

# Reporting misconduct and case management in the Norwegian Red Cross: employee guidelines

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## 1.0 Why do we have these guidelines

According to work environment law § 3-6, employers must have internal procedures in place or initiate other measures that can facilitate the reporting of unacceptable behaviour and/or misconduct in the workplace. The purpose of these guidelines is to provide staff with greater transparency as to when and how they can report such instances.

### 1.1 To whom do these guidelines apply

These guidelines apply to all employees at the Norwegian Red Cross.

## 2.0 Implications of Work Environment law on the working environment

Work Environment law goes beyond providing protection against bullying and harassment. [AML. § 4-3 no. 1 – 4](#) sets the following requirements for the psychosocial work environment:

- I. Employees' **integrity** and **dignity** must be safeguarded
- II. Employees should be given the **opportunity to interact and communicate with others**.
- III. no employee shall be subjected to **harassment or any other inappropriate behavior**
- IV. Employees must be protected against **violence, threats and undue pressure**

The working environment must be acceptable when seen from a case by case and overall assessment, according to aml §4-1 first paragraph.

### 2.1 Appropriate reporting

In accordance with the law, the employee's approach regarding reporting should be appropriate. Reports made according to the employer's procedures are considered appropriate. The employee can also inform the union representative, the safety representative or the working environment committee.

In addition, the employee has always the right to notify the supervisory authorities or other public authorities. Notification to public authorities is considered reasonable. Examples of such public authorities are the Labor Inspectorate, the Norwegian Authority for Investigation and Prosecution of Economic and Environmental Crime, The Norwegian Tax Administration, the Norwegian Competition Authority, the Data Inspectorate, the Health Authority and the Environment Agency.

According to the law, the employer has the burden of proving the misconduct claim is without grounds. No strict requirements shall be imposed on employee assessments regarding the choice of procedure.

## 3.0 What should be reported

- Violation of Norwegian legislation
- Conditions that constitute a danger to life and health
- Bullying, harassment and discrimination
- Financial fraud
- Violation of the Red Cross's values / Article of Association
- Other unacceptable conditions

### 3.1 Some definitions of misconduct and/or unacceptable behaviour

There are some conditions that are directly regulated in the Working Environment Act § 2A-3. According to this provision, employees have a duty to notify the management or the safety representative of harassment or discrimination taking place at the workplace.

Unacceptable behaviour or circumstances can also be other situations that are contrary to law, conditions that violate the ethical norms or against the working rules, adopted policies and/or HR guidelines. Unacceptable situations can also be different forms of economic fraud, anti-cultural behaviour, corruption, other financial crimes or bad working environment.

**The fact that employee disagrees with the company's decision will not in itself be enough for the circumstances to be considered as unacceptable.**

### **Harassment and bullying**

Harassment is when someone is subjected to unwanted negative behaviour, exclusion or utterances that seem or are intended to be offensive, frightening, hostile, degrading or humiliating. For example, this may be unwanted sexual attention, bothering, ostracism or hurtful teasing. Harassment can be both one-off incidents, or may occur repeatedly. If a one-off incident, it must be of a certain degree of severity to fall under the term harassment. However, if the negative and offensive behaviour occurs systematically and repeatedly over time, it would rather be considered bullying, which is a form of harassment.

### **Sexual harassment**

Sexual harassment means any form of unwanted sexual attention that has the purpose or effect of being offensive, frightening, hostile, degrading, humiliating or troublesome. Sexual harassment includes verbal, non-verbal and / or physical contact ranging from misguided jokes / communication, to extortion, rape, and other sexual acts.

### **Sexual abuse**

Sexual abuse is defined as any sexually offensive or other obscene behavior, sexual act or sexual intercourse in which the victim has not consented or has been pushed or manipulated to take part in.

Sexual harassment can also be sexual abuse.

### **Discrimination**

Discrimination is the same as unequal treatment. Grounds for discrimination can be gender, ethnicity, religion, disability, sexual orientation or age.

### **Use of social media against Red Cross principles**

Social media such as Facebook, Twitter, Instagram, YouTube and Snapchat have changed the way we communicate and are used by individuals to communicate; for spreading news, marketing, political speeches and public information.

Employees, Volunteers or elected representatives of the Norwegian Red Cross act on behalf of the organization and should therefore not make statements that go against Red Cross principles on social media.

### **Financial misconduct**

Financial misconduct may involve situations where people use their position for their own gain and to the detriment of the Red Cross. It may be use of the Red Cross cars for private use, establishment of a competing organisation, theft of money from Red Cross accounts or non-disclosure of damage to Red Cross property.

### **Negative organizational culture**

A negative organizational culture can develop when unethical behavior, backbiting, internal humor that seems excluding, profanity or gossip occurs. There may be people who behave in a manipulative way, who break confidentiality or situations where criminal behavior is covered up because of friendship. There may be events that are hushed up or it can happen that someone comes with false reports in order to strengthen their own position.

### **Alcohol or other substance abuse**

Social events in the Norwegian Red Cross must be inclusive for everyone involved, and it is a goal that as many as possible will attend. In such contexts, the consumption of alcohol and the consequences of such can be excluding and experienced as uncomfortable by some.

The Norwegian Red Cross wants alcohol to be enjoyed in moderation at events organized by the organization. Events for children and young people are totally alcohol free. When volunteering, one should not drink alcohol.

### 3.2 What do you do if you are a victim of sexual abuse

- Seek or contact your local sexual assault centre as quickly as possible. Wait with showering / washing and put the clothes you had on you in dry bags. [Here you can find your nearest sexual assault clinic.](#)
- You can also call the emergency phone 116 117
- Sexual assault clinic offers medical assistance and counseling. You do not need referral and the service is free. We will help you whether you want to report the assault or not. Some clinics are open around the clock.
- If you wish to report the crime, you are encouraged to contact the nearest police station as soon as possible. Call the main police number 02800 if you want to speak with someone in the police.
- You can also contact the police via [Tips politiet – Politiet.no](#). You cannot expect an answer right away. If you are unsure whether to report the crime or for various reasons do not want to talk to the police, it is still important that you visit your nearest sexual assault center for medical examination.
- Also follow the Norwegian Red Cross guidelines regarding reporting the assault.

### 4.0 Who receives an allegation and how it is handled

Complaints are primarily reported to the line manager. In situations of gross misconduct, suspicion of misconduct by management, or if it is not possible to notify the line manager, the following may be contacted:

#### **Contact information for those persons who can be notified per 01.03.2018:**

Function	Name	Telephone	
Negotia workers union	Olav Aasland	+4795084362	<a href="mailto:negotia@redcross.no">negotia@redcross.no</a>
Senior safety officer	Espen Østvold Rølla	+4794156266	<a href="mailto:espen.ostvold.rolla@redcross.no">espen.ostvold.rolla@redcross.no</a>
President	Thor Inge Sveinsvoll	+4791619201	<a href="mailto:thor.inge.sveinsvoll@redcross.no">thor.inge.sveinsvoll@redcross.no</a>
Secretary-General	Bernt G. Apeland	+4790988103	<a href="mailto:bernt.apeland@redcross.no">bernt.apeland@redcross.no</a>
Chair, Supervisory Board	Trude Mathisen	+4793032570	<a href="mailto:tmathisen@ntebb.no">tmathisen@ntebb.no</a>

In cases where the Secretary-General or one or more district board members are involved in fraud or misconduct allegations, these are to be reported directly to the President or the chair of the Supervisory Board. If the President is involved, report this to the chair of the Supervisory Board.

If you are unsure of where to turn, you can contact [safecall@redcross.no](mailto:safecall@redcross.no). This is an encrypted channel where it is also possible to report anonymously. The email is answered by HR in the Norwegian Red Cross.

It is also possible to lodge a report by mail or switchboard:

#### **Post:**

**Norges Røde Kors ved generalsekretær**

**Postboks 1, Grønland, 0133 Oslo**

**Switchboard: +47 22054000**

#### 4.1 How to report an allegation

Reporting an allegation can be made in different ways: by letter, email, telephone or verbally. It is important that you make it clear in the notification that it is considered as a report. It is also an advantage that you give as precise a description as possible of the case:

- What you are alleging or reporting
- Where and when the incident happened or what you have observed over time
- Who is involved / witnesses
- Any information regarding previous incidents

Whoever receives the notification is responsible for the further handling of the case.

If the employee does not get feedback from the person they first reported it to within **14 days**, the employee is encouraged to inform the Secretary-General, President or chair of Supervisory Board.

#### 4.2 How an allegation should be handled, once it is received

Legislation does not contain specific rules for the way in which allegations are to be treated, but it is assumed that such cases are handled in a responsible manner. In all cases, the employer must comply with the prohibition against retaliation in Aml section § 2A-2.

The manager or the person receiving the allegation should follow this procedure to ensure orderly and predictable case management for the parties involved:

- I. Receipt and registration of the case
- II. Appointing an appropriate case manager
- III. Informing the involved parties about further process
- IV. Investigate the case
- V. Conclude
- VI. Inform the parties
- VII. Take any action
- VIII. Follow up and safeguarding

Below is an elaboration of the above.

##### I. Receipt and registration of the case

###### **Some overall points:**

- Handle the complaint at the earliest possible opportunity and always first directly with those concerned.
- Decide whether you are the right one to handle the case or if you need support
- Have the security and safeguarding of the complainant as a top priority
- Maintain the privacy of those affected - do not share information unnecessarily and always only with the permission of those affected
- Distinguish between the facts and own interpretation of the situation.
- Show respect and care for those who are accused. Listen always to all parties in the case. There may be several reasons why the situation has escalated.

###### **Registration of the case:**

- Document proceedings (the date when the allegation was received, how it was handled and the way forward).

- If a written complaint that describes the nature of the complaint has not been received, the employer should request a written statement.
- Case documents must be stored properly and in accordance with current GDPR legislation.
- The complainant must be informed that the information that appears will be shared with the person accused if necessary. Explain this in writing.
- Inform the complainant that you are obliged to take minutes of the meeting and explain that the complaint must be documented correctly for the purpose of further processing.
- The minutes must be approved by the complainant. No one will have insight into the minutes except those who will manage the case. Get consent for this before proceeding.
- See also the chapter on [anonymity](#).
- For serious incidents that are reported to the police, seek advice from the police on how to proceed.
- In cases of suspected financial irregularity / criminal activities in branch/district, the police should always be notified (tel. 02800)
- It is always a staff member who informs the police, not a volunteer. (tel. 02800).
- Consider whether the accused could be / should be suspended or granted leave. This assessment should always be made in consultation with the HR unit.

#### **How to conduct the first meeting with the complainant:**

- Be open, use active listening skills, investigate without prejudice, be honest and calm.
- Ask open-ended questions where you use formulations and questions like *please tell me in your own words, please describe, please explain further, How, What, or in what way* etc.
- Check that you have understood the person correctly. e.g.: "Do I understand you correctly when ..."
- Ask questions that will give you insight into what the other person feels and needs
- Discuss whether the police should be notified. Find out together what may be most appropriate.

#### **Explain the next steps in the process:**

- The minutes of the meeting are reviewed and sent to the complainant. Inform the complainant that you must carry out a conversation with the other party/the accused in the case. This should be done as soon as possible.
- Notify the Secretary-General of the ongoing case via the head of department or directly.
- End the meeting and clarify the need for information and describe the next steps in the process. Be realistic about how long the further process will take.
- Make an agreement about how you will keep in touch.
- Ask if the complainant needs support and follow up from the occupational health service.

#### **How to conduct the first meeting with the accused party:**

After the allegation is received, the next step is to contact the person named as the accused party in the allegation. Be prepared when going into the meeting. Know what you are going to say and what the aim of the conversation is.

The aim of the initial conversation with the accused party is to:

- Convey the content of the allegation. The person is entitled to know what the content of the allegation is.
- Arrange a meeting time as soon as possible where the person is informed about the content and reason for the report. Set aside two hours for this meeting.
- Let them know that they can bring a support person with them to this meeting.

#### **Guidelines for the meeting with the accused party.**

- Make a plan before the meeting based on the points below:
  - Set up the framework for the meeting: Ensure you receive the person yourself and arrange for the meeting to take place in an undisturbed meeting room/location. Inform the person that you

will be taking minutes from the meeting in order to ensure information is recorded correctly for further processing.

- The accused party must approve the minutes of the meeting and must sign the minutes. Inform the person that no one will have insight into the minutes apart from the people who will manage the case. Get consent for this before proceeding with the meeting.
- How to conduct the meeting:
  - Ask the person to read through the allegation.
  - Take necessary breaks.
  - Ask the person to tell his/her story and listen to how they relate to the allegation
  - Be open, use active listening skills, investigate without prejudice, be honest and calm.
  - Ask open-ended questions where you use formulations and questions like *Please tell me in your own words, please describe, please explain further, How, What, or in what way* etc.
  - Check that you have understood the person correctly. This can be done by repeating the other person's message e.g.: "Do I understand you correctly when ..."
    - Inform the person about the severity of the complaint and whether the police has been notified.
- Go through the minutes of the meeting and sign the minutes before ending the meeting.
- End the meeting and clarify the need for information and describe the next steps in the process with as realistic a timeframe as possible.
- Make an agreement on how you will keep in touch.
- Ask if the person needs support and follow up from the occupational health service. Make sure to arrange for contact if this is wanted.

## II. [Appointing an appropriate case manager](#)

- The employer must decide who will manage the case. Normally, the case manager will be the first line manager.
- If the first line manager is part of the conflict, it may be natural that the manager at the next level will be the case manager
- The case manager may also be an employee in the HR unit or we can choose external assistance to investigate. In such situations we use the occupational health service or Abelia.
- It is important that the case manager is impartial. There must be no close personal relationships and the case manager must have no vested interest in the outcome of the case. Impartiality is essential to ensure that we can have confidence in the outcome and that the employees trust the process. However, this does not mean that the case manager cannot know the employee.

## III. [Informing involved parties about further progress](#)

- The person who reports and the one who has been accused, should as soon as possible receive information about the next steps in the process. This information should be who the appointed case manager is, what the steps of process are and when the complainant can expect a conclusion to be made.
- If there are delays in the management of the case and there is a delay in terms of feedback, the involved parties must also be informed of this.
- This information should as far as possible be shared through a physical meeting. Remember to clarify the need for information the individual employee may have and try to accommodate as far as possible. Write down what is agreed on at this point and check that you have understood each other.

## IV. [Investigate the case](#)



### Before starting the investigation

- The purpose of investigating is to find out whether there is a violation of the Working Environment Act, the Norwegian Red Cross guidelines (see the employee handbook, ethical guidelines etc.) or whether there are circumstances that the employer should deal with in other ways.
- The scope of the investigation will depend on how extensive the case appears to be when it is reported. Before the investigation, the case manager should familiarize themselves with the case and the Norwegian Red Cross routines. Please contact the HR unit for advice and guidance.
- Make a plan for the investigation. If someone is assisting with the management of the case, you make the plan together.
- The process should be as efficient as possible as it is unfortunate for the parties involved if the process takes too long. At the same time, it is important to ensure proper handling of the case.

### How to investigate the case

- After talking to both the complainant and the accused party, a structured conversation must be conducted where the aim is to clarify various issues and elaborate on the case.
- Clarify if any other people can provide information about the case. Ensure you get the names of these people. Investigate whether there is any documentation that is relevant to the case.
- Cases that have been reported anonymously, should also be investigated. However, these are more complicated to investigate, especially in cases where the report concerns bullying, harassment, sexual harassment or abuse. This is due to the right of contradiction (right to refute allegations). See also the chapter on [anonymity](#)
- An important principle is that one should talk to as few people as possible when investigating, yet enough people to get the information you need. Those who are involved in such conversations are subject to confidentiality.
- It may be necessary to interview those involved repeatedly.
- If there is written documentation that may be relevant, for example, copies of agreements, emails and minutes of meetings, this must be obtained.
- The employer is responsible for assessing and determining the scope of the investigation. The scope must be broad enough for the case manager to be able to make a conclusion.

### V. Conclude

- Based on the investigation, it must be determined whether there has been a violation of the Working Environment Act, The Norwegian Red Cross guidelines or whether there are circumstances that the employer must address in another way.
- The employer must consider the appropriate format for a case that has been investigated, e.g. in the form of a report, note, letter or e-mail. This will, among other things, depend on how extensive the case is. The conclusion of the case, no matter the scope, must be in writing, to ensure legal requirements for documentation are fulfilled.
- Before the final conclusion is made, the parties are invited to review the investigation and the preliminary conclusion. This is done in a physical meeting with both parties separately.
- It must be agreed what is "sufficient time" for the parties to read through the investigation report and have the opportunity to provide feedback to the case manager, in case the case manager has misunderstood, oversimplified or been unclear.
- Feedback at this stage might result in a need to further investigate the case by the case manager.
- **The written material / report is strictly confidential and is never shared or distributed. The reason for this, is that the report may contain sensitive information about others than the complainant and the accused party. The report is the employer's property and the employer is responsible for the proper storage of this information.**

- When the investigation is completed, the case manager must conclude. Where we have used external partners to investigate the case, their conclusion will guide the employer's conclusion and further handling of the case.
- If there are violations of the Working Environment Act or the organisation's internal guidelines, the employer is obliged by law to enact measures to ensure the violation ceases, and that the employee's psychosocial working environment is restored and in line with the regulations of the Working Environment Act.
- The employer must consider:
  - Has there been a violation of [aml § 4-1 \(2\) 2](#) –undue mental strain?
  - Has there been a violation of [aml § 4-3 \(1\)](#) – integrity and dignity?
  - Has there been a violation of [aml § 4-3 \(3\)](#) –improper conduct?
  - Has there been a violation of [aml § 4-3 \(3\)](#) – harassment?
- In addition, it must be considered whether the report or complaint concerns issues that are in violation of Norwegian Red Cross' own guidelines. If so, it is necessary to consider how the guidelines describe the violation in question.
- If there is no violation of the Working Environment Act or Red Cross guidelines, it will normally not be relevant with legal actions. It may still be the case that the investigation reveals conditions about the working environment that the employer should address. This could for example be professional disagreements, unclear roles or responsibilities, inadequate management or minor collaboration issues between employees. In such situations it is often useful for the employer to enact measures to deal with the situation, often in collaboration with safety representatives, the working environment committee (AMU) and / or with the assistance of HR or occupational health services.

#### VI. Inform the parties

- When the case manager has concluded their investigation, the parties must be informed of the outcome and any measures must be implemented. As far as possible, the findings of the report and the conclusion are shared with both parties through separate physical meetings or through a skype meeting. This depends on that one already has met for an initial read-through (refer point “conclude”, above).
- Regardless of the outcome of such cases, at least one of the parties will receive a challenging message when the conclusion is to be shared. It is important to offer support by using the occupational health service and agreeing with the person on a new time for a conversation soon to follow up and give the opportunity to ask questions. This applies both to the person who made the original allegation and the person to whom the allegation was directed.

#### VII. Take any action

- If there are violations of the Working Environment Act or Norwegian Red Cross guidelines, the employer is obliged to act so that the employee's psychosocial working environment is restored to an acceptable level
- Which measures are implemented depends on the case's severity. Measures could be mediation, mentoring, team development, organization of work, clearer division of roles and responsibilities, warning, relocation or change of duties. In severe cases dismissal may also be relevant. It is important that the employer, through the immediate supervisor, follows up the measures.
- If there are no violations, the employer should normally not take legal measures. However, investigations can reveal other factors that should nevertheless be considered for the sake of the working environment. A good working environment, with clear leadership that focuses on prevention and which addresses early-stage challenges, reduces the risk of new conflicts occurring. For more information on this, see booklet <http://materieill.idebanken.org/>

## VIII. Follow up and safeguarding

- The employer should ensure that the parties are safeguarded in the best possible way while the case is being processed and after the case is closed.
- The employer should consider whether occupational health services should be offered to one or more of the parties involved. This need should be assessed at all phases after a notification is received.
- Make clear agreements with the parties involved related to their needs for safeguarding.
- Ensure through written communication that you have understood each other related to expectations of information and follow-up.
- Make an appointment for follow-up 3-6 weeks after the case is concluded.

### 5.0 Protection against retaliation

- Employees who report in good faith about misconduct or fraud, shall be protected against any form of retaliation, ref. Aml § 2A-2.
- Protection in this context means that the Norwegian Red Cross will not remove, suspend, threaten, harass or discriminate against any employee who warns of such circumstances.
- Any breach of this shall be reported to the head of the HR unit.
- Employees who are suspected of misconduct or fraud must be considered innocent until proven otherwise.

### 6.0 Anonymity

- Those making a report can choose to remain anonymous. However, it will make the investigation easier if the person gives their name and contact information.
- The identity of the whistleblower will be known only by the person against whom the report is made, unless otherwise agreed. In cases where there have been several reports regarding the same person, it is easier to maintain anonymity.
- It is demanding to investigate a case regarding bullying, harassment or other unacceptable behavior if it is not stated who the accusation is directed at, or if those reporting want to remain anonymous. For the sake of contradiction (right to refute allegations) it is important that the accused know what s/he is accused of and who has made the allegations to be able to conclude the case.
- In matters other than those mentioned above, anonymity can in many cases be maintained, for matters relating to fraud.
- The employer shall keep sensitive personal information confidential and consider carefully who needs to be informed in order that the case is handled appropriately.

### 7.0 Police report

- Those making or receiving an allegation should consider whether the case should be reported directly to the police for further investigation.
- In cases reported to the police, the Norwegian Red Cross applies legal regulations and internal guidelines towards those who have a case brought against them, in case investigations of the case will have consequences for employees' ability to perform their job.

#### 7.1 Suspension

- In connection with investigations, questions about the suspension of an employee may arise. Suspension means that the employee should not perform work for a temporary period.
- In case of suspension, the employee does not have the right to be at the workplace, but the employee receives salary.

- There are special procedural rules that must be followed in advance of any suspension. Abelia should be contacted if this is being considered. The rules on suspension can be found in [aml § 15-13](#).

## 8.0 False reporting

- The Norwegian Red Cross will not tolerate false reporting.
- If an employee knowingly makes a false allegation, this can have consequences for their employment relationship. False reporting can also incur legal consequences.

## 9.0 Burden of proof

The burden of proof is on the employer or company responsible for contracting staff (eg personnel agency). This means that the employer is responsible for proving that grounds for misconduct are not found, and thereby that the employee's working conditions and rights to same have not been violated. This strengthens the employees and contracted staff (eg temps) legal status, and should contribute to a low reporting threshold see [Aml § 2 A-1 \(3\)](#).

## 10.0 Cooperation

Management shall cooperate with and assist case managers who are appointed to investigate situations of misconduct and fraud.