



# Tony's Open Chain Speak Up Policy

## Introduction

We're committed to responsible business practices and want to create a work environment where everyone feels safe, valued and respected.

If you observe an ethical concern or dilemma at work that worries you, we encourage you to speak up. It can be something that affects you or someone else. Speaking up helps us to address the situation proactively and protect our people, values, stakeholders and society. We understand that it takes courage to speak up and so we're committed to providing you with an easy and safe way to raise your concerns.

Speaking up, also known as whistleblowing, is the reporting of suspected wrongdoing or dangers in relation to our activities. This includes violating our Code of Conduct, bribery, fraud or other criminal activity, facilitation of tax evasion, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

Speaking up can be done both anonymously and non-anonymously, by reaching out to the person involved or via our SpeakUp portal. Click [here](#) to go to the portal.

In this Speak Up Policy, we explain how to raise your concern, how we follow up on the report, our principles for protection and who will deal with the reporting.

*Our Speak Up Policy applies to everyone who considers reporting or publicly disclosing a (suspected) wrongdoing in the context of work-related activities. This includes all employees, self-employed contractors, agency workers, applicants, volunteers and interns at Tony's Open Chain. This also applies to our external stakeholders such as (but not limited to) suppliers, partner cooperatives, Mission Allies and other business contacts.*

## When do I speak up?

Please speak up whenever you experience or witness a (suspected) wrongdoing, a breach of our Code of Conduct, Tony's values or anything that does not constitute ethical, compliant or lawful behavior.

We encourage you to speak up as soon as possible after you start suspecting misconduct. We don't expect you to have all the answers and encourage you to use what is described in this policy as a reference point to determine if something isn't right.

## How do I speak up?

If you feel comfortable, please reach out first to the person involved (or someone else within Tony's Open Chain, for example your manager, people partner or main point of contact) to



report the wrongdoing, as a solution may be found faster this way. We recognize that this might not be easy.

If this isn't possible, or should you not feel comfortable speaking with the person directly, you can raise your concern via our [SpeakUp portal](#). In this portal you can file an (anonymous) report. We do encourage you to attach your name to a report as it helps with the investigation. However, it's 100% your decision. An anonymous case will be treated the exact same way as any non-anonymous case.

Our SpeakUp portal is available 24/7. You can speak up in your own language via the app, phone or website. When a report is filed, it will end up in our SpeakUp Office, which is managed by the Tony's Chocolonely People Partnering and Legal team. They will send the reports to the right people to investigate and resolve the matter.

## I spoke up. Now what?

Each report via the SpeakUp portal may come with a slightly different approach. But in general, your report will be picked up as follows:

1. You'll receive confirmation of your filed report within 7 days including by whom your report will be picked up.
2. If more information is needed, you'll receive some follow-up questions via the SpeakUp portal (this is done confidentially and anonymously in case of an anonymous report where legally permissible).
3. Your report will be evaluated and assessed.
4. The appropriate course of action\* will be determined and executed.

We aim to resolve the matter as soon as possible, at the latest within 3 months after receiving confirmation. During the process, we keep you up to date where possible.

We may not always be able to give you details of the outcome of the investigation for reasons of confidentiality, privacy and the legal rights of the parties involved. All parties involved, including the accused, are entitled to privacy. Therefore, if you participate in or learn about an investigation, you must keep the matter confidential.

*\*Please note that not all issues raised will automatically lead to a formal investigation. Sometimes following another course of action is better for all parties involved (e.g. mediation). Furthermore, sometimes there is insufficient information for an adequate investigation to take place and there is no possibility of obtaining further information.*



## Your protection while speaking up

Protecting you as a reporter is one of the main purposes of this policy, which is why we've set the following key principles:

### **1. Confidentiality of your identity**

All questions or issues raised are treated confidentially. Information will only be shared with a limited number of people on a strict need-to-know basis. Depending on the purpose of sharing, the information in your report will be (further) anonymized prior to sharing. Information will only be shared outside of this group if we are required to do so by law or an important public interest is at stake.

In principle, we are obliged to inform any person under investigation that they are the subject of a report being investigated as soon as possible (this may be delayed if there is a substantial risk that this notification jeopardizes the investigation or the gathering of evidence).

If you raise your concern confidentially, we will make every effort to keep your identity confidential, to the fullest extent permitted by law, and only reveal it where necessary to those involved in the investigation.

### **2. Solid investigation procedures**

The SpeakUp Office is responsible for solid, confidential and precise fact-finding during the investigation.

### **3. Anonymous information sharing**

If you would like to, you can share information anonymously by using the SpeakUp portal. The SpeakUp Office also has the responsibility to anonymize any additional information that comes in, to protect your identity. The SpeakUp portal makes safe dialogue possible in an anonymous way. The SpeakUp portal is also the only way to report concerns anonymously.

### **4. Safeguarding your privacy**

Tony's is committed to protecting the privacy of everyone involved in the SpeakUp process. We will do everything within reason to safeguard personal data from unauthorized access and processing. Any personal data obtained will be processed in line with our privacy notice and will only be used for the purposes explained in this policy or to comply with the law or with an important public interest.

### **5. Non-retaliation**

We encourage speaking up. Firstly, any person that speaks up has a guaranteed right to non-retaliation under Tony's Code of Conduct and violation of this right will not be tolerated. Any form of threat or retaliation aimed at those speaking up may lead to disciplinary measures.

Please note that when speaking up, you are protected under the whistleblowing legislation. If you notice or experience any retaliation, please report this immediately to your people partner or through the SpeakUp platform.



## Protection for the accused

A person who is subject to a report needs our utmost protection. The presumption of innocence is a leading principle within Tony's. The SpeakUp Office will protect the rights of anyone who is accused – or otherwise involved – in any issue.

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### 3. Notify the investigated person

When a person is officially under investigation, they need to be notified about this fact as soon as possible, unless there is a substantial risk of destruction of evidence and/or an impediment to the investigation.

### 4. Right to defend

After the facts are determined, the person under investigation can defend themselves by giving a statement (responding to the accusations) and commenting on the draft findings.

## The SpeakUp Office

The SpeakUp Office consists of the People Partnering and Legal team. All reports coming in through the SpeakUp portal and all reports via other channels will be made available to the SpeakUp Office. The SpeakUp Office registers, monitors and ensures a solid, confidential and precise fact-finding.

The SpeakUp office reports to the Chief People & Culture and has a direct escalation line towards an assigned Supervisory Board member. All members of the SpeakUp Office are independent and protected against retaliation themselves. In case of a conflict of interest, the involved member(s) of the SpeakUp Office will be excluded from the entire process.

The SpeakUp Office will provide an (anonymized) report to the High Five and People & Culture Forum every quarter and to the Supervisory board every year. Explicitly included in the report are issues raised on non-retaliation and complaints on the handling of the issue by the SpeakUp Office.

## Misuse of this policy

We take the practice of reporting in bad faith or any other form of misuse of this policy very seriously. This act is a serious breach of our Code of Conduct and disciplinary actions will be taken. You can refer to the Code of Conduct for further information.



## Not satisfied with the SpeakUp process?

If you believe your concern has not been handled adequately, in accordance with this policy, please report this directly to the SpeakUp Office or through the SpeakUp portal.

## Counsellor of confidence and external advice

Our employees can consult our counsellor of confidence about (suspected) wrongdoing. They will not take on your case but can advise you on the next steps in case you want to take your case further. More information on how to contact the counsellor of confidence [can be found here](#).

## Contact details + useful links

In case of any questions on the SpeakUp policy, please contact your People Partner and/or Legal team.

- Link to the portal: SpeakUp <https://tonyschocolonely.speakup.report/fileareport>
- You may consult an external advisor outside Tony's for free via [huis voor klokkenluiders](#).