

“Whistleblowing”

Rold Electrical Engineering Srl

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Whistleblowing

Learn how to report a public interest offense in the workplace.

[Access the Service](#)

Remember:

- that in order to submit the report/communication and to make subsequent additions, it must a single channel be used;
- that the use of the platform is the priority channel;
- that duplicates of the same report should not be submitted.

1. The innovations introduced by Legislative Decree no. 24/2023

What changes with the new discipline

In implementation of [Directive \(EU\) 2019/1937](#), [Legislative Decree no. 24 of March 10, 2023](#) was issued regarding “the protection of persons reporting breaches of Union law and laying down provisions on the protection of persons reporting violations of national legal provisions”.

The decree entered into force on March 30, 2023, and the provisions set forth therein are effective from July 15, 2023.

- The decree applies to both public and private sector entities; with particular reference to in this last sector, the legislation extends protections to whistleblowers who have employed, in the last year, the average of at least fifty subordinate workers or, even below this limit, to the entities that they deal with the so-called sensitive sectors (services, products and financial markets and prevention of money laundering or financing of terrorism, transport safety and environmental protection) and those adopting models of organization and management pursuant to [Legislative Decree 231/2001](#).

- Only for private sector entities that have employed, in the last year, an average of workers subordinates, with permanent or fixed-term employment contracts, up to two hundred and forty-nine, The obligation to establish an internal reporting channel takes effect from December 17, 2023.
 - Until that date, the aforementioned private entities who have adopted the 231 model or intend to adopt it They continue to manage internal reporting channels in accordance with Legislative Decree 231/2001.
- Elettrotecnica Rold Srl does not have an organizational model 231, consequently the object of the Reports will only concern the situations provided for by Legislative Decree 24/2023.

2. The entities required to comply with the discipline

Private sector

The protection of whistleblowers operating in the private sector, provided for by Legislative Decree no. 24/2023, imposes the obligation to establish reporting channels for those entities in the same sector that satisfy at least one of the following conditions:

- have employed, in the last year, an average of at least fifty subordinate workers, with contracts of permanent or fixed-term employment;
- they deal with some specific sectors (services, products and financial markets and prevention of money laundering or the financing of terrorism, transport safety and environmental protection), although in the last year have not reached the average of at least fifty subordinate workers with work contracts indefinite or fixed term;
- adopt the organisation and management models referred to in Legislative Decree 231/2001, even if in the last year they have not reached an average of at least fifty subordinate workers with contracts of permanent or fixed-term employment.

Public sector

The obligation to establish internal reporting channels also applies to the following public sector entities:

- the public administrations referred to in Article 1, paragraph 2, of Legislative Decree no. 165 of 30 March 2001;
- independent administrative authorities for guarantee, supervision or regulation;
- public economic bodies, public law bodies referred to in Article 3, paragraph 1, letter d), of the Legislative Decree 18 April 2016, n. 50;

- public service concessionaires, publicly controlled companies and in-house companies, as well as defined, respectively, by article 2, paragraph 1, letters m) and o), of the legislative decree of 19 August 2016, n. 175, even if listed.

3. What can be reported

Behaviors, acts or omissions that harm the public interest or the integrity of the public administration or of the private entity and which consist of:

- administrative, accounting, civil or criminal offences;
- unlawful conduct relevant pursuant to Legislative Decree 231/2001, or violations of the models of organization and management provided therein;
- offences falling within the scope of European Union or national acts relating to following sectors: public procurement; financial services, products and markets and prevention of money laundering and terrorist financing; product safety and compliance; transportation safety; protection of the environment; radiation protection and nuclear safety; food and feed safety and health and animal welfare; public health; consumer protection; protection of privacy and protection of personal data and security of networks and information systems;
- acts or omissions that harm the financial interests of the Union;
- acts or omissions relating to the internal market;
- acts or behaviors that frustrate the object or purpose of the provisions of the Union acts.

Elettrotecnica Rold Srl does not have an organizational model 231, consequently the object of the Reports will only concern the situations provided for by Legislative Decree 24/2023.

4. Choice of reporting channels

- internal (within the work context);
- external (ANAC);
- public disclosure (via print, electronic media or means of dissemination capable of reaching a large number of people);
- report to the judicial or accounting authorities.

Internal reporting channel

The internal report intended for the Company's Report Manager can be submitted with the following methods:

- a) **Paper transmission of the report** (ordinary mail or registered mail with return receipt) addressed to the person managing the report), which bears on the outside the wording "For the attention of Whistleblowing Report Manager – "personal confidential" via **postal service to the registered office address.**
- b) **Delivery by hand** (i.e. in a sealed envelope addressed to the Reports Manager, with the wording (personal confidential) at the registered office.
- c) **Sending via the IT platform** for forwarding/acquisition and management of reports whistleblowing.

For the transmission and management of internal reports made in written form, Elettrotecnica Rold Srl has opted to use the IT platform "My Whistleblowing" available at the web address:

<https://areariservata.mygovernance.it/#!/WB/Rold> by filling out the form provided for this purpose.

The platform allows you to electronically fill out, send, and receive the "Report Form."

Following the submission of the report, the whistleblower will receive updates via email and will have to follow the instructions for creating an account on the platform in order to follow up on your case, and possibly, speak to the managers of the report.

The notification of the report being made is automatically sent to the mailbox of the report manager.

The whistleblower can monitor the progress of the investigation only by accessing the Platform IT and using the credentials created previously.

As an alternative to internal reports made in written form via the IT platform, the Reports can be made:

- orally by recording a voice message within the IT platform
- or, upon motivated request of the reporting person, through a direct meeting scheduled within a reasonable time, according to the methods published on the website: <https://www.rolld.com/it/whistleblowing/>

The tools for transmitting and managing reports guarantee confidentiality:

- of the reporting person;
- of the facilitator;
- of the person involved or in any case of the subjects mentioned in the report;

ÿ of the content of the report and the related documentation.

The reporting platform guarantees protection from any conflicts of interest towards the managers of the reports identified by the company allowing the reporter, during the reporting phase, to direct the reporting itself to a "backup manager". The latter will intervene in managing it in a autonomous and exclusive, so as to limit in advance the scope of the reporting and take the necessary precautions. This process can also be initiated independently by the manager himself, facing a potential conflict of interest.

The management of reporting channels is entrusted to:

- to a person specifically trained to manage the reporting channel, identified in the person of Daniela Colantropo, belonging to the HR Manager function (Report Manager).
- to a person specifically trained to manage the reporting channel, identified in the person of Claudio Saleri, belonging to the IT function (Report Manager).
- to a person specifically trained to manage the reporting channel, identified in the figure of Daniela De Lucia, belonging to the role of Academy Director (Backup Manager).

External reporting channel

Reporters can use the external channel (ANAC) when:

- the mandatory activation of the reporting channel is not foreseen within the working context internal, that is, this, even if mandatory, is not active or, even if activated, is not compliant with what required by law;
- the reporting person has already made an internal report and it has not been followed up;
- the reporting person has reasonable grounds to believe that, if he or she were to make an internal report, the same would not be given an effective follow-up or that the same report could lead to a risk of retaliation;
- the reporting person has reasonable grounds to believe that the violation may constitute a danger imminent or obvious to the public interest.

Public disclosure

Whistleblowers may directly make a public disclosure when:

- the reporting person has previously made an internal and external report or has made an external report directly and no response was given within the timeframe established in regarding the measures envisaged or adopted to follow up on the reports;

- the reporting person has reasonable grounds to believe that the violation may constitute a danger imminent or obvious to the public interest;
- the reporting person has reasonable grounds to believe that the external reporting may lead to the risk of retaliation or may not be effectively followed up due to the specific circumstances of the case concrete, such as those in which evidence may be hidden or destroyed or in which it is based on fear that the person receiving the report may be in collusion with the perpetrator of the violation or involved in the violation itself.

5. Conditions for reporting

Reasonableness

At the time of reporting or complaint to the judicial or accounting authority or of public disclosure, the reporting or whistleblowing person must have reasonable and well-founded grounds to believe that the information on the reported, publicly disclosed or denounced violations are true and fall within the scope of the regulations.

Mode

Reporting or public disclosure must be made using the established channels (internal, external and public disclosure) according to the criteria indicated above under the heading "Choice of reporting channels".

6. Evaluation of the public interest and the personal interest of the whistleblower

Reports must be made

- in the public interest or;
- in the interest of the integrity of the public administration or private entity.

The reasons that led the person to report, denounce or publicly disclose are irrelevant to the purposes of its protection.

7. What happens after the report?

How to manage reports

Elettrotecnica Rold Srl provides:

- notify the reporting person of receipt of the report within 7 days of the date of its receipt, unless there is an explicit request to the contrary from the reporting person or unless Elettrotecnica Rold Srl believes that the notice would undermine the protection of confidentiality of the identity of the reporting person;
- maintain dialogue with the reporting person and ask the latter, if necessary, integrations;
- diligently follow up on the reports received;
- carry out the necessary investigation to follow up on the report, including through hearings and document acquisition;
- provide feedback to the reporting person within three months from the date of the acknowledgement of receipt or, in the absence of such notice, within three months of the expiry of the seven-day deadline from the submission of the report;
- communicate the final outcome of the report to the reporting person.

8. Protection of the confidentiality of whistleblowers

- The identity of the whistleblower may not be revealed to persons other than those authorised to receive or follow up on reports;
- The protection concerns not only the name of the whistleblower but also all the elements of the reports from which the identification of the whistleblower can be deduced, even indirectly;
- The report is excluded from access to administrative documents and from the general right of civic access;
- Confidentiality protection extends to the identity of the persons involved and the persons mentioned in the reporting until the conclusion of the proceedings initiated on the basis of the reporting, in compliance with the same guarantees provided in favor of the reporting person.

9. Compliance with personal data protection legislation

- The processing of personal data relating to the receipt and management of reports is carried out by Elettrotecnica Rold Srl, as data controller, in compliance with European and national principles in the field of personal data protection, providing appropriate information to reporting persons and persons involved in the reports, as well as adopting appropriate measures to protect the rights and freedom of the interested parties.
- Furthermore, the rights referred to in Articles 15 to 22 of Regulation (EU) 2016/679 may be exercised in limits of what is provided for by Article 2-undecies of Legislative Decree 30 June 2003, n. 196.
- Internal and external reports and related documentation are kept for the necessary time to the processing of the report and in any case no later than 5 years from the date of the communication of the final outcome of the reporting procedure, in compliance with confidentiality obligations pursuant to European and national legislation on the protection of personal data.

10. Retaliation

“Retaliation” means any behavior, act or omission, even if only attempted or threatened, placed in existence due to the reporting, the complaint to the judicial or accounting authority or the disclosure public and which causes or may cause harm to the reporting person or to the person who filed the complaint, in directly or indirectly, an unjust damage.

Examples of retaliatory behavior:

- dismissal, suspension or equivalent measures;
- demotion or failure to promote;
- change of functions, change of workplace, reduction of salary, modification of working hours;
- suspension of training or any restriction of access to it;
- negative merit notes or negative references;
- the adoption of disciplinary measures or other sanctions, including pecuniary ones;
- coercion, intimidation, harassment or ostracism;
- discrimination or any unfavorable treatment;

- failure to convert a fixed-term employment contract into a fixed-term employment contract indefinite, where the worker had a legitimate expectation of such conversion;
- failure to renew or early termination of a fixed-term employment contract;
- damages, including to the person's reputation, particularly on social media, or economic or financial losses financial, including loss of economic opportunities and loss of income;
- inclusion in improper lists on the basis of a formal or informal sectoral or industrial agreement, which may result in the person being unable to find employment in the sector or industry in the future;
- the early termination or cancellation of the contract for the supply of goods or services;
- the cancellation of a license or permit;
- the request to undergo psychiatric or medical tests.

10.1 Power to ascertain retaliation

- The management of retaliatory communications in the public and private sectors is the responsibility of ANAC which can avail itself, within its respective competence, of the collaboration of the Inspectorate of civil service and the National Labour Inspectorate.
- The declaration of nullity of retaliatory acts is the responsibility of the judicial authority.

10.2 Evidence of retaliation

- ANAC must ascertain that the behavior (act or omission) deemed retaliatory is a consequence of reporting, denunciation or disclosure.
- Once the whistleblower proves that he/she has made a report in compliance with the law and having suffered behaviour deemed to be retaliatory, the burden of proving that such behaviour falls on the employer behavior is in no way connected to the report.
- Since this is a presumption of liability, it is necessary that evidence to the contrary emerges in the cross-examination before ANAC. To this end, it is essential that the alleged responsible party provides all the elements from which to deduce the absence of the retaliatory nature of the measure adopted against the reporting.

10.3 Protection from retaliation extended to other individuals

Protection from retaliation extends to other parties, in addition to the whistleblower:

- to the facilitator (natural person who assists the whistleblower in the reporting process and operating within of the same work context);
- to people in the same work context as the reporting person, the person who made the report complaint or of the person who made a public disclosure and who are linked to them by a stable emotional or kinship bond within the fourth degree;
- to the work colleagues of the reporting person or of the person who filed a complaint or made a report a public disclosure, who work in the same work context as the same and who have with said person a habitual and current relationship;
- to the entities owned by the reporting person or for which the same persons work as well as to the entities who operate in the same work context as the aforementioned persons.

11 Protection of Whistleblowers

11.1 Non-punishability of whistleblowers

Anyone who reveals or disseminates information on violations shall not be punishable:

- covered by the obligation of secrecy, other than professional legal and medical secrecy;
- relating to the protection of copyright;
- to the protection of personal data or if, at the time of reporting, denunciation or disclosure, had reasonable grounds to believe that disclosure or dissemination of the information was necessary to make the report and it was done in the manner required by law.

11.2 Loss of protections

Protections are not guaranteed when criminal liability is ascertained, even by a first instance sentence. of the reporting person for the crimes of defamation or slander or in any case for the same crimes committed with the report to the judicial or accounting authority or its civil liability, for the same reason, in the cases of intent or gross negligence; in such cases the reporting or denouncing person may be subject to a sanction disciplinary.

11.3 Support measures for whistleblowers

- Support measures are foreseen which consist of information, assistance and consultancy on a free information on how to report and on the protection from retaliation offered by the provisions national and European Union regulations, on the rights of the person involved, as well as on methods and conditions for accessing legal aid at state expense.
- The list of third sector bodies that provide reporting persons is established at ANAC Support measures. The list, published by ANAC on its website, contains third sector organizations which carry out, in accordance with the provisions of their respective statutes, the activities referred to in the legislative decree of 3 July 2017, n. 117, and who have signed agreements with ANAC.