

# **COMMITTEE ON ACCOUNTABILITY**

## **Rules of Procedure**

### **Introduction**

The Committee on Accountability (“the Committee”) established under Financial Rule 13.30 is a major component of the Organization’s accountability framework and carries out its duties in accordance with the principles of due process, fairness and confidentiality.

### **Mandate**

1. Pursuant to Financial Rule 13.30, the Committee examines:
  - (a) cases referred to it by the Treasurer and Financial Comptroller involving fraud, presumption of fraud or attempted fraud, as well as dishonesty, negligence or disregard of established Office procedures or directives which resulted or could have resulted in financial or other loss to the Office or damage to its property;
  - (b) cases of persistent failure on the part of an official to respect the Office’s Financial Rules and procedures or the recommendations of either the External or Internal Auditor accepted by the Office.
2. The role of the Committee is to establish the facts -taking into account the findings of an investigation, where available -, determine the cause(s) of, and responsibility for, any loss to the Office, and make appropriate recommendations relating to reimbursement, referral to the unit responsible for disciplinary action and writing-off of losses.
3. The Committee reports to the Director-General through the Treasurer and Financial Comptroller.

### **Composition and meetings**

4. The Committee consists of four members: a Chairperson designated by the Director-General, one representative of the Financial Management Department (FINANCE), one representative of the Human Resources Development Department (HRD) and one representative of the Office of the Legal Adviser (JUR). The Committee is assisted by a Secretary, who is not a member of the Committee.
5. In the event of an actual, potential or perceived conflict of interest involving the Chairperson, any other member of the Committee or its Secretary, the official(s) concerned will bring it to the attention of the Committee prior to commencing consideration of the case

with a view to deciding whether the designation of a substitute is required. Any such substitute Chairperson, member or Secretary will be designated in accordance with paragraph 4 above.

6. The Committee may invite to its meetings the Chief Internal Auditor or a representative of the Office of Internal Audit and Oversight (IAO) as well as officials from other departments or units who, in the Committee's view, are likely to facilitate its work. The Committee may also hear the official, or officials, whose conduct is under scrutiny.
7. The meetings of the Committee are convened by its Chairperson or its Secretary on the Chairperson's behalf. The participation of the four members of the Committee or their substitutes is necessary for the validity of its deliberations. The Committee may consider cases by circulation of a file rather than in a formal meeting.

### **Confidentiality**

8. The work of the Committee is confidential and any official involved is bound to strictly maintain that confidentiality. Any breach of confidentiality will be deemed to constitute misconduct and may give rise to disciplinary action.

### **Procedure before the Committee**

#### ***Preliminary assessment***

9. Once a matter has been referred to the Committee, the Secretary forwards to the Committee the relevant documentation to be examined. The first task of the Committee is to determine whether:
  - (a) the case falls within its mandate under Financial Rule 13.30 or whether the matter should be dealt with by another body;
  - (b) the replacement of a Committee member or the Committee Secretary is required in situations of actual, potential or perceived conflict of interest as described in paragraph 5 above; and,
  - (c) there is a need for additional analysis or investigation.
10. If the Committee determines that the matter does not fall within its mandate and is therefore not receivable, or that it should be referred to another body, it will advise the Treasurer and Financial Comptroller of its determination in writing.
11. If the Committee determines that the replacement of a member or of the Secretary is required in any specific case, it will reconvene with the relevant substitute(s) to review the case on substance.

12. The preliminary assessment will normally take no more than fifteen (15) working days.

### ***Review***

13. In establishing the facts, the Committee has authority to request access to information from the Office, including documentary, video, audio, photographic and electronic information, as well as to obtain information from officials, in relation to the facts at issue. Officials have the duty to cooperate at all times with requests for information from the Committee and must respond fully and honestly to such requests. The Committee may draw upon the findings of an investigation already conducted.

14. If no investigation has been conducted prior to the referral of the matter to the Committee, the Committee shall provide the official whose conduct is under scrutiny ("subject official") with:

- (a) a description of the actions or conduct under review;
- (b) the relevant ILO regulations, rules, directives and procedures; and
- (c) any relevant information at the Committee's disposal, except where the communication of any specific information could jeopardize the integrity of the fact-finding process, in which case the notification of the relevant information may be delayed.

15. The subject official will be invited to provide comments in writing or orally, as the Committee may deem appropriate in the circumstances, on the actions or conduct under review. The subject official may present evidence and identify any persons and/or documents that he/she believes relevant to the investigation. The subject official will be given a reasonable deadline, which will not be less than ten (10) working days, within which to respond to the Committee. The Committee may on request extend the deadline where, in its view, such additional time is necessary to gather information. Failure of the subject official to respond within the deadline shall not delay the investigation or the subsequent examination of the case by the Committee.

16. When the Committee relies on the findings of an investigation already conducted, it will verify whether the subject official had been duly notified of the said investigation and, if so, whether the subject official had been given the opportunity to comment. The subject official shall, in any case, be invited to provide comments in writing or orally, as the Committee may deem appropriate in the circumstances, on the actions or conduct under review and shall be provided with a copy of the investigation report redacted, as necessary, to protect the confidentiality of other parties.

## ***Reporting***

17. At the end of its review of the case, the Committee issues a jointly signed report to the Treasurer and Financial Comptroller for transmission to the Director-General. The report shall contain:
- (a) a summary of the procedure;
  - (b) a summary of the facts, including reference to the documents, statements and investigations on which the facts are based;
  - (c) the Committee's conclusions regarding the cause(s) of any loss to the Office;
  - (d) the Committee's recommendations relating to further action to be taken, which may include reimbursement, referral to the unit responsible for disciplinary action, writing-off of losses, or the closure of the case; and
  - (e) if considered appropriate, possible lessons to be drawn from the case to reinforce accountability.
18. The Committee shall normally conclude its review of the case and issue its report within three (3) months from referral.
19. Should disciplinary action be proposed on the basis of the Committee's report, the official, or officials, concerned will receive a copy of that report, subject to any redactions necessary to protect the interests of third-parties, along with the proposed disciplinary action.
20. Officials whose conduct has been subject to review by the Committee and in respect of whom no disciplinary action is taken will be informed of the outcome of the review.
21. The Committee produces a summary report of its activities at the end of each year for publication on the Transparency and Accountability page of the ILO public website.
22. These Rules of Procedure are approved by the Director-General.

Geneva, 01 December 2020

Guy Ryder