



International Labour Office

**REPORT OF THE ETHICS OFFICER
1 MAY 2007 – 30 APRIL 2008**

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INTRODUCTION

- 1) In April 2006 the Director-General decided to introduce a number of measures aimed to foster within the Office a culture of integrity and high ethical standards. In particular he decided that:
 - a) a copy of the Standards of Conduct for the International Civil Service will be issued to each official with a request to sign a statement confirming that they have read and agree to observe these standards;
 - b) an Ethics Officer function will be established to ensure support and compliance with ethical standards and to reinforce the possibility for all officials to report cases of disregard for these standards without fear of retaliation;
 - c) a requirement for the periodic disclosure of interests by all officials be established. These decisions were included in Circular Series 6, No. 662, Ethics in the Office, issued on 26 April 2006 which entered into force the following 1 May.
- 2) The Ethics Office function was entrusted to the then Deputy Legal Adviser, Mr. Guido Raimondi, now Legal Adviser, with the following responsibilities:
 - a) To provide guidance to HRD to ensure that ILO policies, procedures and practices reinforce and promote the ethical standards called for under the Staff Regulations and the Standards of Conduct for the International Civil Service, and that the ethical standards pertaining to ILO officials are clearly understood.
 - b) On request, to counsel managers and all staff members on questions of ethics and those governing outside activities.
 - c) To assist, in collaboration with HRD, in designing and promoting programmes to inform and educate staff with a view to increasing awareness on ethical issues.
 - d) To receive complaints of retaliation or threats of retaliation from individual officials who believe that action has been taken against them because they have reported misconduct or cooperated with an audit or investigation.
 - e) To keep a confidential record of all complaints received.
 - f) To conduct a preliminary review of the complaint to determine:
 - i) if the complainant engaged in a protected activity; and

- ii) if there is a prima facie case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation.
- g) To refer the matter to HRD, where appropriate, for consideration of possible disciplinary action.
- 3) It was decided that the Ethics Officer will report directly to the Director-General, to whom she/he will present a periodic report. It was subsequently agreed that this report will be presented on an annual basis. This is the second annual report submitted by the Ethics Officer.
- 4) The Ethics Officer's functions cover three main areas. These areas may be referred to as *promotion*, *consultation* and *whistleblowers' protection*.
- 5) As far as promotion is concerned, the Ethics Officer provides guidance to ensure that ILO policies, procedures and practices reinforce and promote the relevant ethical standards and that the ethical standards are clearly understood. He contributes to the creation and implementation of appropriate training programs.
- 6) Concerning consultation, i.e. the advisory function, the Ethics Officer counsels, on request, managers and colleagues on questions of ethics and those governing outside activities.
- 7) Last, but not least, there is the protection of whistleblowers. In this connection the Ethics Officer is called upon to make a preliminary review of complaints of staff who allege retaliation subsequent to their reporting misconduct or cooperating with an audit or investigation, in view of a possible disciplinary action against the retaliator.
- 8) The three areas are addressed separately.

(I) PROMOTION

Website

- 9) A dedicated website of the Ethics Office (in English, French and Spanish) has been created, at the following address:

<http://www.ilo.org/public/english/ethics/index.htm>

Guidelines to complete the Disclosure of Interests Form and the notion of conflict of interest

- 10) It is useful to remind, as it was stated in the 2006-2007 report, that in order to help ILO officials to complete the Disclosure of Interests Form, which was due for the first time by 28 February 2007, and was requested again in 2008, the Ethics Officer prepared, in collaboration with the Office of the Executive Director of the Management and Administration Sector (ED/MAS), the Director of the Human Resources Development Department (HRD), the Treasurer and Financial Comptroller and the acting Internal Auditor, Guidelines to complete the Form. The Guidelines were published on 1 February 2007.
- 11) On that occasion, a definition of "*conflict of interest*" was provided, as follows: "*A conflict of interest is a situation in which someone in a position of trust, such as an international official, has competing professional or personal interests. Such competing interests can make it difficult to fulfil his or her duties impartially. Even if there is no evidence of improper actions, a conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his/her position*".
- 12) The officials' attention was drawn, in particular, on the fact that a potential conflict of interest can arise where an official's personal relationships or position in external entities or involvement in external activities can compromise or be seen to compromise their objectivity and impartiality in the discharge of official duties for the ILO.

Ethics training

- 13) The Ethics Officer has, as stated above, a responsibility to contribute to the creation and implementation of appropriate training programmes.
- 14) In this framework, training material has been prepared and a number of workshops in order to train "volunteer trainers" have been held.

- 15) As stated in the previous report, the idea was to identify a group of Leaders or Senior Trainers to be trained in the workshop. Their skills have been developed with the purpose of them becoming in-house mentors and leaders for the training team. It is a model used successfully in developing leaders inside organizations.
- 16) In order to develop relevant and appropriate draft content, meeting ILO needs for the Ethics Training Programme, a series of interviews with selected senior staff, representing a cross section of the organization, were scheduled during May 2007. Informants included Mr. Greg Johnson, Treasurer and Financial Comptroller; Mr Morten Hovda, Former Chief of Procurement; Ms Asha Singh Williams, Mediator; Ms Grace Strachan, Director, HR; Ms Keiko Kamioka, Chief Internal Auditor and Anthony Watson, Deputy Internal Auditor, Finance; Mr. Jean-François Retournard, Director, ACTEMP; Mr. Dan Cunnie, Acting Director, ACTRAV. These interviews formed the basis of the case study material and provided insight into the design of the final workshop agenda.
- 17) As far as the material is concerned, apart from the specific tools used in "training of trainers" programme, two main publications have been prepared: on the one hand a booklet on the *Principles of Conduct for Staff of the International Labour Office* and, on the other hand, *Case Studies*, in two versions: one for the facilitators (trainers) and the other for the trainees. Both are available on the cited website, in English, French and Spanish.
- 18) The *Principles* are not, obviously, binding rules, because they have been prepared and issued under the sole responsibility of the Ethics Officer. As they clearly state, they are not supposed to replace the legally binding rules that are relevant in the field of Ethics.¹ Their function is to present in a friendly and accessible manner the main rules. They are a tool aimed to help staff members in recognizing ethical issues in a number of situations and in responding to them in the right way, thus maintaining the standard of conduct expected by international civil servants.
- 19) The booklet contains 10 Principles. Each Principle is annotated by a number of explanations. The Principles aim at addressing the major ethical challenges that may confront each ILO Official in the course of their duties.

¹ These formal texts are, basically, the ILO Constitution, in particular its Article 9, the ILO Staff Regulations (Chapter 1), the Standards of Conduct in the International Civil Service, 2001 and various Circulars and rules, in particular the Financial Rules and Circular Series 6, No. 605 of 24 February 2000, Harassment in the workplace; Series 6, No. 630 of 10 July 2002, Inappropriate use of employment contracts in the Office ; Series 6, No. 543 (rev.1) of 29 September 2004, Sexual harassment policy and procedures ; Series 6, No. 662 of 26 April, Ethics in the Office; Series 6, No. 666 of 4 April 2007, Employment and other types of contracts with close relatives of ILO officials ; Series 6, No. 667 of 27 April, Register of financial interests; Series 6, No. 668 of 17 August 2007, Rules and approval procedures governing outside activities; Series 1, No. 627 of 19 September 2007, Anti-fraud policy.

- 20) In particular, the Principles are grouped under eight headings: Guiding Principles and Values, Working Relations, Security and Safety, Use and Protection of Information and Resources, Protection of Persons and of the Image and Interests of the ILO, Harassment Principles, Gifts, Honours, Remuneration from Outside Sources and Outside Activities.
- 21) The Case studies reflect real situations, most of them having occurred in other organizations, adapted to the ILO environment.
- 22) During four-day long TOT (Training on Training) Workshops, groups of volunteer participants were trained to deliver the Ethics workshop. This TOT approach is unique in that on Day 1, participant facilitators who were being trained to deliver the programme, experienced the Ethics workshop they will subsequently deliver, as participants themselves. On Day 2 participants explored adult learning techniques and pedagogy with the intention of expanding their capacity to handle reactions during the facilitated workshops. Days 3 and 4 included a videotaping of participants delivering the Ethics Training Workshop in real time followed by in depth debriefing and feedback. At the centre of the training is an Ethical Decision Making Process, which participants learn to use for evaluating the case study scenarios from an ILO ethical perspective. The Process is represented in the acronym E.T.H.I.C.S. which delineates the six steps for application. All of the facilitators had multiple opportunities of using the model to analyse the case studies both as participants and as facilitators. This iterative process contributed to revising the cases and other materials.
- 23) Workshops were held in 2007 on September 17-21, September 24-29, and November 26-30 (with a review session on 30 November open to all participants); a “refresher” session was held on 13 February 2008.

Dates 2007	Participants
Sept 17-21	Jane Hodges (EMP/COOP); Clifford Kunstler (SHIF); Jyoti Tuladhar (Gender); Raghwan Raghwan (ACTRAV); Amrita Sietaram (ACTRAV).
Sept 24-29	Petra Margot Marshall (ITCOM) ; Niels-Henrik Moller (ACT/EMP); Anna Torriente (HR/POLADMIN) ; Kristina Homoloya (SRO-BUDAPEST); Elena Amelina (MOSCOW); Jean-François Klein (RO-BEIRUT).
Nov 26-30	Luca Bormioli (RO-ADDIS-ABABA) Dominique Clementi (DOSCOM); Jose-Carlos Ferreira (LIMA); Marc Fillieux (Programme); Hsien Tan (Finance); Tony Watson (IAO).
Review Meeting, 30 November	Jane Hodges (EMP/COOP); Clifford Kunstler (SHIF); Jyoti Tuladhar (Gender); Anna Torriente (HR/POLADMIN); Luca Bormioli (RO-ADDIS-ABABA) Dominique Clementi (DOSCOM); Jose-Carlos Ferreira (LIMA); Marc Fillieux (Programme); Hsien Tan (Finance) ; Tony Watson (IAO.)

- 24) The Ethics Officer was present during all workshops to receive feedback from participants and to clarify any issues or concerns. This consistently accessible ILO perspective was a valuable component during the delivery of the Ethics workshop and ensured that participants were accurately informed of ILO expectations were these were clear and documented. For the third TOT programme the core materials were translated into French to facilitate a French speaking participant and in expectation that the Ethics workshop will also be delivered in French, and eventually be available in Spanish.
- 25) The actual delivery of the training started at headquarters with a session held on 4 March 2008, facilitated by Ms Jane Hodges (DIALOGUE) and Mr Clifford Kunstler (SHIF) and with the help of Ms Lisa Bedin Lilley.

Interactive CD

- 26) With the help of HRD, and in particular of Ms Thérèse Betchov, an order was passed to the Turin Center for the development of an interactive CD, that would multiply the possibilities of training and the spreading of the knowledge on Ethics across the ILO. Mr Robin Popp, of the Turin Centre, had a number of meetings with Ms Betchov and the Ethics Officer and is currently developing this tool with his team on the basis of the material prepared for the workshops.

(II) CONSULTATION

In general

- 27) The second area of action of the Ethics Officer is the advisory function. The Ethics Officer counsels, on request, managers and colleagues on questions of ethics, including those related to outside activities. The consultation - when requested by officials - is not intended to replace existing procedures, in particular as far as outside activities are concerned, but rather to provide interested officials with guidance before they initiate the formal procedure, where appropriate.
- 28) This is a 360-degree advisory function, since it embraces both the administration and the officials, whose interests are not necessarily the same as those of the administration. The Ethics Officer decided, in agreement with the then Legal Adviser, that once he has been seized by an official to give advice, he will not deal with the same matter should it be submitted to the Office of the Legal Adviser, as may be the case for such matters.
- 29) The Ethics Officer received 16 requests for advice in this connection during the period under review.
- 30) Like during the first year of functioning of the Office, some clarification was required on the role of the Ethics Officer, as far as his advisory function is concerned. As a matter of fact, a number of requests for advice were received which related to ethics issues not concerning the situation of the requesting official, but rather on possible wrongdoings of other colleague(s). Also, a number of colleagues made a confusion between the consultation of the Ethics Officer and the formal procedure required for the authorization concerning outside activities.
- 31) Needless to say, colleagues seeking guidance on other colleagues' behaviour were strongly encouraged to report possible wrongdoing to the appropriate mechanisms, in particular to HRD, while all colleagues enquiring on external activities issues received the advice of the Ethics Officer as to the suitability of the envisaged activity, and guidance on the procedure to be followed.
- 32) On the second aspect, it was clarified that the consultation of the Ethics Officer does not replace any formal procedure referred to in the relevant ILO rules, in particular the procedure set out in the new Circular on Rules and approval procedures governing outside activities; Series 6, No. 668 of 17 August 2007, and that the consultation of the Ethics Officer is normally confidential and aims at giving guidance to the concerned official before s/he decides whether to initiate any formal procedure or not.

Requests for advice

- 33) The requests for advice touched a wide range of subjects. Some of these subjects are mentioned in the following paragraphs.
- 34) A Director of an ILO Office in the field referred to the intention of the local Government to deliver to her a decoration "by surprise" during her farewell party. She was invited to consider whether a refusal of the decoration could have offended the Government and, in this case, to accept the decoration in the name of the ILO and to make this clear in her speech. She was also informed that the insignia had to be delivered to the Office (DOSCOM), not for safe keeping, but on a permanent basis.
- 35) The Ethics Officer was informed in May 2007 that a high official working at the headquarters had spontaneously delivered to DOSCOM a gift (of a modest value) offered to her by a government visiting delegation.
- 36) A clause on conflict of interests to be included in the terms of reference of a consultant was reviewed in June 2007 at the request of PROCUREMENT.
- 37) In September 2007 an advice was delivered by the Ethics Officer at the request of EVAL on the compatibility of the UN Evaluation Group ethics and code of conduct for evaluators with the ILO policies on ethics. Apart from some caveats relating to the independence of the ILO, the document was considered largely compatible with the ILO policies, rules and regulations.
- 38) A request from an official seeking advice on the advisability of an external activity consisting in serving in the advisory board of a Stock Exchange and advising on the designing of an "Index" which would regroup corporations considered to act in a socially and environmentally responsible manner led to the advice not to pursue the matter. A potential conflict of interest with the work of the Office was identified, given that the activity would have fallen directly within an area covered by the ILO mandate. The same principles were applied by HRD in the framework of a request of an official in the field who acted in his own time as a professional in areas covered by the ILO mandate.
- 39) An official in the field sought an advice on an invitation he had received to teach at a University for a month as visiting scholar, using his annual leave. The topics that were supposed to be the subject of the teaching were largely ILO topics, so the official was guided to seek his responsible official's approval, under the new Circular series 6, No. 668 on Rules and approval procedures governing outside activities (17 August 2007), in particular paragraph 16 and guidelines, page 6. In fact no remuneration was involved, even if free accommodation was offered by the University.

The attention of the official was drawn on the need to declare, where appropriate, the advantage received in the framework of Circular No. 667, Series 6, dated 26 April 2007, on Register of Financial Interests.

- 40) Towards the end of 2007 advice was given to the Africa Regional Office on a case of an individual, recruited under an SSA contract, and elected to a national parliament, without asking any authorization to the Office and who in the past had engaged in other unauthorized political activities. There was obviously a breach of all ILO relevant rules. The incompatibility of the status of the individual with his condition of parliamentarian was stressed, as well as the inappropriateness of starting an outside activity without seeking any authorization. Even if the Staff Regulations were not directly applicable, clear standards of behaviour, largely corresponding to the relevant provisions of the Staff Regulations, had been included in the contract. The matter was not pursued by HRD because the contract was about to expire.
- 41) A Director in the field received at the end of seminar a gift bag offered by the hosting government containing, inter alia, a small computer. The Ethics Officer confirmed that the Director had acted correctly not handing the computer back to the government, in order to avoid any offence, and registering it as an ILO property.
- 42) In the framework of a request of advice relating to the participation to municipal elections in France, the Ethics Officer clarified that on these issues the new Circular had not modified the principles already applicable, i.e. that authorization may be granted for a public office which is not specifically political in nature if the position envisaged will not involve the official in any matters of national or international controversy. For example, participating in the administration of a small township or a school board could be considered compatible with the status of an international civil servant, but holding the position of Mayor or Deputy Mayor would not be appropriate.
- 43) An official informed the Office that his wife had been recruited by a Permanent Mission of a donor state and that she was dealing with ILO issues. After consultations with the Ethics Officer, the responsible chief of the official relieved him of any responsibilities linked to that particular country, in order to avoid any possible conflict of interests.
- 44) An official working at headquarters was advised to seek the authorization of his responsible chief in view of his involvement in the establishment of an association, with no lucrative purposes, aiming to promote peace and dialogue through sailing. He was also encouraged to try to avoid to play an executive role in the future association and possibly to remain in an "honorary function".

45) A positive advice was delivered to an official working in the field, who was interest in performing a function in a family business without remuneration and in his own time. The positive advice was delivered after clarification given by the official that no executive role was involved. The activity was considered an "occupation", and, as such, subject to authorization by HRD under the terms of the cited new Circular.

(III) WHISTLEBLOWERS' PROTECTION

In general

- 46) The third area of action of the Ethics Officer relates to his responsibilities in the field of the protection of officials who believe that action has been taken against them because they have reported misconduct or cooperated with an audit or investigation (whistleblowers' protection), in order to reinforce the possibility for all officials to report cases of disregard for these standards without fear of retaliation.
- 47) The Ethics Office, however, will not replace, as stated above, any existing mechanisms available to staff for the reporting of misconduct or the resolution of grievances, like those referred to in the Circular on Ethics in the Office, paragraphs 14 and 15. This means that the Ethics Officer is not a mechanism for reporting misconduct.
- 48) In this connection the Ethics Officer is called upon to make a preliminary review of complaints of staff who allege retaliation subsequent to their reporting misconduct or cooperating with an audit or investigation.
- 49) This preliminary review may ultimately lead to the referral of the matter to HRD for consideration of a possible disciplinary action. This could appear as a relatively weak result of the protective action of the Ethics Officer, but this is definitely not the case. The possible referral to HRD in view of a possible disciplinary action would be a "qualified" referral, thus carrying some weight.

Protection of the accused official's rights

- 50) As stated in the first report, there is the need to protect appropriately in this context not only the staff member alleging retaliation but also the rights of the accused official, ensuring the fairness and the transparency of the whole procedure, strictly following the rules of natural justice and due process. This latter point was raised during the presentation session held on 19 May 2006. The Ethics Officer stated on that occasion:

« ... This leads me to consider the need to protect appropriately in this connection not only the staff member alleging retaliation but also the rights of the accused official, ensuring the fairness and the transparency of the whole procedure, strictly following the rules of natural justice and due process.

This system has to be in my view fair and credible. The credibility of the system is obviously key on the one hand in making this tool a powerful deterrent vis-à-vis possible temptations to retaliate whistleblowers, thus

playing a fundamental preventive role and on the other hand, indirectly, encouraging the reporting of wrongdoings that would remain otherwise undisclosed due to the fear of unpunished retaliation against those who reveal them."

- 51) In this connection the Ethics Officer started a reflection on the establishment of basic procedural rules aimed to ensure the fairness of the procedure. This development would also meet concerns expressed from the donors' community.

Cases

- 52) The Ethics Officer received no complaints of retaliation during the period under review.

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Geneva, 17 July 2008

Guido Raimondi, Ethics Officer