Ethics at the ILO

The Administration has asked the Staff Union to comment on the internal Working Party on Ethics that was set up at the beginning of this year. The request was couched in broad terms and did not suggest anything specific. The Staff Union Committee has therefore studied the matter and drawn up a set of proposals covering some of the aspects that are inherent in the functioning of an Administration such as ours.

First of all, the Staff Union Committee wishes to draw the staff’s attention to the fact that the purpose of the Working Party is "to examine the rules, procedures and practices currently in force, with the general objective of strengthening existing machinery and procedures, enhancing transparency and promoting the best practices within the secretariat". A mandate such as this encompasses everything that has to do with working conditions which, according to current practice within in the ILO, has to be the product of collective bargaining\(^1\). For us, therefore, this is an area that calls for bipartite discussion rather than mere comment.

Our working hypothesis is that every official within the United Nations Common System is governed by the Standards of Conduct for the International Civil Service (revised in 2001). This document was drafted after an in-depth discussion with the staff representatives of the organizations of the United Nations Common System, and its intention is perfectly clear: "Although organizations’ internal cultures may vary, they face similar ethical challenges. Standards for ethical conduct promote common values and define the behaviour and performance expected of international civil servants".

The Staff Union Committee would like the Administration to clarify its position vis-à-vis the above text, as we could not contemplate some new version taking the place of a Common System document that was the outcome of discussions with the collective representation of the entire staff. The Administration therefore needs to explain to the staff the purpose of the steps that it has undertaken in this context, especially as a number of documents\(^2\) recognize the commitment entered into, namely:

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2. However, a compilation prepared by the ILO Staff Union for a recent CCISUA Symposium shows clearly that an evaluation of certain management practices in the light of the Standards of Conduct would call into question a large number of practices prevailing in our Organization.
a) Article 5 of the Collective Agreement on Conflict Prevention and Resolution. Signed on 24 February 2004;

b) the solemn declaration of loyalty whereby, on taking up their functions, all officials of the International Labour Office undertake to carry out their duties and to conduct themselves at all times in a manner designed to further the interests of the International Labour Organization, without seeking or accepting instructions concerning the exercise of their duties from any government or other authority outside the International Labour Office;

c) the Recognition and Procedural Agreement entered into by the Administration and the Staff Union in March 2000, which recognizes the relevance within the Office of the “principles and rights” embodied in a number of international instruments governing, inter alia, freedom of association, the right to organize and to bargain collectively and the application of these concepts to the public service. The mutually agreed purpose of this recognized practice of social dialogue is “to enable all staff members to influence the evolution of the Organization”

These Standards of Conduct should not be looked upon as a set of obligations imposed on officials, especially junior officials. In fact an assessment of certain management practices in the light of the Standards of Conduct would suggest the need to question many current practices in our Organization.

There are probably hundred of different versions of the general principles on which to base ethical standards of conduct in an enterprise, and the Staff Union is of course quite prepared to discuss with the Administration any points of reference that we might adopt in the general framework set out above. Specifically, we believe that such concepts as the primacy of the values of the ILO, transparency, responsibility for one’s actions, the independence of the international civil service and respect for people’s privacy would have to be part and parcel of any such dialogue.

It is possible, however, that the Working Party intends to focus on matters connected with the financial rules and internal audit. If that is the case, the Staff Union Committee would naturally be only too happy to share its views with the members of the Working Party in greater detail, as part of its function of representing and defending the interests of the staff.

That said, we have reviewed some of the fundamental aspects of the functioning of an Administration such as ours, and the table below summarizes the various cases and problems that have come to the attention of the Staff Union over the past few years. It contains a short, practical list of the problems identified from the ethical standpoint, where we consider that action is needed, and of possible ways of handling them more effectively.

The proposed table is not intended to take the place of the standards of behaviour required by the code of conduct of international civil servants. It is based on the same guiding principles:

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3 Article 1.2 of the Staff Regulations.
equality, dignity, social justice and integrity, as well as good faith, honesty, impartiality and incorruptibility. Respect for the principles embodied in the Constitution of the ILO and in the various Conventions adopted under it are also an essential component of our conclusions.

| **EQUALITY OF TREATMENT/NON-DISCRIMINATION** | • Prohibition on any distinction, exclusion or preference based in particular on race, colour, sex, religion, political opinion, country of descent or social origin, which has the effect of denying or modifying an official’s equality of opportunity or treatment in respect of his or her employment or occupation, including the preferential selection of an official on the grounds of his or her mastery of a working language to the detriment of other languages.  
• Respect of officials’ culture and religious, social and political principles (prayer, fasting, dress).  
• Treatment of young officials: respect, genuine responsibilities, contract in keeping with the official’s abilities and need for training.  
• Arrangement of work so as to enable officials to optimize their family and professional life (meetings at reasonable hours, overtime).  
• Institution of a simple, rapid procedure for drawing attention to, and where appropriate remedying, any discriminatory action on the part of managers or officials.  
• Maternity protection: extension of the «maternity leave» replacement fund to other officials (e.g. TC personnel).  
• Prohibition on certain medical tests for recruitment (pregnancy test, HIV/AIDS, etc.) |

| **RESPECT IN LABOUR RELATIONS AND LOYALTY** | • Respectful treatment of all officials without verbal or physical violence, even in the case of a dispute.  
• Use of polite languages (both spoken and in writing), without the use of sarcasm or indirect attacks.  
• Right to be heard and right to a face-to-face dialogue in the event of a dispute.  
• Respect for breaks and working hours, and the obligation to reflect hours and volume of work carried out honestly.  
• Respect for personal and confidential data and documents (one personal file only), prohibition on investigating or conducting interviews on officials’ personal data, except in the case of a lawsuit or dispute settlement.  
• Prohibition on the use of an official’s status in order to receive different or preferential treatment.  
• Respect for intellectual property (proper referencing of sources cited).  
• Institution of a simple, rapid procedure for drawing attention to, and where appropriate remedying, any action on the part... |
of managers or officials in violation of these principles.

| CONFIDENTIALITY                                                                 | • Of data.  
|                                                                              | • With due respect for the Staff Regulations and collective agreements.  
|                                                                              | • In the course of recruitment, dismissal and disciplinary procedures.  
|                                                                              | • When explicitly requested (e.g. attack on an official’s reputation).  
|                                                                              | • Medical secret.  
|                                                                              | • Penalties for disclosure of confidential data.  
|                                                                              | • Prohibition on the communication to outside persons or institutions of internal ILO documents (mission reports, preliminary documents, etc.).  

| OFFICIALS WITH ACCESS TO FINANCIAL TRANSACTIONS | • Clear rules regarding responsibility and supervision (secondary responsibility in cases of fraud).  
|                                                | • Audit.  

| FRAUD IN INTERNAL DOCUMENTS                  | • Fraud in SHIF (erroneous data, false invoices, falsification of amount paid).  
|                                                | • Fraud in travel authorizations.  
|                                                | • Contractual fraud, inappropriate use of contract with respect to the true nature of the employment relationship.  

| CONDUCT OUTSIDE THE ILO: OFFICIAL FUNCTIONS, PRIVATE LIFE | • Public statements, media.  
|                                                            | • Respect for cultures and traditions (on mission and in the field)  
|                                                            | • Prohibition on taking advantage of status as an official.  
|                                                            | • Domestic service.  

| TAKING ADVANTAGE OF THE STATUS OF ILO OFFICIAL | • Internal, confidential procedure to analyze the case.  

| RESPECT OF INTERNAL PRINCIPLES: STAFF REGULATIONS, PROCEDURES | • Obligation to respect the regulations, confidential assessment of managers by subordinate staff  

| GOOD FAITH IN COLLECTIVE LABOUR RELATIONS | Here we can only draw attention to the weakness of the Collective Agreement on Recruitment and Selection, the lack of any career development policy agreed upon with the Staff Union, the difficulties (to say the least) encountered by many managers in running a working team despite the fact that the stated intention is still to train them in staff management skills. Recognizing these “weaknesses” without doing anything about them is more a question of bad faith than of incompetence.  

IRIS: a specific matter of ethics

The installation of this program has encountered a whole series of problems. Some of these, which raise specific questions of ethics and transparency, have been brought to the attention of the Staff Union Committee.
What is at issue here is the financial management of a very costly project that was entrusted to consultants who themselves have been managing a staff composed largely of consultants. As every member of the staff has seen, the result has been a waste of both time and money. This has had the very negative effect of making our colleagues feel that IRIS is to blame for all our ills. There are many examples:

- the confiscation of internal data for transfer to a server located far from Headquarters, under the responsibility of an outside enterprise that has no obligation to observe the standards of conduct of the international public service;
- absurd contractual situations (in terms of salaries and grade) both inside and outside the ILO;
- poor (to say the least) handling of staff training;
- training material unsuited to the linguistic diversity of the Organization.

On 24 April 2006 the Human Resources Department (HRD) issued a circular (Series 6, N° 662) on Ethics in the Office which is intended to raise the standards of conduct expected from international civil servants and which appoints an Ethics Officer. When the circular was issued several staff members contacted the Staff Union Committee to complain about the ambiguity of certain passages in the text and about the implications of the annexes, especially annex B.

The Staff Union has held a meeting with the Ethics Officer, who gave his assurances that guidelines and FAQs would very shortly be available which would endeavour to answer all the questions raised by the staff and reassure them as to their right to defence and the guaranteed confidentiality of data. We were also assured that respect for personal data would be guaranteed and that the special situation of officials whose duties brought them into direct contact with members of the Governing Body would be taken into consideration.

To summarize, we are aware that ethics is more than just a matter of "whistle blowing". It is at the very heart of the status of ILO officials and of the respect due to them. There is an obligation on each and every one of us to behave in accordance with the principles that are inherent in the public service and to adopt an attitude that is in keeping with our status as international civil servants. That is how we interpret the commitment that we entered into when we signed our first contract.