



International Labour Office

REPORT OF THE ETHICS OFFICER

1 January - 31 December 2012

Table of Contents

INTRODUCTION	2
PROMOTION	4
<i>Website</i>	4
<i>Ethics training</i>	4
CONSULTATION	4
<i>In general</i>	4
<i>Requests for advice</i>	5
WHISTLEBLOWER PROTECTION	7
<i>In general</i>	7
<i>The Whistleblower Procedure</i>	8
<i>Cases</i>	9

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 2006.¹

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 as Assistant Registrar in the ILO Administrative Tribunal, Legal Officer in the Office of the Legal Adviser, Coordinator of Policy Issues and, presently, Head of the unit on Labour Inspection, Labour Administration and Occupational Safety and Health in the International Labour Standards Department (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.

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

- (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.
 - (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 sixth report submitted by the Ethics Officer.
 5. The Ethics Officer has entered into regular dialogue with the members of the United Nations Ethics Network, which was established in 2010 and promotes 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.
 6. The Ethics Officer's functions cover three main areas: *promotion, consultation and whistleblower protection*.
 7. The three areas are addressed in the report separately.

PROMOTION

Website

8. The Ethics Office has created a functional website (in English, French and Spanish), dedicated to ethics, which is regularly updated and can be accessed at the following address:

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

9. In addition, the ethics website of the Turin Centre was launched in January 2012 (in English, French, Italian, Portuguese and Spanish). It can be accessed at the following address:

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

Ethics training

10. As noted above, the Ethics Officer has the responsibility to contribute to the creation and implementation of appropriate training programmes, in cooperation with HRD.
11. In September 2012, within the framework of the training workshop for ILO staff members serving on the Local Contracts Committee (LCC training), the Ethics Officer gave a presentation on “Ethics in Procurement”.
12. The presentation covered the following subjects: the conceptual framework of ethics at the ILO; the main responsibilities of the Ethics Officer’s mandate; why ethics is particularly important in procurement; and the relevant ILO instruments and documents. Three case studies were submitted to the participants for discussion.

CONSULTATION

In general

13. 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.
14. This is a 360-degree advisory function, since it embraces both the administration and officials whose interests are not necessarily the same.

15. 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.
16. 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."*).
17. 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

18. 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 contacted the Ethics Officer for advice on whether he/she could have responsibilities in a non-profit association engaged in national and international political debates regarding political movements stemming from World War II. No financial remuneration was foreseen. The Ethics Officer informed the colleague that he/she could be a member of this association; however, an active (or more militant) participation in this association raised the potential risk of he/she publicly expressing his/her convictions on controversial matters, which would be contrary to the obligations incumbent upon international civil servants, such as tact, reserve and discretion.
 - b) The Ethics Officer was consulted on the possibility for a staff member to take part in an official meeting of heads of state as part of the ILO delegation or as part of his/her national delegation. The Ethics Officer referred to paragraphs 8 and 9 of the Office Guideline IGDS No. 67 and suggested that the staff member request a special authorization from the Director-General to participate in this meeting as a member of the national delegation, that he/she should personally assume all financial obligations related to attending the meeting and take leave during this time.

- c) An official asked the Ethics Officer's advice concerning the publication of his/her autobiography, written in a private capacity and containing references to the ILO and his/her working life in the Office. The Ethics Officer informed the official that the publication of a book is considered as an outside activity, that it must contain a statement that the views expressed are those of the author and do not necessarily reflect those of the ILO, and that any mention of colleagues who could be easily identifiable should be avoided, unless their consent was obtained. She further advised that due to the potential financial gain, an authorization should be requested from HRD. She also recalled the obligation that the book should not contain any elements that could damage the ILO's reputation or any information concerning the ILO that should not be divulged.
- d) An official sought advice on the possibility of joining the Board of Directors of a humanitarian NGO on a voluntary basis. The Ethics Officer referred to IGDS documents on outside activities and occupations, namely Office Guideline No. 67, Office Procedure No. 70 and Office Directive No. 71 and informed the official that the objectives of the NGO seemed compatible with those of the ILO. However, she indicated that the executive and administrative functions of the Board of Directors, as well as the potential civil and penal liabilities that could arise from the exercise of such functions, constituted problems with regard to the status of an international civil servant. In these circumstances, it might have been preferable to envisage a simple membership of the NGO or an "advisory" function. The Ethics Officer further indicated that according to Office directive IGDS No. 71, such membership would qualify as an outside activity and that, according to Office Procedure IGDS No. 70, it would require prior written approval by the responsible chief.
- e) An official was appointed to serve in a governmental body of his country and sought advice on action to be taken. The Ethics Officer referred to IGDS documents on outside activities and occupations, namely Office Guideline No. 67, Office Procedure No. 70 and Office Directive No. 71 and advised that, according to paragraph 8 of Office Guideline IGDS No. 67, the envisaged membership to a governmental body raised problems with regard to the status of an international civil servant. However, she also informed the official that, pursuant to paragraph 9 of the same Office Guideline, the Director-General may grant an exception to the rule and that in this case, the concerned official should make it clear that he/she was not acting in his/her capacity as an international civil servant. She advised the official that a request for such an exception should be submitted through his/her responsible chief to the Director of HRD, as established under paragraph 8 of Office Procedure IGDS No. 70.

- f) A staff member inquired about the possibility of writing a thesis related to the organizational culture of the ILO. The Ethics Officer indicated that the project consisted of an outside activity that could not be carried out during working hours and that he/she had to avoid publicly expressing any view that could harm the reputation of the Organization. She also informed the colleague of the potential risk of breaching his/her obligations as an international civil servant, such as tact, discretion and respect of different cultures. She further advised that the staff member should request an authorization from HRD, providing them with all relevant details.

- g) An official received an honorific title and sought guidance on the action to be taken. The Ethics Officer referred to Chapter 1 of Staff Regulations and to IGDS documents on outside activities and occupations, namely Office Guideline No. 67, Office Directive No. 71. Under these rules “[A]n official may not accept any honour, decoration, remuneration, favour, gift or fee from any government or from any source external to the Organization without prior approval of the Director-General.” However, the official was also advised that according to paragraph 30 of Office Guideline IGDS No. 67, “[A]s a general rule, the acceptance of a decoration will be permitted only if it relates to services rendered during a period when you were not in the service of the ILO. If you cannot, without risk of embarrassment, refuse a decoration officially conferred upon you in respect of service as an ILO official, you should accept it in the name of the ILO and inform your higher level chief of the matter immediately.” The Ethics Officer understood that the honour related more to the official’s personal capacity than to his/her activity on behalf of the Office, and advised the colleague that he/she should request authorization from the Director of HRD through his/her responsible chief, providing all the details.

- h) Clarification was sought from the Ethics Officer regarding gifts received from government ministries during an official meeting. The Ethics Officer referred to Article 1.5 of Staff Regulations and advised that, taking into account the obligations of international civil servants, receiving gifts is embarrassing and should be avoided, to the extent possible. Such items should be delivered to DOSCOM.

WHISTLEBLOWER PROTECTION

In general

19. 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.

20. 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.
21. 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, including for consideration of possible disciplinary action.

The Whistleblower Procedure

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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

- 29. The Ethics Officer did not receive any complaints of retaliation during the reporting period.

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Monique Zarka-Martres

Ethics Officer