

Whistleblowing policy

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Aim of the policy

The aim of CMI's Whistleblowing Policy is to encourage employees, partners, and others who have serious concerns about any aspect of CMI as an institution or CMI's work to come forward and voice those concerns, so that measures can be taken.

Ideally, these parties should voice their concerns at a lower level, allowing the issues to be resolved early on. Early interaction often leads to a quicker and less conflicted solution. The whistleblowing policy is meant as a safeguard if other solutions do not result in concrete measures, or if the concerns are too serious to address at a lower level. However, if this is not possible or that route does not bear fruit, they may convey their concerns through the whistleblowing policy to ensure that measures are taken. This whistleblowing route is accessible for employees at all levels, including temporary staff, allowing them to notify internally of significant concerns without any fear of retaliation. Additionally, this route is assessable for partners and other third party to report their concerns.

CMI's whistleblower policy is available to staff in the personnel handbook, and to external parties on [CMI's internet website](#).

What can be notified?

All types of blameworthy circumstances, such as:

- Danger to life or health
- Danger to climate and the environment
- Corruption or other economic crime
- Breach of legislation
- Abuse of authority
- Unsatisfactory working environment
- Financial default
- Breach of CMI's internal rules and ethical guidelines (Code of Conduct, Inclusion, and Ethics)
- Improper behaviour (e.g., sexual harassment, bullying, discrimination)
- Violation of ethical standards that have broad support in society
- Breach of personal data security

[The Working Environment Act Section 2-A-1\(3\)](#) states that questions raised that only relate to the employee's work situation shall not be considered whistleblowing unless they also concern issues described in the [Working Environment Act, Section 2 A-1\(2\)](#) [a danger to life or health, a danger to climate and the environment, corruption or other economic crime, the abuse of authority, an unsatisfactory working environment or a breach of personal data security].

Cf. WEA, section 2 A-1(3), why questions related to one's work situation is not considered whistleblowing:

When the chapter 2A was revised in 2018-2019, it was stated that [Translated from official text in Norwegian]:

- "Examples of matters that employees can express themselves critically about, but which would not be considered whistleblowing in the sense of the Working Environment Act, could be various factors related to the implementation of the employment contract between the parties, dissatisfaction with pay, workload, and distribution of tasks, poor personal chemistry, general interaction challenges, personal conflicts, etc. To the extent that such circumstances also represent a breach of the law, the company's written ethical guidelines or general ethical standards, they will nevertheless be covered by the notification rules, cf. second paragraph.". [Prop. 74 L \(2018–2019\) - regjeringen.no](#) [in Norwegian].
- If however, this notified condition related to several or a group of workers (general interest), it may be covered by rules on whistleblowing, [cf. NOU 2018:6, page 156](#).

Basic requirements for an act to be defined as harassment/bullying:

See The Norwegian Labour Inspection Authority for more information: [Mobbing på arbeidsplassen](#) (bullying in the workplace), [Trakkasering](#) (harassment), and [Seksuell trakassering](#) (sexual harassment) [in Norwegian].

The following four elements should be present, in order for an act to be defined as harassment or bullying.

1. The behavior is unwanted by the person subjected to the behavior. Common norms for social interaction and collaboration are not followed. The unwanted behavior or action performed is of a negative character and has the effect or purpose of being offensive to the victim. (See full definition of harassment in the [Equality and Anti-Discrimination Act, Chapter 2, section 13](#)).
2. Experienced harassment is largely determined by the individual person's subjective experience of their surroundings/actions. However, whether there is harassment in legal sense, will depend on an objective assessment of whether the act is within the limits of normal, expected behavior. Negative actions that are within the limits of normal, expected behavior must normally be tolerated.
 - The Norwegian Labour Inspection Authority explains this the following way: "If two parties treat each other equally badly, it can be called a conflict rather than harassment. Although it may be perceived as unfair, it is also not necessarily harassment when an employee disagrees with choices or changes that the employer makes by virtue of its management rights. Read more about [personnel cases/matters](#)." (Source: "[Hva er forskjellen på konflikt og trakassering](#)», [Trakassering](#)) [in Norwegian].
3. The negative actions (that the individual experiences as harassment) must usually be repeated or systematic to be characterized as harassment in the legal sense. Isolated actions (that only occur one time) may constitute harassment in the legal sense, but this requires that the action has a more serious character. Please note that sexual harassment does not need to be repeated or systematic to be deemed harassment, in these cases one time is enough to be legally defined as sexual harassment. See more information in Norwegian here: [Seksuell Trakassering](#) (The Norwegian Labour Inspection Authority).
4. There must usually be an imbalance in the power-balance between the two parties. The victim of the act must have difficulty in defending themselves due to the power imbalance (for example a student and a researcher, or a temporary hire and a leader). If the parties are equal and act equally towards each other it will usually not be a matter of legal

harassment [exception: sexual harassment]. The requirements relate to formal organizational structure and authority, but must also relate to personal authority, social role, group authority etc. See "[mobbing på arbeidsplassen](#)" for more information [The Norwegian Labour Inspection Authority].

Please note that harassment can be direct or indirect.

Harassment is legally defined as "acts, omissions or statements that have the purpose or effect of being offensive, frightening, hostile, degrading or humiliating" [Equality and Anti-Discrimination Act, Chapter 2, section 13](#)).

It is important to underline that the definition for sexual harassment is broader, meaning that the threshold for defining an unwanted sexual act as sexual harassment in the legal sense is lower than for other harassment. Sexual harassment is defined as "any form of unwanted sexual attention that has the purpose or effect of being offensive, frightening, hostile, degrading, humiliating or troublesome" [Equality and Anti-Discrimination Act, Chapter 2, section 13](#)).

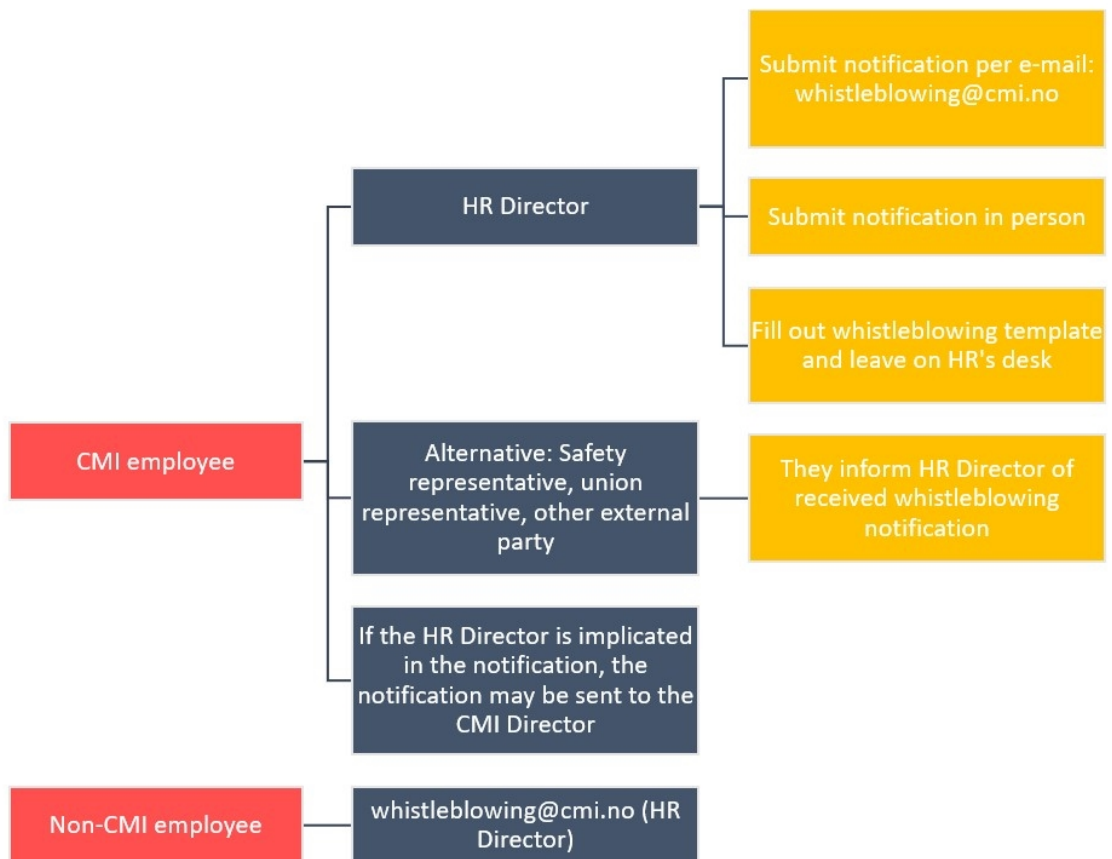
According to the Whistleblowing policy, sexual harassment is defined as a serious breach of conduct. We will therefore usually treat sexual harassment notifications as a whistleblowing case to ensure follow up of our zero-tolerance policy. However, the individual reporting the sexual harassment claim may ask that the notification be treated as a personnel case instead of a whistleblowing case. Please note you can notify anonymously; however, this will limit the scope of the investigation.

Who should you notify?

All whistleblowing notifications are to be addressed to the Director of HR and Organizational Development. This can be done by sending an e-mail to: whistleblowing@cmi.no or by speaking directly with the HR Director. This e-mail is available to both internal and external whistleblowers. The HR Director is responsible for the initial handling of all whistleblowing cases. If the HR Director is implicated in the whistleblowing notification, the CMI Director is responsible for the initial handling of the whistleblowing case.

Per [The Working Environment Act §2-2](#), the employee also has the right to notify (whistleblowing) to the Safety Representative, Union representative, and other external parties, see the legal text for full list. See more information on the Norwegian Labour Inspection Authorities website: "[Slik kan arbeidstaker varsle om kritikkverdige forhold](#)" Sa[in Norwegian]. In the event that the employee notifies someone else than the HR Director, then the notification must be forwarded to the HR Director.

Please mark the notification as a whistleblowing notification to avoid misunderstandings regarding the intent and seriousness of the concerns or allegations one is bringing forth.



How to notify?

- **Written notifications:** Notifications should be made in writing to the whistleblowing e-mail (whistleblowing@cmi.no) or handed in person to the HR Director, describing the case with critical details (e.g., what, where, how, who), in order to facilitate the inquiry. The whistleblowing notification e-mail is available to both internal and external whistleblowers.
- **Identified whistleblower:** CMI wishes to encourage the whistleblower to identify who he/she is. This makes it easier to follow up a concern and to keep the whistleblower informed of what is being done with the concern.
- **Anonymous whistleblower:** If an employee does not wish to appear with a name, it is better to notify anonymously than not notify at all. If the employee wishes to be completely anonymous, a letter detailing the notification can be left on the HR Director's desk. Please mark the case clearly to avoid misunderstandings, considering using this [whistleblowing template](#).

Non-employees may raise their concerns by contacting the dedicated [email address](mailto:whistleblowing@cmi.no) whistleblowing@cmi.no which is managed confidentially by CMI's HR Director.

Responsibility for the person who receives notice

Timeline:

- **Two-week deadline:** The notification must be addressed within two weeks.

Whistleblower's rights:

- **Right to be informed:** The HR Director must inform the whistleblower of how the matter is being handled, this should be done as soon as possible. Feedback must also be given in cases where the process ends with a conclusion that this is not a warranted whistleblowing case.
- **Right to protection from retaliation:** The HR Director has a responsibility to help ensure that this does not have any negative consequences for the person who has notified and is obligated to ensure that the whistleblower is protected from retaliation.

Confidentiality and documentation in the whistleblowing process:

- **"Need to know" and confidentiality:** The guidelines establish that notification matters must be treated confidentially. Confidentiality implies in this context that the identity of the person(s) involved is not to be disclosed to others than what is necessary for the further processing of the case. The HR Director is obligated to strive for confidentiality in the whistleblowing case.
- **Sensitive personnel information:** There is a duty of confidentiality regarding someone's personal circumstances. Personal circumstances are defined as information about physical and mental health, character, emotional life, social or personal issues. See [The Norwegian Personal Data Act](#) for more information.
- **Right to information:** If the person being notified about (the concern is directed against) is requesting access to the case, he/she can generally demand to be informed of the identity of the whistleblower. This would be assessed on a case-to-case basis. See section regarding "right to information and personal data (Datatilsynet)" for more information.
- **Document case processing:** Processing of the case must be documented in writing, by reporting of the notification's content, summary of investigations, minutes of meetings and any other conversations, as well as report on findings and conclusions. Documentation is particularly important in matters that can result in liability for individuals. This entails that when the notice is given orally, the HR Director is responsible for registering the notification in writing.
- **Confidentiality and secure archiving:** Whistleblowing cases will be filed in confidential HR archives. These will be archived in accordance with the General Data Protection Regulation (GDPR) and [The Norwegian Personal Data Act](#). More information can be found here: "[Personalmappe – hva lagre, hvor lenge og hvorfor?](#)"» (Datatilsynet).

You can read more in [CMI's Code of Conduct, Ethics, and Integrity](#).

Right to information and personal data (Datatilsynet):

See also the [Norwegian Data Protection Authority \(Datatilsynet\)](#) information regarding whistleblowing "[Varsling](#)". It is worth noting that "Both the whistleblower and the accused party can request access to the personal data that the employer processes about them" see "[Rett til innsyn](#)" (Datatilsynet).

There are some exceptions to when the employer (CMI) is allowed to share information in a whistleblowing case:

"A central question is whether the person mentioned in the notification has the right to information about who the whistleblower is. The question of whether the accused party has the right to information about the whistleblower's identity is not specifically regulated by law today. Whether an employer can withhold information about the whistleblower's identity therefore depends on whether the employer fulfils one of the exceptions to the right to information and access in the Personal Data Protection Ordinance and the Personal Data Act.

The employer must justify the exemption from the right to access and information. The exceptions in the Personal Data Act contain discretionary assessments that the employer must undertake in each individual case. Differences in the various cases mean that we cannot come up with a general rule that the employer can exempt information from access." "[Unntak frå retten til informasjon og innsyn](#)", Varsling, Datatilsynet.

There are however exceptions when:

- The whistleblower triggers an active investigation (criminal, illegal activities).
- Text prepared for internal processing (for example internal notes of whistleblowing committee, see below).
- Information it would be contrary to public and fundamental interests to inform about (for example how CMI will follow up the whistleblower).

Read information in full here: "[Unntak frå retten til informasjon og innsyn](#)» (in Norwegian).

Process (duty to inquire and follow-up)

1. **People** (right to information): The HR Director will map out which individuals are involved in this whistleblowing case, who has already been informed of the matter, and who must be informed of the process going forward. In serious cases, the HR Director may consider informing the Chairperson of the board of the whistleblowing case.
2. **Appoint committee**: The HR Director will establish a committee of two or three individuals who will process the whistleblower case[1]. This committee will always include the HR Director. CMI's Safety Representative and additional members from the management team may be included when relevant for the case processing. The HR Director must inform the whistleblower about the process plan and committee composition.
3. **Document notification**: The Whistleblower will be given the opportunity to present the case to the committee. This should be as detailed as possible. This must be documented in writing (formal documentation).
4. **Initial assessment by the committee**: does this constitute a whistleblowing case? Which regulatory framework may be considered as broken in connection with this reported incident? Other information available support this? A legal case? (Should the Police be involved and if so- what information can be given to parties from CMI?). This assessment must be documented in writing. Anonymous alerts should be investigated as far as possible.
5. **Contradiction principle (right to reply)**: If another person is accused/suspected, this person has the right to present their side of the story to the committee appointed to handle the case. This must be documented in writing.

[1] The Safety representative and Management team should have completed training in how to handle whistleblowing cases in accordance with the Norwegian legislation.

Completing of whistleblowing case (report and archive):

- **Feedback**: When the case has been processed, the whistleblower and, if applicable, the person who is notified about, shall receive feedback, regardless of the outcome of the investigation.
 - **Concluding report**: Final report is written and archived by the HR Director.
 - **If it is a legitimate whistleblowing case**: The committee will assess which consequences or follow-up are relevant in this case.
 - **Not a legitimate whistleblowing case**: If the case obviously is not a notification case, this must be justified and added to the casefile. The notifier in the case receives feedback on the outcome.
 - **Need to follow-up identified**: If it is decided that the case is not a whistleblowing case but a working environment issue/personnel case, the case will be closed as a whistleblowing case but followed upon where it belongs in the organization. Usually this entails it being followed up by one's personnel leader.
 - **Archive in accordance with**: [The Norwegian Personal Data Act](#).
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In CMI's Code of Conduct, Ethics and Integrity the following is stated regarding whistleblowing notification:

"All employees of CMI are accountable and under obligation to raise any issues of doubts or suspicion of wrongdoing to the CMI management. [...] Our partners as well as our target groups and any interested members of the public can contact CMI's management* if they have justifiable reason for believing that these guidelines have been breached. CMI will carefully examine all information given, maintaining confidentiality, if so desired."

Per the Working Environment Act chapter 4, section 3 ([§4-3 Krav til de psykososiale arbeidsmiljøet](#)), "3) Employees must not be subjected to harassment or other inappropriate behavior. (4) Employees must, as far as possible, be protected against violence, threats, and adverse stress as a result of contact with others". CMI as an employer is therefore obligated to work to prevent harassment, both face to face and online, and take concrete measures when harassment occurs.

**See notification process in section "Who should be notified".*

Download CMI's Whistleblowing Policy as a separate file here: [Whistleblowing policy, revised November 2023, HF.docx](#).

The Working Environment Act says:

Right of employees to report irregularities

Under section 2 A-1 of the Working Environment Act, employees have the right to report irregularities in an undertaking. The provision emphasises that hired workers also have the right to make reports in accordance with these rules. "Irregularities" means circumstances which are contrary to statutory rules, written guidelines or standards which are broadly accepted in society.

The provision provides a non-exhaustive list of examples of potential irregularities. These include circumstances which may constitute:

- a risk to life or health
- corruption and other financial crimes
- an unacceptable working environment.

The provision emphasises that statements about circumstances which are specific to an employee's individual work situation are generally not regarded as a report. Such circumstances may include dissatisfaction with one's pay or workload, disagreement about the distribution of work and personnel conflicts. However, if such circumstances also entail breach of statutory rules, written guidelines, etc., they will be covered by the whistleblowing rules, for example where an employee reports that he/she has been harassed.

Procedure to be followed by employees making a report

The procedure employees must follow when making a report can be found in section 2 A-2 of the Working Environment Act. According to this provision, an employee may always make a report in-house and/or to supervisory and other public authorities. A matter may only be reported to the media or the general public if the following three conditions are met:

- The employee must be acting in careful good faith with regard to the content of the report.
- The report must concern irregularities which are of public interest.
- The employee must first have made an in-house report or have reason to believe that in-house reporting will not be expedient.

Activity duty of an employer who receives a report

Employers are required to ensure that all reports are investigated adequately; see section 2 A-3 of the Working Environment Act. The provision states that this must be done within a reasonable period of time. The length of this reasonable period of time depends on the subject matter of the report, and must be assessed individually in each case.

Prohibition against retaliation

Employees who report irregularities must be protected against retaliation; see section 2 A-4 of the Working Environment Act.

In this context, “retaliation” means “any unfavourable action, practice or omission” occasioned by the fact that an employee has made a report. The provision mentions the following examples, among others:

- threats and harassment
- unfair differential treatment
- warnings
- changes to work tasks
- dismissal with or without notice.

If the prohibition against retaliation is breached, section 2 A-5 of the Working Environment Act entitles the employee to claim redress and damages from the employer or temporary employer. Such a claim can be brought on objective grounds, i.e. regardless of whether the employer or temporary employer can be said to be responsible for the retaliation.

Duty to have reporting procedures in place

Under section 2 A-6 of the Working Environment Act, undertakings with at least five employees – and undertakings whose circumstances indicate that it is necessary – are required to have reporting procedures in place. These procedures must be prepared in cooperation with the employees and their representatives. The procedures must be set out in writing and must, as a minimum:

- urge employees to make reports
- detail the reporting procedure
- set out the employer’s procedures for receiving, processing and following up on reports.

Duty of confidentiality

Under section 2 A-7 of the Working Environment Act, the authorities have a duty of confidentiality when they receive a report on irregularities. The duty of confidentiality also applies in relation to the parties involved in the matter and their representatives.