

Whistleblower reporting policy

Nestlé Benelux

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Whistleblower reporting policy

Introduction

At the end of 2019, the European Union adopted the Whistleblowers Directive (Directive (EU) 2019/1937). Based on this European Whistleblowers Directive, the Whistleblowers Protection Act ("Wbk") entered into force in the Netherlands on 18 February 2023. In Belgium, based on this European Whistleblowers Directive, legislation entered into force on 15 February 2023.

The aim of this legislation is to improve the conditions for reporting social wrongdoing within organizations, by enabling investigations into wrongdoing and better protecting reporters of wrongdoing.

Security and integrity

At Nestlé, we believe it is important that our employees feel safe to discuss or report all kinds of inappropriate and unethical behaviour. We have therefore set up various channels within Nestlé BNL to discuss or report inappropriate and unethical behaviour.

Reporting suspected wrongdoing or a breach of EU law

Reporting suspected wrongdoing or a violation of EU law is an important part of discussing undesirable and unethical behaviour, which is why this Whistleblower reporting policy has been drawn up. This regulation also applies to persons who are not employed by Nestlé Benelux.

This reporting scheme describes how to report suspected wrongdoing or a violation of EU law under Dutch and Belgian law¹, what happens to the report and how the reporter and any persons involved are protected.

If there is ambiguity regarding the interpretation of these regulations or if these regulations leave subjects undecided, Dutch and Belgian legislation shall prevail. If there are differences between Dutch and Belgian legislation, the legislation with the broadest interpretation shall prevail.

¹ Link to Dutch legislation: www.wetbeschermingklokkenluiders.nl/wetstraject/wetstekst Link to Belgian legislation: [LOI - WET \(fgov.be\)](http://LOI - WET (fgov.be))

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1. What can be reported?

A report from the whistleblowers' reporting scheme is about reporting wrongdoing that has become known to the reporter in the context of work-related activities. Abuses involve dangerous, immoral or illegal practices that harm society. Examples include:

- breach or risk of breach of Union law
- an act or omission involving the public interest
- there is a danger to public health, personal safety and/or environmental degradation
- the law is broken. Specifically, you can think of things such as money laundering, terrorist financing and tax fraud

Article 1 Wbk and Article 2 of the Belgian law elaborate on the concept of wrongdoing.

The whistleblowing policy deals with issues that harm society. The whistleblowing procedure is therefore not for individual problems with Nestlé Benelux. To discuss issues outside this reporting policy, employees are referred to the other channels.

2. Who can report?

Anyone who performs activities for Nestlé Benelux in a work-related context, regardless of the ground on which they perform those activities, can make a report. They may be employees, self-employed persons, trainees, job applicants, contractors, shareholders, directors or suppliers. For definitions, see also Article 1 Wkb and Article 6 of the Belgium law.

3. How do you report wrongdoing internally?

You may decide, depending on the severity and extent of the suspected wrongdoing or violation of EU law and depending on who is involved, where and at which level within the organization you can best make the report. You can make this report to a (direct) manager, but also to HR. If you wish, you can have the report made through the trust person. The trust person then acts as a conduit. The confidential advisor is there for the employee and is therefore not involved in handling the report.

The recipient of your notification, in consultation with you, will register the notification through Nestle's SpeakUp system.

You can also make the reports yourself (anonymously), without interference from others. You can make your report in writing, verbally over the phone or other voice messaging system via SpeakUp or during a conversation at a location.

3.1 SpeakUp

To make an (anonymous) report, you can use SpeakUp. This can be done in two ways.

- By calling the freephone number: 0800 0222931
- Or via this [link](#).

When you do a notification, it first asks you to select a language and then asks you to enter the access code. The access code = 29351.

SpeakUp was created specifically to allow complaints and reports to be submitted and dealt with anonymously.

SpeakUp is available 24 hours a day every day of the week.

3.2 What happens if you make a report by phone or through the system?

Once you have made a notification, the Head of Legal & Compliance and the back up of this function will receive a notification from SpeakUp. You will receive an acknowledgement of receipt of this within 7 days. They will assess the complaint. If it is an issue in the area of suspected wrongdoing or a violation of EU law, they will take up the report. They may contact you via the system (anonymously) and may ask you several questions. Together, they will determine the next steps. You will receive feedback on your report no later than 3 months after the confirmation of receipt.

The system has a notification number and correspondence is recorded. This way, you can always check back to see if Nestlé has responded appropriately.

Once the notification is completed with the agreed follow-up steps, this case is closed in SpeakUp.

3.3 How does Nestlé investigate the report?

The notification investigation is subject to many safeguards and is therefore described in detail in Annex I.

3.4 How does Nestlé ensure confidentiality?

SpeakUp has been specially created to allow complaints and reports to be submitted and dealt with anonymously. There is also the option of having the report made by the confidential advisor.

All those involved in handling a report will not disclose your identity without your express written consent and will treat all information about the report confidentially.

3.5 Internal report by an employee of another organization

This paragraph also applies to employees of other organizations. An internal report can be made in the same way by a person not employed by Nestlé Benelux, but who has performed work in a work-related context. Indeed, SpeakUp is available both internally and externally, so that third parties can also make a report.

4. How do you report wrongdoing externally?

Naturally, within Nestlé we strive to create an environment in which you feel safe to make a report internally. In the unlikely event this is not the case, you can also report suspected wrongdoing or infringement within the Nestlé Benelux organization to an external organization. Depending on where the malpractice takes place, in the Netherlands or in Belgium, and depending on the type of malpractice, you can report it to the competent authority. The websites of the authorities below clearly explain how to do this.

4.1 Authorities in the Netherlands are:

- a. the Consumer and Market Authority (ACM)
- b. the Netherlands Authority for the Financial Markets (AFM)
- c. the Personal Data Authority (AP)
- d. De Nederlandsche Bank (DNB)
- e. the House of Whistleblowers
- f. the Healthcare and Youth Inspectorate (IGJ)
- g. the Dutch Healthcare Authority (NZ)
- h. The Nuclear Safety and Radiation Protection Authority (ANVS), and
- i. Organisations and administrative bodies, or parts thereof, designated by order in council or ministerial regulation.

4.2 The authorities in Belgium are several Federal Government departments and other public authorities, including the NIHDI, RVA, NSSO and SIOD.

5. Right to information, advice and support when reporting wrongdoing

Reporting suspected wrongdoing or a breach of EU law is not an easy task for many people. To guide you through this, you are entitled to information, advice and support. Internally, you can consult the confidential advisor for this. Would you prefer external support? Then, from the Netherlands, you can contact the advisory department of the House for Whistleblowers. From Belgium, the Federal Institute for Human Rights (FIRM) is there for you. Their websites tell you what these institutions can do for you. You can also consult a lawyer, a lawyer from a trade union or legal expenses insurer or the company doctor. They have a duty of confidentiality by virtue of their position.

6. Protection

It is important to handle properly and carefully the reporting of suspected wrongdoing or violation of EU law. Ensuring that the reporter is properly protected from harm is therefore essential.

6.1 When is the reporter entitled to protection?

The protection applies to any reporter who makes a valid report.

A valid reporter is someone who:

- had reasonable grounds to believe that the reported information about suspected wrongdoing or a breach of EU law was accurate
 - The suspicion of wrongdoing must be based on reasonable grounds. This means that the reporter does not have to prove the existence of wrongdoing, but he must be able to substantiate his suspicion to some extent. The suspicion must be sufficiently concrete

and based on own observation or documents (e.g. e-mails, reports, letters, photos, etc.).

For example, hearsay stories are not sufficient.

- made an internal or external report, or disclosed information as set out in these regulations and relevant legislation.

The protection applies both during and after the disclosure of wrongdoing.

The reporter does not lose the benefit of protection if he makes a report in good faith that is subsequently found to be incorrect or unfounded.

Protection also applies to people who assist the reporter, such as a partner, family or immediate colleague, and to people involved in the report, such as the confidential advisor and investigators.

For completeness, no protection is offered to those who deliberately report false or misleading information.

6.2 What protection does the reporter get?

The reporter who has made a valid report is protected against detriment. Detriment occurs if Nestlé treats you worse by making a report than if you had not made a report. Examples of detriment include dismissal, involuntary transfer, refusal of a promotion, a negative assessment or a written reprimand. Premature termination of an agreement to provide goods or services or revocation of a license also fall under detriment. In addition, Nestlé must ensure that your manager and colleagues do not disadvantage you, for example by bullying, ignoring or intimidating you. It is up to Nestlé to prove that the reporter has not been disadvantaged.

6.3 Internal and external investigations into harm to the reporter

If a reporter believes that he/she has been disadvantaged in connection with making a report of suspected wrongdoing or infringement, the reporter may request the Head of Legal & Compliance to investigate how he/she is treated within the organization. The reporter may also request the Huis voor Klokkenluiders (NL) or the Federal Institute for Human Rights (FIRM) (BE) to conduct an investigation into how the employer behaved towards the reporter, following the report.

6.4 Sanctions

Nestlé addresses employees who are guilty of harming the reporter and may impose a warning or other disciplinary measure on them.

7. Cooperation with the Works Council

The introduction of this reporting policy came about with the consent of the (Central) Works Councils. Annually, the Head of Legal & Compliance prepares a report on the implementation of this reporting scheme. This report includes information on the number of reports, an indication of the nature of the reports, an indication of the outcomes of the investigations and Nestlé's views. It also includes general information on counteracting detriment and information on the number of requests to investigate detriment as well as expectations for the following year.

The Works Councils can discuss the draft report in a consultation meeting and provide feedback which will be incorporated into the report after which the report becomes final.

Annex I The survey

Article 1. Treatment of the internal report by the employer

1. The Head of Legal & Compliance will investigate the reported suspicion of wrongdoing or a breach of EU law unless:
 - a. the suspicion is not based on reasonable grounds, or
 - b. it is clear in advance that the reported does not relate to a suspicion of wrongdoing, infringement or irregularity.
2. If the Head of Legal & Compliance decides not to conduct an investigation, he will inform the reporter of this in writing within two weeks of the internal report. This will also indicate the grounds on which the Head of Legal & Compliance considers that the suspicion is not based on reasonable grounds, or that it is clear in advance that the reported report does not concern a suspicion of wrongdoing or a violation of EU law.
3. The Head of Legal & Compliance assesses whether a competent authority should be informed of the internal report of suspected wrongdoing. Reports are sent to other authorities only with the explicit consent of the reporter. If the employer notifies a competent authority, the Head of Legal & Compliance will send the reporter a copy of this, unless there are serious objections.
4. The Head of Legal & Compliance assigns the investigation to investigators who are independent and impartial and, in any case, does not have the investigation conducted by persons who may be or have been involved in the suspected wrongdoing.
5. The Head of Legal & Compliance immediately informs the notifier in writing that an investigation has been set up and by whom the investigation is being conducted. In doing so, the Head of Legal & Compliance will send the notifier a copy of the investigation order, unless there are serious objections to this.
6. The Head of Legal & Compliance shall inform the persons to whom a report relates about the report and about informing a competent authority, unless the investigative or enforcement interest may be adversely affected.

Article 2. The conduct of the investigation

1. The investigators shall give the reporter an opportunity to be heard. The investigators make a written record of this and submit this record to the reporter for approval and signature. The reporter receives a copy of this.
2. The investigators may also hear others. The investigators shall ensure a written record of this, and shall submit this record to the person heard for approval and signature. The person heard shall receive a copy.
3. The investigators may inspect and request any documents within the employer's organisation that they deem reasonably necessary to conduct the investigation.
4. Employees may provide the investigators with any documents that they reasonably deem it necessary for the investigators to see as part of the investigation.
5. The investigators draw up a draft investigation report and give the reporter the opportunity to comment on it, unless there are serious objections.
6. The investigators then adopt the investigation report. They send a copy of it to the reporter, unless there are serious objections.
7. Business secrets received as part of the notification must not be used for any purpose other than following up the notification.

Article 3. Position of the employer

1. Within 3 months after the report, the Head of Legal & Compliance informs the reporter in writing of the substantive position regarding the reported suspicion of wrongdoing or a violation of EU law. This will also indicate what steps the report has led to.
2. If it becomes clear that the opinion cannot be given within the set time limit, the Head of Legal & Compliance informs the reporter of this in writing. This will include a time limit within which the reporter can expect to receive the opinion. This will also indicate why a longer period is necessary.
3. Upon completion of the investigation, the Head of Legal & Compliance will decide whether an external body should be informed of the internal report of suspected wrongdoing or infringement and of the investigation report and the employer's position. If the employer notifies an external body, it will send the reporter a copy of this, unless there are serious objections.
4. The persons to whom the report relates shall be informed accordingly as the reporter, unless the investigative or enforcement interest may be prejudiced as a result.

Article 4. Hearsay on investigation report and opinion of employer

1. The employer gives the reporter an opportunity to respond to the investigation report and the employer's position.
2. If, in response to the investigation report or the employer's position, the reporter indicates, in a substantiated manner, that the suspicion of wrongdoing or a violation of EU law has not been effectively or properly investigated or that the investigation report or the employer's position contains substantial inaccuracies, the employer responds to this in substance and, if necessary, institutes a new or additional investigation.

If the employer notifies or has notified an external body, it also sends the reporter's aforementioned response to the investigation report and the employer's position to that external body. The reporter receives a copy of this.