

The cover features a large black speech bubble on the left containing the text 'WHISTLEBLOWERS CENTRE'. To its right is a smaller white speech bubble containing '2019 ANNUAL REPORT'. The background consists of a blue gradient with a sunburst pattern of rays emanating from the center.

**2019**

ANNUAL REPORT

**WHISTLEBLOWERS  
CENTRE**

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## Foreword

The Whistleblowers Centre was able in 2019 to continue taking steps forward and building on the lessons it has learned in its brief history. The everyday experience of working in and for the Centre has been the source of results, inspiration and motivation that allow us to look to and build the future with continued optimism.

In March 2019, with the appointment of Martine Bouman to the Investigation Department and Peter van der Meij to the Advisory Department, the new Board was complete. The Board bears overall responsibility for the Centre, while respecting the principle that both these departments need to preserve confidentiality with respect to specific individuals and cases.

The two new Board members have exerted themselves to streamline their departments' procedures and working methods. This is important: people seeking advice and investigations have the right to know how the Centre works and what they can expect.

The Centre's Advisory Department informs people who approach it of the procedures for reporting a suspected abuse and briefs them on the process. Where necessary and possible, someone reporting suspicions is referred to people or organisations whose profession, knowledge or role suits them to defend this individual's interests. In 2019 the Advisory Department began working with a 'whistleblower's letter'. When the Centre believes that a suspicion of institutional abuse is well founded, the whistleblower's letter informs the person reporting the abuse that their claim of being a whistleblower is valid, what their rights are and what the Centre can do for them. People reporting abuses have said that this letter makes them feel supported.

The whistleblower's letter expresses the Centre's recognition and appreciation of well-founded reports of suspected institutional abuses. These reports are important for society as a whole. The Centre seeks to help the people making them to continue their lives as usual or to return as quickly as possible to everyday life.

For this reason, in consultation with the person making the report, the Centre considers the necessity and possibility of de-escalation or conflict resolution at an early stage. In doing so the Centre bears in mind that person's psychosocial situation and possible psychosocial consequences for them. In 2019 a pilot project was launched, in which a mental healthcare facility on request rapidly assesses the situation of the person reporting a suspicion and can if necessary give them a referral for guidance or treatment.

Independent investigation of a suspected institutional abuse is intended to help put an end to the abuse and draw lessons from it, including lessons for third parties. Investigating how someone has been treated once they have reported a suspicion helps ensure a more level playing field between them and their employer, thus helping to protect people reporting suspicions in general. The Investigation Department published its first three reports in 2019.

The Centre is accumulating a great deal of experience and gaining many insights from its work. It shares these insights with others; the Prevention Department disseminates this knowledge to society in many different ways. In 2019 the Centre published a booklet on confidential counsellors with practical tips to help them do their important work effectively.

In 2019 the European Union published its Directive on the protection of persons reporting on breaches of Union law (the ‘whistleblowing directive’). This was a milestone. It led the Centre to take the initiative to found the Network of European Integrity and Whistleblowing Authorities (NEIWA). The Centre is playing a central role in NEIWA’s exchanges of views, experience and knowledge and its work to ensure the EU Directive is implemented as uniformly as possible. The Directive should be transposed into national legislation by the autumn of 2021.

The Minister of the Interior and Kingdom Relations has decided to bring forward the evaluation of the Whistleblowers Centre, so that experience with the existing Act can be drawn on in introducing the European rules. The Centre attaches great importance to this process and is closely involved in it.

The Centre seeks to be an authoritative and expert institution that helps and protects people reporting abuses. It also seeks to help prevent, highlight, tackle and eliminate institutional abuses, thus fostering integrity in relations at the workplace.

In October 2019 National Ombudsman Reinier van Zutphen presented an advisory report to the Minister of the Interior and Kingdom Relations on the future of the Centre. The Ombudsman’s findings have strengthened the Board’s resolve to pursue its current course.

In its reflections on the Centre’s future, the Board has spoken with a tremendous number of external experts and stakeholders. These talks have inspired and motivated us. They have also led us to draft a vision statement, which is available on our website (in Dutch) as *Van Huis voor Klokkenluiders naar een autoriteit voor Integriteit en Klokkenluiden* (‘From Whistleblowers Centre to an authority on Integrity and Whistleblowing’).

We would like to express our appreciation to the Centre’s staff, who have participated actively in developing the vision statement, and have been committed and steadfast in their work with people reporting suspicions, people requesting advice, each other and the Board.

Wilbert Tomesen, Chairman  
for the Board and Director of the Whistleblowers Centre

**BUILDING THE FUTURE**



**In 2019 the Whistleblowers Centre invested in streamlining work processes, developing a sustainable vision statement, forming new alliances and completing investigations. These are all important steps that are strengthening the Centre's position and laying a solid foundation for the future.**

In early March 2019 Martine Bouman and Peter van der Meij took their seats as new members of the Board. With their accession, after a period of over a year, the Board of the Whistleblowers Centre is complete once more. Ms Bouman, who has a background in the social sciences, is responsible for investigations. Mr Van der Meij, with a background in the private sector, is responsible for advisory services.

In 2019 the Centre hired new advisers, investigators and other staff members, thus filling several of the seven extra FTEs earmarked for the Centre by the Minister of the Interior and Kingdom Relations. The Central Government Real Estate Agency has been enlisted to find a larger office space, to which the Whistleblowers Centre is expected to move in 2021.

The Centre received 331 requests for advice in 2019. It should be noted that not all requests for advice are necessarily cases of whistleblowing, that is, reports of a suspected abuse or unfair treatment. In some cases, for example, requests simply concern disputes under employment law. In many cases determining what the situation is at work therefore requires a more extensive analysis by the Centre's advisers before the Centre decides to enter into a more long-term advisory relationship with the person making the request.

In 27 new cases, the conclusion could be drawn that the person making the request was a whistleblower. In 2019 the Whistleblowers Centre published its first three investigative reports. In two cases the Centre saw no causal link between the employee's dismissal and the report of a suspected abuse. In one case the Centre concluded that there was such a causal link: the employee had been dismissed as a result of having reported the suspicion. The reports have been published on the Centre's website.

The adoption of the EU Directive on the protection of persons reporting on breaches of Union law, the evaluation of the Whistleblowers Centre Act and the accession of the new Board members in the spring of 2019, and later in 2019 the publication of the National Ombudsman's report on the Centre, were all reasons to begin developing a vision for the Centre's future.

To this end, many external experts, stakeholders and other concerned parties were interviewed. In its vision for the future, which has now been published, the Centre commits itself to working towards a country that not only complies with the minimum requirements of the new EU Directive, but also plays a leading role when it comes to integrity and whistleblowing.

To attain this objective, the Centre must go beyond providing advisory services and conducting investigations. It seeks to build and strengthen itself as an authority on integrity and whistleblowing.

The following principles are at the heart of our **vision for the future:**<sup>1</sup>

- The Centre should have a clear role and position in advisory services and investigations.
- The Centre should intervene at an early stage, in a manner tailored to the specific case.
- The Centre should be the central knowledge institution and the cross-roads of the Dutch system for ensuring integrity in the workplace.

The Centre will do its best to ensure that the Netherlands not only meets its minimum legal obligations, but also continues to play a leading role

*“The Centre will do its best to ensure that the Netherlands not only meets its minimum legal obligations, but also continues to play a leading role when it comes to integrity and whistleblowing.”*

when it comes to integrity and whistleblowing. This vision can in part be realised within the framework of the existing Whistleblowers Centre Act, and major changes in the Centre’s

working methods have already been set in motion. However, both Maarten Ruys<sup>2</sup> and the National Ombudsman<sup>3</sup> note that the Act has inconsistencies, shortcomings and a lack of clarity that are an obstacle to optimal performance by the Centre. These urgently require remedial action. The announcement by the Minister of the Interior and Kingdom Relations that the evaluation of the Act will be moved up to mid-2020 creates an opportunity to fix these technical flaws.

On 24 May 2019, at the initiative of the Whistleblowers Centre, the Network of European Integrity and Whistleblowing Authorities (NEIWA) was founded. NEIWA comprises government organisations in various European countries, and is meant to strengthen cooperation and knowledge exchanges in the field of whistleblowing and integrity.

*“In NEIWA we can exchange know-how and experience in the field of integrity in general and whistleblowing in particular. We can learn from one another, and jointly develop instruments, programmes and standpoints. In this way we can make reporting abuses as safe as possible throughout Europe. – Wilbert Tomesen”*

to use all the opportunities that the new European Directive offers to provide effective protection for whistleblowers. It urged countries to go beyond the minimum level that the EU Directive defines.

The Board and staff of the Whistleblowers Centre made various contributions in 2019 to congresses, symposiums and workshops, at events of the Good Governance Network, Transparency International, the International Chamber of Commerce, the Landelijke Vereniging van Vertrouwenspersonen (the Dutch national association of confidential counsellors), the platform on confidential counsellor professionalism at the Ministry of Social Affairs and Employment, and the Zijlstra Center for Public Control, Governance and Leadership. The Whistleblowers Centre also made a presentation at a hearing held by the House of Representatives on integrity in public administration.

The Centre was active in various international bodies as well, including the European Network of Integrity Practitioners (ENIP), the European Partnership Against Corruption (EPAC), the Organisation for Economic Co-operation and Development (OECD), the UN and the International Whistleblowing Research Network (IWRN). By exchanging knowledge and experience on integrity issues, the Centre seeks to help promote integrity in organisations and in society at large.

<sup>1</sup> Van Huis voor Klokkenluiders naar een autoriteit voor Integriteit en Klokkenluiden ('From Whistleblowers Centre to an authority on Integrity and Whistleblowing'), February 2020.

<sup>3</sup>Letter from National Ombudsman Reinier van Zutphen to the Minister of the Interior and Kingdom Relations, 1 October 2019.

The Board did public outreach in 2019 through interviews and opinion pieces in the media, including the Dutch newspapers NRC Handelsblad and Trouw, the independent site for research journalism Follow the Money, and the bimonthly Tijdschrift Conflicthantering ('Conflict Management Journal'). The articles concerned whistleblowing as such, developments at the Centre, the sometimes inadequate protection of certain occupational groups, the risk of a proliferation of reporting centres, and the risks involved in concluding settlement agreements.

Experience has repeatedly shown that many people who report abuses suffer from psychosocial complaints as a result of their situation. In the autumn of 2019 the Whistleblowers Centre worked with a mental health facility and psychological diagnostic centre to launch a pilot project which would give these people rapid access to a psychological diagnostic assessment tailored to their situation. The project's aim is to prevent psychosocial problems from making their situation even more complicated. One of the Centre's goals is after all to enable these people to resume their normal lives as quickly as possible. The Centre is bearing the cost of the initial diagnoses. The first evaluation of the project will take place in mid-2021.

In October National Ombudsman Reinier van Zutphen presented his advisory report on the Whistleblowers Centre, which the Permanent Parliamentary Committee on Internal Affairs had asked the Minister of the Interior and Kingdom Relations to request. The report concerns organising the Centre's tasks of prevention, investigation and advisory services in a way that will enable the Centre to fulfil its crucial statutory mandate.

Mr Van Zutphen's report stressed the inadvisability of too strict a legal separation between the Advisory and Investigation Departments. In his view, advisory services should be aimed at providing information and helping whistleblowers pursue their efforts. They are not aimed at defending whistleblowers' interests.

Whistleblowers must therefore obtain legal, psychosocial and at times financial support elsewhere. In the Centre's view, a fund should be established for this purpose.

The Ombudsman recommended making a clearer distinction in the Act between investigating an abuse and investigating whistleblowers' treatment by their employer. This distinction would also have implications for whistleblowers' personal involvement in the investigation. Moreover, Mr Van Zutphen recommended moving quickly on recent and new reports of abuses and requests for advice. In dealing with older cases, external experts should advise the Board on how to respond to requests for investigation.

Preventive activities designed to promote integrity within organisations can make a major contribution to achieving the Whistleblowers Centre's objectives. Mr Van Zutphen therefore called for giving the Centre a statutory mandate as a knowledge institution. With a view to the implementation of the new EU Directive on the protection of whistleblowers, which must be completed within two years, the Ombudsman also stressed the importance of bringing forward the process of evaluating the Whistleblowers Centre Act.

The Whistleblowers Centre sees the Ombudsman's recommendations as a strong expression of support, which on the one hand confirm the existence of gaps in the Act, and on the other hand reaffirm the Board's commitment to the course it has been following.



# ADVISORY SERVICES



### Advisory services for people reporting abuses

The Act provides that an employee must initially report a suspicion of institutional abuse internally within their organisation. However, it is not always immediately clear when a report should be made or what the proper way to do so is. To clarify these issues, the employee can obtain confidential advice free of charge from the Whistleblowers Centre.

The Centre provides the employee with advice and support concerning the steps involved in the reporting process. The Centre's counsellor also informs the employee of their legal position and of the possible risks and consequences that making a report could entail. However, the counsellor does not act in defence of the employee's interests; ultimately the choices must be made by the employee themselves. An employee is thus free to decide not to make an internal report and not to follow up the request for advice.

In 2019 the Advisory Department began working with a 'whistleblower's letter'. When the Centre believes that a suspicion of an institutional abuse is well founded, this letter informs the person making the report that their claim of being a whistleblower is valid, what their rights are and what the Centre can do for them. People reporting abuses have said that this letter makes them feel supported.

If the internal report does not lead to a solution to the suspected abuse, the whistleblower can submit a report to an inspectorate or a supervisory authority.

The Whistleblowers Centre counsellor can provide guidance to the employee at this stage as well.

### Whistleblower or not?

The Act uses the term 'suspected abuse'. This means that a whistleblower need not supply definitive proof of the existence of an abuse. That is not a reasonable expectation of an employee who blows the whistle. A whistleblower must however be able to sufficiently substantiate the suspicion with documents, emails, etc., and on the basis of personal observation. The Act speaks of 'reasonable grounds'. The employee making the report should in principle be protected against unfair treatment even if an investigation (by the employer and/or an inspectorate/supervisory authority/the Centre) leads to the conclusion that there was in fact no abuse.

### Developments in 2019

In 2019 the Centre's counsellors were processing 479 requests for advice. Of these requests, 331 had been made in 2019. In 75 cases, there was in the Centre's view a suspicion of an institutional abuse. Investigations were still in progress on 153 cases. In 251 cases the case was closed in the course of 2019: there proved in fact to be no case of whistleblowing, the abuse had been satisfactorily addressed, or the person reporting the suspicion had terminated the case for other reasons.

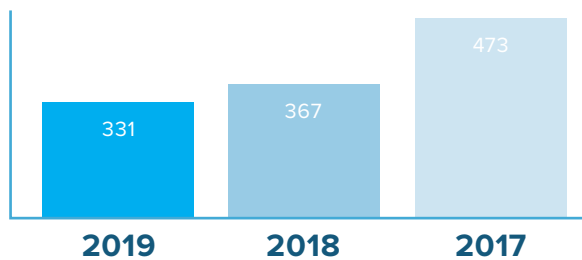
Requests for advice being processed in 2019

	Total	Whistle-blowers	Still unknown	Non-whistle-blowers
New requests in 2019	<b>331</b>	27	95	209
Open requests from 2018	<b>110</b>	13	56	41
Open requests from 2017	<b>20</b>	18	1	1
Open requests from 2016	<b>18</b>	17	1	-
<b>Total requests being processed</b>	<b>479</b>	<b>75</b>	<b>153</b>	<b>251</b>

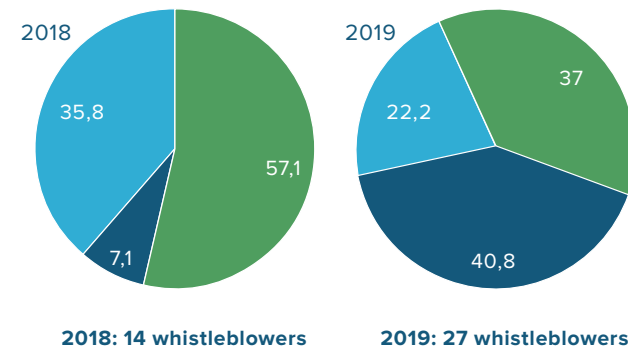
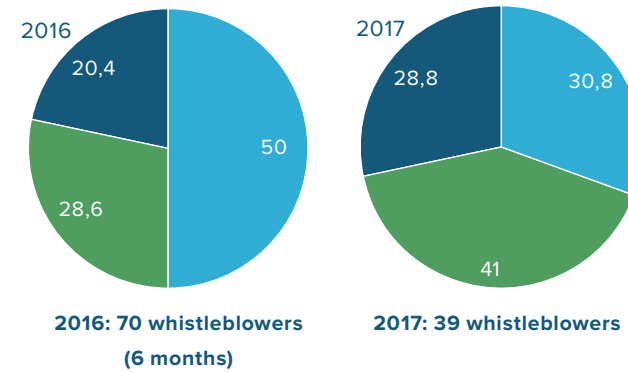
Note: requests for advice can sometimes require more time because it is not immediately clear to either the Whistleblowers Centre or the person submitting the request whether there is in fact an institutional abuse.

Number of new requests for advice, per year

New requests for advice



Newly initiated whistleblower cases by sector (2016-2019)



Private Public Semi-public

Employers with 50 or more employees are required by law to have a reporting procedure, explaining how employees can report a suspected abuse internally and the course of the procedure.

In practice, however, it is striking how many organisations with 50 or more employees have no reporting procedure or one that does not comply with the Act. The counsellors also frequently find that the procedure is unknown and that details are hard to obtain. When a procedure does exist, it is frequently not applied or applied incorrectly. Many people reporting suspicions indicate that the employer does not keep them informed, or informs them only sporadically, of what is happening with the report. Often, the employee also receives no or inadequate feedback on the results of the employer's investigation.

Many employees reporting a suspected abuse still experience unfair treatment as a consequence of their internal report, even though this is prohibited by law. This can include bullying, isolation, poor performance assessments or even dismissal. Dismissal or termination of employment are common, far-reaching forms of unfair treatment. For this reason, reporting an abuse is often experienced as intense and emotionally challenging.

In a number of cases in 2019, the whistleblowers letter gave employees reporting abuses encouragement in their meetings with their employers. The fact that the Centre, where appropriate, works with inspectorates, supervisory authorities, the Public Prosecution Service or the National Criminal Investigation Department often leads to greater insight into the underlying problem, or even to direct intervention. Employees reporting abuses often encounter the problem that they cannot afford the costs of badly needed legal assistance. The Centre is therefore advocating a fund that can reimburse these costs.

The number of settlement agreements (VSOs) between employees reporting suspected abuses and employers seems to be on the increase. These agreements end the employment relationship between the employer and employee. This development fits in a national trend: in general, employment contracts are increasingly being ended with VSOs. These agreements often include a standard clause imposing a duty of confidentiality, linked to a penalty clause covering all knowledge and information that the employee has acquired about the employer. After signing the VSO, employees

“*The Whistleblowers Centre is increasingly seeing employers press for ‘amicable settlements’, with the whistleblower quitting in return for a financial payment. When the settlement agreement includes a clause promising lifelong secrecy, this is simply hush money. – Peter van der Meij, Tijdschrift Conflicthantering, December 2019*”

who have reported a suspected abuse are not infrequently forbidden to say anything more about the suspected abuse, on penalty of a fine. These gagging contracts are not in the public interest, because society benefits when abuses are properly reported and can be quickly and satisfactorily addressed.

In addition, VSOs often include a ‘full and final discharge clause’, which provides that the employee and employer agree that once the agreement is signed they will have no claim against one another. This constitutes an obstacle in practice to claiming any damages in court, if it later proves that a whistleblower has been wrongfully dismissed after reporting a suspected abuse. The Whistleblowers Centre believes that this is undesirable in principle, and is drawing attention to the issue.

# INVESTIGATIONS



### Investigations of abuses and of the treatment of employees

The Whistleblowers Centre can do two types of investigations: investigations into possible abuses and investigations into the treatment of employees. In the first type of investigation, the Centre investigates a suspected institutional abuse that an employee has reported to their employer. In the second type, the Centre investigates the possibility that the employer has treated the employee unfairly in retaliation for reporting a suspicion. The two types of investigation can also be combined.

Only employees can submit a request for the Whistleblowers Centre to conduct an investigation. The request may (but need not) be made while the Centre is providing advisory services. The Centre then assesses the usefulness and necessity of an investigation.

An investigation by the Centre is in any event subject to conditions. The situation must for example concern a matter that seems to involve public interests, and the suspected abuse must first have been reported internally. In some cases a report to a competent supervisory authority is sufficient.

An investigation by the Centre usually consists of a case file review and interviews with witnesses. It leads to the publication of an anonymised report, in which the Centre reconstructs and assesses the facts and draws conclusions about the suspected abuse and/or unfair treatment of the employee. The report is not legally binding on the parties to the dispute, but they can use it in presenting the case in court.

### Developments in 2019

In 2019 the Whistleblowers Centre made efforts to speed up the processing of requests and the conduct of investigations, primarily by continuing to expand its investigative capacity by hiring new, experienced investigators. In line with the National Ombudsman's

“*The independence and objectivity of an investigation are crucial for the Centre. After all, investigations take place in situations of conflict and opposing interests. ‘Independence’ means that the Investigation Department reaches its own conclusion on the basis of the data it has gathered. That demands impartiality and an open, objective attitude. (‘Werkwijze onderzoek Huis voor Klokkendeiders’ (‘Whistleblowers Centre: Investigative methods’), 1 March 2020)*”

report, the Centre will also ask outside experts to advise it on speeding up assessments of requests for investigation from before 2019. Where possible, the Centre will also look for alternative solutions, which can often do more than an investigation to serve the public interest and the interests of the people concerned. This can for example

be the case when an employer has already adequately appraised and put an end to an abuse, and the employer and employee are prepared to discuss ways of repairing their relationship and redressing any unfair treatment that the employee may have experienced. The Centre can facilitate such a dialogue. In 2019 it launched two experiments with dialogues of this kind, in consultation with the employees and employers involved.

In some cases the Centre may not see any reason to conduct an investigation: for example, in workplace conflicts where no abuse is suspected, or in situations where there is no employment relationship, or where an inspectorate or supervisory authority is the most logical body to conduct an investigation. In such cases, with the knowledge and agreement of the person who made the request, the Centre will where necessary forward the relevant information to that body.

In 2019 the Whistleblowers Centre received 20 requests for an investigation. Three of these requests have so far led to actual investigations. This brings the number of investigations launched over the past three years to 17. The Centre published reports of three investigations in 2019. In two cases the Centre concluded that it was no longer possible to confirm a causal relationship between the employee's dismissal and the report of a suspected abuse. In one case, the Centre concluded that there was such a causal relationship: the employee had been dismissed as a result of reporting a suspected abuse.

Two of these cases concerned workplaces in the public sector, while one was in the private sector. The complete reports can be found on the Centre's website.

#### *Number of requests for an investigation*

	Abuse	Treatment	Both	Total
Year-end 2016	2	8	2	<b>12</b>
Year-end 2017	5	6	8	<b>19</b>
Year-end 2018	6	2	11	<b>19</b>
Year-end 2019	10	3	7	<b>20</b>
<b>Total</b>	<b>23</b>	<b>19</b>	<b>28</b>	<b>70</b>

#### *Type of investigations launched*

	Abuse	Treatment	Both	Total
Year-end 2016	0	4	0	<b>4</b>
Year-end 2017	0	2	1	<b>3</b>
Year-end 2018	1	3	3	<b>7</b>
Year-end 2019	2	0	1	<b>3</b>
<b>Total</b>	<b>3</b>	<b>9</b>	<b>5</b>	<b>17</b>

**PREVENTION**





### Promoting integrity

Besides advising employees on reporting abuses and conducting investigations into these reports and into possible unfair treatment of employees making the reports, the Whistleblowers Centre also considers promoting integrity (prevention) as one of its tasks. Employers and their confidential counsellors, investigators, human resources staff, Works Council members and integrity and compliance officers are all welcome to approach the Centre with questions about the design of integrity policy and programmes that contribute to organisational integrity, including scope for dissent and for safe reporting of abuses.

The Centre takes part in a range of national and international meetings on whistleblowing and integrity issues. Practical guidelines can help organisations tackle the task themselves of monitoring and safeguarding integrity. This benefits both employers and employees. When the Centre's investigative reports are delivered, lessons can be drawn and recommendations made to employers on avoiding possible future abuses and issues concerning unfair treatment.

### Developments in 2019

Public and private sector organisations continued in 2019 to approach the Centre frequently with questions. Many questions concerned satisfactorily modifying or drafting a reporting procedure. A study that the Centre did among employers in 2017 showed that many organisations had no reporting procedure, or had one that did not yet comply with the statutory requirements. The number of questions about reporting procedures has now declined from the level of earlier years. Strikingly, however, there were more questions in 2019 about other topics, such as the role and tasks of confidential counsellors, drafting a protocol for in-house investigations and other integrity instruments.

Major investments were made in 2019 in knowledge exchanges with stakeholders and with experts from the world of policy, science and practice. The Centre made contributions at Dutch networking events with market parties and government. It also participated in various international networks. It contributed for example to meetings of the European Network of Integrity Practitioners (ENIP), the European Partnership Against Corruption (EPAC), the Organisation for Economic Co-operation and Development (OECD), the UN and the International Whistleblowing Research Network (IWRN). Organisations in other countries continued to show interest in the Whistleblowers Centre, particularly in Dutch whistleblowing legislation and in the way the Centre combines advisory services, investigations and prevention under one roof. Due to this interest, the Centre welcomed several international delegations.

In 2019 Centre took the initiative to found the Network of European Integrity and Whistleblowing Authorities (NEIWA). This was a response to the drafting of the Directive of the European Parliament and Council on the protection of persons reporting on breaches of Union law, which was eventually published in November 2019. The Centre organised NEIWA's first meeting in the spring of 2019. In the autumn of 2019 France organised the network's second meeting. The Centre has played a leading role in NEIWA and been closely involved in substantively preparing and holding the meetings.

NEIWA is working to share and develop knowledge and experience of and insights into integrity issues and contacts with people reporting abuses, thus contributing to the most uniform possible implementation of the Directive throughout the EU.

Investigations of abuses and contacts with employers and trade unions show that there is still a great deal of room for improvement in organisations' own efforts to prevent abuses. Great attention should be paid for example to confidential counsellors, who often play a crucial role in ensuring the effective processing of reports. Nonetheless, the

“ *The role [of confidential counsellor] is becoming more and more professional, with awareness of the complicated nature of this important task gradually increasing. Organisations are being asked to do more to prevent [abuses (which harm) the public interest], violations and [inappropriate] behaviour, which also increases the pressure on [counsellors] in terms of attitude, knowledge and skills. Moreover, it is now common for the various forms of confidential work to be combined in a single role. As a result, confidential advisers who until now only used to deal with [inappropriate] behaviour or integrity issues are faced with issues they may not be familiar with. ('Integrity in Practice – the Confidential Integrity Adviser')* ”

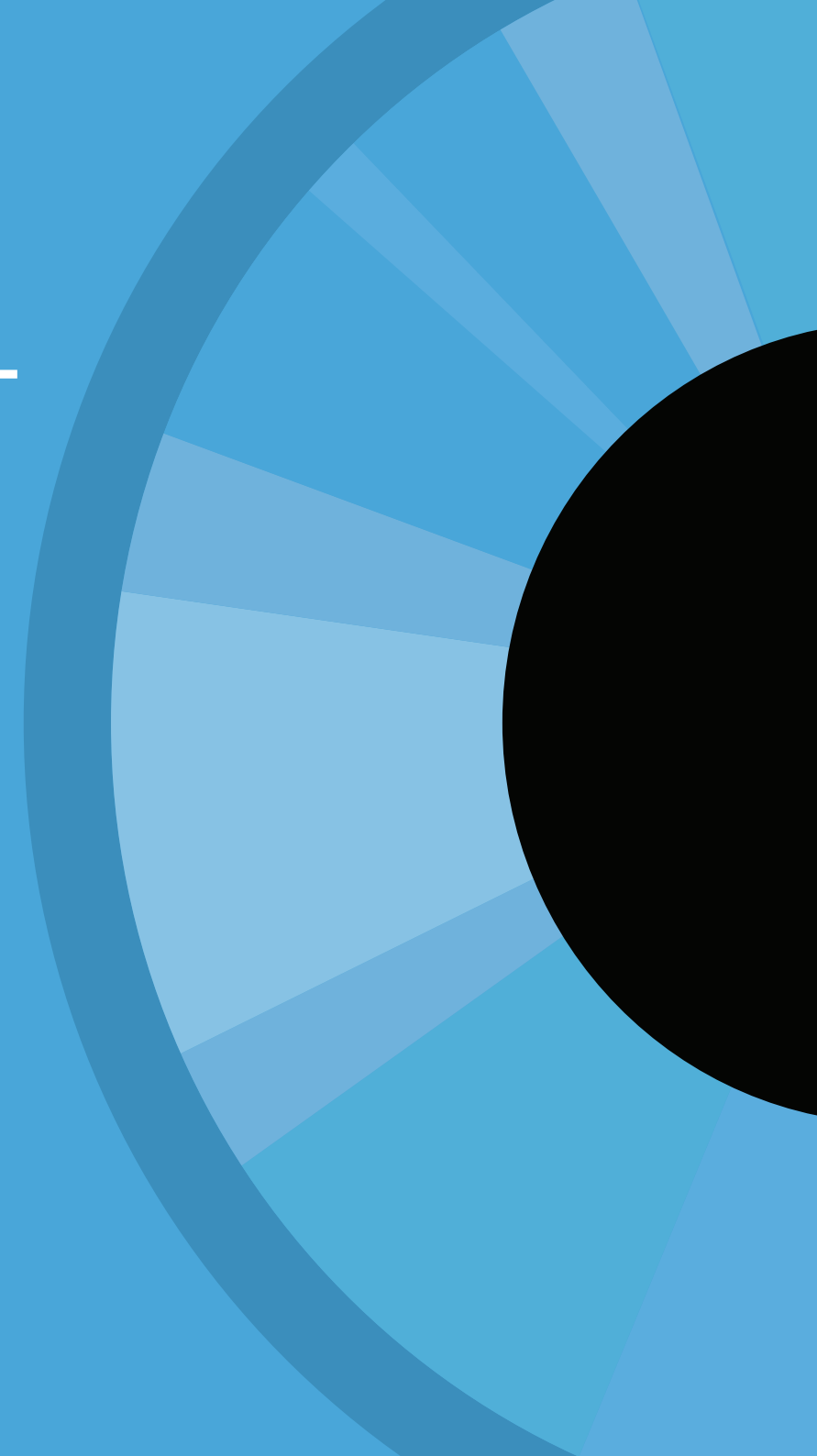
position of confidential counsellors is often unclear. For this reason, the Centre published its booklet 'Integrity in Practice – the Confidential Integrity Adviser', a manual with practical tips on how this role can be played most effectively.

The Centre is working with the Ministry of Social Affairs and Employment, which is also focusing on giving confidential counsellors a more professional position. To this end the Ministry has established a platform for the main stakeholders, which the Centre takes part in.

Internal organisational investigations of abuses and breaches of integrity are all too often conducted in a way that is neither careful nor professional, as the Centre's experience with advisory services shows. For this reason an extensive manual was drafted in the course of 2019, setting out how organisations can conduct these investigations. It was published early in the spring of 2020.

A start was also made in 2019 with the development of an online integrity screening tool. This digital instrument will enable organisations to quickly and independently assess the maturity of their integrity policy. It gives an organisation's score for the various aspects of a coherent integrity management system. The screening tool will be made available free of charge to public and private sector organisations sometime in 2020.

# ORGANISATION AND OPERATIONAL MANAGEMENT



In 2019 progress was made on the Centre's administrative structure and its planning and control cycle. The methods of its primary process, its administrative support and its operational management were also improved. Moreover, its operational management procedures were put in writing and standardised.

Board Chairman Wilbert Tomesen was able to welcome two new members to the Whistleblowers Centre Board in March 2019, thus making its membership complete.

### Board

The Whistleblowers Centre Board consisted in 2019 of:

- Mr Wilbert Tomesen
  - Chairman
  - Interim Board member for Investigations (until 7 March 2019)
- Professor Theo Camps
  - Interim Board member for Advisory Services (until 7 March 2019)
- Mr Peter van der Meij
  - Board member for Advisory Services (from 8 March 2019)
- Professor Martine Bouman
  - Board member for Investigations (from 8 March 2019)

### Budgeted and actual spending

The Whistleblowers Centre had a budget for 2019 of €3,073,000.00. Actual spending amounted to €3,074,697.00.

### Budget 2019

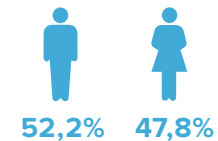
€ 3.073.000,-

### Actual spending 2019

€ 3.074.697,-

FTEs 2018 17,6

FTEs 2019 24,6



### Sickness absence 2018

4,1%

### Sickness absence 2019

5,8%

### Office and staff

The staff establishment of the Whistleblowers Centre grew in 2019 from 17.6 FTEs to 24.6 FTEs.

The average age of staff members was 51.6. Of the Centre's staff in 2019, 52.2% were men and 47.8% women. Sickness absence in 2019 was 5.8% (compared to 4.1% in 2018).

From 6 May 2019, the Whistleblowers Centre itself had a confidential counsellor on staff.

### Complaints and WOB applications

In 2019 six complaints were submitted and seven resolved. The seventh complaint was an outstanding complaint from 2018. Among other things, the complaints concerned the duration of an investigation, the Centre's methods or decisions, and the organisation's overall performance.

Two applications under the Government Information (Public Access) Act (WOB) were submitted to the Whistleblowers Centre in 2019.

	Complaints	Well-founded	Well-founded in part	Unfounded	Inadmissible
Submitted in 2019	6	2	1	2	1
Submitted in 2018	1	-	1	-	-
<b>Total</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>

	WOB applications	Response given in 2019	Response given in (early) 2020
Submitted in 2019	2	1	1
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>

### Investigations of the Whistleblowers Centre itself

In December 2018 the Minister of the Interior and Kingdom Relations received two reports of suspected abuses at the Whistleblowers Centre.

These reports concerned the Centre's overall performance, including its administrative structure, and the procedure by which the Centre's current Chairman was appointed. In response to each of the reports, the minister ordered an investigation. The National Ombudsman was asked to investigate the Centre's performance. An external committee was asked to conduct an investigation into the procedure by which the Centre's current Chairman was appointed.

In a letter to the House of Representatives of 13 March 2019, the National Ombudsman informed the House that he saw no reason to conduct any further investigation into the Centre's performance. The Ombudsman stated that a comprehensive investigation of that kind went beyond the mission of his office and the tasks for which it was equipped. Nor did he see any reason to launch an investigation at his own initiative.

The Biesheuvel Committee, which investigated the procedure by which the Centre's Chairman was appointed, concluded in its report that there had been no abuse in 2018 as referred to in the Whistleblowers Centre Act. The minister sent the Committee's report to the House of Representatives.

## ICT

Further improvements were made in 2019 to the ICT infrastructure of the Whistleblowers Centre. Among other things, improvements were made to the monitoring and updating of authorisations, to compliance with the General Data Protection Regulation, to the clean-ups of the Centre's digital archives and to the design of the Centre's record keeping.

A tender that had been done previously for ICT infrastructure services and ICT workstations received an honourable mention for its use of open standards<sup>4</sup> in the annual rankings of the Dutch Standardisation Forum's Open Standards Monitor.

The Centre also explored its future ICT needs. To this end, outside experts helped the Centre survey its existing ICT architecture to enable it to make wise long-term choices. These choices will depend in part on the Centre's vision, course and position, on the evaluation of the Whistleblowers Centre Act, and on the implementation of the EU Directive.

In December the Whistleblowers Centre launched a new website. The new site is better attuned to whistleblowers' need for information, offers more insights to employers, is more secure and meets all the requirements for internet users with disabilities.

<sup>4</sup> An open standard is an agreement laid down in a specification document, which must be published and available free of charge or at a nominal fee. Use of the same standard is necessary to enable different ICT systems to exchange data. Source: [www.forumstandaardisatie.nl](http://www.forumstandaardisatie.nl).

# GLOSSARY



This Annual Report uses various terms related to the Whistleblowers Centre Act. This overview explains these terms.

### Whistleblowers Centre Act

The Whistleblowers Centre Act has been in force since 1 July 2016. It governs the options of and the protections available for employees who seek to report an abuse.

### Employee

An employee is a person who performs or has performed work (for example before retirement or in a previous job) as a public servant or in the private sector, with or without an employment contract. This means that volunteers, flexible workers, trainees and self-employed persons without employees are also employees under the Whistleblowers Centre Act.

### Employer

Under the Whistleblowers Centre Act, an employer is a person who arranges or has arranged for work to be performed.

### Institutional abuse

An abuse where a public interest is at stake generally concerns a situation that involves several people, occurs frequently and can have severe consequences. It also constitutes one or more of the following:

- a breach of statutory regulations;
- a risk to public health;
- a risk to public safety;
- a risk to the environment;
- an improper act or omission that jeopardises the proper functioning of the public service or an undertaking.

### Reporting procedure or whistleblowing procedure

All organisations with 50 or more employees must have a reporting procedure or whistleblowing procedure for dealing with a report of a suspected abuse within the organisation. According to the Act, the procedure must in any event:

- set out how an internal report is to be handled;
- describe when a suspected abuse is deemed to exist, subject to the definition in the Act;
- identify the designated officer or officers to whom a suspected abuse can be reported;
- set out the employer's obligation to treat such a report confidentially at the employee's request;
- state that an employee may consult an adviser confidentially about a suspected abuse.

### Reasonable suspicion

An employee who thinks that an abuse exists within the organisation where they work may report it to their employer. The person must personally know about or have observed signs of this abuse. Abuses may not be reported based on rumours or other people's accounts.

### Advice

An employee may obtain advice from the Whistleblowers Centre's Advisory Department concerning suspected work-related abuse. This advice is independent, confidential and free of charge. The Centre's counsellors are never involved in investigations. They may only provide information about their advice to the investigators with the whistleblower's consent.



## Investigation

In some cases an employee may request that the Whistleblowers Centre's Investigation Department conduct an investigation. This requires fulfilling a number of legal criteria. The Centre conducts two types of investigations: investigations into the treatment of people who have reported suspected abuses, and investigations into the suspected abuses themselves. Before beginning an investigation, the Investigation Department first considers whether all the requirements have been met. The first requirement is that there be a reasonable suspicion of an abuse; for a situation to qualify as an abuse, a public interest must be at stake. The Department then assesses arguments that may exist for and against launching an investigation. To ensure the independence of investigations of abuses, there is a separation between advisory services and investigation. This means in practice that investigators are not involved in giving advice on a case, and that counsellors are not involved in investigations.

## Prohibition of unfair treatment

An employer may not subject a person who has properly reported a reasonable suspicion of an abuse to unfair treatment for this reason. Unfair treatment may include dismissal, forced transfer, denying or withdrawing a promotion, as well as bullying, isolation or harassment.

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This is a publication of the Whistleblowers Centre.

**Contact**

Address for visitors: Maliebaan 72, 3581 CV Utrecht, Netherlands

Postal address: Postbus 10088, 3505 AB Utrecht, Netherlands

Telephone number: +31 (0)88-13 31 000

Email: [info@huisvoorklokkenluiders.nl](mailto:info@huisvoorklokkenluiders.nl)

Design: Jordy Wedding Graphic Design & Illustration