

## Guidelines for whistleblowing in the Foreign Service (Chapter 2 A of the Working Environment Act)

<b>What is whistleblowing?</b>	Whistleblowing means reporting issues of concern 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' includes breaches of legislation, internal guidelines, written ethical guidelines or ethical norms on which there is broad agreement in society, 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>• 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 authority;</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 report issues of concern?</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, consultants and workers hired from temporary-work agencies – 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 report issues of concern?</b>	Issues of concern may be reported in writing or verbally, e.g. by email, letter, telephone, or in person.

<p><b>Who should I contact?</b></p>	<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:Sentral.kontrollenhet@mfa.no">Sentral.kontrollenhet@mfa.no</a>; +47 23 95 05 39 or +47 23 95 03 38; 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> using this <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>
<p><b>Do I have a right to report issues of concern?</b></p>	<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>
<p><b>Do I have a duty to report issues of concern?</b></p>	<p>Yes, in certain situations, you have a duty to report issues of concern:</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>
<p><b>Do HSE representatives have a special duty to report issues of concern?</b></p>	<p>Yes, under the Working Environment Act, HSE representatives have a special duty to report issues of concern.</p> <p>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>

<p><b>What should reports include?</b></p>	<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 place, time period or date and time when you observed or experienced the issue(s) of concern</li> <li>• a detailed description of the issue(s) of concern you have observed or experienced</li> <li>• names of any other people who can shed further light on the matter</li> <li>• any previous incidents you know about involving the same person/people.</li> </ul>
<p><b>What should you consider before whistleblowing?</b></p>	<p>Section 2 A-2 of the Working Environment Act lists various channels that may be used, for reporting issues of concern. 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 involves issues of concern.</p> <p>Before deciding whether to report an issue of concern 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 whistleblowing?</li> <li>• How should I proceed?</li> <li>• Who should I contact?</li> </ul> <p>It is the employer who has the burden of proof to demonstrate that a whistleblower has not followed proper procedures, as described above. 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>
<p><b>Can I contact the media? (public whistleblowing)</b></p>	<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>
<p><b>How are whistleblowing cases dealt with?</b></p>	<p>The employer has a duty to ensure that all reports of issues of concern are adequately investigated within a reasonable amount of time. Whistleblowing cases vary greatly in nature and scope and the steps to be taken will be decided on a case-by-case basis. In general, the aim is to complete investigations of any reports of issues of concern as quickly as possible to avoid unnecessary strain on those involved.</p> <p>Certain more straightforward reports may be followed up by line management. This may include reports of isolated incidents of unacceptable behaviour in meetings, which are dealt with as part of routine personnel follow-up, or reports regarding failure to comply with HSE requirements at a mission, for example a blocked emergency exit that needs to be cleared. The Department for Human Resources and Organisational Management and/or the Foreign Service Control Unit can assist line management when needed.</p> <p>Whistleblowing cases of a more serious or complex nature will be followed up by the Department for Human Resources and Organisational Management or the Foreign Service Control Unit. If there is any doubt about who should follow up a case, the two units will have a meeting with the Ministry of Foreign Affairs' whistleblowing committee to clarify the division of tasks. In some cases, it may also be appropriate to draw on external expertise. Responsibility for ensuring a satisfactory working environment for those involved in a whistleblowing case always lies with the Department for Human Resources and Organisational Management.</p> <p>The purpose of an investigation is to identify whether the matter reported involves issues of concern as set out above. The investigation may entail conversations with whistleblowers, witnesses and the person/people reported, and gathering information and reviewing written documentation from accounting, payroll and case processing systems or email. In exceptional circumstances and under specific conditions, access</p>

	<p>to employees' email accounts may be required. In such cases, the relevant rules must be followed.</p> <p>The right to be heard must be respected. This means that the person/people reported must receive information about the allegations being investigated and must be given the opportunity to present their side of the case. The desire for anonymity on the part of whistleblowers may in certain cases impede the investigation and make it impossible to follow up on a reported issue of concern properly.</p> <p>Anyone affected by an investigation of a reported issue of concern must be given accurate and sufficient information, provided that this does not infringe on the rights of others.</p> <p>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> <p>If an investigation uncovers issues of concern, the Department for Human Resources and Organisational Management will assess whether disciplinary action is necessary. The government employee act (<i>statsansattelovent</i> – Norwegian only) and the Public Administration Act contain provisions on this.</p> <p>The case must be archived/registered in accordance with current rules.</p>
<p><b>What are the main principles for dealing with whistleblowing cases?</b></p>	<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 matter must be dealt with confidentially.</li> <li>• The matter must be dealt with objectively.</li> <li>• The matter must be dealt with thoroughly.</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>
<p><b>How is the privacy of those involved in a case protected?</b></p>	<p>Employers have a statutory duty under the Working Environment Act to follow up reports of issues of concern. For whistleblowing cases that do not fall under the Working Environment Act, the Ministry of Foreign Affairs will have legitimate interest in resolving any issues of concern identified. This provides a legal basis for processing the personal data that is necessary to investigate and follow up a whistleblowing report.<sup>1</sup> See also the Ministry of Foreign Affairs' privacy notice.</p> <p>Under section 13 of the Public Administration Act, all employees in the Ministry of Foreign Affairs have a duty of secrecy regarding information about an individual's personal affairs that they become aware of in the course of their work. Information concerning personal affairs that emerges during the investigation of a whistleblowing case will only be disclosed to people who have an official need for it. In UDSak, for example, access to sensitive personal information is restricted to those who have an official need for it.</p>
<p><b>What guidelines does the Ministry have for reporting and dealing with issues of concern?</b></p>	<p>In addition to these whistleblowing guidelines, 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>• Guidelines for dealing with drug and alcohol abuse, gambling and other dependency problems at the workplace</li> <li>• <a href="#">Guidelines for dealing with suspected financial irregularities in the Foreign Service</a></li> </ul>

<sup>1</sup> Article 6 (1)(c) and (f) of the EU General Data Protection Regulation (GDPR)

<b>Will I get any feedback?</b>	The whistleblower should, where possible, receive confirmation that his or her report has been received, and at the end of the process that the case has been closed. Information about the case may also be provided to the whistleblower while it is in progress. 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. The whistleblower must expect to be contacted during the process if more information is needed.
<b>Are there any restrictions on whistleblowing?</b>	The rules on confidentiality/secretcy and current security legislation also apply in whistleblowing cases. This means that whistleblowers are not entitled to breach the rules on confidentiality, etc.
<b>Am I taking a risk by whistleblowing?</b>	<p>In workplaces where the working environment is good, the threshold for raising issues of concern will be low, and it is usually possible to handle criticism and/or disagreements fairly and professionally.</p> <p>You should bear in mind that whistleblowing cases are often stressful for the person or people being reported. These cases also put a strain on colleagues, the working environment, and the organisation as a whole. Many whistleblowers also find the process stressful.</p> <p>Retaliation against an employee who reports issues of concern is explicitly prohibited under section 2 A-4 of the Working Environment Act. Retaliation in this context refers to any unfavourable act, practice or omission that is a consequence of or a reaction to the fact that the employee has reported issues of concern. The employer must ensure that the employee concerned has a fully satisfactory working environment, and if necessary must take steps to prevent retaliation. If you believe that you have been subjected to retaliation after reporting issues of concern, it is important to speak up about this. It is the employer who must prove that no retaliation has taken place.</p>
<b>The rights of the person/people reported</b>	When an employer investigates a whistleblowing case, the person/people reported must be informed about the report and the issues of concern that will be investigated. This allows them to respond and present their side of the case. When the case has been concluded, the person/people reported must be informed of the outcome immediately. This also applies in cases where the conclusion is that there has been no misconduct or wrongdoing.