

DG press - procedure for reporting suspected misconduct or violations

given the importance DG press places on maintaining a sound integrity policy, including a sound whistleblower policy, and considering the approval of the Works Council on December 15, 2023.

DECIDES

to establish the following definitions shall apply;

Article 1 Definitions

1. In this policy, the following terms are defined as:
 - a. **Employee:** a person who performs or has performed work under an employment contract or someone who performs or has performed work outside of an employment contract.
 - b. **Employer: DG press**, which employs or has employed someone under an employment contract, or employs or has employed someone outside of an employment contract;
 - c. **Suspected Misconduct or Violation of Union Law:** an employee's reasonable suspicion of misconduct or a violation of Union law within the organization they work or have worked for, or within another organization they encountered through their work, based on knowledge gained through their employment.
 - d. **Misconduct:** an act or omission that threatens the public interest, such as:
 - i. (Potential) violation of a legal provision, including (potential) criminal offences,
 - ii. (Potential) danger to public health,
 - iii. (Potential) danger to the safety of individuals,
 - iv. (Potential) environmental damage,
 - v. (Potential) harm to the proper functioning of the organization due to improper conduct,
 - vi. (Potential) violation of other rules besides legal provisions,
 - vii. (Potential) waste of public funds,
 - viii. (Potential) deliberate concealment, destruction, or manipulation of information regarding the above issues (i-viii);
 - e. **Violation:** A (potential) violation of Union law or an attempt to conceal such a breach in the following domains:
 - Public procurement;
 - Financial services, products, and markets, prevention of money laundering and counter-terrorism,
 - Product safety and compliance,
 - Transport safety,
 - Environmental protection,
 - Radiation protection and nuclear safety,
 - Food and feed safety, animal health and welfare,
 - Public Health,
 - Consumer protection,
 - Data protection.
 - f. **Advisor** A person bound by confidentiality who is consulted by an employee regarding suspected misconduct.
 - g. **Confidential Advisor:** A person designated to act as such within the employer's organization.

- h. **Investigation Department of the Whistleblower House:** The investigation department of the Whistleblower House, as referred to in Article 3a, Paragraph 3, of the Whistleblower Protection Act.
 - i. **Report:** The written or verbal notification of suspected misconduct or violation under this policy.
 - j. **Reporter:** The employee who reports suspected misconduct or a violation under this policy.
 - k. **Highest Executive:** The person or body with overall daily management of the employer's organization.
 - l. **Highest Responsible:** The internal supervisory body, or if there is no internal supervisory body, the highest executive.
 - m. **Contact Person:** The individual designated by the highest executive, in consultation with the reporter, to prevent retaliation after receiving a report.
 - n. **Investigators:** Those assigned by the highest executive to investigate the suspected misconduct or violation.
 - o. **Competent Authority:** An authority designated by law to receive and handle reports of suspected misconduct or violations.
 - p. **External Third Party:** Any organization or representative of an organization deemed capable of resolving the suspected misconduct or violation, directly or indirectly, according to the reporter's reasonable judgment.
2. Where this policy uses "he," it should be read to include "she" as well.

Article 2 Information, Advice, and Support for the Employee

1. An employee can confidentially consult an advisor about a suspected misconduct or violation.
2. In line with point 1, the employee can ask the confidential advisor for information, advice, and support regarding the suspected misconduct or violation.
3. In line with point 1, the employee can also request information, advice, and support from the advice department of the Whistleblower House regarding the suspected misconduct or violation.

Article 3 Internal Reporting by an Employee of the Employer

1. An employee who suspects misconduct or a violation within their employer's organization can report it to any higher-ranking supervisor within the organization. If the employee reasonably suspects that the highest executive is involved in the suspected misconduct or violation, they can also report it to the competent authority. In this case, "the highest executive" in this policy should be read as "the competent authority."
2. The employee can also report the suspected misconduct or violation within their employer's organization through the confidential advisor. The confidential advisor will forward the report, in consultation with the employee, to a supervisor as mentioned in the previous point, or to the competent authority.

Article 4 Internal Reporting by an Employee from Another Organization

1. An employee from another organization who has come into contact with the employer's organization through their work and suspects misconduct or a violation within the employer's organization can report it to any supervisor within the employer's organization who holds an equal or higher position than they do. If the employee from another organization reasonably suspects that the highest executive is involved in the suspected misconduct or violation, they can also report it to the competent authority. In this case, "the highest executive" in this policy should be read as "the competent authority."

2. The employee from another organization, as referred to in the previous point, can also report the suspected misconduct or violation within the employer's organization through the confidential advisor. The confidential advisor will forward the report, in consultation with the employee, to a supervisor as mentioned in the previous point, or to the competent authority.

Article 5 Protection of the Reporter Against Retaliation

1. The employer will not retaliate against the reporter for reporting suspected misconduct or violation in good faith and appropriately to the employer, another organization, a competent authority as mentioned in Article 14, Paragraph 2, or an external third party under the circumstances mentioned in Article 14, Paragraph 4.
2. Retaliation, as mentioned in Paragraph 1, includes but is not limited to:
 - a. Dismissal, other than at the employee's request;
 - b. Premature termination or non-renewal of a temporary contract;
 - c. Not converting a temporary contract into a permanent contract;
 - d. Disciplinary action;
 - e. Imposing a restriction on research, speaking, workplace, or contact for the reporter or their colleagues;
 - f. Appointment to a different position;
 - g. Expanding or reducing the reporter's duties, other than at their request;
 - h. Moving or transferring the reporter, other than at their request;
 - i. Refusing a request to move or transfer the reporter;
 - j. Changing the workplace or refusing a request to do so;
 - k. Denying salary increase, incidental reward, bonus, or allowance;
 - l. Withholding promotion opportunities;
 - m. Not accepting a sick leave report or continuing to register the employee as sick;
 - n. Rejecting a leave request;
 - o. Granting leave, other than at the employee's request.
3. Retaliation, as mentioned in Paragraph 1, also occurs if there is a reasonable ground to address the reporter's performance or take a retaliatory measure as referred to in Paragraph 2, but the measure taken by the employer is not reasonably proportionate to that ground.
4. If the employer takes a retaliatory measure as referred to in Paragraph 2 within a reasonable time after the report, they must justify why this measure is necessary and confirm that it is unrelated to the good faith and appropriate reporting of suspected misconduct or violation.
5. The employer ensures that supervisors and colleagues of the reporter refrain from any form of retaliation related to the good faith and appropriate reporting of suspected misconduct or violation, which impairs the reporter's professional or personal functioning. This includes, but is not limited to:
 - a. Bullying, ignoring, and excluding the reporter;
 - b. Making unfounded or disproportionate accusations about the reporter's performance;
 - c. Imposing a restriction on research, speaking, workplace, or contact for the reporter or their colleagues, in any form;
 - d. Intimidating the reporter by threatening certain actions or behaviours if they continue with their report.
6. The employer addresses employees who engage in retaliatory actions against the reporter.

Article 6 Preventing Retaliation Against the Whistleblower

1. The contact person designated under Article 9, paragraph 6, promptly discusses with the whistleblower the risks of retaliation, how these risks can be mitigated, and what the employee can do if they believe they are being retaliated against. The contact person ensures that these

details are documented in writing and presents this documentation to the whistleblower for approval and signature. The whistleblower receives a copy of this documentation.

2. If the whistleblower believes they are being retaliated against, they can discuss this immediately with the contact person. The contact person and the whistleblower will also discuss what measures can be taken to prevent retaliation. The contact person ensures that these discussions are documented in writing and presents this documentation to the whistleblower for approval and signature. The contact person promptly sends this report to the highest management level. The whistleblower receives a copy of this documentation.
3. The highest management level ensures that necessary measures are taken to prevent retaliation.

Artikel 7 Protection of Other Involved Parties Against Retaliation

1. The employer will not retaliate against the advisor employed by the employer for acting as the advisor to the whistleblower.
2. The employer will not retaliate against the confidential advisor for performing the tasks described in these regulations.
3. The employer will not retaliate against the contact person for performing the tasks described in these regulations.
4. The employer will not retaliate against the investigators employed by the employer for performing the tasks described in these regulations.
5. The employer will not retaliate against an employee who is interviewed by the investigators for providing a statement in good faith.
6. The employer will not retaliate against an employee for providing documents to the investigators that they reasonably believe are relevant to the investigation.
7. Article 5, paragraphs 2 through 6, apply correspondingly to retaliation against the persons referred to in paragraphs 1 through 6.

Artikel 8 Confidential Handling of Reports and the Identity of the Whistleblower

1. Everyone involved in reporting or investigating suspected misconduct and/or information about a violation is bound by confidentiality. This obligation applies to information known to be confidential or reasonably suspected to be so.
Confidential information may include:
 - a. Information regarding the identity of the whistleblower;
 - b. Information about the individual being reported or associated with the report;
 - c. Information about third parties mentioned in the report;
 - d. Any information that can lead to the identification of the individuals mentioned above;
 - e. Trade secrets as defined by the Trade Secrets Act. The duty of confidentiality does not apply if disclosure is required by law.
2. The employer ensures that information related to the report and investigation is stored in a manner that restricts physical and digital access to only those involved in handling the report and investigation.
3. The identity of the whistleblower and any information that could directly or indirectly reveal their identity shall not be disclosed without the express written consent of the whistleblower.
4. If the whistleblower has not consented to the disclosure of their identity, all correspondence regarding the report is sent to the officer to whom the whistleblower made the report or to the person assisting the whistleblower. This person then forwards this correspondence directly to the whistleblower.
5. If disclosure of the whistleblower's identity is mandatory under any legal requirement for investigation by a competent authority or in a judicial proceeding, the whistleblower shall be

informed in advance with written reasons provided, unless this could jeopardize the investigation or judicial proceeding.

6. The identity of the whistleblower's advisor or anyone assisting them, as well as that of any involved third parties, is also confidential and shall not be disclosed without the express written consent of the whistleblower, their advisor, or those assisting them respectively.

Article 9 Documentation, Forwarding, and Acknowledgment of Internal Reports

1. If an employee reports a suspected wrongdoing or breach verbally to a supervisor or provides a verbal explanation of a written report, the supervisor, in consultation with the reporter, ensures that it is documented in writing and presents this documentation to the reporter for approval and signature. The reporter receives a copy.
2. If an employee reports suspected misconduct or violation verbally through the confidential advisor or provides a verbal explanation of a written report, the confidential advisor, in consultation with the reporter, ensures that it is documented in writing and presents this documentation to the reporter for approval and signature. The reporter receives a copy. Prior consent from the reporter is required to make a recording of the conversation in a durable and retrievable form.
3. The supervisor to whom the report is made, forwards the report immediately to the highest management level within the employer's organization.
4. If the reporter or the supervisor suspects that the highest management level is involved in the suspected misconduct or irregularity, the supervisor forwards the report immediately to the competent authority. In that case, "the highest management level" should be read as "the competent authority" in these regulations.
5. The highest management level sends the reporter an acknowledgement of receipt within 7 days. The acknowledgement includes a summary of the report, the date it was received, and a copy of the report.
6. After receiving the report, the highest management level, in consultation with the reporter, promptly appoints a contact person to prevent retaliation.

Article 10 Handling of Internal Reports by the Employer

1. The highest management level will investigate the reported suspicion of misconduct or irregularity unless:
 - a. The suspicion is not based on reasonable grounds, or
 - b. It is immediately clear that the report does not concern a suspicion of misconduct or a violation
2. If the highest management level decides not to investigate, they will inform the reporter in writing within two weeks of the internal report. The response will include the reasons why they believe the suspicion is not based on reasonable grounds or why it is clear that the report does not concern a suspicion of misconduct or a violation.
3. The highest management level will determine whether the investigative department of the House for Whistleblowers or the competent authority referred to in Article 14, paragraph 2, should be informed of the internal report of suspected misconduct or violation. If the employer informs the investigative department of the House for Whistleblowers or a competent authority, the highest management level will send a copy of this notification to the reporter unless there are serious objections.
4. The highest management level will assign the investigation to independent and impartial investigators and will not have the investigation conducted by persons who may be or have been involved in the suspected misconduct or violation.

5. The highest management level will promptly inform the reporter in writing that an investigation has been initiated and by whom. The highest management level will also send the reporter a copy of the investigation assignment unless there are serious objections.
6. The highest management level will inform the persons involved in the report about the report and the notification to the external authority as referred to in paragraph 3, unless this would harm the interest of the investigation or enforcement.

Article 11 Conducting the Investigation

1. The investigators will give the reporter a chance to be heard. They will document this in writing and present it to the reporter for approval and signature. The reporter will receive a copy.
2. The investigators can also interview others. They will document these interviews in writing and present them to the interviewees for approval and signature. Each interviewee will receive a copy.
3. The investigators can access and request any documents within the employer's organization that they reasonably need for the investigation.
4. Employees can provide the investigators with any documents they reasonably believe the investigators need to see for the investigation.
5. The investigators will prepare a draft investigation report and give the reporter a chance to comment on it unless there are serious objections.
6. The investigators will then finalize the investigation report and send a copy to the reporter unless there are serious objections.

Article 12 Employer's Position

1. The highest management level will inform the reporter in writing of their substantive position on the reported suspicion of misconduct or irregularity within eight weeks of the report. This will include the steps taken as a result of the report.
2. If it becomes clear that a position cannot be provided within the set timeframe, the highest management level will inform the reporter in writing, stating when the position is expected. If this extends the total period beyond twelve weeks, the reasons for the extended timeframe will also be provided.
3. After the investigation is completed, the highest management level will assess whether a competent authority, as referred to in Article 14, paragraph 2, should be informed of the internal report, the investigation report, and the employer's position. If the employer informs a competent authority, they will send a copy to the reporter, unless there are serious objections.
4. The individuals involved in the report will be informed similarly to the reporter as described in paragraphs 1 to 3 unless this would harm the interests of the investigation or enforcement.

Article 13 Right to Respond to the Investigation Report and Employer's Position

1. The employer will allow the reporter to respond to the investigation report and the employer's position.
2. If the reporter substantiates that the suspicion of misconduct or irregularity was not properly investigated or that there are significant inaccuracies in the investigation report or the employer's position, the employer will respond substantively and, if necessary, initiate a new or additional investigation. Articles 10 to 13 will apply to this new or additional investigation.
3. If the employer informs or has informed a competent authority as referred to in Article 14, paragraph 2, the employer will also send the reporter's response to the investigation report and the employer's position to that authority. The reporter will receive a copy.

Article 14 External Reporting

1. It is preferred to report a misconduct or violation internally first. However, the reporter can always make an external report directly. Additionally, the reporter can make an external report after making an internal report if:
 - a. The reporter disagrees with the position stated in Article 12 and believes the suspicion of misconduct or violation was wrongly dismissed;
 - b. The reporter has not received a position within the timeframe specified in Article 12, paragraph 1 or 2.
2. The reporter can make an external report to a competent authority that they reasonably believe is most appropriate. Competent authorities include:
 - a. Authority for Consumers and Markets;
 - b. Authority for the Financial Markets;
 - c. House for Whistleblowers;
 - d. Data Protection Authority;
 - e. The Dutch Central Bank;
 - f. Health and Youth Care Inspectorate;
 - g. Dutch Healthcare Authority;
 - h. Authority for Nuclear Safety and Radiation Protection.
3. The websites of the competent authorities outline the procedure for making an external report, and how the authority handles the report and conducts investigations. If necessary, the reporter can seek information from the advisory department of the House for Whistleblowers about making an external report and choosing the appropriate authority.
4. If the reporter reasonably believes that the public interest outweighs the employer's interest in confidentiality, they can also make an external report to a third party who they reasonably believe can directly or indirectly address the suspected misconduct or violation.

Article 15 Internal (and External) Investigation into Retaliation Against the Reporter

1. If the reporter believes they are being retaliated against for reporting a suspected misconduct or violation, they can ask the highest management to investigate how they are being treated within the organization.
2. Articles 10 to 13 apply similarly to this investigation.
3. Paragraphs 1 and 2 also apply to the persons mentioned in Article 7, paragraphs 1 to 6.
4. The reporter can also request the investigation department of the House for Whistleblowers to investigate how the employer has treated them following the report of suspected misconduct.

Article 16 Publication, Reporting, and Evaluation

1. The highest management will ensure this policy is published on the intranet and made public on the employer's website. If the employer does not have an intranet, (new) employees should be referred to the employer's website.
2. The highest management will prepare an annual report on the policy for handling reports of suspected misconduct and violations and the implementation of this policy. This report will include:
 - a. Information about the policy on handling reports of suspected misconduct and violations over the past year and the policy planned for the coming year;
 - b. Information on the number of reports, the nature of the reports, the outcomes of the investigations, and the employer's positions;
 - c. General information about experiences with preventing retaliation against reporters;
 - d. Information on the number of requests for investigations into retaliation related to reporting suspected misconduct or violations and the outcomes of these investigations and the employer's positions.

3. The highest management will send the draft report mentioned in the previous paragraph to the Works Council for discussion and then discuss it in a consultation meeting with the Works Council.
4. The highest management will allow the Works Council to express its position on the policy for handling reports of suspected misconduct and violations, the implementation of this policy, and the report. The highest management will ensure the Works Council's position is incorporated into the report and submit this incorporation for the Works Council's approval.

Article 17 Commencement of Policy

1. This policy will come into effect on December 17, 2023.
2. This policy will be referred to as "DG press - policy for handling reports of suspected misconduct or violations."