



# Policies & Procedures for Whistleblower

## Purpose

*(Organization name)* is committed to integrity and ethical behaviour in the workplace, and will foster and maintain an environment where employees can work safely and appropriately, without fear of retaliation.

It is the intent of *(Organization name)* to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all board members, employees and volunteers is necessary to achieve compliance with various laws and regulations.

This policy has been adopted to ensure that all employees understand that they may report any wrongdoing that may adversely impact the Organization, the Organization's patients, clients, shareholders, employees, investors, or the public at large, without fear of retaliation or a negative impact on their employment status at *(Organization name)*.

## Definitions

Adverse Employment Action means any demotion, suspension, termination, unfavourable transfer, denial of promotion, denial of benefits, threat, harassment or denial of compensation as a result of the reporting of wrongdoing,

or any manner of discrimination against an employee in the terms and conditions of employment because of any other lawful act done by the employee pursuant to this policy, or any applicable Canadian legislation.

Appropriate Authority means any delegated employee who has the authority to make final decisions regarding employees, wrongdoing, harassment claims, and resulting actions. Ex. at *(Organization name)* the Appropriate Authority is (Name person or persons and their department).

Complainant means any person that submits a complaint or report of wrongdoing.

Respondent means someone who's alleged conduct is the subject of a complaint.

Retaliatory Acts means retribution or reprisal against any Complainant as a result of their reporting an incident of wrongdoing, or against any employee that participates in an investigation relating to the allegation of wrongdoing.

Whistleblowing means exposing a wrongdoing within an organization in the hopes of stopping it. The misconduct may be a violation of law, regulation, and/or a threat to public interest such as fraud, health and safety violations or

corruption. This should be distinguished from a complaint. A complaint involves someone personally being treated poorly. This could involve things such as being bullied or experiencing a breach in their individual employment rights. The purpose of the complaint is to seek justice for themselves.

**Wrongdoing** means any illegal action or violation of company policy.

## Who Does the Policy Apply to?

This policy covers situations where an individual (*the whistleblower*) raises a concern about misconduct or wrongdoing that affects others such as clients, suppliers, other staff, the organization or the public interest.

The policy applies to all employees, (including those designated as casual employees, temporary staff and volunteers), and those contractors working for the organization.

## Process for Reporting

Individuals who believe they have witnessed an act or acts of wrongdoing should report the incident(s) immediately. Reports of workplace wrongdoing may be made to the Appropriate Authority, Management / Supervisory staff, Human Resources, or anonymously. Supporting evidence is preferred, but not required as long as the individual believes the information is substantively true.

It is a violation of (*Organization name*)'s Whistleblower Policy for anyone to knowingly make a false complaint of wrongdoing or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

## Investigation

(*Organization name*) seeks to resolve claims of wrongdoing in the workplace as expediently as possible. Investigations shall be conducted and the appropriate actions taken no longer than (*x*) days following the filing of a complaint.

The Appropriate Authority is responsible for determining and administering the methods and means for addressing complaints. The Appropriate Authority is also responsible for:

- Determining the veracity of allegations of wrongdoing or retaliation.
- Determining whether or not a reported act is indeed wrongdoing.
- Administering punitive or corrective actions if allegations are true.
- Administering punitive actions if allegations were knowingly falsely made.

At the conclusion of an investigation, the investigator must create a written report including a statement regarding any and all findings that have been proven, and a statement of decision on whether or not the Policy has been violated. The report shall be presented for review to any/all appropriate authorities and/or legal counsel, as appropriate.

## Report Handling Procedures

The Appropriate Authority shall advise the Complainant and the Respondent of the resolution of any investigation conducted under this Policy. A copy of the investigative findings shall be provided in writing the Complainant and the Respondent.

In all cases, the (*Organization name*)'s Human Resources department shall retain the findings report for a minimum of (*x*) years or for as long as any administrative or legal action arising out of the complaint is pending.

## Confidentiality

All records of workplace wrongdoing reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

(*Organization name*) will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. (*Organization name*) will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

## Assurance Against Retaliation

No board member, employee or volunteer who in good faith reports a violation shall suffer harassment, retaliation or adverse employment action.

Retaliation by the Respondent or anyone acting on behalf of the Respondent, against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against any witness providing information about a workplace wrongdoing report, is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.

## Acting in Good Faith

Anyone reporting a complaint must be acting in good faith and have reasonable grounds for believing the information is true. This Whistleblower Policy will not be used to bring fraudulent or malicious complaints against employees or the organization. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.

## Acknowledgement & Agreement

I, (*Employee Name*), acknowledge that I have read and understand the Whistleblower Policy of (*Organization name*). Further, I agree to adhere to this Policy and will ensure that employees working under my direction adhere to these guiding principles. I understand that if I violate the rules/procedures outlined in this Policy, I may face corrective action, up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_