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## Guidelines for Handling Reports of Irregularities and Procedures for Whistleblowing

### Background

The Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities (2021:890), also referred to as the Whistleblowing Act, entered into force on 17 December 2021, and the measures set out in the Act shall be in place by 17 July 2022. The Act stipulates that a person who, in a work-related context, has come across information that is covered by the Whistleblowing Directive<sup>1</sup> must be able to report this in a secure manner. The reporting person (the whistleblower) can be an employee or former employee, as well as a job candidate, an intern or consultant at the University. Students are, however, not covered by the regulations.

The new law does not limit the protection that exists for whistleblowers in other parts of Swedish law, e.g. freedom of expression and freedom to communicate information according to the Swedish constitution. Thus, such protection applies alongside of the Whistleblowing Act.

### Whistleblowing in brief

The legal protection according to the Act shall apply to reports of irregularities in cases where there is a public interest in the reported irregularities coming to light. This may apply, for example, to reporting and disclosure of violations of the law, risks to the health and safety of individuals, risks to the environment and violations of human rights, that is, things that endanger highly important social interests. Circumstances that solely concern an individual's own work or employment situation are generally not covered by this law since there is a requirement of public interest.

The reporting person can use three different channels to report irregularities: internal reporting within the organisation, external reporting to specially appointed authorities, or reporting to the public. The idea is that the person first reports via the internal channels and then moves on to other channels if it is not possible or appropriate to file a report internally or if this has already been done without effect.

It should be possible to report irregularities both orally and in writing. A person should be able to leave an oral report over the phone or via other voice message systems. It should also be possible to request a physical meeting where the person gives an oral report. The reporting person has the right to a confirmation that the report has been received within

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<sup>1</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

Decision	RB 94/22	Reg. no	C2022/601	Replaces: -		Reg.no: -
Applies from:	20 June 2022	until:	further notice	Officer:	Emma Engh	

seven days as well the right to feedback within a reasonable time frame, no more than 3 months.

The authority shall appoint persons or units that are authorised to receive reports, follow-up on reports and be in contact with as well as giving feedback to the reporting persons. The Whistleblowing Act stipulates that the persons or units that handle reports are autonomous and independent.

Information about the reporting person is covered by absolute confidentiality according to the Public Access to Information and Secrecy Act, Chap. 32, Sec. 3 b. The same regulation also includes protection of information about anyone mentioned in the report or otherwise involved, however, this protection is not as strong as absolute confidentiality. Furthermore, the Public Access to Information and Secrecy Act, Chap. 17, Sec. 3 b also has certain leverage to classify information in the report as well as in the processing of the follow-up case if it could be assumed that the purpose of the follow-up would be counteracted by a disclosure of this information.

As the University is an authority and thereby covered by the principle of free access to public records, anonymity cannot be guaranteed and confidentiality only applies when stipulated by law.

There is strong reprisal protection for those who make a report, which means that a report must not lead to any negative consequences for the reporting person, such as dismissal, relocation or the like.

### **Reporting to the University**

At Karlstad University, the reporting person can contact the University's whistleblowing function via telephone or post. It is also possible to book a meeting.

Two people are appointed by the Vice-Chancellor to staff the whistleblowing function. Based on a decision by the Vice-Chancellor, they are authorised to receive reports, follow-up on reports and be in contact with as well as giving feedback to the reporting persons.

### **Principles for whistleblowing procedures**

If a report is filed with the whistleblowing function, the follow-up case shall be processed in accordance with the procedures outlined in "Procedures for Whistleblowing" (included in this document). The whistleblowing function shall immediately assess whether the report is covered by the applicable law and should be investigated by the function or whether the case should be closed and passed on to the relevant unit for further investigation.

The initial assessment and any further investigation must be characterised by the highest degree of confidentiality in order to protect both the source of the report and the subject of suspicion. Regulations regarding public access to information and secrecy at the University apply. Documents in the case should be registered in accordance with the University's regular protocol.

## Procedures for Whistleblowing

### Introduction

The Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities (2021:890), also referred to as the Whistleblowing Act, stipulates that a person who, in a work-related context, has come across information that is covered by the Whistleblowing Directive must be able to report this in a secure manner.

The following procedures describe how a whistleblowing case, a so-called follow-up case, should be handled at Karlstad University.

### Definitions

*Report or reporting:* oral or written disclosure of information about irregularities through internal reporting, external reporting or reporting to the public.

*The reporting person (the whistleblower):* can be an employee or former employee, as well as a job candidate, an intern or consultant at the University. Students are, however, not covered by the regulations.

*Follow-up case:* a case that consists of

- a) receiving a report through an internal or external channel and being in contact with the reporting person,
- b) receiving a report - in another way than described above, within an authority that is obligated to provide external reporting channels - that was intended for the reporting channels and forwarding it to someone who is responsible for receiving the report,
- c) taking actions to assess the accuracy of the claims made in the report,
- d) handing over information about the alleged claims for further actions, and
- e) providing feedback on the follow-up to the reporting person.

*Whistleblowing function:* The function at Karlstad University that is authorised to receive reports and proceed with a follow-up case. Two people are appointed to process cases within the function and, based on decision of the Vice-Chancellor, authorised to receive reports, follow-up on reports and be in contact with as well as giving feedback to the reporting persons.

### Procedure

#### *Report*

Section 1 A report can be filed with the whistleblowing function via telephone, post or by the reporting person booking a meeting.

In case of an oral report, the report shall be documented through a recording that can be stored in a lasting and accessible format or through a written record. Any recording requires the consent of the reporting person. The reporting person should be given the opportunity to control, correct and through their signature approve a transcript or record.

#### *Initial assessment*

Section 2 The two appointed persons within the whistleblowing function make an initial assessment to determine whether the report is covered by the Whistleblowing Act or if it belongs to a different case category that should be handed over to another department within the authority. The initial assessment should be executed promptly and as a matter of high priority.

Section 3 The reporting person is entitled to a confirmation that the report has been received within 7 days unless the reporting person has declined such confirmation or if the whistleblowing function

has reason to assume that a confirmation would reveal the reporting person's identity. The confirmation can be sent along with feedback in accordance to Sec. 4 when applicable.

Section 4 If the report is not covered by the Whistleblowing Act, the follow-up case is closed. The whistleblowing function decides whether the case should be passed on to another relevant department within the University for investigation. Feedback is provided to the reporting person.

#### *Investigation*

Section 5 If the report is deemed to be covered by the regulations of the Whistleblowing Act, the report shall be investigated by the whistleblowing function. The function can co-opt other people internally from the University, or externally to add the required expertise. The co-option takes place via decision by the whistleblowing function.

Section 6 The whistleblowing function may summon individuals for interviews or gather statements from independent experts if needed.

Section 7 Personal information may only be processed if necessary for a follow-up case. Further specific regulations for processing of personal information can be found in Chap. 7 of the Whistleblowing Act.

Section 8 The whistleblowing function shall document the follow-up case in an investigation report. This shall comply with the legal framework of the Administrative Procedure Act. All parties shall be given the opportunity to speak on the follow-up case before a decision is made in accordance with the principles of Sec. 25 of the Administrative Procedure Act.

Section 9 The whistleblowing function also decides which, if any, action to take based on the follow-up case. Which actions may be taken is subject to a case-by-base assessment. Examples of actions include handing over the case to the Staff Disciplinary Board<sup>2</sup>, filing a police report, handing over the case to another authority or another department/unit within the University.

Section 10 The whistleblowing function ensures that the reporting person receives feedback to a reasonable extent about actions that have been taken to follow up on the report, and about the reasons for such actions, within three months from the confirmation in accordance with Section 3.

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<sup>2</sup> Any case transfer to the Staff Disciplinary Board is authorised by the Vice-Chancellor.