

URGE

Deliverable 2

Complaints and Reporting Policy at NIOZ

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Royal Netherlands Institute for Sea Research



This document contains what has been found by the local pod at NIOZ regarding the institute and its governing body – the NWO (Nederlandse Organisatie voor Wetenschappelijk Onderzoek), known in English as the Dutch Research Council - policies for handling complaints. This specifically relates to the reporting processes, available resources, and possible outcomes. Some information is public, while answers that could only be found through follow-up with contacts are noted. **Bolded** statements are findings of particular importance.

Background on the institute:

The NIOZ is an institute of ~400 employees spread over two locations (Texel and Yerseke) managed by a Director and Management Team who oversee four research and two supporting departments. It operates under the umbrella of the NWO-I, a subsidiary of the NWO, a subsidiary of the Dutch Ministry of Education, Culture, and Science. It is further advised by an Institute Advisory Committee (IAC), a Scientific Advisory Committee (SAC) and the Works Council (OR).

Link(s) to the reporting policy at our organization:

1. The **Collective Labor Agreement** (CAO - <https://www.wvoi.nl/cao-oi-en/>) policy states that “each employer adopts a code of conduct to prevent and control sexual harassment, aggression and violence in the workplace. The code of conduct also provides for a complaints procedure.” The legal frame work provided by the CAO is translated in practical rules and policies in the implementing regulations, which uniformly apply to all employees and organizations in the NWO structure.
2. The **NWO implementing regulations 2020-2022 document** (https://intranet.nioz.nl/files/afdelingen/HRM/2020/ENG_Uitvoeringsregelingen%202020-2022.pdf) contains a code of conduct on sexual intimidation, aggression, violence, bullying and discrimination as well as organizational policies regarding the right of complaint, procedural steps, and accountability, and finally a whistle-blower policy. These regulations are described in sections 11-13 pages 44-61. NWO policies are regularly reviewed in connection with the CAO. The current implementing regulation is effective until a new implementing regulation is adopted. Updated policies are published on the NWO website (<https://www.nwo.nl>).
3. An internal code of conduct specific to the NIOZ was not found.

What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?

1. The current policy is that incidents should be reported to individuals' direct superiors (e.g. supervisor), heads of their departments, HRM (Human Resource Management) of the NIOZ, or the director of the NIOZ. Reporting may be assisted by the presence of a "confidential counsellor" or communicated to all other instances through them. Two internal (at the NIOZ) and two external confidential counsellors can be found at <https://intranet.nioz.nl/confidential-counsellors>. If a mutual agreement is still not achieved, a formal complaint can be lodged with the Complaints Committee (PO Box 3021, 3502 GA UTRECHT or by [email: klachtencommissie@nwo.nl](mailto:klachtencommissie@nwo.nl))
 - a. Reports can be made via email to the respective parties or the confidential advisors.
 - b. Reports **cannot** be made anonymously.
 - c. Online or in person reports are not public. If a complaint is made it becomes part of the confidential employee dossier of the person(s) the complaint was lodged against. This can be through a report made by a supervisor/dept head or directly at HRM. Employee dossiers are accessible by HRM personnel only.
 - d. The Complaints Committee acts as a neutral party as members of the Complaints Committee do not have an employment relationship with NWO-D or NWO-I and are not otherwise employed by NWO-D or NWO-I.
2. In cases of complaint, individuals are not accompanied by a formal/legal advocate, however individuals have the option to be assisted by the presence of one of the institute's confidential advisors. **We were unable to find a formal policy to inform the police in case of suspected criminal offence. The Dutch legal system requires that the victim make the formal registration of the crime/complaint with the police.** However costs of (legal) assistance for a complainant and costs of support from a support agency may be eligible for reimbursement.

What are the outcomes or consequences for reported individuals?

1. Although **there is no official internal policy**, the established process within the NIOZ gives department heads in discussion with HRM and the director the authority to impose consequences on the offending party. Decisions on follow-up actions are taken on an individual basis, but may include training (bias, etc.), disciplinary action, or termination.
 - a. Complaints become part of the employee dossier at HRM.

- b. The employer will report to the internal works council each year on the number of complaints lodged and the outcome thereof.
2. If the complaint case is brought to the NWO the authorized party (the NWO-I Director in the case of NWO-I) makes final a decision about the complaint based on the advice from the Complaints Committee. Within four weeks after getting the recommendation from the Complaints Committee, the authorized party will send the final decision in writing to the one who submits the complaint and the person(s) for whom the decision has direct consequences.
 - a. The Complaints Committee gets a copy of the final decision made by the authorized party. All documents relating to complaints that are lodged with the Complaints Committee will be stored in a separate complaints archive that is maintained by the secretary and that is only accessible to members of the Complaints Committee.
 - b. The number of complaints lodged to the Complaints Committee and the outcome of these complaint cases will be reported to the central works council (COR), of which one representative of the NIOZ is also a member.
3. The NIOZ does not have an internal disciplinary board for repeated offences. An individual with a complaint about repeated offences can choose to escalate the complaint to higher instances (the department head, the director and NWO). The Complaints Committee of the NWO functions as a disciplinary board.

What resources are available for individuals reporting?

1. Internal and external confidential councilors are available. **Race, ethnicity and gender diverse councilors are not available at the present.**
2. There is currently no institutional investigation on the potential impact of complaints made by an individual on performance related evaluations of the complaining party.
3. In the NWO's document regarding overarching policy, it states that "The employer will ensure that the lodging and handling of a complaint will not adversely affect the legal position of the employee (who makes the complaint) - outside of the dispute - in any way." However, there is no defined process for oversight and no defined repercussions for individuals because of their complaints.
4. In suspicion of malpractice and as a last resort the Whistle Blower Policy is an option for cases "of suspected illegal or immoral practices that take place under the responsibility

of the employer and on account of which a significant social interest is at stake” (Regulation 13).

What resources are available to groups raising issues or proposing changes?

1. Works council meetings, any petitions or requests can be brought up to leadership directly. Regular meetings are held between interest group leadership (department heads, HRM, the director).
2. Working groups or committees with power to change or propose changes to policy: Works council, PhD representatives, Post-doc representatives, HR representatives meetings.
3. Cultural surveys, regular or only after wide-spread reports or high-profile incidents: online surveys Preventative Medical Examination (PME) are not regular, but the last one was in February and March 2020, in which the employees were able to examine the working condition and its impact on mental and physical well-being (<https://intranet.nioz.nl/reader/nioz-hrm-uitkomsten-preventief-medisch-onderzoek-results-of-preventive-medical-examination>).
4. During regular department meetings (held every 2 weeks), input is requested. After each formal meeting between instances input is requested. Meetings with PhD representatives, Post-doc representatives are organized. In addition, HRM schedules their own meetings for policy feedback.
5. OR link for anonymous feedback and idea box: <https://freesuggestionbox.com/pub/citlfps>