

# Guidelines for sanctioning cases reported via the whistleblower scheme or directly to the Sanctions Committee

Approved by IDA's Executive Committee at a meeting held on 2 June 2021

IDA, 2 June 2021

## Introduction

IDA has established an independent whistleblower scheme through which you can report serious offences, breaches of the law or offensive behaviour. The scheme is being administered by the law firm Plesner, and focus is on security for the reporting party as well as for the person being reported.

According to the Law and Statutes of the Danish Society of Engineers, IDA, (§ 7, Section 2 and § 8a), the Sanctions Committee, see § 8a, Section 2, may sanction a member who violates the provision in § 7, Section 2, or in some other way acts inappropriately. A sanction may be imposed according to the rules mentioned in § 8a, Sections 2-5.

§ 7, Section 2 states that "The members are obliged to respect Society objectives, including **proper loyal behaviour in their activities and statements**".

According to § 8a, Section 4 of the IDA Law and Statutes, the Executive Committee must approve guidelines that set the framework for sanctioning cases reported via the whistleblower scheme or directly to the Sanctions Committee.

### Offences dealt with by the Sanctions Committee concern:

Active members of IDA (volunteers in IDA), politically elected and appointed members of IDA, elected representatives in the public-sector and private-sector areas, and other members of IDA. The offence must concern work carried out by the person reported on behalf of IDA or at IDA.

### Offences dealt with by the Sanctions Committee may be reported by:

Employees and former employees of IDA, active members of IDA (volunteers in IDA), politically elected and appointed members of IDA, elected representatives in the public-sector and private-sector areas, and other members of IDA, directors of IDA as well as temporary staff and other people temporarily performing work for IDA, and who are subject to IDA's managerial authority.

The purpose of the Sanctions Committee is to ensure expeditious and confidential processing, including sanctioning, of offences committed by the group above.

*Offences concerning IDA's employees, former employees and directors of IDA* will be referred to the whistleblower scheme.

*Cases concerning unacceptable conditions in the workplace of members* will be referred to the whistleblower scheme through Law and working conditions.

Cases concerning infringements or potential infringements of the financial regulations committed by IDA Forsikring, including infringements committed by employees or members of the Board of IDA Forsikring, will be referred to the whistleblower scheme of IDA Forsikring.

### **What can be reported?**

Offences may include infringement of IDA's rules and guidelines, cooperation problems, exploitation of system access/access to member information, offensive behaviour, sexual harassment and inappropriate behaviour. Offences may occur in connection with counselling members, meetings/conferences, etc., on social media or in connection with other IDA activities.

Reporting can take place both when the reporting party has knowledge of the matter and when the reporting party suspects the matter.

### **Who should be notified?**

Offences can be reported directly to the Sanctions Committee or via IDA's whistleblower scheme.

The Chairperson of IDA may choose to forward cases to the Sanctions Committee.

### **Sanctions Committee – and the objective of the Committee**

The Sanctions Committee is appointed by IDA's Executive Committee and consists of 4 members, including 1 chairperson and 2 deputies. The Chairperson is appointed by the Executive Committee.

Members of the Sanctions Committee cannot at the same time be a member or a deputy on the Executive Committee.

The electoral period for the Sanctions Committee is 3 years commencing from the date the Committee constitutes itself following a Board of Representatives election.

The Sanctions Committee handles all offences concerning active members, politically elected and appointed members, elected representatives in the public-sector and private-sector areas as well as other members.

If considered appropriate by the Sanctions Committee, the Committee may choose to adopt the role as a mediator in any conflict, rather than imposing sanctions.

#### **Sanction options:**

The parties involved will initially be called in for an interview to clarify and correct behaviour.

The Committee has the following sanction options (although see below for special provisions):

1. Disapprove of the conduct of a member
2. Deprive a member of the opportunity to organise events – for a given period
3. Deprive a member of the opportunity to protect interests – for a given period
4. Deprive a member of the opportunity to participate in member events – for a given period
5. Withdraw the member from a position of trust in or for the Society for the rest of the member's electoral or appointment period.

Any sanctions will be determined on the basis of the context and severity of the offence. In the case of recurring offences, the Sanctions Committee may choose to intensify the sanction.

The Sanctions Committee will set a period for the duration of a sanction according to the IDA Law and Statutes, taking into account the nature of the offence.

According to § 8 on Expulsion of the IDA Law and Statutes, a member "who is detrimental to the Society" may be excluded, see the rules mentioned in § 8, Sections 2-5. Cases of this nature will be handled by the Expulsion Committee.

**Special provisions:**

Sanctions regarding the Chairperson of IDA will be decided by the Board of Representatives after recommendation from the Sanctions Committee.

Withdrawal from positions of trust of the Vice-Chairperson or the Chairperson of the Council of Employees will be decided by the Executive Committee after recommendation from the Sanctions Committee.

## Decisions

The Chairperson of the Sanctions Committee will chair the meetings.

According to the IDA Law and Statutes, decisions regarding sanctions require that the Committee is unanimous. The Sanctions Committee may decide to use external assistance if the case is assessed to be of a particularly complex nature.

Members of the Sanctions Committee may disqualify themselves – or be disqualified – if said members of the Sanctions Committee are assessed to have a particularly personal interest in the case, or if the matter concerns a no-confidence issue relating to the persons concerned. In such cases, a deputy will be called in.

The secretariat function for the Sanctions Committee is provided by the IDA administration, which is obligated to inform the Steering Committee about sanctions imposed by the Sanctions Committee.

## Reporting process:

Offences may be reported directly to Sanctions Committee via [ida.dk](mailto:ida.dk)

Two consultants in IDA have access to all reports. The consultants will forward a report to the Sanctions Committee. If the report concerns economic crime, it will also be forwarded to IDA's external auditor.

Offences can also be reported to the whistleblower scheme via IDA's intranet, Insite, as well as [mit.ida](mailto:mit.ida) and [ida.dk](mailto:ida.dk) <https://ida.dk/ida-whistleblower>. Offences reported via the whistleblower scheme will be received by two lawyers and partners at Plesner who will forward the case to IDA.

IDA encourages reporting parties to state their name when filing a report, so that IDA can ask clarifying questions, and subsequently provide information about the further process of the investigation if IDA considers this to be unproblematic.

However, it is possible to file an anonymous report.

All parties involved, including IDA and Plesner, will treat all reports confidentially.

Any member who has been put forward for sanctions has a right to be consulted.

## Protecting the person reported

A report filed in good faith, which later turns out to be unfounded, will not have negative repercussions or consequences for the reporting party.

In the event of a false report not filed in good faith, the person reported will be informed about the identity of the reporting party, if this has been disclosed at the time of reporting. An assessment will be made as to whether a false report gives rise to legal action, including criminal action. If the reporting party is employed with IDA, a false report may have consequences for the member's employment, including expulsion.

The identity of the reporting party will generally not be disclosed to the person the report concerns. As mentioned, the identity of the reporting party will be disclosed if it turns out that a deliberate false report has been filed, or if IDA is obligated to disclose the identity.

According to Article 15 of the General Data Protection Regulation, a data subject generally has the right of access, unless the data subject's request to right of access no longer applies according to § 22 of the Danish Data Protection Act. The identity of the reporting party can also be disclosed in any subsequent legal proceedings regarding the matter reported.

### **Information for the person reported**

A person reported to the Sanctions Committee will be informed about the report as soon as possible after a preliminary investigation has taken place and all relevant evidence has been secured. Among other things, the person will receive information about the identity of the Sanctions Committee responsible for investigating the report, the matters the report concerns and who has seen the report.

### **Data security and data storage**

IDA will process all information reported to the Sanctions Committee in accordance with relevant legislation. All reports will be stored appropriately, and only relevant persons will be able to access the information.

A response will be issued to all reports assessed to be manifestly unfounded by the Committee, and the case will then be closed immediately.

If a report is filed with the police or another authority, IDA will stop processing the case immediately after it has been closed by the relevant authorities. Reports will be deleted 45 days after IDA has closed the case.

### **Queries**

If you have any queries, you are welcome to contact the secretariat of the Sanctions Committee, [sanktionsudvalg@ida.dk](mailto:sanktionsudvalg@ida.dk)