

WHISTLEBLOWING

Below are some questions and answers concerning the reporting of wrongful, unlawful or unethical circumstances at Oslo University Hospital.

What is whistleblowing?

Whistleblowing is the term used when an employee reports wrongful, unlawful or unethical circumstances within an organisation.

What are wrongful, unlawful or unethical circumstances?

‘Wrongful, unlawful or unethical circumstances’ means breaches of statutory provisions, internal guidelines or ethical standards. Examples include bullying, sexual and other harassment, drug or alcohol abuse, circumstances which pose a danger to life and health, embezzlement, theft, fraud, corruption, misappropriation of funds, etc.

What is meant by harassment and sexual harassment?

‘Harassment’ is an action, omission or statement with the aim or effect of being offensive, intimidating, hostile, degrading or humiliating. Harassment can occur in many different ways, including violence, vandalism, telephone harassment and dumping refuse on other people’s property, to mention a few examples.

Sexual harassment refers to all forms of unwanted sexual attention with the aim or effect of being offensive, intimidating, hostile, degrading, humiliating or distressing. Unwanted sexual attention can be verbal, non-verbal or physical. Such attention can include the spreading of rumours concerning a person’s sexual activity and/or repeated sexual jokes. It can also cover everything from inappropriate looks, touching, comments about rape and attempted rape. Sending images and videos with sexual content may also be covered.

What is meant by corruption?

‘Corruption’ is the abuse of trust for personal gain. Corruption can take many forms and is subject to strict penal provisions. Corruption occurs when a person demands, receives or accepts an offer of undue gains or rewards as a result of a position, post or assignment that they hold. Whether this occurs in a private or public context, is irrelevant. Both the person giving and the person receiving such gains can be punished for corruption. The Norwegian Penal Code contains three provisions which are particularly important in the fight against corruption. These are Section 276 (a) concerning corruption, Section 276 (b) concerning gross corruption and Section 276 (c) concerning ‘trading in influence’. Corruption is punishable through imprisonment for up to three years, and in the case of gross corruption, the maximum sentence is ten years.

Who can report inappropriate circumstances?

The guidelines apply to all members of staff at Oslo University Hospital, including students, interns, hired staff and external consultants. External persons with no affiliation to the hospital are also welcome to report inappropriate circumstances. The guidelines apply to such whistleblowers insofar as they are applicable.

How do I submit a report?

Reports may be submitted in writing or verbally, for example by telephone, by email, by letter or in person.

To whom should I submit a report?

You should generally submit reports to your immediate superior or to a manager higher up the line or alternatively the board of directors. Regardless of the level in the line to which a report is submitted, you can always submit reports to your safety representative or elected representative. If you do not work at Oslo University Hospital or if as an employee you would prefer to submit your report outside the line management, you can submit your report to the Director of Legal Affairs.

E-mail: varsling@ous-hf.no (OUSHF PB VARSLING)

Tel.: 22117957/95707775

Post: Juridisk direktør, Oslo universitetssykehus, Postboks 4956 Nydalen, 0424 Oslo.

You are also always entitled to submit reports to supervisory authorities or other public authorities (such as the Norwegian Board of Health Supervision, the Norwegian Labour Inspection Authority, the Norwegian Data Protection Authority, the police, etc.)

Do I have the right to submit reports?

As an employee, you have the right to submit reports concerning inappropriate circumstances at the hospital.

Am I obliged to report inappropriate circumstances?

You are under an obligation to notify your employer of any unnatural or unexpected deaths and all injuries, accidents, near-accidents and dangerous circumstances which have or could have led to injury to patients, staff or others on the hospital premises. You are obliged to inform your employer or the safety representative of any instances of harassment, bullying or discrimination at the workplace. (Comprehensive information concerning the obligation to report circumstances to external bodies, etc. is given on the hospital's reporting poster).

Whistleblowing obligations as a safety representative

Safety representatives are subject to a special whistleblowing obligation in accordance with the Working Environment Act. Any safety representative who becomes aware of circumstances which could result in an accident or health hazard must notify the employees at the site and their employer. If a report is not addressed within a reasonable period of time, the safety representative must notify the working environment committee or the Norwegian Labour Inspection Authority.

What information should a report contain?

Name of the whistleblower (may also be anonymous)

Place of employment (may be anonymous)

Date of reporting

Period and any dates and times of observations

What has been observed in specific terms

Location of the action

Witnesses

Knowledge of previous cases involving the same person or people.

What requirements are imposed on whistleblowing?

The whistleblowing procedure must be appropriate. What constitutes an appropriate procedure will depend on a specific and discretionary overall assessment. The assessment will revolve around whether you have adequate grounds for your criticism and whether you have taken sufficient account of your employer's objective interests with regard to the manner in which you submitted the report.

In any case, you will always have the right to report wrongful circumstances in accordance with your whistleblowing obligation or the hospital's whistleblowing routines. The same applies to submitting reports to supervisory authorities and other public authorities.

Can I submit reports to the media?

You have the right to take part in public debate within society as an employee. As part of this, you are entitled to make critical statements concerning circumstances relating to the organisation you work for. This right must be set against your obligation to be loyal towards your employer. This means that if you wish to notify the media of something that is happening within your organisation, you must first report the circumstances internally and, where appropriate, to the relevant public supervisory bodies.

It is a fundamental requirement that reports must be submitted in an appropriate manner. This requirement applies even more strictly as regards the public disclosure of circumstances to the media, blogging, websites, e-mails to multiple recipients outside your organisation and other communication channels with a large and open recipient base.

What principles apply to the processing of whistleblowing cases?

All reports must be taken seriously.

All reports must be dealt with immediately.

Whistleblowers may remain anonymous.

Anonymous sources can be as valuable as open sources.

The various methods for whistleblowing must be accorded equal value.

Confidentiality must be ensured.

It must be possible to follow the whistleblowing procedure without fear of any consequences or reprisals.

Whistleblowers must be given feedback within a reasonable period of time (if they are not anonymous).

Who will process the report?

Your employer, via the relevant line manager or the Director of Legal Affairs, will carry out a specific assessment of who should be involved in the further processing of the case and the measures that should be initiated, depending on the type of case concerned and the person or people that the report is aimed at. The case must be archived and processed in accordance with the applicable regulations at any time.

Will I receive any feedback?

Wherever possible, whistleblowers must receive confirmation that their report has been received. Questions concerning access to information are otherwise regulated in the Freedom of Information Act, the Public Administration Act, the Personal Data Act, etc. Whistleblowers must always receive feedback concerning the way in which the matter was dealt with and the actual outcome.

Are there any limitations as regards whistleblowing?

Rules concerning confidentiality and defamation also apply in cases where you wish report circumstances. This means that limitations may apply regarding how you can submit a report and the information that the report must contain. If you are aware of this, you should be able to strike a balance between all the various considerations and interests involved without being prevented from reporting a circumstance.

If a wrongful circumstance is very serious and you are unable to report it without breaching your duty of confidentiality, you should consider breaching this duty. This will be a personal choice that you must make in each individual case. Such an approach may be justifiable based on the principle of necessity and the fact that you are taking responsibility for preventing something serious from happening.

Am I taking a risk by whistleblowing?

Reprisals against employees or others who submit reports are forbidden.

Consideration for the person that a report concerns

The person that a report concerns must normally be informed of the report and the information that has been disclosed. In this way, he or she will have an opportunity to put forward their version of the case. Once the case has been processed, the person who is the subject of the report must be notified immediately, regardless of the outcome of the case.

How will the hospital protect me?

Both those who report circumstances (the person who has been the victim of something inappropriate) and the person who is the subject of the report may need support. This could entail the provision of professional medical assistance or some other form of support. The immediate superior concerned will be responsible for supporting the employees through the implementation of suitable measures. If the immediate superior is not the natural person for this role because of the nature of the case in question, the role may be performed by the senior manager or alternatively the HR Corporate Staff Function and the Working Environment Department.