



TBI reporting complaints and whistleblower policy

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1. INTRODUCTION

Tropenbos International (TBI) has developed its own integrity system. A fundamental element of the integrity system is this ‘TBI reporting complaints and whistleblower policy’, which is strongly based on the ‘Integrity system guide’ developed by Partos (2018 and 2022).

TBI’s Reporting complaints and whistleblower policy describes the process for reporting on (suspected) integrity violations by TBI, TBI employees or Tropenbos Network Members/ subcontractors/ partner organisations of TBI (as defined in the TBI Code of Conduct) , as well as the protocol and procedures for actions that will be taken by TBI when such reports are made. It includes sections specifically on whistle blower related complaints.

Although the reporting complaints and whistleblower policy is applicable to Tropenbos International in the Netherlands, it is TBI’s aspiration that all Tropenbos Network Members will adopt similar policies.

This Reporting policy is intended to encourage and enable TBI staff and stakeholders, to raise serious concerns about any perceived misconduct or irregularities in TBI operations (see Code of Conduct for specific violations covered). Not only TBI’s own employees can report a violation, also the clients, programme participants (‘target groups’), volunteers and staff of other organisations (‘stakeholders’) have the opportunity to report any suspected integrity violations by TBI staff and associates.



If TBI staff members or associates are confronted with a possible violation of the TBI Code of Conduct, or applicable laws, they are expected to report on such suspicions. First and preferably following the procedures within the organization or, as last resort, as a whistleblower to the designated whistleblowing point.

In this policy, the party making the complaint is called the Notifier. The Notifier can be the person who is affected but can also be a witness to (possible) misbehavior or a violation and wanting to report on it. In order to make it possible for such people to report, TBI makes a number of options available. These options are designed so that the Notifier can make reports in a way that is safe and allows TBI to take sufficient and appropriate action.

2. SCOPE OF THIS POLICY

This policy applies to any natural person who, through their work, has experienced or witnessed a suspected violation of integrity within TBI, or comes into contact with a suspicion of wrongdoing or a potential breach of the law by TBI staff and associates. This includes individuals who are currently or have in the past performed work for TBI (with or without an employment contract) and individuals who work for another organization that performs work for TBI. The following may be reported under this policy:

2.1 Integrity violations

Any integrity violation or misconduct by TBI staff or third parties contracted by TBI can be reported under this TBI Reporting complaints and whistle blower policy. Such violations include but are not limited to the following (see also TBI Code of Conduct):

1. Misuse of power or position (corruption, conflicts of interests, and partiality (e.g. nepotism, favouritism), manipulation or organization divulgence of information.
2. Financial violations (fraud, misuse or improper use of resources, theft, tax evasion or asset management/investment policies contrary to organizational purpose and objectives).
3. Interpersonal violations (unwanted intimacy, sexual intimidation and sexual violence, aggression, discrimination and bullying)
4. Professional violations (culpable negligence).

For reporting a Sexual Exploitation, Abuse and Harassment (SEAH) incident (see 3 above), the same TBI channels and procedures will be followed, with additional steps where this concerns any necessary care for victims/survivors. TBI's SEAH policy elaborates in more detail the reporting policies in case of a SEAH incident.

Reports can also be filed regarding the integrity of research, environmental and development concerns, respect of traditional and local knowledge, and intellectual property rights. Such violations will mainly be categorized as professional violations.

2.2 Malpractice / wrongdoing

Malpractice/wrongdoing includes an abuse in which the public interest is at stake in the event of a violation of a statutory regulation, a danger to public health, a danger to the safety of



persons, a danger to the damage to the environment, a danger to the proper functioning of the public service or an undertaking resulting from an improper act or omission, other than a breach of law.

2.3 EU law

Because TBI is a Dutch organisation, EU law applies as well. Any infringement of EU law, risk of an infringement of EU law or an attempt to conceal such an infringement may be reported under this policy. An infringement of Union law is an act or omission that concerns the following areas of Union law:

- Public procurement.
- Financial services, products and markets, money laundering prevention and counterterrorism.
- Product safety and product conformity.
- Transport safety.
- Protection of the environment.
- Radiation protection and nuclear safety.
- Food and feed safety, animal health and animal welfare.
- Public health.
- Consumer protection.
- Protection of privacy and personal data and security of network and information systems.
- infringements affecting the Union's financial interests as referred to in Article 325 of the Treaty on the Functioning of the European Union.
- infringements related to the internal market (as referred to in Article 26, second paragraph, of the Treaty on the Functioning of the European Union).

3. Confidential counsellor

TBI Netherlands has appointed a confidential counsellor for its TBI staff, including consultants and interns. This confidential counsellor (name known by TBI staff) has been jointly selected by TBI staff. The role of the confidential counsellor is to provide frontline support to any member of staff who has been the victim of, or witness to, a possible violation. The confidential counsellor can provide information, advice and support and can help to identify possible next steps and refer and support the Notifier to the preferred channel in the reporting system. All conversations with the confidential counsellor are held in the strictest confidence unless agreed otherwise. The confidential counsellor will not share any information on the complaints with any other party or person and will not document the complaint.

Consultation of the confidential counsellor before making a report is not compulsory. However, it is strongly advised.

Any Notifier who is a member of staff and who has been the victim of, or witness to, other violations, has the option to first speak to the appointed confidential counsellor within TBI regarding an integrity violation, suspicion of wrongdoing or breach. The confidential



counsellor is never a reporting point within TBI's integrity system. Their tasks are to provide a listening ear, advice and support to the TBI staff member. They can help to identify possible next steps. They are not responsible for the follow-up of reports.

The confidential counsellor is the gateway to the reporting system but not the one to whom reports are formally made. This makes possible that anyone considering whether or not to report can, without obligation, first discuss and receive advice and information before deciding whether or not to make the report.

The confidential counsellor will clarify this position to the Notifier from the outset to ensure no misunderstandings will occur (e.g. the Notifier might have the false impression that by consulting the confidential counsellor (s)he will share the complaints with the organisation and further action will be taken).

For the Notifier, TBI's confidential counsellor will probably play an important role as (s)he is usually the first contact person within the organisation who will be informed about the violation.

If the Notifier chooses to make a report through one of the reporting channels, the confidential counsellor can support them through the process and provide advice along the way.

The confidential counsellor is also available to support any person who is the subject of a report, providing (s)he is not already supporting the Notifier in the same case.

4. Channels for reporting a complaint

If the Notifier has decided to report a violation, (s)he has the possibility to choose between three different channels of reporting (in no particular order).

- **TBI's Integrity Officer¹**

Reports can be made directly to the integrity officer.

The name of the Integrity Officer is available on the TBI website, next to the TBI integrity policy and this Reporting complaints and whistleblower policy.

- a. Bas Louman, TBI Programme Coordinator.
- b. integrity_officer@tropenbos.org (through this email address, the Integrity Officer can be contacted by anyone wishing to report a violation).
- c. Working hours: 09.00-17.00 hrs Central European Time (**Monday to Thursday**).

¹ Beside this role, the Integrity Officer also has an important preventative role, by developing a plan whereby everyone in the organisation has the opportunity of receiving training on preventing misconduct. See draft Terms of Reference for Integrity Officers.



When reporting to the integrity officer, it is possible for the integrity officer to protect the identity of the Notifier so that it is not known further in the organisation. If the Integrity Officer is not able to handle the report by him/herself, (s)he may need to call in the support of an external bureau (e.g. Gimd, see below, or any other specialized bureau).

- **TBI's Director**

Anyone may report through the management line. For TBI, being a quite small organization, in practice this means reporting to the director in the absence of a line manager.

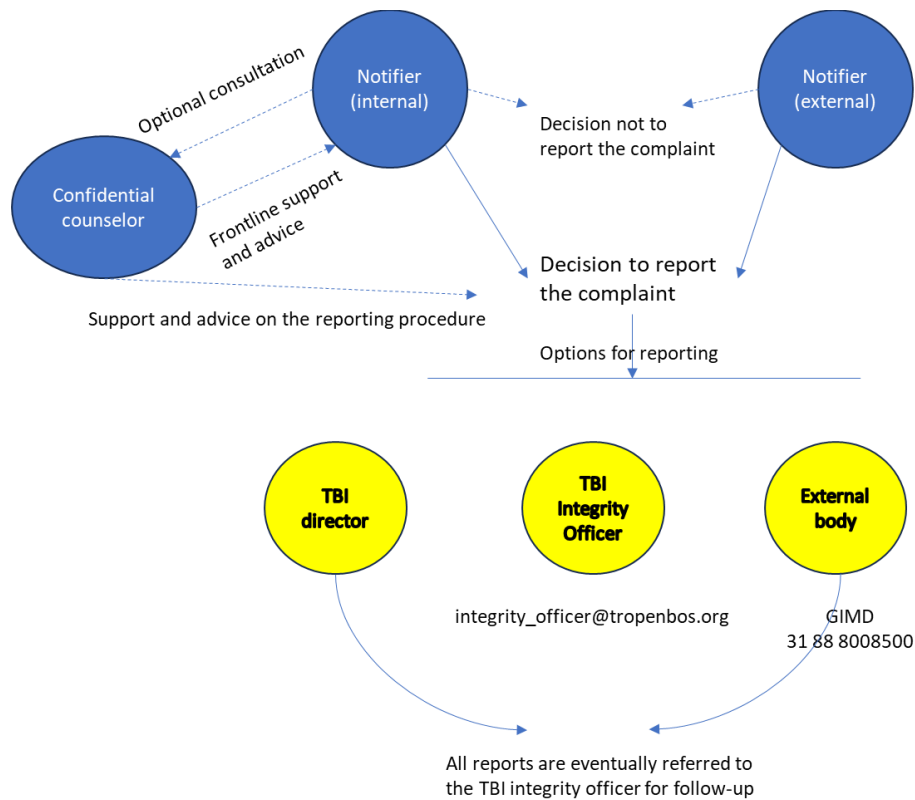
The Director always informs the Integrity Officer about a case and refers it there for handling.

In the case of reporting to the Director, it is not possible to protect the identity of the Notifier as the identity is then already known.

- **External/independent reporting and whistleblower body**

TBI has also appointed an external party who may receive reports. This makes it possible for an employee to report a violation outside of the normal internal channels if (s)he prefers to do so. This external party will refer the case to the TBI Integrity Officer for handling.

- a. Gimd
- b. +31-88-8008500/online form
- c. klantsupport@gmid.nl



TBI complaint procedure

TBI staff and external parties can decide which option of reporting they chose. TBI does not advise anonymous reporting or encourage it. There is no need for anonymous reporting because TBI offers options to protect the identity if the Notifier wishes.

The Notifier can go directly to the external body with his complaint. However, an internal complaint has the advantage that it is the fastest way to address the situation because TBI is directly responsible and has the need to take action.

TBI has contracted Gimd (www.gimd.nl) as an external reporting point for TBI and its staff members. Gimd is one of the channels of reporting for TBI staff and external parties who want to submit an official complaint to TBI or its staff. Reporting to Gimd means that the identity of the Notifier can be protected. Gimd will report back to the integrity officer for further handling. This channel can be used in case the employee has no confidence in TBI's Director nor TBI's Integrity Officer, wants to report a violation of the Board or Director or has good reason to believe that nothing is or will be done internally with the complaint. Hence, in case of structural violations by or within the organisation, Gimd is well positioned to handle whistleblower complaints.

As last resort, when other forms of reporting the allegation have failed, and in case of suspicion of wrongdoing or a potential breach of law, the Notifier can use the whistleblowers protocol. In The Netherlands, the Dutch Whistleblowers Authority (advies@huisvoorklokkenluiers.nl) provides confidential advice, free of charge, to any

employee (or ex-employee, self-employed, volunteer or intern) based in the Netherlands who suspects a possible wrongdoing within his organization. The wrongdoing has to involve a public interest and must be based on reasonable suspicion as well. (<https://www.huisvoorklokkenluiders.nl/english>).

5. Content of the formal complaint report

As soon as the complaint will become official, the complaint will be registered and documented.

A complaint can be made in writing, by e-mail, by telephone, by voice message or in person. If a complaint is made by telephone, other voice messaging system or in person, the Integrity Officer will make written notes and requests the Notifier to check, correct and confirm them in writing.

The Integrity Officer should ensure that complaint/violation reports should be as detailed as possible (especially anonymous ones) and include at least the following information.

- What type of alleged wrongdoing is being reported?
- Where and when did the events occur?
- Which people were/are involved and who had/has knowledge about the matters being reported?
- How did the individual, organisation or company commit the alleged wrongdoing?
- What documents and other sources support the complaint?
- Which steps did the Notifier already take (in changing the situation, addressing the complaints and reporting)?
- What are the expectations of the Notifier towards the channel of reporting?

TBI does not use an obligatory reporting format as it may increase the threshold for reporting. The Integrity Officer could use the TBI form 'Integrity violations report' as a check list and if they wish to standardize the documentation of integrity violations. Notifiers may also wish to check the form to get an impression of the information required for a complete report.

The Integrity Officer, preferably with the support of the Notifier, will collect all supporting documents or include in the complaint where such documents might be located, and identify other possible witnesses who could provide relevant information.

If desired, the confidential counsellor can support with collecting the required information.

6. Follow-up on the complaint

In case of a complaint, TBI will always take action. It will do so taking into account the rights and interests of the Notifier, the one accused, the organisation itself and any legal obligations. TBI will take care to protect all parties involved as far as possible. The ultimate goal should be to stop the integrity violations and repair any damage done. Taking action is also important



for the trust, which is so important for a well-functioning organisation. In a serious situation, TBI will act immediately but always very carefully to all concerned.

The Notifier has the option to request TBI to only file the complaint and not take further action. If TBI agrees that no urgent action needs to be taken, the complaint will be filed and in case a similar complaint comes in, the violation is obviously not an incident and action can be taken. In case TBI has the opinion that the complaint should not be filed but needs direct follow-up, the Notifier still has the possibility to refuse further cooperation with an investigation.

Proper and continuous communication with those involved during the process of the investigation is important. However, deciding what to communicate, when and to whom is a complex process. There is no blanket approach, every case is different. In principle, TBI intends to inform those involved as soon as possible of the reason, nature and type of the investigation from the moment a decision is made to investigate the reported violation.

TBI will keep in mind that there may also be a big impact for the accused, regardless of the outcome. It is not yet known exactly what happened, nor does it have to be yet. The Integrity Officer will also inform the Notifier beforehand that the one being accused might be informed, unless there are good reasons not to do so (e.g. may hamper the ability to carry out a proper investigation or there are doubts whether a violation is at stake). The protection of the identity of the Notifier will be maintained at all times unless the Notifier indicates otherwise.

The one being accused:

- a) has the right to due process, a fair investigation;
- b) has the right to have their name cleared if it is a false accusation;
- c) has the right to have their privacy protected in so far as that is possible;
- d) may need help returning to their work after the process, whether or not it turns out a violation took place. Their reputation may have been damaged, and their working relationships too.

If urgent action is required, this will be taken before any investigation is conducted. Urgent action can be e.g.:

- urgent care for victim/survivor;
- preliminary measures for maintaining order so that regular work can continue;
- additional measures to protect a possible investigation (e.g. suspension, or withdrawal of access).

Where the complaint concerns interpersonal violations, initial support will be offered in the first instance, and it should be shown that the complaint is taken up and taken seriously, with an eye for the Notifier's wishes and needs. In the case of interpersonal violations, the wishes of the victim will always be followed.



A final, general remark: the earlier the concern is reported, the easier it is to take action.

7. Further actions and procedures following reporting²

The Notifier will receive confirmation of receipt of the report of the complaint within 7 days.

As soon as TBI receives a report, an initial conversation between the Notifier and the channel of reporting will be arranged. This initial conversation with the Notifier is crucial. The Notifier must be heard and acknowledged, and the context of the report must become clear. This first conversation is not about assessing the plausibility of the report, but about clarifying the report and ensuring there is enough information to make an initial assessment. The channel of reporting will explain the process and the role of the Integrity Officer, who will handle all reports.

The process following the reporting of a complaint, in short:

- 1) receipt of the report and clarification of details with notifier
- 2) triage (is this about integrity or something else)
- 3) preliminary assessment (is this about a possible integrity violation and what is the most appropriate way to follow up, disciplinary investigation, or something else)
- 4a) investigation according to a protocol
- 4b) other follow up measures, including restorative justice for interpersonal violations
- 5) sanctions protocol - how are disciplinary measures decided

Within one month after receiving the report, the Notifier will be informed about the progress and if possible, the results of the investigation. If the investigation requires it, this time period can be extended, and the Notifier will be informed about the investigation so far and the further necessary steps.

When a report reaches the TBI Integrity officer (directly or through one of the other channels), the latter is responsible for the follow-up of the report.

An important step is the triage, which includes a check if similar complaints are reported on followed by a preliminary investigation to determine. This triage (or a preliminary

² Adapted from Partos Roadmap Integrity System (<https://www.partos.nl/en/wp-content/uploads/sites/2/2023/06/GDN-Partos-Roadmap-Integrity-System-v3.pdf>) and Funds for NGOs Whistle Blowing Policy (www.fundsforngos.org/microfinance-human-resources/whistleblowing-policy-human-resource-policy-microfinance-companies/).



assessment) provides the basis on which the integrity officer comes up with a reasoned advice to management about necessary follow-up steps (see also Partos Integrity System Guide 2022, pages 12-13). This includes the decision on whether or not a disciplinary investigation is needed, or whether some alternative action would be more appropriate. If the violation appears to be a criminal offence, the Integrity Officer will ensure that it is reported to the competent authorities. It also needs to be considered whether a disciplinary investigation is warranted, or whether that would do more damage to the victim. In such a case it may be decided to do restorative justice for the victim, provided by the offender and the organization. At this stage, it also needs to be decided whether a risk assessment is needed, followed by appropriate measures to prevent similar situations from happening again.

If further disciplinary investigation is warranted, the Integrity Officer will nominate and instruct experts (probably external) and ensure there is a budget for required actions. If the investigation is complex, the Integrity Officer will consult the external body Gimd³ or another, specialized external bureau. If no further investigation is warranted, TBI may wish to conduct e.g. a risk analysis to draw lessons for the future.

The Director takes the decisions on the follow-up of the report based on the independent and professional advice from the integrity officer. In principle the Director follows this advice, unless there is a strong justification not to.

If the investigation concludes that a TBI employee has indeed committed an integrity violation, the Integrity Officer will request an employment law specialist to provide advice on the appropriate disciplinary action/punishment, which then will be submitted to the Director. The Director makes the final decision about the imposition of any disciplinary action/punishment.

8. Anonymity and confidentiality⁴

All information on the complaints will be highly confidential, unless both parties agree, in written, to make the complaint public while ensuring the privacy and interest of the Notifier and persons involved in the (alleged) violation. At their request, official bodies may get access to the information on the complaint.

All complaints will be reported as either confidential (in which case the person's identity will be known only to the Integrity Officer or the external body, not if the Director is chosen as channel of reporting, and will be kept confidential), or anonymous (in which case no one, not even the 'the channel', will know that person's identity). The choice between confidential or anonymous reporting is that of the Notifier alone. The way how TBI's reporting procedure is set up, there is no reason to report anonymously, because there are sufficient protections for those reporting. This is guaranteed by law. And in practice, TBI can often not do much with anonymous reports. If you do not know who has reported, it is very

³ With GIMD as possible reporting point, and as an investigator, Gmid cannot be the body that advises TBI whether to investigate.

⁴ Sections on 'Anonymity and confidentiality' and 'Protection' are adapted from the whistleblower policy of the Global Fund www.theglobalfund.org/media/2942/core_whistleblowing_policy_en.pdf?u=63700181824000000.



difficult to get further clarifying information, or to assess the reliability of the report. It also makes investigation extremely difficult and sometimes impossible. For those reasons, TBI does not encourage anonymous reporting.

The Notifier's identity will not be disclosed within the organisation or to external organisations. The only exceptions to this assurance may be where TBI is required to comply with separate legal obligations such as a court order. Importantly, the TBI assurance of confidentiality can only be completely effective if the Notifier likewise maintains confidentiality.

If an allegation is made in good faith but it is not confirmed by the investigation, no action will be taken against the Notifier and no retaliation against the individual will be tolerated. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the TBI Notifier. TBI is prepared to support the one who is wrongly accused in the prosecution of the Notifier for slander.

If the whistle blower complaint accusing TBI is made on false grounds by an external Notifier, and TBI or the accused staff member experiences reputational or other damage, TBI will support the accused if (s)he wants to request an official rectification and, in case the Notifier refuses to do so, support its enforcement through court.

9. Protection against disadvantage

Reporting persons (who report in good faith) and those who are involved in the handling of reports are legally protected against disadvantage. This policy incorporates and embodies those protections.

Following the whistle blower protection act (see <https://www.wetbeschermingklokkenluiders.nl/english>), in case of dispute on a possible disadvantage, TBI has to prove that the whistle blower has not been disadvantaged, not the whistle blower him/herself.

If the Notifier has good and proven grounds to accuse TBI that there has been disadvantage in connection with reporting the suspicion of integrity violation, wrongdoing or a breach of Union law, the Notifier can request Gimd or the House of Whistleblowers to investigate the way in which the Notifier is treated within TBI.

10. Implications for TBI

TBI will record and monitor agreements made in order to prevent integrity violations from being repeated. The success of a (reporting) process depends among other things on the course of the process, the provision of information and the way people deal with each other.

From the reporting process and content of the report, TBI may conclude that structural changes and improvements are needed in the organization. E.g. if the complaint seems to be caused by the working atmosphere and behavior of people among themselves in the working environment, or a certain style of leadership or lack of it. TBI may wish to conduct an



investigation in the 'organizational culture', risk analysis, audit or the like as attempt to identify the underlying causes and solve these structural problems.

11. Final provisions

In unforeseen circumstances not provided for in this Policy, the Board decides on the appropriate course of action.

This Policy enters into force on **March 1, 2024** and replaces all previous complaints regulations concerning integrity.

This Policy is published on the website of TBI.