

INTERNATIONAL LABOUR OFFICE

COMMITTEE ON ACCOUNTABILITY

Rules of Procedure

Introduction

1. In order to ensure that the investigative process carried out by the Committee on Accountability (the Committee), established under Article 13.30 of the Financial Rules, is conducted in accordance with the principles of natural justice and fairness, the Committee has drafted the following procedural rules, which have been approved by the Director-General.

Mandate

2. The Committee investigates allegations of financial and administrative irregularities referred to it by the Treasurer and Financial Comptroller pursuant to Article 13.30 of the Financial Rules.

3. The Committee is authorized to examine cases of fraud, presumption of fraud and attempted fraud referred to it by the Treasurer and Financial Comptroller. It is also empowered to examine cases referred to it by the Treasurer and Financial Comptroller of dishonesty, negligence or disregard of established ILO procedures or directives which resulted, or could have resulted, in financial or other loss to the ILO or damage to ILO property.

4. The mandate of the Committee is to establish the facts of cases referred to it, determine the cause of, and responsibility for, any loss to the Office. It makes appropriate recommendations relating to reimbursement, referral to the unit responsible for disciplinary action and authorizing the writing-off of losses.

Composition

5. The Committee consists of four members, including a Chairperson nominated by the Director-General and three other members consisting of a representative of HRD, a representative of JUR and a representative of FINANCE nominated by the respective Department Directors. Subject to paragraph 6 and 7 below, the Committee cannot validly deliberate unless all its members, including the Chairperson, are present. The Committee Secretary is the HRD Legal Officer, who is not a member of the Committee.

6. In the event of an actual or potential conflict of interest involving the Chairperson, the latter will bring this to the attention of the Committee prior to commencing consideration of the case. The Chairperson will not deal with the specific case under investigation and an alternative Chairperson will be appointed by the Director-General for the specific case.

7. In the event of an actual or potential conflict of interest involving a Committee member or the Committee Secretary, the officials concerned are obliged to bring this to the attention of the Committee before the investigation commences and be recused from dealing with the specific case under investigation. The relevant department Director will be invited to nominate a substitute.

8. The Chief Internal Auditor or a representative may attend committee meetings in a consultative capacity. The Committee may also request attendance of representatives from other departments or services, on an ad hoc basis, in order to facilitate its work.

The procedure before the Committee

9. Once a matter has been referred to the Committee by the Treasurer and Financial Comptroller, the Secretary forwards to the Committee the relevant documentation to be examined. The first task of the Committee is to determine whether the case falls within the scope of Article 13.30 of the Financial Rules and/or ILO Circular Number 223, Series 2 dated 21 February 2005 establishing the Committee, or whether the matter should be dealt with by another body. If the Committee determines that the matter is not receivable and/or should be dealt with by another body, it will advise the Treasurer and Financial Comptroller of its determination in writing.

10. If, after an initial assessment of the matter, the Committee determines that additional information is necessary, the Committee may request additional information from the appropriate unit.

11. For purposes of carrying out its mandate under the Financial Rules, the Committee has authority to request access to information from the Office, including documents and electronic information, as well as to obtain information from officials, in relation to the facts at issue. Officials are required to cooperate with requests for information from the Committee and must respond fully to such requests.

12. The Committee also makes an initial determination regarding whether:

- (a) the case is to be dealt with as a matter of urgency;
- (b) there is a need for further investigation or inquiry; or whether
- (c) there is a need to call any witnesses in addition to the official(s) concerned.

13. The official(s) concerned are notified of the referral of the matter to the Committee within one month and are advised of the allegations made. If an investigation is ongoing and could be jeopardised by such a notification, the Committee may decide to delay notification until it has concluded its preparatory work. At the time of notification the official(s) concerned are given a copy of these procedures and informed of any relevant information at the Committee's disposal. The official(s) are provided with an opportunity to respond either in writing or orally, as the Committee may deem appropriate in the circumstances, to the allegations made. The official(s) will be given one month within which to respond to the Committee.

This one month period may be extended by the Committee in exceptional circumstances. Failure of the official concerned to respond within the allotted time frame shall not delay the investigation.

14. The Committee would normally conduct its examination of the case and issue its report within three months of referral.

15. The report is issued to the Treasurer and Financial Comptroller for transmittal to the Director-General. The report shall contain:

- (a) a summary of the procedure before the Committee,
- (b) a summary of the facts established by the Committee, including reference to the document(s) or statements on which the facts are based,
- (c) the Committee's conclusions regarding the cause of any loss to the Office,
- (d) the recommendations of the Committee made on the basis of the facts established, including recommendations relating to further action to be taken, which may include reimbursement, referral to the unit responsible for disciplinary action, authorizing the writing-off of losses, and
- (e) in a more general context, as the Committee may deem appropriate, lessons to be drawn from the case.

16. The official concerned will receive a copy of the final report of the Committee as part of any disciplinary action, should such action be commenced on the basis of the report.

17. The work of the Committee is strictly confidential and officials from whom information is sought are cautioned to strictly maintain that confidentiality. Any breach of confidentiality will be deemed to constitute misconduct and may give rise to disciplinary action.

18. The Committee produces a summary report of its activities at the end of each year. This summary report is published on the Transparency and Accountability page of the ILO public website.

19. These Rules of Procedure have been drafted by the Committee and approved by the Director-General. They are applied by the Committee under the authority delegated to it by the applicable Financial Rules.