

# Human Resources

## Reporting procedure for transgressive behaviour and abuses

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The KNVB values a safe working environment, but it is aware that, despite preventive measures, transgressive behaviour and/or abuses as referred to in the Whistleblowers Protection Act can still occur. This reporting procedure has been drawn up for those cases, partly on the basis of the Blueprint for Transgressive Behaviour of the NOC\*NSF (see [053-bijlage-3-blauwdruk-gog.pdf \(nocnsf.nl\)](#))

Under this reporting procedure, people who perform or have performed (paid or unpaid) work for the KNVB can report transgressive behaviour and/or abuses. The KNVB wants these people to be able to do this as simply and easily as possible, at one general reporting centre for all forms of transgressive behaviour and/or abuses. Examples of transgressive behaviour are: sexual harassment, abuse of power, discrimination, bullying, etc. Abuses as referred to in the Whistleblowers Protection Act can be reported on the basis of this procedure as well. In accordance with **Appendix II**, some deviating provisions apply.

The reporting procedure further defines what is meant by transgressive behaviour, where you can find the reporting centre, who can submit a report through this procedure, how you can submit it, what procedure to complete, what protection is offered, etc. Depending on the content of the report, the reporting centre will handle the report or it will refer the person reporting to a specific authority.

If you want to make a report, or if you have doubts or just want to share something, you can always contact your manager, HR or a confidential advisor. This can be the internal or external confidential advisor of the KNVB ([Confidential advisor - InSite KNVB 2.0 \(afasinsite.nl\)](#)) or another person with a duty of confidentiality, for example, a (union) doctor, lawyer or other (legal) advisor. They can help answer questions, provide support, give advice or guide you in making a report.

This reporting procedure serves as a starting point for making reports. The steps described are indicative, but should never impede the reporting process and/or compromise a safe working atmosphere. If it does, you can deviate from this procedure on the advice of the reporting centre.

### 1. What can you report?

- 1.1 The reporting procedure covers all forms of transgressive behaviour and abuses as referred to in the Whistleblowers Protection Act.
  - a. In this procedure, transgressive behaviour is defined as: any form of behaviour the purpose and/or consequence of which is to harm the dignity and/or safety of one or more people (hereinafter referred to as transgressive behaviour).<sup>1</sup>
  - b. Abuses are taken to mean: (suspicion of) wrongdoing or violation of a European Union law as referred to in the Whistleblowers Protection Act. Obligations under the Whistleblowers Protection Act only apply to abuses and not to transgressive behaviour as referred to under a. The treatment of abuses differs from transgressive behaviour in certain respects. A further definition of abuses and the (additional) obligations that apply in the event of abuses are detailed in **Appendix II**.

<sup>1</sup> This definition has been copied as is from the NOC\*NSF blueprint for transgressive behaviour. This definition of transgressive behaviour clarifies that it must concern behaviour that is aimed at one or more people. It does not matter whether that person actually experienced the behaviour as transgressive. It is about both the goal and the consequence.

- 1.2 Any form of transgressive behaviour can be reported to the reporting centre on the basis of this reporting procedure. You can submit a report in various ways: in writing (in this procedure, this includes by e-mail), verbally (including by telephone or other digital voice systems, such as Teams) or, at the request of the person wishing to make a report, within

a reasonable period to be determined by the reporting centre, by means of an on-site meeting.

1.3 This procedure distinguishes between a formal report and an informal report. A formal report must meet certain procedural requirements. In order to make a formal report, a reporting form of transgressive behaviour is available that can be completed by a person reporting.

1.4 The procedural requirements for a formal report are:

- a formal report must be submitted in writing or verbally (physically, by telephone or other digital voice systems, such as Teams). In the case of a verbal report:
  - a written meeting report is drawn up of the report, which is checked by the person reporting, corrected where necessary and signed for approval; or
  - a recording is made in a durable and retrievable form, with the consent of the person reporting; and
  - it must be clear from the formal report:
    - that the person reporting intends to make a formal report;
    - the date on which the report is made. In the case of a verbal report, the date will be stated in the meeting report or mentioned in the recording; and
  - the formal report must clearly describe the transgressive behaviour being reported and the name(s) of the person(s) involved; and
  - the formal report must be sound and motivated (by providing substantiation and/or concrete examples).

1.5 Transgressive behaviour can also be reported informally (see Article 3.2). Informal reporting is not subject to any procedural requirements. The informal report serves as a signal and will not be handled further under this reporting procedure.

1.6 Informal reports are not limited by time. You can therefore report transgressive behaviour within the KNVB, at all times.

Except in the case of a report of abuse (see [Appendix II](#)), formal reports are limited by time. If that time limit has expired, the formal report cannot be handled. In that case, it is considered to be an informal report.

The following time limit applies to a formal report:

- a. Formal reports are limited by time if the transgressive behaviour took place more than four years before the date of receipt of a report, unless the time limit under criminal law for the relevant behaviour is longer. In that case, this longer time limit applies;
- b. Notwithstanding this/these time limit(s) under a., a report will still be handled in the event of transgressive behaviour involving a minor at the time, provided that this person made a report within four years (or within the longer time limit under criminal law for the relevant behaviour) upon reaching the age of twenty-one (21);

- c. Notwithstanding this/these time limit(s) under a. and b., a report will still be handled if the person cannot reasonably be expected to report within the time limit, due to the psychological condition of the person in relation to the subject of the report. In such cases, a time limit of 20 years applies from the moment the transgressive behaviour took place, unless the time limit under criminal law for the relevant behaviour is longer.
- 1.7 Transgressive behaviour must (first) be reported internally within the KNVB, as much as possible. The KNVB strives to ensure that (former) employees and other people who otherwise perform or have performed paid or unpaid work in a relationship of subordination feel comfortable enough to do so and encourages people to report. In accordance with the Whistleblowers Protection Act, abuses can be reported both internally and externally (see **Appendix II**).

## **2. Who can use the reporting procedure?**

2.1 People who can report transgressive behaviour on the basis of this reporting procedure and to whom a report may relate are:

- all (former) employees who perform or have performed work for the KNVB under an employment contract; and
- all those who otherwise perform or have performed paid or unpaid work in a relationship of subordination, namely: members of the Supervisory Board of the professional football section, members of the Supervisory Board of the amateur football section, players of representative teams of the KNVB, trainees, volunteers, agency workers and contractors.

Wherever this procedure states “employee(s)”, reference is made to the people mentioned above. Furthermore:

- if an employee makes a formal report to the reporting centre, that employee is referred to as the “person reporting”;
- if a report has been made about an employee, that employee is referred to as the “accused”;
- other employees involved in the report (such as witnesses) are referred to as “other person(s) involved”.

2.2 Reports can be made about employee behaviour insofar as it relates to the period in which the employee was employed by the KNVB or otherwise performed (paid or unpaid) work in a relationship of subordination. Behaviour that occurred before or since cannot be handled, unless the reporting centre decides otherwise on account of special circumstances.

2.3 In the event of transgressive behaviour that is specifically aimed at one or more people, only the person(s) against whom the transgressive behaviour has been committed (“the victim”) can make a formal report. Other employees can still report the transgressive behaviour informally.

### **3. Where can you report?**

3.1 A formal report in accordance with Article 1.4 can be submitted to the KNVB through the reporting centre, by:

- email: **meldpuntGOG@knvb.nl**; or
- telephone: 06 13115136; or
- to one of the confidential advisors. In the event of a report of abuse, this always (and only) concerns the external confidential advisor (see **Appendix II**). If an employee wishes to make a formal report through the confidential advisor, the report will be forwarded by the confidential advisor to the reporting centre, subject to the employee's written permission. If so desired, this can be done (insofar as possible, see Article 7.3) without disclosing the identity of the person reporting (anonymously). In that case, communication with the reporting centre takes place through the confidential advisor. The confidential advisor then acts as an intermediary. Without written permission from the person reporting, the confidential advisor cannot forward the report to the reporting centre, in which case the report is considered an informal report as referred to in Article 1.5.

3.2 An informal report in accordance with Article 1.5 can be made to the KNVB in various ways. For instance:

- a. directly to the reporting centre; or
- b. to one of the confidential advisors. If so desired, the confidential advisor can forward the employee's report to the reporting centre. This can also be done without disclosing the identity of the employee (anonymously). In that case, any communication with the reporting centre will go through the confidential advisor. The confidential advisor then acts as an intermediary; or
- c. to the board of the KNVB; or
- d. to a manager of the KNVB;
- e. or to HR.

### **4. What is the composition of the reporting centre?**

4.1 The reporting centre consists of an independent committee of at least three external people appointed by the board of the KNVB. One of these people is appointed as chairman and one other as secretary. The chairman must hold the title of LL.M. or LL.M. in Civil Law. The reporting centre can, in principle, receive (legal) support from the KNVB general counsel and/or the KNVB's external (regular) lawyer. In cases where the reporting centre deems this necessary, this may also involve an external party to be determined by the reporting centre.

4.2 The members of the reporting centre are appointed by the Football Association Executive Board for a term of, in principle, three years, on the understanding that the maximum term of office is 12 years.

4.3 Both in the case of resigned members and a (interim) vacancy, the Football Association Executive Board can immediately (re)appoint a (new) member.

### **5. How is a formal report handled by the reporting centre?**

5.1 A formal report is received by the secretary of the reporting centre (possibly via one of the confidential advisors of KNVB, in accordance with Article 3.1(b).) . The secretary ensures that the date on which the report was received by the reporting centre is recorded. The secretary forwards the report to the other committee members of the reporting centre, so that the reporting centre can review and confirm the formal report.

- 5.2 After receipt of the report by the reporting centre, the person reporting will receive written confirmation of receipt within seven (7) days. The confirmation of receipt states:
- a. a confirmation of the (date of) receipt of the report; and
  - b. whether the report meets the procedural requirements of Article 1.4. The person reporting can rectify the report in writing within fourteen (14) days after the date of confirmation of receipt (in the event that these procedural requirements are not met). After receiving the rectified report, the person reporting will receive another confirmation of receipt. If not rectified (in a timely manner), the report will be deemed to have been made informally; and
  - c. whether the reporting centre can handle the report itself or whether, according to the reporting centre, the report must be handled by a specific authority:
    - If the reporting centre handles the report itself, the provisions of Article 6 et seq. apply;
    - If the report must be handled by a specific authority, the reporting centre will contact the person reporting to verify how the person reporting wishes to proceed with the report. In doing so, it will also be discussed whether the reporting centre can, if desired, forward the report to the relevant authority or whether the (new) report must be made by the person reporting to the relevant authority (directly). A report is handled by a specific agency in accordance with its applicable procedure and responsibilities. This goes beyond (the KNVB and) this reporting procedure, which no longer applies in that instance. **Appendix I** includes examples of specific authorities that may be involved.
  - d. In the event of a report of abuse as referred to in the Whistleblowers Protection Act (**see Appendix II**), which is at the discretion of the reporting centre, the provisions of Article 5.3 apply.
- 5.3 Reports of abuse are subject to the Whistleblowers Protection Act. Under that Act, deviating provisions apply to these reports. **Appendix II** explains what is meant by abuses according to the Whistleblowers Protection Act and which deviating provisions apply to these reports.
- 5.4 In exceptional situations, which is at the discretion of the reporting centre, the reporting centre can immediately (i.e. in anticipation of the reporting centre handling the report) inform the Football Association Executive Board, the board and/or (one of) the confidential advisors to (be able to) take any (temporary emergency) measures. For example, in connection with ensuring the safety of a person.

## **6. What are the steps for investigating a formal report?**

- 6.1 In the event of a report that is handled by the reporting centre itself, the reporting centre will first conduct a preliminary investigation to determine whether a formal investigation will be conducted. No formal investigation will be conducted if, for example, the preliminary investigation shows that the report is manifestly unfounded, the suspicion is demonstrably incorrect or if the possibility to formally investigate (a suspicion of) transgressive behaviour is reasonably insufficient.
- 6.2 During the preliminary investigation, the reporting centre will also determine at what time and to what extent the person to whom the report relates (hereinafter referred to as the “accused”) must be informed in writing about the report. The basic principle is that the reporting centre:
- strives to inform the accused about the report as quickly as possible, but that the

possibility of doing so depends on the circumstances of the case, the protection of the person reporting, the evidence and/or confidentiality; and

- further informs the accused about the possibility of receiving advice from a confidential advisor of the KNVB (this concerns a different confidential advisor than the one already involved with the person reporting) and/or of the possibility of engaging one's own (legal) advisor
- may decide not to inform the accused about a report during the preliminary investigation. If a formal investigation is conducted, the reporting centre will determine the time and method of informing prior to the formal investigation. In doing so, the reporting centre adheres to the provisions of Article 6.4(b) as much as possible.

6.3 Within six (6) weeks after the confirmation of receipt referred to in Article 5.2, the person reporting will be informed in writing about the outcome of the preliminary investigation and of any follow-up that has been given to it. The reporting centre has the option to extend this period to a maximum of three (3) months. In the event of an extension of the period, the person reporting will be informed thereof in writing. The extent to which the accused is informed about (the outcome of) the preliminary investigation depends on what the reporting centre determines in accordance with Article 6.2.

6.4 If, based on the preliminary investigation, the reporting centre:

- a. decides against a formal investigation, this decision will be motivated (in writing) by the reporting centre to the person reporting;
- b. decided to initiate a formal investigation, the reporting centre will inform the person reporting about how the formal investigation will be conducted and the target date for its completion. This varies per report and depends on the facts and circumstances that (may) arise before or during the formal investigation. Depending on this, the target date can be extended, if necessary. The person reporting will be informed about this in writing. Even in the event of initiating a formal investigation, the time of informing the accused is determined by the reporting centre in accordance with Article 6.2.

6.5 If the preliminary or formal investigation shows that possible violations or crimes have been committed under the Criminal Code, the Football Association Executive Board will report this to the Public Prosecution Service, if the KNVB is legally obliged to do so. If a criminal offence has been committed, the person reporting can also report this separately.

6.6 If the preliminary or formal investigation shows that an accused may have violated disciplinary rules to which the accused is (presumably) bound, the Football Association Executive Board, if the KNVB is legally obliged to do so, will report this to the relevant authority or the relevant disciplinary bodies. (e.g. the Doping Authority, KNVB prosecutor or Instituut Sportrechtspraak).

6.7 After completing the formal investigation, the reporting centre informs the person reporting and the accused in writing about the outcome and any measures that the reporting centre recommends.

6.8 The Football Association Executive Board is informed of the outcome of a formal investigation if transgressive behaviour is identified and/or measures are recommended by the reporting centre. If the reporting centre deems this necessary, the reporting centre may decide to inform the Football Association Executive Board earlier.

- 6.9 The reporting centre can determine whether or not the case involves transgressive behaviour and recommend possible measures (under employment law or otherwise). Whether or not any measures are taken is at the discretion and implementation of the Football Association Executive Board or, in the case of measures (under employment law), the board.
- 6.10 Reporting a violation in which the person reporting himself is (one of the) accused does not exempt the person reporting from possible measures in response to transgressive behaviour. In that case, the reporting centre is free to advise the Football Association Executive Board to take less severe measures or no measures (under employment law) against the person reporting on account of his willingness to report.

## **7. Does a duty of confidentiality apply?**

- 7.1 Anyone involved in a report and who is given access to data of which he/she knows or should reasonably suspect to be confidential, is obliged to keep that data confidential, unless the law requires otherwise.
- 7.2 Confidential data in any case includes:
- a. data about the (content of the) report, the identity of the person reporting, any other person(s) involved in the report, the accused and information that can be traced back to this; and
  - b. information about a business secret.
- 7.3 If, in the opinion of the reporting centre, it is necessary to reveal the identity of a person reporting (for example to the accused and/or other parties involved) within the framework of the preliminary and/or formal investigation in order to be able to make a report, the reporting centre will do so subject to permission from the person reporting, on a need-to-know basis as much as possible. If the person reporting does not give permission to the reporting centre for this in such a case, the report cannot be handled (further) by the reporting centre and therefore (ultimately) the report is deemed to have been made informally (Article 1.5). If it involves a report of abuse, the provisions of Article 5 in **Appendix II** apply.
- 7.4 If, in the opinion of the reporting centre, it is necessary to reveal the identity of an accused within the framework of the preliminary and/or formal investigation, the reporting centre will do so on a need-to-know basis, as much as possible. The accused will be informed of this in advance by the reporting centre.
- 7.5 If any legal provision in the context of an investigation by a competent authority or a legal procedure requires the disclosure of the identity of a person reporting, another person involved in the report or the accused, that person will be informed of this in advance (insofar as possible), unless that information could jeopardize the related investigation or legal proceedings.
- 7.6 The reporting centre only controls the information shared from the reporting centre. A report can only be treated discreetly if the person reporting, other parties involved in the report and/or the accused comply with the provisions of paragraph 1 of this article as well.
- 7.7 The conditions under which personal data are processed by the KNVB can be viewed on the KNVB website (<https://www.knvb.nl/info/3043/privacy>).

## **8. What protection applies?**

- 8.1 The KNVB will not disadvantage a person reporting as a result of reporting (a suspicion of) transgressive behaviour in good faith and properly. This also applies to any other parties involved in the report who belong to the group of employees referred to in Article 2.1.
- 8.2 The accused is innocent until proven guilty. The reporting centre will not make the identity of the accused public, except as provided for in Article 7.4. After completion of the report in which transgressive behaviour or misconduct has been identified, the reporting centre determines how and to what extent the identity of the accused is made public.
- 8.3 If the person reporting, other parties involved in the report or the accused (insofar as no transgressive behaviour or misconduct has been identified by the reporting centre in the case of that accused) feels aggrieved within the KNVB or has (presumably) been confronted with retaliatory measures, that person may report this in accordance with Article 3.
- 8.4 If a report concerns (members of) the Football Association Executive Board, the following bodies will replace the Football Association Executive Board within the framework of this procedure:
  - a. the Supervisory Board, if the report concerns the professional football section;
  - b. the Supervisory Council if the report concerns the amateur football section;
  - c. the Meeting of Supervisors if the report concerns both sections; or
  - d. a body or person within the KNVB to be determined by the reporting centre (for example a member of the board other than one of the directors and/or the general counsel), if the report (members of) both the Football Association Executive Board and the bodies referred to under a. b. and/or c.

## **9. Provision of information**

- 9.1 This reporting procedure will be distributed as follows:
  - a. Employees are informed about (the existence of) this reporting procedure;
  - b. The procedure will be published on Insite and the KNVB website.
- 9.2 A formal report is registered with the KNVB in the reporting register for transgressive behaviour. The data of a report in the register will be destroyed if this data is no longer necessary to comply with the requirements of the law or other requirements established by or pursuant to the law or Union law.
- 9.3 Each year, the reporting centre will create an anonymous overview of the number of reports made via this reporting procedure and the follow-up given to these. This overview is included in the KNVB's annual report, which is shared annually with the Works Council as well.
- 9.4 A person reporting who has made a formal report to the reporting centre in accordance with Article 1.4 will receive a digital evaluation form from the Football Association Executive Board after completion of the report by the reporting centre, on which (1) the reporting procedure and (2) the handling of the report by the reporting centre are evaluated. Partly based on the evaluation(s), the Football Association Executive Board will periodically assess the functioning of the reporting procedure and the reporting centre. Based on this, the Football Association Executive Board can make adjustments to the reporting procedure.



## **10. Final provisions**

10.1 In cases where this procedure does not appear to provide sufficient information, or in situations where this procedure does not provide sufficient clarity, the reporting centre determines and decides how to proceed.

No right to any compensation can be derived from (the outcome of) an investigation or a decision or advice from the reporting centre.

## **SPECIFIC AUTHORITIES APPENDIX I**

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- Instituut Sportrechtspraak (ISR) in the event of transgressive behaviour in the form of doping and sexual harassment;
- KNVB Integrity Investigation Committee in the event of, for example, allegations of match-fixing;
- Disciplinary bodies of the KNVB;
- Public Prosecution Service;
- Central Disciplinary Committee for the Healthcare Sector.

## **WHISTLEBLOWERS PROTECTION ACT APPENDIX II**

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Reports of abuse are subject to the Whistleblowers Protection Act. Such reports fall under the present reporting procedure for transgressive behaviour and abuses, but reports of abuse are subject to some specific obligations under the Whistleblowers Protection Act to protect the person reporting, such as a prohibition of detrimental action and no time limits. These specific obligations only apply in the case of a report of abuse within the meaning of the Whistleblowers Protection Act.

### **Article 1: Definition of abuse**

Abuses within the meaning of the Whistleblowers Protection Act are defined as:

- a. a suspicion of abuse, being the suspicion of a person reporting that within the organisation in which he/she works or has worked or at another organisation, if he/she has come into contact with that organisation through his/her work, insofar as the suspicion is based on reasonable grounds, which arise from the knowledge that the person reporting has acquired from his/her employer or arise from the knowledge that the person reporting has acquired through his work at another company or another organisation; or
- b. an act or omission in which the public interest is at stake due to:
  - i. a violation or a risk of violation of a legal provision or of internal rules that imply a concrete obligation and that have been established by an employer on the basis of a legal provision, or
  - ii. a danger to public health, to the safety of people, of damage to the environment or to the proper functioning of the public service or a company, as a result of an improper act or omission; or
- c. a violation or a risk of violation of Union law.

The public interest is at stake if the act or omission affects more than personal interests alone and involves either a pattern or structural character or the act or omission is serious or extensive.

### **Article 2: Reporting externally**

In the case of abuses, the person reporting can also opt to report to an external authority directly. For example, to: the police, the Public Prosecution Service, Instituut Sportrechtspraak (ISR), the Whistleblowers Authority, the Dutch Authority for the Financial Markets, the Dutch Data Protection Authority, the Consumer and Markets Authority, the Dutch Healthcare Authority and/or the Health and Youth Care Inspectorate.

### **Article 3: Prohibition of detrimental action**

1. During and after the handling of a report of abuse, or after its disclosure, a person reporting may not be disadvantaged, provided that the applicable conditions under the Whistleblowers Protection Act are met.
2. Being disadvantaged is in any case taken to mean:
  - dismissal or suspension;
  - a fine as referred to in Article 7:650 of the Dutch Civil Code;
  - demotion;
  - withholding promotion;
  - a negative review;
  - a written reprimand;
  - transfer to another branch;
  - discrimination;

- harassment, bullying or exclusion;
- libel or slander;
- premature termination of an agreement for the supply of goods or services;
- a threat and an attempt to harm.

3. In addition to the persons referred to in Article 2, paragraph 1 of the reporting procedure, the following persons may fall under the broader prohibition of detrimental action under the Whistleblowers Protection Act, in the event of a report of abuse:

- applicants;
- persons assisting the person reporting, such as a confidential advisor;
- family members and colleagues of the person reporting, if they have a working relationship with the person against whom the report is directed;
- internal investigators and those handling an internal report.

#### **Article 4: Time limit**

Article 1.6 of the reporting procedure does not apply to reports of abuse as referred to in Article 1 of this appendix.

#### **Article 5: Identity disclosure**

The identity of a person reporting and the information that can be used to directly or indirectly determine the identity of the person reporting will not be disclosed without his or her consent.

#### **Article 6: Confidential advisor**

In the context of a report of abuse as referred to in Article 1 of this appendix, the external confidential advisor ([Confidential advisor - InSite KNVB 2.0 \(afasinsite.nl\)](https://www.afasinsite.nl)) of the KNVB is available for questions, support, advice or to assist in making a report.