

► Guidance note for managers

Best management practices during ongoing investigations

Purpose

1. The purpose of the Guidance Note is to inform managers about the investigative process and guide their management practices to ensure that investigations are conducted thoroughly, objectively, and effectively, in accordance with professional standards and best international practices. Investigations are conducted with strict regard to confidentiality, the right to due process of all persons involved and the presumption of innocence; managers must ensure these principles are observed. This applies to internal investigations conducted under the mandate of the ILO Office of Internal Audit and Oversight (IAO) and those carried out by external investigators under the provisions of Article 13.4 of the Staff Regulations
3. The investigator may disclose information to specific individuals if this is necessary to proceed with the investigation, such information may also be transmitted to a relevant party on a need-to-know basis. This may include, where appropriate, preliminary information which is shared with senior management during an investigation to allow necessary action to be taken prior to the conclusion of an investigation. Any such information must not be further communicated without the written approval of IAO or HRD and must be treated in accordance with any instructions given by IAO or HRD.

Principles

2. The confidentiality of an investigation shall be observed by the Chief Internal Auditor, HRD where relevant, designated investigators, managers, and anyone else involved in the investigation, including the complainant or source of the report of possible fraud/misconduct, the subject, witnesses, observers, interpreters, and all other individuals required to assist the investigator in their investigative activities.
4. Allegations must remain confidential to protect all parties involved in the investigation and to respect the due process of the investigation. Managers are held to strict confidentiality concerning any information they may have received officially or unofficially in relation to the allegations or the ongoing investigation and must remind staff of the same level of confidentiality where necessary to respect the due process of the investigation.
5. In determining the level of information that is provided to staff, witnesses, and others during an investigation, managers must balance the legitimate need for information, for operational reasons for example, and the risk that the investigation may be compromised and/or that the witnesses and whistle-blowers may be subject to retaliation.



6. To protect the reputation of a person/entity against whom allegations of fraud/misconduct have been made, the disclosure of the identity of that person/entity is restricted to a need-to-know basis and managers will not always be informed of an investigation.

Good practices

7. Respect strict confidentiality of the investigation and only share information on a need-to-know basis.
8. Remind colleagues of strict confidentiality; quash rumours and speculation. Remind staff not to discuss the investigation to protect the safety and the reputation of the parties involved and the integrity of the investigation. An example of a response to staff found discussing the investigation: "We all need to respect the process. Sharing information could jeopardise the investigation".
9. When asked about information on an ongoing investigation: "I don't have this information", "It is an ongoing confidential process, I cannot share information at this stage", "It is an ongoing internal administrative process".
10. When a staff member is suspended during or as a result of an investigation: advise staff that the person concerned will not be in the office BUT do not jeopardise the investigation by divulging further information AND manage the operational change with the team (i.e., workload reassignment).
11. If you feel discomfort or pressure from staff regarding the ongoing investigation: speak with the investigator or contact IAO and seek advice on how to best handle the situation.
12. Do not invent "cover stories" to explain the absence of staff under investigation or the existence of an investigation.

Contact

13. Anyone requiring further information and advice with regards to the provisions on investigation mechanisms and suspension of staff should contact the Human Resources Development Department (hrd@ilo.org), and INVESTIGATIONS (investigations@ilo.org) in the case of all other misconduct investigations.

