

Whistleblower regulation U-center

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Preamble

Since 1 January 2017, a renewed Zorgbrede Governance Code has been in effect for the branch organizations in the healthcare sector. This code stipulates that U-center can be approached on reports made in good faith of reasonable suspicions of irregularities or abuses within the organization by employees and others who are in a contractual relationship with U-center, without the reporter being harmed in this respect. or its legal position.

With this whistleblower regulation, the instructions for the application of a notification and whistleblowing scheme are given, with the aim of contributing to the improvement and, if necessary, correcting the organization's own functioning. In doing so, account was taken of the reference in the Code to the building blocks of the "Declaration on dealing with suspicions of misconduct in enterprises" of the Labor Foundation (publication number 6/03, dated 24 June 2003).

This whistleblower regulation is drawn up in accordance with the whistleblower regulation for Branche organization Care (BOZ).

With the application of this regulation, U-center implements 2.5.2 of the Healthcare-wide Governance Code_version 2017.

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Chapter 1: Definitions

In this arrangement the following definitions apply:

1. Reporter: the employee and others who are in a contractual relationship with U-center and for whose work U-center is responsible. This also includes temporary workers, seconded employees and other hired employees.
2. a suspicion of an irregularity: a suspicion based on reasonable grounds of an imperfection or injustice of a general, operational and / or financial nature that takes place under the responsibility of the care organization. These are irregularities that are so serious that they fall outside the regular work processes and exceed the responsibility of the (direct) supervisor.
3. a suspicion of misconduct: a suspicion based on reasonable grounds of an abuse, ie an illegal or immoral practice, which takes place under the responsibility of U-center B.V. and where a major social interest is at stake, in connection with:
 - a. a (threatening) criminal offense, such as theft, corruption and forgery;
 - b. a (threatening) violation of laws and regulations;
 - c. a threat to public health, safety or the environment;
 - d. a (threat of) knowingly incorrectly informing public bodies;
 - e. a (threatening) waste of social / collective resources;
 - f. a (threat of) consciously withholding, destroying or manipulating information about these facts.
4. Management: the person (s) who is (are) appointed as (a member of) the management of the healthcare organization.
5. Supervisory Board: those who have been appointed as members of the Supervisory Board of the healthcare organization.
6. Counselor: counsel is any person who enjoys the reporter's confidence and who, on account of his profession or office, is subject to a duty of confidentiality with regard to the person reported to him / her.
7. Confidential counselor: the person appointed by the Management Board to act as such for U-center.
8. External report: report to an external third person or organization as referred to in Chapter 3 of the suspicion of misconduct.

Chapter 2: Internal procedure

Article 2.1: Internal notification

1. The reporter shall report a suspicion of an irregularity to the Chairman of the Board of Management in accordance with the procedure described in this regulation.
2. If the report of a suspicion of an irregularity concerns the performance of the Management Board, this will take place at the Chairman of the Supervisory Board.
3. Unless there is an exception as referred to in Chapter 3 under 2, the reporter shall report suspected malpractice to the Chairman of the Management Board in accordance with the procedure described in this regulation.
4. The Management Board may elect to appoint a confidential adviser as referred to in Article 2.2 for the internal reporting of a suspicion of an irregularity or misconduct.
5. The official referred to in the previous paragraphs who has received the report shall record this report in writing with an indication of the date of receipt and have the report signed by the reporting party for approval, which shall receive a copy thereof. In the event of application of paragraph 2, the receiving official informs the Board of Directors as soon as possible of a reported suspicion of an irregularity or a report. misconduct indicating the date on which the report was received.
6. If the report has been filed with the confidential adviser, he will inform the Board of Management in the case of application of paragraph 2, the Supervisory Board, in a manner agreed with the reporting party.
7. The Chairman of the Management Board or of the Supervisory Board will send a confirmation of receipt to the notifier within one week of receipt of the notification. The acknowledgment of receipt refers to the original notification.
8. Upon receipt of the report, an investigation will be started as soon as possible. The Management Board and the Supervisory Board assess whether an external third party as referred to in Chapter 3 must be informed of the suspicion of misconduct.
9. Both the reporter and the person to whom the suspicion of an irregularity or misconduct has been reported will treat the report confidentially.

Article 2.2: Confidential counselor

1. The Management appoints the confidential adviser (see Chapter 5 Final Provisions) as recipient of the notification of a suspicion of an irregularity or misconduct. The confidential adviser can act as a process monitor in the reporting procedure.
2. The counselor functions with authority, credibility and is in that capacity independent of (the management of) the care organization.
3. If the confidential adviser is an employee who is employed by the healthcare organization, then the legal protection applies to the confidential adviser.

Article 2.3: Counselor

1. Within the framework of the report of a suspicion of an irregularity or misconduct, the reporter can call in a lawyer and, if so desired, be represented by him.
2. If counsel is an employee who is employed by the care organization, legal protection applies to legal counsel.

Article 2.4: Position

1. Within a period of eight weeks from the moment of the internal notification, the notifier will be informed in writing by the Board of Management or by the Supervisory Board of the substantive opinion regarding the reported suspicion of an irregularity or a mistake. This also indicates the steps that led to the report. The position is formulated with due observance of the possibly confidential nature of the (business) information to be provided and the applicable legal provisions, such as privacy regulations.
2. If the position can not be given within eight weeks, the notifier will be notified in writing by the Management Board or by the Supervisory Board. This indicates the period within which the reporter can view the position. This additional term may not exceed four weeks.

Chapter 3: External notification

1. After having followed the internal reporting procedure referred to in Chapter 2, the reporter can report a reasonable suspicion of an abuse to an external third party as referred to in this article if:
 - a. the reporter disagrees with the position as referred to in article 2.4 and is of the opinion that the suspicion has been wrongly set aside;
 - b. the reporter has not received a position within the period (s) as referred to in Article 2.4.
2. The reporter can report a reasonable suspicion of misconduct to the internal reporting procedure directly in the following situations by means of:
 - a. acute danger, where an important and urgent social interest necessitates immediate external reporting;
 - b. a situation in which the reporter can reasonably fear countermeasures as a result of the internal report;
 - c. a clearly identifiable threat of embezzlement or destruction of evidence;
 - d. an earlier notification in accordance with the procedure of the same misconduct, which did not eliminate the misconduct;
 - e. a legal obligation to direct external notification.
3. The external third party within the meaning of this regulation is any person or (representative of an) organization, not being the Confidential Counselor or a Counselor, to whom the reporter reports a suspicion of misconduct in good faith because his or her reasonable opinion there is such an important societal interest that in the circumstances of the case this interest must outweigh the importance of U-center in secrecy. In addition, the reporting of the suspicion of misconduct must take place to the external third party who, according to the reasonable opinion, is most eligible, such as the Health Care Inspectorate, the Labor Inspectorate or the Public Prosecution Service. The reporter, on the one hand, takes into account the effectiveness with which the external third party can intervene and, on the other hand, the importance of U-center with the least possible damage as a result of that intervention.

Chapter 4: Legal protection of the detector

1. The reporter of an irregularity or misconduct who acts with good faith in good faith, both formally and materially, shall be protected in his legal position. This means that the reporter is in no way prejudiced in his legal position vis-à-vis the care organization by or on account of his or her notification of an irregularity or misconduct.
2. Legal position decisions, if and insofar as these relate to the reporting of a reasonable suspicion of an irregularity or misconduct which in any case fall under the legal protection referred to in paragraph 1, are decisions aimed at:
 - a. granting dismissal, other than at your own request;
 - b. terminating early or not extending a temporary employment contract;
 - c. not converting a temporary employment contract into a permanent employment contract;
 - d. moving or transferring or refusing a request to do so;
 - e. taking disciplinary action;
 - f. refrain from salary increase;
 - g. abstain from promotion opportunities;
 - h. rejecting leave.
3. Formally careful handling occurs if:
 - a. the notifier has first raised the relevant facts internally as referred to in Chapter 2, unless this could not reasonably be expected of him / her as provided for in this regulation;
 - b. the notifier makes the facts known in an appropriate and proportionate manner in the event of an external report as provided for in this regulation.
4. Material handling is deemed to exist if:
 - a. the notifier has a suspicion based on reasonable grounds that the facts in question are correct;
 - b. the external disclosure is in the public interest as referred to in Chapter 1 under 3;
 - c. the importance of public external disclosure prevails over the importance of U-center in secrecy.

Chapter 5: Final provisions

1. This regulation comes into effect on 1-12-2012.
2. This regulation is made public.
3. From the moment of entry into force, ... a confidential adviser has been appointed for the benefit of this scheme.