

Ethics and standards of conduct

Introduction

1. In accordance with the provisions of the ILO Constitution and the United Nations Charter, service with the International Training Centre of the ILO (the Centre) is subject to the highest standards of conduct and integrity. These standards are set out in Chapter IV of the Staff Regulations and in the Standards of Conduct for the International Civil Service (2013) issued by the International Civil Service Commission (ICSC).¹
2. This circular replaces and supersedes DIR Circular No. 04/2008 entitled *Ethics at the Centre* dated 17 October 2008.
3. This circular is effective from its date of issue.

Measures

4. In order to foster a culture of integrity and high ethical standards, the following measures are implemented by the Centre:
 - a copy of the Standards of Conduct for the International Civil Service is issued to each official on recruitment with a request to sign a statement confirming that they have read these standards and agree to observe them;²
 - the ILO Ethics Officer ensures support for, and compliance with, ethical standards and provides for the possibility for officials to report cases of disregard for those standards without fear of retaliation;

¹ The ICSC Standards of Conduct are available on the HRS webpage and on the ICSC website <http://icsc.un.org/search/?cx=010001758563680353938%3Aa61upvqmsbm&cof=FORID%3A10&ie=UTF-8&sa=Search&q=standards+of+Conduct&sa=Search>

² HRS Circular No. 03/2014 entitled Standards of Conduct for the International Civil Service dated 19 February, 2014.

- officials holding certain management, financial and procurement responsibilities are required to make periodic disclosures of interests;
- the Principles of Conduct for Staff of the International Training Centre of the International Labour Organization have been published on the HRS intranet page.

Standards of conduct

5. The Standards of Conduct for the International Civil Service (2013) complement the provisions of Chapter IV of the Staff Regulations and guide officials both in carrying out their duties and in the activities they undertake outside the framework of such duties.
6. All officials are expected to respect and to comply with these standards of conduct. Strict observance of these standards is essential for the reputation of the Centre as well as for the respect and trust that the Centre should enjoy on the part of its member States, workers' organizations, employers' organizations and the general public.
7. A copy of the Standards of Conduct is issued to each official on recruitment and she/he is required to sign a statement (Appendix A) confirming that she/he has read the document and undertakes to observe the standards contained therein.

Ethics

8. The ILO Ethics Officer has the following responsibilities:
 - to provide guidance to HRS to ensure that the Centre's policies, procedures and practices reinforce and promote the ethical standards called for under the Staff Regulations, the Standards of Conduct for the International Civil Service, the Principles of Conduct for Staff of the International Training Centre of the International Labour Organization, and that the ethical standards are clearly understood;
 - on request, to advise managers and staff members on questions of ethics and outside activities;
 - to assist, in collaboration with HRS, in designing and promoting programmes to increase staff awareness of ethical issues;
 - to receive complaints of retaliation or threats of retaliation from individual officials who believe that action has been taken against them because they have reported misconduct or cooperated with an audit or investigation (Appendix C);
 - to keep a confidential record of all the issues brought to his/her attention;
 - to conduct a preliminary review of any 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 HRS, where appropriate, for consideration of possible disciplinary action.
9. In exercising these duties, the ILO Ethics Officer is independent of any official or organizational entity of the ILO and of the Centre and reports directly to the ILO Director-General, to whom she/he presents a periodic report, and to the Director of the Centre for any matters specifically concerning the Centre and its staff.
 10. All services/units and officials shall cooperate with the ILO Ethics Officer and provide access to any records and documents requested by the ILO Ethics Officer, except for medical records, which are not available without the express consent of the official concerned, and other records that are subject to confidentiality requirements.
 11. Officials who wish to address the ILO Ethics Officer should forward all information and documentation available to them in support of their request, in person or by regular mail or e-mail marked “confidential” (ethics@ilo.org).

Disclosure of interests

12. A potential conflict of interest can arise where an official’s personal relationships or position in external entities can compromise or be seen to compromise their impartiality in the discharge of official duties. Financial interests of officials as a result of family and personal relationships, gifts, benefits and hospitality received from outside sources, or through other business interests such as partnerships and family businesses, are also considered to be among the main causes of conflict of interest in a public administration.
13. To assist in the prevention of conflicts of interest, each official shall, without prejudice to the obligation to obtain permission to undertake certain outside activities in accordance with HRS Circular No. 28/2008, complete on recruitment a Disclosure of Interests Form (Appendix B). These forms are confidential and are placed in part 2 of the personal file of each official.
14. Officials are reminded that when confronted with a situation that could lead to a perception of a conflict of interest, they shall disclose that interest to their supervisor and refrain from any further involvement in that situation.

Whistleblowing

15. Where an official is aware of a situation that appears to him or her to be incompatible with the standards of conduct or established rules and procedures involving a third party, there are a number of mechanisms for reporting such cases with accompanying protection from retaliation.
16. In cases involving financial impropriety, fraud, presumption of fraud or attempted fraud, the Financial Rules (Chapter XIII) require officials to report them to the

Director through the Treasurer and the Internal Auditor. Confidentiality shall be respected at all times. In all instances, the Treasurer, the Chief Internal Auditor shall promptly be made aware of the full details of such cases with the related documents.

17. The Treasurer shall refer to the Committee on Accountability appropriate cases of fraud, presumption of fraud and attempted fraud, as well as of dishonesty, negligence or disregard of established procedures or directives which resulted, or could have resulted, in financial or other loss to the Centre or damage to its property. The Committee on Accountability shall also examine cases of persistent failure on the part of an official to respect the Financial Rules and procedures or the recommendations of either the External or the Internal Auditor which have been accepted by the Centre.
18. The Treasurer is bound by a duty of confidentiality and no official who provides information under paragraphs 14 and 15 above shall be adversely affected unless this information was willfully provided with the knowledge that it was false or with intent to misinform.

Patricia O'Donovan

APPENDIX A

INTERNATIONAL TRAINING CENTRE OF THE ILO

Statement concerning the Standards of Conduct for the International Civil Service

I,, acknowledge that I have received and read the *Standards of Conduct for the International Civil Service (2013)* which complement Chapter IV of the Staff Regulations. I undertake to observe these Standards of Conduct and to conduct myself at all times in a manner befitting my status as an international civil servant, as provided for under Article 4.2 of the Staff Regulations.

Date Signature

APPENDIX B

INTERNATIONAL TRAINING CENTRE OF THE ILO

Disclosure of Interests³

Name:
Service/Unit:

1. Are you engaged in any activity or occupation external to the Centre that could have an impact on your objectivity or independence in the performance of your duties, or could otherwise affect the impact or reputation of the Centre?

Yes _____ No _____

If "yes," please attach a list of any such activity(ies) or occupation(s) and specify whether they have been authorized, by whom and when.

2. Have you any affiliations with government, worker or employer representatives or persons engaged in ILO supervision that could have, or could be perceived to have, an impact on your objectivity or independence in the performance of your duties?

Yes _____ No _____

If "yes," please attach a list specifying the organization(s) and nature of the affiliation(s).

There has been no change of situation since the most recently completed form was submitted.

I certify that the above statements are true.

Date:

Signature:

³ This form is issued pursuant to HRS Circular No. 28/2008.

APPENDIX C

INTERNATIONAL TRAINING CENTRE OF THE ILO

PROCEDURE ON WHISTLEBLOWER PROTECTION

1. This Procedure applies to complaints by members of staff who believe that retaliatory action has been taken against them because they have reported misconduct or cooperated with an audit or investigation. Such complaints must be made to the Ethics Officer in person, by email,⁴ internal mail or postal mail. Every complaint must include a written statement setting out the complaint. The Ethics Officer will notify the date of receipt to the complainant.
2. Retaliation means any direct or indirect detrimental action or omission recommended, threatened or taken because an individual reported misconduct or cooperated with an audit or investigation.
3. A protected activity, under the terms of this circular, is defined as “reporting of misconduct or cooperating with an audit or investigation.” The transmission or dissemination of rumours is not a protected activity. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action.
4. 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 Centre, because such persons reported misconduct, this may lead to a qualified referral from the Ethics Officer to the Human Resources Services recommending disciplinary action.

Procedural steps

5. Step 1: Upon receipt of a complaint of retaliation, the Ethics Officer shall determine if there are reasonable grounds to warrant further investigation.⁵ If the complaint is found not to warrant further investigation, it shall be confidentially filed by the Ethics Officer.
6. If sufficient grounds are found to warrant further investigation, the Ethics Officer shall initiate a preliminary review and notify the alleged retaliator of the complaint within ten working days of the date of receipt of the complaint. Full disclosure of the initial complaint shall be made to the alleged retaliator unless the Ethics Officer considers that such disclosure would hinder or restrict the investigation or expose the complainant to risk of further retaliation.

⁴ ethics@ilo.org

⁵ In order for the Ethics Officer to find reasonable grounds, the complaint must indicate that:

- a) the complainant was engaged in a protected activity;
- b) a direct or indirect detrimental action or omission was subsequently recommended, threatened or taken;
- c) the official who took the detrimental action or omission apparently knew about the protected disclosure.

7. The Ethics Officer may, at any time during the preliminary review period, recommend measures to HRS, or to other relevant units, to protect the complainant from the risk of further retaliation.
8. Step 2: Upon notifying the alleged retaliator of the complaint, she or he shall have ten working days to respond to the allegations. At the request of the alleged retaliator, this ten-day response time may be extended at the discretion of the Ethics Officer.
9. Step 3: The Ethics Officer shall complete the preliminary review within 45 working days of the date of receipt of the complaint of retaliation. If after the 45-day period the preliminary review has not been concluded, either of the parties may request in writing the reasons for the delay. The Ethics Officer shall respond within ten working days of the date of receipt of this request giving the reasons and setting a new timeline.
10. Step 4: Upon completion of the preliminary review, the Ethics Officer shall take a decision and provide to the alleged retaliator and the complainant a copy of all evidence on which this decision was based.
11. Step 5: The alleged retaliator and the complainant shall have ten working days to file final written comments with the Ethics Officer. The Ethics Officer shall communicate her or his final decision to the complainant and to the alleged retaliator. The corresponding recommendation, if any, shall be addressed to the Chief of HRS.

If the Ethics Officer concludes from the preliminary review that the complaint was not based on reasonable grounds, the procedure shall be closed.

Due process

12. The Ethics Officer is responsible for ensuring that due process is followed at all stages of the procedure. The alleged retaliator and the complainant have the right to examine the evidence at the end of the preliminary review. The Ethics Officer may allow for examination of the evidence during the preliminary review, as she or he sees fit, including allowing the alleged retaliator and the complainant to review transcripts of interviews and comment on them accordingly.

Duty of cooperation

13. All units and staff members within the Centre shall cooperate with the Ethics Officer and provide access to any and all records and documents requested by the Ethics Officer with the exception of medical records and records that are subject to confidentiality requirements.

Confidentiality

14. The Ethics Officer shall ensure confidentiality during all stages of the procedure. The final recommendation shall only be made available to the complainant, the alleged retaliator and the Chief of HRS. The Ethics Officer has the discretion to release the final recommendation to both parties, but only after giving five working days' notice to the alleged retaliator and the complainant and allowing them the opportunity to comment on such a release.

Conflict of interest

15. Where there may be a conflict of interest for the Ethics Officer, she or he shall inform the ILO Director-General and the Director of the Centre for any matters specifically concerning the Centre and its staff, who will take appropriate measures to have the complaint reviewed and investigated, if necessary.