



International Labour Office

**REPORT OF THE ETHICS OFFICER
May 2006 - 30 April 2007**

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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 Deputy Legal Adviser, Mr. Guido Raimondi, 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 first 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*.

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.

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.

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.

The three areas are addressed separately.

(I) PROMOTION

Presentation sessions

- 5) As of his appointment, the Ethics Officer started a very close collaboration with the Department of Human Resources Development, in order to provide the latter with the appropriate guidance on ethical issues and to help it in informing the staff in the best possible way.
- 6) In this framework, a presentation session open to all staff was held on 19 May 2006 in the Governing Body Room.
- 7) This presentation was useful, in particular, to dissipate a number of concerns and misunderstandings that had arisen when the said Circular was published. In particular, two points were stressed.
- 8) On the one hand, the view was expressed that the new measures had not been imposed by the need to address a prevailing situation in this connection and that, to the contrary, it was felt that a culture of integrity and high ethical standards not only already exists in the ILO, but is deeply rooted in the conscience of its officials. It was noted that the ILO is a value-based organization, and the values on which it relies are widely shared amongst the staff, inspire their behaviour, motivate them and are an important part of the satisfaction that they derive from the accomplishment of their work. The decision of the Director-General was not therefore to be perceived as a judgment on the current level of ethical awareness amongst ILO officials.
- 9) On the other hand, the need to carefully take into account the particular tripartite nature of the ILO in this ethical connection was underscored. It was stressed that the debate that took place in March 2006 subsequent to the Director-General to address the PFA Committee of the Governing Body, when he announced, a number of initiatives to enhance integrity and ethical standards in the Office, including the appointment of an Ethics Officer, showed that the same expectations are shared by the tripartite constituents of this Organization, with a notable nuance, namely, as one of the most important interventions put it, "*as long as tripartism was fully taken into account...*". It was thus clarified that all ILO officials, in particular colleagues in ACT/EMP and ACTRAV, are not supposed to work in isolation from the tripartite constituents, Governments, Employers and Workers, and contacts with the three of them in the context of their professional duties are normal and necessary and do not raise, as such, an ethical issue.
- 10) A special presentation session took place for managers.

Website

- 11) A dedicated website of the Ethics Office has been created in English, French and Spanish, 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

- 12) In order to help ILO officials to complete the Disclosure of Interests Form, which was due for the first time by 28 February 2007, 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.
- 13) 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"*.
- 14) 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

- 15) The Ethics Officer has, as stated above, a responsibility to contribute to the creation and implementation of appropriate training programs.
- 16) In this framework, after making an inquiry among the legal network of the UN system, and on the basis of contacts with legal counterparts in Geneva, it appeared that, within the UN system, the High Commissioner for Refugees (UNHCR) had developed the most successful training programme on Ethics. A number of meetings were held with the UNHCR Legal Adviser, Mr. Helmut Buss, and with the then UNHCR Ethics Officer, Ms. Cecilia Ryberg, who were extremely happy to help. Ms. Ryberg put at the ILO's disposal the UNHCR training material, which is quite developed,

and Mr. Buss formally authorized the ILO to use it, with an acknowledgment.

- 17) It was eventually decided, in consultation with the Executive Director of Management and Administration Sector (ED/MAS) and the Director of HRD, to hire a specialized firm for the preparation of the training material and the organization of a sufficient number of workshops to train "volunteer trainers", in close consultation with the Ethics Officer.
- 18) The firm PLB Consulting Ltd. was selected. The purpose of the training is to reinforce and to build on the "current culture of integrity and high ethical standards and to increase the level of awareness of ethical issues and provide assistance to all colleagues and units in ethical matters.
- 19) The objectives of the project are to:
 - a) Hold workshops to train trainers in Ethics in the Office;
 - b) Develop a facilitation manual to support the training including learning activities and case studies relevant to ILO's work and mandate;
 - c) Produce a booklet of principles which consolidate the existing standards and guidelines that shape the behaviour of ILO staff;
 - d) Train 15-20 ILO in-house volunteers to deliver the 'Ethics' training.
- 20) The project will be developed as follows:
 - a) Review of relevant ILO documents:
 - i) Standards of conduct for the international civil service;
 - ii) Staff Regulations, Chapter 1, 'Duties, obligations and privileges;
 - iii) Guidelines to complete the 'Disclosure of Interests Form';
 - iv) Circular No. 6/662, "Ethics in the Office".
 - b) Review of existing training materials from other agencies:
 - i) UNHCR Code of Conduct and Explanatory notes;
 - ii) Facilitator's Guide;
 - iii) Guide for Managers.
 - c) Interviews with key informants from ILO, including directors or heads of Finance, Procurement, Audit, and Human Resources.
 - d) Creation of materials to support the Ethics training:

- i) Guidelines/principles based on the reviewed materials but tailored to ILO situation and mandate;
 - ii) Case studies and appropriate training materials to support the Ethics training workshops.
- e) Development of the Training of Trainers workshop to prepare 10-15 in-house trainers. This model would require the ILO to identify a group of Leaders or Senior Trainers to be trained in the first workshop. This group would be co-trained by both facilitators and their skills developed with the purpose of them becoming in-house mentors and leaders for the training team. This model would add value and leverage limited ILO resources to enhance credibility and validity. It is a model used successfully in training educators and in developing leaders inside organizations.
- 21) Following successful implementation of the in-house Ethics training a further workshop is envisaged to help guide managers in 'Managing Ethics in the Office'.

This initiative would be developed in collaboration with the Head of Training and would be built on any existing material in the MDLP modules.

22) The deliverables of the project are as follows:

- ILO relevant Cases by late May 2007
- Principles booklet by end of June 2007
- Facilitators manual early to mid July 2007
- First workshop mid September 2007
- Second workshop late September 2007
- Third workshop, if required, November 2007.

(II) CONSULTATION

In general

- 23) 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 merely to provide interested officials with guidance before they initiate the formal procedure, where appropriate.
- 24) This is a 360 degrees 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 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.
- 25) The Ethics Officer received 14 requests for advice in this connection during the period under review.
- 26) Some clarification was required at the outset 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.
- 27) On the first aspect, colleagues were reminded that, as it was pointed out during the presentation on 19 May 2006, the Ethics Officer is not intended to be a receiving point for reporting wrongdoing. It was stated:
- "... Before mentioning what the Ethics Officer is supposed to do, let me say what he is not supposed to do, and to clarify at the outset possible misunderstandings. The Ethics Officer has important 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 (what is called whistleblowers' protection). The Ethics Office, however, will not replace any existing mechanisms available to staff for the reporting of misconduct or the resolution of grievances. A number of those mechanisms are listed 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. "*

- 28) Needless to say, colleagues seeking guidance on other colleagues' behaviour were strongly encouraged to report possible wrongdoing to the said appropriate mechanisms.
- 29) 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 of the house, in particular the procedure set out in Circular on Rules Governing Outside Activities, Series 6, No. 346 of 20 December 1985, 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

- 30) The requests for advice touched a wide range of subjects. Some of these subjects are mentioned in the following paragraphs.
- 31) An official working in the field asked advice on the envisaged creation, by him, of a professional training institution. Even if the envisaged institution was allegedly not aimed at financial gain, the Ethics Officer discouraged the official to pursue this project, which raised serious concerns with regard to its compatibility with the official's status as an international civil servant.
- 32) The Ethics Officer was informed of the request of a local TV station to use the façade of an ILO office in the field as a possible front for a fictional series. The TV, in particular, wished to use the façade as a "front" for a clinic in the series, in which the actors would supposedly be working, the interiors being shot at the TV's station sets. The Ethics Officer did not encourage this initiative, even if it conveyed a positive message on the value of that particular building. As a matter of fact, the initiative might have implied a certain dilution of the ILO's image, especially because the ILO would have had no control of the contents of the "fiction" series. He added that an affirmative reply to the request might not have been well perceived by the host Government, which offered the land to build the office's premises as a gift to the ILO and might have found it inappropriate that the building be used for commercial purposes.
- 33) A senior official in the field asked advice on the request received by the Government of his country to act as an adviser/consultant for the approvals committee of its technical cooperation agency. The attention of the concerned official was drawn on the fact that work for a Government could be authorized only on an exceptional basis, even if it was not excluded by the relevant rules.
- 34) A senior official at the headquarters informed the Ethics Officer of the possible recruitment of his daughter by a national agency of a member State, operating in the same field as the official's professional competence,

which had an ongoing technical assistance project with the ILO. The Ethics Officer advised that a conflict of interest was to be excluded, on the assumption that

- a) the official's daughter knew about the job opportunity by consulting the website of the concerned national agency and
 - b) the concerned official will not interfere in any way in the possible recruitment process.
- 35) At the request of PROCUREMENT, the Ethics Officer helped in the drafting of an "ethics clause" for ILO contracts.
- 36) A senior official at headquarters sought advice on his appointment as "Honorary Ambassador" of a well reputed charity organization. The Ethics Officer noted that this was to be considered as an honour from a source external to the Office, and the official was thus advised to request the authorization following the formal procedure and to include this activity in the "Disclosure of Interests Form" mentioned above.
- 37) Membership of a parish council, with the concerned official refraining from taking part in political discussions, and exercising tact and discretion in all circumstances, was considered by the Ethics Officer an activity not requiring authorization.
- 38) Conversely, the participation of a senior official - invited as such - at headquarters at a public play reading involving strong criticism of the foreign policy of a Member State was discouraged.
- 39) Clarification was sought with regard to the DSA reductions in case accommodation and/or meals are provided by a third party. The Ethics Officer expressed the view that DSA reductions referred to in relevant circulars (Series 7, No. 22, for headquarters) concern only hospitality offered by entities interested in the event justifying the mission (government, university etc.) and not hospitality offered by private persons, such as family members or friends.

(III) WHISTLEBLOWERS ' PROTECTION

In general

- 40) 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.
- 41) 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.
- 42) 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.
- 43) 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

- 44) 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.”

Cases

- 45) Apart from some preliminary inquiries not followed by actual request, the Ethics Officer received one complaint of retaliation during the period concerned.
- 46) On 14 June 2006 an official filed a complaint of retaliation, dated 13 June 2006, alleging that action had been taken against him because he had reported misconduct.
- 47) On this case the Ethics Officer had to determine in the first place whether the complainant engaged in a protected activity, and came to the conclusion that this was not the case. A report on this case was communicated to the Director-General and the complainant on 28 November 2006.

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Geneva, 23 May 2007

Guido Raimondi Ethics Officer