



DanChurchAid's Whistleblower Scheme and Complaints System Policy

June 2022

1. Introduction

- 1.1. On 7 October 2019, the Council of the European Union adopted the Whistleblower Directive, which imposes an obligation on companies and organisations with 50 or more employees and all public authorities to establish a Whistleblower Scheme.
- 1.2. The EU directive has been transposed into the Danish Act on the Protection of Whistleblowers (“the Act on Whistleblowing”). The Act on Whistleblowing which comes into force on 17 December 2021 protects individuals who submit a report regarding violations of EU law, national law, and other serious matters.
- 1.3. DanChurchAid (“DCA”) has in accordance with the Act on Whistleblowing established a Whistleblower Scheme (“Whistleblower Scheme”) to enable DCAs current and former employees up to 12 months after termination of the employment (“whistleblowers”) to report sensitive cases, suspicions and concerns about actual or potential breaches of the law, which occurred or are very likely to occur in DCA, and about attempts to conceal such breaches. Sensitive cases can also be related to breaches of DCA’s Staff Code of Conduct.
- 1.4. DCA also has in place a Complaints System designed to manage operational and sensitive complaints. The Complaints System can be used by DCA current and former employees for reporting complaints that fall outside the scope of the Whistleblower Scheme, referred to as operational complaints. Accordingly, the Complaints System can be accessed by anyone negatively affected by DCA’s actions such as partners, suppliers, members of the local communities where DCA has operations cf. section 4, i.e., sensitive, and operational complaints.

2. Purpose

- 2.1. It is the ambition of the executive board of DCA that the culture of DCA is characterized by a high degree of transparency, trustworthiness, and openness. The executive board acknowledges that DCA's employees will often be the first – and the only – to discover legal irregularities or breaches of internal guidelines.
- 2.2. The purpose of this policy is to avoid reluctance from whistleblowers. The executive board urges whistleblowers who might be in possession of knowledge regarding violations or potential violations to use the Whistleblower Scheme.
- 2.3. The purpose of the Whistleblower Scheme is to ensure that whistleblowers via a designated, autonomous, and independent channel can report suspicions and concerns as soon as possible in the knowledge that they are able to do so without fear of intimidation, harassment, retaliation, reprisals, discrimination, or adverse employment consequence because of such report.

- 2.4. The purpose of this policy is that all complaints no matter the nature of the complaint can be managed properly by DCA.

3. Scope of the Whistleblower Scheme

- 3.1. This Whistleblower Scheme applies to DCA and affiliates/local offices.
- 3.2. All current and former employees of DCA up to 12 months after termination of the employment are entitled to use the Whistleblower Scheme.
- 3.3. DCA's Whistleblower Scheme covers reporting of non-compliance with EU law, in accordance with the material scope of the 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, other types of serious breaches of applicable law and other serious matters, including the following:
- Criminal offences, fraud, accounting manipulation, embezzlement, misuse of position or funding, theft, money laundering, terrorist financing.
 - Bribery and corruption including conflicts of interests, sponsorships, gifts, facilitation payment, and donations.
 - Serious threats to the environment, health, and safety.
 - Discrimination, physical violence, threats, sexual harassment, use of child labour, violation of human rights.
 - Breaches of privacy and personal data protection laws.
 - Acts committed by the management and/or (local) boards that cannot be reported via the local management channels.
 - Misbehavior, misuse of position or gross misconduct by DCA and partners' staff
 - Serious or repeated breaches of important internal guidelines and policies in DCA, including the DCA Staff Code of Conduct and the policies it refers to:
 - The Core Humanitarian Standards
 - DCA's Staff Policy to Prevent Sexual Exploitation, Abuse and Harassment
 - DCA Policy on Anti-Corruption
 - DCA Child Safeguarding Policy
 - DCA Policy on Human Rights
 - DCA Environmental and Social Safeguards Policy
 - Unlawful conduct, or unethical behavior or behavior that compromises security or poses other risks to DCAs programme activities or staff
- 3.4. Other matters, including HR matters, minor breaches of internal guidelines, complaints about other employees' behavior or incompetence, including information on less serious workplace conflicts and disagreements are not covered by the scope of Whistleblower Scheme. These types of matters must be raised in a dialogue with an immediate manager, local HR manager or local management.

- 3.5. The Whistleblower Scheme allows for written (online system or email), as well as oral submissions of reports on potential violations through a hotline. Reports can be submitted in Danish, English, French and Arabic. Written reports in other languages will undergo translation.
- 3.6. The whistleblower can, in the report, request that the Attorneys summon the whistleblower to a physical meeting (in Denmark), during which the whistleblower can elaborate on its report.
- 3.7. The whistleblower is entitled to receive confirmation that the report has been received within 7 days and feedback on the status of the case within 3 months from the submission.

4. Scope of the Complaints System

- 4.1. The Complaints System applies to DCA, affiliates/local offices, partners, consultants, service providers, suppliers, and people supported by DCA directly or indirectly.
- 4.2. All DCA staff can use the Complaints System for operational complaints, and partners, consultants, service providers, suppliers and people supported by DCA directly or indirectly can use the Complaints System for sensitive and operational complaints.
- 4.3. Complaints and personal grievances are not covered by the Act on Whistleblowing and thus not covered by the scope of the Whistleblower Scheme but covered by the Complaints System.
- 4.4. The ACT Alliance defines a complaint as a specific grievance of anyone who has been negatively affected by an organisation's action or who believes that an organisation has failed to meet a stated commitment. Grievances are typically between the employee and employer.
- 4.5. Operational complaints and personal grievances must be reported through DCA's Complaints System or HR Examples of issues that are classified as operational complaints or grievances are:
 - Complaints regarding shortcomings in the performance of activities and processes of DCA
 - Insufficient quality and quantity in the planning, implementation
 - Monitoring-evaluation of programme/project/activities
 - Partner dissatisfaction with contracts and general cooperation
 - Complaints about advocacy or policy statements
- 4.6 Sensitive complaints from partners, consultants, service providers, suppliers and people supported by DCA directly or indirectly must be reported through DCA's Complaints System and including the following:

- Criminal offences, fraud, accounting manipulation, embezzlement, misuse of position or funding, theft, money laundering, terrorist financing.
 - Bribery and corruption including conflicts of interests, sponsorships, gifts, facilitation payment, and donations.
 - Serious threats to the environment, health, and safety.
 - Discrimination, physical violence, threats, sexual harassment, use of child labour, violation of human rights.
 - Breaches of privacy and personal data protection laws.
 - Acts committed by the management and/or (local) boards that cannot be reported via the local management channels.
 - Misbehavior, misuse of position or gross misconduct by DCA and partners' staff
 - Serious or repeated breaches of important internal guidelines and policies in DCA, including the DCA Staff Code of Conduct and the policies it refers to:
 - The Core Humanitarian Standards
 - DCA's Staff Policy to Prevent Sexual Exploitation, Abuse and Harassment
 - DCA Policy on Anti-Corruption
 - DCA Child Safeguarding Policy
 - DCA Policy on Human Rights
 - DCA Environmental and Social Safeguards Policy
 - Unlawful conduct, or unethical behavior or behavior that compromises security or poses other risks to DCAs programme activities or staff
- 4.7 The key principles for complaints handling in DCA can be found in DCA's Guideline to Complaints Handling. Complaints and grievances can be reported online or by email.
- 4.8 Sometimes an employee may believe they are making a whistleblower or complaint report when, in fact, their report is related to a personal grievance. Should a reporting individual feel unsure as to whether a matter falls inside or outside of the scope of the Whistleblower Scheme or the Complaints System, the individual can use the Whistleblower Scheme or Complaints System. The individual will subsequently receive guidance regarding the future handling of the matter.

5. Roles and Responsibilities

- 5.1. This policy is anchored with the Finance Director of DCA¹, who is responsible for the proper handling of the policy. The General Secretary and the Finance Director are responsible for deciding whether investigations of whistleblower reports shall be conducted, and, in the affirmative, whether the investigation shall be conducted internally and/or with external assistance. The Finance Director is responsible for notifying the Senior Management in case a whistleblower report concerns matters regarding bribery

¹ If the Finance Director is absent, or if the report concerns the Finance Director, the responsibility will lie with the DCA Senior Management; in such case the General Secretary, is responsible. If the General Secretary is absent, or if the report concerns the General Secretary, the responsibility will lie with the Attorneys/external party managing the whistleblower scheme.

or corruption. The Finance Director is also responsible for:

- Diligent follow-up on whistleblower reports
- Maintaining a whistleblower procedure, which must describe the process for conducting internal investigations of whistleblower reports.
- Maintaining an overview of received whistleblower reports.
- Reporting the outcome of whistleblower reports to the Senior Management.

5.2. All employees in DCA are encouraged to speak-up for themselves and on behalf of colleagues and are obliged to collaborate loyally during investigations of whistleblower and complaint reports.

5.3. All reports will be managed based on DanChurchAid's Standard Operating Procedure (SoP) for Whistleblower Scheme and Complaints System.

6. Confidentiality and Independence

6.1. All reports will be managed with the proper seriousness as required by the circumstances of the report and all investigations of whistleblower reports are conducted with due respect for maintaining and ensuring independence, confidentiality, data protection and data security.

6.2. A special duty of confidentiality applies to those who manage and investigate reports. All information including the identity of the whistleblower, complainant and persons mentioned in the report will be kept confidential to the greatest possible extent.

6.3. Anonymity complicates the investigation of a whistleblower report, and therefore the Whistleblower Scheme requires whistleblowers to disclose their identity and provide contact information when reporting a suspicion or concern through the Whistleblower Scheme. This will ease the handling of whistleblower reports and potential investigations, allow for effective protection against any retaliation towards whistleblowers and prevent abuse of the Whistleblower Scheme. The Complaints System requires complainants to disclose identity and contact information when submitting a complaint.

6.4. Whistleblowers can choose to maintain anonymity towards DCA if they do not want to reveal their identity to DCA. The Attorneys will ensure that the identity of the whistleblower will not be disclosed to others, including DCA, unless the whistleblower provides its explicit consent to such disclosure. The Attorneys are, however, entitled to disclose the identity to a public authority, including the police, if such disclosure is performed to prevent a violation of the law.

7. Personal Data

7.1. The personal data processed within the Whistleblower Scheme and Complaints System

is retained only for the period necessary to achieve the purposes for which the data are collected unless a legal obligation or another legal ground for longer data retention exists.

7.2. Whistleblower and complaints reports and personal data will be deleted after the completion of the initial investigation, if it turns out that the whistleblower report is unfounded. If an actual investigation is initiated based on the whistleblower or complaints report, the report and personal data will be deleted within two months after the investigation has been completed. If the case file needs to be archived for longer time due to donor requirements or other, DCA will make sure that all personal data is anonymized. Substantiated reports which contain information that may lead to disciplinary, civil, or criminal responsibility are kept until the conclusion of the respective proceedings as per the requirements of the applicable law. Reference is made to the whistleblower procedure and to DCA's policies regarding processing and handling of personal data, including DCAs Privacy Policy for Customer, Donors and Volunteers and Privacy Policy for Applicants.

8. Non-discrimination or Retaliation

- 8.1. DCA does not tolerate harassment, acts of retaliation or any other type of penalty against whistleblowers and complainants who submit a report in good faith about a matter within the scope of the whistleblower scheme and Complaints System. If DCA becomes familiar with the identity of the whistleblower (via consent or legal actions) DCA will ensure that whistleblowers are not met with retaliation.
- 8.2. Reports must be submitted in good faith on the correctness of the report. Whistleblowers and complainants who make a report in good faith will not be subject to negative consequences even if the reported concern or suspicion proves to be unfounded. Employees of DCA who in good faith submit whistleblower reports of potential violations, will not risk discrimination or retaliation in the form of employment sanctions. This protection shall apply accordingly even if it is subsequently established that there was in fact no violation.
- 8.3. It is prohibited to deliberately submit false or misleading information via the Whistleblower Scheme and to make deliberate misuse of the Whistleblower Scheme. Reports submitted by DCA employees in bad faith will, depending on the circumstances, result in negative employment law consequences for the person submitting the report and can furthermore constitute a criminal offence.
- 8.4. If a whistleblower feels that he or she has been subject to discrimination or retaliation based on a submitted report or the participation in an investigation, the whistleblower shall immediately report this to the Attorneys. All such reports will be managed confidentially.

9. External Whistleblower Schemes

9.1 While whistleblowers are encouraged to report any concern or suspicion covered by the scope of the Whistleblower Scheme through DCA's Whistleblower Scheme, they may also decide to use the external whistleblowing reporting schemes set up by the national authorities pursuant to the Act on Whistleblowing. This includes the independent, external Whistleblower Schemes at The Danish Data Protection Agency, the Danish Security, and Intelligence Service (The Danish Ministry of Justice) and the Danish Defence Intelligence Service.

10. Questions

10.1 Any whistleblower who has questions regarding the Whistleblower Scheme can contact the Attorneys for clarification. Any complainant who has questions regarding the Complaints System can contact the DCA Accountability and Complaints Advisor.

11. References, Related Resources or Appendices

- DCA's SoP for Whistleblower Scheme and Complaints System
- DCA's Complaints Handling Guideline
- DCA Staff Code of Conduct
- Core Humanitarian Standards
- DCA's Policy on Anti-Corruption
- DCA's Staff Policy to Prevent Sexual Exploitation, Abuse and Harassment
- DCA Child Safeguarding Policy
- DCA's Human Rights Policy
- DCA Privacy Policy – Customer, Donors, and Volunteers
- DCA Privacy Policy – Applicants
- DCA Environmental and Social Safeguards Policy
- Staff Manual: Processing of Personal Data in DanChurchAid (GDPR)
- DCA Data Protection Guide
- Policy of Storing and Deleting Personal Data at DanChurchAid
- Privacy Policy for DanChurchAid's General Complaint System

12. Policy Information

First approved/Last revised: 13th June 2022
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Policy Manager: Head of Strategy and Quality Management Unit
Unit: SQM Unit