

## PROCEDURES FOR NOTIFICATION OF POSSIBLE CENSURABLE CONDITIONS

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### 1. PURPOSE AND SCOPE

The University Centre in Svalbard AS (hereafter “UNIS” or “The employer”), wants a culture of free speech at the undertaking. A culture of free speech will contribute to revealing conditions at the undertaking that violate the law or ethical norms. This culture is important for the general working environment and the wellbeing of the individual. UNIS makes clear that the term harassment includes sexual harassment.

All employees, in other words those in full-time, part-time, permanent or temporary positions as well workers hired from temporary-work agencies and interns, etc., have a right – and sometimes obligation – to notify about what they consider to be censurable conditions at the undertaking. An employee who notifies about censurable conditions shall be assured that the undertaking will investigate the matter quickly and seriously without this having any negative consequences for the employee (“the person who notified”). Consequently, the purpose of these procedures for notification is to facilitate internal notification of censurable conditions at UNIS and create clarity about how such cases shall be dealt with. These procedures for notification should always be followed, unless exceptional circumstances exist that suggest otherwise.

## 2. RIGHT AND DUTY TO NOTIFY

Employees have the right to and should notify about censurable conditions at or in connection with UNIS, cf. Section 2 A-1 (1) and Section 2 A-3 (5a) of the Working Environment Act. The term “censurable conditions” should be understood broadly and covers all conditions that constitute breaches of current regulations, guidelines or norms at the undertaking. Examples of this include breaches of:

- Acts and/or regulations
- UNIS’ guidelines and procedures
- General perception of what is ethically acceptable behaviour

The employee is not required to document that the condition is in fact censurable. It is sufficient that he/she believes in good faith that this is the case.

Moreover, the employee has a duty to notify in the following circumstances pursuant to Section 2-3 of the Working Environment Act:

- 1) The employer and safety representative and to the extent necessary other employees when the employee becomes aware of faults or defects that may involve *danger to life or health* and they themselves are unable to remedy the fault or defect
- 2) The employer and safety representative; if the employee becomes aware of *harassment*, including sexual harassment, or *discrimination* at the workplace
- 3) The employer; if the employee suffers *injury* at work or *contracts diseases* which the employee believes to *result from the work or conditions at the working premise*

The duty to notify may also arise from the individual’s position or employment contract.

## 3. WHAT IS REQUIRED OF THE EMPLOYEE/NOTIFICATION

### 3.1 Responsible notification

Allegations of censurable conditions may be a burden on the person the notification concerns, his/her colleagues and the workplace environment. Unfounded notifications could cause major damage for the undertaking. Consequently, it is a requirement that the employee proceeds *responsibly* when making such notification.

The notification is considered responsible when the employee notifies in accordance with the undertaking’s procedures for notification. The same applies to notification to supervisory authorities or other public authorities, cf. Section 2 A-1 (2) of the Working Environment Act.

However, the notification is considered irresponsible if it is done in a manner that constitutes *harassment* or a *clearly unnecessary burden* on individuals or the working environment. The same applies if the employee deliberately makes unfounded allegations/notifications.

UNIS encourages all employees to start by making use of internal channels for notification as outlined in points 3.2 and 4 below.

Before an employee notifies the public (e.g. the media) about censurable conditions, he/she shall:

- assess whether the basis of the notification is responsible;
- start by trying to notify internally;
- assess whether the censurable condition is of public interest;
- assess whether notifying the public will be an appropriate means of bringing the condition in question to a conclusion; and
- assess whether the advantages of correcting the condition in question compensate for the disadvantages that result from notifying the public.

When notifying the public, the employee shall try to limit any negative effects such a notification may have for UNIS to the extent possible. In assessing whether the employee has sufficiently considered UNIS's legitimate interests, it will be advantageous if the notification is presented in an unbiased, serious and balanced manner.

### **3.2 The manner and content of the notification**

Notification may occur orally or in writing (letter, e-mail, etc.) In the case of oral notifications, the Notification group/person responsible for notifications shall write the information down. It is also possible to use UNIS' notification form, cf. point 7.

UNIS encourages all employees to be as precise as possible and, at the very least, include the following information:

- Full name (if the employee is not making an anonymous notification, cf. point 4 below)
- Position (if the employee is not making an anonymous notification, cf. point 4 below)
- The date the notification is submitted
- The date and time of the observation that the notification concerns
- What specifically the employee has observed (heard or seen)
- Where the observation(s) occurred
- The names of others who have observed the conditions
- Whether similar cases have occurred previously

## **4. WHO SHALL BE NOTIFIED?**

### **4.1 Internal notification**

Employees shall normally notify one or more members of the *Notification group*, which consists of the following people:

- Fred S. Hansen, Director of HSE & Infrastructure, fredh@unis.no
- Kjell Ivar Haugnes, Head Engineer IT, kjellh@unis.no, Chief safety representative
- Maria Jensen, Associate Professor, maria.jensen@unis.no , ATO representative

If the employee does not wish to raise the matter with one or more members of the Notification group, he/she may notify his/her immediate supervisor, the supervisor's manager, the safety representative or employee representative. If the notification concerns one or more members of the

Notification group, the notification shall be submitted to the manager(s) of the member(s) concerned.

If the employee does not wish to raise the matter with the person named, he/she may notify his/her immediate supervisor, the supervisor's manager, the safety representative, the employee representative or the HR adviser.

#### **4.2 Anonymous notification**

Employees at UNIS have the opportunity to submit an anonymous notification to the Notification group or UNIS' external service, which is the Occupational Health Service at Longyearbyen Hospital:

[anne.mette.mork@unn.no](mailto:anne.mette.mork@unn.no)

Tel: +47 79 02 42 03

Mobile: +47 41 57 68 79

The recipient of the anonymous notification will then forward the information anonymously to the Notification group or to the manager(s) of the member(s) concerned if the notification relates to one or more members of the group.

Even though employees can submit anonymous notifications, this shall only occur in exceptional circumstances. The reason for this is that anonymous notifications weaken the possibility of investigating the conditions and complicate contradiction (the possibility of commenting on and responding to the accusation).

In the case of anonymous notification, the employee shall follow the same procedure outlined in point 3.

### **5. ADMINISTRATIVE PROCEDURES TO BE FOLLOWED BY THE EMPLOYER/PERSON RESPONSIBLE FOR NOTIFICATIONS**

#### **5.1 Follow-up of the person who notifies**

All notifications shall be processed without undue delay and with respect, thoroughness and accountability.

All notifications received must be treated confidentially. This entails the identity of the person who notified will only be made known to those who need to know this to deal with the case.

In accordance with point 4, the recipient of the notification must send the notification or notes of the oral notification to the Notification group/person responsible for notifications, with a copy to the person who notified.

The Notification group/person responsible for notifications must then undertake the investigations necessary to shed as much light as possible on the case. Depending on the specific case and what the notification concerns, the Notification group/person responsible for notifications may also

decide that the Head of Department or another suitable person shall participate in the investigations/administrative procedure.

The documentation (interviews/written documents, etc.) to be acquired and/or undertaken shall be determined on a case by case basis by the person(s) conducting the investigations.

When sufficient light has been shed on the case, a decision on further follow-up required and the outcome of the case shall be made within a reasonable timeframe by the Notification group/person responsible for notifications in consultation with the person at the undertaking who is responsible for the condition that notification concerns. Consideration should always be given to whether the individual case provides the basis for implementing general measures at the undertaking.

If the notification concerns one or more members of the Notification group, the investigations shall be undertaken by the manager(s) of the member(s) concerned, who will decide about further follow-up required and the outcome of the case in consultation with the HR adviser.

In any cases related to notifications, which typically involve sensitive information, it is especially important to comply with the duty of confidentiality. Moreover, when processing personal data, employees must comply with the provisions of the Personal Data Act.

## **5.2 Follow-up of the person(s) the notification concerns**

A notification will normally concern one or more people directly or indirectly. As an employee, UNIS has a duty to ensure that there is not an unnecessary burden on employees who are the subject of notifications, regardless of whether the conditions notified are censurable or not and how serious the matter is. The interests of the employee(s) the notification concerns shall be safeguarded by them receiving relevant information and always being given the opportunity to give their side of the story to the employee about possible censurable conditions or accusations against an employee.

## **5.3 Feedback to the person who notified (the employee)**

The Notification group/the person responsible for notifications shall ensure that the person who has notified receives confirmation that his/her notification has been received. Furthermore, this person shall, within a reasonable timeframe, provide the employee with satisfactory feedback about ongoing enquiries and progress in the case, providing this is appropriate based on the nature of the case. The person who notified has the right of access to who has been made aware of the notification.

If the employee has not received such feedback, he/she shall notify his/her immediate supervisor, the HR adviser or safety representative of the conditions. When a decision relating to the case has been made, the person who notified shall be informed of this decision.

## **6. PROTECTION AGAINST RETALIATION**

An employee who has notified pursuant to Section 2 A-1 of the Working Environment Act and UNIS' procedures must be protected against any unfavourable treatment as a reaction to the

notification (“retaliation”), cf. Section 2 A-2 of the Working Environment Act, amongst other sources. UNIS also has a duty to protect employees against retaliation from other parties.

## 7. NOTIFICATION FORM

- Form – Notification about possible censurable conditions at UNIS

## 8. REVISION

<u>Revision number</u>	<u>Valid from</u>	<u>Main changes</u>
00	[date]	Established