



samen werkt.

Partos Code of Conduct

*Compliance protocol
oktober 2018*

Introduction

The Partos Code of Conduct aims to reflect the values guiding the activities of the Partos member organisations. This protocol enables the Partos association to ensure that members will be accountable for complying with these values and that they will respond in a serious manner in the case of any values-related complaints.

A limited number of provisions in the Partos Code of Conduct concern mandatory Partos membership criteria (see Article VI(2)). These criteria hold that the Partos Board has the competence to impose a sanction on the basis of the current Internal Regulations if a member organisation does not comply with any one of these criteria.

Partos shall establish an independent Complaints Committee to review all other complaints. If a Partos member does not act in compliance with the Partos Code of Conduct, any directly interested person can submit a complaint to the Complaints Committee.

This Compliance Protocol lays down the responsibilities of Partos members as well as the appointment, the duties and the procedures of the Complaints Committee.

This translation is made from the original version in Dutch,. Visit our website to find more information about the Partos Code of Conduct and download the Dutch Compliance Control: <https://partos.nl/leestafel/artikel/effectiviteit/>

Article I. Signing and supervising

1. Every member organisation shall sign up to the Partos Code of Conduct. The member organisation officials signing the Code of Conduct shall be the chair of the supervisory body (supervisory board or board of directors) and the managing director.
2. The chair of the supervisory body (either the supervisory board or the board of directors) and the managing director shall, by their signatures, explicitly commit themselves to ensure compliance by their organisation to this Code of Conduct at all times.
3. The Partos member undertakes that a notice stating whether or not a complaint will be considered shall be sent within three weeks to the complainant who has submitted this complaint in compliance with the procedures of the relevant organisation, and whose complaint refers to one or more provisions in the Partos Code of Conduct. The complaint shall be dealt with within three months of the submission of the complaint.

Article II. Promoting the Code of Conduct

1. Members shall actively promote the Code of Conduct. Members shall actively inform the public and their partners about the existence of the Partos Code of Conduct and about the protocol that provides for the manner in which the organisation can be held accountable for complying with this Code.

Article III. The Complaints Committee

1. In the event of a complaint, Partos shall establish a Complaints Committee, made up of a permanent external chair and two ad hoc external members with expertise on the complaint's subject matter.
2. Complaints Committee members shall be independent and not be linked to one or more Partos members by employment, family relations or board membership.
3. Complaints Committee members shall be reimbursed for expenses incurred in connection with their activities.
4. The Complaints Committee will have a secretary who shall have been assigned by Partos.

Article IV. The duties of the Complaints Committee

1. The Complaints Committee shall review all complaints and shall determine, on the basis of

the Partos Code of Conduct, whether they are founded or unfounded.

2. The Complaints Committee can make a recommendation to the Partos office to hold discussions aimed at clarifying the interpretation of provisions in the Code of Conduct and their meaning in relation to the activities of Partos members.
3. Once a year, the Complaints Committee shall report to the Partos Board on its activities in the previous year. This report will be published as a part of Partos' annual report.
4. Complaints Committee members shall be independent and not be linked to one or more Partos members by employment, family relations or board membership.
5. Complaints Committee members shall be reimbursed for expenses incurred in connection with their activities.
6. The Complaints Committee will have a secretary who shall have been assigned by Partos.

Article V. Submitting the complaint

1. If a complainant is dissatisfied with the way his or her complaint as submitted to a Partos member has been handled, he or she can apply to the Secretary of the Partos Complaints Committee.
2. Complaints involving a request for a decision by the Complaints Committee shall be submitted in writing (either on paper or electronically).
3. The complaint shall include the following details:
 - a. name and address of the complainant;
 - b. the article of the Partos Code of Conduct that has been breached by the Partos member's activity;
 - c. the result of the review of the complaint by the Partos member against which the complaint is being made. The complainant shall make available the documentation needed to consider the complaint such as the complaint to the Partos member, the latter's defence and its decision, as well as copies of the correspondence;
 - d. the reason why complainant deems the review of the complaint by the Partos member to be unsatisfactory.
4. If the complainant has not supplied the relevant information, the Secretary shall ask the complainant to rectify his or her omission.

Article VI. Admitting and reviewing the complaint

1. The Secretary shall, on behalf of the Complaints Committee Chair, receive the complaint and take a decision on reviewing the complaint.

2. A complaint referring to provisions in the Code of Conduct on the criteria for membership of the association will be reviewed by the Partos Board in accordance with the Internal Regulations on the understanding that this concerns the provisions on:
 - the non-adverse audit opinion (section II, article 3(a)), disclosure of financial situation through financial annual accounts (section II, article 3(d)),
 - provision of insight into objectives, policies, activities and results (section II, article 4(a))
 - and accountability to the target group (section II, article 4(b)).
3. The secretary of the Complaints Committee will dismiss a complaint as inadmissible if:
 - a. the Partos member who received the complaint has not had the opportunity to properly review the complaint. In this case, the complainant shall be requested to resubmit the complaint to the Partos member concerned.
 - b. the submitted complaint does not meet the requirements as provided for in article V.
 - c. the complaint was submitted more than three months after the Partos member had notified the complainant of its decision.
 - d. the complainant (or the organisation he or she represents) has no direct interest in the complaint that he or she has submitted.
 - e. the Complaints Committee does not have the competence to handle the complaint for reasons including, but not limited to, the following: the complaint does not concern the Partos Code of Conduct; the complaint is against an organisation that is not a Partos member; the complaint is being dealt with by a court or other competent authority.
 - f. the Complaints Committee is not the most suitable body to consider the complaint for reasons including, but not limited to, the following: the Partos member against whom the complaint has been made has, in the opinion of the complainant, breached rules under certification carried by the member.
4. If, in breach of article I(3), a Partos member has not responded to the complaint, the Secretary shall ask this organisation to rectify its omission.
5. If a submitted complaint is dismissed as inadmissible by the Secretary, the Secretary will as soon as possible send a substantiated written notice to the complainant and the organisation against which the complaint had been submitted informing them of this.
6. If the complainant disagrees with the Secretary's decision to dismiss complaint as inadmissible, he or she may appeal against this decision by means of a formal letter to the Complaints Committee Chair.

Article VII. Gathering information

1. The Partos Complaints Committee shall give the Partos member against which the complaint has been submitted the opportunity to explain its position in writing to the Complaints Committee within a term set by the Complaints Committee.
2. If the Partos member does not make use of the opportunity referred to in paragraph 1 or if the Partos member does not provide the information within the set term, the Complaints Committee will proceed to the review of the complaint.
3. The Complaints Committee can request additional information from the complainant, the Partos member and third parties.
4. The Complaints Committee can, if necessary, invite the parties to a hearing to make oral statements.

Article VIII. Determining a complaint

1. If the complaint concerns a Partos membership criterion (as referred to in article VI(2)), the Partos Board shall determine whether the complaint is founded or unfounded.
2. If the complaint concerning a membership criterion is founded, the Board will hold the Partos member concerned accountable. Eventually, in accordance with the Internal Regulations, the Partos Board may proceed to expel the member.
3. If the review of the complaint has been entrusted to the Complaints Committee, the Complaints Committee will arrive at a determination within six weeks after submission of the complaint. If it is impossible to comply with this term, the complainant will be notified in writing of the delay including its motivation.
4. The Partos Complaints Committee shall determine whether the complaint is founded or unfounded and lay down its determination in writing, including the substantive considerations on which its determination was based.
5. Following a complaint, the Complaints Committee can make a recommendation to the Partos office to engage its members in broad discussions. Such discussions can be used to arrive at a more detailed interpretation of the relevant provision in the Code of Conduct. This more detailed interpretation can be laid down in an Implementation Guideline to Members for the implementation of the Code of Conduct.

Article IX. Confidentiality, and publishing the complaint and the determination

1. The reviewing process of the complaint and all documents involved are confidential.
2. The determination of the Complaints Committee and its motivation will be provided in writing to the complainant and the Partos member against which the complaint was made.

3. After completion of the procedure, the complaint shall be included in the complaints registry on the Partos website. This shall include details on the complainant, the organisation against which the complaint was submitted, a summary of the complaint and the determination of the external committee, or, if the complaint was dismissed as inadmissible, the reason for this decision.
4. For privacy reasons, the complainant's identity may not be made public if so requested by the complainant.

Article X. Appeal.

1. An appeal against the Secretary's decision to dismiss the complaint as inadmissible can be submitted to the Complaints Committee Chair.
2. An appeal against the Board's decision to suspend or expel the Partos member can be submitted to the General Meeting of Partos in accordance with the existing articles of association and Internal Regulations.
3. The determination of the Complaints Committee cannot be appealed against.