



International Labour Office

**REPORT OF THE ETHICS OFFICER
1 May 2008 - 31 December 2009**

Table of Contents

INTRODUCTION.....	1
(I) PROMOTION	3
Website	3
Ethics training	3
Training and awareness raising material	4
<i>Principles of Conduct for Staff of the International Labour Office</i>	4
<i>E-Learning</i>	5
<i>Ethics Brochure</i>	5
(II) CONSULTATION.....	6
In general.....	6
Requests for advice	7
(III) WHISTLEBLOWER PROTECTION	11
In general.....	11
The Whistleblower Procedure.....	11
Cases	12

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 increase the accessibility for officials who wish to report non-compliance of ethical 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 and in force as of 1 May 2006.¹
- 2) The Ethics Office function was entrusted to then Deputy Legal Adviser, Mr. Guido Raimondi (now Legal Adviser) with the following responsibilities:
 - a) To provide guidance to 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.
 - 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:

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

- 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 third report submitted by the Ethics Officer.
- 4) The Ethics Officer's functions cover three main areas: *promotion*, *consultation* and *whistleblower protection*.
- 5) 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. In carrying out the promotion function, the Ethics Officer contributes to the creation and implementation of appropriate training programs.
- 6) Concerning consultation, i.e. the advisory function, the Ethics Officer counsels, on request, managers and colleagues on questions of ethics, including ethical standards governing outside activities.
- 7) Last, but not least, is the whistleblower protection function. In this function the Ethics Officer is called upon to make a preliminary review of complaints of staff members 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.
- 8) The three areas are addressed separately.

(I) PROMOTION

Website

- 9) The Ethics Office has created a dedicated and functional website (in English, French and Spanish) at the following address:
<http://www.ilo.org/public/english/ethics/index.htm>
- 10) The website is regularly updated and in 2009 received an extensive overhaul aimed at increasing interactivity with ILO staff members.

Ethics training

- 11) The Ethics Officer has, as stated above, a responsibility to contribute to the creation and implementation of appropriate training programmes, in cooperation with HRD.
- 12) Training materials have been prepared, and a number of workshops have been organized and conducted which have trained "volunteer trainers".
- 13) In October and November 2009, the ethics training program was revised. Specifically the program was adapted from a full day seminar into a three and one half hour seminar, in hopes that it would better fit the schedules of ILO staff members and thereby increase the number of staff members who volunteer to take part in ethics seminars.
- 14) All previous trainers have been contacted and a refresher training seminar has been delivered to two groups of trainers, on the 1st and 2nd of December 2009. The goal of the refresher training seminar was to educate and inform existing trainers on how to effectively deliver the revised three and one half hour training program. During the refresher training the participants agreed on two different programme styles for delivering the training: one structure and content-based and the other case-based. The content covered remains the same for each programme to ensure quality and consistency, however, the way the programme is delivered reflects two different approaches:
 - a) The case-based approach uses an inductive method - starting with the study of practical case study, the participants derive abstract principles and steps to be followed in the ethical decision making process.
 - b) The second approach is based on a deductive method and consists of providing participants all of the theoretical concepts before approaching an ethical dilemma and trying to solve a concrete case.

These two approaches are more extensively detailed in the new set of facilitator notes that have been prepared by an external consultant charged with training ILO facilitators.

- 15) Furthermore, during the training, a draft version of an e-learning course has been tested by the participants, who then provided suggestions and comments for improvements, with the aim of making the course as functional and user- friendly as possible. The e-learning course will be finalized and implemented into practice in early 2011.

Training and awareness raising material

- 16) As far as the material is concerned, apart from the specific tools used in the "training of trainers" programme, the Office has prepared the following material: an up-dated version of the Principles of conduct for Staff of the International Labour Office, the above-mentioned e-learning component, and a brochure providing an introduction to the tasks of the Ethics Office.

Principles of Conduct for Staff of the International Labour Office

- 17) The booklet on the *Principles of Conduct for Staff of the International Labour Office* has been up-dated and redesigned with some editing and textual improvements. A copy of this booklet, available in English, French and Spanish, has been distributed to all staff members at headquarters and in regional offices in December 2009. The Principles are also available in an electronic version on the website of the Ethics Office.
- 18) The Principles are not, obviously, binding rules, because they have been prepared and issued under the sole direction of the Ethics Officer. As they clearly state, they are not intended to replace the legally binding rules that are relevant in the field of Ethics.² Their function is to present in a friendly and accessible manner the main existing rules in the field of ethics. They

² These formal texts are, basically: the ILO Constitution, in particular its article 9; the ILO Staff Regulations (Chapter I); the Standards of Conduct in the International Civil Service, 2001; and various rules, in particular, the Financial Rules and the following relevant documentation: Circular on inappropriate use of contracts in the Office, Series 6, No. 630, 10 July 2002; Circular on sexual harassment policy and procedures, Series 6, No. 543(Rev.1), 29 September 2004; Circular on employment and other types of contracts with close relatives of ILO officials, Series 6, No. 666, 4 April 2007; Office Directive on ethics in the office, IGDS No. 76, 17 June 2009; Office Directive on rules governing outside activities and occupations, IGDS No. 71, 17 June 2009; Office Procedure on approval procedures for outside activities and occupations, IGDS No. 70, 17 June 2009; Office Guideline on outside activities and occupations, IGDS No. 67, 17 June 2009; Office Directive on anti-fraud policy, IGDS No. 69, 17 June 2009; Office Guideline on conflicts of interest, IGDS No. 68, 17 June 2009; Office procedure on Register of financial interests and related party disclosures, IGDS Number 117, 1 December 2009. Consult the web site of the Ethics Office: <http://www.ilo.org/public/english/ethics/>.

are a tool intended to help staff members in recognizing ethical issues that arise in a number of situations, and provide guidance to staff members in applying proper ethical decision making, thus maintaining the standard of conduct expected by international civil servants.

- 19) The booklet contains 10 Principles, each of which is annotated with a number of explanations. The Principles address the major ethical challenges which each of us, as ILO officials, may be confronted with during our employment.
- 20) In particular, the Principles are grouped under eight headings: Guiding Principles and Values, Working Relations, Security and Safety, Use and Protection of Information and Resources, Protection of Persons and of the Image and Interests of the ILO, Harassment Principles, Gifts, Honours, Remuneration from Outside Sources and Outside Activities.

E-Learning

- 21) The above-mentioned ethics e-learning component was created in July 2009 and finalized in December 2009. It consists of three modules, each taking approximately fifteen to thirty minutes to complete. It contains an ethics questionnaire and three model cases involving ethical dilemmas.
- 22) The e-learning component will serve as an introduction to ethics for staff members before attending face-to-face seminars. It is the hope of the Ethics Office that staff members undertaking the e-learning ethics training will then enrol in the three and a half hour in person seminar, to increase their ability to apply ethical decision making to their work in the Office.

Ethics Brochure

- 23) In 2009, the Ethics Office also designed an ethics brochure which will be finalized in 2010 and made available to ILO staff members. The brochure is intended to serve as the very first introduction to the functions of the Ethics Office. It answers some preliminary and general questions on the tasks of the Ethics Office, particularly emphasizing how the Office can be useful and helpful to all staff members of the ILO.

(II) CONSULTATION

In general

- 24) 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, particularly as far as outside activities are concerned, but rather to provide interested officials with guidance before they initiate the formal procedure, where appropriate.
- 25) This is a 360-degree 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 then-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.
- 26) The Ethics Officer received 11 requests for advice in this connection during the period under review.
- 27) During the first year of the Ethics Office, clarification was required on the role of the Ethics Officer, as far as his advisory function is concerned. A number of requests for advice were received by the Ethics Office which related to ethical issues not pertaining to the requesting official, but rather on the possible wrongdoings of another colleague(s). Also, a number of colleagues confused the consultation function of the Ethics Officer, and the formal procedure required for authorization concerning outside activities.
- 28) Needless to say, colleagues seeking guidance on other colleagues' behaviour were strongly encouraged to report possible wrongdoing through the appropriate mechanisms, in particular HRD. All colleagues enquiring about external activity issues received the advice of the Ethics Officer as to the suitability of the envisaged activity, and guidance on the appropriate procedure to be followed.
- 29) It was clarified that the consultation of the Ethics Officer about outside activities does not replace any formal procedure referred to in the relevant ILO rules set out, in particular in the new Office Directive on rules governing outside activities and occupations, IGDS No. 71, as well as in the Office Procedure on approval procedures for outside activities and occupations, IGDS No. 70 and the Office Guideline on outside activities and occupations, IGDS No. 67, all of 17 June 2009. The Ethics Officer further

clarified that the consultation of the Ethics Officer is confidential under normal circumstances, and aims to provide guidance to an official while she/he is deciding whether to initiate a formal procedure or not.

Requests for advice

30) The requests for advice touched a wide range of subjects. Some of these subjects include:

- a) A colleague contacted the Ethics Office in early May 2008 to request clarification of Circular 6/668 in order to determine whether or not she could coach a football team. As the activity was not related to ILO work functions and took place outside of office time, the Ethics Officer informed the staff member that her outside activity was acceptable.
- b) A colleague contacted the Ethics Office about serving as a reporter of work and labour decisions to a journal outside of the ILO. The Ethics Officer offered guidance, clarifying the definition of "higher level chief" found within the relevant circulars, and assisted the colleague in identifying the appropriate avenue in which to seek permission.
- c) In mid-September 2008, a colleague contacted the Ethics Officer for clarification. The colleague was undertaking a Masters program and had papers which were to be published. She was wondering whether publishing papers on environmental topics would conflict with her duties as an ILO official. The Ethics Officer advised that it would not, however a standard disclaimer such as the following should be included:

*"The views expressed herein are those of the author(s) and do not necessarily reflect the views of the International Labour Organization."*³

- d) In late 2008 an ILO staff member contacted the Ethics Office requesting guidance with regard to an external activity. The colleague had been selected to serve a benevolent role with no remuneration as a regional advisor to a local credit institution. The Ethics Officer directed the official to the relevant circulars and warned the individual to be vigilant in regards to the type of activities that he would undertake. The Ethics Officer warned that the time commitment may raise the external activity to an occupation rather than an activity.

³Office Procedure IGDS Number 70 (Version 1) on Approval procedures for outside activities and occupations, 17 June 2009.

- e) In mid-November 2008, a colleague contacted the Ethics Office for guidance relating to another colleague holding two positions which appeared to give rise to a conflict of interest. The Ethics Officer advised the colleague to delicately raise the issue with his colleague and draw her attention to the relevant circular pertaining to conflicts of interest.⁴
- f) In early-March 2009 an ILO official contacted the Ethics Office to request clarification on whether or not he needed permission to have his name, and a brief acknowledgment included by an author of a book which he edited. The Ethics Officer informed the staff member that he should have had such approval prior to editing the book, and if he would like to have his name acknowledged by the author this will also require approval.
- g) In mid-March 2009 an ILO staff member contacted the Ethics Office to request clarification on whether or not she could sit as a trustee of an NGO being developed to focus on addressing the needs of children suffering from Down Syndrome in an African country. The Ethics Officer requested further information to determine whether the activity would violate the relevant circular and, upon receipt of such information, he advised that it would not.
- h) In late-April 2009 a staff member contacted the Ethics Officer for clarification. The colleague had been informed by his office director that a conflict of interest was recognizable in the fact of receiving a tender from his wife for a project the office was working on. The ILO staff member's wife would be submitting her bid as an external consultant. The Ethics Officer identified the relevant circular and informed the staff member that just being a 'spouse' of an ILO official is a conflict of interest, which needs to be disclosed, but not necessarily an absolute impediment to her submitting a bid for the project.
- i) In mid-June 2009 an ILO staff member contacted the Ethics Officer for clarification. His office was in the process of recruiting a temporary staff member for a project. He asked his sister-in-law, who was studying in a field that aligned with the needs of the office, for any potential candidates. His sister- in-law referred three candidates to him and the office tried to contact all three, yet only got a hold of one. Later the staff member learned that the individual hired for the project was the steady boyfriend of his sister-in-law and they would soon be married. The Ethics Officer advised that his sister-in-law's fiancé may fall under the relevant IGDS - number 68 on Conflicts of Interest - in that both "close family ties" and a "close personal relationship" are relevant in this

⁴Now *Office Guideline on Conflicts of Interest*, IGDS Number 68, 17 June 2009.

situation. The Ethics Officer advised that the staff member report the situation to HRD for guidance.

- j) In late-June 2009 a colleague contacted the Ethics Officer for clarification regarding an outside activity. The staff member's wife operates a hotel and restaurant in her hometown. The establishment was operated by a local manager. While the establishment was in no way connected to ILO activities the staff member could not deny that ILO or UN staff may stay at the hotel and asked whether this activity needed to be reported. The Ethics Officer informed the staff member that it did not violate the circulars and therefore did not need to be reported.
- k) In mid-August 2009 a colleague contacted the Ethics Officer in order to ask a clarification on the precautions a staff member is supposed to adopt, while publishing a book written before being appointed in the ILO. The Ethics Officer drew the attention of the staff member to paragraph 9 of the Office Procedure IGDS Number 70 (Version 1) dated 17 June 2009 on "Approval procedures for outside activities and occupations", which provides that officials have to submit any article, book or other material related to ILO before publication to higher level chief, and to add a disclaimer specifying that the document reflects only the author's personal views. In addition, the Ethics Officer clarified that these rules apply also to works prepared before the appointment in the ILO.
- l) In October 2009 an official asked the Ethics Officer's advice on his participation in a Conference organised by another UN Agency, which was not part of his core activities. He also specified that the organiser of the conference would have been responsible for his travel. The Ethics Officer explained to the staff member that this represented an outside activity that required the approval of the responsible chief. Furthermore, in the event the official was subject to the Register of Financial Interest Policy, he had to declare the advantages received by the sponsors.
- m) In December 2009 a colleague requested the Ethics Officer's advice on a possible conflict of interest. The person was a shareholder in a company operating in the aviation sector. One of the aircraft of this company was used on occasion by UN Agencies and UN projects. The staff member asked the Ethics Officer whether or not this situation raised a conflict of interest. The Ethics Officer informed the official that no conflict of interest seemed to arise from the described situation, firstly because she was a simple shareholder with no executive responsibilities and,

secondly, as an ILO official she was not supposed to make any decision concerning the possible hiring of aircrafts.

(III) WHISTLEBLOWER PROTECTION

In general

- 31) 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 (whistleblower protection), in order to promote and encourage officials to report cases of disregard for these standards without fear of retaliation.
- 32) However, as stated above, the Ethics Office will not replace 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. To be clear, this means that the Ethics Officer is not a mechanism for reporting misconduct.
- 33) 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 of misconduct or cooperating with an audit or investigation.
- 34) This preliminary review may ultimately lead to the referral of the matter to HRD for consideration of possible disciplinary action. This may appear as a relatively weak mechanism; however the possible referral to HRD would be a "qualified" referral, thus carrying some weight.

The Whistleblower Procedure

- 35) During 2009, in furtherance of Office Directive No. 76 (Version 1) of 17 June 2009 entitled "Ethics in the Office", the Ethics Officer drafted, in consultation with the Task Team on Reform, a procedure concerning the procedural steps to be taken in the framework of the protection of whistleblowers. This draft IGDS document, to be finalized in 2010, clarifies the procedure which the Ethics Officer will follow in reviewing a complaint of retaliation submitted by a staff member. The procedure was created with the goal of ensuring fairness, respect of the rules of due process and confidentiality during the investigation of a complaint.
- 36) The procedure has been drafted taking into account the need, already mentioned in the last report, to appropriately protect not only the staff member alleging retaliation, but also 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 against whistleblowers,

thus playing a fundamental preventative role. On the other hand, a proper procedure encourages staff members to report wrongdoings that would otherwise remain undisclosed due to the fear of unpunished retaliation.

- 37) 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 his written comments.
- 38) A specific provision granting the confidentiality of the procedure has also been included, providing the Ethics Officer with the discretion to decide to release the final recommendation to other parties, having given a previous notice to the retaliator and the complainant, and having provided them with the opportunity to comment on such release.
- 39) Finally, the procedure also includes the possibility for external contractors or other individuals engaged in dealings with the Organisation, to file a complaint to the Ethics Office if they find themselves the victims of retaliation. The Ethics Office can then decide whether to make a qualified referral to HRD recommending disciplinary action.
- 40) The Ethics Office considered it appropriate to consult, before issuing the Procedure, the Staff Union of the ILO.

Cases

- 41) The Ethics Officer has not received complaints of retaliation during the relevant period.

* * *

Geneva, 20 April 2010

Guido Raimondi Ethics Officer