

# How to SPEAK UP

at the workplace in the Netherlands



## I SUSPECT WRONGDOING



This is a situation at work where public interest is at stake. I may want to discuss this with the confidential advisor of my organisation or an advisor from the Whistleblowers Authority whether I am going to report this and how.

Do you work for an organisation with 50 employees or more?

### DECIDE

After careful consideration I decide to file a report. Should I report internally or externally?  
**In principle, I should first report internally.**



### YES

The Dutch Whistleblower Authority Act legally obliges your organisation to have an internal reporting procedure for suspected wrongdoing, at least containing:

- **What and when** you can report.
- **To whom and how** you can report, both internally and externally.
- **Your rights** to protection and confidentiality.
- **What the organisation does** with your report.

Contact the Dutch Whistleblowers Authority in case there is no internal reporting procedure.

### REPORT

If I **report internally**, I can report to:

- a whistleblower hotline
- a confidential advisor
- my superior
- other designated person

**At all times I must follow the internal reporting procedure.**

### OR

I may decide to report externally to a competent authority or, if not available, the Whistleblowers Authority if:

- the internal report is not handled properly or on time.
- reporting internally *within reason* cannot be asked.\*
- it is mandatory (in specific situations)

### NO

Contact the confidential advisor of your organisation or an advisor from the Dutch Whistleblowers Authority on how to report.  
[advies@huisvoorklokkenluiders.nl](mailto:advies@huisvoorklokkenluiders.nl)

### NO RETALIATION

My employer **may not retaliate** me or other parties involved because of the report.

**In case of retaliation, I may report it to the Whistleblowers Authority.**

### INVESTIGATE

After the wrongdoing has been reported, my employer will decide on **an internal investigation**. Is there indeed a suspicion of wrongdoing?

- I will be informed of my employer's decision taken within six weeks.
- Measures must be taken against the wrongdoing.

\* My organisation's reporting procedure should explain when internal reporting cannot be expected of me.

### RESULT

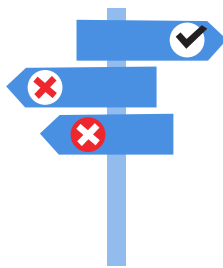
- I and others can be heard.
- I get access to the draft report of the Whistleblower Authority and can comment on it.
- My employer must give an appropriate follow-up on the recommendations in the final report of the Whistleblower Authority.

# Important steps to safely

# SPEAK UP

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Are you an employee and do you believe that someone you work with or work for might be doing something or is doing something they should not be doing? Are you thinking of reporting it to someone? If so, you should be aware that you may have legal rights when speaking up and that you can get help when sharing your concerns.



In July 2016 the Dutch government introduced the Whistleblowers Authority Act and established the Dutch Whistleblowers Authority. The aim of this law and authority is to prevent further harm to the public and to protect and support those who speak up, no matter whether they work for a business, the government or a non-governmental organisation. This authority is by law independent and informs and advises whistleblowers free of charge.

So what does this mean for you? You will need to check that the law applies to your particular case. What should you do when filing a report? There are a number of ways of reporting and you will have to judge what is best for you under the given circumstances. By taking the following three steps you can help reducing the risks for you and your colleagues when speaking up:

## STEP 1

### Explain what and why you consider reporting

Make sure you are able to explain clearly why you believe wrongdoing is or might be taking place and keep notes. When deciding to speak up, make sure you can explain what you are reporting and why you are sharing your concerns. Having clear notes of the events with perhaps a timeline can help you structure your story and explain why and what you want to achieve by speaking up. Keep all relevant information in a safe place and be careful when sending emails with sensitive information from your work computer.

## STEP 2

### Seek advice before filing a report

Make sure that you seek professional advice on your options and find out how you should file a report and what to expect when you do so. The most important thing is that you make an informed decision about the steps you should take, the rights you enjoy and the potential consequences of filing a report. Your employer may have a confidential advisor or operate an internal helpline. Alternatively, you can talk to an attorney, a trade union official or with an advisor of the Dutch Whistleblowers Authority before speaking up.

## STEP 3

### Report only when you think it is safe to do so

When you are considering speaking up, consider the consequences and risks of filing a report in your particular case. Balance how much you believe in what you have to say with what might happen if you speak up, and decide whether you have the energy and resilience required to do so. Consider how those who have previously spoken up have been treated. And do not forget to reflect on the counterargument: What are the long-term consequences to you and others of staying silent? If you are not sure about reporting do not be afraid to ask for more advice before you speak up.

