TRANSPARENCY INTERNATIONAL Nederland

WHISTLEBLOWING FRAMEWORKS 2024

Assessing companies in trade, industry, finance and energy in The Netherlands

Transparency International is the global civil society organisation leading the fight against corruption. Through more than 100 chapters worldwide and an international secretariat in Berlin, Transparency International raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

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FOREWORD

Transparency International (TI) defines corruption as "the abuse of entrusted power for private gain". As an organisation, we work around the globe against corruption in all its forms[1]. Corruption is a widespread phenomenon in international business, including the world of trade and investment. As a practice, corruption raises serious moral and political concerns, undermines good governance and economic development, and distorts international competitive conditions.

It is a sad fact that corruption often goes unchallenged when people do not speak out against it. That is why whistleblowers are so valuable in exposing corruption, fraud and mismanagement – and adequate reporting mechanisms are powerful tools in the fight against these practices. As Brown et al. state in a report: "Whistleblowing is a vital pillar in the integrity, governance and compliance systems of every organisation, and healthy, corruption-free institutions across society as a whole"[2].

According to the Global Fraud Study of the Association of Certified Fraud Examiners (ACFE), the most common detection method of fraud was via the reporting of whistleblowers (43 per cent of cases). More than half of these tips were submitted by employees, demonstrating the importance of having a mechanism in place that is accessible to all employees to report suspected fraud confidentially or anonymously. ACFE's report to the Nations suggests that by offering employees the necessary training and by implementing a whistleblower hotline, organisations increase reporting by 45%, reduce the time it takes to detect fraud by approximately six months and cut potential fraud losses by half. [3]

Transparency International Netherlands (TI-NL) states that "whistleblowers are the #1 detection method for corruption and fraud. They help recover millions of euros in much-needed public funds that would otherwise have been lost. Yet they often run a great personal risk as a result of which potential whistleblowers are often discouraged from reporting their concerns. Protecting whistleblowers from unfair treatment enables people to actually stand up against wrongdoing. This significantly increases the chance that this wrongdoing will be addressed. That benefits everyone."[4]

At the workplace, having an effective whistleblowing framework in place is essential to stimulate the reporting of corruption, misconduct, and fraud. Staff members are the eyes and ears of any organisation, and whistleblowing frameworks are a vital component of good governance and risk management. Clear procedures for whistleblowing help to protect companies, public bodies and non-profit organisations from the effects of misconduct, including legal liability, serious financial losses and lasting reputational harm.

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[1] Transparency International, 'What Is Corruption?' https://www.transparency.org/what-is-corruption#define

[2] Brown, A J et al., Clean as a whistle: a five- step guide to better whistleblowing policy and practice in business and government. Key findings and actions of Whistling While They Work 2, Brisbane: Griffith University, August 2019.

[3] *ACFE Report to the Nations | 2024 Global Fraud Study*. Available at: https://legacy.acfe.com/report-to-the-nations/2024/

[4] See: press release on report *How well do EU countries protect whistleblowers?*: https://www.transparency.nl/nieuws/2023/11/hoe-goed-beschermt-nederland-haar-klokkenluiders-tegenover-andere-eu-landen/

An effective whistleblowing framework also fosters a corporate culture of trust and responsiveness. It is researched that next to clear and effective reporting channels, a positive perception of the corporate culture regarding integrity and openness, leads to an environment in which it is more likely that employees will report misconduct.[5]

Considering the above, safeguards to protect and encourage people who are willing to take the risk of speaking out about corruption are vitally important. TI-NL works with the public and private sector in the Netherlands to improve comprehensive whistleblowing protection at different levels.

By publishing this report, TI-NL aims to give a clear insight in the current state of whistleblowing frameworks of companies located in the Netherlands as well as comparing it to the former state as studied in Whistleblowing Frameworks 2019. It is important to note that the legal framework in 2019 was governed by the Whistleblowers Authority Act, whereas in 2024, the Whistleblower Protection Act is in effect. This study, therefore, also examines how the strengthened legislation has impacted the effectiveness of whistleblowing frameworks in the Dutch private sector.

[5] Maas, F., Oostdijk, A., Verheij. T., & Wesselink. T. Veilig Misstanden melden op het Werk (Berenschot, 2014), 6. Available at: https://kennisopenbaarbestuur.nl/media/111414/veilig-misstanden-meldenop-het-werk.pdf

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GLOSSARY

Whistleblowing: In the Dutch Whistleblower Protection Act, whistleblowing is understood as the reporting or public disclosure of a suspicion of wrongdoing with a public interest. Reporting can be internal, within one's own organisation, or external, to a competent authority.[6]

Transparency Internationals' definition of whistleblowing is broader and reads 'communicating information on suspected wrongdoing to individuals or entities believed to be able to effect action'[7] [8].

Whistleblowing framework: a framework of policies, procedures, processes, guidelines and tools that encourages employees and other stakeholders to report internally suspected wrongdoing, provide safe reporting channels, protect those reporting and other stakeholders from retaliation and guide an organisation's response.[9]

Corruption: TI defines corruption as the abuse of entrusted power for private gain.[10]

Integrity: behaviours and actions consistent with a set of moral or ethical principles and standards that is embraced by individuals as well as institutions. Integrity creates a barrier to corruption.[11]

Ethics: based on core values and norms, a set of standards for conduct in government, companies and society that guides decisions, choices and actions.[12]

Transparency: characteristic of governments, companies, organisations and individuals of being open in the clear disclosure of information, rules, plans, processes and actions.[13]

[6] See: Ministerie Binnelandse Zaken en Koninkrijkrelaties. *Begrippenlijst,* (2022). Available at: https://www.wetbeschermingklokkenluiders.nl/documenten/publicaties/2022/09/08/begrippenlijst
[7] Marie Terracol, "INTERNAL WHISTLEBLOWING SYSTEMS". Policy brief. p.3 (2022), Transparency International. https://files.transparencycdn.org/images/2022_PolicyBrief_InternalWhistleblowingSystems_English-1.pdf.
[8] Unlike the Dutch Whistleblower Protection Act, TI-NL states it is important to work with a broad definition of whistleblowing, without the requirement of public interest. See Recommendation 1 in the chapter 'Recommendations' for further explanation.
[9] Marie Terracol, "INTERNAL WHISTLEBLOWING SYSTEMS". Policy brief. (2022). Transparency International. https://files.transparencycdn.org/images/2022_PolicyBrief_InternalWhistleblowingSystems_English-1.pdf.
[10] Transparency International. (2024). "What Is Corruption?" Transparency.Org. 16 april 2024. https://www.transparency.org/en/what-is-corruption.
[11] Transparency International. "Integrity - Corruptionary A-Z". (2023) Transparency.Org. https://www.transparency.org/en/corruptionary/integrity.
[12] Transparency International. "Ethics - Corruptionary A-Z". (2020). Transparency.Org. https://www.transparency.org/en/corruptionary/ethics.
[13] Transparency International. "Transparency - Corruptionary A-Z". (2020). Transparency.Org. https://www.transparency.org/en/corruptionary/transparency.

Audit: an internal or external examination of an organisation's accounts, processes, functions and performance to produce an independent and credible assessment of their compliance with applicable laws and regulations.[14]

Retaliation: any threatened, recommended or actual act or omission, direct or indirect, which causes or may cause harm, and is linked to or resulting from actual or suspected whistleblowing; [15]

Whistleblowing & Case Management System: a (software) tool with a double function serving both a protected and (if requested) anonymous communication channel with the whistleblower, and a case management platform which implements all the phases in the report management tracking and monitoring incoming reports.[16]

Frequently reoccurring abbreviations

Transparency International	TI
Transparency International Nederland	TI-NL
European Union	EU
Sustainable Development Goals	SDG
United Nations	UN

[14] Transparency International."Audit - Corruptionary A-Z". (2020). Transparency.Org. https://www.transparency.org/en/corruptionary/audit.
[15] Article 5, paragraph 11, of the EU Whistleblower Protection Directive (Directive (EU) 2019/1937) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1937
[16] SpeakUp. "Een introductie van ons klokkenluidersplatform" https://www.speakup.com/nl/product#5-simple-steps

20/70 companies

have a total score of 75% or higher

INDUSTRY is the highest scoring sector with an average score of 69%

Culture is the dimension companies can improve most

63/70 companies

offer possibility to report anonymously

RESULTS IN A GLANCE

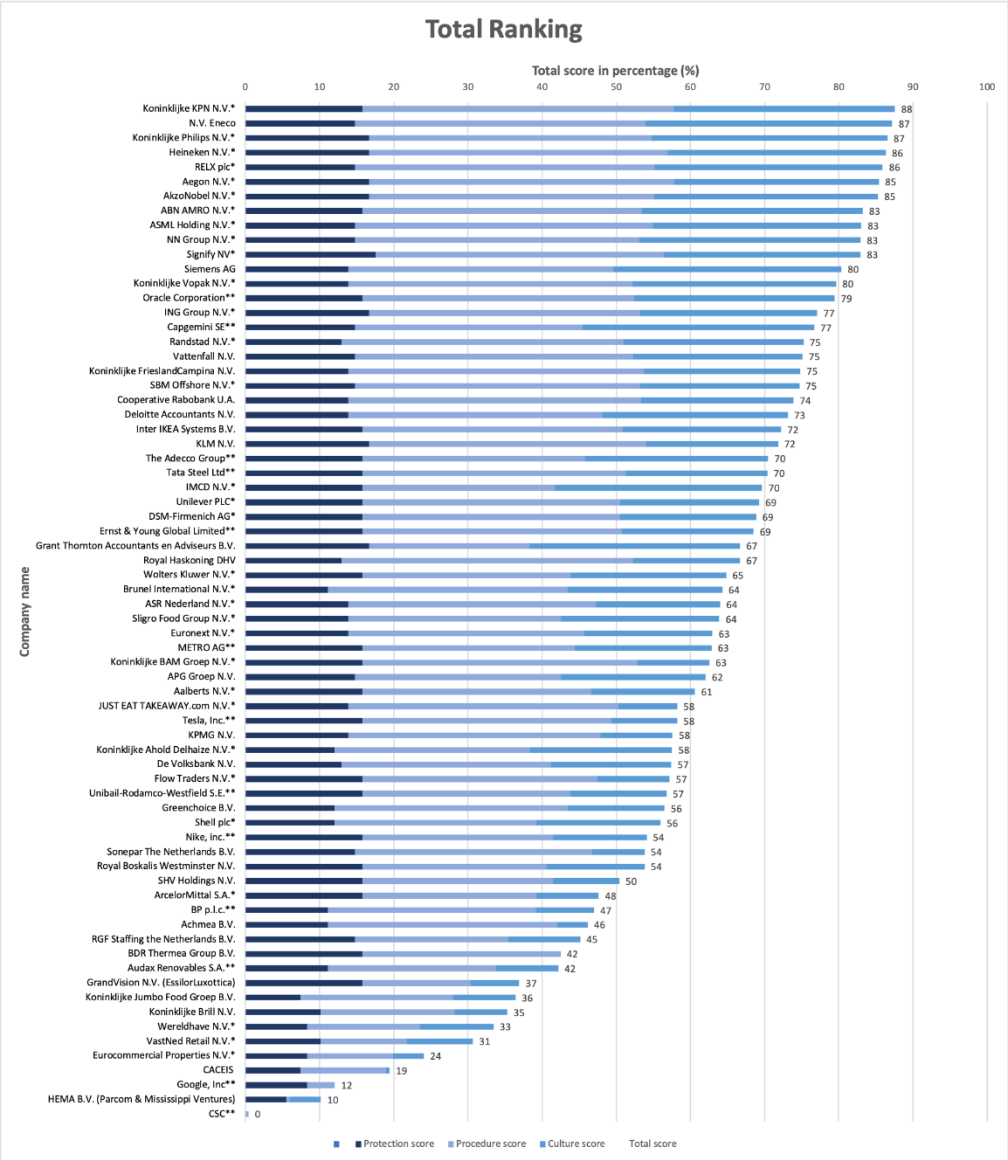
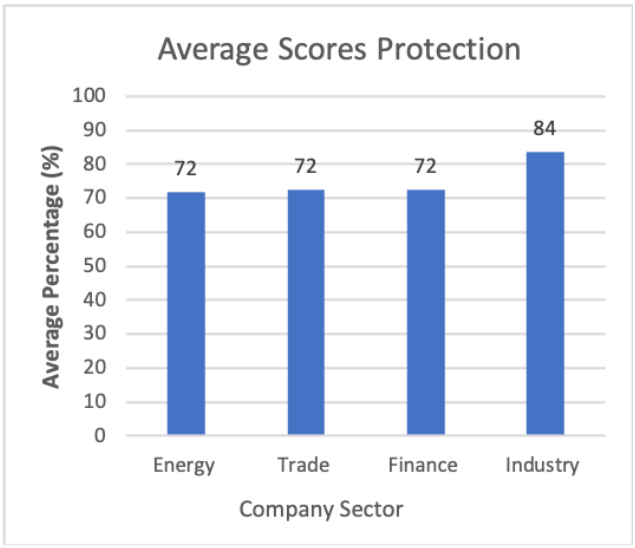
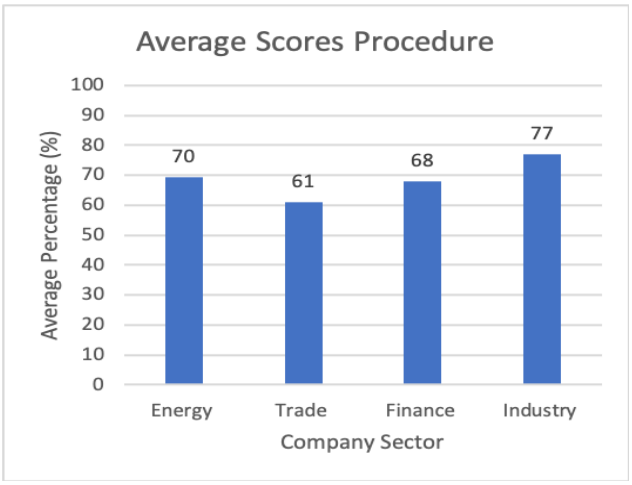


Table 1 – Overall ranking

*Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index

**Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands





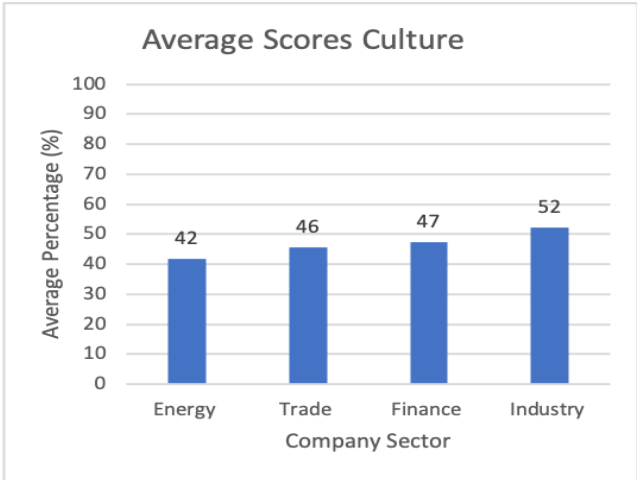


Table 2 – average scores across dimensions

Table 3 – Trade overall ranking

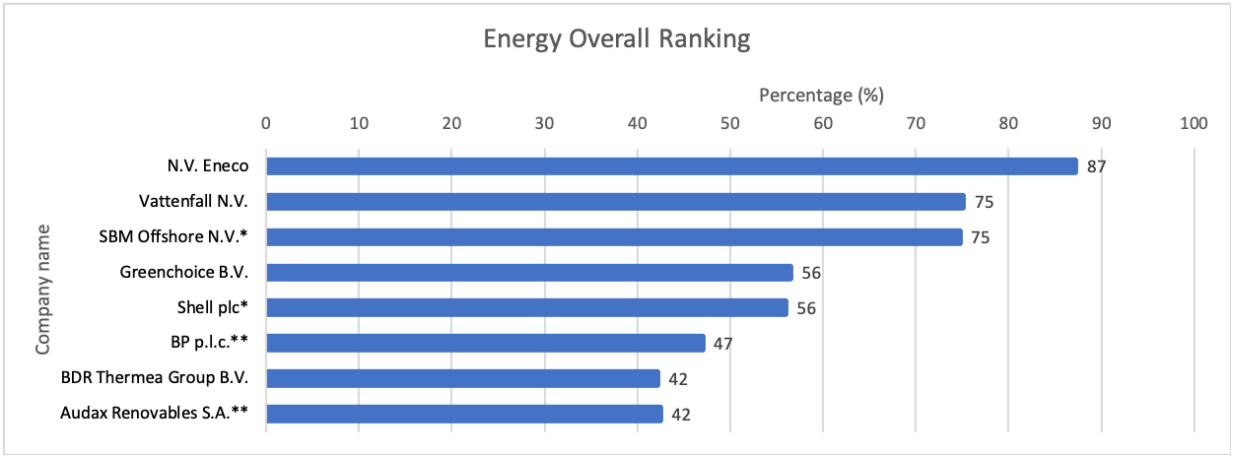


Table 4 – Energy overall ranking

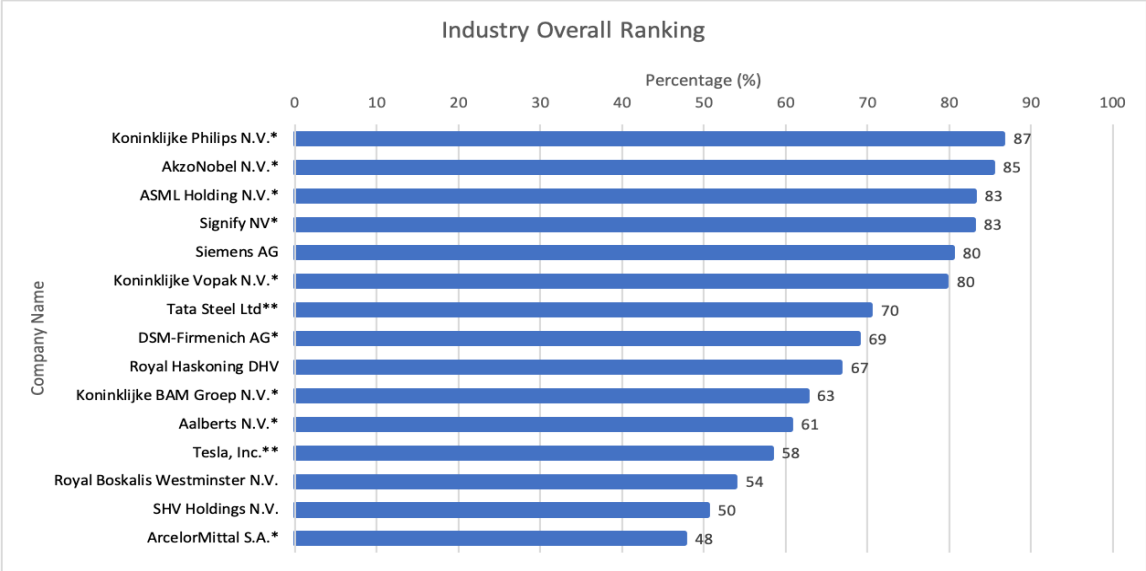


Table 5 – Industry overall ranking

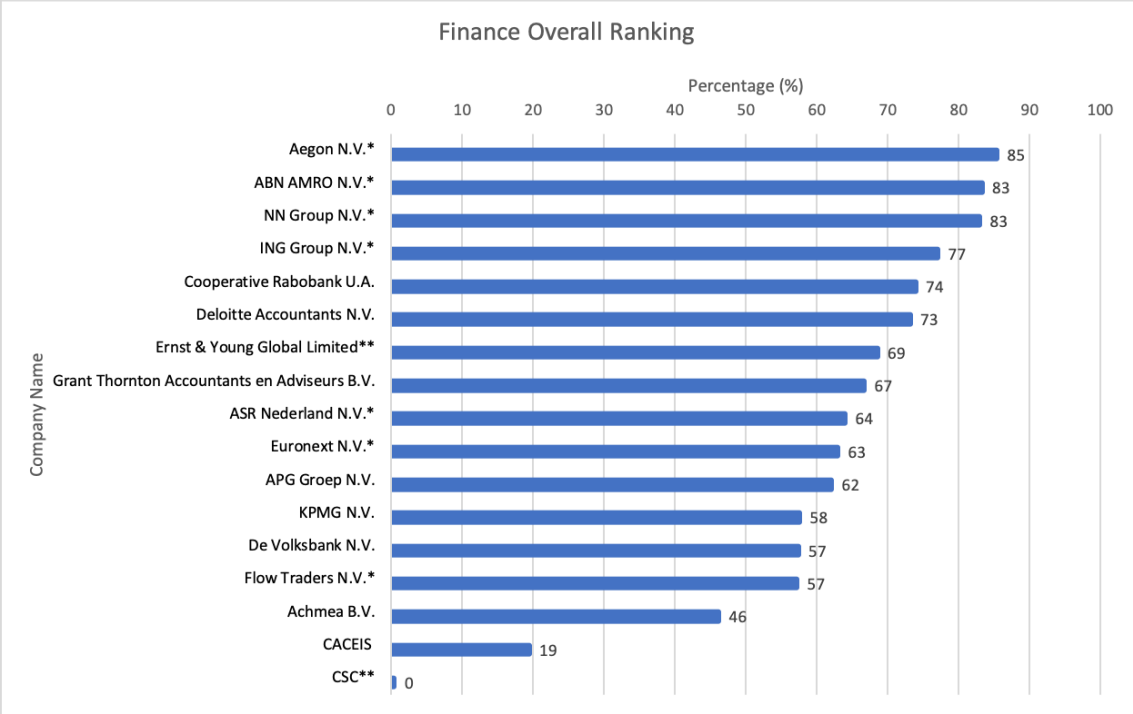


Table 6 – Finance overall ranking

*Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index

**Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands.

INTRODUCTION

Unfortunately, blowing the whistle often carries a high personal risk – particularly when there is little legal protection against retaliation, intimidation or even physical abuse. These personal risks, libel and defamation laws and inadequate investigation of whistleblowers' claims, can all deter people from speaking up. And in some settings, whistleblowing carries connotations of betrayal rather than being seen as a benefit to the company and the public at large. Ultimately, societies, institutions and citizens lose out when there is no one willing to speak up and unmask wrongdoing such as corruption.

Whistleblowers are less likely to report workplace misconduct when companies do not provide clear and safe internal reporting channels[17]. Whistleblowing frameworks for encouraging and protecting staff who speak up about wrongdoing are vital to achieving integrity, good governance and freedom from corruption in institutions across the world.[18] Company testimonies and expert studies show the many benefits of internal whistleblowing frameworks, including:

- public signal of commitment to integrity and social responsibility;
- prevention and mitigation of liability;
- prevention or mitigation of financial losses;
- continuous improvement in compliance and risk management;
- strong reputation;
- enhancement of organisational culture.[19]

At the workplace, having an effective whistleblowing framework in place is essential to stimulate the reporting of corruption, misconduct, and fraud. Staff members are the eyes and ears of any organisation, and whistleblowing frameworks are a vital component of good governance and risk management. Clear procedures for whistleblowing help to protect companies, public bodies and non-profit organisations from the effects of misconduct, including legal liability, serious financial losses and lasting reputational harm. An effective whistleblowing framework also fosters a corporate culture of trust and responsiveness. It is researched that next to clear and effective reporting channels, a positive perception of the corporate culture regarding integrity and openness, leads to an environment in which it is more likely that employees will report misconduct.

[17] Marie Terracol, "INTERNAL WHISTLEBLOWING SYSTEMS". Policy brief. (2022). Transparency International. https://files.transparencycdn.org/images/2022_PolicyBrief_InternalWhistleblowingSystems_English-1.pdf.
[18] Brown, A J et al, Clean as a whistle: a five- step guide to better whistleblowing policy and practice in business and government. Key findings and actions of Whistling While They Work 2, Brisbane: Griffith University, (2019).
[19] Marie Terracol, "INTERNAL WHISTLEBLOWING SYSTEMS". Policy brief p.7. (2022). Transparency International. https://files.transparencycdn.org/images/2022_PolicyBrief_InternalWhistleblowingSystems_English-1.pdf.

TI-NL defines an effective whistleblowing framework as:

"A framework of policies, procedures, processes, guidelines and tools that encourages employees and other stakeholders to report internally suspected wrongdoing, provide safe reporting channels, protect those reporting and other stakeholders from retaliation and guide an organisation's response."

THE LEGAL CONTEXT

WHISTLEBLOWER LEGISLATION IN THE EUROPEAN UNION

To tackle corruption, the European Union needs to encourage and protect its citizens, who report wrongdoing. The European Commission presented a proposal for the Directive on the protection of 'persons reporting breaches of Union law'[20]. This Directive was adopted on the 23rd of October 2019 and gave European Member States more than two years to transpose the Directive into national laws. As a consequence of the Directive most public and private organisations are obliged to have an effective whistleblowing framework that provides safe, confidential reporting channels, protects whistleblowers from retaliation and addresses their reports. The Directive prescribes the protection of persons working in the public or private sector, who report or make public breaches of Union law that are harmful to the public interest. The Directive aims to guarantee a high level of protection for whistleblowers who report breaches of EU law by setting new EU-wide standards. Věra Jourová, Vice-President for Values and Transparency said: *"Whistleblowers are brave people willing to bring illegal activities to light - often at great risk to their career and livelihood – in order to protect the public from wrongdoing. They deserve recognition and protection for their brave actions. I call on Member States to transpose the new rules without delay."*[21] In short, the Directive requires Member States to ensure effective channels to report breaches of EU rules confidentially, both internally (within an organisation) and externally (to a competent authority), that whistleblowers' reports are properly investigated and acted upon by the organisations and competent authorities, and that whistleblowers are protected from retaliation. [22]

WHISTLEBLOWER LEGISLATION IN THE NETHERLANDS

In the Dutch Whistleblower Protection Act, whistleblowing is understood as the reporting or making public of a suspicion of wrongdoing with a public interest, within one's own organisation or to a competent

[20] Eur-Lex. (2019). *Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law*. Official Journal of the European Union. Available at: http://data.europa.eu/eli/dir/2019/1937/oj

[21] Daily News 16 / 12 / 2019". (2019). European Commission. 16 december 2019. https://ec.europa.eu/commission/presscorner/detail/en/mex_19_6782.

[22] Protection For Whistleblowers". European Commission. https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/protection-whistleblowers_en

authority[23]. This Act, effective since 18 February 2023, replaced the previous Whistleblowers Authority Act (2016)[24]. The 2023 Act requires organisations within the Netherlands with at least fifty employees to put in place an internal reporting procedure. Also, in accordance with the European Whistleblower Directive, the Act prohibits retaliation against reporting persons.[25] Reporting persons can be employees or former employees, but can also be self-employed workers, job applicants, interns, volunteers, workers of contractors, sub-contractors, suppliers, as well as shareholders and members of an organisation's governing body.[26]

According to the Whistleblower Protection Act, reporting persons can speak up about wrongdoing and be protected against retaliation. To be protected under the Whistleblower Protection Act, a reported wrongdoing should include a public interest being at stake with a broader effect than just personal interests. It must furthermore be either be a pattern or structural in nature or broad or serious in scope. The whistleblower must also have reasonable grounds to believe that the information provided about the suspected wrongdoing was correct at the time of reporting. Moreover, the acquisition of information on the suspicion of wrongdoing must have taken place in a work-related context. [27]

The Whistleblower Protection Act includes the possibility to report anonymously and to be protected against legal proceedings as a result of the report. Furthermore, the burden of proof is now on the employer to prove that he or she did not retaliate against the whistleblower because of the report. Besides, reporting persons can talk to an attorney, a trade union official or with an advisor of the Dutch Whistleblowers Authority before speaking up[28]. For example, Article 2, paragraph 2, of the Dutch Whistleblower Protection Act outlines the mandatory elements that employers must include in their internal reporting procedures for suspected misconduct. Specifically, Article 2, paragraph 2(g) establishes the right to consult with advisors and Article 2, paragraph 2(h) establishes the right to receive confirmation of receipt within seven days from the day the report has been submitted. Additionally, article 17f provides protections for whistleblowers from legal liability when reporting suspected wrongdoing, even if that disclosure breaches company confidentiality rules. Whistleblowers are protected if they have reasonable grounds to believe that the information provided about the suspected wrongdoing was correct at the time

[23] See: Ministerie Binnelandse Zaken en Koninkrijkrelaties. *Begrippenlijst,* (2022). Available at: https://www.wetbeschermingklokkenluiders.nl/documenten/publicaties/2022/09/08/begrippenlijst

[24] Huisvoorklokkenluiders. *English*. https://www.huisvoorklokkenluiders.nl/english/.

[25] See: Huisvoorklokkenluiders. *English*. Available at: https://www.huisvoorklokkenluiders.nl/english/.

[26] Ministerie van Binnenlandse Zaken en Koninkrijksrelaties. 2023. “Uitbreiding kring van beschermden”. De Wet op Hoofdlijnen | Wet Bescherming Klokkenluiders. 20 februari 2023. https://www.wetbeschermingklokkenluiders.nl/de-wet-op-hoofdlijnen/uitbreiding-kring-van-beschermden.

[27] *Dutch Whistleblower Protection Act*. Wet Bescherming Klokkenluiders, 2023. https://www.wetbeschermingklokkenluiders.nl/english.

[28] *Dutch Whistleblower Protection Act*. Wet Bescherming Klokkenluiders, 2023. https://www.wetbeschermingklokkenluiders.nl/english.

of reporting and if the reporting or disclosure is done in accordance with the conditions of the Dutch Whistleblower Protection Act.[29]

In the near future, internal reports can be made anonymously but the relevant provisions in the law (Section 2, e and f of the Act) have not yet entered into force. These provisions require all organisations subject to the Act to set up an anonymous reporting channel, and to accept and follow up on anonymous reports of suspected wrongdoing.

Finally, complying with whistleblowing legislation is only one part of an effective whistleblowing framework. For this reason, we do not only assess whether the Whistleblowing Frameworks meet the legal obligations, but we inquire the current state and effectiveness of the framework.

AIM AND STRUCTURE OF WHISTLEBLOWING FRAMEWORKS 2024

The aim of this study is to map the state and effectiveness of current Whistleblowing Frameworks within the Dutch private sector.

This study gives a clear insight in the current state of whistleblowing frameworks among companies located in the Netherlands as well as the differences between the sectors. By publishing this report, TI-NL aims to increase the awareness of the importance to protect whistleblowers in the Dutch private sector and go beyond legal compliance with the Dutch Whistleblower Protection Act. This study also intends to investigate the impact of the Dutch Whistleblower Protection Act by comparing the data collected on whistleblowing frameworks before and after the Act's implementation in 2023. By employing the same research methodology as in 2019[30], we attempt to compare the results and assess the Act's impact on the whistleblowing frameworks of the 70 companies in question. The new Dutch Whistleblower Protection Act, officially called the “Wet bescherming klokkenluiders”, has been implemented in February 2023 to strengthen protection for individuals who report wrongdoing within organisations in the Netherlands. The Dutch Whistleblower Protection Act aligns with the EU Whistleblower Protection Directive, which prescribes that EU Member States establish minimum standards for whistleblower protection.

Whistleblowing Frameworks 2019 found that only 16 out of the 68 studied companies scored 75% or higher as a total score on effective whistleblowing frameworks. The current study performs the same analysis but 5 years later, after the implementation of the new EU Whistleblower Protection Directive 2019/1937[31]. It analyses the impact of the Dutch Whistleblower Protection Act across the four sectors

[29] *Dutch Whistleblower Protection Act*. Wet Bescherming Klokkenluiders, 2023. https://www.wetbeschermingklokkenluiders.nl/english.
[30] See Appendix I. Methodology
[31] Transparency International. “WHISTLEBLOWING FRAMEWORKS 2019” (2020). *Transparency International Nederland*. Transparency International Nederland. https://www.transparency.nl/wp-content/uploads/2020/05/Whistleblowing-Frameworks-2019-TI-NL.pdf.

(Energy, Finance, Trade and Industry), examining how the new legislation has influenced each sectors' approach to whistleblower protection and practices since 2019.

In this report, a study has been conducted into the different elements of the whistleblowing frameworks of 70 companies, located in the Netherlands. The companies can be divided into four large sectors: Energy, Finance, Industry and Trade.

The report Whistleblowing Frameworks 2024 provides answers to the following questions:

1. What is the state of whistleblowing frameworks among companies located in the Netherlands in 2024?
2. What are the differences between the whistleblowing frameworks among the four different sectors?
3. How can companies located in the Netherlands support and stimulate their internal reporting of wrongdoing?

To be able to measure the effectiveness of the whistleblowing frameworks, we have analysed the following three dimensions and subsequently into different sub-dimensions essential for an effective whistleblowing framework at the workplace:
1. The level of **protection** given to people reporting wrongdoing internally, with a strong focus on anti-retaliation and confidentiality and anonymity;
2. The effectiveness of the internal reporting **procedure**, consisting of a report mechanism, response mechanism and monitoring;
3. The supportiveness of the corporate **culture** for the reporting of wrongdoing, paying attention to the commitment from the top and communication. The overview in Appendix I. Methodology (p. 54) shows 27 elements of an effective whistleblowing framework, as developed by Transparency International Nederland[32].

These dimensions form the basis for the survey of this study and have been assessed by conducting a survey, as well as by desk-research for those companies that have not responded to the survey (see *Appendix III. Survey*). Based on the data retrieved from this, a ranking has been made between the companies. This ranking aims to show the current level of effectiveness of present whistleblowing frameworks, as well as the differences between the sectors. Next to that, we present core findings regarding the general level of the frameworks but also regarding specific factors that influence effectiveness of this framework. Finally, this report provides the reader with recommendations to increase the quality of current whistleblowing frameworks (p. 47). These recommendations are provided based on the findings in the report.

[32] Transparency International, The Business Case for "Speaking Up". How Internal Reporting Mechanisms Strengthen Private-Sector Organisations, (2017). Available at: www.transparency.org/whatwedo/publication/business_case_for_speaking_up

RESULTS

OVERALL INDEX RESULT

The average total scores laid out in this section are partially based on questionnaire data from the 29 responsive companies and partly based on publicly available data from the 41 non-responsive companies on which desk-research was performed. The scores shown in this study are therefore the scores of a total of 70 companies (selection of companies is comparable to the selection in 2019, but differs slightly as companies grow, merge etc.).[33] It is important to understand that the actual performance of the whistleblowing framework may differ from what can be found through publicly available data.

The newly implemented Whistleblower Protection Act appears to have had a significant impact, as evidenced by the 2024 results compared to those of the whistleblowing frameworks study that has been conducted in 2019 (see Results section). In fact, in 2024, the average company score relatively increased with 36% compared to 2019[34]. This positive effect is reflected across all dimensions and in the overall average scores. These findings highlight the positive influence of the national legislation on internal whistleblowing regulations and protection.

[33] See Appendix II. Methodology, table 22

[34] This is a relative increase (calculated by taking the difference between the final and initial values, dividing it by the initial value, and multiplying by 100).

There is a clear distinction in scores between companies that filled out the questionnaire themselves, and the companies that have been scored based on desk research. There are several possible explanations for this difference. First, it can be argued that companies that have not implemented and carried out an effective whistleblowing framework, are not willing to cooperate in our study by filling out the questionnaire. Second, some questions are impossible to score with merely desk research. This applies in particular to questions related to culture. Desk research therefore inevitably leads to a lower score. However, TI-NL decided to rank the desk research scores similarly as the questionnaire-based scores. The main goal of this report is to stimulate companies to implement an effective whistleblowing framework. The method of 'ranking' is in our opinion supportive to that goal. We hope it encourages companies to enhance their whistleblowing framework and to cooperate in future studies by filling out the questionnaire.

Additionally, it is important to note that while the survey questions aim to reflect a company's whistleblowing framework, they may not capture the full scope of each company's efforts. Some measures or initiatives companies have implemented might fall outside the scope of the questionnaire. The dimension of culture is particularly difficult to measure. The organisation culture depends on many undocumented elements. As a result, the score may not fully represent the entirety of their whistleblowing practices.

It should be highlighted that the actual performance of the whistleblowing framework may be different from the protection on paper. As such, when a company scores high, this does not necessarily mean that the actual protection is in fact effective in practice. For instance, if the possibility of reporting anonymously is offered on paper, it may very well be the case that this is not possible in practice. This may occur when the identifiable facts of a report point to a specific person, or the reporter's identity becomes clear during the course of investigating the report. Furthermore, retaliation may be forbidden in theory, but may not be sanctioned in practice or difficult to prove.

Further explanation of the approach is offered in the appendix (methodology section). While a formal whistleblowing framework is needed to effectively protect those that disclose wrongdoing, it is not necessarily sufficient without adequate capacity and resources to implement it effectively.

Total average score: 61% in 2024 vs 45% in 2019

- 20 companies (29% of the assessed companies) have a total score of 75% or higher.
- The highest total score is 88% and is obtained by Koninklijke KPN N.V. Compared to Whistleblowing Frameworks 2019, Koninklijke KPN N.V increased its score with 6%, from 82%.
- The largest opportunity for improvement lies in the supportiveness of the corporate culture for internal reporting of wrongdoing.
- On average, the sector Energy scores 60%, Industry scores 69%, and Finance scores 61%. The sector Trade scores lowest with a total average score of 57%.

- The average score of companies that filled out the survey is 73%, the average score of companies subjected to desk research is 53%.

Comparison 2024 vs 2019

- The total average score shows a relative increase of 36% when comparing 2019 to 2024.[35]
- The average score in 2024 is 61% and increased with 16% compared to the average score of 45% in 2019.
- The higher overall index score of 61% in 2024 compared to the 45% in 2019 is mostly due to the increase of the overall score of the sector Industry. Industry scored 69% in 2024 whereas in 2019 they only scored 46%.
- In addition to Industry, Energy, Finance and Trade all increased their average score in 2024. Energy went from 50 to 60%. Finance went from 50 to 61% and trade went from 41 to 57%. The sector Industry made the biggest improvement since 2019, with the average score going up by 23%.
- In 2024, 20 companies (26% of assessed companies) had a total score of 75% or higher whereas in 2019, 16 companies (24% of the assessed companies) had a total score of 75% or higher.

PROTECTION

Average score: 75% in 2024 vs 61% in 2019

- The industry sector scores highest on protection with an average score of 84%. Energy, Trade and Finance all score an average of 72%.
- 51 companies (73%) score more than 75% on the protection questions. Most of these companies attain this high score because they offer employees the possibility to report anonymously, to report retaliation related to their whistleblowing disclosure and they explicitly communicate to their employees that retaliation is forbidden.

[35] This is a relative increase (calculated by taking the difference between the final and initial values, dividing it by the initial value, and multiplying by 100)

- 90% of the companies (63 companies) provide the possibility to report wrongdoing anonymously. They actively choose to comply with international best practice as this is not yet a legal obligation in the Netherlands.
- Most companies (94%) inform employees that retaliation is forbidden and almost all of them (90% out of all companies) offer the possibility to also report retaliation. Especially for the companies that were subjected to desk research, it is not always clear whether an employee can report a (suspected) case of retaliation as a result of whistleblowing.
- The average score in this dimension of companies that filled out the survey is 80%, the average score of companies subjected to desk research is 69%.

Comparison 2024 vs 2019

- The average score on protection has improved significantly in 2024, rising by 14% to 75% compared to the 2019 score of 61%.
- In 2024, the share of companies scoring 75% or higher significantly increased from 38 companies (56%) in 2019 to 51 companies (73%).
- In 2024, only 7 companies (10%) do not provide the possibility to report wrongdoing anonymously whereas, in 2019, 17 companies (25%) did not provide the possibility to report wrongdoing anonymously.
- Overall, the total average score on protection has increased significantly in 2024 and more companies offer the possibility to report wrongdoing anonymously than in 2019.

PROCEDURE

Average score: 67% in 2024 vs 52% in 2019

- The average procedure score of the four sectors is 67%, with an average of 61% in the Trade sector, 70% in the energy sector, 77% in the industry sector and 68% in the Finance sector.
- Less than half of the companies (49%) score 75% or higher in procedure.
- 84% of the companies offer whistleblowers the possibility to report wrongdoing 24/7.

- 49 companies (70%) provide the reporting person with a receipt of disclosure within 7 days. This is a legal requirement that 30% of companies are failing to fulfil.
- A large majority of the companies (83%) provide the reporter of wrongdoing with feedback on the follow-up on his or her disclosure. Most of these companies (66% of all companies) do so within 3 months, which is the maximum time frame for feedback based on the EU Whistleblowing Directive.[19]
- 47 companies (67%) compile statistics to evaluate the effectiveness of the whistleblowing programme. 22 of those companies (31% of all companies), do so on quarterly basis. Four companies, Greenchoice B.V., Inter Ikea Systems B.V., Koninklijke KPN and Koninklijke Philips, measure statistics monthly.
- The average procedure score of companies that filled out the survey is 80%, the average score of companies subjected to desk research is 58%.

Comparison 2024 vs 2019

- The average score on procedure has also improved significantly in 2024, rising by 15% to 67%, compared to the previous score of 52% in 2019.
- In 2024, 83% of all companies scored 50% or higher on the dimension of procedure compared to exactly half of all companies (50%) scoring 50% or higher on the procedure questions in 2019.
- In 2024, the share of companies providing 24/7 access to their reporting channels increased significantly to 84% compared to 59% of the companies in 2019.
- In 2024, 70% of the companies provided acknowledgement of reports within 7 days, whereas in 2019 this was just a slight majority of 51% of the companies, indicating more companies are providing timely acknowledgment of reports.
- In 2024, the follow-up rate on whistleblower reports within 3 months increased to 83%, with 66% providing follow-up within the 3-month timeframe outlined in the Dutch Whistleblowing Protection Act and EU Whistleblowing Directive. In 2019, 76% of companies followed-up on whistleblower disclosures, with 62% providing follow-up within 3 months.[36]

[36] WB directive art. 9, 1F. Directive - 2019/1937 - EN - eu whistleblowing directive - EUR-Lex

- Overall, there have been significant improvements since 2019: The increased availability of 24/7 reporting, faster acknowledgment of disclosures, and higher follow-up rates are clear indicators of progress in aligning with the EU Whistleblowing Directive. Additionally, there were slight improvements in the measurement practices, especially the rise in monthly evaluations. This suggests there is an increased willingness to monitor the whistleblowing framework's effectiveness.

CULTURE

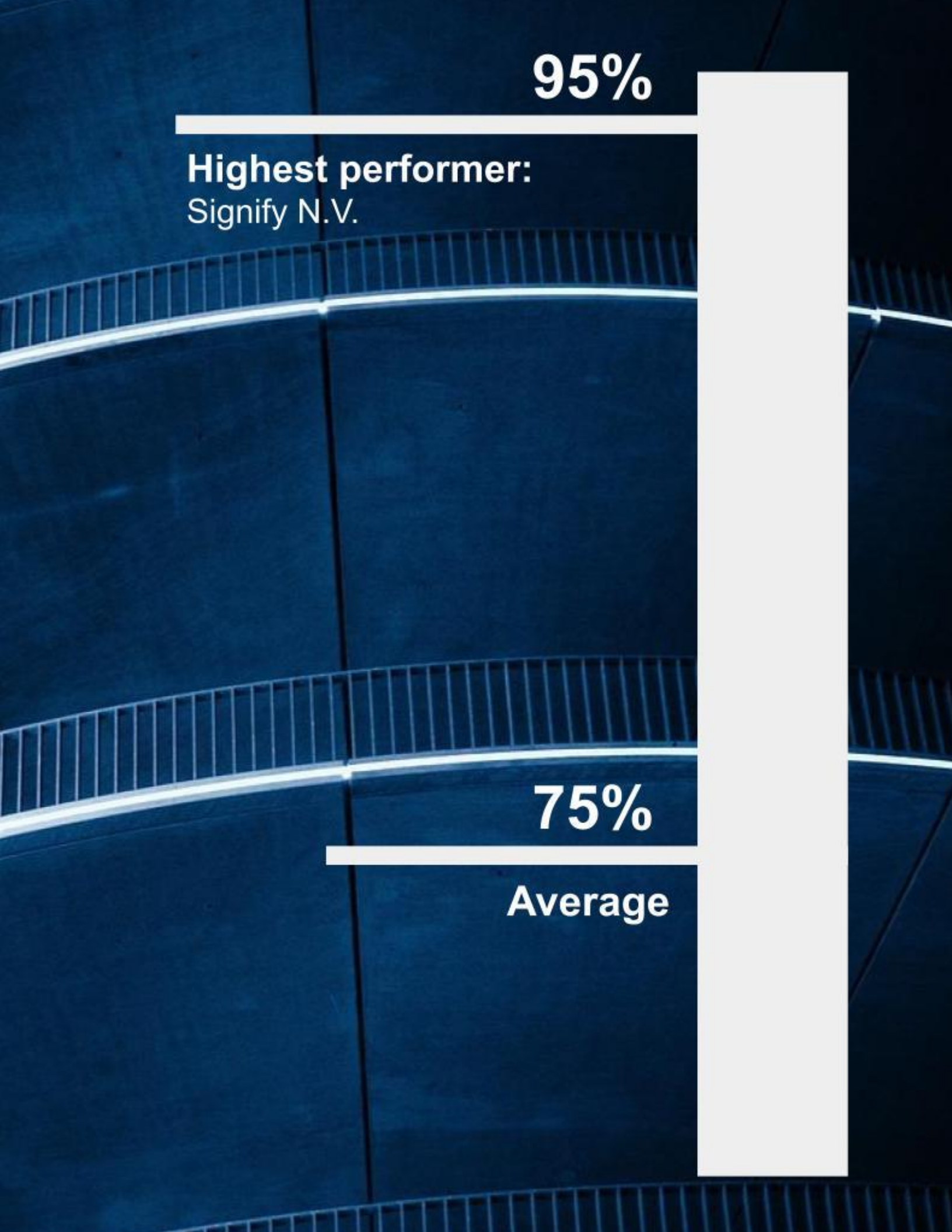
Average score: 47% in 2024 vs 31% in 2019

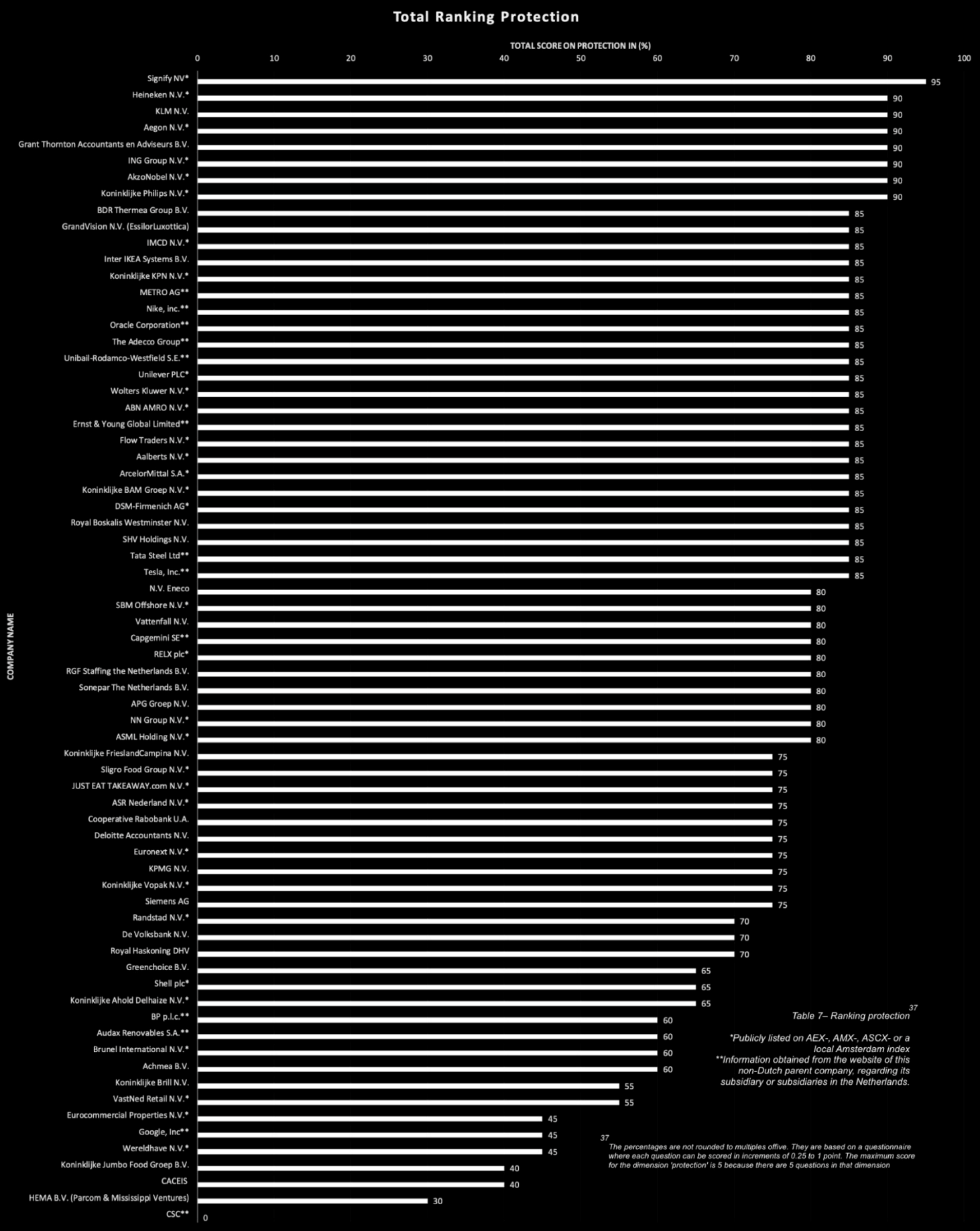
- The industry sector scores highest on culture, with an average of 52%. The energy sector scores lowest with an average of 42%.
- Only a small part of the companies (39%) publishes the outcomes of whistleblowing cases, on anonymous basis, internally. Remarkably, there are more companies (54%) that publish the outcomes of whistleblowing cases externally. Most of these companies publish this data in their annual report.
- A large share of the companies (90%) has a helpline or confidential advisor to advise employees on the reporting of wrongdoing.
- 16 companies (23%) have no special training for the people responsible for the whistleblowing framework to perform their functions.
- 23 companies (33%) conduct staff surveys regarding awareness of the whistleblowing programme every year.
- The most used medium for companies to inform employees about their whistleblowing framework is their intranet platform.
- The average culture score of companies that filled in the survey is 61%, the average score of companies subjected to desk research is 37%.

Comparison 2024 vs 2019

- In 2024, the average score on culture was 47% compared to 31% in 2019, marking a significant 16% improvement.
- In 2024, 39%, of the companies internally published whistleblowing outcomes anonymously, while 54% published their outcomes externally, mostly through annual reports. In 2019, only 26% of the companies published whistleblowing outcomes internally and 35% externally. This suggests growing transparency in corporate reporting. The internal communication is still considered to be relatively low.
- In 2024, 90% of all companies provides a helpline or confidential advisor to guide employees in reporting wrongdoing. In 2019, this figure was significantly lower with only 59% of the companies providing guidance in reporting wrongdoing, indicating a large improvement to better accessibility of resources for reporting concerns.
- In 2024, 23% of the companies lack special training for individuals managing whistleblowing frameworks, whereas in 2019 this was 59% of the companies reporting a lack of training for responsible personnel.
- Despite an overall increase in the average culture score, internal publication of whistleblowing outcomes and an increased use of staff surveys remain areas in which many companies can still improve.

1 Protection


95%
Highest performer:
Signify N.V.
75%
Average



[37] *Table 7– Ranking protection*

**Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index*
***Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands.*

[37] *The percentages are not rounded to multiples offive. They are based on a questionnaire where each question can be scored in increments of 0.25 to 1 point. The maximum score for the dimension 'protection' is 5 because there are 5 questions in that dimension*

1. PROTECTION

The level of formal protection given to people reporting wrongdoing internally – based on the Dutch legal obligation to have a whistleblowing framework in place with at least 50 employees – is the first aspect of an effective whistleblowing framework that this study assessed. For this research, the level of protection was measured by looking at the possibility of raising a concern, confidentially or anonymously, and the protection against retaliation.

However, we believe that these elements are merely minimal requirements and do not offer adequate protection to employees, nor a sufficient assurance of safety in terms of reporting. A company should go beyond what is required by law to encourage employees to report wrongdoing. The better employees or third parties know they are protected, the earlier in the process they will raise their concerns, hereby preventing increasing financial or reputational damage to the company. Also, the likelihood employees will report their concerns internally and not externally, increases.

In addition to formal protection in the company's policy, a good reporting procedure (see Chapter 2. Procedure) and a supportive company culture (see Chapter 3. Culture) are also essential. Furthermore, anti-retaliation measures should be communicated proactively rather than defensively within organisations.

The evaluation of protection given to people reporting concerns internally is based on five questions, of which all five are scored, as reflected in Tables 9 and 10 below. The questions focus on protection given to persons reporting wrongdoing by offering them the possibility to report anonymously and protection against retaliation. The precise questions can be found in *Appendix III Survey*.

RESULTS

The average score in the dimension of protection amounts 75%. The best performing company is Signify N.V. obtaining a total score of 95%. At the bottom of the ranking are Hema B.V. and CSC (Intertrust) scoring 30% and 0% respectively.

As demonstrated in Table 9, 90% of the companies offer the possibility to report wrongdoing anonymously. They actively choose to comply with international best practice as this is not yet a legal obligation in the Netherlands.

Also, while most companies inform employees that retaliation is forbidden (94%), not all of them offer the possibility to report retaliation related to the whistleblower's report (90%). Furthermore, most companies (91%) have a non-retaliation policy in place that includes disciplinary sanctions for those who retaliate. A small minority of the companies has an independent party to support the employee during and after the investigation process. However, still 14% of the companies do not at all have a protective measure in place. The finance, trade and energy sector all score an average of 72%, making industry stand out with an average score of 84% (see table 8).

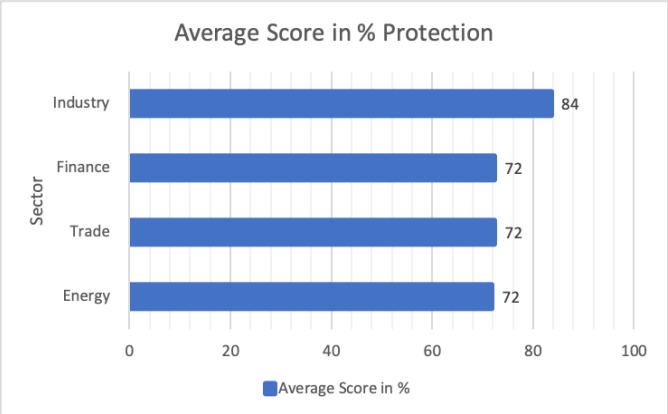


Table 8 – Average score in % Protection

THE LEVEL OF PROTECTION GIVEN TO PEOPLE REPORTING CONCERNS INTERNALLY; ANALYSIS PER QUESTION (PERCENTAGES OF 70 COMPANIES)

	1 point	0.75 points	0.5 points	0.25 points	0 points
Q2. Possibility of reporting anonymously	90%				10%
Q3. Managing information about identity	40%		46%	0%	14%
Q4. Possibility of reporting retaliation	90%				10%
Q5. Company states retaliation is forbidden	94%				6%
Q6. Protection against retaliation	9%	9%	17%	51%	14%

Table 9 – Level of protection, from no protection (0 points) to robust protection (1 point), analysis per question with percentages of 70 companies.

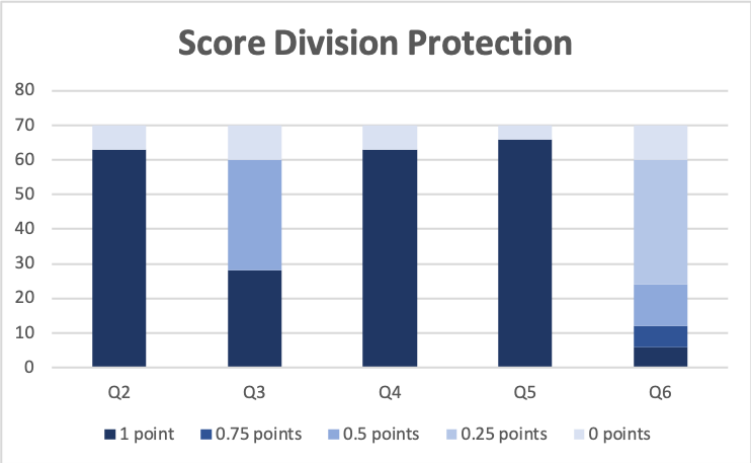
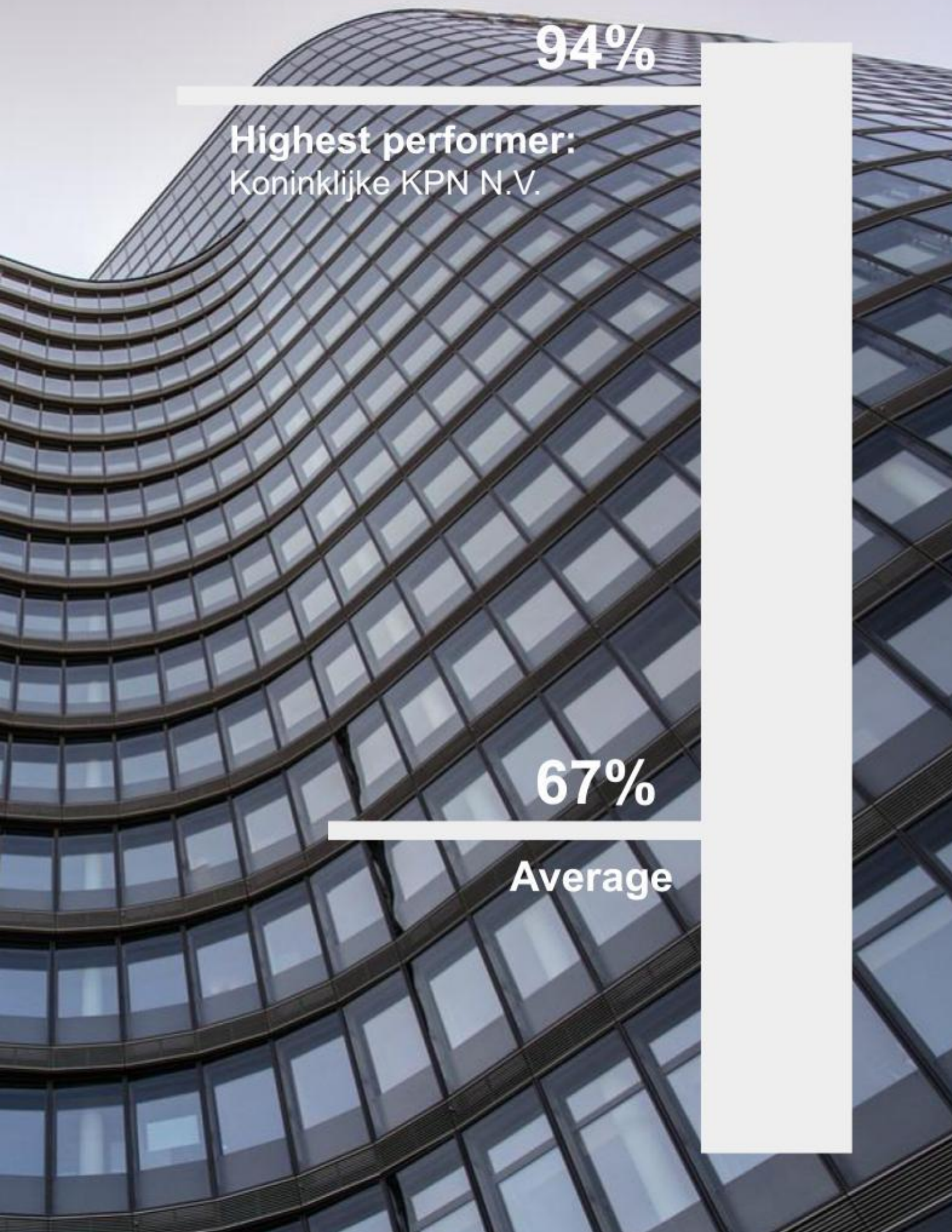


Table 10 –Score division protection

2

Procedure


94%
Highest performer:
Koninklijke KPN N.V.
67%
Average

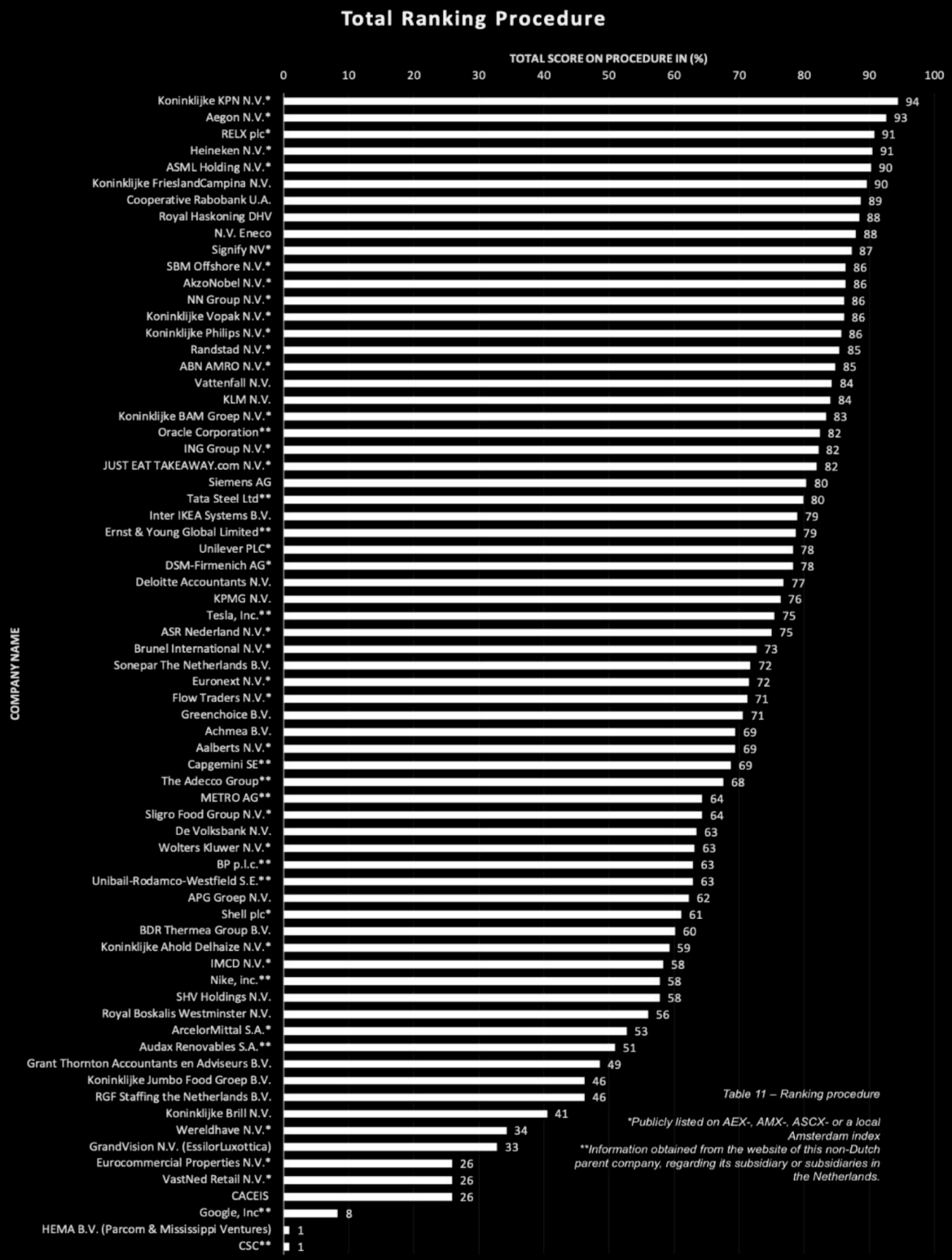


Table 11 – Ranking procedure

**Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index*

***Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands.*

2. PROCEDURE

The second component of effective whistleblowing frameworks examined for this research is the procedure for reporting and investigating wrongdoing. A clear and easy–to-follow internal procedure is crucial in encouraging employees to report (the suspicion of) wrongdoing. Employees should be guaranteed a sufficient level of information, security and objectivity throughout all stages of the process.

Next to providing clear reporting and responding mechanisms, it is important that these processes are monitored. By doing so, the effectiveness of the whistleblowing framework can be assured.

We have divided the whistleblowing procedure into three sub-components:

1. The reporting mechanism;
2. The responding mechanism (process of investigation); and
3. Monitoring.

Without an efficient whistleblowing procedure in place, whistleblowing frameworks may - even in the most open organisational cultures - not prove successful. On the other hand, without an open and supportive culture, even the best procedures may prove futile. The dimension of culture will be addressed in the following chapter.

The evaluation of the internal procedure for reporting wrongdoing is based on 13 questions, of which 12 are being scored. The questions can be found in Table 13, and more elaborate in Appendix I - methodology and *Appendix III - Survey*.

RESULTS

The average score in terms of the effectiveness of whistleblowing procedures amounts 67%. The best performing companies in this ranking are Koninklijke KPN N.V. with 94% and Aegon N.V. with 93%. At the bottom of the ranking are CSC and HEMA B.V. with both 1%.

A large share of the companies offers whistleblowers an in-person reporting possibility. Another channel that is used often by companies is an external hotline. Most companies have a reporting channel in place that is accessible 24 hours a day (84%). 70% of the companies provide the reporting person with a receipt of their disclosure within 7 days. A large majority of the companies (83%) provides the reporter of wrongdoing with feedback during the reporting procedure. Most of these companies (66%) do this within 3 months - which is the maximum time frame for feedback based on the Dutch Whistleblower Protection Act.[37]

[37] Dutch Whistleblower Protection Act, Art. 2, paragraph 2 https://www.wetbeschermingklokkenluiders.nl/english

A majority of the companies (67%) measure statistics with the purpose of evaluating the effectiveness of the reporting system. Most companies do this on annual or semi-annual basis. Four companies, Greenchoice B.V., Inter Ikea Systems B.V., Koninklijke KPN and Koninklijke Philips, measure their statistics with the purpose of evaluating the effectiveness of the reporting system monthly basis. However, one third of the companies (33%) does not measure their statistics at all.

The difference between the four sectors is relatively small in this dimension: Trade has the lowest score with 61%, while Industry scores highest with an average score of 77%.

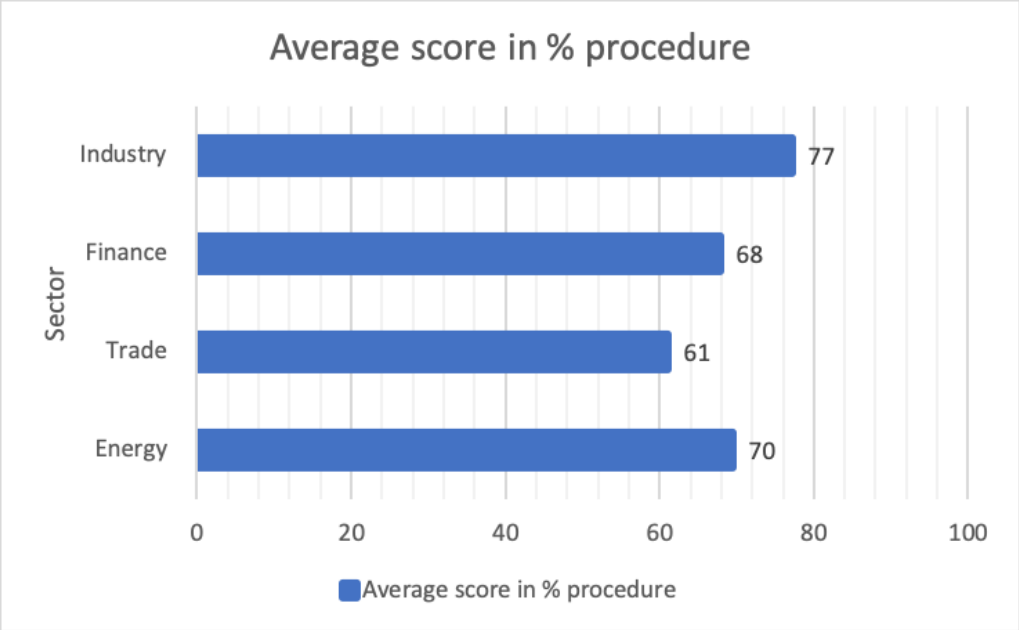


Table 12 – Average score in % procedure

THE EFFECTIVENESS OF THE INTERNAL REPORTING PROCEDURE; ANALYSIS PER QUESTION (PERCENTAGES OF 70 COMPANIES)						
	1 point	<1->=0.75 points	<0.75->=0.5 points	<0.5->=0.25 points	<0.25->0 points	0 points
Q7. Available reporting channels	0%	7%	39%	34%	19%	1%
Q8. Availability of reporting channels 24/7	84%					16%
Q9. Responsible for governance framework	87%		9%			4%
Q10. Initial Screening of reports	81%					19%
Q11. Responsible for deciding further investigation	80%		4%			16%
Q12. Responsible for investigating reports	87%		4%			9%
Q13. Receipt of disclosure within 7 days	70%					30%
Q14. Follow-up	83%					17%
Q15. Time frame of follow-up	66%					34%
Q16. Case Management Systems for cases	50%		23%			27%
Q17. Statistics of Framework Measured	0%	9%	24%	24%	10%	33%
Q18. Frequency of measuring	6%	1%	31%	29%		33%
Q19. Number of reports per year			Not scored			

Table 13 - Procedure, from no procedure (0 points) to robust procedure (1 point), analysis per question with percentages of 70 companies.

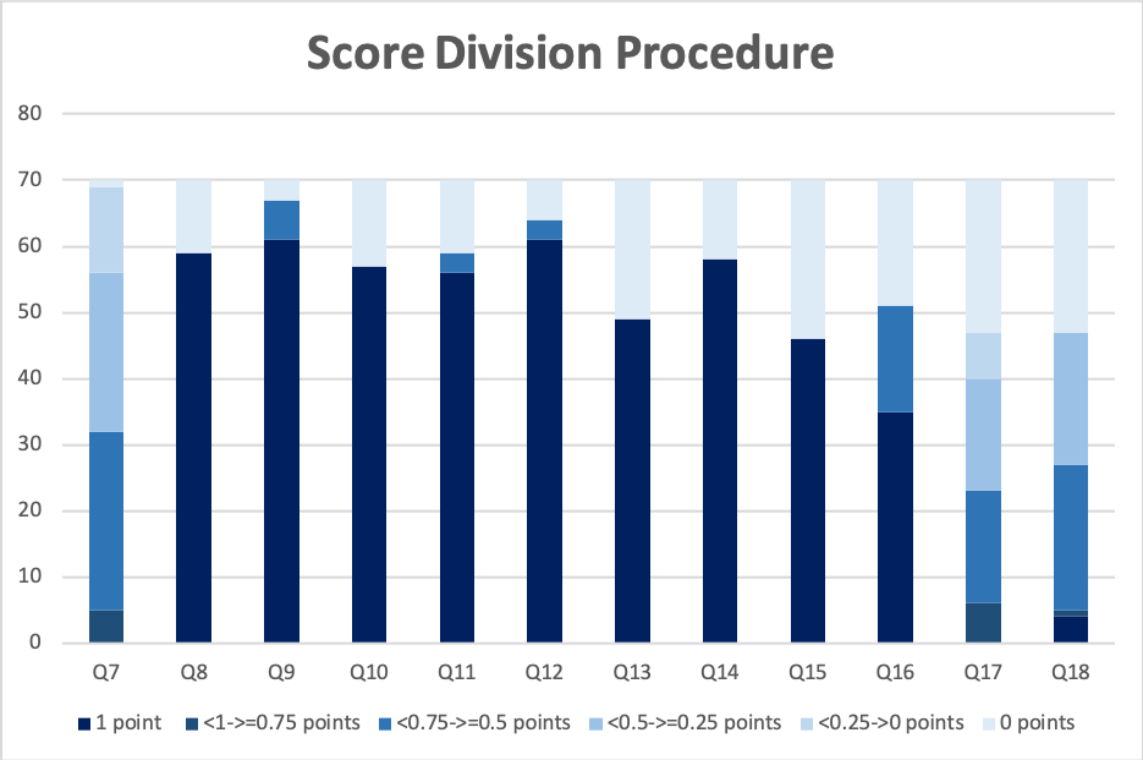
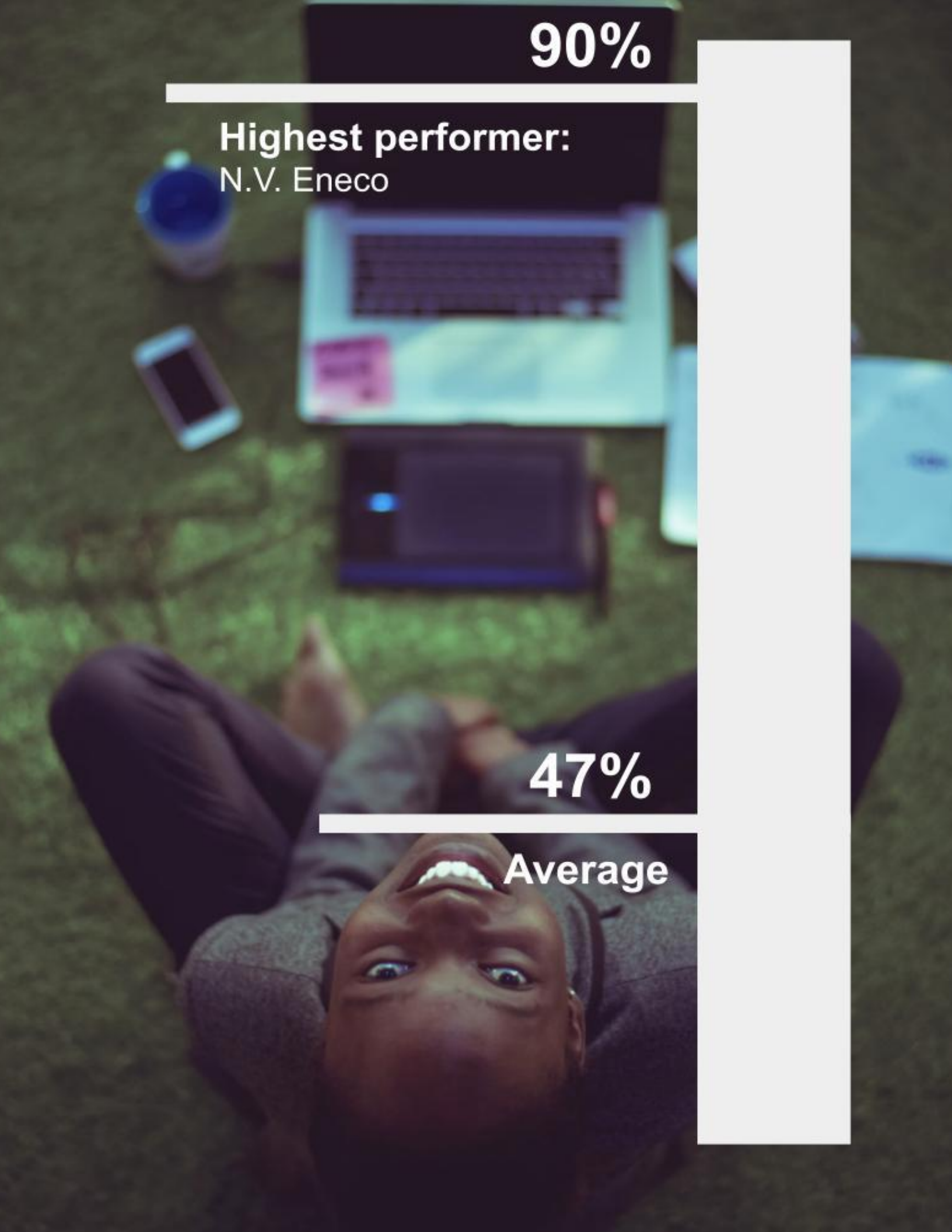


Table 14 –Score division procedure, visual illustration of percentage of companies scoring between 0 and 1 point on questions.

3
Culture


90%
Highest performer:
N.V. Eneco
47%
Average

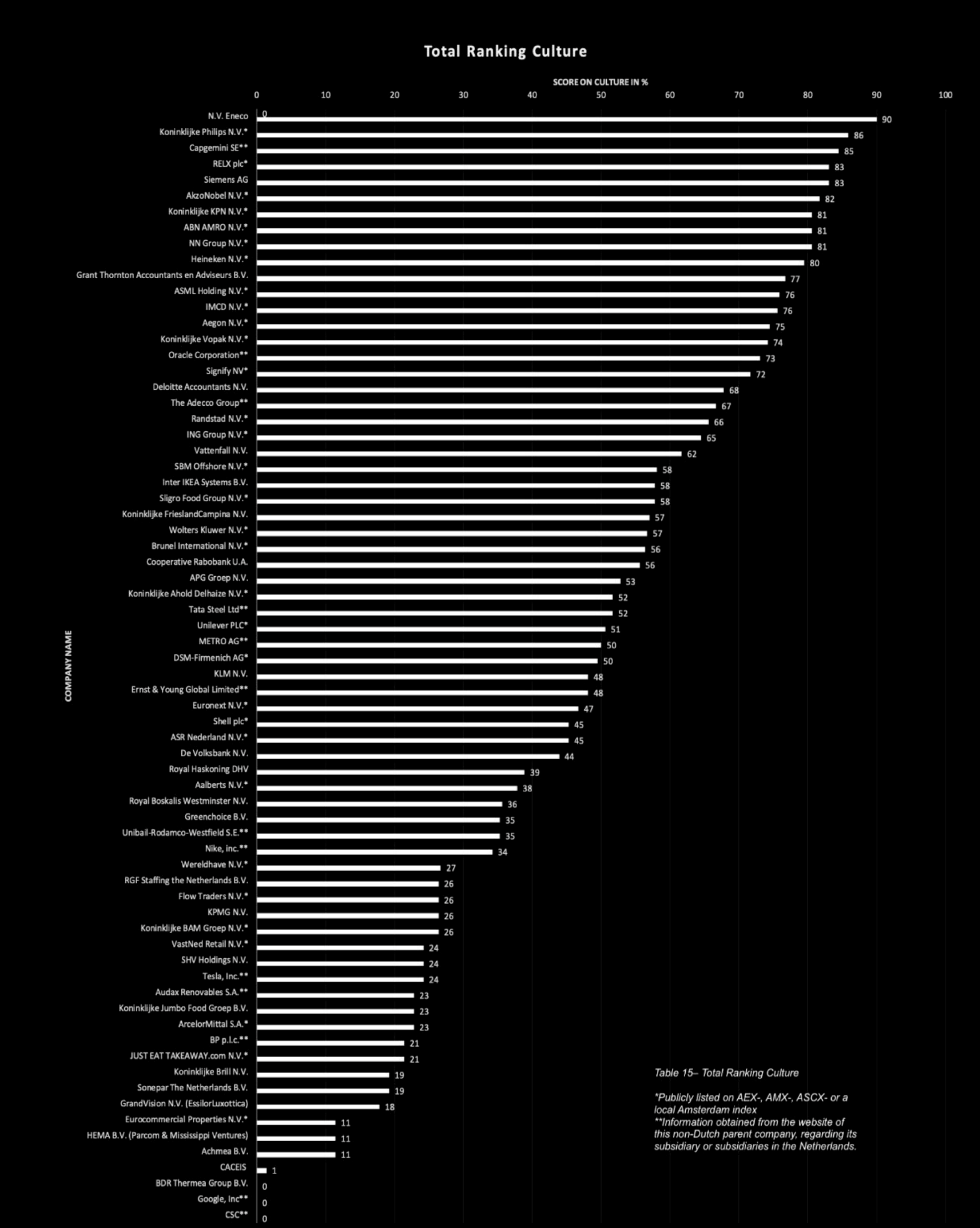


Table 15– Total Ranking Culture

**Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index*
***Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands.*

3. CULTURE

A third crucial yet often overlooked factor is an organisation's corporate culture, which determines to what extent potential whistleblowers feel safe and comfortable to report wrongdoing internally.

This chapter focuses on culture as an important element of a robust whistleblowing framework. It is important to note that corporate culture is difficult to measure, if it can be measured at all. Although the questions in the survey attempt to measure whether certain policies and practises are in place, they are not a complete or perfect measure of corporate culture. This methodology cannot measure whether employees feel 'safe' or 'comfortable'. Having said this, the elements that are measured in this chapter help towards implementing robust whistleblowing frameworks, and forward-thinking culture that stays ahead of regulations, remains an essential part of accepting and implementing a broader definition of whistleblowing.

Based on the formal rules and procedures of whistleblowing frameworks, companies may seem to support and encourage internal reporting of wrongdoing. However, if the company culture does not support the same values, internal reporting of wrongdoing may be suppressed after all. The procedures and policies tend to serve as an encouragement to implement an effective whistleblowing framework. This can foster an open speak up culture within the organization.

An open 'speak up' corporate culture and supportive procedures do not only help to detect fraud, they also pave the way for open discussions, better leadership behaviour[38] and, ultimately, influence the financial performance of the company.[39] Speak up arrangements can have economic benefits for companies and society.[40] Companies that have an internal whistleblowing framework register 50 percent fewer losses by uncovering wrongdoing in time and actively taking countermeasures. Evaluations in Switzerland have shown that companies lose an average of around 7% of their turnover due to economic crimes such as fraud, embezzlement or corruption. A company with €100 million in revenue would lose €7 million annually. If just 10% of these violations are discovered and prevented thanks to an internal whistleblowing framework, that company could save €700,000 per year. Implementing an effective internal whistleblowing framework costs a fraction of this amount per year and therefore pays off.[41]

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[38] Y. Tsai, 'Relationship between Organizational Culture, Leadership Behavior and Job Satisfaction', *BMC Health Serv Res.* 2011; 11: 98.) Available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC3123547/

[39] A. Dizik, 'The Relationship between Corporate Culture and Performance', The Wall Street Journal, 2016. Available at: https://bipublication.com/files/201603202Ebrahim.pdf

[40] W. VandeKerckhove et al 'Effective speak-up arrangements for whistle-blowers: A multi-case study on the role of responsiveness, trust and culture', 2017. Available at: https://www.accaglobal.com/content/dam/ACCA_Global/Research/ACCA-ESRC%20Effective%20SpeakUp%20Arrangements%20for%20Whistle-Blowers.pdf

[41] Whistleblowing Report 2021, Integrity Line. Available at: https://www.integrityline.com/expertise/white-paper/whistleblowing-report/

The stimulation of open communication in general leads to higher employee satisfaction and eventually to higher productivity. In that context, an effective whistleblowing framework enables the organisation to start "deterring malpractice and moves to a self-governing organisation."[42] Companies have found that these mechanisms provide real benefits to their culture, brand, long-term value creation and growth.

On the other hand, a lack of attention for concerns raised internally by employees can have a negative impact on companies. When companies face public, external disclosure of concerns, their reputation and market value are threatened. In an economy where 70 to 80 per cent of market value comes from intangible assets such as brand reputation, organisations are especially vulnerable to anything that could potentially harm that reputation.[43] Therefore, managing internal reporting of wrongdoing within the company effectively is critical to protecting the company from performance, financial and reputational risks. Furthermore, research shows that companies that were subject to whistleblowing have reduced financial fraud in the years following the reporting of the wrongdoing[44].

A strong culture for the internal reporting of wrongdoing can thus have positive business outcomes as well as preventing negative outcomes such as reputational damage. Both are solid reasons for a company to strongly encourage internal reporting of wrongdoing.

The assessment of a company's cultural dimension remains difficult. Nevertheless, certain policies, processes and requirements are known to have a positive influence on the company's culture. The questions were retrieved from research conducted by two accountancy firms[45] and Transparency International Nederland, and further refined with the input from practitioners and experts. However, especially when scores are the result of desk-research, the representation of the dimension may not be entirely accurate.

The goodwill towards whistleblowing reflected in the corporate culture was analysed by a set of 11 questions of which 10 were scored[46] (see Table 17 and *Appendix III Survey*).

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[42] F. West, "Why an effective whistleblowing policy is important for charities", The Guardian, 14 November 2012. Available at: www.theguardian.com/voluntary-sector-network/2012/nov/14/whistleblowing-important-charities

[43] Robert G Eccles, Scott C Newquist and Roland Schatz, 'Reputation and Its Risks' (1 August 2014) *Harvard Business Review* https://hbr.org/2007/02/reputation-and-its-risks

[44] J. Wilde, *The Deterrent Effect of Employee Whistleblowing on Firms' Financial Misreporting and Tax Aggressiveness* (Accounting Review, 2016).

[45] PwC, 'Striking a balance: Whistleblowing Arrangement as part of a speak up strategy', 2013, www.pwc.co.uk/fraudacademy/insights/whistleblowing-slides.html; EY, '14th Global Fraud Survey. Corporate misconduct — individual consequences', 2016, www.ey.com/gl/en/services/assurance/fraud-investigation---dispute-services/ey-global-fraudsurvey-2016; ACFE, Report to the Nations, 2018 Global Study on Occupational Fraud and Abuse (2018). Available at: https://www.acfe.com/report-to-the-nations/2018/default.aspx and TI-S, 'International Principles for Whistleblower Legislation', 2016, www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation

[46] See Appendix III. Survey

RESULTS

The average score in terms of the extent to which companies encourage internal reporting of wrongdoing in their organisation is 47%, the lowest score of all three dimensions. With a score of 90%, N.V. Eneco has the highest score in this dimension. BDR Thermea Group, CSC and Google Inc all score 0%. As previously mentioned, these companies did not respond to the survey meaning the desk research was completed only with publicly available data. This can have a negative impact on the score as not all information is publicly available. Only a small minority of the companies (39%) publishes the outcomes of whistleblowing cases internally. Slightly more than half of companies (54%) externally publish statistics about whistleblowing cases. Most of them publish this data in the annual report.

The most common channel to inform employees about their whistleblowing framework, is the intranet platform, which is being used by a slight majority of the companies. Almost all of the companies (90%) have a helpline or confidential advisor to advise employees on the reporting or wrongdoing. In more than a third of the companies (37%), employees are not being trained on the usage of the whistleblowing framework. Only one third of companies (33%) conduct staff surveys regarding awareness of the whistleblowing framework every year. Less than a quarter of the companies (23%) does not train the people responsible for the whistleblowing framework to perform their functions.

The industry sector scores highest on culture, with an average of 52%. The energy sector scores lowest with an average of 42%.

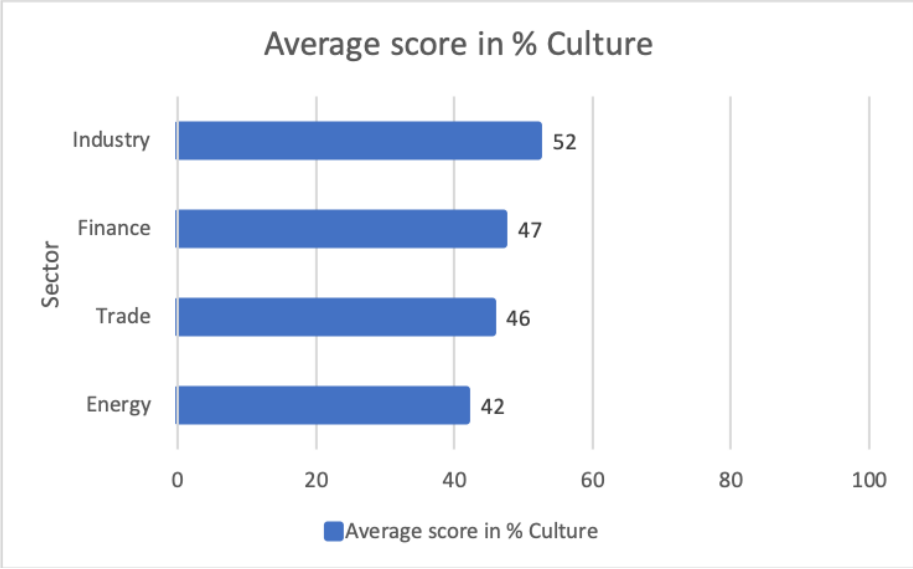

Table 16 - Average score in % culture

THE SUPPORTIVENESS OF THE CORPORATE CULTURE FOR INTERNAL REPORTING OF WRONGDOING; ANALYSIS PER QUESTION (PERCENTAGES OF 70 COMPANIES)						
	1 point	<1->=0.75 points	<0.75->=0.5 points	<0.5->=0.25 points	<0.25->0 points	0 points
Q20. Internal publishing of outcome cases (anonymised)	39%					61%
Q21. Channels for publishing outcome of cases	3%	3%	9%	23%	0	63%
Q22. Publication of statistics cases externally	54%					46%
Q23. Channels for publishing statistics cases	0%	0%	10%	47%	0	43%
Q24. Employees' awareness			Not Scored			
Q25. Staff surveys to measure awareness	33%		10%			57%
Q26. Training on employees about the framework	46%		17%			37%
Q27. Informing employees about the framework	3%	3%	29%	43%	19%	4%
Q28. Helpline or confidential advisor	90%					10%
Q29. Responsible people trained for function	37%		40%			23%
Q30. Review and adaptation of framework	46%		39%			16%

Table 17 - Culture, from weak culture (0 points) to robust culture (1 point), analysis per question

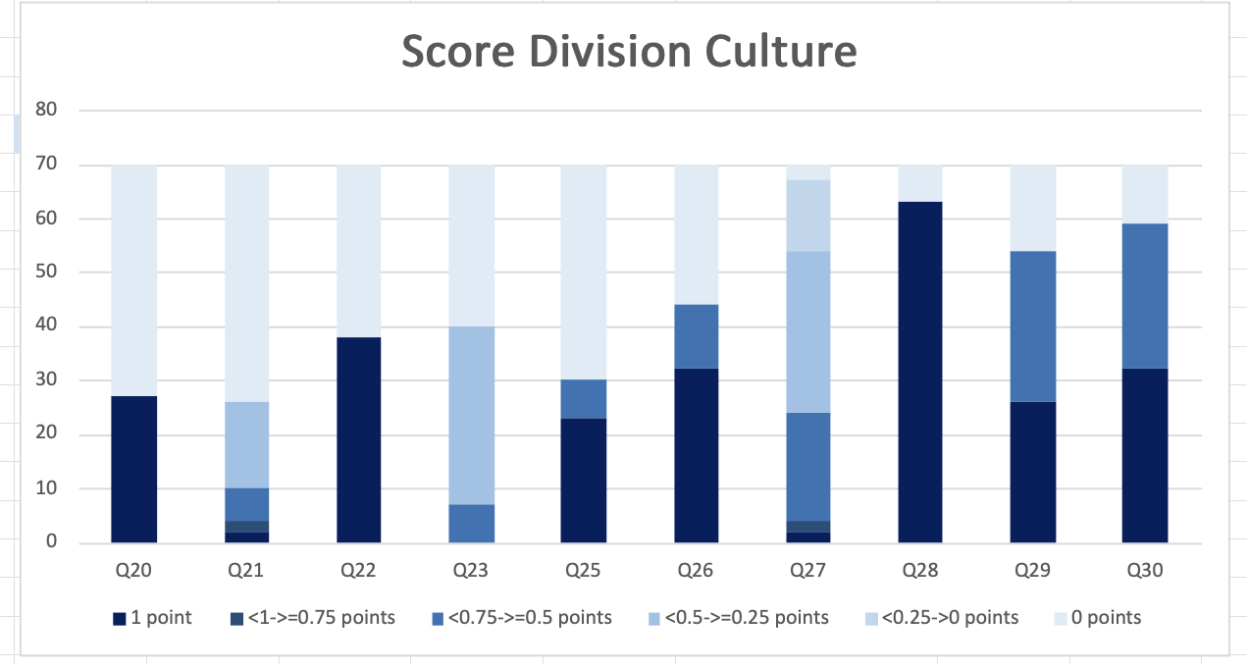

Table 18 –Score division culture, visual illustration of percentage if companies scoring between 0 and 1 point on questions.

INTEGRITY

Transparency International Nederland aims to foster integrity across society as a means of preventing corruption and abuse of power. Transparency International Nederland focuses on fostering integrity across different sectors of society, including government, business, and education. Its aim is to cultivate a culture of integrity that goes beyond compliance with rules, promoting ethical behaviour as an intrinsic value. The aim is to build a culture of integrity that values ethical behaviour beyond just following rules.

INTEGRITY AS A COMPETITIVE ADVANTAGE

'Integrity as a competitive advantage' is an important concept that positions ethical behaviour as beneficial not only to internal company culture but also to business success. Companies with high standards of integrity might build better trust with employees, customers, and investors, which can lead to increased loyalty, improved brand reputation, and ultimately better financial performance. Research highlights that integrity is not only a moral imperative but also a strategic asset that enhances trust among stakeholders, including customers, partners, employees, and investors.[47] Companies recognized for high integrity often gain a competitive edge by building strong, trust-based relationships, which boosts their reputation and fosters long-term loyalty. Conversely, ethical breaches and dishonest practices can negatively affect brand image as well as negatively impact financial performance.[48]

In the Netherlands, where rules are set forth in the Whistleblower Protection Act, treating integrity as a business asset aligns with the national and international rules and regulations. Building a strong speak-up culture and addressing ethics openly might improve an organisations reputation, displaying that integrity is both a moral duty and a strategic advantage.

THE BENEFITS OF FOSTERING A SPEAK UP CULTURE

A "speak-up culture" is not found in rules or procedures but shows itself when employees feel psychologically safe voicing their concerns without fear of retaliation. Inclusive employers foster a "speak-up culture" by creating a psychologically safe workplace allowing for risks and vulnerability and promoting a culture where individuals can openly speak up without fear of retaliation.[49] To foster a speak-up culture, we recommend to:

- Proactively invite input
- Have an open-door policy

[47] Cuk Jaka Purwanggono, 'Strategies for Building Integrity in Improving Company Productivity and Performance' (2023) 7(3) *Journal of Humanities and Social Studies* 934–938.
[48] Cuk Jaka Purwanggono, 'Strategies for Building Integrity in Improving Company Productivity and Performance' (2023) 7(3) *Journal of Humanities and Social Studies* 934–938.
[49] Transparency International. "WHISTLEBLOWING FRAMEWORKS 2019", 39. 2020. *Transparency International Nederland*. Transparency International Nederland. https://www.transparency.nl/wp-content/uploads/2020/05/Whistleblowing-Frameworks-2019-TI-NL.pdf.

- Create moments to talk about ethical breaches
- Make giving and receiving feedback a habit
- Reward honest dialogue
- Make it safe to propose new ideas
- Be visible and accessible
- Take action
- Lead by example[50]

Importantly, A "speak-up" culture offers multiple important benefits to organisations by fostering an environment of psychological safety. When employees feel safe to voice their concerns about unethical behaviour, it enables those in charge to address issues quickly, preventing potential misconduct from escalating. Research by Edmondson et al., shows that employees in psychologically safe environments are more likely to report ethical concerns through formal channels, increasing the chances that issues are resolved effectively and transparently.[51] Moreover, line managers play a crucial role by acting as accessible points of contact for employees, further encouraging open dialogue.[52]

The same research displayed that a well-supported speak-up culture also improves organisational resilience and integrity by building trust and accountability. Employees are more likely to feel respected and valued, which contributes to higher engagement and retention rates, benefiting long-term organisational performance.[53] By fostering a psychologically safe environment, companies not only protect their reputation but also strengthen their ethical climate, reinforcing integrity as a fundamental component of their success.

Essentially, the research displays that “among employees who had observed unethical behaviours during the prior year, we found that those who felt less psychologically safe were significantly less likely to report those behaviours via channels where organizational leaders might act on them” and conversely, “those who felt the most psychologically safe were most likely to have reported the misconduct they observed.

[50] Transparency International. “WHISTLEBLOWING FRAMEWORKS 2019”, 39. 2020. *Transparency International Nederland*. Transparency International Nederland. https://www.transparency.nl/wp-content/uploads/2020/05/Whistleblowing-Frameworks-2019-TI-NL.pdf

[51] Edmondson, Amy, Antoine Ferrère, Baiba Renerte, en Chris Rider “Fostering Ethical Conduct Through Psychological Safety”, (2022). 40. University of Zurich. https://www.zora.uzh.ch/id/eprint/236930/1/fostering_ethical_conduct_through_psychological_safety.pdf.

[52] Edmondson, Amy, Antoine Ferrère, Baiba Renerte, en Chris Rider “Fostering Ethical Conduct Through Psychological Safety”, (2022). 40. University of Zurich. https://www.zora.uzh.ch/id/eprint/236930/1/fostering_ethical_conduct_through_psychological_safety.pdf.

[53] Edmondson, Amy, Antoine Ferrère, Baiba Renerte, en Chris Rider “Fostering Ethical Conduct Through Psychological Safety” (2022). University of Zurich. https://www.zora.uzh.ch/id/eprint/236930/1/fostering_ethical_conduct_through_psychological_safety.pdf.

This held true even after taking into account a range of other psychological factors that could influence incident reporting, such as perceived levels of organizational justice, fairness, and trust". [54]

Although a formal program, such as a reporting hotline, is important in allowing observers of wrongdoings to report this, it might still only capture a limited part of the actual misconduct incidents that occur. By measuring psychological safety and creating an environment in which employees feel psychologically safe, companies can gain insights into whether employees feel comfortable in reporting misconduct or other issues. Understanding whether and how employees feel safe to report misconduct can significantly improve the effectiveness of formal speak-up programs, ensuring a more comprehensive speak up culture.[55]

[54] Edmondson, Amy, Antoine Ferrère, Baiba Renerte, en Chris Rider "Fostering Ethical Conduct Through Psychological Safety" ,40. (2022). University of Zurich.
https://www.zora.uzh.ch/id/eprint/236930/1/fostering_ethical_conduct_through_psychological_safety.pdf.
[55] Edmondson, Amy, Antoine Ferrère, Baiba Renerte, en Chris Rider "Fostering Ethical Conduct Through Psychological Safety" ,40. (2022). University of Zurich.
https://www.zora.uzh.ch/id/eprint/236930/1/fostering_ethical_conduct_through_psychological_safety.pdf.

RECOMMENDATIONS

INCREASE THE LEVEL OF PROTECTION GIVEN TO PEOPLE REPORTING WRONGDOING INTERNALLY

1. **Go beyond the limited legal definition of whistleblowing, which requires public interest, and open up your whistleblowing framework for any kind of wrongdoing.** Incidents occur in every organisation. Only if the public interest is at stake in an incident, it is considered as wrongdoing under the Whistleblower Protection Act. A whistleblowing framework is primarily for the reporting of wrongdoing and suspected wrongdoing. However, there are many other incidents such as rule-breaking or unethical behaviour that do have substantial consequences for an organisation, but where the public interest is not at stake. In order to not miss out any opportunity to prevent or solve issues at an early stage it is important that a whistleblowing framework also facilitates the reporting of such incidents and that whistleblowers are protected when they report such wrongdoing.
2. **Give reporters of wrongdoing the opportunity to report any form of retaliation.** One of the key risks for a reporter associated with reporting wrongdoing is possible retaliation. Establishing a clear anti-retaliation policy is the cornerstone of preventing workplace retaliation. The policy should be provided with a clear definition of retaliation that describes various forms of retaliation including both hard forms (overt acts like termination or demotion) as well as soft forms of retaliation (such as social exclusion or increased scrutiny). The Whistleblower Protection Act requires that there is a process in place to report retaliation that should clearly describes how employees can report suspected retaliation and assure the reports are handled confidentially.
3. **Ensure and communicate the different ways of protection against retaliation widely to employees.** Companies must actively communicate that any form of retaliation against employees who report wrongdoing is forbidden and must actively support and protect staff who report wrongdoing. An effective system for protection against retaliation should include more than one component. A company may have a non-retaliation policy in place that stipulates disciplinary sanctions for retaliators, but full protection should include further action. For example, larger companies could offer the possibility for an employee to change office or working schedule and an independent party could be in place to support the employee after the investigation process.
4. **Ensure protection of the reporter's identity through all stages of the investigation process.** The confidentiality of the reporter should be guaranteed during all stages of the investigation. In cases where the law requires disclosure of the reporter's name, he or she should be asked for approval or at least be informed of this in advance when disclosure is legally unavoidable.
5. **Create the possibility of reporting wrongdoing on an anonymous basis.** The elementary form of the reporter's protection is the possibility of reporting anonymously, regardless of the reporting

channel. However, anonymity may not be safeguarded if a report can only be traced back to one particular person. Moreover, depending on how anonymity is enabled, this may, unless special web-based system and software is used, limit further investigation into the wrongdoing (for example, in clarifying the information provided by the reporter), the opportunity to provide protection (you can't protect who you don't know) and the possibility of providing feedback to the reporter. These consequences are no reason to limit the possibility of anonymously reporting, but they should be communicated to employees. The Whistleblower Protection Act includes a provision on anonymous reporting, which has not yet entered into force.

INCREASE THE EFFECTIVENESS OF THE INTERNAL REPORTING PROCEDURE

1. **Create different channels for the reporting of wrongdoing.** A comprehensive whistleblowing arrangement should provide employees with a variety of reporting channels through which employees can voice a concern, preferably accessible 24 hours a day and 365 days a year, since most of the reports are made during non-business hours. A mixture of different reporting channels (for example, telephone hotline, dedicated email, web-based system, in-person reporting) ensures greater confidence among employees and gives them the possibility of choosing the most appropriate channel for them. To ensure independence and to enhance confidentiality, reporting channels (especially the hotline and web-based system) may be outsourced to a specialised and independent third-party provider.
2. **When possible, provide feedback to reporters throughout all stages of the investigation process.** Reporters of alleged wrongdoing should always be given reference details allowing for further case tracking and communication. They should also be updated about the phase of the investigation process or any issues occurring, such as delays in the process. Feedback should be given within 3 months after reporting. Furthermore, findings should be made visible where possible. This may be achieved by exploring whether employees who raised a concern can be included in developing a solution to the problem; this in turn can contribute to developing collective sense-making and increase trust in the effectiveness of the speak-up arrangement.
3. **Install a Case Management System for the recording, investigating and monitoring of reports.** A Case Management System that is compatible with reporting channels allows the company to record and monitor the status of all reports from the time they are made until the time they are resolved. In fact, it prevents a company from overlooking reports and makes it easy to give feedback to reporters about the status of their case. Digital case management systems often allow the easy production of anonymised statistical data to assess the effectiveness of the whistleblowing framework.
4. **Ensure clearly assigned accountability within all stages of the process.** An effective whistleblowing procedure or investigative protocol defines the responsible parties for all stages

of the process. Appointing a committee rather than an individual to review each reported issue can help to ensure that all reports are analysed with proper attention and independence.

5. **Guarantee that responsiveness is well-organised.** Merely encouraging employees to speak up, without having robust response systems, is likely to have negative consequences for all parties involved. Make sure that the response system is well organised, clearly mandated and adequately resourced. This ensures that all reports are handled in the right way and by the right department or people. It also ensures effectiveness, as it may shorten the time needed to process the report.
6. **Collect and review key statistics of reports on a regular basis.** To monitor the efficiency of the whistleblowing process, Key Performance Indicators (KPIs) should be established and measured on a regular basis. Ideally, the company should collect data and create statistics reports as frequently as possible.
   Most used measurements are:
   - Total number of reports received and number of reports that cover wrongdoings that fall within the scope of the whistleblowing framework.
   - number of reports per reporting channel/employee/department/issue type;
   - percentage of reports investigated;
   - percentage of reports reported anonymously;
   - number of retaliation reports;
   - average number of days that cases are pending;
   - number/type of substantiated reports; and
   - statistics about sanctions.

INCREASE SUPPORTIVENESS OF CORPORATE CULTURE FOR THE DISCLOSURE OF WRONGDOING

In general, culture is not found in rules or procedures, but manifests itself in an open, inclusive way of working in which employees can report directly to management, without formalities, and reports are immediately picked up and remedied. Nevertheless, procedures are essential not just to fall back on but also to create a safe environment for speaking up. Reporters of wrongdoing should be protected not only in word, but also in deed. This practice should be clear within all layers of the company. The following recommendations are proposed:

1. **Appoint specialist speak-up operators.** As receiving and following-up concerns is their primary task rather than a marginal aspect of their job description, specialist operators tend to focus on appropriate listening and objective evaluation and follow-up.
2. **Assign dedicated and experienced senior executives to be in charge of whistleblowing frameworks and the broader integrity framework.** Appointing senior management representatives for different functions within whistleblowing procedures (for example, Chief

Compliance Officer responsible for the oversight of investigations) indicates the importance of the whistleblowing frameworks in the company as well as the appropriate 'tone from the top'.

3. **Review whistleblowing frameworks on a regular basis.** Independent and regular monitoring and evaluation of whistleblowing frameworks is required to ensure the appropriateness of the frameworks and their compliance with applicable law.
4. **Appoint a confidential advisor for advising employees on the reporting of wrongdoing.** Ideally, this person (or persons in case of large organisations) should have a senior position within the company to emphasise the importance of whistleblowing and increase awareness of whistleblower protection.[56] At the same time, persons in lower positions might feel too intimidated to seek advice from a senior person. Ideally there should be two confidential advisors, with different levels of seniority.
5. **Arrange regular training for employees on whistleblowing and the broader integrity framework.** Training should set out how to raise and report concerns at work and dispel uncertainty around processes and definitions. Employees should undergo mandatory training regarding the integrity frameworks within the company, which includes training on whistleblowing. Furthermore, employees and management responsible for receiving and investigating reports, and interacting with reporters, must receive regular training on legal knowledge and communication.
6. **Regularly measure the awareness of and trust in whistleblowing and broader integrity frameworks among employees, through surveys.** It is important to gauge the awareness of the whistleblowing frameworks among employees. This may further indicate to what extent management promotes the importance of protecting potential whistleblowers within the company.
7. **Send out regular communication to employees about whistleblowing frameworks.** Apart from training, employees should receive regular communication about whistleblowing frameworks, for example, via a dedicated intranet section and/or during staff meetings. First-line managers should ensure that all employees are knowledgeable and reminded of the procedures – for example, employees may be provided with a manual about the whistleblowing framework in the company.
8. **Share lessons learned from whistleblowing cases internally with employees**. In order to promote a positive message about whistleblowing and to increase awareness among all employees, companies should communicate lessons learned from investigations internally. When publishing information, the company is obliged to ensure that the identity of reporters and any person accused of wrongdoing is protected, not traceable and that the publication is in compliance with GDPR at all times.

[56] Article. 2, paragraph 2 sub g, *Dutch Whistleblower Protection Act*. Wet Bescherming Klokkenluiders, 2023. https://www.wetbeschermingklokkenluiders.nl/english.

9. **Publish anonymised statistics about whistleblowing reports externally.** To promote a positive message about whistleblowing and to increase trust in the company at the stakeholder level, companies should publish anonymised statistics about whistleblowing cases externally in their annual report and/or website (for example, number and type of received and investigated reports). When publishing information, the company is obliged to ensure that the identity of reporters and anyone accused of wrongdoing is protected at all times.

How to IMPLEMENT an effective whistleblowing framework

Does your organisation have 50 or more employees?

YES

The Whistleblowers Protection Act (the 'Act') makes it *compulsory* for organisations to have their own *internal reporting procedure with channels for reporting that include:*

- *What reporting persons* can report and when, *both* internally and externally.
- To *whom* reporting persons can report wrongdoing and *how*.
- What the reporting person's *rights* are.
- *What* action the organisation will take in response to a report.

Note: the Act is not the only legislation that will affect the whistle-blowing framework. In addition, the situation for reporting persons in a specific sector may differ due to sectoral or foreign legislation, and therefore should be given extra attention.

NO

Even though it is not a legal requirement, the implementation of an *effective whistleblowing framework* tailored to the size of the organisation is still highly recommended for identifying and preventing wrongdoing, and creating a safe working environment within your organisation.

TO AN EFFECTIVE WHISTLEBLOWING FRAMEWORK IN THREE STEPS

1 ACKNOWLEDGING AND ASSESSING A REPORT

Advice & support
Appoint a *confidential advisor* to provide free and confidential advice and support to persons considering making a report.

Reporting procedure
Establish clear procedures for handling cases before, during and after reporting and provide multiple reporting channels that can be accessed 24/7 (see also above under legal requirements).

Response mechanism
Ensure proper and *timely* feedback to a reporting employee and comprehensive follow-up.

Risk assessment & triage
Assess the risk posed by a report to ensure that important reports can be acted upon promptly and the right reports get to the right independent officers for further investigation.

2 SUPPORT AND PROTECT EMPLOYEES

No disadvantage
Prohibit retaliation, provide opportunities to report disadvantage, respond to these reports, impose penalties on those who disadvantage, offer legal remedies to those who are disadvantaged.

Confidentiality
Safeguard information and ensure optimal confidentiality for both the reporting person and the 'accused' person.

Anonymity
Provide the option to report anonymously.

3 MOTIVATE, TRAIN AND COMMUNICATE WITH EMPLOYEES

Ethical working environment
Promote psychological safety in the workplace, 'walk the talk' from the top, and actively recognise and encourage ethical leadership.

Communication
Make sure anyone in contact with your organisation is aware of the reporting programme, publish anonymised statistics and lessons learned from previous reports.

Training
Provide regular *training to employees* on the reporting programme and to officers responsible for receiving and investigating reports.

Roles & responsibilities
Make sure the internal department can use the right specialists for all key parts of the reporting procedure. These specialists must be independent, and recognised and respected by the organisation's management.

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The BENEFITS of an effective whistleblowing framework

Incidents occur in every organisation. If the public interest is at stake in an incident, it is considered as wrongdoing under the Act. A whistleblowing framework is primarily for reporting wrongdoing and suspected wrongdoing. However, there are many other incidents such as rule-breaking or unethical behaviour that do have substantial consequences for an organisation, but where the public interest is not at stake. It is important that a whistleblowing framework also facilitates the reporting of such incidents. In these guidelines, the definition of wrongdoing includes such incidents.

NB: Employment disputes are not included in the definition.

1. Identification and prevention of wrongdoing

In the workplace, an effective whistleblowing framework is essential to encourage persons involved in the organisation to expose wrongdoing. Such a programme should protect reporting persons from being disadvantaged. Employees are the eyes and ears of every organisation. Studies have shown that almost half of all frauds are discovered through employee reports. By providing your employees with secure reporting channels, whistleblowing frameworks make it possible to discover problems that might not otherwise surface. This will then enable corrective action to be taken. An effective whistleblowing framework is an essential tool to detect and prevent wrongdoing. It protects organisations from the consequences of wrongdoing, including legal liability, financial losses and reputational damage. A whistleblowing framework also fosters an organisational culture of trust and responsiveness, and enables the strengthening of the organisation's credibility, reputation and morale.

2. Risk mitigation

The lack of an effective whistleblowing framework may result in an employee refraining from reporting internally or immediately disclosing the wrongdoing externally. Moreover, in the case of wrongdoing, the courts can hold the employer liable for lack of good employment practices. Also, in the event of a dispute about disadvantage, the courts may consider the lack of an effective whistleblowing framework as a lack of clarity on the part of the employer and rule in favour of the reporting person. The lack of an effective whistleblowing framework can therefore cause you financial and reputational damage.

3. Free advice from employees

A clear and understandable reporting procedure, properly implemented, ensures that employees can report wrongdoing at an early stage, in an approachable, confidential and safe manner. Initially, you may not be eager to receive notifications of wrongdoing. No one likes to be told what is wrong within their organisation and investigating suspected wrongdoing takes time. But if wrongdoings come to light at an early stage and you are able to resolve them internally, that is extremely beneficial to your organisation. It prevents incidents from escalating and causing further damage. An effective whistleblowing framework increases your organisation's ability to self-regulate. You can consider a report of wrongdoing as free advice from the workforce.

4. Creating a socially safe workplace

Employers can promote and foster a reporting culture within their organisation by creating a psychologically safe workplace where people can speak openly without fear of being disadvantaged. Implementing a clear and safe reporting procedure helps create such a culture. When employees report wrongdoings, it also means you have loyal employees who feel safe in their workplace. If an employee does not feel safe, he/she would never dare report anything. In that sense, every report is a compliment to your organisation.

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APPENDIX I. METHODOLOGY

Whistleblowing Frameworks 2024 builds on Transparency International's existing work on combating corruption in the private sector. The methodology for this current study is in line with the methodology used in the 2019 report Whistleblowing Frameworks: Assessing Dutch Publicly Listed Companies.[57] The method derived from Transparency International's Transparency in Corporate Reporting or TRAC-methodology and was tailor-made for the study on Whistleblowing Frameworks in 2017.[58] Whistleblowing Frameworks 2024 provides a tool for assessment of the whistleblowing frameworks of companies in the sectors Finance, Trade, Industry and Energy, based in the Netherlands, a ranking of the whistleblowing frameworks of 70 companies in the Netherlands and recommendations for further improvement. This edition also compares the general results from 2019 with 2014, to assess the impact of the Dutch Whistleblower Protection Act.

STRUCTURE

To be able to assess the state and effectiveness of the current whistleblowing frameworks, three dimensions have been established and validated by experts on whistleblowing that served as a basis for the survey and desk research: protection, procedure and culture.[59] Each dimension is further divided into sub-dimensions:

1. The level of protection given to people reporting wrongdoing internally;
    a. Level of anonymity
    b. Anti-retaliation measures

2. The effectiveness of the internal reporting procedure;
    a. Reporting and response mechanism
    b. Monitoring

3. The supportiveness of the corporate culture for the reporting of wrongdoing.
    a. Commitment from top management
    b. Communication

[57] Rooijendijk. L., Scheltema-Beduin. A., Whistleblowing Frameworks (Transparency International NL, 2017). Accessed 27 August 2019, https://www.transparency.nl/wp-content/uploads/2017/12/Whistleblowing-Frameworks-TI-NL-finalreport-13-12-2017.pdf.
[58] Scheltema-Beduin. A., Vujkovic, D., Transparency in corporate reporting (Transparency International NL, 2016). http://www.transparency.nl/wp-content/uploads/2016/10/TRAC-report-TransparencyInternational-Nederland-2016.pdf
[59] Findings validated during interviews with company experts of Phillips & Cohen LLP, Institute of Internal Auditors, UK National Audit Office, Labaton Sucharow LLP, Price Waterhouse Coopers & Capgemini (2017).

RANKING

Following this structure, 70 companies within the four different sectors (Finance, Industry, Trade and Energy) were assessed on their whistleblowing frameworks. All companies were ranked based on each question by a score on a scale of zero to one. Based on this scoring, rankings for all three dimensions of the framework were developed and ultimately, an overall ranking of companies was created. The full questionnaire can be found in Appendix III Survey.

SECTOR AND COMPANY SELECTION

The main criteria applied for the company selection for this study were: number of employees (more than 50 employees), net-revenue and domicile (of either the parent or subsidiary company) in the Netherlands. Consequently, TI-NL assessed the whistleblowing frameworks of 70 companies located in the Netherlands, of which 31 are publicly-listed companies on the AEX-, AMX-, AScXor local Amsterdam indices. Important to mention here is that publicly-listed companies are subject to stricter regulations and more detailed disclosure laws about their financial condition, operating results, management compensation and other areas of their business. This could explain why publicly-listed companies generally achieve a higher score than non-listed companies.

The selected companies have been divided into four sectors: Trade, Finance, Industry and Energy (see Table 19 below for number of companies in each sector). The sector-based approach of this study aims to give insight into the differences in the level of importance that is given by companies when it comes to whistleblowing frameworks. The reasoning behind the selection of the different sectors can be found in the fact that these are four of the largest sectors in the Netherlands in terms of number of employees and net revenue. The company selection per sector can be found in Table 22 on p. 61.

Sector	Number of Companies (Total = 70)
Trade	30
Finance	17
Industry	15
Energy	8

Table 19 number of companies per sector

DATA COLLECTION

The methodology adopted for this study is empirical of nature. The study assesses the state and effectiveness of the current whistleblowing frameworks empirically by designing a questionnaire. Through the questionnaire both quantitative and qualitative data was collected. All selected companies were approached through email with an explanation of the study and the invitation to fill out the questionnaire by sending the answers in a Word-document. The questionnaire was directed to the officers responsible for the whistleblowing framework within their respective companies.

Of the 70 companies, 29 filled out the questionnaire (response rate of 41%). The companies that did not respond were sent a reminder by email. For those companies that did not respond, desk research was applied and the questionnaire was filled out with publicly-available information on their whistleblowing frameworks to assess the quality and effectiveness of these frameworks. The outcome of the questionnaire was sent to all companies (including the non-responsive companies) for review and possible feedback. Some companies replied to the draft results with additional comments, which have been included in the final results.

Table 20 below illustrates the response status of the assessed companies at the time this study was assessed.

Questionnaire	Desk Research
29 companies	41 companies
N.V. Eneco Greenchoice B.V. SBM Offshore N.V.* Vattenfall N.V. Brunel International N.V.* Heineken N.V.* Inter IKEA Systems B.V. Koninklijke Ahold Delhaize N.V.* Koninklijke KPN N.V.* Randstad N.V.* RELX plc* Sonepar The Netherlands B.V. (former Technische Unie B.V.) JUST EAT TAKEAWAY.com N.V.* ABN AMRO N.V.* Aegon N.V.* APG Groep N.V. Cooperative Rabobank U.A. Ernst & Young Global Limited** Euronext N.V.* Grant Thornton Accountants en Adviseurs B.V. ING Group N.V.* NN Group N.V.* ASML Holding N.V.* DSM-Firmenich AG* Koninklijke Philips N.V.* Koninklijke Vopak N.V.* Royal Boskalis Westminster N.V. Royal Haskoning DHV Siemens AG	BP p.l.c.** Audax Renovables S.A.** BDR Thermea Group B.V. (Remeha B.V.) Shell plc* Capgemini SE** Eurocommercial Properties N.V.* Koninklijke FrieslandCampina N.V. Google, Inc** GrandVision N.V. (EssilorLuxottica) HEMA B.V. (Parcom & Mississippi Ventures) IMCD N.V.* Koninklijke Jumbo Food Groep B.V. Koninklijke Brill N.V. KLM N.V. METRO AG** Nike, inc.** Oracle Corporation** RGF Staffing the Netherlands B.V. (former USG People The Netherlands B.V.) Sligro Food Group N.V.* The Adecco Group** Unibail-Rodamco-Westfield S.E.** Unilever p.l.c.* VastNed Retail N.V.* Wereldhave N.V.* ASR Nederland N.V.* Wolters Kluwer N.V.* Achmea B.V. CACEIS (former KAS BANK N.V.) De Volksbank N.V. Deloitte Accountants N.V. Flow Traders N.V.* CSC** KPMG N.V. Aalberts N.V.* AkzoNobel N.V.* ArcelorMittal S.A.* Koninklijke BAM Groep N.V.* SHV Holdings N.V. Signify NV* Tata Steel Ltd** Tesla, Inc.**

Table 20 - response status of the assessed companies

*Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index

**Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands.

QUESTIONNAIRE OR DESK RESEARCH

There is a clear distinction in scores between companies that filled out the questionnaire themselves, and the companies that have been scored based on desk research. This is mostly visible in the dimension that looks into the corporate culture. There are several possible explanations for this difference. First of all, it can be argued that companies that have not implemented and carried out an effective whistleblowing framework, are not willing to cooperate in our study by filling out the questionnaire. Second, some questions are impossible to score with merely desk research. For instance, whether a company publishes statistics internally, is often not made publicly available. Desk research therefore inevitably leads to a lower score. However, TI-NL decided to rank the desk research scores similarly as the questionnaire-based scores. The main goal of this report is to stimulate companies to implement an effective whistleblowing framework. The method of 'ranking' is in our opinion supportive to that goal. We hope it encourages companies to enhance their whistleblowing framework and to cooperate in future studies by filling out the questionnaire. Apart from the purpose of our research, we encourage all companies to make their whistleblowing frameworks publicly available. As mentioned in the introduction of this study, internal reporting mechanisms should not only be open to employees but also to third parties such as suppliers, service providers and customers.

ESTABLISHMENT OF RANKING

The 70 companies operating in the sectors Finance, Trade, Industry and Energy within the Netherlands were ranked on each question by giving a score on a scale from zero to one. Based on this scoring, rankings for all three dimensions of the framework were developed and split out per sector and ultimately, an overall ranking of companies (both all-together and sector-specific) was composed. Due to rounded numbers in all tables except for the overall ranking small differences may be found in the company scores.

SCORING

		Answer possibilities and scoring values											
	Question	A	B	C	D	E	F	G	H	I	Max Points	Type of question	
	2	1	0								1	A/B	
	3	0	0,5	1							1	MC	
Protection	4	1	0								1	A/B	
	5	1	0								1	A/B	
	6	0,25	0,25	0,25	0,25	0					1	+	
	Total										**5**		
	7	0,11	0,22	0,11	0,11	0,11	0,11	0	0,11	0,22	1	+	G, H, I are 'other'
	8	1	0								1	A/B	
	9	0,5	1	1	1	1	1	0	0		1	MC	G, H, I are 'other'
	10	1	0								1	A/B	
	11	0	0	1	0	0,5	1				1	MC	D, E, F are 'other'
	12	1	1	0,5	1	0	0	0,5	1		1	MC	F, G, H are 'other'
Procedure	13	1	0								1	A/B	
	14	1	0								1	A/B	
	15	1	0								1	A/B	
	16	1	0,5	0							1	MC	
	17	0,14	0,14	0,14	0,14	0,14	0,14	0	0,14		1	+	G, H are 'other'
	18	1	0,5	0,25	0						1	MC	
	19	Not scored									0	Not scored	
	Total										**12**		
	20	1	0								1	A/B	
	21	0,25	0,25	0,25		0	0,25				1	+	D, E are 'other'
	22	1	0								1	A/B	
	23	0,25	0,25	0,25		0	0,25				1	+	D, E are 'other'
	24	Not scored									0	Not scored	
Culture	25	1	0,5		0						1	MC	
	26	0	0,5		1						1	MC	
	27	0,14	0,14	0,14	0,14	0,14	0,14	0	0	0,14	1	+	H, I are 'other'
	28	1	0								1	A/B	
	29	0,5	1	0							1	MC	
	30	1	0,5	0							1	MC	
	Total										**10**		
	Total Max Points										**27**		

Table 21 – answer possibilities and scoring values for all questions

As demonstrated in Table 21, for every question, possible responses were allocated a certain number of points based on the importance of that criteria. With a maximum score on protection of 5; a maximum score on procedure of 12; and a maximum score on culture of 10, the maximum total score amounts to 27 points. None of the dimensions were given any extra weight. The final score was calculated by adding up the points received and dividing that number with the possible maximum score that a company could have received.

UNSCORED QUESTIONS IN QUESTIONNAIRE

In this study, we decided to not score two of the questions: 19 and 24. Question 19 ("How many whistleblowing reports does your company receive on an annual basis?") and question 24 ("How aware would you say your company's employees are of the whistleblowing programme") were not intended to be scored but to receive information from companies on the awareness among employees of their

respective whistleblowing frameworks. Furthermore, question 24 is also open for interpretation of the company's representative filling out the survey.

LIMITATIONS OF THE STUDY

This report and its resulting scores only cover the whistleblowing framework that has been formally established within the company and therefore analyses the protection offered on paper. It should be highlighted that the actual performance of the whistleblowing framework may be different from the protection on paper. As such, when a company scores high, this does not necessarily mean that the actual protection is in fact effective in practice. For instance, if the possibility of reporting anonymously is offered on paper, it may very well be the case that this is not possible in practice. This may occur when the identifiable facts of a report point to a specific person, or the reporter's identity becomes clear during the course of investigating the report. Furthermore, retaliation may be forbidden in theory but may not be sanctioned in practice or difficult to prove. While a strong whistleblowing framework is needed to effectively protect those that disclose wrongdoing, it is in no way sufficient without adequate capacity and resources to implement it effectively.

RECOMMENDATIONS FOR COMPANIES

Based on current best practices, literature research and expert interviews, recommendations for effective whistleblowing frameworks were developed. Recommendations were created for each of the dimensions: protection, procedure and culture. The recommendations are applicable for all private sector companies.

COMPANY SELECTION PER SECTOR

Trade	Industry
Brunel International N.V.* Capgemini SE** Eurocommercial Properties N.V.* Google, Inc** GrandVision N.V. (EssilorLuxottica) Heineken N.V.* HEMA B.V. (Parcom & Mississippi Ventures) IMCD N.V.* Inter IKEA Systems B.V. JUST EAT TAKEAWAY.com N.V.* KLM N.V. Koninklijke Ahold Delhaize N.V.* Koninklijke Brill N.V. Koninklijke FrieslandCampina N.V. Koninklijke Jumbo Food Groep B.V. Koninklijke KPN N.V.* METRO AG** Nike, inc.** Oracle Corporation** Randstad N.V.* RELX plc* RGF Staffing the Netherlands B.V. (former USG People The Netherlands B.V.) Sligro Food Group N.V.* Sonepar The Netherlands B.V. (former Technische Unie B.V.) The Adecco Group** Unibail-Rodamco-Westfield S.E.** Unilever PLC* VastNed Retail N.V.* Wereldhave N.V.* Wolters Kluwer N.V.*	Aalberts N.V.* AkzoNobel N.V.* ArcelorMittal S.A.* ASML Holding N.V.* DSM-Firmenich AG* Koninklijke BAM Groep N.V.* Koninklijke Philips N.V.* Koninklijke Vopak N.V.* Royal Boskalis Westminster N.V. Royal Haskoning DHV SHV Holdings N.V. Siemens AG Signify NV* Tata Steel Ltd** Tesla, Inc.**
Energy	**Finance**
Audax Renovables S.A.** BP p.l.c.** N.V. Eneco Greenchoice B.V. BDR Thermea Group B.V. (Remeha B.V.) SBM Offshore N.V.* Shell plc* Vattenfall N.V.	ABN AMRO N.V.* Achmea B.V. Aegon N.V.* APG Groep N.V. ASR Nederland N.V.* CACEIS (former KAS BANK N.V.) Cooperative Rabobank U.A. De Volksbank N.V. Deloitte Accountants N.V. Ernst & Young Global Limited** Euronext N.V.* Flow Traders N.V.* Grant Thornton Accountants en Adviseurs B.V. ING Group N.V.* CSC** KPMG N.V. NN Group N.V.*

Table 22 – companies per sector
*Publicly listed on AEX-, AMX-, ASCX- or a local Amsterdam index**Information obtained from the website of this non-Dutch parent company, regarding its subsidiary or subsidiaries in the Netherlands.

ELEMENTS OF EFFECTIVE WHISTLEBLOWING FRAMEWORK

Dimension of analysis	Sub-dimension of analysis	Recommendation
Protection	Anti-retaliation	1. The possibility of reporting retaliation of reporting persons. 2. Clear communication to employees that retaliation on reporters of wrongdoing is forbidden. 3. Anti-retaliation policy that prohibits any form of retaliation against a reporter who discloses information that he/she believes is true, with sanctions attached. 4. Remedies for the reporting persons who suffered retaliations.
	Confidentiality and Anonymity	5. The possibility of communicating and disclosing wrongdoing on an anonymous basis given to reporting persons. 6. The protection of reporters' identity ensured throughout all stages of the investigation process and after. 7. The protection of the accused person's identity ensured throughout all stages of the investigation process. 8. Ensuring that important information is secured.
Procedure	Report mechanism	9. More than two different channels including one available 24/7/365 (in several languages where appropriate) for the disclosure of wrongdoing. Channels should enable disclosure in writing and orally.
	Response mechanism	10. Feedback provided to the reporting person on the process of handling the disclosure and keeping the reporting person in the loop regarding the status and resolution of the disclosure. 11. Case Management System for recording, investigating and monitoring disclosures in line with data protection legislation, establishing a clear process for handling whistleblowing before, during and after reports occur. 12. Risk rate allegations into low or high risk to effectively pursue urgent cases. Disclosures should then be routed to the appropriate executives for investigation to determine what necessary action should be taken. 13. Regular training for employees responsible for receiving and investigating reports. 14. Have an investigation protocol in place and take on people with investigation skills. 15. Follow up on the results of the investigation.

		16. Confidential advisor appointed for advising employees about the reporting of wrongdoing.
	Monitoring	17. The key statistics on whistleblowing cases collected and reviewed on a regular basis including monitoring statistics of other ways of disclosing. 18. Assessing disclosures according to the four-eyes principle. 19. The whistleblowing frameworks reviewed on a regular basis.
Culture	Commitment from the top	20. Senior executives accountable for the whistleblowing frameworks. 21. Statistics on whistleblowing cases monitored and discussed regularly by the Board of Directors.
	Communication	22. Promote psychological safety in the workplace: the belief that one will not be punished or humiliated for speaking up with ideas, questions, concerns or mistakes. 23. Regular employee surveys to measure the awareness of whistleblowing frameworks. 24. Regular training for employees on whistleblowing frameworks. 25. Regular communication to employees about whistleblowing frameworks with positive approach. 26. Lessons learned from whistleblowing cases spread internally among employees. 27. Statistics about whistleblowing reports published externally (for example, in an annual report, website).

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APPENDIX III. SURVEY

Whistleblowing Frameworks 2024 Questionnaire

1. What is the name of your company?

Protection

The following questions measure the level of protection given to the reporters of wrongdoing.

2. Is it possible for employees in your company to report wrongdoing anonymously?
   - Yes
   - No

3. How does your company manage information about the whistleblowers' identity during the investigation process?
   - This information may be shared for the purposes of the investigation without asking the individual for approval
   - This information may be shared for the purposes of the investigation, but only if approval is granted by the individual
   - This information is not shared

4. Does your company offer employees the possibility to report retaliation related to their disclosure?
   - Yes
   - No

5. Does your company communicate to employees that retaliation on reporters of wrongdoing is forbidden?
   - Yes
   - No

6. In what way does your company protect reporters of wrongdoing against retaliation?

   Choose all relevant answers:

   - The employee may change the department / office / location of work
   - There is a non-retaliation policy in place that includes disciplinary sanctions for those who retaliate
   - An independent party supports the employee during and after the investigation process
   - Employees may change their working schedule
   - There is no formal protection

Procedure

The following questions measure the effectiveness of the whistleblowing procedure.

7. Which of the following channels are available to employees in your company to report wrongdoing?

   Choose all relevant answers:

   - Internal hotline
   - External hotline (outsourced to a third party provider)
   - Dedicated email
   - In-person reporting
   - Internal web-based system
   - External web-based system (outsourced to a third party provider)
   - Other, please specify:

8. Does your company make its whistleblowing reporting channels available 24 hours a day, 7 days a week?

   - Yes
   - No

9. Who is responsible for the governance of your company's whistleblowing programme?
    - Board of Directors
    - Audit Committee
    - Internal Audit
    - Compliance Committee
    - Chief Compliance Officer
    - Independent party
    - Other, please specify the department and function of this person or group of people within your company:

10. Is there a preliminary verification of incoming reports of wrongdoing to assess the relevance and type of issue?
    - Yes, they are first screened in terms of their type and risk-level
    - No, they all go directly to people responsible for the investigation process

11. Who is ultimately responsible for deciding if a report of wrongdoing requires further investigation?
    - Initial recipient of the report
    - The party responsible for operating the reporting channel
    - The party responsible for the investigation process
    - Other, please specify the department, function and level of this person within your company:

12. Who is responsible for investigating the incoming reports?
    - Internal audit
    - Compliance function
    - Legal function
    - Dedicated investigation team
    - Third party service provider
    - Other, please specify:

13. Does the reporting person receive an acknowledgement receipt of the disclosure within 7 days?
    - Yes
    - No

14. Are employees who reported wrongdoing given a follow-up on how the wrongdoing will be handled?
    - Yes
    - No

15. If yes, what is the time frame in which the follow-up takes place?
    - 3 months or less
    - More than 3 months

16. Does your organisation operate a Case Management System for recording, investigating, and monitoring the wrongdoing cases?
    - Yes, we have a Case Management System that services all reporting channels
    - Yes, we have a Case Management System, however it services only selected channels (for example, only compatible only with a hotline)
    - No, we do not have such a Case Management System

17. Which of the following statistics are measured to evaluate the effectiveness of the whistleblowing programme in your company?
    Choose all relevant answers:
    - Number of reports
    - Number of reports per reporting channel/employee/department/issue type
    - Percentage of reports investigated
    - Percentage of reports reported anonymously
    - Number of retaliation reports

- Average costs per report
- Other, please specify:

18. How often are these statistics measured?
    - On a monthly basis
    - On a quarterly basis
    - On a yearly basis
    - They are not measured

19. How many whistleblowing reports does your company receive on an annual basis?*
    - None
    - This is not registered
    - 1 - 10
    - 11 - 30
    - 31 - 50
    - 51 - 100
    - 101 - 500
    - > 500

**This question is not scored*

Culture

The following questions measure the supportiveness of the corporate culture for the reporting of wrongdoing.

20. Apart from providing feedback to the reporter of wrongdoing, does your company internally publish the outcomes of whistleblowing cases, on an anonymous basis?
    - Yes
    - No

21. If yes, where does your company internally publish the outcomes of whistleblowing cases?

    Choose all relevant answers:

    - Email to staff
    - Email to management for circulation to staff
    - Message posted on the intranet
    - Other, please specify:

22. Does your company externally publish statistics about whistleblowing cases on an anonymous basis?

    - Yes
    - No

23. If yes, where does your company externally publish these statistics?

    Choose all relevant answers:

    - Annual report
    - Website
    - Public Newsletter
    - Other, please specify:

24. How aware would you say your company's employees are of the whistleblowing programme?*

    - Very aware
    - Quite aware
    - Not very aware
    - Not at all aware

**This question is not scored*

25. Does your company conduct staff surveys to measure the awareness and understanding of the whistleblowing programme?

    - Yes, at least once a year

- Yes, but less than once a year
- No, we do not conduct staff surveys

26. How often are employees in your company trained on the usage of the whistleblowing programme?
    - There is no mandatory training
    - Once as part of mandatory onboarding training
    - There is a regular mandatory training

27. Apart from training, how does your company inform employees about the whistleblowing programme?

    Choose all relevant answers:
    - Dedicated intranet section
    - Regular newsletter / bulletin to staff
    - Dedicated section in the annual report
    - Staff presentations
    - Yearly performance reviews
    - Staff meetings
    - None
    - Other, please specify:

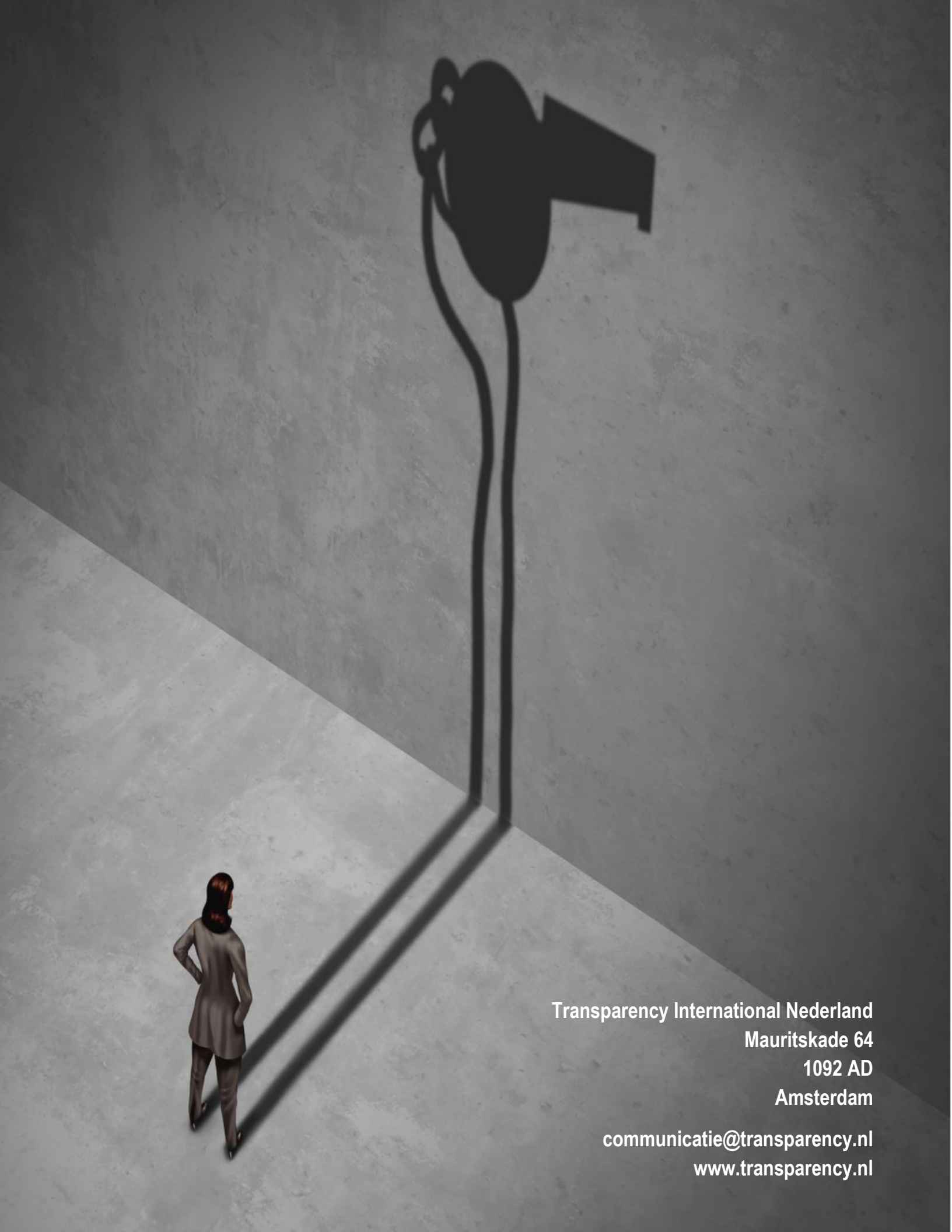
28. Does your company have a helpline or a confidential advisor to advise employees on the reporting of wrongdoing?
    - Yes
    - No

29. Are the people responsible for the whistleblowing programme trained to perform their functions?
    - Yes, these people are trained once when they are appointed

- Yes, these people attend regular training
- No, these people have not attended any special training to perform their function

30. Does your company review and adapt the whistleblowing programme regularly?
    - Yes, the programme is reviewed at least once a year
    - Yes, the programme is reviewed regularly but less than once a year
    - No, the programme has not changed since the year of implementation.

      Please specify the year of implementation:



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