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Amendment No. 4

4 November 2011

THE ICAO SERVICE CODE

AMENDMENT SUMMARY

Amendment No. 4 incorporates changes to:

- a) Record of Amendments Sheet; and
- b) Annex I, effective 1 January 2012.

Please insert these pages into your copy of the Service Code.

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The ICAO Service Code

Approved by the Council
and published by its decision

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*(incorporates all amendments approved
by the Council prior to 15 March 2010)*

International Civil Aviation Organization

ANNEX I

ICAO FRAMEWORK ON ETHICS

Introduction

1. Based on Article 1 of the ICAO Service Code, a framework on ethics is herewith established as Annex I to the ICAO Service Code. The framework forms an integral part of the Code. The goal of this framework is to provide standards leading to a fully operational ethics function within ICAO that is designed to ensure an understanding by all staff members of minimum acceptable standards of behaviour. It shall also help to protect staff against retaliation. A key role in implementing this framework is assumed by an Ethics Officer, attached to the Office of the Secretary General.

Principles and Values

2. Staff members of ICAO shall abide at all times during their service with ICAO by the principles and values in paragraphs 3 to 11.

Integrity

3. Staff members shall maintain the highest standards of integrity, including such qualities as honesty, truthfulness, fairness, impartiality and incorruptibility, in all matters affecting their official duties and the interests of ICAO, thus following the concept of integrity as enshrined in the ICAO Standards of Conduct and the Charter of the United Nations.

Loyalty

4. Loyalty to the purposes, principles and values of the United Nations system and of ICAO is a fundamental obligation of all staff members. They shall be loyal to ICAO and the United Nations system and shall, at all times, discharge their functions and regulate their conduct with the interests of ICAO only in view.

Independence

5. Staff members must remain independent of any authority outside ICAO; their conduct must reflect that independence. They shall not seek or receive instructions from any government or from any other authority external to ICAO. This applies equally to those on secondment from governments and to those whose services have been made available from elsewhere.

Impartiality

6. Staff members, in the performance of their duties, shall act with impartiality, objectivity and professionalism at all times. Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, staff members do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters and which may adversely reflect on their status, either individually or as members of a group. This means that in certain situations, personal views should be expressed only with tact and discretion.

Tolerance and understanding

7. Tolerance and understanding are basic human values. They are essential for all staff members, who must respect all persons equally, without any distinction whatsoever.

Non-discrimination

8. Freedom from discrimination is a basic human right. Staff members are expected to respect the dignity, worth and equality of all people without any distinction whatsoever.

Gender equality

9. All male and female staff member shall be treated equally.

Accountability

10. Staff members shall be accountable to ICAO for the proper discharge of their functions and for their decisions and actions. They shall submit themselves to scrutiny as appropriate to their office.

Respect for human rights

11. Each staff member enjoys and has to respect the human rights as presented in the Universal Declaration of Human Rights adopted and proclaimed by the United Nation in 1948.

Standards of Conduct

12. The Standards of Conduct for the International Civil Service adopted by ICAO and issued in Personnel Instruction PI/1.4 are applicable to all staff members.

Ethical Aspects in Working Relations

For each staff member individually

Personal conduct

13. All staff members shall conduct themselves at all times in a manner befitting their status as an international civil servant and shall not engage in any activity that is incompatible with the proper discharge of their duties with ICAO.

Mutual respect

14. All staff members have to show mutual respect to each other. They should be open to all legitimate views and opinions and should act impartially, without intimidation and favouritism.

Conflict of interest

15. Staff members shall perform their official duties and conduct their private affairs in a way that preserves and enhances public confidence in their own integrity and that of ICAO and avoids any conflict of interest.

16. Staff members shall not be actively associated with the management of, or hold a financial interest in, any profit-making business or other concern, if it were possible for the staff member or the profit-making business or other concern to benefit from such association or financial interest by reason of his position with the Organization.

Use and protection of information

17. Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position, which has not been made public, except in the course of their duties or by authorization of the Secretary General. They shall not at any time use such information to private advantage.

18. These obligations do not cease upon separation from service.

Respect for different customs and culture

19. Staff members must show the utmost respect for cultural diversity in the context of their relations with other staff of the Organization and in their personal conduct. They must, in particular, adapt themselves to the local customs of each country to which they are assigned.

Outside employment and activities

20. Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary General.

21. The Secretary General may authorize staff members to engage in an outside occupation or employment, whether remunerated or not, if the outside occupation or employment:

- a) does not conflict with the staff member's official functions or his status as an international civil servant;
- b) is not against the interest of ICAO; and
- c) is permitted by local law at the duty station or where the occupation or employment occurs.

Use of properties and assets

22. Staff members shall use the property and assets of ICAO for official purposes and shall exercise reasonable care when utilizing such property and assets.

Gifts, honours and remuneration from outside sources

23. To protect the international civil service from any appearance of impropriety, staff members of ICAO must not accept any honour, decoration or favour, gift or remuneration of more than nominal value from any government or from any other source external to the Organization without first obtaining the approval of the Secretary General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of ICAO's Staff Regulations and with the individual's status as an international civil servant.

Financial disclosure

24. All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Secretary General in respect of themselves, their spouses and their dependent children.

25. The Secretary General shall require other staff whose function involves financial or procurement matters to file financial disclosure statements, as he deems necessary, in the interest of the Organization.

26. All financial disclosure statements shall be lodged with the Office of the Ethics Officer. These statements shall be kept in a secure location, will be treated in a confidential way and will be accessible to and used only by the Secretary General and the Ethics Officer.

27. Staff members who are not able to comply with the disclosure requirements in respect of their spouses shall submit a detailed justification to the Ethics Officer. The Ethics Officer shall consider whether such justification is reasonable, with regard to the particular circumstances of each case, and may make recommendations to the staff members or the Secretary General in respect of each case.

Notification of lobbying

28. Staff members shall notify the Secretary General, through their supervisor, of cases of lobbying which may lead to circumventing duly established processes or unduly influencing a decision in favour of a lobbying group.

Conduct of staff member's household

29. Staff members must bear in mind that their conduct and activities outside the workplace, even if unrelated to official duties, can compromise the image and the interest of ICAO. This can also result from the conduct of their households, and it is their responsibility to make sure that their households are fully aware of this.

Management and staff relations

General

30. Relations between management and staff members and vice versa shall be guided by mutual respect and dialogue.

Management

31. Managers and supervisors are in positions of leadership, and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all legitimate views and opinions and ensure that the merits of staff are properly recognized.

Staff members

32. Staff members should follow the instructions they receive in connection with their official functions. They have the responsibility of providing all pertinent facts and information to their supervisors and of abiding by and defending any decisions taken, even those not consistent with their personal views.

Freedom of association

33. Freedom of association is a fundamental human right, and international civil servants have the right to form and join associations or other groupings to promote and defend their interests. In using the broad freedom of expression they enjoy, staff members must exercise a sense of responsibility and act in accordance with the ICAO Service Code and the relevant provisions of the present framework.

Relations with Member States

34. Staff members shall not, either individually or collectively, discredit a Member State or undertake any activity, direct or indirect, to undermine a Member State. They should also refrain from promoting or lobbying in favour of a particular State.

Relations with the public

35. All staff members have a continuing responsibility to promote a better understanding of the objectives and work of ICAO.

36. They shall endeavour at all times to promote a positive image of the international civil service in conformity with their oath of loyalty. They shall not air personal grievances against ICAO or criticize ICAO in public and shall avoid any kind of public pronouncement which may adversely reflect on their status.

Relations with the media

37. When dealing with the media, once the necessary authorization has been given, staff members shall regard themselves as

speaking in the name of ICAO and avoid personal references and views; under no circumstances shall they use the media to further their own interests, to reveal unauthorized information or to attempt to influence policy decisions facing ICAO.

Misconduct

Definition

38. Misconduct is the non-compliance by a staff member, through acts or omissions, with his obligations under the ICAO Service Code, Staff Rules, Personnel and Administrative Instructions and other relevant and administrative texts in force.

39. Misconduct is also the non-observance of standards of conduct expected from an international civil servant.

Categories of misconduct

40. The behaviour in paragraphs 41 to 44 is considered as examples of misconduct.

Unethical conduct

41. Unethical conduct is behaviour that is contrary to the core values and principles that are enshrined in this framework and includes discrimination; harassment, including sexual harassment; intimidation, retaliation and abuse of authority; staying in a conflict of interest situation; corruption; misuse of corporate information and breach of confidentiality; and nepotism, be it for personal benefit or for favours to others.

Unlawful conduct

42. Unlawful conduct is behaviour that is against the law and includes charges such as theft, fraud, bribery, smuggling, possession or sale of illegal substances, and embezzlement, notwithstanding whether or not the staff member was officially on duty at the time when the acts were committed.

Wasteful conduct

43. Wasteful conduct is mismanagement or waste of ICAO's resources, either through gross negligence or malicious intent.

Violation of established policies, standards and regulations

44. Violation of established policies, standards and regulations means non-observance, by malice or by gross negligence, of clearly communicated human resource and financial policies, regulations, rules or other instructions or guidelines applicable to specific areas of work such as misrepresentation, false certification or non-disclosure in connection with allowances, benefits and claims.

Reporting of misconduct

45. Staff members should report concerns relating to misconduct directly to the Ethics Officer using email, facsimile or mail, following the detailed procedures laid down in the Personnel Instructions.

46. Reporting shall not be used to transmit rumours. Staff members who deliberately make false allegations may themselves be the subject of disciplinary measures.

47. The Ethics Officer will receive, log and take action on all incoming reports.

Preliminary review and investigation

48. Upon receiving a report, the Ethics Officer shall conduct a preliminary review. In the event of a credible case of misconduct, he shall propose an early resolution or otherwise refer the case in writing to the Bureau in charge of investigation.

49. Where, in the opinion of the Ethics Officer, there may be a conflict of interest in the Bureau conducting the investigation or if, in his view, the matter concerns a serious or complex case, the Ethics Officer may recommend to the Secretary General that the matter be referred to an alternative investigating mechanism.

50. Once the Ethics Officer has received the investigation report, he will make his recommendations on the case to the Secretary General for final decision. Outcome of investigations on allegations concerning the Secretary General will be reported directly to the Council.

Disciplinary measures

51. Allegation of misconduct may lead to the imposition by the Secretary General of one or more disciplinary measures listed in Article X of the ICAO Service Code that he deems appropriate to the gravity of the case.

52. The decision of the Secretary General to impose any of the disciplinary measures is, without prejudice to his authority, to take any legal action to establish the criminal, civil or financial liability of the staff member concerned.

Protection against Retaliation

General

53. It is the duty of all staff members to report any breach of ICAO's regulations and rules related to misconduct to the Ethics Officer and to cooperate with duly authorized audits and investigations.

54. All staff members of ICAO shall be protected against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.

Protection of staff who suffered retaliation

55. Protection against retaliation applies to any staff member who:

- a) reports the failure of one or more staff members to comply with his obligations under the ICAO Service Code, the Staff Regulations, Staff Rules, Personnel

Instructions or other relevant administrative issuances related to misconduct, including any request or instruction from any staff member to violate the above-mentioned codes, rules or standards; and

- b) cooperates in good faith with a duly authorized investigation or audit.

Prohibition of retaliation

56. Any retaliatory measures against a staff member or any other individual engaged in any dealings with ICAO because such person has reported misconduct by ICAO staff members shall be considered misconduct that, if established, will lead to disciplinary or other appropriate action.

Organizational Aspects

Ethics Officer

57. There shall be an Ethics Officer within ICAO. The Ethics Officer shall be attached to the Office of the Secretary General, shall report directly to the Secretary General and shall be independent from all other services. The Ethics Officer has both formal and informal access to the Council.

Access to the Ethics Officer

58. All staff members shall have access to the Ethics Officer and shall be informed of the different possibilities for reporting cases of wrongdoing in a confidential way as laid down in the Personnel Instructions.

Duty to cooperate with the Ethics Officer

59. All staff members have the duty to cooperate with the Ethics Officer and provide access to all records and documents requested by

him. The exceptions to this are medical records, which would not be available without the express consent of the staff member concerned, and records that are subject to confidentiality requirements.

60. Staff members who have provided information in good faith and/or have cooperated with investigations or audits are entitled to protection against retaliation.

Responsibilities in the field of ethics

Secretary General

61. The Secretary General is responsible, *inter alia*, for:
- a) monitoring the ICAO framework on ethics;
 - b) ensuring that appropriate mechanisms are in place for the prevention and resolution of misconduct as well as for protecting staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;
 - c) preventing discriminatory acts and human rights violations; and
 - d) holding at least one annual “town hall” meeting with staff, including a specific agenda item on ethics.

Ethics Officer

62. The Ethics Officer is, *inter alia*, responsible for providing counsel and confidential advice to the Organization and its staff about ethics and standards of conduct. He shall promote ethical awareness through training, communication, policy development and liaison as well as dealing with reports of misconduct. Examples of tasks are:

- a) providing advice to the Secretary General and the Council on policies and procedures related to ethics issues;
- b) prevention and outreach through the development and implementation of mandatory ethics training programmes

- (initial and refresher) and internal communication, including contribution to ICAO's website on the ethics function;
- c) providing confidential ethics advice and guidance to all staff members;
 - d) handling of reported cases of misconduct, including initial screening and proposing early resolution when feasible and, if required, referring the matter to the appropriate unit for investigation;
 - e) administering the ICAO policy for the protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;
 - f) developing, implementing and administering ICAO's financial disclosure programme;
 - g) submitting, to the Council, an annual report, unchanged by the Secretary General, together with any comments of the Secretary General thereon; and
 - h) maintaining records of advice and guidance given.

Director, Administration and Services Bureau

63. The Director of the Administration and Services Bureau shall, *inter alia*, be responsible for:

- a) providing to staff and management general advice on questions relating to the prevention and resolution of cases of misconduct; and
- b) investigating cases of misconduct as handed over by the Ethics Officer and reporting back to him.

Chief, Evaluation and Internal Audit

64. The Chief, Evaluation and Internal Audit shall, *inter alia*, be responsible for:

- a) notifying the Ethics Officer of any elements of misconduct found during evaluation and internal audit activities; and
- b) investigating cases of misconduct of a financial nature as handed over by the Ethics Officer and reporting back to him.

Director, Legal Affairs and External Relations Bureau

65. The Director, Legal Affairs and External Relations Bureau shall, *inter alia*, be responsible for:

- a) notifying the Ethics Officer of any elements of misconduct found during the performance of tasks by his bureau; and
- b) investigating cases of misconduct as handed over by the Ethics Officer and reporting back to him.

Directors, Chiefs and Supervisors

66. Directors, Chiefs and Supervisors shall, *inter alia*, be responsible for:

- a) communicating clearly to all their staff members ICAO's policy on ethical issues;
- b) taking steps at an early stage to prevent and/or resolve conflicts between staff members in their unit;
- c) taking swift and appropriate preventative action on potential cases of misconduct, especially harassment, as soon as they become aware of such situations;
- d) taking an active part in the mediation/resolution of actual cases of misconduct as soon as they become aware of such situations; and
- e) taking the appropriate actions, following the resolution of cases, and ensuring that measures are in place to prevent recurrence of conflict and/or harassment.

Staff members

67. Staff members shall, *inter alia*, be responsible for:
- a) behaving in a way that ensures that the workplace is free of intimidation, hostility or offence and any form of misconduct; and
 - b) not tolerating any form of misconduct, especially any form of harassment.

Ombudsman

68. The Secretary General shall designate an Ombudsman. The role of the Ombudsman shall be, *inter alia*, to:
- a) provide a channel for dialogue and conciliation between staff members, supervisors and the administration in cases of disagreements or disputes of a non-ethical nature in order to avoid, to the extent possible, recourse to ICAO's formal machinery for settlements of disputes;
 - b) attempt to effect conciliation and settlement of these disputes through fact-finding, discussion and involvement of all interested parties and, when required, address recommendations to the parties to the dispute;
 - c) assist and counsel staff members individually in case of problems and grievances relating to the terms and conditions of employment, their working conditions or their relations with supervisors and colleagues; and
 - d) submit a report of his activities to the Secretary General at the end of each year.

Procedures in Cases of Misconduct

69. Detailed procedures in cases of misconduct are laid down in the Personnel Instructions.

