



International Labour Office

REPORT OF THE ETHICS OFFICER

1 January - 31 December 2010

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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). During the period covered by the present report, she was Coordinator of Policy Issues in 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 fourth 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 a system-wide collaboration on ethics-related issues, with a specific focus on the coherent application of ethics standards and policies throughout the United Nations system.
 6. The Ethics Officer's functions cover three main areas: *promotion, consultation and whistleblower protection*.
 7. 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 programs.
 8. Concerning consultation, i.e. the advisory function, the Ethics Officer counsels, on request, managers and officials on questions of ethics, including the ethical standards which govern outside activities.
 9. 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 their reporting misconduct or cooperating with an audit or investigation. This review is made in preparation for possible disciplinary action against the retaliator.
 10. The three areas are addressed in the report separately.

PROMOTION

Website

11. 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 training

12. As noted above, the Ethics Officer has a responsibility to contribute to the creation and implementation of appropriate training programmes, in cooperation with HRD.
13. During the “ILO Orientation Workshop for New ILO Officials” (22-25 November 2010), within the framework of the “ILO Accountability Framework”, the Ethics Officer delivered a presentation on “Ethics at the ILO”. The “ILO Accountability Framework” was a joint exercise by EDMAS, FINANCE, POGRAM, HRD and the Ethics Office to introduce to new ILO officials a formalized concept of accountability at the ILO. This cross-departmental effort focused on promoting the ILO’s accountability framework as established in two recently issued IGDS documents: the Director-General’s announcement on the ILO Accountability Framework (IGDS No. 137 of 15 January 2010) and the Office Guideline on the ILO Accountability Framework (IGDS No. 195 of 25 October 2010).
14. In her presentation, the Ethics Officer outlined the conceptual framework of ethics at the ILO and the main responsibilities of her mandate. In her presentation, she drew the attention of participants to the ILO e-learning module on ethics (available on the Ethics webpage) and invited participants to submit their suggestions and comments for improvements, with the aim of making the module as functional and user-friendly as possible.

Awareness raising materials

15. After consultation with the units concerned and the Staff Union, the Office Procedure “Ethics in the Office: Whistleblower Protection” was issued as IGDS Document No. 186 on 8 September 2010. (*See also below: “Whistleblower Protection.”*). Moreover, IGDS Guideline No. 195 on the ILO Accountability Framework, on which the Ethics Officer was consulted, was published in October 2010.

CONSULTATION

In general

16. 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.
17. This is a 360-degree advisory function, since it embraces both the administration and officials, whose interests are not necessarily the same.
18. 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.
19. 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 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."*).
20. 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

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 requested guidance as to whether the selling of cosmetic products as a freelance salesperson outside ILO working hours required authorization by HRD. The Ethics Officer informed the official that such activity required authorization by HRD, which in such matters had a high level of discretion. She further suggested that it might be difficult for HRD to authorize such an

activity considering that it involved remuneration and ran the risk of adversely reflecting on the reputation of the ILO.

- b) An official sought clarification regarding an envisaged visiting professorship (seminars on topics related to ILO work) during a period of annual leave for which a subsistence allowance as well as the coverage of travel costs were offered by the university in question. The Ethics Officer indicated that although no financial remuneration was foreseen, the envisaged activity consisted in an outside activity, and that the staff member should request authorization from HRD.
- c) An official asked the Ethics Officer's advice before conducting an interview in his/her private capacity to be published in a newspaper in his/her country of origin. The Ethics Officer indicated that guidance should be sought from DCOMM if the ILO were to be mentioned or possibly commented on in the interview. In addition, IDGS guideline No. 67 on outside activities advises that while Officials may be authorized to publish material related to the Organization under their own name in outside publications, the publications should state that the views expressed are not necessarily those of the ILO.
- d) An official contacted the Ethics Officer for advice on the compatibility of various outside activities with the functions of an ILO official. The Ethics Officer referred to the IGDS documents on outside activities and occupations, namely Office directive No. 71, Office guideline No. 67 and Office procedure No. 70. She specified that for cases requiring authorization (see below), all the details concerning the activity or occupation should be disclosed either to the responsible chief or to HRD, including any financial remuneration.
 - The first activity concerned membership of the board of a national council for disabled persons. The Ethics Officer informed the colleague that this activity was clearly outside the normal course of duties and that the function in question might be related to the work of the Organization and thus would require prior written approval by the responsible chief.
 - The second activity concerned a position in a national sporting federation. The Ethics Officer advised that such an activity did not require HRD authorization, provided that it was undertaken outside working hours and was not remunerated.
 - The third activity concerned involvement—on a voluntary basis and during the period of annual leave—in the evaluation of businesses in the framework of annual national business excellence awards. The Ethics Officer advised that such an activity requires approval by HRD, which would assess, among other aspects, whether such an activity would pose a possible reputational risk for the Organization.

- e) A manager contacted the Ethics Officer for guidance on how to respond to a request from one of his/her staff members for permission to contest a parliamentary seat in his/her country of origin and take unpaid leave for that purpose. While informing the colleague that the final decision on outside activities and unpaid leave falls within the competence of HRD, the Ethics Officer made reference to Office directive IGDS No.71 on rules governing outside activities and occupations, and in particular to paragraph 12 which provides that “*Officials, while retaining the right to vote, should not participate in political activities either in their home country or host country, such as standing for or holding political office...*” as well as paragraph 6, which provides that “*[t]he Directive applies to all ILO officials, whether they are...on paid or unpaid leave.*” The Ethics Officer also drew attention to Article 1.6 of the ILO Staff Regulations, requiring any official who becomes a candidate for a public office of a political character to resign from the Office.
- f) A staff member requested guidance on whether ILO officials could commercially publish and launch books or pamphlets written in a private capacity and unrelated to the work of the ILO. The Ethics Officer referred to Article 1.2 of the Staff Regulations regarding conduct befitting international civil servants, Article 1.5 of the Regulations regarding accepting fees from outside sources, and IGDS documents Nos. 71, 67 and 70 and on outside activities. She advised that such an activity would generally be considered as a permissible outside activity. However, the publication of such materials should not adversely reflect on the reputation of the Organization, and if the publication identifies the official’s affiliation to the ILO, it must be stated that the views expressed are those of the author and not necessarily those of the ILO.

In view of the presumptive financial gain, a request for permission, with details on the expected income, should be submitted to HRD through the responsible chief.

- g) An official sought clarification after receiving a gift from a government minister, which he/she had accepted in order to avoid causing offence. The Ethics Officer advised that officials may accept souvenirs without commercial value. If the gift had more than a nominal value, and if it was not possible to refuse it without risk of embarrassment, it should be regarded as having been received in the name of the Organization. The practice is to deliver such items to DOSCOM.

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 is limited to 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 for 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 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.
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. The Ethics Officer did not receive any complaints of retaliation during the reporting period.

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Monique Zarka-Martres

Ethics Officer