



International Labour Office

REPORT OF THE ETHICS OFFICER
1 January - 31 December 2011

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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 in force as of 1 May 2006.¹
2. From its establishment, the Ethics Office function 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. Ms. Zarka-Martres has been an ILO official since 1986, serving as Assistant Registrar in the ILO Administrative Tribunal and as Legal Officer in the Office of the Legal Advisor, before her appointment to the International Labour Standards Department (NORMES).
3. The ILO Ethics Officer is entrusted with the following responsibilities:
 - (a) To provide guidance to Human Resources Development (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.

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

- (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. 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, for consideration of possible disciplinary action.
4. It was decided that the Ethics Officer will report directly to the Director-General, to whom he/she will present a periodic report. This is the fifth 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 which promotes system-wide collaboration on ethics-related issues, with specific focus on the coherent application of ethics standards and policies throughout the United Nations System.
 6. In April 2011, the Ethics Officer, collaborated with the Office of the Legal Adviser (JUR) and HRD, with a view to submit suggestions to the International Civil Service Commission (ICSC) in the context of a review of the Standards of Conduct for the International Civil Service aimed at adapting the Standards of Conduct to new ethical challenges.
 7. The Ethics Officer's functions cover three main areas: *promotion, consultation and whistleblower protection*.
 8. Regarding promotion, the Ethics Officer provides guidance to ensure that ILO policies, procedures and practices are reinforced and clearly understood. In carrying out the promotion function, the Ethics Officer contributes to the creation and implementation of appropriate training programmes.
 9. Concerning consultation, i.e. the advisory function, the Ethics Officer counsels, upon request, managers and officials on questions of ethics, including ethical standards governing outside activities.
 10. Relating to the whistleblower protection function, the Ethics Officer is called upon to make a preliminary review of complaints from staff members who allege retaliation subsequent to reporting misconduct or cooperating with an

audit or investigation. This review is made in preparation for possible disciplinary action against the retaliator.

11. The three areas are addressed in the report separately.

PROMOTION

Website

12. The Ethics Office has created a dedicated and functional website (in English, French and Spanish) at the following address, which is regularly updated:

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

Ethics events

13. In July 2011, the Ethics Officer attended the third meeting of the United Nations Ethics Network in Vienna, Austria. Participants included ethics officers and practitioners representing the UN Secretariat, regional development banks, UN specialized agencies and international financial institutions. This initiative is part of a broad effort to enhance collaboration and coherence in the application of ethical standards.
14. Participants discussed key issues related to the role of the Ethics Office and the Ethics Officer, which affect all international organizations. Topics included financial disclosure, advisory functions, maintaining independence and autonomy, integrity and confidentiality. Attendees also collaborated on the development of a Compendium of Successful Practices.

Training and awareness raising materials

E-Learning

15. Since 2010, the Ethics Office has been developing an ethics e-learning programme, which became operational and was made available on the ILO's Ethics website in English, French and Spanish in September 2011. It consists of three modules, each taking between 15 – 30 minutes to complete. The first module identifies some common ethical dilemmas that arise in the workplace and offers guidance in terms of ethical decision-making. The second module contains an ethics questionnaire and the third module involves three model cases in which officials can test their ethical decision-making skills.
16. The e-learning module is intended to serve as an introduction to ethics for staff members before attending face-to-face seminars and provides them a valuable opportunity to familiarize themselves with potential ethical challenges. By undergoing e-learning ethics training, staff should be in a position to recognize ethical issues in their day-to-day work and respond appropriately.

17. The Ethics Office also collaborated with other departments in the design of the ILO's new Internal Governance and Accountability Programme. In partnership with FINANCE, HRD, PARDEV, PROCUREMENT and PROGRAM, the Ethics Office reviewed several interactive training scenarios for an online program which will become mandatory for all ILO officials upon its completion. Each scenario contains elements from the legal, gender, ethics, and risk management spheres, and demonstrates to the user how individual decisions can affect the ILO as a whole.

Ethics Brochure

18. A brochure entitled "The Ethics Office: An Introduction" was published in May 2011 and is intended to serve as a primer on the functions of the Ethics Office. It answers some general questions on the role of the Ethics Officer, particularly emphasizing how the Ethics Office can be a resource for ILO staff, while also making clear those functions that are not within the Ethics Officer's purview. The brochure is available on the ILO's ethics website, and in hard copy from the Ethics Office.

CONSULTATION

In general

19. 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.
20. This is a 360-degree advisory function, since it embraces both the administration and officials, whose interests are not necessarily the same.
21. 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 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.
22. Officials seeking guidance on 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 of 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"*).

23. Colleagues enquiring about outside activities received the advice of the Ethics Officer as to the suitability of the envisaged activity, and guidance on the appropriate procedure to be followed.

Requests for advice

24. The requests for advice covered a wide range of subjects. A sample of such requests includes the following representative cases:

- a) An official sought clarification on whether he/she could accept a medal of honour. The Ethics Officer advised that under Article 1.5 of the Staff Regulations "*An official shall not accept any honour, decoration, favour, gift or fee from any government or from any other source external to the Organization, unless in the opinion of the Director-General such acceptance is compatible with his status as an international civil servant*" However, as there was a risk of embarrassment, the official was advised that the medal could be accepted on behalf of the Organization. The practice is to deliver such items to DOSCOM.
- b) An official sought clarification as to whether he/she could take part in a demonstration against a national Government. The Ethics Officer made reference to Office directive IGDS No. 71 on rules governing outside activities and occupations, in particular to paragraph 12 which provides that: "*Officials ..., should not participate in political activities either in their home country or host country,...*" and to Office guideline IGDS No.67 on outside activities and occupations, in particular paragraph 4 which provides that: "*...you should avoid expressing your convictions publicly on controversial matters.*" She advised that the official therefore should abstain from taking part in the demonstration.
- c) An ILO official who worked on a part-time schedule requested advice on the compatibility of a semi-lucrative business (half of the benefits were to be donated to a charitable association). He/she wanted to advertise on the website of the ILO, put up posters in the ILO and use the premises of the Organization for his/her business. The Ethics Officer advised that the intended activity was not possible, as officials should not use the premises of the Organization for a private business or take advantage of their functions at the ILO for financial gain. Furthermore, the intended activity ran the risk of interfering with the activities of the Office. The Ethics

Officer advised that if the official intended to carry out his/her business, permission should be sought from HRD and he/she should conduct it outside of the Organization, during his/her personal time, while avoiding any connection with his/her functions at the ILO

- d) A staff member wanted to participate in an election observation exercise organized by a neutral and independent administrative body, outside working hours, on a voluntary basis and involving merely symbolic compensation. The Ethics Officer advised that such an activity would in principle raise no ethical concerns, but that: (a) in the event that the administrative body were to be involved in any legal dispute, the colleague should bear in mind his/her status as an international civil servant and never be directly involved in such a dispute; and (b) concerning the requirement of an oath by the administrative body, as he/she could not be exempted, he/she was advised to communicate the text to JUR for review.

- e) An official contacted the Ethics Officer for advice on whether his/her envisaged acceptance of an honorary award for good leadership given on behalf of an employer's NGO would pose an ethical problem. The Ethics Officer advised that, as the NGO in question was not neutral and independent, accepting the honour would raise compatibility problems with the status of international civil servant.

- f) An official requested guidance on whether he/she could serve on the Board of Directors of a Scouts Association. Referring to Office directive IGDS No. 71 on rules governing outside activities and occupations, the Ethics Officer advised that, in so far as the relevant activities took place outside working hours, were not related to the work of the ILO and were not remunerated, such an activity would not raise any ethical concern and would not need to be authorized.

- g) A staff member inquired about the possibility of taking part in a TV game, during a period of unpaid leave. The Ethics Officer advised that he/she should ensure that his/her participation in such a show would not adversely reflect on the reputation of the Organization, and that any expressions made during the game should be made with the tact, reserve and discretion incumbent upon ILO officials.

- h) Clarification was sought from the Ethics Officer regarding the possibility of a new ILO recruit to maintaining his/her outside activities, which would take place outside working hours and were not remunerated. His/her functions included, amongst others, the position of president of a professional organization, vice-president of an NGO, member of the Board

of Directors of a company, member of the board of a national committee and juror in a national court. The Ethics Officer indicated that, while further information was required on the nature of some of his/her activities, taken as a whole, these activities seemed to require considerable personal investment, and were therefore not compatible with a full-time position in the ILO.

- i) The Ethics Officer was contacted with regard to an offer by one of the Organization's institutional suppliers, which proposed to offer discounts on certain items that ILO officials might purchase for personal use. In response, the Ethics Officer made reference to IGDS Office Guideline No. 68 regarding "Conflicts of Interest," and advised that given the existing and potential future contractual relationship between the ILO and the supplier, there was the potential for a conflict of interest to arise from this offer.

- j) The Human Resource Services (HRS) department at the ITC-ILO sought clarification regarding officials whose personal activities/hobbies (such as writing books, painting, or collecting valuable items) might give rise to financial gain, although they were not carried out during official working hours, did not pose a conflict of interest and did not relate to the Organization's activities. The Ethics Officer indicated that the relevant provisions were found in ITC-ILO Circular HRS 28/2008 on "Rules and Approval Governing Outside Activities," and suggested that any official who chose to undertake such activities should provide HRS with detailed information to allow the Department to verify that the activity was not commercial and that there was no conflict of interest.

WHISTLEBLOWER PROTECTION

In general

- 25. 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.

- 26. 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, such as those referred to in the Office directive "Ethics in the Office," IGDS No. 76 , paragraphs 18 and 19.

27. The Ethics Officer's role is limited to making a preliminary review of complaints by 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

28. The procedure for the protection of whistleblowers is outlined in IGDS Office procedure No. 186, and was created with the goal of ensuring fairness, respect for the rules of due process and confidentiality during the investigation of a complaint.
29. 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.
30. 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 risks 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.
31. 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.

32. 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.
33. The Ethics Office consulted with other units concerned and the Staff Union before issuing the procedure on Whistleblower Protection.

Cases

34. During the relevant period, the Ethics Officer did not receive complaints of retaliation which required protective measures.
35. However, during the period covered by this report, the Ethics Officer was informed of a few cases of alleged misconduct by a superior or colleague, brought to her attention as a precautionary measure in addition to, or before the reporting of such misconduct to the competent authority. 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. No formal request for protective measures by the Ethics Officer followed.

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Ethics Officer