

ANNUAL REPORT

**2017**

**WHISTLEBLOWERS  
AUTHORITY**

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## Introduction

This is the Whistleblowers Authority's 2017 annual report. The year 2017 is characterised as a challenging year for the Whistleblowers Authority. After its inception on 1 July 2016, reality proved more challenging in terms of fulfilling expectations and our own ambitions in a short period of time. This is why the Board decided to step back in late 2017 in order to create room for an integral restart.

In the coming period, the Whistleblowers Authority will energetically push forward to implement the recommendations of the Ruys report. This primarily prioritises conducting and completing research and streamlining the organisational structure and work processes. At the time of preparing this report, the first steps had already been taken.

# 1 Advice

## 1. Advice

### Advising whistleblowers

The Advice department informs, advises and supports whistleblowers. This is defined as employees who mentioned or reported suspected abuse or wrongdoing, or are considering this in the near future. Both employees and former employees, freelancers, contractors, volunteers and apprentices may report to the Whistleblowers Authority's advisers.

Once reporting to the Advice department of the Whistleblowers Authority, the whistleblower is assigned a single point of contact. Based on the information available, the contact determines if this concerns a work-related abuse of the public interest, and if the request for advice can be accepted for processing. The purpose of the advisory process is to provide advice and support to the whistleblower as much as possible with respect to internal reporting of the abuse with due care. The whistleblower is always the person who determines whether or not to proceed with submitting a report.

The risks of filing a report are also pointed out to the reporter, and the impact that this

can potentially have on the individual's work and private life.

After all, the majority of whistleblowers is still negatively affected after filing a report. Additionally, the expected duration of the situation is difficult to estimate. This frequently causes ongoing stress and even psychological complaints. In that case, the reporter can make use of the psychological support provided via the Whistleblowers Authority.

### 471 requests for advice in 2017, 39 of which were whistleblower issues.

#### Trends and developments in 2017

In 2017, the Advice department of the Whistleblowers Authority received 471 new requests for advice. In 39 cases, the situation was classed as a whistleblower issue. In 178 cases, this was not immediately clear. The remaining 254 cases did not concern any whistleblower issues. In

the latter cases, the applicants were referred to the correct institution.

In terms of the sectors where the whistleblower issues received in 2017 occurred, 31% of all cases was situated in the private sector, 41% in the public sector and 28% in the semi-public sector. In 2016, the respective percentage were 50% private sector, 29% public sector and 21% semi-public sector. In almost three quarters of all cases, the suspected abuse related to legislation and regulations.

In virtually all cases received in 2017, the whistleblower had already reported or addressed the situation internally before contacting the Whistleblowers Authority. Remarkably, almost two-thirds of whistleblowers indicated they were negatively affected by their report. In most cases, this concerned termination or non-renewal of the employment contract. Additionally, an increasing number of whistleblowers indicated they experienced a culture of fear within the organisation.

Figures

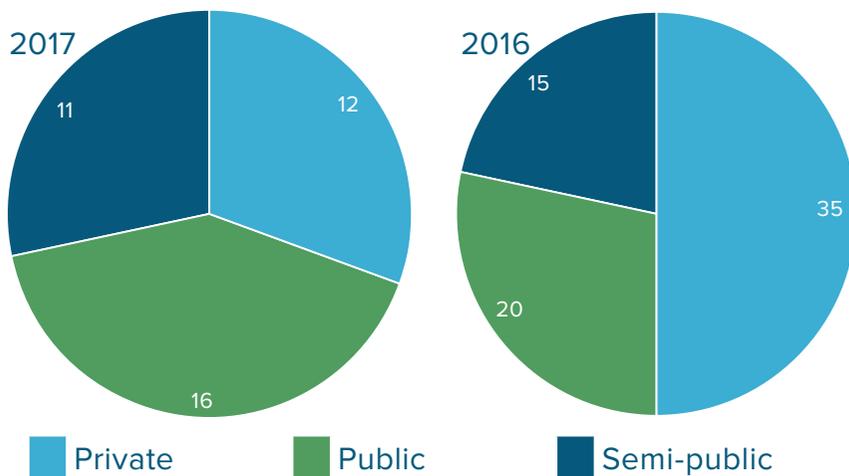
Requests for advice processed in 2017

|  | Whistle-blower | Not yet known | No whistle-blower | Total      |
|--|----------------|---------------|-------------------|------------|
| New requests for advice received in 2017                     | 39             | 178           | 254               | 471        |
| Cases in progress received in 2016 (as at 2016 closing date) | 42             | 107           | 0                 | 149        |
| <b>Total in progress</b>                                     | <b>81</b>      | <b>285</b>    | <b>254</b>        | <b>620</b> |

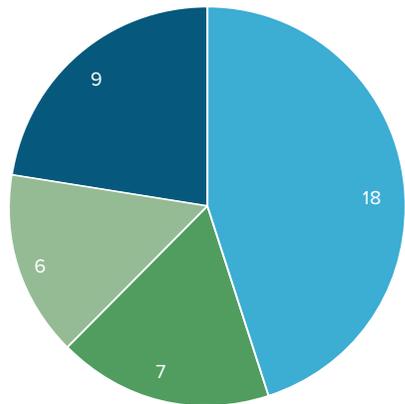
Cases taken into 2018

|   | Whistle-blower | Not yet known | Total     |
|---|----------------|---------------|-----------|
| Started in 2016 and still in progress (as at 2017 closing date) | 23             | 3             | 26        |
| Started in 2017 and still in progress (as at 2017 closing date) | 23             | 47            | 70        |
| <b>Total still in progress (as at 2017 closing date)</b>        | <b>46</b>      | <b>50</b>     | <b>96</b> |

Sectors where newly received whistleblower cases are situated (total 2017: 39, total 2016: 70)



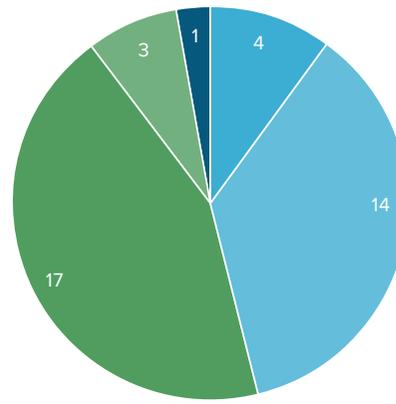
*Nature of issue whistleblower cases 2017 (total: 40)*



- Non-compliance with regulations or instructions
- Hazard to health, safety or the environment
- Fraud, embezzlement or theft
- Other

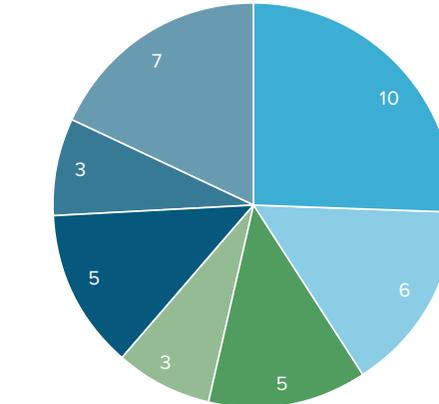
\*One whistleblower case involved two categories.

*Phase in reporting process upon receipt of whistleblower cases 2017 (total: 39)*



- Preliminary phase - not yet reported
- Addressed internally
- Reported internally
- Reported both internally and externally
- Only reported externally

*Consequences after reporting whistleblower issues 2017 (total: 39)*



- Termination or non-renewal of employment contract
- Bullied, isolated, threatened, pressurised
- Sick leave (own initiative or forced)
- Other
- No negative consequences
- N/a (not yet reported)
- Unknown

# 2 Investigation

## 2. Investigation

### Investigation into abuse or treatment

Employees can ask the Investigation department of the Whistleblowers Authority to start an investigation. This happened 19 times in 2017. Investigations may focus on suspected abuse or wrongdoing, the way the employer treated a whistleblower after internally reporting the abuse, or a combination of the two.

Based on a number of statutory conditions (the admissibility requirements), the Investigation department assesses whether the application can be processed and whether the investigation is feasible. Grounds for rejection may include the issue not being classed as abuse of the public interest, or that the reporter has no employment relation with the relevant organisation.

Upon completion, a report is prepared for each investigation and published on the Whistleblowers Authority's website. This publication does not contain names of persons or organisations.

### Trends and developments in 2017

In 2017, seven investigations were ongoing in the Investigation department of the

Whistleblowers Authority. The majority of the investigations started up relates to the way the whistleblower was treated by the employer. No investigations were completed during 2017.

### 85% of all investigations focus on the negative consequences for the whistleblower

In terms of the number of whistleblower issues received in 2017, it is remarkable that most whistleblowers work in the public sector (58%). In 2016, this was just over 40%. The number of investigation requests from whistleblowers working in the private sector decreased in 2017. In almost half of all requests for investigation, the nature of the abuse related to non-compliance with regulations or instructions.

Most investigation requests were not preceded by an advisory process from the Advice department. In such cases, the department conducts a preliminary

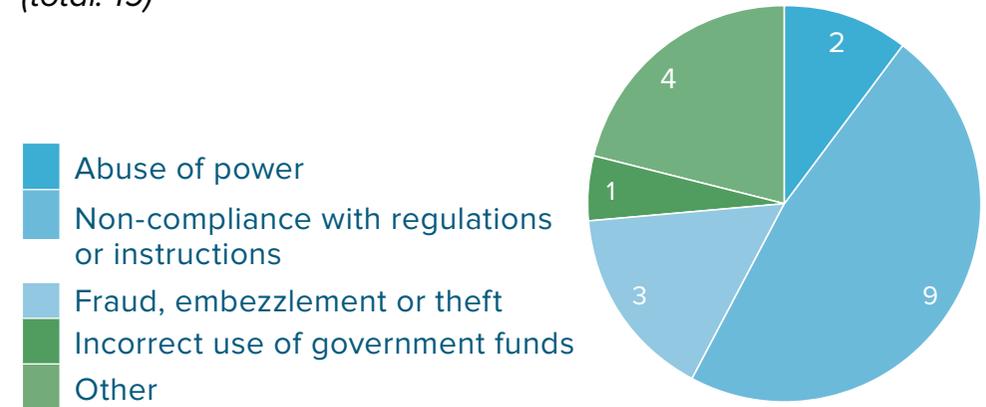
assessment to determine whether or not this concerns a whistleblower issue.

Figures

Investigations in progress in 2017

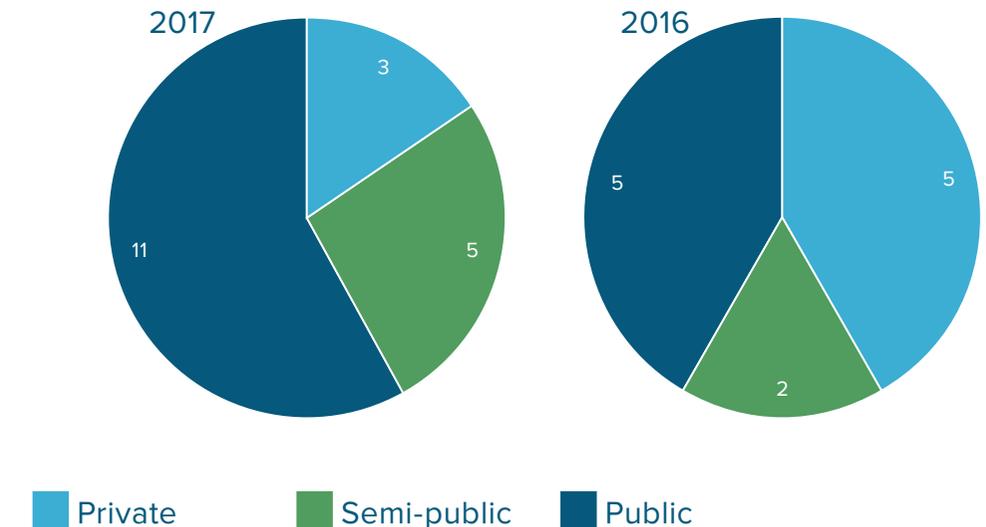
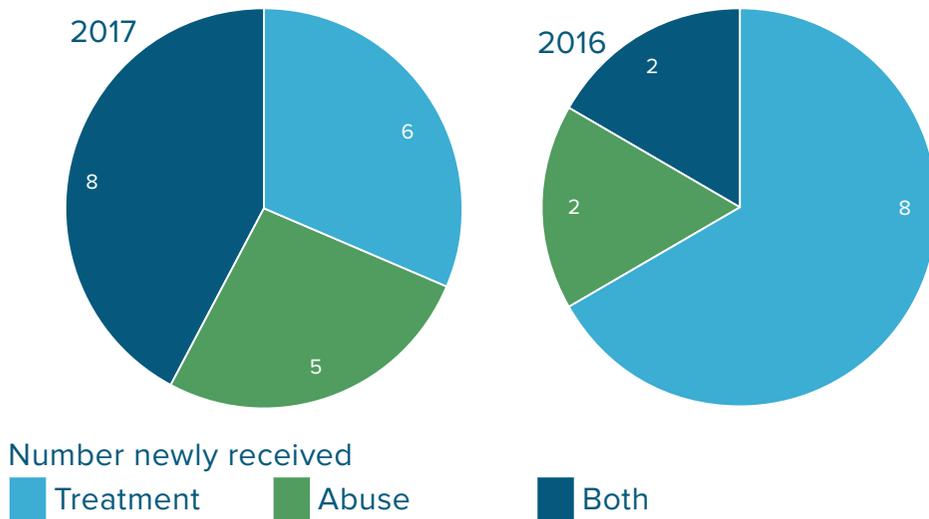
|   | Treatment | Abuse | Both | Total |
|---|-----------|-------|------|-------|
| Under investigation (as at the 2016 closing date) | 4         | 0     | 0    | 4     |
| Accepted for investigation in 2017                | 2         | 0     | 1    | 3     |
| Completed during 2017                             | 0         | 0     | 0    | 0     |
| Under investigation (as at the 2017 closing date) | 6         | 0     | 1    | 7     |

Nature of abuse in requests received in 2017 (total: 19)



Requests for investigation in 2017 compared with 2016 (total 2017: 19, total 2016: 12)

Number of requests by sector (total 2017: 19, total 2016: 12)



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# 3 Research & Prevention

## 3. Research & Prevention

### Information regarding integrity and whistleblowing

The Research & Prevention department investigates whistleblowing issues and integrity management, shares knowledge and develops practical instruments for employers. The objective is to prevent wrongdoing and abuse and the ensuing whistleblower issues. By creating more awareness of the usefulness and need of a structured integrity policy among employers, the Whistleblowers Authority also has a preventive impact.

In 2017, the Research & Prevention department processed 513 questions from employers, for example regarding preparing a reporting procedure, appointing a Confidence Officer and integrity issues in a broader sense. Additionally, 28 presentations were given to employers and professionals, some of which in an international context. Within the European Union (EU), attention for adequate procedures for whistleblowers is increasing. For example, in October, the European Parliament voted for a proposal regarding EU-wide legislation to protect whistleblowers.

### Trends and developments in 2017

In the fall of 2017, the Research & Prevention department published a survey into the extent of implementation of the reporting procedure in organisations (this is mandatory since 2016). The department also surveyed how the integrity policy was perceived within organisations.

**Only 48% of all organisations actually implemented a reporting procedure in compliance with current statutory requirements.**

From the 2017 Reporting Procedure and Integrity Facilities Review, completed among three hundred Works Council members in all sectors, it is clear that employers are not providing adequate conditions required to safely report

any abuse or wrongdoing. Almost 80% of all organisations with more than fifty employees has a reporting procedure (this is a statutory requirement). Only 48% has a reporting procedure that is in compliance with current statutory requirements. In particular small and medium businesses are not up to date in this respect.

Only one in three Works Council members thinks that colleagues would be brave enough to report any abuse or wrongdoing. One in seven Works Council members says that their organisation has a culture of fear. The semi-public sector is the least positive regarding the organisational culture. According to the survey, half of the Works Council members is not frequently informed regarding the number of reports or non-compliance determined (this is a statutory requirement).

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# **4** Organisation and operational management

## 4. Organisation and operational management

### Board

The Board consisted of the following members in 2017:

- Mr P.A.M. Loven,  
Chairman (up to 15 oktober 2017)
- Ms E.L. Snoeij,  
Board member Advice (up to 15 oktober 2017), interim Chairman (as from 15 oktober 2017)
- Ms C.A. Nooy,  
Board member Advice
- Mr G.E.L.M. de Wit,  
Board member Investigation
- Ms A.M. Zwaneveld,  
Board member Investigation

### Advice regarding restart of the Whistleblowers Authority

In the summer of 2017, the Board concluded that one year after the inception of the Whistleblowers Authority, insufficient progress was made on the structure of the Whistleblowers Authority, with insufficient clarity on the strategy to be implemented. As a result, the Board requested Mr Maarten Ruys to issue an advice on the future structure of the Whistleblowers

Authority, the organisational structure and the required competencies. In his report of 14 December 2017 'Advice regarding restart of the Whistleblowers Authority: advice, independent research and prevention', Mr Ruys sets out the outcome of his audit, a number of recommendations and an advice to restart the Whistleblowers Authority. As a result, the Board decided to resign as from 8 January 2018.

As per 8 January 2018, Mr Erwin Muller was appointed as the interim Chairman of the Whistleblowers Authority. Mr Muller will serve as the interim Chairman until a new Board has been appointed.

### Operational management

#### Office and personnel

The office has a work force of 17.6 FTE as at 31 December 2017. 17.04 FTE of the total number of positions has been filled. A total of eighteen employees work for the office. The average age of the staff is 46.5 as at 31 December 2017. The average number of years of service is 1.1. The sick leave rate in 2017 is 4.9% (1.1% in 2016).

#### Budget and implementation

The 2017 budget for the Whistleblowers Authority was €3.0 million. The realisation amounted to €2.3 million in 2017. The main reason for this surplus is that in 2017, no external support was hired for the Whistleblowers Authority's investigations.

#### Processing complaints

People who are not satisfied with the service provision of the Whistleblowers Authority have the option of filing a complaint. Initially, the organisation will attempt to resolve the complaint informally by telephone. If this does not satisfy the plaintiff, or if informal resolution of the complaint would be inappropriate, the formal complaints procedure is started.

## Figures

### *Number of employees*

|                                       | Female | Male | Total |
|---------------------------------------|--------|------|-------|
| Number of employees as per 31-12-2016 | 8      | 5    | 13    |
| Inflow 2017                           | 3      | 2    | 5     |
| Outflow 2017                          | -      | -    | -     |
| Number of employees as per 31-12-2017 | 11     | 7    | 18    |

### *Complaints processing*

| Received 2016 | Received 2017 | Completed 2017 | Informal | Formal |
|---------------|---------------|----------------|----------|--------|
| -             | 5             | 5              | 5        | -      |

## Colophon

This is a publication of the Whistleblowers Authority.

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