

► Guidance note for ILO staff

Best practices during ongoing investigations

Purpose

1. The purpose of the Guidance Note is to inform ILO staff about the investigative process and guide their 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; all ILO staff 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

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.

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 and confidential 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.
4. **Allegations must remain confidential** to protect all parties involved in the investigation and to **respect the due process of the investigation**. All ILO staff 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 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, ILO staff and managers will not always be informed of an investigation.

Good practices

7. Main duties for Staff during an ongoing investigation:

- **Cooperation:** Staff members have a duty to cooperate unreservedly with any investigation, to respond honestly, promptly, and fully to requests for information and to answer all questions during an interview with the investigator. A lack of cooperation may result in disciplinary or other appropriate action. This duty similarly extends to third-parties pursuant to standard ILO contracting modalities.
- **Confidentiality:** There is an obligation of confidentiality relating to information and evidence obtained during an investigation.
- **Complete disclosure**
- **Good faith:** providing information which they reasonably believe is true.

8. What is confidentiality? Information or material whose unauthorized disclosure could reasonably be expected to cause damage to the work of the ILO or individuals concerned.
9. Respect strict confidentiality of the investigation. Only share information on a need-to-know basis with managers and investigators.
10. Staff must respect the confidentiality and due process of the investigation. Staff must not 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 colleagues discussing the investigation: "We all need to respect the process. Sharing information could jeopardise the investigation".

11. Not respecting strict confidentiality, spreading rumours and speculation could jeopardise the investigation and cause harm to colleagues involved in the investigation. Another indirect effect of jeopardising the investigation could be to affect the work environment negatively, isolate a colleague, hinder the investigation's due process and result.

12. When asked by other Staff about information on an ongoing investigation: "I don't have this information", "It is an ongoing confidential process, I cannot share information", "It is an ongoing internal administrative process".

13. When a staff member is suspended during or as a result of an investigation: staff will be advised that the person concerned will not be in the office and operational changes with the team will be made (i.e., workload reassignment).

14. If you feel discomfort or pressure regarding the ongoing investigation: speak with the manager, investigator or contact IAO and seek advice on how to best handle the situation.

15. Do not invent "cover stories" to explain the absence of staff under investigation or the existence of an investigation.

16. Staff members are entitled to communicate confidentially with, and provide information to, the investigator or Chief Internal Auditor without fear of reprisal.

17. If you have been asked to provide information to an investigator, provide the following information to your manager: "I have been asked to assist IAO/the investigator". No further information is required. If you have fear of retaliation, contact HRD or the investigator.

18. Breach of confidentiality in the context of an investigation constitutes misconduct liable to disciplinary proceedings under the ILO Staff Regulations, Chapter XII.

Contact

19. 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.



