

## **Appendix 3 : Improper Conduct Complaints Procedure Liliane Fonds and MIVA**

### **1. Introduction**

At the Liliane Fonds and MIVA, we treat each other with respect. Improper conduct such as bullying, (sexual) harassment, aggression, violence and discrimination will not be tolerated. The purpose of this complaints procedure is to provide employees (both employed and volunteers) and others working for or on behalf of the Liliane Fonds and MIVA with a means to report a situation that is undesirable for him/her regarding bullying, (sexual) harassment, aggression, violence and discrimination in the workplace.

The procedure describes how employees/others of the Liliane Fonds and MIVA can file a complaint about improper conduct and how the complaints committee will consider their complaint. It applies to employees regardless of the form of the agreement that exists between the employee and the Liliane Fonds and/or MIVA, and it applies to volunteers and external parties with whom Liliane Fonds and/or MIVA works.

Employees of (S)POs can also use this complaints procedure if the complaint concerns improper conduct from employees or others working for or on behalf of the Liliane Fonds and/or MIVA. If the complaint is about improper conduct of employees of (S)POs, then the (S)PO will handle the complaint.

Filing a complaint helps keep the organisation healthy, improve processes and strengthen a culture of respect for each other.

The Improper Conduct Complaints Committee is tasked with assessing complaints for admissibility, investigating them and advising the Executive Director on action to be taken.

The confidential adviser does not sit on the committee to ensure the independence of the confidential adviser. After all, the confidential adviser is the reporter's supporter and cannot conduct an independent investigation in that role. However, the confidential adviser can – outside the handling of complaints – give general advice to the committee. Members are appointed by virtue of their position. If the complaint concerns a member of the committee then that member shall not participate in the discussions and investigation of the complaint in question.

The Executive Director of the Liliane Fonds and MIVA shall arrange for a replacement of members in case of a structural absence.

### **2. Definitions**

In this procedure, we use the following definitions:

- a. Employee: anyone who carries out activities on behalf of or for the Liliane Fonds and/or MIVA or has carried out activities over the past two years. The nature of the job is irrelevant in this case. This therefore does not only concern permanent or temporary employees, interns, self-employed persons and other hired staff, but also about volunteers, consultants and other external parties with whom the Liliane Fonds and/or MIVA work together.
- b. Improper Conduct Complaints Committee: the internal committee responsible for handling complaints about improper conduct. This committee consists of:
  - An independent chairperson
  - A member appointed by the employees (through the Works Council)
  - A member appointed by the Executive Director
  - The Integrity Officer, who is the reporting point for the committee (and in the case of a report of improper conduct involving children, the Child Safeguarding Focal Point)

The members (except the Integrity Officer and Child Safeguarding Focal Point) are appointed for a period of 2 years. This term can be extended for one period of two years.

c. Child Safeguarding Focal Point: the person appointed by the Liliane Fonds 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 adviser: those appointed by the Liliane Fonds and MIVA to act as such. The confidential adviser is the person to whom an employee/other person can tell his/her story about improper conduct. The confidential adviser listens, thinks and offers support to stop the improper conduct, and can also offer support in filing a complaint. The confidential adviser also provides after-care after complaint handling.

e. Report: reporting to the Integrity Officer or Child Safeguarding Focal Point or filing a complaint about a situation of improper conduct. A report may be followed up informally. When filing a complaint, the procedure as described in this document will be followed.

f. Improper conduct: this includes bullying, (sexual) harassment, aggression, violence and discrimination. Improper conduct towards children in programmes organised or funded by the Liliane Fonds/MIVA or the (S)POs is described in more detail in the Child Safeguarding Policy.

g. (Sexual) harassment: direct or indirect (sexual) utterances in word, gesture, image, behaviour or otherwise, which the person concerned (m/f) comes into contact with in the work situation and

that are perceived by her or him as threatening. (Sexual) harassment can be done both by persons inside and outside the Liliane Fonds and/or MIVA.

h. Discrimination: being disadvantaged on grounds such as race, religion, gender, sexual orientation, illness and/or disability, age and ethnic origin.

i. Bullying in the workplace: hostile, intimidating or humiliating behaviour, in which the same employee or employees is/are the target of this behaviour. The behaviour occurs frequently and persists for longer periods of time. This may also involve a disproportionate balance of power and/or force between the attacking party and the targeted employee.

### **3. Hotline**

All situations in which the employee experiences improper conduct can be reported to the Complaints Committee's hotline for improper conduct: the Integrity Officer (email: [integrityofficer@lilianefonds.nl](mailto:integrityofficer@lilianefonds.nl) or [integrityofficer@miva.nl](mailto:integrityofficer@miva.nl)). If the report is about fraud, it is handled according to the anti-fraud protocol (see appendix 4).

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

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

If the report is about sexual harassment of employees of (S)POs, then the (S)PO handles the complaint. In that case, however - in accordance with the partnership agreement - this incident is reported to the Integrity Officer.

For situations where regular reporting of complaints and/or problems to the (S)PO has not provided a solution, this can also be reported to the Integrity Officer as a last resort.

All situations in which improper conduct is suspected or observed towards children in activities, events or treatments initiated and organised by Liliane Fonds/MIVA or the (S)POs, can be reported directly to the Child Safeguarding Focal Point of the Liliane Fonds/MIVA and the (S)PO.

Matters concerning improper conduct can be discussed or reported to the Integrity Officer or Child Safeguarding Focal Point. A report may be followed up informally. If the report becomes a complaint, it will be formally followed up (for this, see 4. The complaint).

#### **4. The complaint**

- a. As a Liliane Fonds/MIVA employee, before filing a complaint, you can discuss it with your manager or request a meeting with the internal (Hanne Aikema) or external (Miriam Smit) confidential adviser. They will listen, advise and can offer support in filing the complaint. The confidential adviser will listen, advise and keep the information obtained during the meeting confidential.
- b. If an employee decides to file a complaint, the employee contacts the Integrity Officer (or Child Safeguarding Focal Point if children are involved). If the complaint concerns one of the members of the Improper Conduct Complaints Committee, you contact the Executive Director, and if it concerns the Executive Director, the chairperson of the Improper Conduct Complaints Committee contacts the chairperson of the Supervisory Board.
- c. Anyone who files a complaint in good faith can count on it being filed without threat of retaliation. If it turns out that the complainant is nevertheless adversely affected by the filing, this may lead to disciplinary action against the person who caused the harm.
- d. The complaint need not always relate directly to the complainant themselves; witnessing improper conduct against others is also included in this context.
- e. The complaint should be made in good faith and with substantiation.
- f. The Improper Conduct Complaints Committee handles all complaints confidentially. In all situations, the committee will observe the rights and obligations under privacy laws, and will observe confidentiality.
- g. If the complaint relates to conduct that is already the subject of legal proceedings, this may constitute grounds for deferring consideration of the complaint.

#### **5. The study**

- a. All complaints are handled with the utmost care to reduce the likelihood of incorrect accusations. The Improper Conduct Complaints Committee sends an acknowledgement of receipt as soon as possible but no later than 7 days, and determines as soon as possible but no later than 2 weeks whether a complaint warrants an investigation. If an investigation is launched by the Improper Conduct Complaints Committee, the committee immediately informs the Executive Director<sup>1</sup> and the complainant. If no (further) investigation is launched and the complaint is deemed unfounded, the Improper Conduct Complaints Committee informs the reporter accordingly.
- b. Everyone working for or with the Liliane Fonds and/or MIVA has a duty to cooperate with investigations by the Improper Conduct Complaints Committee. They also have a duty to respond to requests from the Improper Conduct Complaints Committee (and others conducting the investigation) for documentation and information. They should keep confidential any information they see or hear.
- c. Within one month of receiving the complaint, the Improper Conduct Complaints Committee shall hear the complainant and other parties involved separately. At the complainant's request, the complainant may be assisted by the confidential adviser or by someone else from within or outside the Liliane Fonds and/or MIVA (e.g. the occupational health physician). The Improper Conduct Complaints Committee is authorised to hear others as well.
- d. The Improper Conduct Complaints Committee may decide to have experts investigate. The cost of this will be borne by the Liliane Fonds or MIVA, depending on which Fonds the complaint concerns.

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<sup>1</sup> If the complaint concerns the Executive Director, the Improper Conduct Complaints Committee informs the Supervisory Board and the role of the Executive Director as defined in this procedure is fulfilled by the Supervisory Board.

e. During the investigation, contact with the Improper Conduct Complaints Committee occurs through the Integrity Officer (or the Child Safeguarding Focal Point).

f. The relevant person against whom the complaint is made (the accused) shall be informed at the earliest possible time of being 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 'adversarial'.

g. During the investigation, the Executive Director may make temporary arrangements (such as suspending the person in question).

h. If an employee who is the subject of an investigation leaves the Liliane Fonds and/or MIVA, the investigation will continue, unless the chairperson of the Improper Conduct Complaints Committee decides otherwise in consultation with the Executive Director.

## **6. Reporting and advice**

a. A report of each hearing is drawn up and brought to the attention of all concerned.

b. The Improper Conduct Complaints Committee will deliberate on the complaint made. In case the Improper Conduct Complaints Committee does not reach a joint conclusion, the chairperson's vote will be decisive. This will be substantiated in the recommendation with reasons.

c. The Improper Conduct Complaints Committee shall issue a final written report to the Executive Director within two months of the complaint being filed. Those directly involved and - if called in by the complainant - the confidential adviser also receive the report. This period may be extended by a maximum of one month.

d. The final report shall include at least a statement on the following points:

- Whether, and if so to what extent, the complaint is justified;
- Who has/have been affected by the unwanted behaviour;
- How the investigation was designed;
- What the findings and conclusions are;
- A recommendation to the Executive Director on the action to be taken.

e. Within two weeks of receiving the opinion, the Executive Director will make a written decision on any action to be taken. If the Executive Director makes a decision that does not involve sanctions, even though the complaint has been declared well-substantiated by the committee, this should be explicitly stated in the decision with reasons. Those directly affected will be informed of the decision.

f. The aggrieved employee will, in consultation with Team HR/the occupational health physician, be given further (e.g.

psychological) support. This support also applies to the person against whom the complaint was filed if the complaint is declared unfounded.

g. The Improper Conduct Complaints Committee maintains a limited-access record of all reports of alleged or actual complaints reported to the Improper Conduct Complaints Committee.

h. The confidential advisers, the Integrity Officer (also on behalf of the Improper Conduct Complaints Committee) and the Child Safeguarding Focal Point annually report to the Executive Director in broad-strokes qualitative and quantitative terms on the reports they have dealt with. The Executive Director shares this report with the Works Council and with the Supervisory Board. The number of reports, the nature of the reports and their handling are also published on the website and in the annual report. Based on the report, the Executive Director determines annually how the issue of integrity should be spotlighted within 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 scheme is reviewed at least once every two years for adequacy, changed laws and regulations, and present-day insights.

b. This scheme replaces the previous improper conduct complaints scheme and came into force on 21 March 2024