

**OPERATIONAL INSTRUCTION REF. OI.LG.2018.08**

**COMPLIANCE**

**1. Authority**

- 1.1. This Operational Instruction (OI) is promulgated by the General Counsel under OD.LG.2018.01 – Legal, on the basis of a delegation of authority from the Executive Director.

**2. Purpose**

- 2.1. The purpose of this OI is to provide instructions to UNOPS personnel regarding compliance requirements and promote a compliance culture within the organization.

**3. Effective Date**

- 3.1. This OI shall become effective immediately.

[signature redacted]

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Jim Provenzano, General Counsel

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#### **4. Introduction**

- 4.1. One of the objectives of UNOPS' Governance, Risk and Compliance Framework is to increase our capacity to reliably achieve our objectives, while addressing uncertainty and acting with integrity (also known as "Principled Performance"). Compliance is a central part of Principled Performance and is about UNOPS operating within certain boundaries.
- 4.2. Such boundaries are laid out in UNOPS legislative instruments as defined in EOD.ED.2017.01 - Legislative Framework. They include United Nations Instruments applicable to UNOPS, Executive Director Principles, Executive Office Directives and Instructions, Operational Directives and Instructions and Guidance and Information Documents including procedures, processes and other guidance provided in PQMS, as well as external regulations that may be applicable to UNOPS and as prescribed by UNOPS legislative instruments.
- 4.3. Compliance with UNOPS legislative instruments is crucial to ensure that UNOPS activities are implemented consistently and successfully throughout the organization in order to fulfill our mission of helping people build better lives and countries achieve sustainable development, as well as to manage UNOPS risks.

#### **5. Compliance Principles**

- 5.1. Compliance shall be the responsibility and accountability of all UNOPS personnel.
- 5.2. UNOPS personnel shall therefore review carefully UNOPS legislative instruments, in particular those that relate to their functions.
- 5.3. In implementing UNOPS activities, UNOPS personnel shall comply with UNOPS legislative instruments, both in terms of the letter and spirit of such instruments.
- 5.4. When complying with UNOPS legislative instruments, UNOPS personnel shall always uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, such qualities as honesty, truthfulness, impartiality and incorruptibility.
- 5.5. In case of any doubts regarding the meaning or application of a UNOPS legislative instrument, UNOPS personnel shall seek guidance and support from the relevant Delegates (that is the UNOPS personnel who have received delegation of authority from the Executive Director to promulgate UNOPS legislative instruments, as per EOD.ED.2017.01 – Legislative Framework).
- 5.6. The Delegates shall interpret the legislative instruments they (or their predecessor) have signed and promulgated, as need be in consultation with the Legal Group, in accordance with the letter and spirit of such instruments.
- 5.7. If a UNOPS personnel believes that the application of a provision of a particular UNOPS legislative instrument would not be appropriate in a given situation, he or she shall contact the relevant Delegate to seek guidance and support.

#### **6. Compliance Key Roles**

##### ***Ethics & Compliance Officer***

- 6.1. The Ethics & Compliance Officer (ECO) shall be responsible and accountable for the general oversight of UNOPS personnel compliance with UNOPS legislative instruments.
- 6.2. In particular, the ECO shall be responsible and accountable to:
  - Assist the Delegates in ensuring that UNOPS legislative instruments are properly explained and rolled out within the organization (in accordance with EO.LG.2018.01 – Policy and Process Management);
  - Assist the Delegates in establishing relevant internal control mechanisms to monitor compliance with UNOPS legislative instruments, in particular in areas that present a higher compliance risk;,
  - Work with the Delegates and Chief Information Officer to ensure that UNOPS legislative instruments are progressively embedded in UNOPS ICT systems;

### *Delegates*

- 6.3. The Delegates shall be responsible and accountable for monitoring compliance with the UNOPS legislative instruments they (or their predecessor) have signed and promulgated.
- 6.4. The Delegates may authorize other personnel within their group to assist them with their monitoring compliance obligations. However, the Delegates shall remain responsible and accountable for such monitoring.
- 6.5. In particular, the Delegates shall be responsible and accountable to:
  - Ensure that the legislative instruments they (or their predecessor) have signed and promulgated are properly explained and rolled out within the organization (in accordance with EO.LG.2018.01 – Policy and Process Management);
  - Work with the ECO and Chief Information Officer to ensure that UNOPS legislative instruments are progressively embedded in UNOPS ICT systems ;
  - Provide guidance and support to UNOPS personnel to ensure compliance with the legislative instruments they (or their predecessor) have signed and promulgated;
  - Establish relevant internal control mechanisms to monitor compliance with the legislative instruments they (or their predecessor) have signed and promulgated, in particular in areas that present a higher compliance risk;
  - Keep a record of relevant requests for interpretation of, and exceptions that may be granted to, the legislative instruments they (or their predecessor) have signed promulgated, and review such record on a quarterly basis with a view to improving UNOPS legislative instruments on a regular basis, as need be.
  - Report annually on the above to the Executive Director, the ECO, and the Legislative Framework Committee (LFC), through the LFC Secretariat.

***Regional Management and Oversight Advisors***

- 6.6. The Regional Management and Oversight Advisors shall play a key role in furthering the implementation of this OI across their respective regions, and shall in accordance with their terms of reference:
- advise UNOPS personnel on implementation, communication and monitoring of relevant UNOPS legislative instruments in their respective regions; and
  - advise the Delegates on the development, review and updating of relevant UNOPS legislative instruments.

***Internal Audit and Investigations Group***

- 6.7. IAIG shall be responsible and accountable for providing independent assurance of UNOPS compliance with its legislative instruments.
- 6.8. IAIG shall report to the Delegates, the ECO, the LFC (through the LFC Secretariat) any instances of violations to UNOPS legislative instruments, as need be and at least annually.

**7. Non-Compliance**

- 7.1. In order to avoid instances of non-compliance, UNOPS personnel shall seek guidance and support from the Delegates (i.e. seek help rather than take actions that violate, or are likely to violate, UNOPS legislative instruments).
- 7.2. Please note that failure to comply with UNOPS legislative instruments may constitute misconduct and shall be reported to the Delegates or other authorized channels, including LG, the ECO, PCG and IAIG in accordance with applicable legislative instruments.