



REPORT OF THE ETHICS OFFICER

1 January - 31 December 2015

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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 came into force on 1 May 2006.¹
2. Upon its establishment, the function of Ethics Officer 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 (the Turin Centre). Ms. Zarka-Martres has been an ILO official since 1986, serving successively as Assistant Registrar in the ILO Administrative Tribunal and Legal Officer in the Office of the Legal Adviser prior to her assignment to the International Labour Standards Department (NORMES). She is presently Head of the unit on Labour Administration and Inspection, and Occupational Safety and Health in NORMES.
3. The ILO Ethics Officer is entrusted with the following responsibilities:
 - (a) To provide guidance to the Human Resources Development Department (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 regarding retaliation or threats of retaliation from individual officials who believe that action has been taken against them because

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

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, including for consideration of possible disciplinary action.

4. The Ethics Officer reports directly to the Director-General, to whom he/she presents a periodic report. This is the ninth report submitted by the Ethics Officer.
5. In 2014, the Office of Internal Audit and Oversight (IAO) conducted an audit of the ILO's internal governance processes, which included an examination of the functions of the Ethics Office and the issuing of a number of recommendations². The IAO found that the Ethics Office was operating effectively for managing staff queries on ethics and outside activities. The IAO also considered that it would be good practice to develop a specific training programme in relation to the whistleblower protection policy and recommended that the procedure be updated to include clarifications with regard to certain steps of the procedure. Furthermore, the IAO found that the strategy of the Ethics Office should be further developed, in view of the results of the 2013 survey on ethics, in order to include wider outreach and awareness training for ILO staff, taking into account any resource constraints. Finally, the IAO found several opportunities to continue the improvement of the ethics practices of the ILO and suggested that surveys such as the one undertaken in 2013 be conducted on a periodic basis to gauge the general awareness of the policies and practices of the ILO in this area.
6. The Ethics Officer's functions cover three main areas: *promotion, consultation and whistleblower protection*.
7. The three areas are addressed separately in the report.

²GB.326/PFA/9

PROMOTION

Website

8. The Ethics Office has created functional websites for the ILO (in English, French and Spanish) and for the Turin Centre (in English, French, Italian, Portuguese and Spanish), dedicated to ethics, which are regularly updated and can be accessed at the following addresses, respectively:

<http://www.ilo.org/public/english/ethics/index.htm>

<http://www.itcilo.org/en/the-centre/about-us/ethics/home-page>

Conferences

9. The Ethics Officer has entered into regular dialogue with the members of the United Nations Ethics Network, which was established in 2010 and subsequently renamed the Ethics Network of Multilateral Organizations (ENMO), promoting a system-wide collaboration on ethics-related issues, with a specific focus on the coherent application of ethical standards and policies throughout the United Nations system.
10. The 2015 edition of the ENMO meeting was held in Washington, D.C., USA, from 7-10 July. This was the seventh edition of the meeting. In addition to the ILO - which was represented by the Ethics Officer – representatives from 29 international agencies participated in the conference. Seven topics were presented by officials responsible for Ethics from various Organizations and each presentation was followed by group discussions and a question and answer session. The panels focused on the following subjects:
 - a) Ethics & Change Management:
 - Learning how change management can be supported through the Ethics professionals' assessment of the values, behaviours and potential conflicts of interest inside the Organization;
 - b) Investigations:
 - Sharing experiences, considerations and knowledge about the decision making process when conducting investigations of misconduct;
 - c) Conflicts of Interest Case Studies:
 - Explaining the issue of conflicts of interests through the overview of several agency policies, case studies and breakout groups;
 - d) Extending your Ethics Program to Field Offices:

- Looking at the Organization for Security and Co-operation in Europe (OSCE) strategy aimed at ensuring uniform understanding of the Organization's values and ethics by staff members;
- e) Data Analysis:
- Learning why the collection and analysis of data is important for the work of Ethics Officers;
- f) Training & Outreach:
- Presenting a coordinated approach for developing uniform and consistent ethics-related standards, training and education within the United Nation system;
- g) External Stakeholder Interests:
- Illustrating the issue of external stakeholders' expectations on ethics through the discussion of recent inquiries by member states and their possible implications.
11. The annual ENMO meetings represent an important forum for ethics experts to share their first hand experiences and learn from each other. The presentations by the panellists are instructive and the question and answer periods which follow also lead to interesting discussions and fruitful dialogue. These meetings are vital for maintaining and fostering a culture of ethics within the UN family.

Ethics training

12. As noted above, the Ethics Officer has the responsibility to contribute to the creation and implementation of appropriate training programmes, in cooperation with HRD.
13. In September 2015, the Turin Centre, in collaboration with HRD, started developing and implementing a capacity building programme aimed at supporting ILO Country Offices (CO) and Decent Work Team (DWT) Directors in delivering quality services to constituents through efficient management of their offices. The training programme was focused on strengthening key aspects of advanced operational-level office management and administration with a view to maximizing field office performance. Ethics was one of the key learning points, among others which included finance, procurement and risk. A specific module of this training focused on the areas of Ethics which were relevant *vis-à-vis* the role of CO and DWT Directors, namely governance and accountability. This module was developed in collaboration with the Ethics Office.

CONSULTATION

In general

14. 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.
15. This is a 360-degree advisory function, since it embraces both the administration and officials whose interests are not necessarily the same.
16. As in previous years, requests for advice often went beyond the subject matter of the Ethics Officer's mandate and clarification was required with regard to his/her advisory function. Furthermore, a number of requests for advice 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. In such cases, officials were encouraged to report alleged wrongdoing of colleagues or supervisors through the appropriate mechanisms.
17. 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. In particular, when actions had to be taken or approval given, the Ethics Officer referred the officials to HRD.

Requests for advice

18. 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 sought advice on whether he/she could accept to become a member of the board of a newly established academic centre, which had been launched through an ILO Technical Cooperation Project under his/her supervision. The colleague underlined that he/she had been offered such a position by the national employers' organization that was leading the initiative. He/She also indicated that the activity would take place outside of normal working hours and without remuneration. The Ethics Officer drew the official's attention to paragraph 8 of the Office Directive on Rules governing outside activities and occupations, IGDS No.71 and paragraph 5 of the Office Guideline on Conflicts of interest, IGDS No.68. The Ethics Officer reminded the official that he/she, as an international civil servant, shall not participate in outside activities which could

lead to conflicts of interest with the work of the ILO and explained that a conflict of interest arises where an official's personal relationships or position in external entities can compromise or be seen to compromise objectivity and impartiality in the discharge of his/her duties as an official. Furthermore, she recalled that ILO officials shall remain totally independent in the performance of their duties with respect to governments, and employers' and workers' organizations. Based on the information received, the Ethics Officer confirmed that this was a case of conflict of interest, as being involved in such an activity would compromise the official's independence, objectivity and impartiality in the discharge of his/her duties.

b) An official consulted the Ethics Officer after receiving an invitation from a private company representative, whom he/she knew in his/her capacity as an ILO official, to an important sporting event. On that occasion, the firm was interested in discussing the establishment of a possible partnership with an ILO Country Office. The Ethics Officer answered that the official should not accept the invitation, as such acceptance would be susceptible to put him/her in a situation of conflict of interest and would amount in the official taking personal advantage of his/her position at the ILO. The Ethics Officer also reminded the official that the establishment of a possible partnership with the ILO should be made only in a professional setting and pursuant to the specific rules of the Office in this regard.

c) A supervisor contacted the Ethics Officer as a member of his/her staff had engaged in a political debate on social media that had upset the government of an ILO member state and requested advice on the measures to be taken in this matter. The Ethics Officer indicated that such behaviour went against the standards of conduct applicable to ILO Officials pursuant to IGDS Nos. 71 (Rules governing outside activities and occupations) and 67 (Office Guideline on outside activities and occupations). The Ethics Officer therefore suggested that the supervisor inform the Human Resources Department (HRD) of the situation so that it could take appropriate action.

d) A manager informed the Ethics Officer that he/she had just learned that a person they had hired under a short-term contract was the boy/girlfriend of an official working in the department. There had been no hierarchal relationship between these two persons. The Ethics Officer advised the manager not to renew the person's contract, unless his/her specific expertise was necessary and there was no possibility to hire another equally qualified person, in order to avoid the perception of a conflict of interest.

WHISTLEBLOWER PROTECTION

In general

19. 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.
20. 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 paragraphs 18 and 19 of the Office Directive on “Ethics in the Office,” IGDS No. 76 .
21. The role of the Ethics Officer consists in 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

22. In furtherance of the Office Directive on “Ethics in the Office”, the Office Procedure on “Ethics in the Office: Whistleblower Protection”, was published as IGDS No. 186 in September 2010.
23. Both documents provide for protection of all staff members against retaliation for reporting misconduct and cooperating with an audit or investigation. IGDS No. 186 outlines the practical steps that the Ethics Officer should follow in reviewing such complaints.
24. The procedure on whistleblower protection was created with the goal of ensuring fairness, respect of the rules of due process and confidentiality during the investigation of a complaint.
25. The procedure was 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 the key to 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.

26. The fairness of the procedure is ensured through the procedural steps detailed in paragraph 9 of IGDS No. 186:
 - 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 the risk 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;
27. A specific provision granting the confidentiality of the procedure has also been included under paragraph 12 of IGDS No. 186, granting the Ethics Officer the discretion to decide to release the final recommendation to other parties as necessary, after giving previous notice to the alleged retaliator and the complainant, and providing them with the opportunity to comment on such release.
28. Pursuant to paragraph 7, 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 its employees, agents or representatives, or any other individual engaged in any dealings with the ILO, because such persons reported misconduct, this may lead to a qualified referral from the Ethics Officer to HRD recommending disciplinary action.
29. In light of the recommendations issued by the IAO following its 2014 audit of the ethics function, it may be noted that the procedure on whistleblower protection should be updated in 2016 to include clarifications with regard to certain steps of the procedure.

Cases

30. A number of officials informed either the Ethics Office or the IAO that they wished to denounce practices contrary to the rules and regulations. They were informed of the

procedure to be followed to be protected against retaliation following whistleblowing in good faith.

31. The Ethics Officer did not receive any complaint of retaliation during the reporting period.

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Monique Zarka-Martres

Ethics Officer