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WO/CC/175/INF/2  
ORIGINAL: ENGLISH  
DATE: JULY 23, 2018

## **WIPO Coordination Committee**

**Seventy-Fifth (49<sup>th</sup> Ordinary) Session  
Geneva, September 24 to October 2, 2018**

### **ANNUAL REPORT BY THE ETHICS OFFICE**

*prepared by the Secretariat*

1. This document contains the Annual Report by the Ethics Office for the period January 1, 2017 to December 31, 2017.

#### **I. BACKGROUND**

2. The WIPO Ethics Office, created in 2010 as part of the establishment of a comprehensive ethics and integrity system under the WIPO Strategic Realignment Program, has the role to ensure that staff members and other personnel observe and perform their functions with the highest standards of integrity through fostering a culture of ethics, transparency and accountability. The Office is accountable for the following results in particular:

- (a) Ensuring the design, development and implementation of an effective WIPO ethics program to enhance integrity, compliance and the ethical conduct of the Organization's business;
- (b) Enhancing appropriate compliance and ethical business conduct in the Organization through the provision of authoritative advice, leadership and oversight, ensuring the correct interpretation of ethics and compliance strategies, programs and policies; administering the Organization's financial disclosure program;

- (c) Assuring knowledge management and sharing as well as developing internal and external partnerships in order to promote ethics awareness, maintain required skills and adapt current best practices in ethics and compliance for the Organization; and
- (d) Ensuring accountability in the management of assigned WIPO resources (financial, human and material).

3. The Office, headed by the Chief Ethics Officer, is independent of other services at WIPO as required for the effective discharge of its functions.

4. The main activities of the Office are:

- awareness raising and training of staff;
- confidential advice to staff members;
- standard-setting and policy development; and
- implementation of policies assigned to the Ethics Office.

## II. AWARENESS RAISING AND TRAINING

5. Awareness raising and training activities are, in general, tailored to the Organization's values and policies on ethical conduct, and are in line with good training practices and commonly recognized ethical principles. Specifically, the activities aim to:

- enhance the culture of ethics;
- raise awareness across the Organization about principles, policies, tools and considerations relating to ethical behavior at WIPO;
- increase trust among colleagues and managers, and trust in the Organization;
- promote accountability in decision-making; and
- strengthen ethical leadership – “tone at the top” and “mood in the middle”<sup>1</sup>.

6. The desired outcomes of awareness raising and training are to:

- ensure a common understanding of the meaning of “ethics and integrity” in a professional setting, and of the importance of ethical conduct to the reputation of the Organization;
- ensure that all staff remain aware of WIPO's core ethical principles and values, i.e., independence, loyalty, impartiality, integrity, accountability, and respect for Human Rights;
- promote a consistent message on ethics and expected standards of conduct in WIPO; and
- improve understanding of mechanisms that are in place to support personnel.

7. Since the launch of the WIPO ethics and integrity program in 2012, there has been mandatory training for all staff at every level of the Organization. The training program is managed by the Ethics Office in close collaboration with the Human Resources Management Department.

8. All staff, including new recruits, has been trained since the launch of the WIPO ethics and integrity policy. It is mandatory for staff joining the Organization to participate in induction courses, which include a session on Ethics. A mandatory online training course on Ethics and

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<sup>1</sup> Middle management, who are typically in daily contact with the staff, play a critical role in reinforcing the “tone at the top” for establishing a culture of ethics in the organization. The theories of business ethics refer to this as the “mood in the middle”.

Integrity was made available to all staff in 2017. The online course also serves as a refresher course on ethics for all staff of the Organization.

9. In 2017, 319 staff members participated in ethics training and awareness activities:

- 91 new staff members, at all levels, including managers, participated in introductory courses on ethics in three induction courses;
- 170 staff members attended two ethics presentations;
- 48 senior staff participated in dedicated briefings designed for 3 WIPO Sectors; and
- 10 staff members from external offices participated in a themed discussion on ethics values and principles.

10. In 2017, a new awareness raising approach was introduced. Staff was offered a presentation combining the academic basis and private sector experience, by invited speakers from differing cultural backgrounds (Bulgaria and Tunisia), to trigger open discussions on codes of ethics and their practical use. The Organization furthermore had the privilege to host Professor Onora O'Neill (United Kingdom), recipient of multiple honors and distinctions for her achievements in Ethics and Philosophy, for a high-level lecture on "Ethics for Communication".

11. The attendance, especially at the latter event (some 150 staff participated), rewarded the efforts to combat "training fatigue".

12. Awareness raising and training activities included information on WIPO's *Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations* (PaR), as well as general and specific information resources, including the information available on the Ethics Intranet site. WIPO's Ethics Office maintains a comprehensive Intranet site which includes resources and information on the PaR policy amongst others.

13. In line with the latest best practice (private and public sector), special attention was placed on "the mood in the middle". Four dedicated briefings for managers and senior staff were organized.

14. Concerted efforts were made to ensure gender balance. Of the three guest speakers in 2017, one was male and two were female, tipping the balance to the female side.

15. In 2017, ethics and integrity training and awareness raising included a review of ethical principles and values that apply at WIPO, with focus on specific areas, examples and case studies, and on ethical decision-making models. Furthermore, the activities included an introduction to the Ethics Office, its activities and the services it provides to staff, such as its 24/7 helpline. In all activities, there were inter-active discussions about common obstacles to behaving ethically, and on ways to address these.

16. General ethics awareness events were held throughout the year, including through sector-specific outreach. Printed materials, providing information and contact details of the Ethics Office, were distributed at all events.

17. Online surveys were sent to participants in the 2017 ethics and integrity training and awareness activities. Overall, the activities were well received, with 92 per cent of respondents rating the course as "increasing their understanding". The Ethics Office took note of comments and feedback received to further improve the design and delivery of ethics and awareness building programs.

### III. CONFIDENTIAL ADVICE TO STAFF MEMBERS

18. In 2017, the Ethics Office received the following requests for advice:

- twelve on outside activities;
- eight on employment-related matters;
- five on conflicts of interest;
- two on declarations of interests/investments;
- one on gifts and/or hospitality;
- one on protection against retaliation; and
- eleven on other issues.

19. Advice was provided in all cases to the satisfaction of the staff member concerned.

### IV. STANDARD-SETTING AND POLICY DEVELOPMENT

#### Protection Against Retaliation

20. Following a careful review of the *Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations* (PaR), a revised Policy was promulgated and took effect on September 29, 2017. In furtherance of the principles and objectives of securing the highest standards of integrity amongst all members of the personnel of the Organization, and in support of the Organization's established core value "Environmental, social and governance responsibility", the PaR constitutes the general framework for the protection of all personnel against retaliation for cooperation in an oversight activity, or who make a report, in good faith, of misconduct that, if established, would be manifestly harmful to the interests, operations or governance of the Organization.

#### Policy on Financial Disclosure and Declaration of Interests

21. Work on a new financial disclosure policy for senior staff and other designated categories of staff resulted in the promulgation in 2017 of the *Policy on Financial Disclosure and Declaration of Interests* (FDDI). The Policy applies to the disclosure of financial interests and to the compliance with the International Public Sector Accounting Standards (IPSAS). The Policy aims to achieve an appropriate balance between the need for information and staff members' right to privacy, while taking into account the risk management framework, the internal controls system implemented by the Secretariat, and best practices on the issue. The first filing exercise, with review of submissions by an external reviewer, is scheduled for 2018.

### V. IMPLEMENTATION OF POLICIES ASSIGNED TO THE ETHICS OFFICE

#### Protection Against Retaliation

22. A PaR policy, in existence at WIPO since 2012 and updated in 2017, constitutes the general framework for the protection of all personnel against retaliation for participation in an oversight activity as defined in the policy or for reporting misconduct.

23. In accordance with the PaR policy, the Ethics Office receives complaints of retaliation and conducts preliminary reviews to determine whether a complainant has engaged in a protected activity. Based on its preliminary review of a complaint, the Ethics Office determines whether *prima facie* there is a case of retaliation, and for adequate protection of the staff member concerned.

24. In accordance with its mandate to provide services to other United Nations organizations, the Ethics Office of the United Nations Office for Project Services (UNOPS) serves as outside reviewer for requests for review in respect of determinations by WIPO's Ethics Office.

25. In 2017, the Ethics Office concluded one preliminary review and initiated a second preliminary review in two cases where staff alleged retaliation and claimed protection against retaliation. The Ethics Office determined that these cases did not present *prima facie* cases of retaliation.

#### Financial Disclosure and Declaration of Interests

26. The WIPO Ethics Office administers the implementation of the Declaration of Interest program for WIPO staff members at the level of D1 and above, and a limited number of other high-risk categories. Compliance with IPSAS has created additional disclosure requirements for staff members at the level of D2 and above. A 100 per cent rate of compliance with IPSAS disclosure requirements concerning related party transactions for WIPO staff was achieved for the 2017 reporting period.

27. Pursuant to Annex III, paragraph 9, of WIPO's Financial Regulations and Rules, as amended on October 14, 2015, "Members of the [WIPO Independent Advisory Oversight Committee] IAOC shall sign a statement of disclosure of interest"<sup>2</sup>. The Ethics Office exchanged communications with the Chair of the IAOC on this requirement and did not receive further information for the reporting year 2017. The IAOC stated that it would retain its Statements for its own files.

#### VI. OTHER ACTIVITIES

28. In March 2017, an audit of WIPO's Ethics Framework was concluded.<sup>3</sup> The report proposed 12 recommendations, to be implemented by the Ethics Office, in cooperation with 10 other stakeholders. The Ethics Office has actively pursued the implementation of the recommendations and met its targets.

29. The Ethics Office, as all program units within the Organization, also prepares its contribution to the biennial and annual planning processes of WIPO. Risk management is also performed as part of the integrated results-based management framework.

30. Throughout 2017, the Ethics Office engaged with the IAOC, pursuant to paragraphs 2(a)(v) and 2(b)(ii) of the IAOC Terms of Reference.<sup>4</sup> The Ethics Office strived to respond to the requests of the IAOC, mindful of its own mandate as well as of the need for the vital prerequisites for the functioning and operation of an Ethics Office, namely independence, confidentiality and impartiality.

31. Also in 2017, the Ethics Office cooperated with system-wide surveys and initiatives. In particular, the Ethics Office was the designated WIPO focal point for the United Nations (UN) Joint Inspection Unit's reviews of "mechanisms and policies addressing conflict of interest in the United Nations system" and of "whistle-blower policies and practices in United Nations system organizations".

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<sup>2</sup> "9. Members of the IAOC shall sign a statement of disclosure of interest."

<sup>3</sup> Audit of WIPO's Ethics Framework, Reference: IA 2016-06, March 6, 2017. The Ethics Office is responsible for considering and implementing as appropriate the comprehensive set of recommendations, in collaboration with the 10 other stakeholders explicitly identified in the report. The goal is to achieve implementation of the relevant recommendations marked as "high priority" by mid-2018, that is, within 15 months of the date of publication of the report.

<sup>4</sup> WIPO Financial Regulations and Rules Annex III, as amended on October 14, 2015

32. WIPO's Ethics Office actively engages with the Ethics Network of Multilateral Organizations (ENMO), which aims to promote system-wide collaboration on ethics-related issues within the UN system. The ENMO serves as a broad forum of ethics functions from UN system entities, affiliated international organizations and international financial institutions, and allows for the exchange of ethics policies and practices.

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