



International Labour Office

## **REPORT OF THE ETHICS OFFICER**

**1 January - 31 December 2014**

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## INTRODUCTION

1. In April 2006, the Director-General decided to introduce a number of measures aimed at fostering a culture of integrity and high ethical standards within the ILO. 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 allow officials to report non-compliance of ethical standards without fear of retaliation; and
  - (c) a requirement for the periodic disclosure of interests by designated officials be established. These decisions were included in Circular Series 6, No. 662, *Ethics in the Office*, issued on 26 April 2006 and came into force on 1 May 2006.<sup>1</sup>
2. Upon its establishment, the function of Ethics Officer was entrusted to Mr. Guido Raimondi, who simultaneously served first as Deputy Legal Adviser, and later, as Legal Adviser. On 1 June 2010, Ms. Monique Zarka-Martres was appointed as the new ILO Ethics Officer and, with effect from 1 November 2010, her mandate was extended to the ILO International Training Centre in Turin (the Turin Centre). Ms. Zarka-Martres has been an ILO official since 1986, serving successively as Assistant Registrar in the ILO Administrative Tribunal and Legal Officer in the Office of the Legal Adviser prior to her assignment to the International Labour Standards Department (NORMES). She is presently, Head of the unit on Labour Inspection, Labour Administration and Occupational Safety and Health in NORMES.
3. The ILO Ethics Officer is entrusted with the following responsibilities:
  - (a) To provide guidance to the Human Resources Development Department (HRD) in ensuring 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 to ensure that ILO officials clearly understand the ethical standards that apply to them.
  - (b) On request, to counsel managers and all staff members on questions of ethics, including ethical standards that govern outside activities.
  - (c) To assist, in collaboration with HRD, in designing and promoting programmes to inform, educate and raise awareness of ethical issues for all ILO staff members.

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<sup>1</sup> Now converted into Office Directive on Ethics in the office, IGDS No. 76, 17 June 2009

- (d) To receive complaints regarding 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. In this context, the Ethics Officer is required:
- to keep a confidential record of all complaints received;
  - 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;
  - to refer the matter to HRD, where appropriate, including for consideration of possible disciplinary action.
4. The Ethics Officer reports directly to the Director-General, to whom he/she presents a periodic report. This is the eighth report submitted by the Ethics Officer.
  5. The Ethics Officer's functions cover three main areas: *promotion, consultation and whistleblower protection*.
  6. The three areas are addressed in the report separately.

## **PROMOTION**

### *Website*

7. The Ethics Office has created functional websites for the ILO (in English, French and Spanish) and for the Turin Centre (in English, French, Italian, Portuguese and Spanish), dedicated to ethics, which are regularly updated and can be accessed at the following addresses, respectively:

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

*<http://www.itcilo.org/en/the-centre/about-us/ethics/home-page>*

### *Conferences*

8. The Ethics Officer has entered into regular dialogue with the members of the United Nations Ethics Network, which was established in 2010 and subsequently renamed the Ethics Network of Multilateral Organizations (ENMO), promoting a system-wide collaboration on ethics-related issues, with

a specific focus on the coherent application of ethical standards and policies throughout the United Nations system.

9. The 2014 edition of the ENMO meeting was held in Copenhagen, Denmark from 8-11 July. This was the sixth edition of the meeting. Representatives from 23 international agencies participated in the three-day conference. The ILO was represented by its Ethics Officer. Five topics were presented by panellists, who were invited to share their expertise and experiences, they were the following:
  - Speaking our Values: Advocacy and Awareness Initiatives;
  - Sharing Innovative Practices, Policies and New Challenges;
  - Ethics Office's collaboration with other stakeholders: how to build effective internal partnerships and relationships;
  - Whistleblower Protection and Retaliation: Prevention and What Does Protection Mean?
  - Ethics Issues Arising from the Use of Social Media
10. The Ethics Officer intervened as a panellist on the fourth topic: "Whistleblower Protection and Retaliation: Prevention and What Does Protection Mean?"
11. In September 2014, the ILO hosted the first conference on Best Practices in Resolving Employment Disputes in International Organizations. The Ethics Officer participated as a moderator at the session entitled "Internal Investigations: Ensuring Due Process and Non-Reprisal".

### *Ethics training*

12. As noted above, the Ethics Officer has the responsibility to contribute to the creation and implementation of appropriate training programmes, in cooperation with HRD.
13. In March 2013, HRD deployed ILOPeople, a web-based computer application designed to manage performance appraisals, record employee profiles and monitor staff training activities. ILOPeople's module includes a mandatory internal governance e-learning programme training course, developed with the collaboration of several departments, including the Ethics Office. The purpose of the course is to raise awareness on the ILO's internal governance, which integrates ethics principles throughout different themes in the programme, as they are cross cutting. The objective of HRD is that 100 per cent of ILO staff complete this course.
14. It should also be noted that the Ethics E-learning Module, is now available both on the Ethics Office website and on ILOPeople. This module provides

training on ethics at the ILO, and information on the Ethics Function and is completed on a voluntary basis. It is intended to serve as an introduction to ethics for staff member and provides them with a valuable opportunity to familiarize themselves with potential ethical challenges.

## CONSULTATION

### *In general*

15. The second area of responsibility for the Ethics Officer is the advisory function. Upon request, the Ethics Officer counsels managers and ILO officials on questions of ethics, including those related to outside activities. The consultation is not intended to replace existing procedures, especially with regard to outside activities, but rather to provide interested officials with guidance before they initiate the formal procedure, where appropriate.
16. This is a 360-degree advisory function, since it embraces both the administration and officials whose interests are not necessarily the same.
17. As in previous years, clarification was often required on the role of the Ethics Officer, in terms of his/her advisory function. A number of requests for advice received by the Ethics Office were related to ethical issues which did not pertain directly to the requesting official, but rather to alleged non-ethical behaviour of a colleague or supervisor.
18. Officials seeking guidance regarding other colleagues' behaviour were encouraged to report alleged wrongdoing through the appropriate mechanisms. In some cases, the Ethics Officer was asked, by the complainant, to inform the competent authority of the reported problem. In this context, the Ethics Officer informed the concerned officials that they would be provided with protection in the event that the reporting of misconduct to the competent authority or their intended cooperation with an audit or investigation led to retaliatory action, in accordance with the procedure contained in the IGDS Office procedure No. 186 on Whistleblower Protection (*See also below: "Whistleblower Protection."*).
19. Colleagues enquiring about the permissibility of outside activities received advice as to the suitability of the envisaged activity, and guidance on the appropriate procedure to be followed.

### *Requests for advice*

20. The Ethics Office received requests for advice on a wide range of subjects. A sample of such requests includes the following representative cases:
- a) An official asked the Ethics Officer's advice on whether he/she could participate in the in his/her small township's (7,000 inhabitants) council meetings. The colleagues specified that his/her participation was not of a political nature, but of an administrative one, that he/she was not being remunerated and that the work would be done outside of his/her regular working hours at the ILO. Based on this information, and after consulting HRD, the Ethics Officer indicated to the colleague that his/her participation was possible and that there was no need to request authorization from HRD.
  - b) A colleague consulted the Ethics Officer after receiving an invitation by a service provider to attend a concert as a VIP. The Ethics Officer informed the colleague that accepting such an invitation is contrary to the ILO's ethical principles.
  - c) An official sought advice regarding an outside activity as an administrative monitor, whereby he/she was called upon to report to his/her national government by providing suggestions and commenting on the administrative services of a ministry every couple of months, and would receive a small remuneration for his/her work. The Ethics Officer reminded the official that he/she, as an international civil servant, has a general obligation of independence, tact and discretion, particularly with regard to governments. As this activity involved an evaluation of the administration of the government and possibly criticism which would be made public, the Ethics Officer recommended that he/she not continue such activity.
  - d) An official undergoing a training programme in the field of hypnosis inquired if he/she had to request approval to practice this type of activity since it is not related to the work of the ILO and would take place outside of working hours, without remuneration. The official also asked what he/she should do in the event that he/she decided to pursue this training and ask future clients for remuneration. The Ethics Officer drew the official's attention to Article 1.2 of the Staff Regulations and to the general principles contained in paragraph 8 of IGDS No. 71. She recalled that whether it is within or outside the Organization, international civil servants must refrain from any act which could affect the dignity of their functions and the reputation of the Organization. Subject to the respect of these rules, she confirmed to the official that he/she did not have to ask for approval to exercise this activity if it took place outside working hours, is not related to the work of the ILO, and is

not remunerated or does not give rise to any other form of financial gain. The ethics Officer underlined that he/she must not in any case and in any manner use the workplace for the exercise of their activity, including through promotion and advertising. In the event that the official wanted to be remunerated, the Ethics Officer indicated that permission can be given to receive moderate fees (paragraph 28 of IGDS No. 67) and that he/she would therefore need to ask for such permission to the Director of HRD through his/her responsible chief.

- e) An official was invited to be a member of the General Council of a University, an advisory post, where he/she would be called upon travelling once or twice a year, to monitor the activities for the University and participate in the adoption of strategic plans and overall guidelines of the University and advise the Dean. The Ethics Officer drew the official's attention to the Office Directive on Rules governing outside activities and occupations, IGDS No. 71 (Version 1); to Office Guideline on outside activities and occupations, IGDS No. 67 (Version 1); and to the Office Procedure on approval procedures for outside activities and occupations, IGDS No. 70 (Version 1). She referred the official in particular to the general principles contained in paragraphs 7, 8 and 14 of IGDS No. 71, which state that approval would not normally be required to participate in any activity which takes place outside working hours; that is not related to the work of the ILO; and that is not remunerated or gives rise to any other form of financial gain. Based on the stated rules, if the three conditions set out in paragraph 14 of IGDS No. 71 are met, the activity can be accepted and does not need to be authorized. However, she carefully reminded the official that if one of these conditions was not met, then he/ she should refer to the approval procedures set out in IGDS No. 70.
- f) A staff member sought the Ethics Officer's assistance about a request for a loan in order to fund a construction project he/she was building for rental housing units abroad. While indicating that his/her request for assistance in relation to a loan was not within her mandate, the Ethics Officer informed the official that, taking into account the responsibilities, the management and the potential revenue associated with such a project, such a real estate project appeared to be incompatible with the status of an international civil servant.
- g) The Ethics Officer was consulted by a colleague inquiring about whether he/she could be on the Board of Directors of a family hotel business. The colleague clarified that the other members of the Board were his/her family members, that the business had no ties with, nor would it be related to his/her work at the ILO and that this function would take place outside of ILO core working hours, and finally that no financial or other type of compensation would be awarded. The Ethics Officer informed the official that as long as he/she did have an executive role in the business, even if it were not

remunerated, such outside occupation was normally not compatible with the status of an international civil servant. She also reminded the colleague that requests for permission to engage in an outside occupation should be addressed to the Director of HRD.

- h) The Ethics Officer was consulted after a colleague received an Iphone as a gift from a government. After consulting the Treasurer (see IGDS No. 57 (Version 2) on Gifts and entertainment), the Ethics Officer informed the colleague that, since it could be embarrassing to return the gift, the phone should be registered as ILO property.
- i) A staff member reported and sought advice from the Ethics Officer with regard to the behaviour of a colleague on a social media website and inquired on the ILO's policy in this regard. The Ethics Officer informed him/her that the appraisal of staff member's behaviour does not fall within her mandate and that such issues should be reported to HRD. In regard to the applicable rules and principles, she referred the official to points 31 and 37 of the Standards of Conduct for the International Civil Service; articles 1.1 and 1.2 of the ILO Staff Regulations; and points 4 b), c) and e) of the Office Directive No. 315 (Version 1) on the Use of Social Media.

## **WHISTLEBLOWER PROTECTION**

### *In general*

- 21. The third responsibility of the Ethics Officer relates to 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 (whistleblower protection). Officials are thus encouraged to report cases of disregard for these standards without fear of retaliation.
- 22. However, as stated above, the Ethics Office does not replace any existing mechanisms available to staff for the reporting of misconduct or the resolution of grievances, like those referred to in the Office directive "Ethics in the Office," IGDS No. 76 , paragraphs 18 and 19.
- 23. The Ethics Officer's role consists of making a preliminary review of complaints of staff who allege retaliation subsequent to their reporting of misconduct or cooperating with an audit or investigation. If appropriate, such a review can lead to a "qualified referral" of the matter to HRD for consideration of possible disciplinary action.

## *The Whistleblower Procedure*

24. In furtherance of the Office Directive “Ethics in the Office”, the Office procedure “Ethics in the Office: Whistleblower Protection”, was published as IGDS document No. 186 in September 2010.
25. Both documents provide for protection of all staff members against retaliation for reporting misconduct and cooperating with an audit or investigation. Office procedure No. 186 outlines the practical steps that the Ethics Officer should follow in reviewing such complaints.
26. The procedure for the protection of whistleblowers was created with the goal of ensuring fairness, respect of the rules of due process and confidentiality during the investigation of a complaint.
27. The procedure has been drafted taking into account the need to protect both the staff member alleging retaliation, and the rights of the accused official, by ensuring fairness and transparency, and by guaranteeing compliance with the rules of natural justice and due process. The credibility and integrity of the procedure is key in making whistleblower protection a powerful deterrent *vis-à-vis* possible temptations to retaliate, thus playing a fundamental preventative role. In addition, it encourages staff members to report wrongdoings that would otherwise remain undisclosed due to the fear of unpunished retaliation.
28. The fairness of the procedure is ensured through the following relevant provisions:
  - a) Full disclosure of the initial non-frivolous complaint to the alleged retaliator, unless the Ethics Officer considers that the disclosure would hinder the investigation or expose the complainant to the risk of further retaliation.
  - b) Possibility for the alleged retaliator to respond to the allegations.
  - c) Disclosure to the complainant and alleged retaliator, upon completion of the preliminary review or during the procedure in the event the Ethics Officer considers it appropriate, of all documents and evidence upon which the decision of the Ethics Officer will be based.
  - d) The possibility for the complainant and alleged retaliator to submit their written comments.
29. A specific provision granting the confidentiality of the procedure has also been included, while allowing the Ethics Officer the discretion to decide to release the final recommendation to other parties as necessary, after giving

previous notice to the retaliator and the complainant, and providing them with the opportunity to comment on such release.

30. This procedure is not applicable to external parties, who cannot be granted the same procedural guarantees as an official. However, if it is established that any retaliatory measures were taken against a contractor or other individual engaged in any dealings with the ILO because of reported misconduct, this may lead to a qualified referral from the Ethics Officer to HRD recommending disciplinary action.

### *Cases*

31. An official engaged in a protected activity informed the Ethics Officer that he/she feared retaliation measures. The Ethics Officer provided the official with detailed information regarding the procedure to be followed in order to submit a formal complaint for reprisal or threat of reprisal, pursuant to IGDS No. 186 (Version 1) on Whistleblower Protection. The official was also invited to contact HRD in the event of difficult work environment in relation to his/her denunciation. To this date, the official has not submitted a formal complaint to the Ethics Officer.

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Monique Zarka-Martres

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