



Rode  
Kruis

**Reporting Procedure** for Unethical Conduct and  
Undesirable Behaviour Netherlands Red Cross

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# 1 Introduction

The Netherlands Red Cross (hereafter referred to as NRK) aims for a work climate in which staff treat each other, people needing assistance and business associates with integrity and respect. We are guided in our actions by the seven basic principles and the NRK code of conduct. The organisation takes a systematic approach to ensuring integrity and ethical conduct.

This 'Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross' (hereafter referred to as the 'reporting procedure') is part of the NRK's integrity policy. This reporting procedure describes the options for reporting a breach of ethical conduct, wrongdoing or undesirable behaviour.

It deals with matters for which mutual consultation, calling one another to account or finding some other informal solution – whether or not with the support of the confidential advisor – are not or no longer possible. The reporting procedure is *not* intended for addressing complaints connected with policy decisions or the organisation's strategy. These types of complaints can be discussed through the usual channels with the manager or volunteer coordinator, and a complaints procedure has been established for this purpose.

## **Purpose of the reporting procedure**

The most important aim of the reporting procedure is to create a safe work climate for NRK professionals and volunteers, and for those with whom they work. It is also important to guarantee the quality of the assistance provided. This reporting procedure is one of the means by which this can be achieved. It is the route by which the management of the organisation is informed of activities that pose a risk for the organisation, the professional staff and volunteers, those around them and society, thereby enabling the management to take appropriate action. The purpose of this procedure is to provide a safe way of reporting undesirable behaviour and ethical conduct issues within the organisation, and to ensure that the organisation can take timely action to solve the problem. This means that reports submitted through the procedure will be handled with care, thus helping to protect the safe work climate mentioned above, and ultimately guaranteeing the quality of our services.

## **Scope of the reporting procedure**

This reporting procedure applies to reports made by professionals, volunteers and third parties about undesirable behaviour and ethical conduct issues within the NRK, and with respect to suspicions of wrongdoing, to reports made by professionals and volunteers under the House for Whistleblowers Act (*Wet Huis voor klokkenluiders*). The regulation also provides for the reception and guidance of professionals and volunteers who experience undesirable behaviour, breaches of ethical conduct or suspicions of wrongdoing.

## 2 Definitions

### 2.1 Undesirable behaviour

This is an umbrella term for several types of inappropriate behaviour between people in an organisation, including aggression and violence, bullying, discrimination and sexual harassment. The definitions used for these come from the Working Conditions Act (*Arboret*):

- **Aggression and violence**

Aggression and violence are defined as incidents in which a person is psychologically or physically harassed, threatened or attacked under circumstances directly related to the performance of work.

- **Discrimination**

Discrimination is defined as treating a person differently from the way another is, has been or would be treated in a similar situation, based on religion, beliefs, political affiliation, race, gender, nationality, sexual orientation, marital status, age, disability or chronic illness.

- **Bullying**

Bullying is defined as all forms of intimidating behaviour of a systemic nature within the organisation, carried out by one or more persons against a person or a group of persons who cannot or do not defend themselves against this behaviour.

- **Sexual harassment**

Sexual harassment is defined as any form of verbal, non-verbal or physical conduct with a sexual connotation that has the purpose or effect of violating the dignity of a person, in particular when this behaviour creates a threatening, hostile, abusive, humiliating or offensive situation.

### 2.2 Ethical conduct

Ethical conduct issues can vary in type and severity. A distinction is made between breaches of ethical conduct and wrongdoing, based on common definitions.

#### 2.2.1 Suspicion of a breach of ethical conduct

This is a suspicion with respect to the NRK based on reasonable grounds, including:

- a. conflict of interest
- b. theft, embezzlement
- c. fraud, corruption
- d. manipulation or misuse of information and/or access to information
- e. misuse of powers associated with the position
- f. violation of laws, regulations or policies
- g. irreconcilable functions/ties/activities – conflict of interest
- h. waste and misuse of organisation property
- i. criminal and/or other misconduct outside of working hours that is related to the person's performance, is of an extremely serious nature or is detrimental to the credibility of the organisation
- j. misleading the judiciary
- k. or deliberately withholding information about these facts.

### 2.2.2 Suspicion of wrongdoing

This concerns a professional or volunteer, who either within the NRK or with another organisation if they have come into contact with that organisation through their work, is suspected of wrongdoing to the extent that:

1. the suspicion is based on reasonable grounds arising from knowledge that the professional or volunteer has gained at the NRK or through their work at another company or organisation, and
2. the public interest is at stake due to the violation of a statutory provision, or danger to public health, danger to the safety of persons, danger to the degradation of the environment, or danger to the proper functioning of the public service or an enterprise, as a result of improper conduct or omission.

## 2.3 Other terms

- **Professional:** an employee with an employment contract with the NRK. This also includes an intern or external contractor.
- **Person concerned:** this is the person who is or may be the focus of an investigation into a suspected breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Management:** the management of the NRK, consisting of the general manager and the manager of national assistance and society management, who bear the responsibility for deciding whether or not to conduct an investigation, assessing the investigation data, and deciding on disciplinary action.
- **Third parties:** anyone with whom Red Cross professionals or volunteers have dealings in their role, such as those who request or receive aid, employees of suppliers, and former employees.
- **Fact-finding investigation:** an investigation aimed at collecting facts and recording them in writing in response to a report of a breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Factual report:** a report drawn up by the investigative committee, stating all of the facts, summaries of statements, and the circumstances and motives relating to the alleged breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Witness:** a person interviewed as part of an ethical conduct investigation in order to gather information about the suspected breach of ethical conduct, wrongdoing, or undesirable behaviour.
- **The Netherlands Red Cross/NRK:** the society with full jurisdiction, with its registered office in The Hague.
- **Reporter:** the professional or volunteer who reports a suspicion of wrongdoing, or the professional, volunteer or third party who reports a breach of ethical conduct or undesirable behaviour, or on whose behalf this is done by the confidential advisor, on the basis of the Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross.
- **Report:** the report of a suspicion of wrongdoing, breach of ethical conduct or undesirable behaviour on the basis of the Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross.
- **Hotline:** the place to which a suspicion of wrongdoing, a breach of ethical conduct or undesirable behaviour must be reported for assessment in terms of investigative value on the basis of the Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross and the Investigation Protocol for a Report of Unethical Conduct and Undesirable behaviour Netherlands Red Cross. The Ethics and Complaints Coordinator is the chair overseeing the Hotline, which is also run by two other NRK employees from Legal Matters and Finance & Control. Any reports should be submitted by e-mail to [meldpunt@redcross.nl](mailto:meldpunt@redcross.nl).

- **Investigators:** the persons (internal or external) to whom the NRK management assigns the task of investigating the suspicion of the breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Investigative committee:** the established committee that investigates a report that has been submitted, reports on it and, if necessary, advises on the settlement or action to be taken.
- **Confidential advisor:** the person designated to serve as such for the NRK.
- **Volunteer:** a person who performs work for the NRK on a voluntary basis and without an employment contract. The Ready2Helper is included within this procedure/protocol.

## 3 Reporting procedure

### 3.1 Internal report

- 1 A professional or volunteer who suspects wrongdoing and a professional, volunteer or third party who suspects a breach of ethical conduct, or who has experienced undesirable behaviour, can report this to the Hotline by sending an e-mail [meldpunt@redcross.nl](mailto:meldpunt@redcross.nl). This can be done in writing, or if desired, in person or by telephone, in Dutch or English. In the latter instance, an intake interview with the Hotline staff takes place to record the report in writing (by means of an interview report).
- 2 The reporter may also make the report within the NRK through the confidential advisor or their manager. Following consultation with the reporter, the confidential advisor or manager then forwards the report to the Hotline. Any further communication on the matter takes place directly between the Hotline staff and the reporter, unless they have made a confidential report to the confidential advisor (see Article 4.1 of this Reporting Procedure). If this is the case, then any further communication takes place through the confidential advisor.
- 3 The Hotline sends a confirmation of receipt to the reporter within one week, and ensures that the follow-up procedure takes place within the stipulated time frame.
- 4 If the report concerns someone from the Hotline, or if there is some other reason preventing the person from making the report to the Hotline, they can submit the report directly to the management instead.
- 5 If the report concerns a member of management, then it should be submitted to the supervisory directors instead of the management.
- 6 If the report concerns a supervisory director, then it should be submitted to the Chair of the Governing Board instead of the management.
- 7 If the report concerns the Chair of the Governing Board, then it should be submitted to the Deputy Chair of the Governing Board instead of the management.

### 3.2 Legal protection for the reporter and the person concerned

- 1 The reporter is acting in good faith in submitting their report or complaint. The reporter must ensure that the least possible harm is done to the organisation in the process and must handle the information with care and confidentiality.
- 2 A person who reports a suspicion of wrongdoing, breach of ethical conduct or undesirable behaviour, and who acts in good faith and with due care may not be disadvantaged in any way, legally or otherwise, as a result of having made the report.
- 3 All parties involved within the NRK must ensure that the information about the report is handled confidentially and with care. The identity of the reporter may not be disclosed without their express written consent. The report will only be made public or provided to third parties if this is required by law.
- 4 All parties involved within the NRK (such as the Hotline staff, the Ethics and Complaints Coordinator and the management) must maintain their objectivity and independence. If it appears that this objectivity and independence are under threat, the relevant person will step down and have no involvement with the report in question.
- 5 The NRK encourages reporters to report internally first, if the breach can be handled effectively internally. However, there is no obligation to report internally first; reporters may go directly to an external body authorised to handle the report.
- 6 The NRK must ensure that the people in the reporter's environment (managers, other professionals or volunteers) refrain from hindering the reporter in their professional or personal functions.

- 7 The NRK will confront any individuals who disadvantage the reporter, and may issue a warning or take disciplinary action.
- 8 The NRK will not disadvantage any others involved in the report (the investigative committee, confidential advisor, witnesses) due to their involvement.
- 9 It is possible that temporary measures will be taken during the processing of the report that could be experienced as disadvantage. However, these measures may only be temporary, their importance to the investigation must be demonstrable, and they must be lifted after the report has been dealt with.
- 10 The person concerned is also entitled to legal and other protection.
- 11 Registration of personal data takes place in compliance with the General Data Protection Regulation (GDPR).

### **3.3 Handling of the internal report by the organisation**

- 1 The management will proceed with an investigation if:
  - the Hotline staff regards the report as a suspected breach of ethical conduct, wrongdoing or undesirable behaviour (the issue involves at least ethical or undesirable behaviour aspects and is not about performance, for example);
  - the report is based on reasonable grounds;
  - the report is sufficiently reliable and specific;
  - the report is reasonably investigable;
  - there are sufficient possibilities for investigation and these are not disproportionate.
- 2 If the management decides to proceed with an investigation, an investigative committee will be established. This investigative committee may consist of professionals, volunteers, external experts, or a combination of these. The investigators are independent and impartial. The investigative committee receives an investigation brief from the management in accordance with the Investigation Protocol for Unethical Conduct and Undesirable Behaviour. The investigation involves hearing from both the reporter and the person(s) concerned. The committee members have a duty of confidentiality and must treat all information accordingly.
- 3 Within two weeks after receipt of the report, the management will notify the reporter about the follow-up to their report. As soon as possible after this, the reporter will be informed in writing that an investigation has commenced, what the investigation involves and by whom it is being conducted.
- 4 If the management decides *not* to investigate, they will inform the reporter about the reasons for this. The reporter will then have one more working week to provide additional evidence. If they do not do so within this time frame, or if the additional information does not lead to a different assessment, the report will be closed and recorded as not worthy of investigation.
- 5 Depending on the nature of the report, other options may be sought, such as engaging the services of a mediator.
- 6 The Hotline monitors the procedure and deadlines as stated in the Investigation Protocol Unethical Conduct and Undesirable Behaviour.
- 7 If the report concerns a member of management, then it should be submitted to the supervisory directors instead of the management.
- 8 If the report concerns a supervisory director, then it should be submitted to the Chair of the Governing Board instead of the management.
- 9 If the report concerns the Chair of the Governing Board, then it should be submitted to the Deputy Chair of the Governing Board instead of the management.

### **3.4 Conducting the investigation**

The investigative committee must be empowered to do whatever is necessary for the investigation. The framework for this is stated in the Investigation Protocol for Unethical Conduct and Undesirable Behaviour. The investigative committee must submit its findings to management in a factual report.

### **3.5 Management position**

- 1 Within two weeks of the publication of the investigation report, the management will inform the reporter and the person concerned, in writing, of their position regarding the reported suspicion of wrongdoing, ethical issue or undesirable behaviour. If possible and relevant, they will also give a general indication of the steps that led to the report being made. In formulating their position, the management will take into account the possible confidential nature of the information to be provided and the applicable legal provisions, such as privacy regulations.
- 2 If the management is unable to indicate their position within two weeks of receiving the factual report, they will inform the reporter and the person concerned of this in writing, also indicating the time period within which the reporter can expect to receive the management's position. This additional period may not exceed four weeks.
- 3 The management will assess whether an external authority should be informed of the report, for example the Public Prosecution Service or an authority charged with supervising compliance with the provisions of or under any statutory regulation. If this is the case, the reporter and the person concerned will receive a copy, unless there are serious objections, for example with respect to the investigative or enforcement interests.
- 4 The decision of the management is not subject to appeal.
- 5 If the report concerns a member of management, then it should be submitted to the supervisory directors instead of the management.
- 6 If the report concerns a supervisory director, then it should be submitted to the Chair of the Governing Board instead of the management.
- 7 If the report concerns the Chair of the Governing Board, then it should be submitted to the Deputy Chair of the Governing Board instead of the management.

### **3.6 External reporting of wrongdoing – House for Whistleblowers**

- 1 Suspected wrongdoing can also be reported externally to the House for Whistleblowers under certain conditions. This does not apply to breaches of ethical conduct and undesirable behaviour.
- 2 Wherever possible, reporters are encouraged to first report any suspected wrongdoing internally. However, they may also submit an external report immediately.

## 4 Other matters

### 4.1 The confidential advisor

Internal confidential advisors have been appointed to provide support, advice and guidance to reporters who have come into contact with wrongdoing, ethical issues or undesirable behaviour. If necessary, an external confidential advisor from the Municipal Social Services Institute (GIMD) may also be requested.

It is possible to make a confidential report through the confidential advisor, in which case personal data will not be further disclosed. In this event, the confidential advisor acts as a communications conduit between the Hotline, the investigators and the reporter.

#### 4.1.1 Tasks of the confidential advisor

- To act as a confidential point of contact for the person who believes they have been exposed to undesirable behaviour or an ethical issue;
- To receive, guide and advise the reporter, as well as refer them to a professional helping body if necessary;
- To advise and/or help with regard to any further steps to be taken;
- To review together with the reporter the options for putting an end to the undesirable behaviour, wrongdoing or breach of ethical conduct;
- To support and guide the person who suspects wrongdoing, undesirable behaviour or a breach of ethical conduct, and who wants to report this;
- Where undesirable behaviour is concerned, to consult external experts or to call in a mediator (for which they have the authority). This will be done within limits of reasonableness and fairness and be submitted to the Head of HR so that budgetary provisions can be made;
- To provide aftercare to the person who has experienced undesirable behaviour, wrongdoing or a breach of ethical conduct;
- To make recommendations and contribute to policy development;
- In accordance with the NRK's ethics cycle to submit an annual, anonymised overview to the management of the frequency and classification of the interviews they have conducted. In this report, the confidential advisors can make recommendations in a more general sense, aimed at preventing all forms of undesirable behaviour and ethical issues;
- To support the implementation of policy on undesirable behaviour.

#### **Confidentiality**

The confidential advisor is obliged to maintain the confidentiality of facts relating to the privacy of both the reporter and the person concerned. They may only deviate from this with the express consent of the reporter and/or the person concerned, or if a crime has been committed. This duty of confidentiality does not expire after the confidential advisor ceases to serve in this role.

#### **Refusal**

**to**

**testify**

Within the legal frameworks, the confidential advisor is entitled to the right to refuse to testify (privilege), which means that they may refuse to make a statement when it comes to facts and circumstances that they have become aware of in their capacity as confidential advisor. This applies in both cases (confidentiality and privilege), to the extent that legal provisions do not provide otherwise.

## 4.2 Reporting, evaluation and recording

- 1 The Hotline must prepare an annual report for the management, the Governing Board and the Works Council on the reported suspicions of wrongdoing, breaches of ethical conduct and undesirable behaviour. The implementation of this reporting procedure is also covered in the report. This must include at least the following:
  - information on the number of reports and how many of them led to an investigation;
  - an indication of the nature/classification of the reports;
  - general information about experiences with respect to counteracting disadvantage to the reporter;
  - information on the number of requests for investigation into disadvantage to the reporter in connection with them having made a report.
- 2 The Works Council will receive the report for information. The Works Council will also be given the opportunity to express an opinion about the policy on reporting suspicions of wrongdoing, breaches of ethical conduct and undesirable behaviour, the implementation of this regulation and the reporting.
- 3 The Hotline will register the reports that have been received and that have been dealt with according to the reporting procedure at the request of the reporter. This register must be included in the NRK register of processing activities as referred to in Article 30 of the General Data Protection Regulation (GDPR).

## 4.3 Effective date of regulation

- 1 This regulation takes effect on 1 May 2022.
- 2 This regulation is to be adopted and may be amended by the Governing Board with the consent of the Works Council.
- 3 This regulation is referred to as the regulation for dealing with the report of wrongdoing, a breach of ethical conduct or undesirable behaviour at the Netherlands Red Cross, or the 'Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross'.