

# Deadline for establishing a whistleblower scheme

By December 17, 2023, private companies in Denmark with 50 to 249 employees must have established an internal whistleblower scheme.

The whistleblower scheme is intended to ensure that the company's employees can report law violations and other serious matters within the company.

## CONTACT NJORDS ATTORNEYS

Tel. (+45) 33 12 45 22

E-mail: [contactformular@njordlaw.com](mailto:contactformular@njordlaw.com)

## Establishing of an internal whistleblower scheme

Companies covered by the Whistleblower Protection Act are required to establish an internal whistleblower scheme by designating either a person or a department within the company, such as the HR department, to receive and process reports from whistleblowers in accordance with legal requirements.

The appointed person or department must act objectively and factually when processing the reports received, and the company must therefore ensure that the responsible persons are independent of the company's day-to-day management in the specific case handling of reports.

It is possible to outsource the whistleblower scheme fully or partially to an external third party, which establishes and administers the scheme on behalf of the company.

At NJORD, we offer a comprehensive electronic whistleblower scheme ensuring that the company complies with the requirements of legislation regarding the establishment and administration of whistleblower schemes as well as the protection of whistleblowers.

## What reports are covered by the whistleblower scheme?

The whistleblower scheme should include reports regarding information that employees have come across during their work. Reports can be made concerning a range of specific violations of EU law, including e.g., the prevention of money laundering and the financial terrorism, environmental protection, and the protection of privacy.

Furthermore, the whistleblower scheme should include reports of serious legal violations or other significant issues, such as serious breaches of criminal law, sexual harassment, and severe harassment based on gender or race.

## Employees must be informed about the whistleblower scheme

The Whistleblower Protection Act includes several requirements regarding the information that the company must provide to employees covered by the whistleblower scheme.

The information should be made available in a visible location accessible to employees covered by the whistleblower scheme, such as the company's intranet.

The company should inform employees about the procedure for reporting to the whistleblower scheme, including who can report to the scheme, what violations can be reported, and how to use the whistleblower scheme.

The company should also explain the procedure for reporting to the National Whistleblower Scheme and inform that a whistleblower is free to choose between reporting via the internal whistleblower scheme or the National Whistleblower Scheme.

At NJORD, we offer assistance in developing a whistleblower policy and notifying employees about the whistleblower scheme to ensure compliance with the requirements in the legislation on documentation obligations and employee notification.

## Employees covered by the law are protected from retaliation

Whistleblowers must not face retaliation, such as employment-related consequences like warnings, termination, demotion, harassment, etc., because they have made a report via the whistleblower scheme.

Whistleblowers should not be hindered from making reports through the whistleblower scheme, including through confidentiality clauses.

If a whistleblower experiences retaliation because of a report, the whistleblower is entitled to compensation.

## **NJORD's whistleblower solution**

At NJORD, we offer the establishment and administration of your company's whistleblower scheme in full compliance with the requirements of the new Whistleblower Protection Act.

NJORD has a dedicated compliance team with extensive experience in whistleblower schemes, data protection law, and employment law, ensuring that your whistleblower scheme is in capable hands.



**NIS PETER DALL**  
ATTORNEY AT LAW,  
PARTNER

(+45) 77 40 10 18  
NPD@NJORDLAW.COM



**PERNILLE KIRK ØSTERGAARD**  
ATTORNEY AT LAW, SENIOR  
SPECIALIST

(+45) 77 40 11 74  
POS@NJORDLAW.COM



**LARS LOKDAM**  
ATTORNEY AT LAW,  
PARTNER

LL@NJORDLAW.COM



**MIRIAM MICHAELSEN**  
ATTORNEY AT LAW

(+45) 77 40 11 66  
MIM@NJORDLAW.COM





**JULIE NIELSEN**  
ATTORNEY AT LAW (ON  
LEAVE)

(+45) 77 40 10 68  
JNL@NJORDLAW.COM