Operational Instruction Ref. OI.Ethics.2018.04
Outside Activities

Authority:

This Operational Instruction (OI) is promulgated by the Ethics Officer under section 6.1.2 of Operational Directive Ref OD.PCG.2017.01 – Human Resources, Ethics and Culture of 13 July 2017, based on a direction from the Executive Director pursuant to Financial Rule 105.5.

Purpose:

The purpose of this OI is to provide instructions regarding the possibility for UNOPS personnel to engage in outside activities.

Effective Date:

This OI shall become effective **immediately.**

Promulgation Date:

03 Apr 2018

Consequential changes:

Administrative Instruction UNOPS/AI/2001/2 (Solicitations on Premises) is hereby abolished.

[signature redacted]

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Ethics Officer, UNOPS

1. Introduction

1.1. Pursuant to section 4.5.1 of OD.PCG.2017.01, all UNOPS Personnel are subject to restrictions on their ability to engage in outside activities.

1.2. The overall purpose behind imposing these restrictions is to maintain the independence and impartiality expected of UN personnel, and thereby enhancing the integrity of the organisation, by enabling potential, perceived and actual conflicts of interest to be avoided or mitigated.

1.3. The purpose of this OI is to provide instructions regarding the possibility for UNOPS personnel to engage in outside activities.

2. Definitions

2.1. Definitions: For the purpose of this OI, the following terms shall have the following meanings:

a. *UNOPS Personnel*: persons engaged by UNOPS, who are not partner personnel (as defined in PQMS pursuant to section 9.1 of OI.PCG.2017.01), and who are:

i. staff members recruited under the United Nations Staff Regulations and Rules;

ii. individual contractors retained under individual contractor agreements (ICAs), including those engaged under a Retainer ICA;

iii. individuals engaged under Internship Agreements; and

iv. individuals engaged under Volunteer Agreements.

b. *Retainer ICA:* a retainer contract issued for a period of time during which the services of the individual contractor are required intermittently. The individual contractor agreement on retainer basis will specify a "unit price" (e.g. amount per hour, amount per translated page, etc.).

2.2. The above persons are considered UNOPS Personnel for the purposes of this OI even when: i. outside of UNOPS working hours; ii. on leave (either with or without pay); and iii. in the case of Retainer ICAs: in between intermittent assignments with UNOPS.

3. No outside occupation or employment without prior written authorization – general rule applies unless individual is in a certain group of personnel, or special category applies

Applicability

3.1. This section applies to all UNOPS Personnel, except:

a. ICA Personnel, interns and volunteers that work no more than 40% of the normal working hours established for the applicable duty station; and

b. Retainer ICAs.

3.2. UNOPS Personnel must obtain prior written authorization in accordance with this OI before engaging in any outside occupation or employment (whether paid or not), unless:

a. they are in a group specified in sub-paragraphs 3.1 a) and b) above, or

b. they are engaging in unpaid charity activities (see "Special Category I", below); or

c. they are parents supervising children (see "Special Category II", below).

3.3. The term "outside employment or occupation" includes:

a. Employment by any person or entity;

b. Working as an independent contractor (including as a freelance consultant);

c. Serving on any board, panel, committee, expert group, think-tank or similar body of any entity; and

d. Practising a profession or calling. The above applies even if the other party is a United Nations entity or a not-for-profit entity.

3.4. The following are common examples of outside employment or occupation requiring prior written authorization:

a. Writing a report for another United Nations entity;

b. Being an employee of a government, even when on unpaid leave from the government;

c. Being a trustee of a charity;

d. Working in a for-profit or not-for-profit organisation or corporate entity, or being a board member thereof; and

e. Working as a part-time taxi driver or Uber driver.

Special category I: Unpaid charity activities organized by a recognised charity

3.5. UNOPS Personnel to whom this section applies may engage in unpaid charity activities organized by an entity recognised by the relevant national authorities as a charity, as long as he/she determines that the conditions set out in sub-paragraphs 7.1(a)-(f) below are satisfied. (Personnel must be especially careful when considering whether the charity's objectives are consistent with the United Nations objectives.)

3.6. If UNOPS later disagrees with the UNOPS Personnel's determination, the UNOPS Personnel shall stop such activities.

3.7. However, any representative and/or leadership role – e.g. serving as president, treasurer, board panel, committee, expert group, etc. of a charity - requires the prior written authorization of UNOPS.

Special category II: Parents supervising children

3.8. UNOPS understands that some entities established for the benefit of children rely on those children's parents to help supervise the children from to time. Consequently, UNOPS Personnel to whom this section applies may engage in unpaid activities (including in local leadership roles) organized by any entity of which his/her child is a member, provided that he/she determines that the conditions set out in sub-paragraphs 7.1(a)-(f) below are satisfied. Common examples of such entities are:

a. The Parent-Teacher Association of a school;

b. An amateur sports team;

c. An amateur music band or orchestra; and

d. Girl Scouts and Boy Scouts groups.

3.9. If UNOPS later disagrees with the UNOPS Personnel's determination, the UNOPS Personnel shall stop such activities.

4. Personnel to whom section 3 does not apply to nonetheless ensure no public statements or conflict of interest, except with authorization

Applicability

4.1. This section applies to:

a. ICA Personnel, interns and volunteers that work no more than 40% of the normal working hours established for the applicable duty station; and

b. Retainer ICAs. (For the avoidance of doubt: this section does not apply to UNOPS staff members, not even when they are on leave without pay.)

4.2. The UNOPS Personnel referred to in paragraph 4.1 above do not require authorisation to engage in any outside activity, occupation or employment, except:

a. when issuing a publication and making a public statement (as described in section 5 below); and/or

b. when such outside activity could result in a conflict (actual or perceived) with the UNOPS Personnel's official functions or the status of a member of UNOPS Personnel; and/or

c. when such outside activity could result in an actual or perceived conflict with the interests of the United Nations.

4.3. It is the duty of such UNOPS Personnel to consider proactively if any of his / her activities or relationships outside UNOPS may result in a conflict of interest (actual or perceived). Such UNOPS Personnel should bear in mind that a situation that may not constitute a conflict of interest in the context of one assignment might constitute a conflict of interest in the context of a different assignment.

4.4. When an actual or perceived conflict of interest could arise, the conflict shall be reported to the UNOPS Personnel's supervisor, and resolved in favour of the interests of UNOPS.

5. Publications and Public Statements (applicable to all UNOPS Personnel)

Even if they do not constitute occupation or employment, and even if they are within a special category: publications and public statements only with prior written authorization

5.1. Unless they form part of the normal course of his/her official duties with UNOPS, prior authorisation is required before UNOPS Personnel may issue any publication or make any public statement, including:

a. Issuing a statement to the press, radio or other agencies of public information;

b. Giving a speech at an event not organized by a United Nations entity;

c. Taking part in a film, theatre, radio or television production;

d. Submitting letters, articles, books or other material for publication or for any electronic dissemination (including as part of an academic course); and

e. Teaching (including at any private institution).

6. General Restrictions (applicable to all UNOPS Personnel, even when written authorization is sought and received)

6.1. When engaging in any outside activity (including issuing any publication or making any public statement) and irrespective of whether any authorisation is required under this OI, UNOPS Personnel shall (subject always to any deviation approved or instructed pursuant to section 8):

a. not use his/her UNOPS e-mail address and work address as contact information;

b. not allow the use of the United Nations or UNOPS name, emblem or acronym on materials to promote any entity or suggest a United Nations / UNOPS endorsement;

c. not assist any third party in its dealings with the United Nations / UNOPS.

6.2. UNOPS Personnel engaging in any outside activity authorised under this OI shall make clear to the organisers and participants, including any employers, that he/she acts in his/her personal capacity and not as a representative of UNOPS.

6.3. The granting of authorisation under this OI and any conditions to any such authorisation do not relieve UNOPS Personnel from their general obligation to disclose proactively conflicts of interest that may nonetheless arise and seek advice on mitigation and remediation.

6.4. UNOPS Personnel shall not approach UNOPS colleagues, vendors or partners in order to solicit trade for his/her own business or any business with which he / she is connected.

Political activities

6.5. In view of the independence and impartiality that they must maintain, UNOPS Personnel, while retaining the right to vote, must not participate in political activities, such as standing for or holding local or national political office, or serving as polling officers for local or national elections. This does not, however, preclude participation in local community or civic activities, if such participation is consistent with and does not reflect adversely upon, the independence and impartiality required by their status as UNOPS Personnel. It is necessary for UNOPS Personnel to exercise discretion in their support for a political party or campaign, and they must not accept or solicit funds, write articles or make public speeches or statements to the press.

6.6. UNOPS Personnel may be members of a political party, provided its prevailing views and the obligations imposed on its members are consistent with, and do not reflect adversely upon, the independence and impartiality required by their status as members of UNOPS Personnel.

7. Authorisation Principles (applicable to all UNOPS Personnel)

Core considerations

7.1. Where authorisation is required under this OI to engage in an outside activity (including any occupation or employment), whether remunerated or not, authorisation may be considered by UNOPS if:

a. Such outside activity does not conflict, or result in a perception of conflict, with the UNOPS Personnel's official functions or status as a member of UNOPS personnel;

b. Such outside activity is not against the interest of the United Nations and does not cause any actual or perceived conflict of interest;

c. Such outside activity cannot result in a reasonable person believing that such outside activity is more important than the UNOPS Personnel's UN responsibilities;

d. There is no reasonable possibility that such outside activity will require so much of the UNOPS Personnel's time and energy as to affect his/her ability to carry out his/her UNOPS duties;

e. Such outside activity is permitted by local law at the duty station and where the activity is to occur; and

f. Such activity is not contrary to the interests of UNOPS or the UN in any other way.

Additional Considerations

7.2. UNOPS Personnel who are managers or supervisors shall act as role models. Certain activities, when carried out by UNOPS Personnel of senior rank, may give rise to a perception of lack of independence or impartiality, to the detriment of the United Nations. Consequently, an outside activity that might have been approved in the case of a less senior UNOPS Personnel may not be approved where the requesting UNOPS Personnel is of a more senior rank or carries out a representational or prominent function.

Encouragement

7.3. The fact that authorisation is required for a particular activity should not be taken as an indication that such activity is discouraged. Outside activities that are of benefit to UNOPS or the achievement of

its goals and/or contribute to the development of professional skills of UNOPS Personnel are usually not only permitted but also encouraged.

8. Authorisation Procedure (applicable to all UNOPS Personnel)

8.1. Where a UNOPS Personnel wishes to request authorisation under this OI, he/she shall approach the Ethics Office providing details.

8.2. The Ethics Office will review the request, seeking further information and documentation as appropriate. The requesting UNOPS Personnel shall promptly provide the information requested.

8.3. The Ethics Office will also normally consult the supervisor of the requesting UNOPS Personnel together with any other colleagues that appear to the Ethics Office to be relevant in the circumstances.

8.4. In reviewing a request, the Ethics Office may conclude that the activity in question does not require prior written authorization.

8.5. If the Ethics Office concludes that the activity in question does require authorisation, it will make a recommendation in writing as follows:

a. to the Executive Director in respect of a request from a UNOPS staff member at the P 5 level or above; and

b. in all other cases, to the Director, People and Change Group (PCG).

8.6. Director, PCG may decide in certain circumstances to consult the Executive Director before making a determination.

8.7. In the case of an activity that might continue over time, authorisation, if given, is usually granted for an initial period of one year. If the UNOPS Personnel so granted authorisation wishes to extend the authorisation, he/she must apply to the Ethics Office for an extension at least one month before expiry.

8.8. The Ethics Office shall notify the requesting UNOPS Personnel and his/her supervisor of the determination made by the Executive Director or the Director, PCG in respect of his/her request, together with any conditions attached to any authorisation. Authorisation shall not become effective until the UNOPS Personnel has confirmed that he/she will comply with any such conditions.

8.9. The Ethics Office shall maintain a record of determinations made by the Executive Director and the Director, PCG pursuant to this OI.

9. Clarifications and Guidance

9.1. The Ethics Office (ethicsofficer@unops.org[1]) may be contacted for confidential advice regarding obligations under this OI.

1. mailto:ethicsofficer@unops.org