



WHISTLEBLOWER POLICY

TOPIC: WHISTLEBLOWER POLICY

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INTRODUCTION AND PURPOSE

Whistleblowing

The disclosure of information - relating to corrupt, illegal, fraudulent or dangerous activities which are committed in or by organisations in the public or private sector that are of importance to or a threat to the public interest - to persons or entities who are assumed to be in a position to be capable of taking action. (Transparency International)

These activities often come to light due to internal or external alerts. The purpose of this policy is to ensure both the integrity of OTTO Work Force and optimal service to and in the interest of clients, employees, and others. This is done by informing everyone involved in this arrangement about the procedure and safeguards in place for reporting such a breach.

This policy describes how someone who works or has worked with, for, or on behalf of OTTO Holding can confidentially report (suspicions of) misconduct within OTTO. Such reports can always be made through Management, the Executive Board, or a member of the Board of Directors, but also directly or anonymously to the designated Whistleblower Contact Person within the OTTO Holding (hereinafter referred to as the "Holding Contact Person") or externally to the competent authority.

Report to OTTO

Reports of misconduct and malpractices within OTTO can, in principle, be made confidentially through the following channels:

1. Your manager;
2. The HR department;
3. Our internal confidential advisers Harald Nijenhuis and Pastor Krzysztof Obiedzinski;
4. Our external confidential advisor Karolina Jokel (Karo Psychology Practice, info@karo-psychologie-praktijk.com or [06-53757407](tel:06-53757407)).
5. Holding Contact Person
6. SpeakUp (<https://www.speakupfeedback.eu/web/ottoworkforce>)



The CHRO OTTO Holding (Justyna Kooijmans) is the designated Holding Contact Person as a member of the Holding Board. The Whistleblower can make an (anonymous or confidential) report of misconduct to the Holding Contact Person. Based on reported facts, the Holding Contact Person decides whether an investigation will be initiated. The identity of the employee is confidential. When reporting via SpeakUp, anonymity is guaranteed. Reporting a problem has no consequences for the reporter (see Article 5).

To keep the threshold for reporting as low as possible, reports are treated confidentially and the anonymity of the reporter can be guaranteed. Reporting has no consequences for the reporting person and their immediate environment. The procedure and safeguards regarding notifications to OTTO are described in the following articles.

The Holding Contact Person can also be consulted confidentially in cases of suspected misconduct or when there is doubt about the facts and circumstances. In case of doubt or when advice is needed, a (potential) whistleblower can also contact the "[House for Whistleblowers](#)" for consultation

External Reporting

Reports of (suspicions of) malpractice, a matter of public interest, or a breach of EU law can also be reported externally or to a qualified authority. This also applies when it concerns an entity outside the OTTO Holding (for example, clients, suppliers, or service providers). These reports can be made to the relevant entity or to a qualified authority. In case of doubt or when advice is needed, a (potential) whistleblower can contact the "[House for Whistleblowers](#)" for consultation.

The qualified authority may vary depending on the subject to which the report pertains. Notifications regarding competition and market regulation can be made to the [ACM](#) (Netherlands Authority for Consumers and Markets), and GDPR violations can be reported to the Dutch Data Protection Authority. In addition to the qualified authority or when the qualified authority is unknown, reports can also be made to the "[House for Whistleblowers](#)." It is also possible to report non-compliance with the Dutch Federation of Private Employment Agencies membership criteria to the [Dutch](#) Federation of Private Employment Agencies.



ARTICLE 1. DEFINITIONS

We use the following definitions in this Policy:

1. **Whistleblower:** the person (employee, staff member, intern, externally hired employee, employee of suppliers and clients, and other employee) who reports misconduct (or suspected misconduct) in accordance with this policy.
2. **Holding Contact Person:** the contact person who handles the whistleblower reports. This means, among other things, that he/she is the point of contact for the whistleblower and the person who conducts or supervises the investigation after the report and monitors the follow-up within the OTTO organization.
3. **Malpractices:** when one suspects, is aware of, or becomes aware of circumstances that may indicate non-compliance with laws, regulations, policies, and/or generally accepted principles and standards of good conduct. This can be (un)conscious behavior, but it can also relate to the absence of required behavior. For example, but not limited to:
 - a. Non-compliance with laws and regulations, such as
 - Product safety and product compliance
 - transport safety
 - environmental protection
 - food and feed safety, animal health and animal welfare
 - public health
 - consumer protection
 - protection of personal data
 - b. A criminal offense
 - c. Violation or otherwise non-compliance with the (intent) of regulations and policy
 - d. Deception and fraud
 - e. Withholding important information
 - f. Acting (or failing to act) in a manner that negatively affects the public interest and/or the interest of the employee and/or client and/or OTTO.
 - g. Behaviors and practices that can directly or indirectly harm the good name of OTTO in any way.



ARTICLE 2. NOTIFICATION TO THE HOLDING CONTACT PERSON

If the whistleblower, for any reason, does not want to report the (suspicion of) misconduct to the (responsible) management, the whistleblower can contact the Holding Contact Person. External reporting is always an option as well (see “External Reporting” in the introduction).

1. The person who wants to report misconduct to the Holding Contact Person can do so in various ways:
 - a. In writing: via a letter to the Holding Contact Person or via email (complaints@ottoworkforce.eu).
 - b. Oral: if the reporter wants to report orally (in person or by phone), he/she can send an email. Then the Holding Contact Person will contact the reporter. If the Holding Contact Person is informed verbally, the Holding Contact Person will ask the whistleblower for approval to record the report. Upon approval, the Holding Contact Person will prepare a written report of the notification. This report will be shared with the whistleblower for review of accuracy and completeness. The whistleblower is asked to confirm the content of the recorded report and is given the opportunity to modify and/or supplement the recorded report where necessary.
 - c. Anonymous: the anonymity of the reporter is guaranteed by using the [SpeakUp platform](#). The platform offers the possibility to make a report both online and by phone. If the reporter reports anonymously, reports through this platform cannot be traced back to the reporter by OTTO.
2. For the purpose of conducting an investigation, the whistleblower's report to the Holding Contact Person preferably contains:
 - a. The way in which the Holding Contact Person can get in touch with the whistleblower;
 - b. All available information or references to the information needed to assess the notification and possibly initiate an investigation into the reported misconduct.
3. All whistleblowers who have reported to the Holding Contact Person will receive a written acknowledgment of receipt within a maximum of 5 working days after the report. The confirmation contains a description of the facts and circumstances regarding the misconduct that the Holding Contact Person has been informed of and the date on which the notification was received by the Holding Contact Person.
4. All reports made are recorded in the Whistleblower Registry.
5. All records will be destroyed once their existence is no longer required by laws and regulations.
6. Reports are anonymously submitted to the management of the OTTO organization.



ARTICLE 3. DILIGENCE

1. The Holding Contact Person decides whether an investigation will be initiated. And provides advice on necessary steps if the results of the research into the opinion of the Holding Contact Person give reason to take action.
2. The Holding Contact Person may decide not to initiate an investigation if it is clear that:
 - a. the notification does not refer to any misconduct;
 - b. the reported malpractices are not serious enough to warrant an investigation, or
 - c. the information provided by the whistleblower together with the report proves insufficient to form a judgment about the report.
3. The Holding Contact Person will inform the whistleblower of this decision and the reasons for it. Upon request, he/she will confirm this information in writing to the whistleblower. If this decision is not satisfactory for the whistleblower, he/she can always make an external report as described in the introduction.
4. If the Holding Contact Person decides to investigate the reported misconduct, he/she ensures an immediate start of the investigation. In that case, the Holding Contact Person will directly inform the whistleblower of this decision in writing. The aim is to complete the research as soon as possible. The results of the research are provided in writing directly to the Holding Contact Person.
5. When an investigation is initiated, the Holding Contact Person informs the whistleblower about the progress. The whistleblower will be informed no later than 3 months after the report, but preferably as soon as there are (significant) developments to report.
6. Within two weeks after the completion of the investigation, the Holding Contact Person decides, based on the results of the investigation, whether further action should be taken. The Holding Contact Person will inform the whistleblower directly of the decision and the grounds on which it was made.
7. If the Holding Contact Person decides that it is necessary to take further action, he/she will duly advise the Board of Directors. This advice may include, but is not limited to, a transfer, suspension, or other disciplinary or employment law measures, with immediate dismissal not being excluded.
8. The Board of Directors makes a decision based on the advice of the Holding Contact Person. The Holding Contact Person will directly communicate the decision in writing to the whistleblower.
9. The Holding Contact Person ensures that the decision of the Board of Directors is implemented immediately.
10. The Holding Contact Person oversees the effects and consequences of the decision. At the request of the person or persons to whom the decision pertains, the Holding Contact Person must be provided with all the information he/she needs to determine if and how the decision is perceived. If the measures taken do not have the desired effect, the Holding Contact Person will inform the Board of Directors of this in writing.



ARTICLE 4. CONFIDENTIALITY

All those who are informed of the report or its contents are required to maintain confidentiality, unless he/she is authorized by this policy or legally obligated to provide that information to a third party.

ARTICLE 5. LEGAL PROTECTION

OTTO ensures that, as long as he/she acts in good faith, the whistleblower and/or third parties who could experience retaliation in a work-related context (such as, but not limited to, family members, colleagues of the whistleblower, and individuals who have supported the whistleblower in making the report) are not disadvantaged in any way in their position at OTTO as a result of internally or externally reporting any misconduct.

When the report concerns a structural misconduct and/or a threat to safety, the employee is also protected when disclosing information. Protection applies on the condition that the employee has already reported internally and externally at that time, and this has not led to (sufficient prospect of) termination of the misconduct within the set deadlines. The disclosure by the employee must have been intended to end this ongoing misconduct.

Protection upon disclosure also applies when disclosure has occurred because it is plausible that there is an acute threat or real danger to the public interest, an emergency, or a risk of irreparable harm.

Whistleblowers and/or third parties are protected by law through the reversal of the burden of proof. This means that in the event a whistleblower and/or a third party has experienced negative effects as a result of the report and/or its disclosure, it is assumed that the negative impact is indeed related to his/her whistleblower report. This means that it is up to OTTO (or another person or entity that has held the whistleblower liable) to prove that the negative effects are not the result of the whistleblower report.



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