

Appropriate behaviour. Simply the done thing.

Code of conduct, reporting wrongdoing and abuse, confidential
counsellor, and complaints procedure



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Yellowstone

1. Appropriate behaviour. Simply the done thing.

Our policy as an employer is based on the applicable rules and regulations on the psychosocial workload (also called 'PSA' in Dutch). The term PSA is used for discrimination, bullying, aggression, violence, (sexual) harassment and intimidation and work pressure. With this policy in place, we seek to fight wrongdoing and abuse and instil integrity in the workplace. We ask all our employees to read this policy carefully.

This policy is an important tool in discouraging inappropriate behaviour and wrongdoing and abuse. A guideline for all parties involved and the management of our company, this policy applies also to employees working at one of our (end) clients.

Should you face inappropriate behaviour and/or suspect wrongdoing, we encourage you to speak up and get help through one of the appropriate channels, as set out in this policy.

2. Code of conduct: our route to positive behaviour

2.1 Definitions

In this code of conduct 'organisation' and/or 'employer' means Yellowstone International B.V. and its affiliated undertakings.

By employees we mean individuals who have an employment contract (including a temporary agency contract or payroll contract) with our organisation. This code of conduct also applies to interns, trainees, volunteers and contractors, although they are not in our employment.

By customers we mean clients, principals, suppliers and other business partners/relations of our organisation.

2.2 Objective of this code of conduct

The objective of this code of conduct is to promote an inclusive, respectful and cooperation-oriented work environment where everyone feels valued, heard and supported. After all, we want everyone to feel good about working at and with our organisation. Protecting our employees and fighting and preventing bullying, aggression and violence, discrimination, stalking, (sexual) harassment and intimidation and other forms of abuse are guiding principles.

This code of conduct contains all agreements and expectations about how to interact with each other within the organisation. The code explains what is and what is not appropriate, and will contribute to a good work atmosphere.

2.3 Scope

This code of conduct applies to all employees. It will be posted on our website and be accessible to everyone at any time. You can also get a hard copy at our offices.

2.4 Status

This code of conduct has been inspired by several legal provisions that arise from the Working Conditions Act, the Placement of Personnel by Intermediaries Act ('Waadi'), the Whistleblowers Protection Act and the Dutch Civil Code.

2.5 Procedure

Our organisation takes creating a safe workplace seriously. Below we will describe which types of behaviour we consider appropriate and which behaviour we consider inappropriate. On that basis we have drawn up guidelines defining the limits within which (certain) behaviour is acceptable.

2.6 Applicable code of conduct Responsibility

All employees do their work professionally and will use our organisation's resources responsibly (money, services, goods). All employees are responsible and accountable for their actions.

Sensitive information

All employees will handle sensitive information with care. This includes personal data and information on our organisation, customers and/or co-workers. We respect the privacy of our customers, our organisation and our employees both at and outside work. Respecting and caring for each other is essential. Leaking information (including personal data) is explicitly prohibited.

Although our organisation makes sure that files and documents in the broadest sense are secured, both online and offline, we ask every employee to be alert and cautious. This means that all employees should:

- Shut down their computers, laptops and other equipment correctly;
- Care for the work station and items provided to carry out their duties, and to not leave anything unattended;
- Treat passwords and codes with care, and change passwords frequently; Do anything they can be reasonably expected to do to ensure their own safety and that of their co-workers and our customers.

Bullying

Our organisation sets great store by respect for others. Any actions that hurt, humiliate, insult, isolate, or damage the reputation or property of employees, customers and others, are not in line with the corporate culture we wish to cultivate, and will not be tolerated.

We are aware that where people work together in an organisation like ours, opinions can differ. A different opinion or opposition to someone else's opinion does not necessarily imply an act of bullying. Bullying includes all forms of structural intimidating behaviour of one or more employees and/or managers directed at one employee or a group of employees who cannot defend themselves against such behaviour. This includes but is not limited to:

- Making derisory comments
- Insults and name-calling
- Holding someone to account or reprimanding someone in public
- Ignoring or excluding someone
- Gossiping
- Withholding information

Bullying can happen offline as well as online, on different digital platforms and devices. It can be open or covert. Bullying actions are or can be repeated (for instance by sharing digital documents). Joining in on bullying ('followers') is just as bad and harmful as starting the bullying. Both are considered bullying.

Bullying in any form or for whatever reason affects all parties involved, including bystanders and our organisation, not only in the short term but also in the longer term.

Discrimination

All employees can be themselves and have their own opinions. Still, we should all be considerate. Treating someone differently, slighting or excluding someone based on personal traits like gender, the hours they work, their employment contract, nationality, colour, age, race, religious beliefs, political preferences, sexual orientation and/or marital status is unacceptable. Discrimination based on any of the above or other reasons is not allowed.

(Sexual) Intimidation

We encourage giving compliments. But it is important to keep in mind what the possible impact can be on the recipient. Comments like 'Wow, check out those sexy shoes' or 'here comes that tall drink of water' could be regarded as intimidating, even if meant as a compliment or joke. It is not the intention that counts but the emotional response of the recipient.

Behaviour like name-calling, physical intimidation, raising voices, threats, stalking and harassing others is unacceptable. The same applies to unwanted contact through telephone calls, texts, WhatsApp, emails and social media. Watch what you say and do, and especially how your statements and actions come across.

Our organisation does not tolerate any verbal, non-verbal or physical behaviour with a sexual connotation. Especially if such behaviour aims at or results in a person's dignity being affected, mostly by creating a threatening, hostile, offensive, humiliating or hurtful environment.

This includes but is not limited to:

- **Verbal:** comments with sexual overtones, double entendres, intimate questions or remarks.
- **Non-verbal:** unwanted and suggestive looks, winks, stares.
- **Physical:** kissing, stroking, pinching, grabbing.
- **Online:** messages, clips, images with sexual overtones.
- **Stalking:** following and/or harassing repeatedly.

We want everyone to feel at ease and respected in the workplace. Any form of unwanted sexual attention, be it verbally, physically or non-verbally, is not allowed and not tolerated.

Conflicts of interest

We expect all employees to act with integrity and professionalism, and to keep their professional and personal lives separate. That means that all actions performed are in the organisation's interest without favouring anyone personally.

Personal use of means of communication

Using our email system, (mobile) phones, copying machines, the internet and so on for personal use should be limited and should not interfere with day-to-day activities.

Theft / embezzlement

- Theft or embezzlement of property of our organisation, employees or customers must be reported to your immediate superior;
- A report will be filed with the police, and the police will investigate;
- During the investigation our organisation may decide to suspend or release the employee in question from their duties;
- Depending on the outcome of the investigation we will decide on any measures to be taken.

Clothing

We believe it is important that everyone can be themselves, also when it comes to their clothing. But as all employees represent our organisation, we have some rules, both for employees working within the organisation and for employees working on location. Employees are not allowed to wear inappropriate clothing during working hours. All employees are required to use or wear (personal) protective equipment or corporate clothing if the job so requires;

- Employees are expected to wear clothes that suit the job. This includes wearing clothes and shoes that are clean and not worn out. This is also part of working safely.

Other rules of conduct

Other rules of conduct include:

- Employees may not smoke or drink alcohol in the workplace;
- Employees may not bring in or use drugs, or come to work in an intoxicated state;
- Employees may not bring to work striking weapons, stabbing weapons or firearms, or anything that could be used as such.

Work pressure

We think it is essential for employees to take and enjoy breaks in time, and take sufficient days' leave. Work pressure turns into work stress if the balance between the work load and the work capacity of employees gets upset. Work can be the direct cause of stress. But not always. Personal circumstances or traits, too, can increase stress. Examples are:

- Employees who find it hard to say no;
- Employees who are overly perfectionist; or
- Problems at home or other personal issues that take up a lot of energy and attention.

It is important that employees speak up if they feel too stressed, as this is not always apparent. Employees who are feeling stressed out, can talk to their superiors or the occupational health and safety service (Arbo).

2.7 Suspicions of wrongdoing

It is important that you take action if you suspect wrongdoing. It is the only way to fight wrongdoing. Below we will explain what a situation of wrongdoing is, and what can be done against wrongdoing.

The following constitute situations of wrongdoing:

A. Violation or risk of violation of Union law in areas including but not limited to:

- Public health
- Consumer protection
- Data protection
- Public contracts
- Financial services
- Money-laundering practices
- Product and transport safety
- Nuclear safety

B. Acts or omissions in which the public interest is at risk:

- Violations or risk of violations of legal provisions or internal rules that contain specific obligations and that have been adopted by the employer based on legal regulations, or
- Risks to public health, to people, to the environment or to the proper functioning of public services or companies due to inappropriate acts or omissions.

The public interest is at any rate at risk if the acts or omissions affect not just personal interests, and if these acts or omissions are structural or follow a pattern, or are serious or extensive.

Suspicions of wrongdoing must be based on reasonable grounds.

2.8 Speaking up

If you see inappropriate behaviour or think you do, you should talk first to the person concerned. If this is not possible or does not have the desired outcome, you can contact your superior or the internal and/or external confidential counsellor.

3. Reporting wrongdoing

The reporting procedure of our organisation is based on the Whistleblowers Protection Act. This is the procedure for employees to follow if they wish to report suspicions of wrongdoing.

3.1 General

This procedure is intended for reporting suspicions of wrongdoing that are based on reasonable grounds and where the public interest is at risk. This procedure is not intended for (individual) employment conflicts, personal complaints about matters relating to work done and/or payments, criticism of any (policy) choices made by our organisation and/or for personal gain. The procedure does not apply either to inappropriate conduct such as bullying, work pressure, discrimination, aggression and violence, (sexual) harassment or other forms of inappropriate behaviour. In those situations the code of conduct applies as referred to in Chapter 2, and the possibility to engage the internal and/or external confidential counsellor (Chapter 4).

3.2 Definitions

The terms used in this reporting procedure are defined as follows:

- **Advisor:** someone in a position who has a duty of confidentiality and is consulted by employees in confidence about suspicions of wrongdoing. They include at any rate internal and external confidential counsellors, advisors of the Advice Department of the Whistleblowers Authority, lawyers, union lawyers, lawyers of legal expenses insurers and company doctors;
- **Employee:** anyone who under an employment contract, temporary agency contract or payroll contract under civil law works (for the employer) or anyone who otherwise works (for the employer) in a relationship of subordination against payment;
- **Employer:** our organisation that causes or has caused persons to do work under an employment contract or anyone who other than in employment causes or has caused people to do work;
- **Suspicion of wrongdoing:** the suspicion of employees of wrongdoing within the employer's organisation where they work or have worked to the extent that such suspicion is based on reasonable grounds that stem from the information that those employees have gained while working at the employer or while working at another company or organisation;
- **Confidential counsellor:** the person designated to act as such for the business of the employer and to whom employees can turn if they suspect wrongdoing;

- **Highest management body:** the body or person who is in charge of the day-to-day management of the employer's business;
- **Internal supervisory body:** the body that in the employer's business supervises the highest management body;
- **External agency:** the agency that in the reporting person's opinion would be the most appropriate agency to receive a report of wrongdoing. External agencies include:

- i. the Authority for Consumers and Markets;
- ii. the Authority for the Financial Markets;
- iii. the Dutch Data Protection Authority;
- iv. de Nederlandsche Bank N.V.;
- v. the Whistleblowers Authority;
- vi. the Health and Youth Care Inspectorate;
- vii. the Dutch Healthcare Authority;
- viii. the Authority for Nuclear Safety and Radiation Protection; and
- ix. organisations and administrative bodies designated by general order in council or ministerial order, or units of the same that are entrusted with duties or responsibilities in any of these areas.

3.3 Information, advice, support and reports of suspected wrongdoing

- Employers can talk in confidence to advisors, internal and/or external confidential counsellors about suspicions of wrongdoing. They can ask for information, advice and support.
- In accordance with paragraph 1, employees can also ask the Advice Department of the Whistleblowers Authority for information, advice and support.
- Employees who suspect wrongdoing within the employer's organisation can also report their concerns to anyone who holds a higher position within the organisation. If employees have reason to suspect that the highest management body is involved in the wrongdoing, they can report their concerns to the internal supervisory body. In that case 'the highest management body' should be read as 'the internal supervisory body'.
- Employees can also report wrongdoing within the employer's organisation to the internal and/or external confidential counsellor, who will then forward the report, in consultation with the reporting person, to the highest management body or internal supervisory body.
- Employees can report their suspicions:
 1. In writing;
 2. Orally by telephone or other voice messaging systems; or
 3. At their request in a personal meeting on site.

Upon receipt, the employer will register reports in a special register.

- Employees who suspect wrongdoing at a business other than that of the employer can report their suspicions to that other business. The direct superior or highest management body will then be informed that a report has been filed with the other business if the reporting employees have learned of the wrongdoing through their work for the employer.

3.4 Procedure

- If employees report suspicions of wrongdoing orally to the internal and/or external confidential advisor or a superior or expand orally on written reports, the internal and/or external confidential advisor or this superior will make sure that the oral report or explanation will be recorded in writing, and present this written record to the reporting employees to be signed for approval. The reporting employees will receive a copy.
- The internal and/or external confidential counsellor or superior with whom reports have been made will immediately forward the reports to the highest management body within the employer's organisation.
- If employees or the superior to whom the report has been filed have reasonable grounds to suspect that the highest management body is involved in the wrongdoing reported, the superior will immediately forward the report to the highest responsible body within the employer's organisation.
- The highest management body will send reporting employees immediately but at any rate within seven days of receipt of the report, acknowledgment of receipt. The acknowledgment of receipt will include at any rate a brief description of the report, the date of receipt and a copy of the report.
- Upon receipt of the report the highest management body, in consultation with the reporting employee, will immediately designate a contact for the purpose of preventing reporting employees from being treated unfairly.
- The highest management body will launch an investigation into the suspicion of wrongdoing unless:
 - A.** The suspicion is not based on reasonable grounds, or
 - B.** If it is immediately apparent that the report does not concern suspicions of wrongdoing.
 - If the highest management body decides not to investigate, it will notify the reporting employee in writing within two weeks of the internal report. The notice will state why the highest management body holds that the suspicion is not based on reasonable grounds or that it is immediately apparent that the report does not concern suspicions of wrongdoing.
 - The highest management body will decide whether an external agency should be informed of internal reports of suspicions of wrongdoing. If the employer informs an external agency, the highest management body will send a copy to the reporting employees unless there are serious objections.

- The highest management body will engage investigators who are independent and impartial, and will not have the investigation carried out by persons who might be or have been involved in the suspected wrongdoing.
- The highest management body will immediately notify reporting employees that an investigation has been launched and by whom, sending copies of the instructions, unless there are serious objections.
- The highest management body will inform the alleged perpetrators about the report and whether an external agency has been informed, unless this could hurt the investigation or enforcement.
- The investigators will give reporting employees the opportunity to be heard and draw up a written record of this hearing. This record will be presented to the reporting employee to be signed for approval. The reporting employee will receive a copy of this record.
- The investigators may hear others. They will draw up written records of these hearings and present these to the persons heard to be signed for approval. These persons will receive a copy of the record.
- The investigators may request and access any documents within the organisation of the employer that they reasonably deem necessary to the investigation.
- Employees may give the investigators all documents that they reasonably believe necessary for the investigators to see for the purpose of the investigation.
- The investigators will make a draft investigation report and give the reporting employee the opportunity to comment, unless there are serious objections. The investigators will then draw up the investigation report, and send a copy to the reporting employee unless there are serious objections.
- The highest management body will notify the reporting employee within eight weeks of the report in writing about the position on the reported suspicion of wrongdoing. The notice will also state the steps that have been taken or will be taken further to the report.
- If it is apparent that the position cannot be defined within the term set, the highest management body will notify the reporting employee in writing. The notice will state when the reporting employee can expect the position. If as a result the total term will exceed twelve weeks, the notice will also state why a longer term is necessary.
- After completion of the investigation the highest management will decide whether an external agency must be informed of the internal report of suspected wrongdoing, the investigation report and the employer's position. If the employer informs an external agency, the employer will send a copy to the reporting employee, unless there are serious objections

- The subjects of the report will be informed in the same way as the reporting employee in accordance with paragraphs 18 to 20 inclusive, unless this could harm the investigation or enforcement.
- The employer will enable the reporting employee to respond to the investigation report and the position taken by the employer.
- If in response to the investigation report or the employer's position the reporting employee states, giving reasons, that the suspicion of wrongdoing has not or not properly been investigated, or that the investigation report or
- the employer's position contains essential inaccuracies, the employer will give a content-specific response and start a new or additional investigation if necessary. This new or additional investigation will be subject to the rules set out above. If the employer notifies or has notified an external agency, the employer will also forward the response of the reporting employee to the investigation report and the employer's position to that external agency. The employee will receive a copy.

3.5 Reporting to external agencies

- Employees are not required to first make a report internally before reporting to external agencies but may do so immediately. Employees may also report suspicions of wrongdoing to an external agency after first making an internal report.
- Employees must report to the Whistleblowers Authority or another authority designated by law. For more information:
<https://www.wetbeschermingklokkenluiders.nl/english>

3.6 Internal and external investigation into unfair treatment of reporting employee

- **1.** If reporting employees feel they have been treated unfairly because they have reported suspicions of wrongdoing, they can:
 - **A.** Ask the highest management body to investigate how they are treated within the organisation; and/or
 - **B.** Ask the Investigation Department of the Whistleblowers Authority to investigate how the employer has treated the reporting employee further to the report of a suspicion of wrongdoing.

3.7 Protection of reporting employees

1. If employees, in good faith and with due observance of the provisions of this policy, report suspicions of wrongdoing, the employer will not treat those employees unfairly in any way whatsoever.
2. The employer will ensure that co-workers of reporting employees will not treat them unfairly in any way that interferes with the employees' professional or personal performance because they have reported suspicions of wrongdoing in good faith and correctly. Unfair treatment includes but is not limited to:
 - ignoring these employees;
 - making unfounded or disproportionate comments about their performance;
 - imposing a ban on these employees or co-workers, however worded, on investigating or accessing the workplace, a gagging order and/or a ban prohibiting contact.

The employer will hold co-workers to account who treat reporting employees unfairly, and may take disciplinary action against such co-workers.

- If employees feel they are treated unfairly they can contact the confidential counsellor immediately.
- The highest management body will ensure that the measures necessary to counter unfair treatment will be taken.
- Unfair treatment as referred to in this article includes taking measures that prejudice employees like:
 1. Prematurely terminating or not renewing temporary employment contracts;
 2. Not converting temporary employment into permanent employment;
 3. Disciplinary actions;
 4. imposing a ban on reporting employees or their co-workers, on investigating or accessing the workplace, a gagging order and/or a ban prohibiting contact,
 5. Forced reassignment to another position;
 6. Increasing or reducing the responsibilities of reporting employees other than at their request;
 7. Relocating or transferring reporting employees other than at their request;
 8. Refusing reporting employees' requests to be relocated or transferred;
 9. Changing the workplace or refusing a request to that end;
 10. Not granting pay raises, incidental remunerations, bonuses or other allowances
 11. Withholding promotion prospects;
 12. Not accepting sick reports, or not registering notifications of recovery;
 13. Refusing requests for leave;
 14. Granting leave other than upon request.
- Unfair treatment also applies if there are reasonable grounds to hold employees to account about their performance or to take disciplinary action but the action taken by the employer is not proportionate to those grounds.
- If the employer within a reasonable period after a report has been filed takes disciplinary action against the reporting employee, stating the grounds for the action, but that the action is not related to the correctly reporting of suspicions of wrongdoing in good faith.

3.8 Confidentiality and final provisions

1. The employer will ensure that information on reports will be stored such that it is physically and digitally accessible only to the persons involved in handling the reports. The employer will treat the information provided confidentially and will process that information – to the extent permitted – in accordance with the provisions of the General Data Protection Regulation and other relevant regulations.
2. The employer will ensure that anyone involved in handling reports will not disclose the reporting employee's identity without their explicit written consent, and will treat any information related to the report confidentially.
3. If employees report their suspicions of wrongdoing to the internal and/or external confidential counsellor but do not consent to disclosure of their identities, all correspondence will be sent to the confidential counsellor who will immediately forward all correspondence to the reporting employees.
4. Anyone involved in handling reports will not disclose the advisor's identity without their explicit written consent and that of the reporting employees.
5. This reporting procedure is part of the 'Appropriate Behaviour. Simply the done thing.' and will be published on the employer's website. A hard copy is also available at the offices of the employer.
6. Every year the highest management body will draw up a report on the policy on handling reports of suspicions of wrongdoing and the implementation of this reporting procedure. This annual report will include at any rate:
 - Information on the policy pursued over the past year on handling reports of suspicions of wrongdoing and the policy in this area for the next year; Information on the number of reports and an indication of the nature of the reports, the outcome of the investigations and the positions taken by the employer;
 - General information on the experiences with discouraging unfair treatment of reporting employees;
 - Information the number of requests for investigations into unfair treatment following reports of suspicions of wrongdoing and an indication of the outcome of these investigations and the positions taken by the employer.

4. Calling in a confidential counsellor

4.1 Confidential counsellor and reports

1. Reporting employees may consult the internal and/or external confidential counsellor about suspicions of wrongdoing, discrimination, bullying, aggression and violence and/or (sexual) harassment and intimidation.
2. The designated confidential counsellor will immediately discuss with reporting employees the situation reported.
3. The confidential counsellor is autonomous.
4. The confidential counsellor decides on the procedure and method of communicating. The confidential counsellor has the right to lay down their duties or to retire from their position at their own initiative for reasons of their own or upon request.
5. The internal confidential counsellor is Stephanie Pront Aronson, who can be contacted at vertrouwenspersoon@yellowstone.nl and/or +31(0)6-20 60 52 41. The external confidential counsellor is Hendarin Mouselli who can be contacted at hendarin@vrfadvocaten.nl and/or +31(0)6 - 46 60 33 41.
6. Reports to the confidential counsellor can be made in writing, by telephone or by email.
7. The confidential counsellor will acknowledge receipt of reports made in writing or by email within seven days of receipt.
8. Before taking reports under consideration, the confidential counsellor will examine whether this would be in line with their responsibilities and position. The confidential counsellor may always decide not to take reports under consideration and will notify the reporting employee accordingly, stating reasons.
9. In principle, the confidential counsellor will not treat questions and reports filed anonymously.
10. The confidential counsellor will notify the reporting employee as soon as possible if they decide not to take a report under consideration.
11. If the confidential person will not take a report under consideration, they will refer the reporting employee to the competent agency or procedure (if available).

4.2 Confidentiality

1. The confidential counsellor has a duty of confidentiality regarding reports and any other information that comes to their knowledge in the discharge of their duties.
2. This duty of confidentiality extends to all persons working for the confidential counsellor.
3. The confidential counsellor's working method is characterised by confidentiality and may include advice, guidance and/or mediation. Where possible, the confidential counsellor will stimulate reporting employees to resolve matters themselves.

4.3 Guidance by confidential counsellor

1. The confidential counsellor will ensure that reporting employees receive adequate assistance, advice and guidance. Any follow-up actions will be taken in consultation with and with the consent of the reporting employees.
2. The confidential counsellor has the right to make inquiries with third parties as required to gain insight into the subject of the report and to contribute to a possible resolution.
3. The confidential counsellor can come up with various ways of resolving the matter reported. Any actions, provided they are appropriate given the possibilities, will be taken with the reporting employees' consent. Third parties will be involved only with the consent of the reporting employees.

4.4 Other responsibilities of confidential counsellor

1. If based on frequent reports the confidential counsellor identifies bottlenecks, the confidential counsellor will inform the employer's board, observing the confidentiality of all reports.
2. The confidential counsellor will track and register the number of reports. Every year the confidential counsellor will draw up a report, and submit that report to the highest management body (as referred to in article 3.2). This report will include at any rate:
 - Information on the policy pursued by the employer over the past year on the handling of reports and the policy to be pursued in this area in the next year;
 - Information on the number of reports and an indication of the nature of the reports;
3. If reporting employees have a complaint about the confidential counsellor, they should first submit their complaint in writing to the confidential counsellor. If a meeting between the confidential counsellor and the reporting employees to discuss the complaint does not have the desired outcome, reporting employees can take their complaint to the employer's complaints officer or complaints committee.

5. Complaints procedure

5.1 Introduction

A complaints procedure and complaints committee have been introduced to safeguard a socially safe work environment without inappropriate conduct.

The complaints procedure and complaints committee work on the following basic principles:

- Inappropriate behaviour must be stopped.
- Complainants should not be hurt by filing a complaint.
- Complainants should keep their jobs, in principle.
- Complaints will be handled adequately, with the restoring of a socially safe work environment for both complainants and the subjects of the complaint being a priority.
- Where necessary and possible the cause for the complaint and the parties causing the nuisance will be dealt with.

The preferred resolution is to discuss and settle problems and complaints. The basic principle, therefore, is that before filing a complaint with the complaints committee, complainants should first take one of the steps below, with the support of the confidential counsellor, if they wish.

- Complainants first talk to the person who in their eyes causes or is responsible for the problem, to resolve the issue together. If such conversation is not desirable or does not have the desired outcome, complainants will talk to their manager/superior.
- Complainants will discuss the problem with their manager/superior, possibly in the presence of the HR(M) advisor and/or the confidential counsellor, to resolve the matter. If they believe this could be an option, the manager/superior may suggest mediation. The manager will remind complainants of the Complaints Procedure and the code of conduct regarding inappropriate behaviour. After the meeting the manager/superior will take appropriate action to take away concerns and/or prevent new concerns. The manager/superior will inform complainants about the action taken. The manager/superior will discuss the complaint with a superior at the next higher level. If the manager/superior is the cause of the concerns, complainants will discuss the matter with the superior at the next higher level directly.
- If in the complainants' opinion the manager does not take action in time to ease their concerns or if the action has not had the desirable effect, complainants may also turn to the board or to the complaints committee, if they wish.

If and to the extent that complainants hold the view that they cannot take one of the steps listed above because of the nature of the complaint and/or the circumstances, they can contact the complaints committee directly. The complaints committee will ask the complainants if and if so, which of the above steps have been taken and if so, what the outcome was.

5.2 Inadmissibility

1. Complaints are not admissible if:

- Complainants do not have the right to complain;
- The complaint has been handled before and no new facts have occurred;
- They have been filed anonymously;
- The situation that is the alleged perpetrator occurred so long ago that it is impossible to investigate the circumstances and to decide whether the complaint is valid. This is the decision of the chair of the complaints committee;
- They relate to workplace accidents and/or occupational diseases;
- They relate to matters that are already under consideration or have been the subject of legal or internal or external (appeal) proceedings;
- Relate to the amount of a claim for compensation;
- Relate to the recipient company/client and/or third parties and not to the employer directly or indirectly.

2. If the complaints committee holds that a complaint is inadmissible it will notify the complainant in writing within two weeks of receipt of the complaint, stating reasons.

3. If a complaint is inadmissible, the complaints committee can refer complainants to another agency that in the committee's opinion is the more appropriate body to handle the complaint or offer due process. The same applies if complaints do not concern the employer, in which case complainants can be referred to the (complaints) procedure or consideration by the recipient company/client/third party that is the alleged perpetrator.

5.3 Responsibilities of complaints committee

- Taking receipt of complaints.
- Assessing whether the complaint is admissible.
- Investigating complaints (gathering facts and relevant documents, hearing the appropriate persons, reviewing information received).
- Reviewing complaints and deciding whether they are valid.
- Any general findings and recommendations will be submitted separately to the competent executive body of the organisation.
- Registering and filing complaints and drawing up an annual report.

5.4 Powers of complaints committee

- For the purpose of handling complaints or holding meetings, the complaints committee has free access to the premises of the organisation with due observance of the protection of the privacy of employees.
- The complaints committee may request information for the purpose of handling complaints.
- The complaints committee has the right to invite parties to be heard.
- The complaints committee may ask anyone working for the organisation to provide information on complaints with due observance of the confidentiality referred to in Article 5.11.

5.5 Composition of complaints committee

- The complaints committee comprises three permanent members, namely the secretary, who is an employee of Yellowstone[lw1], a lawyer and an independent third party. The members[lw2] of the complaints committee are Lisette van der Steen, Han Hendriks and Sylvia van Loenhout.
- The complaints committee is impartial, independent and professional.
- If one or more members of the complaints committee are unable to act, a designated deputy may replace and/or stand in for them with due observance of the provisions of paragraph 1 of this article.

5.6 Procedure

- 1. Employees can file complaints about inappropriate behaviour with the complaints committee. Complainants can file a written complaint with the secretary of the complaints committee directly or through the confidential counsellor. Complainants acting in good faith may not be dismissed or otherwise be treated unfairly.
- 2. Before filing a complaint with the complaints committee, complainants should preferably first file a report with the internal and/or external confidential counsellor of the organisation.
- 3. Complaints should be filed with the secretary of the complaints committee at:

klachtencommissie@yellowstone.nl

Subsequently, complainants will receive instructions on the follow-up steps.

Complaints should contain:

- The place and time where the inappropriate behaviour occurred;
 - The name, position and department of the complainant, as well as their home address and contact details;
 - Specifics: the type of inappropriate behaviour and a description, possibly supported by emails, minutes of conversations, images, texts, WhatsApp's, etcetera;
 - A description of the impact of the inappropriate behaviour on the complainant's work, personal life, health;
 - The steps taken so far;
 - The name, position and department of the subject of the alleged perpetrator;
 - The date and the complainant's signature.
-
- **4.** The secretary of the complaints committee will acknowledge receipt by return to the complainant's home address, enclosing a copy of the complaints procedure.
 - **5.** If it turns out that before filing an official complaint, the complainant did not contact the confidential counsellor, or did not have the opportunity to do so, the complaints committee will designate an independent confidential counsellor to investigate whether it is possible to take the informal route and to guide the complainant along that route.
 - **6.** Within two weeks after a complaint has been filed the complaints committee will decide by a majority of votes whether a complaint is admissible. This decision will be notified in writing, stating reasons, to the complainant and the alleged perpetrator.
 - **7.** If the complaint is admissible and is taken under consideration, the complaints committee will send a copy of the complaint – plus any written documents submitted – to the alleged perpetrator. If requested by the complainant, their home address and contact details will be redacted.

- **8.** The alleged perpetrator will be given the opportunity to file a written response with the complaints committee within two weeks. A copy of their response will be forwarded by the secretariat to the complainant upon receipt.
- **9.** If the complaint is taken under consideration and upon receipt of the alleged perpetrator's response, if any, the complainant and the alleged perpetrator will be heard by the complaints committee in each other's presence, unless either party explicitly requests to be heard separately. In that case the complaints committee will send a copy of the record of the hearing as approved by the party that was heard to the absent party.
- **10.** The complainant and the alleged perpetrator may have themselves assisted by a third party (of their own choice) during the entire proceedings, including the hearing.
- **11.** Complaints relating to a recipient company/client/third party and not to the employer, directly or indirectly, should be filed with the appropriate body of the recipient company/client/third party.

5.7 Hearing

- **1.** A written record will be kept of every hearing. The parties concerned (complainant, alleged perpetrator and any other persons heard) will receive a copy of the record of their hearing to be signed for approval. If desired, the parties concerned may correct factual inaccuracies. If a party concerned refuses to sign, the reason for this refusal will be stated in the report.
- **2.** Persons not being the complainant or the alleged perpetrator will receive a record of their own hearing[lw1] .
- **3.** All parties who have been heard may add annexes to their own record up to ten days after dispatch of the record. If the secretary has not received annexes within ten days, the records will be definitive.
- **4.** The complaints committee may hear witnesses and other person who could provide information on the inappropriate behaviour reported by the complainant and the circumstances in which that inappropriate behaviour took place. Witnesses who are invited to a hearing must appear. If the complaints committee decides not to hear certain witnesses and third parties, it will inform the complainant and the alleged perpetrator, stating reasons.
- **5.** Where appropriate witnesses may give a statement in writing – whether or not at the request of the complaint committee. Unless otherwise agreed, this statement will not be anonymous and will be sent to the complainant and the alleged perpetrator.
- **6.** If the severity of the complaint's subject so requires, the complaints committee can advise the board shortly about temporary provisions and/or measures.
- **7.** All documents gathered during the investigation are confidential.
- **8.** The complaints committee may instruct experts to carry out an investigation. The costs will be paid by the organisation.
- **9.** The complaints committee will deliberate without the parties concerned, the complainant, alleged perpetrator and any other parties heard (in chambers).
- **10.** If the complaints committee holds that it has enough information, it will come to a decision. The complaints committee will decide whether the complaint is plausible, and if so, the complaint will be declared valid (in part). The complaints committee decides by a majority of votes; the minority may add its opinion to the decision of the complaints committee.

5.8 Aspects of review

- The following aspects will be reviewed:
- Nature and severity of the inappropriate behaviour; one time only or structural;
- Difference in hierarchy or power position;
- Accountability of alleged perpetrator;
- Shared blame of the organisation

Service record;

Is there a policy or a code of conduct;

- Any decisions in similar previous cases?

5.9 Decision of the complaints committee

1. In its decision, the complaints committee will declare
 - the complaint valid or invalid (in whole or in part).
2. The advice or opinion will contain the grounds on which it is based. If valid, the complaints committee can also include the measures it considers appropriate.
3. The complaints committee will issue an advice within three months after the written confirmation that the complaint will be taken under consideration. This term may be extended by one month maximum. The complaints committee can include recommendations in its advice:
 - For a potential resolution;
 - For measures to be taken;
 - Or for how to prevent similar complaints in the future.
4. If necessary in view of the duty of care, the complaints committee may decide to deviate from this term. In that case all parties concerned must be notified in writing.
5. Copies of the advice and the record of the hearing will be sent to the complainant and the alleged perpetrator.
6. The complaints committee's advice is confidential.

5.10 Decision of the employer's board of management

1. Within four weeks of receipt of the complaints committee's advice, the employer's board of management will decide on the complaint based on this advice.
2. This decision will be notified in writing immediately to the complainant and the alleged perpetrator.
3. A copy of the decision will be sent to the complaints committee. If the board of management deviates from the complaint committee's weighty advice, the board of management will state the reasons.

5.11 Confidentiality

1. The members of the complaints committee have a duty of confidentiality regarding anything that comes to their knowledge when handling complaints.
2. Anyone involved in the handling of complaints must treat all information that comes to their knowledge in that context as strictly confidential.
3. If the internal and/or external confidential counsellor or one of the members of the complaints committee breaches their duty of confidentiality, they will be relieved of their duties.
4. Former members of the complaints committee will still be under a duty of confidentiality.
5. The complaints committee will inform the persons involved in handling complaints of the duty of confidentiality.

5.12 Follow-up by complaints committee

In addition to playing a role in the investigation the complaints committee can also follow up on the following:

Inquiries about advice and recommendations;

Protection of the complainant and witnesses;

Further development of policy;

· Change in corporate culture;

Giving advice, on request or otherwise, to the board of the organisation.

5.13 Registration and filing

The complaints committee will register all complaints filed, divided by complaints that have been handled, declared inadmissible, referred or withdrawing, stating the outcome.

The complaints committee has its own archives that are accessible only to the members of the complaints committee and its secretariat.

The complaints committee will open a file for every complaint submitted. The information will not be retained for longer than necessary to realise the purpose for which it was collected, but no more than five years after conclusion of the complaints procedure, unless the actions constitute a crime under Dutch criminal law.

5.14 Annual report

Before 15 March of every year the complaints committee will draw up an anonymised annual report based on the registrations of the number, nature, and specifics of the complaints filed, how those complaints were handled, the decision of the complaints committee and the recommendations made to the competent executive body of the organisation. Any bottlenecks identified will also be included in the report, possibly with a recommendation.