

## Policy for reporting of suspected misconduct<sup>1</sup>

It is important to have a clear procedure for employees and contractors in case there is a suspicion of misconduct. Such a procedure contributes to safeguarding integrity and preventing damage or loss.

Whistleblowing is making suspicions of illegal or immoral conduct known externally when it is in the public interest. This procedure, however, is intended in the first place to facilitate that correct action on internal reports is taken and that any misconduct is traced early. This means an open and safe culture in which the employee or contractor knows what he can expect from whom.

The procedure makes clear:

- 1) When there can be said to be ‘misconduct’: specific conditions must be present and there must also be good grounds.
- 2) How the person making a report will be protected, because it is such a serious step.
- 3) That it is possible for employees and contractors to discuss matters first with a delegated designated trusted person.
- 4) That there are different options available to ensure that the report can be made confidentially.
- 5) That there is the opportunity within CILC to report the misconduct internally first.
- 6) What the rules are if the person making a report wants to make the misconduct public.

## General

### Article 1: Definitions

The definition of certain words used in this procedure:

#### Employee / Person making a report

The employee or contractor, who is deployed or in any other way contracted by CILC and who reports a suspicion of misconduct in accordance with this procedure.

#### Competent authority

The board of directors and/or the president of the supervisory committee.

#### Manager

The person who directly manages the person making a report.

#### Designated trusted person<sup>2</sup>

The person who has been appointed by the board of directors to act as such for the organisation in consultation with the CILC team.

#### Counsel

The person as referred to in article 2

#### External third party

An external third party as referred to in article 7.

#### A suspicion of misconduct

A suspicion of misconduct within the CILC organisation where a matter of public interest is at stake, in connection with:

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<sup>1</sup> Wherever “he” / “him” is referred to, “she” or “it” / her is also the intended meaning.

<sup>2</sup> The designated trusted person in the context of this procedure is Mrs. Monique Kooij-Alphenaar. She can be contacted at: [info@alles-in-balans.nl](mailto:info@alles-in-balans.nl) or mobile: +31(0)6-13189677

- a) a criminal, or an imminent criminal, offence;
- b) a breach, or an imminent breach, of legislation or regulations;
- c) the provision, or imminent provision, of incorrect information to public bodies;
- d) a waste, or an imminent waste, of government funds;
- e) the intentional withholding, destruction or manipulation of information, or the imminent withholding, destruction or manipulation of information about these facts.

## Article 2: Protection of the person making a report

1. No-one who is involved in dealing with a report makes the identity of the person making it known without his permission. These persons include the manager, the competent authority and the designated trusted person. The person making a report acts in accordance with the procedure and does not inform others within the organisation unnecessarily.
2. The person making/declaring a report of a suspicion of misconduct shall not suffer any negative consequences regarding his legal status because of making the report. Negative consequences for which he is protected may include but are not limited to
  - a) dismissal;
  - b) not extending a fixed period work contract;
  - c) not making a fixed period work contract a permanent one;
  - d) a compulsory change of position;
  - e) disciplinary measures;
  - f) withholding a salary increase, incidental rewards or compensation;
  - g) withholding opportunities for promotion;
  - h) refusing a request for leave if there is a reasonable connection between the refusal and the report made by the person of a suspicion of misconduct.
3. The competent authority carries responsibility for ensuring that the person making a report does not suffer any other disadvantage in the exercise of their duties because of making that report.
4. The person making a report has the right to consult counsel during, or after, this procedure, if his legal status is affected because of reporting a suspicion of misconduct in good faith. The costs of this legal support will be borne by CILC insofar as they are reasonable.
5. Counsel as referred to in paragraph 4 or the designated trusted person as referred to in article 3 and elsewhere shall not suffer any disadvantage whatsoever because of acting under the terms of this procedure.

## Internal reporting procedure

### Article 3: Internal procedure

1. The employee or contractor may discuss his suspicion of a violation of integrity confidentially with the designated trusted person before deciding to make a formal report. The designated trusted person will then provide information about the circumstances - serious misconduct and crimes - when making a report is obligatory.
2. Unless there are grounds for making an exception as referred to in article 6, the employee or contractor reports the suspicion of misconduct to his manager, the board of directors or the designated trusted person. Reporting it to the designated trusted person can also take place at the same time as reporting it to the manager or the board of directors.

3. An employee or contractor who does not want his identity to be made known within the organisation can make the report confidentially to the designated trusted person. Any information which the person making the report is then entitled to, is sent to the designated trusted person. The designated trusted person ensures that this information is then received by the person making the report.
4. Before the report is formally recorded, the employee or contractor, receives a copy of this procedure from the person he is making the report to and he is expressly informed of the protection he is entitled to.
5. The manager or the designated trusted person to whom a report is made shall ensure that the board of directors (or the president of the supervisory committee if it concerns a member of the board of directors) is informed about the report and the date on which it was made as soon as possible.
6. The person making a report can in principle assume that the board of directors will report a criminal offence to the police if there is reason to do so or if it is obligatory.
7. The board of directors sends the person making a report of a suspicion of misconduct, or the designated trusted person the report was made to, a confirmation that he has received it. In the latter case, the designated trusted person will forward the confirmation to the person making the report. The confirmation that the report has been received contains the suspicion reported and the date on which the person making the report had made it.
8. If the report concerns a member of the board of directors, it is sent to the president of the supervisory committee by the manager or designated trusted person, and that person then makes a report to the police as intended in paragraph 6.

## Article 4: Investigation by the competent authority

1. The board of directors will assess the report it has received as soon as possible. If the board of directors is of the opinion that an investigation must be carried out, it will order it as soon as possible.
2. The board of directors informs the president of the supervisory committee in writing about its opinion on whether an investigation should be conducted or not as soon as possible after the board itself has been informed.
3. If the report concerns a member of the board of directors, then the president of the supervisory committee decides whether an investigation should be conducted.
4. When providing information, the person making the report shall not be named without his permission and the information will be provided in such a way that the anonymity of the person making the report will be preserved.
5. The board of directors informs the person or persons who the report is about unless the conduct of the investigation would then be compromised.
6. The investigation must not be conducted by anyone who may be, or has been, involved in the suspected misconduct. The board of directors may consult an external expert for advice.
7. An investigation and dealing with the report further can always be omitted if:
  - a) there is no suspicion of misconduct as referred to in article 1;
  - b) the report has clearly been made unreasonably late.
8. The board of directors reports that an investigation or the further handling of a report will not take place as soon as possible in writing to the person making a report or the designated trusted person. The designated trusted person forwards the notification to the person making the report. The option of reporting the suspicion of misconduct externally is also given in the notification.

## Article 5: The opinion of the competent authority based on the investigation

1. The person making the report or the designated trusted person will be informed in writing by, or on behalf of, the competent authority about the authority's opinion regarding the reported suspicion of misconduct within eight weeks of the internal report. The measures to which the report has led will also be given.
2. If the opinion cannot be given within eight weeks, the person making the report or the designated trusted person will be informed in writing by, or on behalf of, the competent authority about when an opinion will be given.

## Article 6: Making a report to an external third party

1. The employee or contractor can report a suspicion of misconduct to an external third party as referred to in article 1, paragraph 1, observing the provisions of that article, if:
  - a) he does not agree with the opinion as referred to in article 5;
  - b) he has not received an opinion within the required period referred to in the first and second paragraphs of article 5;
  - c) the period referred to in the second paragraph of article 5 is unreasonably long and the person concerned has objected to it;
  - d) there are grounds for an exception as referred to in the following paragraph.
2. Grounds for exception as referred to in the previous paragraph under d. are when:
  - a) there is acute danger, where a serious and urgent public interest demands an external report;
  - b) there is a situation where the person making the report has reason to fear retaliatory measures as a consequence of the internal report;
  - c) there is a clear threat of obfuscating or destroying evidence;
  - d) an earlier internal report in accordance with the procedure about the same misconduct, has not stopped that misconduct;
  - e) in the opinion of the employee or contractor, the competent authority has incorrectly not made a report (where there is a statutory duty or competence to make an immediate external report).

## Article 7: Report to an external party

1. An external third party is, for the purposes of this procedure, any organisation or representative of an organisation, excluding the designated trusted person (who may advise) or counsel, to whom the person makes a report of misconduct, because it is, in his reasonable judgement, so much in the public interest that that interest in the concrete circumstances of this case outweighs that of CILC's confidentiality, and that CILC as an employer or a contractor can reasonably be expected to directly or indirectly stop the suspected misconduct.
2. In accordance with the provisions of paragraph 3, an employee or contractor may report a suspicion of misconduct to an external third party as referred to in the previous paragraph, if there is one of the cases given in article 6.
3. The report is made to the external third party which the employee or contractor reasonably believes is the most appropriate in the circumstances, taking into account, on the one hand, the efficacy with which the third party can intervene and on the other hand, the interest of CILC as an

- employer or contractor in incurring as little damage or loss as possible as a consequence of that intervention, insofar as the damage does not directly arise out of intervening in the misconduct.
4. The greater the possibility of damage or loss for the CILC as an employer or contractor because of making a report to an external third party, the greater suspicion by the employee or contractor making the report of misconduct has to be.

## Article 8 – Annual report

The designated trusted person draws up an annual anonymised report about the nature and seriousness of the conversations held with her and the internal reports made. This report is sent to the board of directors, who then ensures that the report is sent to the president of the supervisory committee and the CILC team. In the CILC annual report shall also be referred to any reported case of misconduct.