

Policy Control

POLICY NO.	4.0
NAME	WHISTLEBLOWING POLICY
DATE OF ISSUE	9 th August 2018
Drafted by:	Tiana Vella
Designation	Director of Human Resources
Approved by:	Management Board
Approval Date:	8 th August 2018

Version Control

Version No.	Date	Changes made by	Changes Details
4.0	09.08.2018	N/A	New Policy

AUGUST 2018
GROUP HUMAN RESOURCES DEPARTMENT



VON DER HEYDEN GROUP

Contents

Policy Control.....	0
Version Control	0
1. Scope	2
2. Definitions.....	2
3. Procedure	2



VON DER HEYDEN GROUP

4.0 WHISTLEBLOWING

1. Scope

VDHG employees can avail themselves of the protection stipulated in the Whistleblower Act (Chapter 527 of the Laws of Malta). The Whistleblower Policy is a critical tool for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper. This Whistleblower Policy is intended to encourage and enable employees to raise serious concerns internally so that the company can address and correct inappropriate conduct and actions. It is the responsibility of all VDHG employees to report concerns about violations of the company's code of ethics or suspected violations of law or regulations that govern the company.

2. Definitions

- i) "Whistleblower" is defined by this policy as an employee who reports, to one or more of the parties specified in this policy, an activity that he/she considers to be illegal, dishonest, unethical, or otherwise improper.
- ii) "Employee," means a person who performs a service for a salary or other remuneration under a contract of service, for VDHG.

3. Procedure

1. If an employee has knowledge of or a concern of illegal or dishonest/fraudulent or unethical activity, the employee is to contact the Director of HR or direct superior. All reports or concerns of illegal and dishonest activities will be promptly received by the Director of HR, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the Director of HR should be reported to Management. All reports will be reported to the Chief Executive Officer and/or the Board of Directors by the Director of HR.
2. The company will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of any sort. Any whistleblower who believes he/she is being retaliated against must contact the Director of HR immediately.
3. Limitation to protections (a) A person is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of concern; and reports the information in good faith. (b) A person is entitled to the protections under this policy only if the matter of concern is not the result of conduct by the individual seeking protection, unless it is the result of conduct by the person that was required by his or her employer. (c) Before an employee initiates a report under this policy, the employee shall submit a written report concerning the matter to the Director of HR. However, the employee is not required to submit a written report if he or she believes with reasonable certainty that the activity, policy, or practice is already known to the Director of HR; or that an emergency is involved.



VON DER HEYDEN GROUP

4. The right of a whistleblower for protection against retaliation does not always include immunity for any personal wrongdoing that is alleged and investigated. If an employee blows the whistle on any wrongdoing that they are involved in, the law offers varying degrees of mitigation of responsibility with regards to criminal, disciplinary or civil proceedings being taken against the employee.
5. Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense. The identity of whistleblowers cannot be shared with other officials, sections or authorities unless written consent is obtained. The law imposes a strict duty of confidentiality on persons receiving reports of wrongdoings. This means that they cannot – save exceptional cases set out in the law – disclose the identity or any information which may lead to the identification of a whistleblower without the express consent in writing of the whistleblower.
6. Individuals protected can also include an employee who participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern. The company may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment.
7. The provisions of this policy do not (a) require the company to compensate an employee for participation in an investigation, hearing, or inquiry; (b) authorize the disclosure of information that is legally required to be kept confidential; or (c) diminish or impair the rights of an employee under a collective bargaining agreement.
8. The whistleblower is not responsible for investigating the alleged illegal or dishonest activity, or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.
9. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action.