

## **Information session on Ethics in the Office**

Governing Body Room, 19 May 2006, 11h30

Presentation by G. Raimondi

It is not my feeling that the set of measures introduced by the Director-General with the new Circular No 6/662, "Ethics in the Office", has been imposed by the need to counter a difficult situation in this connection.

On the contrary, I firmly believe that a culture of integrity and high ethical standards not only already exists in this house, but is deeply rooted in the conscience of its officials.

This is a value-based organization, and the values on which it relies are widely shared amongst the staff, inspire their behaviour, motivate them and are an important part of the satisfaction that they derive from the accomplishment of their work. This was the impression that I received when I joined the Office some years ago, coming from the judicial world, and it has been confirmed by my experience here.

These new measures, therefore, are certainly not intended to build this culture from ground zero. The idea is to increase the level of awareness of ethical issues and to provide assistance to all colleagues and units on these matters.

It is not a secret that this kind of action is not taken by the ILO in isolation. Important steps have been made by the United Nations in this direction, and this obviously does not come out of the blue.

Member states of the organizations of the UN system are the more and more sensitive on these issues and their expectations are also increasing. The debate at the last Governing Body in March on the declarations made by the Director-General before the PFA Committee, when he announced, among other things, a number of initiatives to enhance integrity and ethical standards in the Office, including the appointment of an Ethics Officer, showed that the same expectations are shared by the tripartite constituents of this Organization, with a notable nuance, namely, and I quote from one of the most important interventions, "as long as tripartism was fully taken into account... ».

No doubt the tripartite nature of our Organization is not neutral even in this ethical connection.

One example, the most obvious, coming in my mind, concerns the position of our ACT/EMP and ACTRAV colleagues. I know that some concerns have been expressed, in particular, on the issue of the disclosure of interests, for which a specific form, which is supposed to be filled by all serving officials in January 2007, is attached to the Circular. In particular, the second question of the form was considered as possibly problematic.

The question is the following:

« Have you any links with Government, Worker or Employer representatives or persons engaged in ILO oversight that could have, or could be perceived to have, an impact on your objectivity or independence in the performance of your duties? »

First of all I have to say, and this concerns not only ACT/EMP and ACTRAV colleagues, but all of us, that we are not supposed to work in isolation from our tripartite constituents, Governments, Employers and Workers, and contacts with the three of them in the context of our professional duties are quite normal and do not raise, as such, an ethical issue.

Furthermore, our ACT/EMP and ACTRAV colleagues are called upon, under the mandate they received from the Office, to assist the social partners, which means 50% of the voting power in the decision making bodies operating in the ILO. Their links with the Employer and Worker representatives, respectively, are therefore a part of their professional duties. It would seem to me crystal clear that those links could not have, and could not be perceived to have, an impact on the objectivity or independence in the performance of those colleagues' duties. I would say more on the objectivity and independence aspect. Obviously the social partners' positions are neither objective nor independent. This does not mean, however, that our ACT/EMP and ACTRAV colleagues cannot assist them in preparing and presenting those positions, because that's precisely a part of their mission as international civil servants. Objectivity and independence mean, in that connection, that our colleagues – like all of us in general – should not be guided, in that action, by considerations other than those inspired by their professionalism as ILO officials.

Maybe I went ahead too fast. I know that there are several other questions floating in the air, and I'll try to address them in this introduction and during the debate. Before that, however, I should like to give you some elements on the tasks of the new Ethics Office and on my

current reflections on the problems linked with its start. I took the question linked to peculiar tripartite nature of the Organization first because it does seem to me the most important point which needs to be clarified in the aftermath of the entering into force of the Circular.

Coming to the tasks of the new Office, they are listed in paragraph 6 of the Circular in small letters from (a) to (g).

Before mentioning what the Ethics Officer is supposed to do, let me say what he is not supposed to do, and to clarify at the outset possible misunderstandings.

The Ethics Officer has important 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 (what is called whistleblowers' protection). The Ethics Office, however, will not replace any existing mechanisms available to staff for the reporting of misconduct or the resolution of grievances. A number of those mechanisms are listed in the Circular, paragraphs 14 and 15. This means that the Ethics Officer is not a mechanism for reporting misconduct.

The Ethics Officer's functions cover three main areas. I would refer to them as promotion, consultation and whistleblowers' protection.

Under the promotional aspect, it is, on the one hand, the responsibility of the Ethics Officer to provide guidance to HRD to ensure that ILO policies, procedures and practices reinforce and promote the relevant ethical standards and that the ethical standards are clearly understood. On the other hand, with a view to increasing awareness on ethical issues, to assist, in collaboration with HRD, in designing and promoting programmes to inform and educate staff members. HRD plays a key role, and I look very much forward to cooperate closely with Grace Strachan and her collaborators in this connection. She has already shared with me her availability to consider proposals, for which I am extremely grateful to her. I hope to come up with some ideas very soon and start offering, with HRD, some learning and discussion opportunities in this field to all colleagues. I would like to avail myself of this opportunity to make an appeal to line managers. Please do not consider that the attendance to these events is a loss of time - I am confident that it will not be - and allow your staff to attend if they are interested.

The first stage in this promotional action concerns the knowledge of the relevant standards, which are mentioned in the Circular, namely Chapter I of the ILO Staff Regulations, the Standard of Conduct for the International Civil Service adopted in 2001 by the International Civil

Service Commission (ICSC), and the Rules governing outside activities contained in Circular No 6/346.

In fact the first promotional activity has been put in place directly by the new Circular, to the extent that one of the measures decided by the Director-General is the delivery to each official of the 2001 Standards of Conduct with a request to sign a statement confirming that they have read and agree to observe them.

This is a good occasion to rectify a possible misunderstanding concerning these Standards adopted by the ICSC. The signature of the Standards is not a condition for their applicability. It simply confirms the fact that we have read and understood that we are expected to live up to the standards of behaviour described in the text. The signature is without prejudice to our rights and obligations.

The second area of action of the Ethics Officer is the advisory function. The Ethics Officer will counsel, on request, managers and colleagues on questions of ethics and those governing outside activities. In this particular connection I have to make a remark which is linked to my personal position as Deputy Legal Adviser of the Office. It is my feeling that once I have given an advice to a colleague on a particular matter of her/his concern, I am in a sort disqualified to address the same issue in my other capacity as Deputy Legal Adviser. I have already discussed this matter with the Legal Adviser, who agrees.

The third area is the one I already mentioned, namely the protection of whistleblowers. 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 misconduct or cooperating with an audit or investigation.

This preliminary review may ultimately lead to the referral of the matter to HRD for consideration of a possible disciplinary action. This could appear as a relatively weak result of the protective action of the Ethics Officer, but this is not my feeling. The possible referral to HRD in view of a possible disciplinary action would be a "qualified" referral, thus a thing of some weight.

This leads me to consider the need to protect appropriately in this connection not only the staff member alleging retaliation but also the rights of the accused official, ensuring the fairness and the transparency of the whole procedure, strictly following the rules of natural justice and due process.

This system has to be in my view fair and credible. The credibility of the system is obviously key on the one hand in making this tool a

powerful deterrent vis-à-vis possible temptations to retaliate whistleblowers, thus playing a fundamental preventive role and on the other hand, indirectly, encouraging the reporting of wrongdoings that would remain otherwise undisclosed due to the fear of unpunished retaliation against those who reveal them.

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The administrative arrangements aimed to allow the new office to operate are being taken within the Office of the Legal Adviser. This is not being done without difficulties, given the fact that these new tasks have been entrusted to the Deputy Legal Adviser without granting further resources. I apologize to those who have already addressed the Office without receiving an answer so far. I commit myself to respond as quickly as possible. After this first phase I am confident that the Office will be able to rapidly react to the requests received.

The dedicated electronic mail-box, [ethics@ilo.org](mailto:ethics@ilo.org), is already operational.

It is my intention to spread information among colleagues on the activities of the Ethics Office. An intranet web site of the Office is in construction to this end. It will contain the basic texts and information in the form of FAQs.

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Now, as I promised at the outset, let's address the questions that are floating in the air, which reflect, I have to say, sensible concerns. I'm grateful to those that were so kind to inform me about these concerns. I should like to mention in this connection ACT/EMP, ACTRAV, The Mediator and the Staff Union. Some of the concerns have already been addressed in the first part of this presentation.

- First, I know that there are doubts on the questions put in the disclosure of interests form, in particular as regards their scope. In part I have already addressed those doubts. I hope to be able to provide some further guidance on this, possibly with concrete examples, in the web site. For the time being I would underscore what in my view is the core issue in this connection, namely the personal evaluation that is required in order to respond to the questions, as to the impact, actual or apparent, to the official's objectivity and independence in the performance of her/his duties. Each of us should honestly make such an evaluation. In this light, I do not see any ambiguity in the questions.

- Second, concerns have been expressed on the appropriate protection of personal data collected with the forms. I would say that this question is more for HRD, because the forms are supposed to be placed in

the second part of P files. My personal feeling is that we can trust HRD on this. P files already contain sensitive confidential data and I am not aware that we had to regret shortcomings in their safekeeping.

- Third, some concerns have been expressed on the process for the appointment of the Ethics Officer. In particular, the question has been asked whether the Deputy Legal Adviser is the only person suitable for this role. On the second part of the question I have no difficulties to respond, and my answer is definitely no. I know quite a few colleagues that could brilliantly fill this role. On the first part of the question, namely the process for the appointment, I only can say that this is a decision of the Director-General and that I did not by all means lobby for it. I'm aware that this decision implies a certain amount of confidence by the Director-General and I appreciate that.

- Fourth, doubts have been raised as to the possibility for the Deputy Legal Adviser to act independently given his position vis-à-vis the Legal Adviser and the Director-General. I believe that the only guarantee that I can offer in this connection is my professional integrity. As to particular cases, I have already announced my intention not to deal in my capacity of Deputy Legal Adviser with individual cases brought to my attention by colleagues in the framework of the advisory tasks of the Ethics Officer.

- Fifth, a concern has been expressed as to the access to the confidential record of complaints received in the framework of the whistleblowers' protection (Paragraph 6 (e) of the Circular). My answer would be straightforward: only the Ethics Officer until the case stays in his office. In case the file is passed to HRD under paragraph 6 (g), the normal rules will apply.

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Well, I think that it's now time for the debate. I thank you very much for your attention.