



# Denmark Aims to Expand Whistleblower Protection to Include Sexual Harassment in the Workplace

Insights

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The Danish Government has called for its political parties to negotiate and enact laws to prevent and address sexual harassment in the workplace as it seeks to comply with the EU Whistleblower Directive that took effect on December 16, 2019. While the EU Directive requires Member States to enact national whistleblower protection laws by December 17, 2021, the government's new initiatives include expanding the implementation of the EU Directive to include reports of sexual harassment in the workplace.

Danish whistleblower law currently only applies to a limited number of companies and to certain types of whistleblowing: financial services, money laundering, transportation and safety, security, environmental protection, and consumer and data protection. However, the EU Directive expands the whistleblower protection requirements to all companies with 50+ employees. Denmark's proposed Whistleblower Act would take the EU Directive a step further by expanding its protections to employees who report sexual harassment in the workplace.

Even if the sexual harassment provisions do not pass, employers with 50 or more employees should prepare to take the following measures that will be required to comply with the EU Directive:

- Establish policies and procedures for whistleblowers – either internally at the company or externally by a third party. For companies choosing an internal whistleblower scheme, an external whistleblower hotline can be established to ensure anonymous processing.
- Create procedures to allow employees to submit their reports orally and/or in writing.
- Take steps to make sure the system is secure and confidential to encourage employees to report breaches.
- Consider re-training supervisors and managers on proper protocols for escalating employee complaints to ensure all reports are timely and properly handled.

Lawmakers are expected to present a draft of the Whistleblower Act in the first quarter of 2021. For information on creating a secure whistleblower policy for your company or training employees after new policies are implemented, feel free to reach out to any member of Fisher Phillips' International Practice Group.

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