

## CMI Whistleblowing Policy

*Established September 2019, revised November 2023 and June 2024.*

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### Aim of the policy

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<sup>1</sup> 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 psykosoisale 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. For example: follow-up process and formal consequences.

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<sup>1</sup> See notification process in section “Who should be notified”.

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](#).

### **Legal framework and requirements:**

The obligation to have a whistleblowing policy is outlined in [The Working Environment Act chapter 2A, section §2 A-6](#). The protection against retaliation is outlined in section [§2A-4](#).

### **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:

“Eksempler på forhold som arbeidstaker kan ytre seg kritisk om, men som ikke vil regnes som varsling i arbeidsmiljølovens forstand, vil kunne være ulike forhold knyttet til gjennomføring av arbeidsavtalen mellom partene, misnøye med lønn, arbeidsmengde og fordeling av arbeidsoppgaver, dårlig personkjemi, alminnelige samhandlingsutfordringer, personkonflikter mv. I den grad slike forhold også representerer brudd med lov, virksomhetens skriftlige etiske

retningslinjer eller alminnelige etiske standarder, vil de likevel omfattes av varslingsreglene, jf. andre ledd.» [Prop.74 L \(2018-2019\), Endringer i arbeidsmiljøloven \(varsling\)](#).

Translation: 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.”.

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](#).

[See full text in Norwegian here:](#)

«Etter utvalgets oppfatning vil det være behov for at arbeidstakerne kan ta opp saker som kun gjelder eget arbeidsforhold uten at dette karakteriseres som varsling etter loven. For den enkelte arbeidstaker kan det i utgangspunktet være unaturlig å bli oppfattet som en varsler dersom vedkommende for eksempel har fremsatt en klage på egen arbeidsmengde og arbeidsbelastning.

Dette forhindrer ikke at slike forhold kan være gjenstand for varsling, typisk dersom arbeidstakeren ikke utelukkende tar opp forholdet for å få til en endring for egen del, men peker på at arbeidsbelastningen generelt på arbeidsplassen eller avdelingen er så stor at det går utover kravet til et forsvarlig arbeidsmiljø. Utvalget peker på at varslingsbegrepet bør forbeholdes de tilfeller hvor arbeidstakerne sier fra om noe som har en viss generell interesse, for eksempel at det er et problem som gjelder flere eller en gruppe arbeidstakere, eller har en viss allmenn interesse, for eksempel at det har forekommet diskriminering, mobbing eller andre lovbrudd. For å unngå å skape tvil om at slike forhold fortsatt skal være omfattet, kan det presiseres at det er når det foreligger misnøye med eget forhold at avgrensningen gjelder.» [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](#), [Trakkasering](#) and [Seksuell trakassering](#) [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.
  - a. 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](#)).

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 be notified?**

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](mailto: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](#)" [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](mailto: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 the whistleblowing template found in the personnel handbook.

## Responsibility for the recipient of the whistleblowing notification.

Timeline:

- **One-week deadline:** The notification process must be initiated within one week of receiving the notification, this entails identifying which persons have a right to information in this case, establishing a whistleblowing committee and an investigation plan. The whistleblower and accused parties should be informed of the case and process plan within this week.
- **Four-week deadline:** The notification must be addressed and the duty to inquire and follow up must be completed within four weeks. If possible, the case should be completed as early as possible to minimize the period of uncertainty for staff members implicated in the notification.
- **Severe cases:** if the whistleblowing notification is, after an internal assessment, deemed to both meet the requirements for whistleblowing cases and be too serious, complex, or sensitive to be processed in-house, the case will be sent to an external legal partner for processing. In these cases, the timeline will be entirely dependent on the external partner's case processing timeframes.
- **Information flow:** it is essential that the whistleblowing committee ensure the information flow with the identified key persons at every step in the process.

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).

### **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 of inquiry for whistleblowing notifications (step-by-step):**

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.
  - The Chair and the Deputy Chair of the CMI Board should always be informed about a whistleblowing case. The Chair will decide whether the rest of the Board needs to be informed about a case, and about the level of detail of that information. The Board should be informed if there are several whistleblowing cases.
2. **Appoint committee:** The HR Director will establish a committee of two or three individuals who will process the whistleblower case<sup>2</sup>. 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?
  - If this is not a whistleblowing case, the case must be closed by the committee. This assessment must be documented in writing and shared with the whistleblower.
  - If this is a whistleblowing case, the next step for the committee is to assess if this is a legal case. Should the Police be involved and if so- what information can be given to parties from CMI? It should be checked if an internal investigation may be conducted, or if the Police will take over full responsibility for investigation. Anonymous alerts should be investigated as far as possible. A committee needs to set a written plan for the initial assessment. This assessment must be documented in writing.

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<sup>2</sup> The Safety representative and Management team should have completed training in how to handle whistleblowing cases in accordance with the Norwegian legislation.

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.

**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](#).

Log:

Change made the date	Concrete change	Responsible	Policy updated by
Established September 2019	New policy	Approved by CMI Management Team (CMI Director, Ottar Mæstand)	Vigdis Gåskjenn (Administration and Finance Director)
Revised November 2023	Revised policy with clear process plan and responsibility [i.e., HR as point of contact and establishment of Whistleblowing committees]	Approved by CMI Management Team (CMI Director, Espen Villanger).	Hanna Fløysvik (HR Director)
Revised June 2024	Adjusted of the timeline, the Board's right to be informed and the 'initial assessment by the committee' process (step 4).	Approved by CMI Board (Chair of Board, Synnøve Bendixsen)	Hanna Fløysvik (HR Director)