

## The Liliane Foundation and MIVA's Complaints Procedure for Improper Conduct

### 1. Introduction

At the Liliane Foundation and MIVA, we treat each other with respect. Improper conduct such as discrimination, sexual harassment, aggression or bullying will not be tolerated. The purpose of this complaints procedure is to provide employees (both in paid employment and volunteers) and others working for or on behalf of the Liliane Foundation and MIVA with a means of reporting an unwanted situation in which he or she encounters sexual harassment, discrimination, aggression or bullying in the workplace.

The procedure describes how the Liliane Foundation and MIVA deal with (alleged) improper conduct. It applies to employees regardless of the form of agreement that exists between the employee and the Liliane Foundation and/or MIVA, and it applies to volunteers and external parties with whom the Liliane Foundation and/or MIVA works.

Employees of SPOs/POs can also use this complaints procedure if the report concerns improper conduct by employees or others working for or on behalf of the Liliane Foundation and/or MIVA. If the report concerns improper conduct by employees of SPOs/POs, the SPO/PO handles the complaint.

The Liliane Foundation and/or MIVA will take appropriate measures if improper conduct proves plausible.

Examples:

- Despite repeated requests to stop making sexist remarks, your colleague continues to do so. It makes you feel uncomfortable. Talking to your supervisor or the confidential counsellor did not resolve the issue.
- You notice that people are gossiping about you in the organisation. Invariably, the source seems to be the same colleague (and confidant of your supervisor) you don't get along with. This form of bullying hinders you in your work.

The report, investigation and follow-up of a (suspected) violation of the Child Safeguarding policy also follows this Complaints Procedure for Improper Conduct.

Example:

- On a work visit, you witness inappropriate, intimidating and/or improper physical contact with children and young people.

If it concerns a criminal offence, you report it to the police.

### 2. Definitions

In this regulation, we use the following definitions:

a. Employee: anyone who carries out or has carried out activities on behalf of or for the Liliane Foundation and/or MIVA in the past two years. The nature of their involvement is irrelevant. Therefore, it not only includes employees in permanent or temporary employment, self-employed staff and interns, but also volunteers, consultants and other external parties with whom the Liliane Foundation and/or MIVA works.

b. Integrity Committee: the internal committee responsible for dealing with reports of improper conduct. This committee consists of:

- An independent external chair
- A member elected by the employees (through the Works Council)

- A member elected by the Director
  - The Integrity Officer, who serves as the point of contact for the Committee (and if the report concerns improper conduct involving children, the Child Safeguarding Focal Point)
  - c. Child Safeguarding Focal Point: the person appointed by the Liliane Foundation and MIVA who is responsible for supporting and monitoring the Child Safeguarding policy and for receiving and dealing with reports of improper conduct involving children.
  - d. Confidential Counsellor: appointed by the Liliane Foundation and MIVA to act in this capacity.
  - e. Submitting a report: reporting to the Integrity Officer or Child Safeguarding Focal Point or submitting a complaint about a case of improper conduct.
  - f. Improper conduct: any form of conduct that violates the law and the values of the Liliane Foundation and MIVA, in particular: (sexual) harassment or sexual abuse, discrimination, aggression, bullying and fraud.
- Improper conduct towards children in programmes organised or funded by the Liliane Foundation/MIVA or the SPOs/POs is described in detail in the Child Safeguarding policy.
- g. (Sexual) harassment: direct or indirect (sexually-oriented) remarks expressed in words, gestures, images, behaviour or otherwise, which the person concerned (m/f) comes into contact with while at work and which she or he perceives as threatening. (Sexual) harassment can involve persons inside and outside the Liliane Foundation and/or MIVA.
  - h. Discrimination: being disadvantaged on grounds such as race, religion, gender, sexual orientation, age and ethnic origin.
  - i. Bullying in the workplace: hostile, intimidating or humiliating behaviour, where the same employee or employees is/are always the target of this behaviour. The behaviour occurs frequently and persists for longer periods of time. The balance of power between the attacking party and the targeted employee may also be disproportionate.
  - j. Fraud: Fraud, scams and theft are described in detail in the Anti-Fraud Protocol.

### **3. Point of contact for reports**

Any situation in which the employee feels intimidated, discriminated against or harassed, or experiences other improper conduct and (suspected) fraud can be reported to the Integrity Committee's point of contact: the Integrity Officer (e-mail [integrityofficer@lilianefonds.nl](mailto:integrityofficer@lilianefonds.nl) or [integrityofficer@miva.nl](mailto:integrityofficer@miva.nl)). If the report concerns fraud, it will be handled according to the Anti-Fraud Protocol.

If the report involves children, it will be reported to the Child Safeguarding Focal Point (e-mail [childsafeguarding@lilianefonds.nl](mailto:childsafeguarding@lilianefonds.nl))

Employees of strategic partner organisations/partner organisations, SPOs/POs, can report situations in which they feel intimidated, discriminated against, bullied or experience other improper conduct directly to the Integrity Officer, if it concerns improper conduct by employees or others working for or on behalf of the Liliane Foundation and/or MIVA.

If the report concerns improper conduct by employees of SPOs/POs, the SPO/PO handles the complaint. In this case, however - in accordance with the partnership agreement - the incident is reported to the Integrity Officer.

In situations where regular reports of complaints and/or problems to the SPO/PO has not provided a solution, a report can also be submitted to the Integrity Officer as a last resort.

Any situation in which improper conduct is suspected or observed towards children in activities, events or treatment initiated and organised by the Liliane Foundation/MIVA or the SPOs/POs, can be reported directly to the Child Safeguarding Focal Point of the Liliane Foundation/MIVA and the SPO.

#### **4. Submitting a report**

- a. Before submitting a report, as a Liliane Foundation/MIVA employee you can discuss it with your supervisor or request a meeting with the internal or external confidential counsellor, Miriam Smit. The latter will listen, offer advice and keep the information obtained confidential.
- b. If an employee decides to submit a report, the employee contacts the Integrity Officer (or Child Safeguarding Focal Point if children are involved). If the report concerns one of the members of the Integrity Committee, you contact the Director, and if it concerns the Director, the chair of the Integrity Committee contacts the chair of the Supervisory Board.
- c. Anyone who submits a report in good faith can rest assured that the report can be submitted without threat of retaliation. If, however, it turns out that the person who submitted the report is adversely affected as a result, this may lead to disciplinary action against the person who caused this adverse effect.
- d. The report does not always need to relate directly to the person reporting the case; witnessing improper conduct towards others also applies.
- e. The report must be made in good faith and be substantiated.
- f. The Integrity Committee treats all reports confidentially. In all situations, the committee respects the rights and obligations under privacy laws, and observes confidentiality.
- g. If the report relates to conduct that is already the subject of legal proceedings, this may be grounds for deferring consideration of the complaint.

#### **5. The investigation**

- a. All reports are handled with the utmost care to minimise the chances of false accusations. The Integrity Committee determines, as soon as possible but at the latest within two (2) weeks, whether a report warrants an investigation. If an investigation is launched by the Integrity Committee or the Child Safeguarding Focal Point, the Committee immediately informs the Director<sup>1</sup> and the person who submitted the report. If no (further) investigation is launched and the report is found to be unsubstantiated or implausible, the Integrity Committee informs the person who submitted the report accordingly.
- b. Anyone working for or with the Liliane Foundation and/or MIVA has a duty to cooperate with investigations by the Integrity Committee. They also have a duty to respond to requests from the Integrity Committee (and others conducting the investigation) for documentation and information.
- c. Within one month of receiving the report, the integrity committee shall hear the person who submitted the report and the others involved, separately. At the employee's request, he or she may be assisted by the confidential counsellor or by someone else from within or outside the Liliane Foundation and/or MIVA (e.g. the occupational health and safety physician). The Integrity Committee is authorised to hear others as well.
- d. The Integrity Committee may also decide to have an investigation conducted by experts. The resulting costs will be borne by the Liliane Foundation or MIVA, depending on which Foundation the report concerns.
- e. During the investigation, contact with the Integrity Committee is handled by the Integrity Officer (or Child Safeguarding Focal Point).
- f. The person concerned, against whom the report has been filed, shall be informed as soon as possible that he or she is the subject of an investigation and its confidentiality. The person concerned is also given the opportunity to explain his/her actions according to the principle of an adversarial procedure.
- g. During the investigation, the Director may make temporary arrangements (such as suspending the person in question).

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<sup>1</sup> If the report concerns the Director, the Integrity Committee informs the Supervisory Board and the role of the Director as defined in this procedure is fulfilled by the Supervisory Board.

h. If an employee who is the subject of an investigation leaves the Liliane Foundation and/or MIVA, the investigation continues, unless the chair of the Integrity Committee in consultation with the Director determines otherwise.

## **6. Reporting and advice**

- a. A report of each hearing is drawn up and brought to the attention of all concerned to inform them accordingly.
- b. The Integrity Committee will deliberate on the report submitted. In the event the Integrity Committee does not reach a joint conclusion, the chair's vote will be decisive. This will be specified in the recommendation along with the underlying reasons.
- c. The Integrity Committee issues a final written report to the Director within two (2) months of the report being submitted. The report is sent to those directly concerned and - if enlisted by the person who submitted the report - also the confidential counsellor. This period may be extended by a maximum of one (1) month.
- d. The final report shall include at least a statement about the following points:
  - Whether, and if so to what extent, the report is plausible;
  - Who has been affected by the improper conduct;
  - How the investigation was structured;
  - The findings and conclusions;
  - A recommendation to the Director regarding the measures to be taken.
- e. Within two weeks of receiving the recommendation, the Director issues a written decision on any measures to be taken. If the Director takes a decision that does not involve sanctions, even though the report has been declared justified by the Committee, this must be explicitly stated in the decision along with the underlying reasons. Those directly affected are informed of the decision.
- f. The employee adversely affected will receive further (e.g. psychological) support where necessary in consultation with the HR Team/Occupational Health and Safety Physician. This support also applies to the person against whom the complaint has been filed if the complaint is declared unfounded.
- g. The Integrity Committee maintains a record, with restricted access, of all reports of alleged or actual misconduct reported to the Integrity Committee.
- h. The Confidential Counsellors, the Integrity Officer (also on behalf of the Integrity Committee) and the Child Safeguarding Focal Point report on an annual basis to the Director on the main qualitative and quantitative aspects of the cases dealt with. The Director shares the report with the Works Council and with the Supervisory Board. In addition, the number of reports, the nature of the reports and the way they were handled are published on our website and in our Annual Report. Based on the report, each year, the Director determines how the theme of integrity needs to be addressed in the organisation.
- i. Reports of proven cases are kept for seven years, in accordance with the regular tax retention period.

## **7. Final provisions**

- a. This procedure is reviewed at least once every two years in terms of adequacy, changing laws and regulations and progressive insight.
- b. This procedure replaces the previous Complaints Procedure for Improper Conduct and entered into force on 28 June 2022.