



# **WHISTLEBLOWING POLICY**

## **MSF Norway (Leger Uten Grenser)**

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### 1 INTRODUCTION

This Whistleblowing Policy (the "Policy") applies to Leger Uten Grenser Norge Medecins Sans Frontieres Norway ("MSF Norway").

MSF Norway is committed to the highest levels of openness, integrity, and accountability. An important aspect of accountability and transparency is a provision of a mechanism to enable staff, and other members of the organisation, to voice concerns in a responsible and effective manner. An individual who discovers information that they believe shows serious malpractice or wrongdoing within the organisation, must be able to disclose such information internally without fear of reprisal, and there should be arrangements in place to enable this to be done independently of line management.

It should be emphasized that this Policy is intended to assist persons who believe they have discovered or have become the victim of malpractice or impropriety, and it is reasonable to expect employees, and other encompassed personnel, to follow the Policy.

This Policy has been made available to all employees on [Whistleblowing Policy – MSFNO Portal](#). Please note that any printed copies of this Policy may not reflect the latest version, and you should always refer to the policy posted on our policy website.

## 2 PURPOSE OF THE POLICY

MSF Norway wants and encourages employees (including hired-in employees) and other members of MSF Norway to report unacceptable conditions in line with the Policy. Whistleblowing means reporting unacceptable conditions. In order to meet MSF Norway's standards, and in accordance with our Chantilly principles<sup>1</sup> §8 of aiming at maximum quality and effectiveness; MSF Norway is committed to optimising its means and abilities. It is important that malpractice or wrongdoings is reported in order to be addressed, corrected and prevented in the future.

## 3 WHAT ARE UNACCEPTABLE CONDITIONS?

"Unacceptable conditions"<sup>2</sup> are conditions in breach of Norwegian law, written ethical guidelines (i.e. Behavioural Commitments), or ethical standards/norms with widespread endorsement in the community. Examples of unacceptable conditions include, but is not limited to:

- **Dangers to life and health**
- **Corruption** or other **financial crimes**; Corruption includes theft, bribery, fraud, embezzlement, nepotism, facilitation payments, deception, extortion, abuse of power for personal gain and similar criminal activity. Corruption is not limited to monetary benefits.
- **Abuse of power**; Abuse of power is characterized<sup>3</sup> by a situation where persons use their authority or position to obtain personal benefits through acts such as intimidation, threats, blackmail or coercion. Examples include favouritism (including favouritism in hiring) request for favours in cash or in kind, etc.
- Unsatisfactory working environment such as **discrimination**. Discrimination is characterized<sup>4</sup> by a situation where there is an unjustified difference in treatment at the expense of a person or a group of persons (discrimination based on the race, opinions, lifestyle, gender, sexual orientation, socio-economic background, origin, religion or beliefs and other markers of identity). **Racism is** discrimination on the basis of race<sup>5</sup>.
- Unsatisfactory working environment such as **psychological harassment/bullying** characterized<sup>6</sup> by a situation (generally repetitive) where a person, or a group of individuals, treats someone in a manner that is hostile, whether through actions, verbally or in writing, and if those actions affect their physical or psychological well-being. Examples include humiliation, insults, slander, exclusion, verbal violence, etc.
- **Sexual harassment**<sup>7</sup>: Characterized by physical acts on non-intimate body parts, verbal, non-verbal or written comments and/or proposals that are unwelcome, degrading or of a sexual nature. Sexual harassment is also defined as the pressure, even if only exerted once, on a person for the actual, or alluded, purpose of obtaining sex. Sexual harassment is unwanted sexual attention with the intention or effect of being offensive, frightening, hostile, degrading, humiliating or annoying. Sexual harassment may range from sexual remarks about

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<sup>1</sup> [https://msfintl.sharepoint.com/sites/osl/Governance/Forms/AllItems.aspx?id=%2Fsites%2Fosl%2FGovernance%2FMSFIdentity%2FMSF Chantilly Principles 1995%2Epdf&parent=%2Fsites%2Fosl%2FGovernance%2FMSF Identity](https://msfintl.sharepoint.com/sites/osl/Governance/Forms/AllItems.aspx?id=%2Fsites%2Fosl%2FGovernance%2FMSFIdentity%2FMSF%20Chantilly%20Principles%201995%2Epdf&parent=%2Fsites%2Fosl%2FGovernance%2FMSFIdentity)

<sup>2</sup> "Unacceptable conditions" means 'censurable conditions' (*Nw. kritikkverdige forhold*) according to Section 2A-1 of the Norwegian Working Environment Act. MSF Norway has decided to use the word 'unacceptable conditions' instead of 'censurable conditions' to make it more understandable for the individuals reading this Policy, without being intended to imply any change of reality from the Act's term of 'censurable conditions'.

<sup>3</sup> Decolonise MSF (2021). Dignity at MSF: A report on abuse and discrimination at Doctors Without Borders (page 14).

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<sup>5</sup> Decolonise MSF (2021). Dignity at MSF: A report on abuse and discrimination at Doctors Without Borders (page 14).

<sup>6</sup> Decolonise MSF (2021). Dignity at MSF: A report on abuse and discrimination at Doctors Without Borders (page 14).

<sup>7</sup> The Equity & Anti-discrimination ombud [LDO - what is sexual harassment](#)

a person's body and appearance, simulation of sexual movements, stroking, touching and assault. This may also include showing pictures with sexual content.

- **Breach of data protection**
- **Dangers to the climate or the environment**

If you are in doubt whether your concern qualifies as an unacceptable condition, we encourage you to report anyway.

#### **4 THE RIGHT TO REPORT UNACCEPTABLE CONDITIONS**

Employees are entitled to report unacceptable conditions pursuant to [chapter 2A of the Norwegian Working Environment Act](#). The right applies to all employees in MSF Norway, including employees on fixed-term contracts, employees hired from manpower agencies or volunteer workers.

The Policy also applies to staff who report directly to a line manager in another MSF Organisation when the position is hosted by MSF Norway when the issue is related to MSF Norway's office.

Individuals or groups working with MSF Norway may also raise concerns.

Reporting of unacceptable conditions can be done internally in MSF, externally to a public supervisory authority (e.g. the Labor Inspection Authority, ØKOKRIM, the Data Inspection Authority, and the Competition Authority etc.) or publicly to the media.

#### **5 PROCESS FOR REPORTING**

##### **5.1 Method for reporting**

###### *5.1.1 When to report*

If you believe that you have information on, or have become a victim of, unacceptable conditions within MSF Norway, you have a duty to report this in line with this Policy. Reports should be made in good faith, and malicious or deliberately untrue reports should not be made.

In certain situations, employees have an obligation to report unacceptable conditions. This applies in situations where life and health may be in danger, situations of harassment or discrimination in the workplace, and matters related to personal injury or illness that the employee believes have been caused by the job itself or by conditions in the workplace.

##### **5.2 How to report to MSF Norway**

We generally encourage all employees to report concerns within the reporting lines and day-to-day dialogue in the organization. Additionally, there are mechanisms for reporting in cases where concerns are not, or cannot be, satisfactorily dealt within the reporting lines.

Ways to report:

1. Directly to your line manager or someone you feel comfortable with within management or in a role of trust (e.g., Staff Representative or Associative Person of Trust).
2. Through this [Digital Whistleblowing Channel](#). Note that the receiver of the report is the MSF Norway Safety Representative.
3. To Medvind Personal if you would like to report to MSF Norway through an external consultant. E-mail: [medvind@medvindpersonal.no](mailto:medvind@medvindpersonal.no) Phone: 99 51 96 86

Reports of unacceptable conditions (1-3 above) must be put in writing and must include as much information about the unacceptable conditions as possible, including all relevant facts and why you believe the conditions are violation of applicable law, regulation or policy. Please make sure you include the following information when you report:

- Your name and contact details (unless you would like to report anonymously)
- The date of your notification
- Specifically, what you want to whistleblow about (describe the actual circumstances and why you believe the conditions are violation of applicable law, regulation or MSF Norway's policy)
- Any applicable time and place
- Information about any other persons who may have seen the incident or have relevant information
- Also remember to state if the report may be related to earlier or current incidents/circumstances

For specific cases, especially those regarding sexual abuse/harassment or racism/discrimination a possible victim may find it more comfortable for the case to be handled by someone of the same sex or someone with a minority background. Please include this information in the report and MSF Norway will do its best to accommodate these wishes.

#### *5.2.1 Anonymous reporting*

Following your report, we may need to speak to you to get more information about the issue and to inform you on the status of the process and relevant actions. Anonymous reports will make it more difficult for us to get the full picture and address the reported issues correctly. We therefore encourage you to provide your name and contact details when reporting. Your identity will be kept confidential and will only be shared with those who need to know to conduct the relevant investigations.

However, if you do not wish to share your identity with us, you may report anonymously. Anonymous reports will be taken seriously and will be handled in accordance with the procedure described in section 6 of this Policy. However, we hope you understand that it may be difficult for us to inform you of the process and actions taken if you report anonymously.

### **5.3 Reporting to public authorities**

You are entitled to report unacceptable conditions to public supervising authority, e.g. the Labor Inspection Authority, ØKOKRIM, the Data Inspection Authority, and the Competition Authority etc.

### **5.4 Reporting to media or the public**

You may also whistleblow to the media or the public. However, this is only permitted according to The Norwegian Working Environment Act if:

- (i) You are in good faith about the content of the report,
- (ii) The report concerns unacceptable conditions of public interest and
- (iii) You have first raised the concerns internally, or have reasons to believe that internal reporting will not be adequate, cf. section § 2A-2 (3) of the Working Environment Act.

## **6 WHAT HAPPENS AFTER YOU HAVE REPORTED AN ISSUE?**

### **6.1 Introduction**

The whistleblower can expect a confirmation of the reception of the report within 14 days (unless the report is anonymous). All reports about unacceptable conditions will be adequately investigated within reasonable time. What will entail adequately investigations and case handling within reasonable time are subject to individual assessments on a case-by-case basis and will depend on the content and severity of the report and need for investigations and rapid clarification. However, any whistleblowing case will be a main priority for the management.

If criminal activity is detected, or there is strong reason to suspect that this may have occurred, MSF Norway or Medvind Personal will take matters further with the police or other public authority.

### **6.2 Reports handled by MSF Norway**

#### *6.2.1 The Investigative Officer*

The person receiving a report of unacceptable conditions must pass this information on as soon as possible to the Safety Representative or HR Director, unless the complaint concerns one of these roles. The Safety Representative/HR Director will then act as the Investigative Officer to the specific case.

The Investigative Officer will do a screening of the reported unacceptable condition to determine if the case qualifies as an unacceptable condition or if it is rather a conflict or a complaint. If it is unclear whether the reporting qualifies as an unacceptable condition, MSF Norway will seek to clarify this by the individual making the report and may engage legal advice to assess further.

#### *6.2.1 The Investigative Committee*

For all cases that qualify as an unacceptable condition, the Investigative Officer will initiate a follow-up by an internal Investigative Committee. The composition of the committee will be as described below, unless the character of the case requires another team composition:

- Safety representative
- Representative from our Medical Center (Bedrifthelsetjenesten)
- HR Director (General Director if the complaint is about the HR Director. President of the board if the complaint is about the General Director).
- Appointed Lawyer

The Investigative Committee may obtain assistance by other external consultants if considered necessary. The Investigative Committee will together assess which measures should be implemented.

### **6.3 Reports sent to Medvind Personal**

For reports sent to the external professional service provider Medvind Personal, Medvind Personal will perform an initial assessment of whether the case qualifies as an unacceptable condition or if it is rather a complaint, an incident, or a conflict. If this is not obvious from the initial report, Medvind Personal will seek to clarify this by the individual making the report.

In cases where unacceptable conditions have taken place, or where there are reasons to believe that unacceptable conditions have occurred, Medvind Personal will engage the Investigation Committee of MSF Norway as described above. If the case does not entail an unacceptable condition, Medvind Personal will encourage the individual sending the report to contact the Domestic HR department for further handling.

#### **6.4 Investigation and final report**

The following steps will be taken:

1. The Investigative Officer or Medvind Personal receiving the report shall confirm receipt of the report to the person making the reporting within 14 days.
2. The Investigative Officer shall consider whether to include the Investigative Committee. The investigative committee shall only be involved in matters that qualify as unacceptable conditions. The committees should not attend issues of conflict, incidents, or complaints.
3. The Investigative Committee must investigate the allegations in the report. Full details and clarifications must be obtained.
4. The Investigative Committee must as early as possible inform the person whom the allegations are made against. The person has the right to get information about what has been reported and is entitled to the opportunity to give their version of the case. The person must be advised of his/her right to attend a meeting(s) or interview(s) during the investigation along with a representative.
5. The investigative committee will make a judgement of the allegations and the validity of the whistleblowing. The judgement will be contained in a written final report detailing the findings and the reasons for the judgement. The final report will be delivered to the General Director (President of the board for cases regarding the General Director).
6. The General Director/President of the board, together with the investigative committee may issue recommendation on which actions to take. If the investigation shows that the complaint was merited, the General Director shall take action appropriate to the situation;
7. The person making the allegations should be kept informed by the investigative committee of the process of the investigation and, if appropriate, the outcome of the investigation.

### **7 CONSIDERATION AND FOLLOW-UP**

#### **7.1 Consideration to the whistleblower**

##### *7.1.1 Retaliation against whistleblowers is against the law*

Any form of retaliation from the employer against individuals who report unacceptable conditions in line with this Policy is against the law. It is our promise to you that you can trust that any reporting made by you is welcomed and will be taken utmost seriously and that we will not take any actions against the whistleblower. Employees who are hired in from manpower agencies or volunteer's worker enjoy the same protection from their employer or us. We will ensure a satisfactory working environment and will provide appropriate measures to prevent retaliation if it is necessary.

This also applies if the allegations are not confirmed in the subsequent investigation, provided that the allegations are reported in good faith. Employees, who make malicious allegations, or deliberately wrongful claims, may however face disciplinary actions.

## **8 RIGHT TO CONTRADICTION FOR THE PERSON(S) REPORTED**

The individual(s) whom the report is concerned, has a right to be heard and to provide their inputs on the alleged unacceptable conditions before MSF Norway concludes on the matter (right to contradiction). This does not imply that the individual(s) whom the report is concerned has a right to know the identity of the whistleblower.

Such person(s) are entitled to bring own representative at their own choice (staff representative or legal counsel) as necessary.

## **9 PROCESSING OF PERSONAL DATA AND CONFIDENTIALITY**

As part of any report and investigation following a report of unacceptable conditions, we will need to collect and process personal information. All processing and storing of personal data will be in accordance with the applicable provisions of the Personal Data Act.

We will keep your personal information confidential and only share these with those who need to know to carry out the relevant investigations and corrective actions.