

## PUM Complaints Committee Regulations

### **Article 1: Purpose and duty of the complaints committee**

1. The purpose of the complaints committee is to issue independent advice on reports of suspected misconduct submitted to the complaints committee as referred to in PUM's Reporting Rules.
2. The complaints committee assesses the report submitted, conducts an investigation, prepares an investigation report and issues recommendations to the manager or to the internal person at PUM who submitted the report to the complaints committee.
3. The complaints committee is independent.
4. The complaints committee has four members. PUM's CEO appoints the members for a term of three years. When members of the complaints committee are appointed, the aim is to arrive at a diverse composition of the complaints committee, with at least one of the three members being a legal expert/lawyer. A member who retires on the expiry of this term may be reappointed for three years. Each member of the complaints committee may serve no more than two terms. The members will retire according to a rotation schedule prepared by the complaints committee. This rotation schedule will be prepared in such a way that the continuity of the committee's knowledge and experience is guaranteed.
5. The members of the complaints committee may terminate their appointment early at their own request.
6. The members of the complaints committee elect one of the members as chairperson.
7. The members of the complaints committee are aware of the confidential nature of their work and investigate the reports submitted to them in such a way that the confidentiality of the information made available to the complaints committee is guaranteed as much as possible and that the persons involved suffer as little harm, including reputational damage, as possible.

### **Article 2: Submitting a complaint to the complaints committee**

1. Reports on misconduct that cannot be resolved through a PUM manager may be presented to the complaints committee by the manager or by another internal person as referred to in PUM's Reporting Rules, subject to the reporting person's consent.
2. If the report pertains to conduct by the Executive Board or any of its members, the powers vested in the Executive Board pursuant to these Regulations will be exercised by the Supervisory Board.
3. The reporting person must make a report in writing and sign it, and the report must contain at least:
  - a. the name, address, email address and telephone number of the reporting person;
  - b. the date;
  - c. a description of the misconduct and the facts and circumstances that occurred according to the reporting person;
  - d. to the extent that the report relates to another employee, volunteer, self-employed person or trainee working for PUM: the name of the person complained against;
  - e. the names of any witnesses;
  - f. the steps the reporting person has already taken to resolve the matter, and the result of these steps.

4. The reporting person must substantiate the report with relevant documents or visual material as much as possible.
5. The persons who are involved in a procedure before the complaints committee may be represented or assisted by a third party at every stage of the procedure.
6. A reporting person may withdraw the report submitted to the complaints committee at any time during the procedure, until the complaints committee issues its advisory report. Withdrawal requires written notice to the complaints committee.

### **Article 3: Reports that will not be handled**

1. The complaints committee will not handle reports in the following cases:
  - a. the report covers a topic that requires dispute resolution by the court, which has exclusive jurisdiction pursuant to mandatory or semi-mandatory law, such as matters that may result in criminal prosecution or issues for which a police report has already been filed;
  - b. the reporting person or PUM has already brought the issue that is the subject of the complaint before a court, arbitrator or mediator or another independent external body as referred to in PUM's Reporting Rules;
  - c. the complaints committee has previously investigated the report and issued advice;
  - d. the report involves a complaint with regard to compensation, but an insurance company is already handling the case;
  - e. the report covers an actual course of events that occurred more than three years before the date of submission of the report, unless, in the opinion of the complaints committee, the reporting person could not reasonably submit the report on an earlier date.
2. Reports that, in the opinion of the complaints committee, are not suitable for an investigation by the complaints committee and that should be investigated by a specialist external research agency will not be handled. In that case, the complaints committee will advise referral of the report.
3. If the complaints committee does not handle a report, it will inform the reporting person and PUM's CEO in writing and stating reasons as soon as possible, and in any event within 14 days of receipt of the report.

### **Article 4: Course of the procedure**

1. The reporting person will receive a confirmation of receipt of the report 14 days after submission. The confirmation of receipt sent to the reporting person will be accompanied by the Regulations of the complaints committee or a statement of where these Regulations can be found on PUM's intranet and will notify the reporting person of the four members of the complaints committee who will handle the complaint.
2. To the extent that the complaints committee decides that the report is not admissible or that the complaint cannot be handled pursuant to Article 3 of these Regulations, the complaints committee will inform the reporting person and the person who submitted the report to the complaints committee, within 14 days of receipt of the report.
3. The complaints committee may ask the reporting person and the person who submitted the report to send documents that further substantiate the report.
4. The complaints committee may ask PUM's CEO to send relevant documents or additional documents with regard to the report within a period set by the committee.
5. The complaints committee will prepare a list of the documents it receives during the complaints procedure and will include the list in its investigation report.

### **Article 5: Disqualification and challenge**

1. At the request of the reporting person or the person complained against, each member of the complaints committee may be challenged based on facts and/or circumstances that could interfere with arriving at an impartial decision (about the admissibility of the report) or a decision (about the merits of the report and any steps to be taken).

2. The members of the complaints committee may disqualify themselves in these cases.
3. In the event of reliance on a challenge, the members of the complaints committee who are not affected by the challenge will take a decision. In the event of a tie, the reliance is allowed.
4. If a committee member is challenged or wishes to disqualify himself/herself, in consultation with PUM's Executive Board another member will be appointed in his/her place to handle the complaint.

## **Article 6: Preparation of the hearing**

1. Except in situations where the substance of a report will not be handled pursuant to Article 3, the complaints committee will give the reporting person the opportunity to explain the report verbally at a hearing scheduled for that purpose.
2. Within three weeks of receipt of the further substantiation and information as referred to in Articles 4(3) and 4(4), the complaints committee will give the reporting person notice of the date and time of the hearing. There will be at least five working days between the date of the invitation and the date of the hearing.
3. To the extent that another employee, volunteer, self-employed person or trainee working for PUM is the subject of the report (hereinafter the "person complained against"), this person will also be invited to a hearing. The person complained against will be informed of the contents of the report.
4. The complaints committee will give the person complained against the opportunity to submit documents at least five days prior to the hearing.
5. When inviting the parties to the hearing, the complaints committee may ask them to provide further information at the hearing about the circumstances that resulted in the report. The complaints committee may specify the questions it intends to ask at the hearing in order to receive further information.

## **Article 7: The hearing**

1. The hearing will be held before the complaints committee, consisting of three members and chaired by the chairperson.
2. The complaints committee will keep minutes of everything exchanged at the hearing. Those who have been heard by the complaints committee will receive a copy of the minutes in which their statements are included.
3. In the event of a report on a person complained against, each party will be heard without the other party or parties being present.
4. Hearings of the complaints committee are not public. The complaints committee may invite persons to the hearing if it believes they are able to contribute to the handling of the report.

## **Article 8: Advice of the complaints committee**

1. Within six weeks of accepting the report, the complaints committee will issue its report containing reasoned advice to the Executive Board. The reporting person, the person who submitted the report to the complaints committee and – if applicable – the person complained against will receive an anonymised version of the report.
2. If the report cannot be issued on time, the complaints committee will so notify, while stating reasons, the Executive Board, the reporting person and – if applicable – the person complained against. The period within which the investigation report can be expected may be extended once by no more than one month.
3. The complaints committee's advice is limited to an opinion on the merits of the report and on any steps to be taken. The committee may also make recommendations related to the report or the consequences of the report. The advice will be based exclusively on:
  - the documents the parties have provided to the complaints committee;
  - the relevant materials and situations investigated by the complaints committee;
  - the arguments presented at the hearing(s).

Within two weeks of receipt of the report, the Executive Board will decide on the report and will notify the reporting person, the complaints committee and – if applicable – the person complained against of its decision in writing and stating reasons. Reasons must be given for any departure from the complaints committee’s advice. Where necessary, this period may be extended once by two weeks, while stating reasons.

## **Article 9: Confidentiality and personal data protection**

1. Every report will be treated in confidence. Everyone involved in the handling of a report undertakes to maintain confidentiality in respect of all information received as part of the procedure, unless a statutory provision requires disclosure. All documents related to the handling of the report will be retained by the complaints committee for a period of no more than five years. Where relevant, PUM may decide that the documents will also be included in the personnel file of the reporting person and/or the person complained against. The documents will be removed from the personnel file after five years.
2. The retention of complaints data is in compliance with the requirements of the General Data Protection Regulation (GDPR). Members of the complaints committee and any persons it engages undertake to maintain confidentiality in respect of all information they receive as part of the handling of disputes.

## **Article 10: Facilities and compensation**

1. PUM makes the facilities available that the complaints committee needs to perform its work.
2. PUM determines the compensation for the members of the complaints committee.

## **Article 11: Registration and reporting of activities**

1. The complaints committee will keep a register of the reports received. The register will state the reports received (case number and subject of the report), the number of reports declared inadmissible, stating the reason for the inadmissibility, the number of reports handled, the period needed to handle the reports, the advice issued, and the purport of the advice. The complaints committee will regularly discuss this register internally, as well as with PUM’s CEO and Supervisory Board.
2. The complaints committee will annually submit a report on its work to PUM. The report will contain an extract from the register, the number of reports received, the nature of the reports, an indication of admissible/non-admissible for every report, and a breakdown by well-founded/unfounded/partially well-founded.
3. In its Annual Report, PUM will address and explain the settlement of reports handled by the complaints committee. In doing so, it will state the number of reports submitted to the complaints committee and the percentage of cases in which the complaint committee’s advice was not followed.
4. The Regulations of the complaints committee will be published on PUM’s website.

## **Article 12: Adoption of and amendments to the Regulations, contingencies**

1. PUM’s Executive Board, having heard the complaints committee’s advice, will adopt and amend the Regulations.
2. In all cases not provided for in these Regulations, the complaints committee will decide in the spirit of these Regulations.