

Policy			
Title:	Harassment and bullying policy		
Number:	POL 621		Rev. R00
CN:	DMS-144		

Introduction

i+solutions believes that all people should be treated with dignity, fairness and respect. At i+solutions, every individual has the right to equity and to be valued for whom they are. This will be achieved by high standards of personal behaviour, demonstrating commitment to equal opportunities, valuing diversity and creating a culture of inclusiveness. i+solutions will not tolerate the harassment or bullying of staff, staff from partner organisations or third-party employees whilst at work and will deal with allegations of harassment or bullying in a timely manner with fairness and sensitivity.

Working for or at i+solutions means working in a multicultural environment. Therefore, awareness of self and others is key, as well as tolerance of those who think and react differently than ourselves. i+solutions strength lies into having a high diversity of people with different backgrounds, cultures, beliefs and nationalities. The outmost principle in which we intend to operate is with constant respect towards each individuality and being able to recognize that each individual has his own moral and values and that those should be also taken into consideration when assessing harassment and bullying.

Dutch Law

According to Dutch law, qualifying a behaviour as harassment or bullying is based on deciding whether the behaviour is acceptable by reasonable professional standards. Harassment or bullying is based on the perception of disadvantageous or/and unwanted/unwelcome behaviour either verbal, non-verbal or physical by the person subject to or witnessing it. It is not based on the intention of the offender.

Harassment and/or bullying are forbidden by Dutch law. Discrimination is forbidden under the Dutch General Law on Equal Treatment Act. Likewise, employers subject to Dutch law (Arbowet) are required to establish a policy aimed at preventing harassment and bullying and to make sure there is a safe and healthy work environment. An important part of such policy is prevention, which may in part be achieved by information via training or other documentation provided by either i+solutions or an approved training source specialised in harassment and bullying cases.

Applicability and scope:

This policy applies to

- all i+solutions' staff including employees who are seconded by third parties;
- third party employees (either independent entrepreneurs (freelancers) or employees of contractors working in partnership with i+solutions);
- interns working under the direction of i+solutions.

Policy Statement

The harassment and bullying policy addresses all forms of harassment, intimidation and bullying; thus, including sexual harassment, which is carried out by staff, interns, employees, or third parties. Anyone can be a victim of harassment or bullying. Harassment or bullying may be an isolated incident or repeated actions. Harassment or bullying can take many forms, including physical, non-verbal oral



or written expression, and may involve written documents as well as the use of social media platforms and IT, including email, text messaging, photographs or pictures.

This policy and the procedures are intended to clarify the types of behaviour that i+solutions considers to be bullying or harassment and are therefore not accepted at any level within i+solutions.

This policy provides a fair and sensitive mechanism for dealing with allegations of harassment or bullying.

Conduct towards Harassment types

Sexual harassment affects the personal dignity of a person and is a serious violation in this sense. At the same time, the integrity of the organization often remains intact, unless the case is brought out. Other violations such as fraud affect the interests of the organization directly and are generally heavily penalized by organizations. Because of the impairment of a person's dignity, the threshold for punishment is therefore quickly exceeded in comparison with other violations. Important moral question regarding the work of NGOs, sexual harassment and punishment is whether the act that is punished in this case is common in our organization, whether that act is morally wrong and whether the organization has done everything to prevent violations.

Definition of Harassment

Harassment is verbal, non-verbal or physical conduct of a sexual or non-sexual nature which:

- Is related to a person's sex, race, colour, ethnic origin, trans-sexuality, disability, size, religion, belief system, age, life style, sexual orientation or other personal characteristic;
- Has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive work environment for that person and is not accepted.

Examples of harassment are also: making sexual related remarks or sending letters, e-mails or asking intimate and inappropriate questions on someone's personal life or doing intimate proposals, showing or showing sexual oriented pictures (for example via internet), peeking and unwanted physical contact and physical violence. Harassment also includes less favourable treatment of a person because he or she has rejected or submitted to the type of conduct described above.

Sanctions Measures

- Harassment in any form or level is unwanted within i+solutions and not accepted;
- Harassment can lead to disciplinary measures.

Definition of Bullying

Bullying is behaviour directed against an individual or group of individuals that creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s). It could be an abuse or misuse of power, which humiliates or injure the recipient(s).



Key procedures and mechanisms for implementation

Many people subjected to harassment or bullying do not complain because they feel intimidated, are worried that they will be victimised, or do not want to get the other person into trouble. i+solutions encourages its staff to speak out. Therefore, this policy is intended to encourage people to report harassment or bullying. It is possible that the individual is not the only person being harassed or bullied by the person and or group concerned, and if left unresolved others may also be victims. i+solutions seeks to ensure that all complaints will be taken seriously, and investigated swiftly and in complete confidentiality, where possible. i+solutions encourages staff to make use of the support and advice available in cases of harassment or bullying. Victimisation because of an individual raising a complaint will not be tolerated and will be treated as harassment and subject to disciplinary action. Likewise, staff shall be protected from victimisation or discrimination for assisting in an investigation. Victims of harassment or bullying may report a case to the HR officer or to i+solutions external confidential advisor. In each case the victim will be advised of the support available and of the process for submitting a case for investigation.

Sexual harassment can occur between:

1. Colleagues
2. Colleagues and managers
3. Colleagues and members of partner organizations
4. Within the organization of partner organizations
5. Staff and with third parties either within i+solutions or within the partner organizations

External Legal Advisor

Maartje Strater: +31 (0) 6-46633233- strater@straterlegal.nl, external lawyer appointment as Whistleblower officer and Grievance Committee for i+solutions employees.

External Confidential Advisor

Support is available to those who feel they are the victims of harassment or bullying and also to those who have been accused of it. The following applies to all staff members, interns, contracted employees or employees of contractors, sub-contractors or suppliers. Contracted employees or employees of contractors, sub-contractors or suppliers can also ask their own employer for sources of help and if they do so they will inform the HR officer of i+solutions.

The external Confidential Counsellor has been selected by the Works Council (Ondernemingsraad) and the employer and appointed by i+solutions. The external counsellor is a trained specialist and is well versed in managing such cases. The external Confidential Counsellor is fully independent. The confidential advisor contact details are: Marlout Corba (+31 (0) 6-53927978 - m.corba@jccconsulting.nl).

Tasks of the external Confidential Counsellor:

- Being available to employees who want to discuss a case of (potential) harassment or bullying;
- Giving support to employees who report having suffered harassment or bullying;
- Giving advice, on request, on possible informal solutions to the reported harassment or bullying;
- Advising on both the internal complaints procedure and the civil and penal procedures;



- Writing, on request of the employee who has reported to have suffered harassment or bullying, a formal complaint to submit to the External legal advisor/Whistleblower officer. The contact details are: Maartje Strater (+31 (0) 6-46633233 – strater@straterlegal.nl);
- Helping the employee who has reported to have suffered harassment or bullying to contact organisations or authorities that may assist him/her with the problem, including the police, psychologists, and victim support groups
- Assist the employee who has filed the complaint during the Complaints Procedure stated below if the employee requests so.

The confidential advisor (Marlout Corba) shall observe the strictest confidentiality with respect to anything discussed with them in their position of Confidential advisor. The confidential advisor may not discuss a reported case with anybody, unless given express permission by the employee who has reported the harassment or bullying. The contact details of i+solutions confidential advisor are available on the Intranet and at several communal locations within i+solutions Woerden office (kitchen- printer- coffee area)

COMPLAINTS PROCEDURE

The Formal Procedure and the Harassment Complaints Commission

An individual who wishes i+solutions to carry out a formal investigation into alleged bullying or harassment should write to the External Legal Counsellor. Contact details of the External Legal Advisor can be found on the company Intranet under HR library (Maartje Strater: +31 (0) 6-46633233- strater@straterlegal.nl).

The External Legal Counsellor is chosen in collaboration by the Work Council and i+solutions. The Confidential Counsellor cannot be affiliated in any way with the External Legal Advisor.

I. The investigation stage

- After having received the written complaint, the External Legal Counsellor will carry out an investigation to establish the full details of what has happened. The complainant will be interviewed as will the alleged perpetrator. Separate interviews will be conducted. The role of the complainant during the process will be to provide information to help with the investigation.
- During the formal procedure i+solutions can decide to temporarily suspend the alleged perpetrator if this is an employee of i+solutions without suspension of the salary payment.
- The investigation will be impartial and objective. It will be carried out with due respect for both the rights of the complainant and the alleged perpetrator.
- A full record of the investigation will be made, including names of parties, dates, nature and frequency of incidents, plus any written evidence e.g. emails.
- Upon receipt of the complaint, the External Legal Counsellor will notify HR that it is investigating a complaint, including the name of the person accused and the accusation made.
- The complainant and the alleged perpetrator will have the right to be accompanied by a union/Legal or staff representative or a i+solutions colleague or someone in their network at any interview during the investigation. Third Party employees, contractors, sub-contractors, suppliers may be accompanied by their own union/Legal representative or a colleague from their employer or someone in their network. The meeting will be attended by the External Legal Advisor, the interviewee and their accompanying person. The alleged perpetrator will



- be given the details of the nature of the complaint a reasonable time in advance of the meeting and will be given the opportunity to respond. Every effort will be made to ensure that the meeting is conducted sensitively and always within the bounds of confidentiality agreed at the time of the meeting.
- Throughout the process the complainant's name and the name of the alleged perpetrator will not be revealed to anyone other than those involved in the investigation. Where it is necessary the importance of confidentiality will be emphasised, in accordance with privacy regulation in order to interview witnesses. It will be explained to witnesses that any breach of confidentiality could constitute gross misconduct.
- A copy of the final External Legal Counsellor report, which will contain the decision whether to uphold the complaint, will normally be sent to the complainant, the alleged perpetrator and the manager who is handling the complaint i.e. the decision-making manager. If the complaint is not upheld, no further action will be taken.

II. Upholding the complaint if investigation indicates that harassment or bullying has taken place:

If the alleged perpetrator is a member of staff or intern, he/she will be asked to attend a formal final meeting with the External Legal Counsellor and will have the right to be accompanied by a union/Legal or staff representative or member of i+solutions' staff. The alleged perpetrator will know the allegations in advance (normally by receiving a copy of the investigation report). The meeting will normally be led by the External Legal Counsellor with the perpetrator's immediate manager present. HR will also be in attendance. The complainant will not normally be asked to attend this hearing, and cannot be required to attend, although statements given during the investigation may be read. The complainant should seek for its own legal advice before upholding the complaint further. Attendance of anyone other than the alleged perpetrator and their accompanying person is at the discretion of the External Legal Counsellor.

i+solutions CEO will receive the report of the External Legal Counsellor and decide on the consequences for the perpetrator, advised by HR and, if deemed necessary by its own Legal Counsellor. If the CEO is implicated, the Supervisory Board, employer of the CEO, will receive the report of the External Legal Counsellor. i+solutions will take a decision on the matter within one working week after receiving the report following the investigation phase. The decision on behalf of the employer may involve measures such as a written reprimand, temporary suspension, a transfer or the discharge of the (alleged) perpetrator. None of the measures may be to the detriment of the complainant party.

If an Employee feels that they have been unfairly treated during this procedure they have the right to raise a grievance using i+solutions' dispute procedure as set out in the i+solutions Code of Conduct.

i+solutions cannot take disciplinary action against someone who is not an i+solutions' employee in case the alleged perpetrator is a third party on contract or their employee. However, upon advice of an external legal counsel, i+solutions can and will take action e.g. request the contractor to take action against the individual, including removing them from i+solutions' premises or take measures regarding the contract, if the bullying or harassment was concluded to be of serious nature.

Other possibilities for the complainant:

- The Police: As certain harassment or bullying could be so harsh that they could constitute a criminal offence under Dutch law, complainant can also report the harassment or bullying to the local police office. i+solutions will provide support as requested by the victim. After the police



investigation, it is up to the public prosecutor to decide whether there is enough evidence to prosecute the alleged perpetrator.

- Civil Court: Under certain circumstances, the victim could sue the alleged perpetrator for compensation of damages before the civil court. The possibilities to be investigated by the legal representative of the complainant.
- The Dutch Institute for Human Rights (including the former Dutch Equal Treatment Commission (Commissie Gelijke Behandeling / CGB)): If a victim is not satisfied with the measures taken by the employer against the reported case of harassment, he/she may consider taking the case to the Dutch Institute for Human Rights (DIHR). The DIHR examines complaints about unequal treatment on the following discrimination grounds: sex, race, nationality, religion/belief, political conviction, sexual orientation, civil status, part-time or full-time work, temporary contracts, disability or chronic illness and age. The DIHR is not a court of law and its decisions are not legally binding. Nevertheless, employers generally implement the rulings of the former CGB (Commissie Gelijke Behandeling). Moreover, if the employer does not implement the ruling, complainant can still take the case to court and the judge will be obliged to take account of the DIHR's ruling. The advantage of taking a case to the DIHR instead of a court is that it is free of charge and very low threshold. For more information one can consult the
 - DIHR's website: <http://mensenrechten.nl/what-can-institute-do-you>
- (Psychological) Help: Victims of harassment or bullying can contact Slachtofferhulp Nederland, a voluntary organisation that gives practical and legal advice as well as emotional support. They can also refer to other organisations that provide help for victims of specific forms of harassment or bullying. Slachtofferhulp works in Dutch or English and they can be reached from Monday to Friday from 08:30 to 18:00 under telephone number 0900 0101. Their website is <https://www.slachtofferhulp.nl/Contact/>
- In any event the employee can independently contact the case manager of the i+solutions Arbodienst (Tiff and arbo: Hester.Schep@ttifcompany.nl+31 (0) 20 56 26 396) and request for an phone appointment with the Arbo.

Reporting & Monitoring

In an organization you must be able to report along 3 lines:

- Via managers. These reports are not anonymous because the manager knows the reporter (who must learn how to deal with reports) and or HR department.
- Via a separate reporting point (this can be done anonymously) within the organization, please refer to the confidential advisor Marlout Corba, her contact details stated earlier in this policy.
- Through the External legal advisor/ Whistle-Blower officer (Maartje Strater) is outside the line of the organization and can be contacted if the first 2 channels are not suitable due to the nature of the report.

Note: Please note that only the External legal advisor/Whistleblower officer has the capability of taking actions towards the report received and that the confidential advisor cannot take any actions on behalf or against of any involved parties.

Disciplinary measures

- It is important to follow i+solutions policies, and failure to comply may affect the staff members' rights in case of harassment/bullying case.
- Following an investigation and depending on the circumstances and the seriousness of the complaint, appropriate action will be taken against the (alleged) perpetrator.



- i+solutions may decide if a concern made on basis of this policy is well-founded (i.e. misconduct has indeed taken place) appropriate measures will be taken when necessary such as a written reprimand, suspension, a transfer or the discharge of the employee involved. None of the measures may go to the detriment of the complainant party.

Specifics / Exceptions

- Each harassment case is treated on an individual basis.
- If exceptions are agreed, e.g. timelines extended for further investigation, they will be documented, justified and added to each file.

Responsibilities HR

- Ensure the policy is embedded within i+solutions and all necessary training requirements are implemented.
- Monitor overall cases raised within i+solutions and report to the CEO at a minimum once a year.
- Maintain the cases in employee files in accordance to the disciplinary guidelines(as defined in section "Sanctions & Measures".
- Advises employees/victims of the process for reporting harassment or bullying cases.
- Advises victims and accused of their employee rights and subsequent support available.

External Legal Counsellor (Complainant legal advisor)

- Independently and fairly carry out investigations of i+solutions' bullying and harassment cases to completion and in doing so, accurately record and report to all necessary stakeholders in accordance with this policy. Maartje Strater (+31 646633233 – Strater@starterlegal.nl)

External confidential Advisor

- Advises employees/victims when applicable of the process for reporting harassment or bullying and provide support. Marlout Corba (+31 653927978 – m.corba@jccconsulting.nl)

External Legal counsel (i+solutions legal advisor)

- Support HR in the advice on cases, remedies and necessary updates.
- Insure integrity and neutrality of the overall process.

Note: This external legal counsel can be solicited when i+solutions as an organization seek for legal guidance and support in the course of investigation of resolutions of a case.

i+solutions 'guidelines for Managers

- Advises employees/victims when applicable of the process for reporting harassment or bullying cases to the External Legal Advisor and the support available (Maartje Strater: +31 (0) 6-46633233- strater@straterlegal.nl.
- Ensures complete confidentiality. Marlout Corba (06 53927978-m.corba@jccconsulting.nl, external confidential Advisor.



- Supports and serves as the contact person for anyone who has been confronted with harassment and bullying in the work place.
- Guides the staff members in dealing with harassment or bullying case; informs the staff member with possibility and procedures.
- If needed refers the staff member to other specialists e.g. a mediator or ARBO provider.
- Provides feedback and shares information regarding the organization's policy concerning inappropriate behaviour.
- Advises and supports management in preventing inappropriate behaviour in the organisation. Registers bullying and harassment cases.

Concerns on follow up

If you have concerns that your concern/complaint or a concern/complaint against you has not been handled appropriately or that an investigation has not been performed correctly please contact the CFO within i+solutions or the external legal counsellor, contact details are available on the company intranet.

Evaluations

This policy is updated and evaluated annually. The latest version of this policy is available on the company intranet.

More information?

If you have questions relating to this policy or if you need assistance, please contact:

- Your manager
- HR officer
- Internal/External confidential Advisor.