Misconduct through Establish Internal Mechanisms

- 5.1 Except as provided in section 6, below, reports of alleged unsatisfactory conduct or misconduct should be made, depending on the allegation, to the following established internal reporting mechanisms:
 - 5.1.1 The IRENA Internal Auditor, for information about possible unsatisfactory conduct or misconduct in the nature of financial irregularities, such as fraud, theft, embezzlement, and corruption;⁸
 - 5.1.2 The Director, Administration and Management Services ("Director, AMS"), or the Chief of Staff, Executive Office of the Director General ("Chief of Staff"), as the case may be, for information about any other form of possible unsatisfactory conduct or misconduct;⁹
 - 5.1.3 The Investigator(s) conducting ongoing investigations into or relating to the possible unsatisfactory conduct or misconduct;¹⁰
- 5.2 All Agency managers, including the Ethics Officer, will strive to protect the identity of complainants who, in accordance with this policy, seek protection against retaliation or threats of retaliation, as well as protect the confidentiality of all communications made by any such complainant. However, in exceptional circumstances, the identity of the complainant and related information may be disclosed in whole or in part:
 - 5.2.1 To persons with a legitimate need-to-know in order to resolve the complaint or assist in the investigation of the matter by a duly appointed investigator or investigators;
 - 5.2.2 In circumstances where, as part of legal proceedings, the Ethics Officer is required to make such disclosure; or,
 - 5.2.3 When, in the opinion of the Ethics Officer following consultation with the Ethics Advisory Board, disclosure of such confidential information is required in order to adequately address or remediate the situation alleged to be retaliatory or to attempt to prevent further misconduct.
- 5.3 In all such instances, the complainant shall be consulted prior to any disclosure being made.
- 5.4 Notwithstanding the foregoing, Agency managers, including the Ethics Officer, will not be bound to maintain the confidentiality of the complainant or the information in the complaint in situations where the complainant requesting protection under this policy does not maintain confidentiality or acts in such a manner from which it may be reasonably inferred that the individual has waived any expectation of confidentiality.

⁸ See Directive on the Disciplinary Process, ST/DR/2024/I/21970, paragraph 7.

⁹ See *ibid* (if the Director, AMS, is the subject of the report of possible misconduct or is the official who is at risk retaliating against the individual concerned).

¹⁰ See *ibid.*, paragraph 24.

6. Reporting Misconduct through an External Entity

- 6.1 Whenever the criteria set out below are satisfied, protection against retaliation or threats of retaliation will be extended to any individual who reports misconduct to an entity or individual outside of the established internal mechanisms referred to in section 5, above, or otherwise established by the Agency:
- 6.1.1 Such reporting is necessary to avoid:
 - (a) A significant threat to public health or safety, or
 - (b) Substantive damage to the Agency's operations; or
 - (c) Violations of national or international law; and,
 - 6.1.2 The use of established internal reporting mechanisms is not possible because:
 - (a) At the time the report is made, the individual has grounds to believe that he or she will be subjected to retaliation by the person(s) he or she should report to pursuant to the applicable established internal mechanism; or
 - (b) It is likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he or she should report to pursuant to the established internal mechanisms; or
 - (c) The individual has previously reported the same information through the established internal mechanisms, and the Agency has failed to inform the individual in writing of the status of the matter within six (6) months of such a report being first made; and
 - 6.1.3 The person reporting accepts no consideration or compensation from the individual or external entity to which the report has been made.
- 6.2 For purposes of Staff Regulation 1.2 (i), the provisions of section 6.1, when followed by a staff member in accordance with this policy, constitute an appropriate communication made in the normal course of such staff member's duties.

7. Requesting Protection Against Retaliation

- 7.1 A Request for protection against retaliation or threats of relation shall be made by means of a Complaint submitted to the Ethics Officer on the "Form for Requesting Protection against Retaliation" either by hand or by email at EthicsOffice@irena.org. As soon as possible, but not later than ten (10) working days, after submitting such complaint, the individual seeking protection shall submit to the Ethics Office all information and documentation available to the individual and which supports such complaint. If such information or documentation is not reasonably available to the individual, he or she shall inform the Ethics Officer where such information or documentation may otherwise be found.
- 7.2 A complaint requesting protection under this policy must be submitted to the Ethics Officer within six (6) months after the date when the complainant knew or, in the opinion of the Ethics Officer, should have known that the alleged retaliatory action was threatened or taken. Such time limit may be extended by Ethics Officer in cases in which, in the sole opinion of the Ethics Officer, it is in the best interests of the Agency to do so or is otherwise necessary to give effect to the overall intent and purpose of this policy. In such case, the Ethics Officer shall maintain a written record of the reasons for extending such time limit.

8. Preventive Action

- 8.1 Agency managers receiving reports of misconduct¹¹ shall, with the consent of the individual concerned, inform the Ethics Officer if a risk of retaliatory action or threat of retaliation exists to an individual reporting possible misconduct. In such case, the Agency manager concerned shall provide the Ethics Officer all information necessary for the Ethics Officer to take appropriate action to prevent any retaliatory action or threat of retaliation against the individual concerned.
- 8.2 As soon as possible after receiving the information described in section 8.1, above, the Ethics Officer shall arrange to consult confidentially with the affected individual on whether and what appropriate prevention action(s) may be warranted under the circumstances. With the consent of the individual concerned, such action may include engagement by the Ethics Officer with Director, AMS, or the Chief of Staff,¹² so that the Director, AMS, or the Chief of Staff, as the case may be, can arrange for the monitoring of the individual's working conditions by an appropriate Agency manager with a view to preventing, for the duration of the investigation and any disciplinary process resulting from the report of possible misconduct, any retaliatory action or threats of retaliation being taken against the individual as a consequence of the individual's having engaged in a protected activity.

9. Preliminary Review and Assessment of Complaints of Retaliation

- 9.1 Within five (5) working days after receiving a complaint, the Ethics Officer shall confidentially acknowledge in writing to the complainant the receipt of the Complaint. Unless the Ethics Officer has already received information and documentation from the complainant or other sources that is required to support the complaint or has been informed where such information and documentation may be found, the Ethics Officer shall confidentially consult with the complainant as promptly as possible to obtain such information and documentation or to locate where such information and documentation can be found.
- 9.2 If the Ethics Officer is of the opinion that there may be a conflict of interest associated with the Ethics Officer's review of the complaint, or in order to avoid even the appearance of any conflict of interest or undue pressure or influence, the Ethics Officer may refer the complaint to the Director, AMS, or the Chief of Staff, as the case may be, for advice and guidance regarding the selection of an alternate official of the Agency or an outside person or entity, qualified to handle such matters, to handle the duties of the Ethics Officer under this policy. In such cases, the Ethics Officer shall confidentially inform the Ethics Advisory Board of such conflict of interest or appearance thereof and of any resulting action taken by the Director, AMS, or the Chief of Staff, as the case may be. The Ethics Officer and the Ethics Advisory Board shall be informed of the outcome of the investigations and any further actions undertaken by such Agency official, outside person, or entity.
- 9.3 Promptly following receipt of a complaint and the receipt and gathering of all necessary supporting information and documentation, the Ethics Officer shall conduct a preliminary assessment of the complaint to determine whether there is a *prima facie* case of retaliation because:
 - 9.3.1 The complainant engaged in a protected activity;

¹¹ See Directive on the Disciplinary Process, ST/DR/2024/I/21970, paragraph 7, specifying the officials who are to receive reports of possible misconduct.

¹² If the Director, AMS, is the subject of the report of possible misconduct or is the official who is at risk retaliating against the individual concerned.

- 9.3.2 There are facts or circumstances demonstrating that it is more likely than not (*i.e.*, probable cause to believe) that the alleged retaliatory action is taking, or has taken, place; and,
- 9.3.3 There are facts or circumstances demonstrating that it is more likely than not (*i.e.*, probable cause to believe) that the protected activity in which the complainant has engaged is a substantial contributing factor in causing the alleged retaliation.
- 9.4 All officials of the Agency have a duty to cooperate with the Ethics Officer whenever requested to provide information or documentation which, in the opinion of the Ethics Officer, is necessary for the proper conduct of the preliminary review and assessment of the allegations of retaliation set forth in the complaint. Notwithstanding the foregoing, any confidential medical information relating to the complainant shall not be provided to the Ethics Officer without the written consent of the complainant, nor shall any confidential investigation or audit records of the Agency be provided to the Ethics Officer without the written consent of the Director-General or an official duly authorized by the Director-General.
- 9.5 The preliminary review and assessment of the complaint is intended to enable the Ethics Officer to gather evidence to aid in the Ethics Officer's independent review and evaluation of whether, in accordance with section 9.3, above, there is a *prima facie* case of retaliation.
- 9.6 Both during the preliminary review and assessment of a complaint to determine whether there is a *prima facie* case of retaliation and pending the completion of any subsequent investigation and disciplinary process after a *prima facie* case of retaliation has been established,¹³ the Ethics Officer may make recommendations to the Director-General or other Agency managers to take interim measures to safeguard the interests of the complainant. Such interim measures may include, but are not limited to, the temporary suspension of implementation of the allegedly retaliatory action and/or, in consultation with the complainant, temporary reassignment of the complainant or placement of the complainant on special leave with pay.¹⁴
- 9.7 The duty of confidentiality of the Ethics Officer with respect to complaints and any associated information is without prejudice to the duty of the Ethics Officer to cooperate with oversight bodies of, or engaged by, the Agency, with any official investigations, and with any appeals processes under the Staff Regulations and Staff Rules.
- 9.8 The Ethics Officer shall in all cases seek to complete the review and preliminary assessment of a complaint within thirty (30) days following receipt or gathering of all necessary information and documentation for such review and assessment. The Ethics Officer shall notify the complainant about any delays in, as well as the probable timeframe for, completing the review and assessment of the complaint. Without compromising the confidentiality or integrity of the processes under this policy, the Ethics Officer shall regularly provide information to the Ethics Advisory Board in the aggregate on the length of time taken to conduct reviews and assessments of complaints.
- 9.9 The Ethics Officer shall notify the complainant in writing if the Ethics Officer determines that there is no *prima facie* case of retaliation. Should the Ethics Officer determine in such cases that there is an interpersonal problem within a particular office, it may additionally advise the complainant of the existence of any informal conflict resolution mechanisms in the Agency.

¹³ See section 10, below.

¹⁴ Temporary reassignment or placement on special leave with pay can only be recommended where the complainant is a staff member. In cases involving non-staff personnel remedies may be limited to those available in that person's particular contractual or similar arrangement with IRENA.

- 9.10 If the Ethics Officer determines that there is no *prima facie* case of retaliation but considers there to be a managerial problem relating to a particular department or office of the Agency, the Ethics Officer will advise the Director, AMS, or the Chief of Staff, as the case may be, as to what steps could be taken to address any conflicts in the workplace or to take any managerial action that may be necessary.

10. Action if Preliminary Review and Assessment Results in Determination of *Prima Facie* Case of Retaliation

- 10.1.1 If the Ethics Officer determines that there is a *prima facie* case of retaliation, the Ethics Officer shall refer the matter, together with all relevant information and documentation, for an investigation in accordance with the Directive on the Disciplinary Process.¹⁵ Upon completion of such investigation, the Ethics Officer shall also be provided a copy of the investigation report.
- 10.2 If the Ethics Officer determines that the official(s) authorized to investigate the complaint may have an actual or apparent conflict of interest with the complainant or with any of the matters described in the complaint, the Ethics Officer shall refer the case to the Director, AMS, or to the Chief of Staff, as the case may be, to establish an alternative investigation mechanism in accordance with the Directive on the Disciplinary process.
- 10.3 For purposes of determining whether, and what kind of, protection against relation may be warranted under this policy and irrespective of any disciplinary process that may result from the investigation, the Ethics Officer shall, upon receipt of the investigation report, conduct an independent review of the findings of the report and supporting information and documentation.
- 10.4 The purpose of such independent review shall be to determine whether the report and the supporting documents show, by *clear and convincing evidence*, that the Director-General and Agency managers concerned would have taken the retaliatory action alleged in the complaint absent the complainant's protected activity or that the alleged retaliatory action was not made for the purpose of punishing, intimidating or injuring the complainant. Consequently, the Director-General and Agency managers concerned bear the burden of proving by *clear and convincing evidence* that they or the Agency would have taken the same action alleged in the complaint to be retaliation if the complainant had *not* engaged in the protected activity.¹⁶
- 10.5 If, in the view of the Ethics Officer, such standard of proof has *not* been met by the Director-General and Agency managers concerned, the Ethics Officer will consider that retaliation has occurred, and the Ethics Officer will determine that the complainant is entitled to protection against retaliation in accordance with this policy. If the standard of proof has been met, the Ethics Office will consider that retaliation has not occurred.
- 10.6 In all cases, the Ethics Office will inform the complainant in writing of its considerations and determinations.
- 10.7 If the Ethics Officer considers that there has been retaliation against a complainant, the Ethics Officer may, after consultation with the complainant, recommend to the Director, AMS, or the Chief of Staff, as the case may be, appropriate measures aimed at correcting negative consequences suffered by the complainant as a result of the retaliatory action and protecting the complainant from any further retaliation. Such measures may include, but are not limited to, the rescission of the retaliatory decision, including reinstatement, or, if

¹⁵ See Directive on the Disciplinary Process, ST/DR/2024/I/21970, paragraphs 22 to 34.

¹⁶ As provided in section 2.1.10, above, this policy is without prejudice to the legitimate application of IRENA's regulations, rules, directives and procedures, including, but not limited to, those governing evaluation of performance and non-extension or termination of appointment, employment or contract.

requested by the complainant, transfer to another office and/or function and/or change of reporting lines. For non-staff personnel, such measures shall not include reinstatement or extension of an engagement beyond its original date of completion. Without prejudice to the disciplinary process or any rights to due process under the Staff Regulation and Rules, such measures may also include the transfer of the person(s) who engaged in any retaliatory action.

- 10.8 Within thirty (30) working days, the Director, AMS, or the Chief of Staff, as the case may be, shall provide a written decision to the complainant and the Ethics Officer regarding the recommendations by the Ethics Officer for measures of protection. Subject to section 10.10, below, the decision must respect the confidentiality rights of the person who allegedly engaged in retaliation in relation to any ongoing disciplinary process.
- 10.9 Should the Ethics Officer not be satisfied with the response from the Director, AMS, or the Chief of Staff, as the case may be, the Ethics Officer may make a recommendation to the Director-General for measures of protection. Following consultation with the Ethics Advisory Board, the Director-General will provide a written decision on the recommendations of the Ethics Officer to the complainant and the Director, AMS, or the Chief of Staff, as the case may be, as soon as possible.
- 10.10 Complainants will be informed on a confidential basis by the Director, AMS, or the Chief of Staff, as the case may be, of any disciplinary measures taken as a result of any retaliatory action.
- 10.11 Without compromising the confidentiality or integrity of the processes under this policy or any disciplinary processes under the Staff Regulations and Rules and the Directive on the Disciplinary Process, the Ethics Officer shall regularly provide information to the Ethics Advisory Board in the aggregate on the outcomes of complaints referred for investigation.

11. Review of Administrative Decisions under Chapter 12 of the Staff Rules

- 11.1 The action, or non-action, of Agency managers on any recommendation from the Ethics Officer under section 10, above, constitute contestable administrative decisions under chapter 12 of the Staff Rules if such action or non-action has direct consequences affecting the terms and conditions of appointment of the complainant.
- 11.2 Actions taken upon on any recommendation from the Ethics Officer under section 10, above, are without prejudice to also addressing matters mentioned in the complaint and providing additional support to the complainant through informal resolution mechanisms.
- 11.3 Recommendations of the Ethics Officer or any other official performing the functions of the Ethics Officer in accordance with this policy, or any other person or entity engaged by the Agency to review determinations by the Ethics Officer under this policy, do *not* constitute administrative decisions and are *not* subject to review under chapter 12 of the Staff Rules.
- 11.4 In addition, irrespective of whether they seek protection against relation in accordance with this policy staff members may, in any case, seek to challenge any administrative decision that they consider to be retaliatory in accordance with chapter 12 of the Staff Rules. Such recourse must comply with the time limits specified under those Rules.

12. Review of Ethics Officer Determinations

- 12.1 If, following a determination by the Ethics Officer under section 9, above, that there is no *prima facie* case of retaliation, the complainant wishes to have the matter reviewed further, he or she may, within thirty (30) days following notification of the Ethic Officer's determination, refer the matter, in writing, to the Director, AMS, or the Chief of Staff, as the case may be. The Director, AMS, or the Chief of Staff, as the case may be shall promptly select and refer the matter to an outside person or entity that is qualified to handle such matters of ethics. The complainant shall be promptly notified about such referral.
- 12.2 The outside person or entity to whom the matter has been so referred will seek comments from the complainant and relevant officials of the Agency on the request for review and undertake his or her own independent review of the matter, which shall include review of the action previously taken by the Ethics Officer and a determination of whether any additional action may be required, including whether referral for investigation is warranted in accordance with this policy. The outside person or entity to whom the matter has been so referred, following the completion of such review, will submit recommendations to the Ethics Officer, with a copy to the Director, AMS, or the Chief of Staff, as the case may be.
- 12.3 The Ethics Officer will implement the recommendations, in any, of outside person or entity to whom the matter has been so referred, including any recommendation to refer the matter to for further investigation in accordance with this policy.

13. Review of the Present Policy

- 13.1 The Director-General shall, in consultation with the Ethics Officer and the Director, AMS, review this policy periodically, and at a minimum, every three (3) years. 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.
- 13.2 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.

DRAFT Policy on 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 2.7, 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, in being mindful of the need to prevent such conduct and, if such prohibited conduct occurs, to take timely appropriate corrective action, while offering support 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 set out or described in the Staff Regulations and Rules, including the Code of Conduct, or in the Financial Regulations and Procedures, or in the applicable policies of IRENA, or in applicable Directives issued by the Director-General. Whenever appropriate, the following terms should be read consistently with the corresponding terms or elements specified in such regulations, rules, policies and directives.
- 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.¹⁷
- 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,

¹⁷ See also Staff Regulation 2.4(a); Code of Conduct, paragraph 19.

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.¹⁸

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.¹⁹ 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 Directives, or otherwise performing 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, 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.²⁰

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.²¹ 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.²²

¹⁸ See also Staff Regulation 2.4(a); Code of Conduct, paragraphs 9 and 22.

¹⁹ See also Staff Regulation 2.8(b) and (c)-(f); Code of Conduct, paragraphs 13, 14, 28 to 32, 33 to 45, and 56.

²⁰ See also Code of Conduct, paragraph 20.

²¹ See also *ibid.*, paragraph 21.

²² See also *ibid.*

- 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.²³
- 2.3 “Inter-Personal Prohibited Conduct” means the prohibited conduct defined in sections 2.2.1 (*i.e.*, abuse of authority), 2.2.2 (*i.e.*, discrimination), 2.2.4 (*i.e.*, harassment), 2.2.6 (*i.e.*, sexual abuse), 2.2.7 (*i.e.*, sexual exploitation), 2.2.8 (*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 IRENA to perform or provide services to IRENA and whose relationship with IRENA is not governed by a letter of appointment subject to the Staff Regulations and Rules of IRENA. 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.

²³ See also Code of Conduct, paragraph 20.

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, non-staff personnel, 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 any 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 the following regulations, rules, policies, and directives, as well as with any other applicable regulations, rules, policies, procedures, and directives:
 - 3.6.1 The Financial Regulations and Procedures;
 - 3.6.2 The Staff Regulations and Rules;
 - 3.6.3 The Code of Conduct;
 - 3.6.4 Policy on Ethics and Conflicts of Interest for IRENA;
 - 3.6.5 Policy on Protection from Retaliation for Reporting Misconduct or Cooperating with Oversight Activities;
 - 3.6.6 The Internal Audit Charter of IRENA; and,
 - 3.6.7 The Directive on the Disciplinary Process.

4. Application of the Policy

- 4.1 The present policy, which elaborates on obligations set forth, *inter alia*, in the Code of Conduct, applies to all staff members and non-staff personnel of the Agency, and compliance with this policy is mandatory.
- 4.2 The application of this policy to institutional contractors (vendors and suppliers) and implementing partners should be made through terms and conditions set forth in contracts or other agreements with such entities.

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- 4.3 The present policy extends to prohibited conduct that takes place in the 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.
- 4.4 Protection from inter-personal prohibited conduct under this policy extends to persons interacting with the Agency, including, but not limited, to employees of, or representatives, or agents of, vendors or implementing partners, interns, representatives of Member States, or visitors.
- 4.5 Reports of prohibited conduct in the workplace or in connection with work can be submitted by any person and against any person, irrespective of whether such persons have any contractual status with the Agency.
- 4.6 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 depend on the status of the affected person(s) or impacted person(s).
- 4.7 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 Directive on the Disciplinary Process. Credible allegations of prohibited conduct by a staff member that may amount to alleged criminal conduct may be referred to national authorities for any appropriate action.
- 4.8 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, including other applicable policies regarding non-staff personnel, such as the Code of Conduct. Where credible evidence exists that non-staff personnel have engaged 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 supervisor positions in order to take into account of 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, 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 directives, 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 in their workplaces 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 both formal and informal processes in place 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 that may be developed or established as envisaged in sections 5.1.7 and 5.1.8, above.

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- 5.2.8 Monitor and take appropriate action to report on instances of possible prohibited conduct in accordance with the provisions of the Directive on the Disciplinary Process;²⁴
- 5.2.9 Monitor the situation, when it is brought to their attention, that one or more staff members or non-staff personnel in their workplace:
- (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 acting as a staff representative or challenging a decision through a request for management evaluation; 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 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 members in their workplace on a regular basis through a dedicated in-person meeting;
- 5.2.11 Evaluate the performance of staff members and non-staff personnel in their workplaces 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 Oversight Activities, any retaliation that may arise from complaining or reporting on prohibited conduct under the present policy.
- 5.3 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 directives, including the present policy, all staff members shall:
- 5.3.1 Report to Ethics Officer regarding any actual or apparent conflicts of interest and provide the Ethics Officer with any financial disclosures that may be required;²⁵
 - 5.3.2 Ensure that the property, assets and any other resources of the Agency are properly used and accounted for, and report any discrepancies to an appropriate Agency manager or supervisor;
 - 5.3.3 Undertake any 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;
 - 5.3.4 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
 - 5.3.5 Refrain from encouraging other staff members and non-staff personnel to engage in prohibited conduct;

²⁴ See Directive on the Disciplinary Process, ST/DR/2024/I/21970, paragraph 7.

²⁵ See Policy on Ethics and Conflicts of Interest for IRENA; *see also* Code of Conduct, paragraphs 33 to 41.

- 5.3.6 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;
- 5.3.7 Supporting impacted persons, as appropriate and to the best of their ability; and,
- 5.3.8 Report possible prohibited conduct in accordance with the Directive on the Disciplinary Process and cooperate with investigations, audits and reviews.²⁶
- 5.4 Pursuant to the terms and conditions of their contracts or other agreements with the Agency, non-staff personnel and any institutions (*e.g.*, vendors, suppliers or cooperating or implementing partners) are expected to:
 - 5.4.1 Account promptly, truthfully, and fully to the Agency in connection with all financial interactions with IRENA;
 - 5.4.2 Agree to 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;
 - 5.4.4 Establish processes, policies and standards designed to prevent and appropriately address any instances of sexual exploitation and abuse in their workplaces or in connection with their work; and,
 - 5.4.5 Adhere to 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 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 of, through an appropriate agreement, 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 persons, including, without limitation, and as necessary and appropriate:
 - 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.

²⁶ See Directive on the Disciplinary Process, ST/DR/2024/I/21970, paragraphs 7 and 23.

- 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 Agency managers 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.²⁷ 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 stop, 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.
- 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 managers if the situation permits such an approach and if they feel comfortable doing so. Any supervisor or Agency manager 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 managers who are approached for assistance by an affected person shall provide such assistance and/or information in a timely, sensitive, and impartial manner to such affected person, in accordance with the provisions of the present policy. To address the matter promptly at the managerial level, supervisors or other Agency managers 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,²⁸ the interim measures referred to in section 7.10 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 managers 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

²⁷ 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.

²⁸ 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.

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 form action is to be taken against the alleged perpetrator in respect of the possible prohibited conduct referred to in the agreement shall be valid and binding on the Agency unless it has first been approved by the Director, AMS, or the Chief of Staff, as the case may be.

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 Pursuant to the Directive on the Disciplinary Process, possible prohibited conduct in the nature of fraud, corruption, or other financial misconduct shall be reported to the IRENA Internal Auditor.²⁹ All other possible prohibited conduct shall be reported to the Director, AMS, or to the Chief of Staff, as the case may be.³⁰ In cases in which reports of possible misconduct are received anonymously, such report shall be forwarded for further action in accordance with the Directive on the Disciplinary Process.
- 7.4 The preliminary assessment of a formal report of possible prohibited conduct, investigations of possible prohibited conduct, and any disciplinary process taken subsequent to an investigation into possible prohibited conduct shall accord with the procedures set out in the Directive on the Disciplinary Process 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 Oversight Activities;
- 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 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 cases involving alleged sexual abuse, sexual exploitation, or sexual

²⁹ See Internal Audit Charter of IRENA, section IV(k); *see also* Directive on the Disciplinary Process, paragraph 7.

³⁰ In cases in which the Director, AMS, is the alleged perpetrator of the possible prohibited conduct, or may have an apparent conflict of interest in dealing with the alleged perpetrator of the possible prohibited conduct.

harassment, shall notify the affected person(s) of the status of the 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 Directive on the Disciplinary Process.
- 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 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 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 Oversight Activities.
- 7.8 When a supervisor or other Agency managers 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 be. The Director, AMS, or the Chief of Staff, as the case may be, shall enquire from the relevant supervisor(s) or Agency manager(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 will be offered 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 head of entity receives notice in writing that a person may be a target of inter-personal prohibited conduct, the head of entity 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 Oversight Activities 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 Directive on the Disciplinary Process.³¹
- 7.11 If the head of entity 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 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 Oversight Activities;
 - 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 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, Agency managers 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

³¹ See Directive on the Disciplinary Process, paragraphs 15 to 21.

- 9.1 To facilitate and improve the policy and its implementation, the Director-General is encouraged to make efforts to establish cooperation with the 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; and,
 - 9.1.4 Facilitating the publication and use in Agency functions, including functions carried out by Member States or other parties on Agency premises, of the “*Code of Conduct to Prevent Harassment, Including Sexual Harassment, at UN System Events*,” as promulgated by the United Nations.

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 perpetrator 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.

DRAFT Policy on Ethics and Conflicts of Interest for the International Renewable Energy Agency

1. General Principles

- 1.1 Conflicts of interest can and do exist or appear to exist in the activities of most organisations and may exist even in circumstances where no unethical or improper act results from such conflicts.
- 1.2 The purpose of this Policy is to ensure that such conflicts are identified and managed in a way that ensures broad public trust and confidence in the decision-making and operations of IRENA, the highest standard of ethical conduct in IRENA's affairs and the protection of the reputation and integrity of IRENA.
- 1.3 Unless otherwise specified herein, the provisions of this Policy apply to all staff members and all non-staff personnel as defined in paragraph 2.7. They apply to all staff members, including those serving on secondment, by virtue of the Staff Regulations and Staff Rules, including the Code of Conduct annexed to the Staff Rules as an integral part thereof. They apply to non-staff personnel by virtue of their contractual arrangements with IRENA which incorporate by reference the Code of Conduct and this Policy in their contract with the Agency.

2. Definitions

- 2.1 “Associated Individual” means a staff member or non-staff personnel's spouse, all children under the age of 21 and parents forming part of the staff member or non-staff personnel's household, and any other individual who, in the determination of the Director General, is entitled to receive benefits from IRENA as a result of their relationship with a staff member.
- 2.2 “Associated Institution” means any government, organisation, corporation or other entity:
(a) in which a staff member or non-staff personnel is serving or has served in the past two years as an official, officer, director, trustee, partner, employee or agent, that receives or may receive funding from IRENA or with which IRENA has an agreement, contract, arrangement or other relationship, or (b) with which a staff member or non-staff personnel is negotiating or has an arrangement concerning prospective employment, or (c) with which the current or past involvement of a staff member or non-staff personnel could have an impact on the objectivity and independence of the staff member or non-staff personnel in the performance of his or her official duties or the provision of his or her services.
- 2.3 “Ethics Advisory Board” means the standing board composed of members of the Council appointed by the Council, established to assist with the implementation of this Policy, including to assist in ethics matters involving the Director- General and on any matter that the Ethics Officer submits to it.
- 2.4 “Ethics Officer” means the Secretariat staff member appointed by the Director-General to implement the ethics and conflict of interest policies of IRENA.
- 2.5 “Family member” means an Associated Individual and any parent, sibling, grandparent, and child of any age.
- 2.6 “Gift” means any gratuity, favour, discount, entertainment, hospitality, loan, forbearance, honorarium, or other item having monetary value. These include services as well as gifts of

training, transportation, travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

- 2.7 “Non-staff personnel” means any individual engaged by contract or other agreement between such individual and IRENA to perform or provide services to IRENA and whose relationship with IRENA is not governed by a letter of appointment subject to the Staff Regulations and Rules of IRENA. 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 “Spouse” means an individual whose personal status has been recognized as such for purposes of IRENA entitlements.
- 2.9 To “participate personally” in a matter means to participate directly in a matter or to have an influence on the outcome of a decision-making process in a matter, and includes the direct and active supervision of a subordinate’s participation in a matter.
- 2.10 To “participate substantially” in a matter means that the staff member or non-staff personnel’s involvement is of significance to the matter.

3. **Conflicts of Interest**

A conflict of interest arises when a staff member or non-staff personnel participates personally and substantially in any particular IRENA matter in which, to his or her knowledge, he or she or an Associated Individual or Associated Institution has a financial, professional or other interest, if the particular matter may have a direct and predictable effect on that interest. In general, and without limitation, conflicts of interest may be deemed to exist in the following situations:

- a) Where a staff member or non- personnel's interest or the interest of an Associated Individual or Associated Institution could affect the performance of the staff member’s official duties or the provision of the non-staff personnel’s services, or result in a reasonable perception that such a conflict of interest exists;
- b) Where a staff member or non-staff personnel's actions staff compromise or undermine or could compromise or undermine the trust that the public places in IRENA; or
- c) Where a staff member or non-staff personnel's actions create or could create the perception that the staff member or non-staff personnel is using his or her position at IRENA for his or her personal benefit or the benefit of an Associated Individual or Associated Institution.

4. **Transparency and Disclosure Requirements**

- 4.1 All staff members and non-staff personnel have a duty to disclose the existence of any actual or potential conflict of interest, including any such conflict that derives from any Associated Individual or Associated Institution, and the nature of such conflict, whenever he or she becomes aware that a conflict exists, that a conflict is reasonably likely to occur, or where it is reasonable to conclude that there is an appearance of a conflict.

- 4.2 The following staff members and non-staff personnel shall prepare and submit a Disclosure of Interest Form to the Ethics Officer in accordance with Section 10 below, annually and whenever there is a material change in the submitted information:
- a) All staff members at the grade of P5 and above;
 - b) All staff members who are procurement officers, and all staff members and non-staff personnel whose principal occupational duties are the procurement of goods and services for the Agency;
 - c) All staff members and non-staff personnel who participate personally and substantially, on a regular basis, in the evaluation of bids or proposals submitted by prospective contractors of the Agency;
 - d) All staff members and non-staff personnel who are members of the Contracts Review Committee;
 - e) All staff members and non-staff personnel whose responsibilities relate to the investment of IRENA's assets, the IRENA Provident Fund or any accounts for which the Agency has fiduciary or custodial responsibility;
 - f) All staff members or non-staff personnel who have direct access to confidential procurement or investment information;
 - g) All staff members and non-staff personnel whose responsibilities relate to the allocation or contribution of IRENA funds to non-IRENA entities;
 - h) All staff members and non-staff personnel who serve in the Ethics Office, and;
 - i) Other staff members and non-staff personnel designated by the Director-General when the Director-General deems it necessary or appropriate in order to avoid actual or potential conflicts of interest or the appearance thereof.
- 4.3 The relevant head of office shall be responsible for determining, in accordance with guidelines issued by the Ethics Officer, the staff members and non-staff personnel who are required to submit a Disclosure of Interest Form under section 4.2 above.
- 4.4 In addition, any individual offered an appointment at a level or position that would require disclosure pursuant to paragraphs 4.2 and 4.3 above shall file an initial Disclosure of Interest Form in respect of the immediately preceding 12-month period. Such initial Disclosure of Interest Form shall be submitted to the Ethics Officer. Failure to submit an initial Disclosure of Interest Form may result in a withdrawal of the offer of appointment.
- 4.5 Disclosure of Interest Forms shall be kept in a secure location and will be maintained by the Ethics Officer and made available for inspection by the Director-General and the Ethics Advisory Board only as strictly necessary to administer this Policy. Except as otherwise provided herein, all Disclosure of Interest Forms shall be maintained strictly confidential.
- 4.6 It is the duty of the Ethics Officer to review the Disclosure of Interest Forms and the disclosures and to identify circumstances in which an actual or potential conflict of interest, or the appearance thereof, exists as a result of the staff member or non-staff personnel's

activities or holdings in relation to his or her official duties or the provision of his or her services.

- 4.7 Failure by a staff member or non-staff personnel identified in accordance with paragraphs 4.2 and 4.3 above to submit a Disclosure of Interest Form in accordance with Section 10 below or to complete and/or correct to the reasonable satisfaction of the Ethics Officer a previously submitted Disclosure of Interest Form may carry serious consequences as referred to in Section 11 below.

5. **Procedure when a Conflict of Interest Arises**

- 5.1 Staff members and non-staff personnel are obligated to disclose all actual or potential conflicts of interest or appearance thereof immediately in writing to the Ethics Officer whenever they become aware of such conflicts. Staff members and non-staff personnel are encouraged to consult with the Ethics Officer if questions arise in the application of this Policy.
- 5.2 It is the duty of the Director-General to decide, in consultation with the Ethics Officer, or in consultation with the Ethics Advisory Board should both the Ethics Officer and Director-General deem such consultation appropriate or should the Ethics Officer and the Director-General fail to agree, whether an actual or potential conflict of interest or appearance thereof exists. Following such consultation, should there be a continuing disagreement on the existence of an actual or potential conflict of interest or appearance thereof, the Ethics Advisory Board shall resolve the matter.
- 5.3 When an actual or potential conflict of interest or the appearance thereof has been deemed to exist, the staff member or non-staff personnel shall not participate in the matter that has given rise to the conflict absent a waiver approved by both the Ethics Officer and the Director-General, together or in consultation with the Ethics Advisory Board should both the Ethics Officer and the Director General deem such consultation appropriate or fail to agree on whether or in what form a waiver should be issued. Following such consultation, should there be a continuing disagreement on whether or in what form a waiver should be issued, the Ethics Advisory Board will resolve the matter. Waivers may be granted in the following forms, or in any other form appropriate under the circumstances:
- a) Conditional Participation: This type of waiver allows a staff member or non-staff personnel to be involved or continue his or her involvement in the matter that has given rise to the conflict of interest, subject to any conditions imposed by the decision maker to safeguard against risks that arise from the conflict of interest or the appearance thereof. This waiver is appropriate when the staff member or non-staff personnel's interest is relatively minor and where disclosure would be sufficient to address any potential effect from the conflict of interest.
 - b) Partial Exclusion: This type of waiver limits the staff member or non-staff personnel's involvement in the matter by: (i) excluding the staff member or non-staff personnel from the portion of the meeting or work where a conflict of interest or appearance thereof has been identified; (ii) excluding the staff member or non-staff personnel from participating in any final decision-making process; (iii) requiring the staff member or non-staff personnel to remove the conflict of interest, such as by divestiture of an asset; or (iv) limiting the staff member or non-staff personnel's participation in the matter or in any other related manner where deemed appropriate.

5.4 Failure by a staff member or non-staff personnel to disclose an actual or potential conflict of interest or the appearance thereof, or to comply with the conditions of a waiver granted under paragraph 5.3 may carry serious consequences as referred to in Section 11 below.

5.5 Should a staff member or non-staff personnel be found to have an actual or potential conflict of interest, or an appearance thereof, that has not been disclosed or to have failed to comply with the conditions of a waiver granted under paragraph 5.3, or should the Ethics Officer or the Director-General have reasonable grounds to believe that a staff member or non-staff personnel has failed to disclose an actual or potential conflict of interest or the appearance thereof or has failed to comply with the conditions of a waiver granted under paragraph 5.3, the Ethics Officer will inform the Covered Individual of such finding or of the basis for such belief and provide him or her with the opportunity to disclose all relevant facts and explain the alleged failure to disclose or to comply. If, after hearing the response of the staff member or non-staff personnel concerned and making such further enquiries as may be warranted the Ethics Officer has reasonable grounds to believe that the staff member or non-staff personnel has violated this Policy, he or she will refer the matter to the Director-General for such measures as may be appropriate, for staff members pursuant to the Staff Regulations and Rules and the applicable policies, procedures and directives, including the Directive on the Disciplinary Process, and for other non-staff personnel pursuant to the applicable contract for the provision of their services to the Agency, including the Code of Conduct and this Policy which are incorporated by reference therein.

6. **Gifts, honours, decoration and remuneration from outside sources**

6.1 Subject to the exceptions set out herein, staff members and non-staff personnel are prohibited from accepting any Gift or any honour, decoration or remuneration from any source external to IRENA under circumstances where it could reasonably be construed that the Gift, honour, decoration or remuneration is motivated by the position of the staff member or non-staff personnel. A waiver of this provision may be granted by the Director-General with the agreement of the Ethics Officer or, in circumstances where the Director-General and the Ethics Officer cannot agree, by the Director-General following consultation with the Ethics Advisory Board.[Staff members and non-staff personnel should not accept supplementary payments or other subsidies from any government or other source prior to, during or after their employment or engagement by IRENA if the payment is related to that employment or engagement.]

6.2 Exceptions:

- a) A staff member or non-staff personnel may accept unsolicited gifts on behalf of IRENA when, in his or her judgment, refusal to do so would not be in the interest of IRENA. Gifts accepted on behalf of IRENA shall be handled under procedures developed by the Secretariat.
- b) As part of their official functions, staff members and non-staff personnel may be expected to attend events such as official meals and receptions. Benefits associated with such attendance shall generally not be considered to be a Gift, subject to detailed guidance that the Director-General may issue from time to time to determine the category of events that may be appropriately included under this exception.

7. **Outside Occupation, Employment and Activities**

- 7.1 Staff members, whether working on a full or part-time basis and including when on special leave, and non-staff personnel working on a full time basis, shall not, without prior authorization from the Director- General, hold an office or engage in an employment, occupation or other activity, whether remunerated or not, outside their employment or engagement by the Agency. Other non-staff personnel shall not, without prior authorization from the Director-General, hold an office or engage in an employment, occupation or other activity, whether remunerated or not, outside their employment or engagement by the Agency when such office, employment, occupation or other activity creates or leads to or may be reasonably expected to create or lead to an actual or potential conflict of interest or an appearance thereof, or is incompatible with their obligations under their contractual arrangements with the Agency or with the interests or objectives of the Agency, or compromises or may be reasonably expected to compromise their objectivity and independence from any person, entity or authority outside the Agency in the performance of their official duties or the provision of their services to the Agency. When requesting such authorization, staff members and non-staff personnel must disclose the nature and scope of the activity and whether any honorarium or other compensation will be received and, if so, the amount(s) involved.
- 7.2 In considering whether to grant such authorization, the Director-General will consult with the Ethics Officer or, if both the Director-General and the Ethics Officer deem it appropriate, the Ethics Advisory Board. Authorization will not be granted when the proposed outside occupation, employment or activity is found to be incompatible with the status and/or obligations of the staff member or non-staff personnel concerned or with the interests or objectives of the Agency.

8. **Post-Employment Restrictions**

- 8.1 Following separation of service from IRENA, staff members and non-staff personnel should not take improper advantage of their former functions and positions including, without limitation, the unauthorized use, distribution or disclosure of privileged or confidential information.
- 8.2 For a period of one year following separation from service or the end of their engagement by IRENA, as the case may be, former staff members and non-staff personnel who have participated in the procurement process are prohibited from seeking or accepting employment with, or otherwise accepting any form of compensation or financial benefit from any IRENA contractor or vendor of goods and services, regardless of location, which conducts business with IRENA or seeks to do so and with whom such staff member and non-staff personnel have been personally involved in the procurement process during the last three years of service with IRENA.
- 8.3 For a period of two years following separation from service, former staff members and non-staff personnel who have participated in the procurement process for IRENA before their separation from service are prohibited from knowingly communicating with, or appearing before, any staff member or non-staff personnel on behalf of any third-party on any particular matters that were under their official responsibility relating to the procurement process during the last three years of their service with IRENA.

9. **Reporting**

On an annual basis, the Ethics Officer will prepare a report on the implementation of this Policy. The report should be a general summary of issues associated with implementation, and should, in general circumstances, provide a basic overview of implementation issues needed for Council awareness and oversight. The report will be given to the Director-General to comment upon, but not alter, before delivery to the Assembly.

10 Disclosure of Interests Form

- 10.1 The Secretariat shall maintain a Disclosure of Interest Form, with appropriate instructions and clarifications, and shall revise the form as appropriate over time.
- 10.2 Staff members and non-staff personnel required to fill out a Disclosure of Interest Form must identify themselves, their job title, and identify and list all Associated Individuals.
- 10.3 Staff members and non-staff personnel identified in paragraphs 4.2 and 4.3 above are required to disclose the following information for themselves and all Associated Individuals:
- a) Assets that have a market value of US\$10,000 or above per asset, or the equivalent in local currency at the operational rate of exchange (assets may generally include, without limitation, stocks, bonds, mutual fund investments and real estate; personal property should be reported only if held for investment or business purposes);
 - b) Any profit of more than US\$10,000 on the sale of personal property held for business or investment purposes;
 - c) All stock options, publicly listed or private, regardless of value;
 - d) All income from sources other than IRENA, including, inter alia, royalties and patent fees, honoraria and speaking fees, pension benefits, investment income, profit from the sale of personal or real property valued at \$10,000 or above;
 - e) Any Gift or remuneration subject to section 6 above from any entity aggregating to US\$200 or more from a single source during the reporting year, whether or not the acceptance of such Gift or remuneration was previously authorized;
 - f) Liabilities of \$50,000 or more (liabilities with respect to personal property should be reported only if the property is held for investment or business purposes);
 - g) Substantial or controlling interest in any business or entity;
 - h) Participation in commercial, industrial, scientific, financial, or political affairs of an outside entity;
 - i) Other interests in or association with any entity with which the staff member or non-staff personnel, directly or indirectly, has official dealings with on behalf of the Agency, or with which the staff member or non-staff personnel anticipates or should reasonably anticipate that he or she may be required, directly or indirectly, to have official dealings with on behalf of the Agency, or which has a commercial interest in the work of the Agency or a common area of activity with the Agency;
 - j) Any leadership or policymaking role whether approved or not in any outside organisation, corporation or other entity; in particular, any role which creates a fiduciary

relationship between that individual and that entity (e.g., membership on a corporate board);

- k) Association with the management or executive board of, or financial interest in, any business concern if it is possible for the staff member or non-staff personnel or any Associated Individual to benefit from such association or interest by reason of the staff member or non-staff personnel's position with IRENA.

10.4 Staff members and non-staff personnel who are required to file a Disclosure of Interest Form under paragraph 10.3 above shall also report any family member who is also a staff member of non-staff personnel of IRENA.

10.5 Staff members and non-staff personnel must certify that the disclosures made on the Disclosure of Interest Form are true, correct, and complete to the best of their knowledge and belief. Failure to provide true, complete, and accurate information in the Disclosure of Interest Form to the best of their knowledge and belief may have serious consequences, as referred to in Section 11 below.

11. **Violations of the Policy**

Violations of the obligations placed upon staff members and non-staff personnel by virtue of this Policy may constitute misconduct or breach of contract and carry serious consequences, including a negative assessment of the performance and conduct of the staff member or non-staff personnel concerned, the non-renewal or termination of appointment or contract and/or, for staff members, disciplinary proceedings.

12 **Review of the Policy**

12.1 The Director-General shall, in consultation with the Ethics Officer, review this Policy periodically, and at a minimum, every three (3) years. Following such review, the Director-General will inform the Ethics Advisory Board of any additions to or modifications of this Policy that may be deemed warranted or appropriate.

12.2 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.