



Policy:	Whistleblowing - Employee Disclosure of Wrongdoing	HR - 813
Division:	Human Resources	
Cross-Reference	FIN-405 Conflict of Interest FIN-500 Acceptable Use of Technology HR-800 Respectful Workplace/Harassment Prevention and Resolution	

ADMINISTRATIVE PROCEDURES/REGULATIONS

1. Roles and Responsibilities

The Director of Education/CEO is responsible for:

- 1.1 The implementation of the Whistleblowing: Employee Disclosure of Wrongdoing Policy and related procedures, including employee education and periodic review of the policy and procedures.
- 1.2 Ensuring that all instances of alleged or suspected wrongdoing are appropriately investigated.
- 1.3 Where there is alleged or suspected wrongdoing by an employee of the District/Board (other than an Associate/Assistant Director or the CEO/Director of Education), the Associate Director of Education (Programs and Human Resources) will oversee the investigation.
- 1.4 Where there is alleged or suspected wrongdoing by a member of the Executive Team (Associate/Assistant Director), the CEO/Director of Education will oversee the investigation.
- 1.5 Where there is alleged or suspected wrongdoing by the CEO/Director of Education, the Board of Trustees will oversee the investigation.

- 1.6 The CEO/Director of Education will provide an annual report to the Board of Trustees at the end of each school year on the number and type of complaints received from employees under this policy, and any subsequent actions taken.
- 1.7 Notwithstanding 1.6, the Director of Education/CEO will determine when it is appropriate to inform the Board of Trustees regarding an allegation of wrongdoing and any investigation underway.

2. Reporting Suspected Wrongdoing

- 2.1 Any employee who may be aware of improper activity or wrongdoing is expected to make their concerns known to their immediate supervisor.
- 2.2 In the event that the employee is not comfortable making a disclosure to their immediate supervisor (e.g., disclosure may be about the supervisor, or employee does not believe the matter will be addressed by the supervisor), the employee can disclose the matter to the CEO/Director of Education or the Associate Director of Education (Programs and Human Resources). Contact information for the provincial staff team can be found on the District website.
- 2.3 Where the report involves alleged or suspected wrongdoing by the CEO/Director of Education, the employee can disclose the matter to the Chair of the Board. Contact information for the Board can be found on the District website.
- 2.4 Employees must submit the disclosure in written form (unless there is serious and imminent danger) and are encouraged to use Appendix A: HR - 813 A Whistleblowing: Employee Disclosure of Wrongdoing Form.
- 2.5 Employees making a disclosure of wrongdoing are expected to make their report as soon as possible after becoming aware of improper activities or wrongdoing.
- 2.6 Disclosures should be as accurate and complete as possible and should include the following information:
 - 2.6.1 A description of the wrongdoing;
 - 2.6.2 The name of the person(s) alleged to have committed the wrongdoing or may be about to commit a wrongdoing;
 - 2.6.3 The date(s) of the wrongdoing;

- 2.6.4 Whether a disclosure has been made previously and to whom; and
- 2.6.5 Name and contact information of the person submitting the disclosure.
- 2.7 Employees may consult with their union at any time during the disclosure process and have the right to union representation at all meetings.
- 2.8 Employees making a report of wrongdoing are expected to cooperate with those investigating their report and to keep their involvement and report confidential.
- 2.9 The District/Board is not obligated to investigate an anonymous complaint. The District/Board does not encourage anonymous reports as proper investigation may prove impossible without the opportunity to substantiate allegations and confirm good faith. An anonymous complaint of suspected wrongdoing will only be acted upon if the evidence collected during the initial stage indicates the matter can be properly investigated.
- 2.10 An employee will be subject to disciplinary measures, including suspension or dismissal, if they knowingly and purposely makes a false, frivolous, malicious or vexatious report.
- 2.11 This policy provides for a disclosure process for District employees within the organization. This policy is in addition to, and not a substitution for, the Public Interest and Whistleblower Protection Act of the Government of Newfoundland and Labrador and does not affect or replace any rights of an employee of the District to make a disclosure under that Act.

3. Investigation of Suspected Wrongdoing

- 3.1 When a report is received by the District, the party responsible for overseeing the investigation will determine whether:
 - 3.1.1 The complaint falls under the definition of wrongdoing;
 - 3.1.2 The matter would more appropriately be dealt with, or is already being dealt with, through another existing process or protocol;
 - 3.1.3 The matter is subject to litigation or court proceedings;
 - 3.1.4 The complaint is frivolous, vexatious or made in bad faith;
 - 3.1.5 So much time has elapsed between the date when the subject matter of the disclosure arose, and the date when the disclosure was made, that investigating it would not serve a useful purpose; and/or
 - 3.1.6 There is sufficient information to proceed.

- 3.2 Any manager/supervisor or school administrator receiving a disclosure must immediately forward it to the Associate Director of Education (Programs and Human Resources).
- 3.3 A disclosure to a manager/supervisor or school administrator shall not be discussed by that manager/supervisor or school administrator with anyone other than the Associate Director of Education (Programs and Human Resources) or the designated investigator.
- 3.4 External investigators/resources and internal staff (e.g., internal auditor) will be engaged as necessary to investigate suspected wrongdoing.
- 3.5 Investigations will be conducted in a thorough, impartial and timely manner and with consideration for procedural fairness.
- 3.6 Investigations will generally include, but not be limited to, discussions with the reporting employee, any party against whom allegations have been made, and witnesses. Investigations may also include the review and analysis of documents, data files and any IT system or network.
- 3.7 All employees are expected to cooperate with management and any others involved in the investigation to the fullest extent possible, and to make all reasonable efforts to be available to assist during the course of the investigation.
- 3.8 A person who is the subject of a complaint will be given an opportunity to respond to the allegations made against them.
- 3.9 Employees accused of wrongdoing may consult with their union at any time during the investigation and have a right to union representation at all meetings.

4. Interference with an Investigation

An employee will be subject to disciplinary measures, including suspension or dismissal, if they:

- 4.1 Willfully obstruct management or any others involved in an investigation of wrongdoing;
- 4.2 Destroy, alter, falsify or conceal a document or other thing they know, or ought to know, is likely relevant to the investigation of wrongdoing;

- 4.3. Direct, counsel or cause in any manner any other person to obstruct management or any others involved in an investigation of wrongdoing; or
- 4.4 Direct, counsel or cause in any manner any other person to destroy, alter, falsify or conceal a document or other thing they know, or ought to know, is likely relevant to the investigation.

5. Outcome of Investigation

- 5.1 If wrongdoing by an employee is confirmed by an investigation, appropriate disciplinary action will be taken, up to and including termination of employment.
- 5.2 If potential criminal conduct is identified, the police will be notified and the District will cooperate with any subsequent criminal investigation.
- 5.3 If incidents of fraud or similar illegal acts occur, managers/supervisors may be subject to appropriate discipline if they failed to provide adequate supervision or direction, failed to take appropriate action, or condoned improper conduct.
- 5.4 The Board will determine whether any reasonable and immediate action is necessary to prevent or detect further wrongdoing. These steps include, but are not limited to, improvement of controls, reinforcement of existing policies and procedures, employee training, and enhanced supervision/monitoring.
- 5.5 The Board will make every effort to recover any losses incurred by the District, including through possible legal action.

6. Reprisal or Retaliation

- 6.1 This policy prohibits reprisals or threats of reprisals against employees acting in good faith who:
 - 6.1.1 Report incidents of suspected wrongdoing;
 - 6.1.2 Seek advice about making a disclosure;
 - 6.1.3 Cooperate in any subsequent investigation;
 - 6.1.4 Act as witnesses in any subsequent investigation; or,
 - 6.1.5 Act in compliance with this policy.
- 6.2 The District will make every effort to ensure that an employee who makes a report of suspected wrongdoing or cooperates with any investigation, is protected from

harassment, retaliation or adverse employment or contract consequence.

- 6.3 An employee who retaliates against someone who has reported suspected wrongdoing or cooperates with any investigation, is subject to discipline, up to and including termination of employment.
- 6.4 An employee who has reasonable grounds for believing they have suffered a reprisal may file a written complaint to the Associate Director of Education (Programs and Human Resources).
- 6.5 A report of reprisal action will be addressed in the same manner as any disclosure of wrongdoing under this policy, and similar procedures will apply.

7. Confidentiality

- 7.1 The District will make every effort to ensure that confidentiality is maintained at all stages of the investigation for all individuals directly involved in the process, unless the issue requires investigation by law enforcement or unless disclosure is required by law.
- 7.2 All participants in an investigation of wrongdoing, including persons who make a disclosure, witnesses and the person(s) alleged to be responsible for wrongdoing, are required to keep the details and results of the investigation confidential, and not discuss the matter with anyone other than those conducting the investigation.

8. Information Management

- 8.1 All information and records resulting from a disclosure and investigation are highly confidential and will be maintained in an appropriate location under secure measures, only accessed by authorized officials.
- 8.2 Collection, use, disclosure and disposal of the information and records will be done in accordance with records management policies developed by the Board, relevant collective agreements and the Access to Information and Protection of Privacy Act.

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