

## Guidelines for whistleblowing in the Foreign Service (Chapter 2 A of the Working Environment Act<sup>1</sup>)

<b>What is whistleblowing?</b>	Whistleblowing <sup>2</sup> means reporting issues of concern <sup>3</sup> within an organisation.
<b>Why should I report issues of concern?</b>	You are encouraged to report issues of concern so that your employer is aware of them and can take the necessary steps to rectify the situation.
<b>What is meant by issues of concern?</b>	<p>‘Issues of concern’ may include breaches of legislation, internal guidelines or ethical norms, for example:</p> <ul style="list-style-type: none"> <li>• harassment or other improper conduct</li> <li>• discrimination</li> <li>• substance abuse, gambling or online addiction</li> <li>• situations that place the health and safety of people at risk</li> <li>• other factors that undermine the right to a fully satisfactory working environment</li> <li>• dangerous products</li> <li>• financial irregularities such as embezzlement, theft, fraud, corruption or other misuse of funds within the organisation and/or by external partners</li> <li>• disclosure of confidential information</li> <li>• improper storage of sensitive documents</li> <li>• abuse of power</li> <li>• breaches of the personal data protection rules</li> </ul> <p>If you raise questions that only relate to your own work situation, this is not considered to be whistleblowing, unless the matter also involves issues of concern as described above.</p>
<b>Who can whistleblow?</b>	<p>Anyone can report issues of concern. The Working Environment Act contains specific provisions on whistleblowing, including the duty to report and protection against retaliation for whistleblowers. All employees in the Foreign Service – posted employees, locally employed staff and honorary representatives at Norwegian missions abroad, as well as seconded staff, trainees and consultants – are entitled to report issues of concern in line with these guidelines.</p> <p>When appropriate, the guidelines also apply in cases where people with no formal ties to the Foreign Service report issues of concern.</p>
<b>How do I whistleblow?</b>	Issues of concern may be reported in writing or verbally, e.g. by email, letter, telephone, or in person.

<sup>1</sup> Please note that at the time of writing, the English translation of the Working Environment Act on lovdata.no had not been updated to show recent amendments to Chapter 2.

<sup>2</sup> ‘Varsling’ in Norwegian. Translated as ‘notification’ in the English translation of the Working Environment Act.

<sup>3</sup> ‘Kritikkverdige forhold’ in Norwegian. Translated as ‘censurable conditions’ in the English translation of the Working Environment Act.

<b>Who should I contact?</b>	<p>The Foreign Service cannot require you to report issues of concern in a specific way.</p> <p>As a general rule, Foreign Service employees should, in the first instance, raise issues of concern with their immediate manager or a manager higher up the line. You may also report issues of concern to an employee representative, HSE representative, colleague, or someone in the occupational health service. You should be aware that the person you have told is obliged to pass this information on to the appropriate part of the organisation.</p> <p>If you do not work in the Foreign Service, you may report issues of concern directly to the Foreign Service Control Unit or the Foreign Service's external whistleblowing channel. Employees may also use these channels if they prefer to notify someone outside the line of management.</p> <p><b>Foreign Service Control Unit:</b> <a href="mailto:s-kontrollenhet@mfa.no">s-kontrollenhet@mfa.no</a>; +47-23 95 11 42, +47 23 95 04 40 or +47 23 95 11 12; postal address: Ministry of Foreign Affairs, PO Box 8114 Dep., 0032 Oslo; visiting address: Kronprinsensgate 9, 0251 Oslo.</p> <p><b>Ernst &amp; Young:</b> <a href="#">Whistleblowing Form</a>, by telephone + 47 24 00 20 14 or by letter to: Ernst &amp; Young AS, Attn: Forensics, Oslo Atrium, PO Box 1156 Sentrum, NO-0107 Oslo, NORWAY</p> <p>In addition, you are always entitled to report issues of concern to the appropriate supervisory authorities or other public authorities (e.g. the Norwegian Labour Inspection Authority, the Norwegian Data Protection Authority, the police).</p>
<b>Do I have a right to whistleblow?</b>	<p>As an employee, you have the right to report issues of concern in the organisation (see section 2 A-1 (1) of the Working Environment Act).</p>
<b>Do I have a duty to whistleblow?</b>	<p>Yes, in certain situations, you have a duty to whistleblow:</p> <ul style="list-style-type: none"> <li>• You have a duty to immediately inform your employer and HSE representative – as well as other employees where necessary – about any faults or problems that may be a danger to health and safety, unless you are able to rectify the situation yourself.</li> <li>• You have a duty to inform your employer or HSE representative immediately if you become aware of any harassment or discrimination in the workplace.</li> <li>• You have a duty to inform your employer if you are injured at work or if you contract an illness that you believe is related to your work or workplace conditions.</li> <li>• You have a duty to inform your employer of any circumstances that could result in loss or damage to the employer, employees or the immediate environment; see the <i>Ethical Guidelines for the Public Service</i>.</li> </ul>
<b>Do HSE representatives have a special duty to whistleblow?</b>	<p>Yes, under the Working Environment Act, HSE representatives have a special duty to whistleblow. An HSE representative who becomes aware of any circumstances that could pose an accident or health risk and is unable to rectify the situation themselves must immediately notify the employees at the site, and inform the employer. If the employer does not deal with the matter within a reasonable space of time, the HSE representative must notify the Labour Inspection Authority or the Ministry's Working Environment Committee.</p>

<b>What should reports include?</b>	<p>Reports should include:</p> <ul style="list-style-type: none"> <li>• your full name (but you may also report anonymously)</li> <li>• your place of service (unless you have chosen to report anonymously)</li> <li>• the date of the report</li> <li>• the period or date and time when you observed or experienced the issue of concern</li> <li>• a full description of what you observed or experienced</li> <li>• the place where the issue of concern was observed/experienced</li> <li>• names of any other people who know about the situation</li> <li>• any previous incidents you know about involving the same person/people.</li> </ul>
<b>What should you consider before whistleblowing?</b>	<p>Section 2 A-2 of the Working Environment Act lists the different channels for reporting issues of concern.</p> <p>If the working environment is good, the threshold for raising issues of concern in the workplace will be low, and it should be possible to handle criticism and/or disagreements fairly and professionally.</p> <p>You should bear in mind that whistleblowing cases are always stressful both for the whistleblower and for the person or people being reported. These cases also put a strain on colleagues, the working environment, and the organisation as a whole.</p> <p>Before deciding whether to whistleblow and which channel to use, you should ask yourself the following questions:</p> <ul style="list-style-type: none"> <li>• Do I have sufficient grounds for raising this issue?</li> <li>• How should I proceed?</li> <li>• Who should I contact?</li> </ul> <p>There are no strict rules that whistleblowers are required to follow under the Working Environment Act. Whistleblowers are not required to be sure of the facts, but you must have reasonable grounds to believe that the matter you are reporting really is an issue of concern.</p> <p>It is the employer who has the burden of proof to demonstrate that a whistleblower has not followed proper procedures, as described above.</p> <p>If you report an issue of concern in accordance with these guidelines and other relevant Foreign Service guidelines, you can be sure that you are following proper procedures.</p>
<b>Can I contact the media? (public whistleblowing)</b>	<p>You may whistleblow publicly (to the media or otherwise in the public domain) if you act in good faith as regards the substance of the information disclosed, if the disclosure is in the public interest, and if you have already reported the matter through the organisation's own channels, unless you have reason to believe that internal whistleblowing would not be appropriate.</p>
<b>What principles apply when dealing with whistleblowing cases?</b>	<ul style="list-style-type: none"> <li>• All reports must be taken seriously and must be dealt with immediately.</li> <li>• The question of impartiality must be considered in accordance with the Public Administration Act.</li> <li>• The facts must be examined carefully.</li> <li>• The whistleblowing channel used must not affect the way the case is dealt with.</li> <li>• The whistleblower may choose to remain anonymous.</li> <li>• The matter must be dealt with confidentially.</li> <li>• The matter must be properly documented.</li> <li>• The right of all parties to be heard must be respected.</li> <li>• The parties concerned must be informed about the case.</li> <li>• The interests of all parties must be taken into consideration.</li> <li>• Retaliation against a whistleblower is prohibited by law.</li> </ul>

<b>Who deals with whistleblowing cases?</b>	<p>Your employer must consider carefully who should be involved (internally and/or externally) in dealing with a whistleblowing case and which steps should be taken. This will depend on the nature of the case and the person/people the report concerns. The case must be registered and dealt with in accordance with current legislation.</p> <p>The Foreign Service has the following guidelines for dealing with different types of problems:</p> <ul style="list-style-type: none"> <li>• <a href="#">Guidelines for dealing with conflicts, harassment or other improper conduct</a> (pdf)</li> <li>• <a href="#">Guidelines for dealing with drug and alcohol abuse, gambling and other dependency problems at the workplace</a> (pdf)</li> <li>• <a href="#">Guidelines for dealing with suspicion of financial irregularities in the Foreign Service</a></li> </ul>
<b>Will I get any feedback?</b>	<p>The whistleblower should, where possible, receive confirmation that his or her report has been received. Access to information about the case is governed by the provisions of the Freedom of Information Act, the Public Administration Act, the Personal Data Act and other relevant legislation.</p>
<b>Are there any restrictions on whistleblowing?</b>	<p>The rules on confidentiality and current security legislation also apply in whistleblowing cases. This means that whistleblowers are not entitled to breach the rules on confidentiality, etc.</p>
<b>Am I taking a risk by whistleblowing?</b>	<p>Retaliation against whistleblowers is prohibited under section 2 A-4 of the Working Environment Act. If you report an issue of concern, your employer must ensure that your working environment is not adversely affected, and must if necessary take steps to prevent retaliation.</p>
<b>The rights of the person/people reported</b>	<p>If an employer decides to investigate a whistleblowing case, the person/people reported must be informed about the report and its content. This allows them to present their side of the case. When the case has been concluded, the person/people reported must be informed immediately. This also applies in cases where the conclusion is that there has been no misconduct or wrongdoing.</p>