

Whistleblower Disclosure Designated Officer Procedure

Effective Date: March 8, 2023

Objective

Aligning with the [Employee Conduct – Whistleblower](#) Policy and Program this procedure is in place to detail the steps taken by the Corporation's Designated Officer when a Whistleblower Disclosure is received.

The objective of the Corporation and the Board of Directors is to ensure that all Whistleblower Disclosures are addressed impartially, consistently and in accordance with legislated requirements. Each review will be conducted in accordance with the Principles of Procedural Fairness and Natural Justice while maintaining the confidentiality of all parties involved.

While this procedure does not detail specific situations, the Designated Officer will use the spirit and intent behind the Public Interest Disclosure (Whistleblower Protection) Act (Whistleblower Act) and the Corporation's Employee Conduct – Whistleblower Policy and Program to guide their efforts.

The Whistleblower Disclosure - Designated Officer Procedure is categorized into three (3) phases:

- Preliminary Analysis
- Investigation
- Reporting

Detailed documentation is critical throughout this procedure in order to:

- support consistency in the information that is collected;
- ensure compliance with legislated requirements;
- document actions taken to ensure procedural fairness and natural justice; and
- assist in the collection of statistics for reporting requirements

The timelines documented within this procedure are in accordance with the Whistleblower Act. Except in exceptional circumstances, the Corporation initially plans for the three (3) phases to be complete within 60 business days after receipt of a Whistleblower Disclosure well within the legislated timelines.

A copy of this procedure may be utilized as the form/template to assist the Designated Officer in documenting/tracking/compiling the required information and/or formulation of the Investigation Summary Report.

Whistleblower Disclosure received on: _____

Submission to Designated Officer: _____

Submission made direct to Designated Officer or through:

Corporation's Legal Council Public Interest Commissioner

PRELIMINARY ANALYSIS

An acknowledged receipt to the employee submitting the Whistleblower Disclosure must be completed within 5 business days from the date the Whistleblower Disclosure is received.

Submission was made anonymously Acknowledgement to employee attached

Assessment completed with Notification to the employee who made the Whistleblower Disclosure as to whether or not an investigation will be conducted, must be completed within 10 business days from the date the Whistleblower Disclosure is received.

Assessment attached Notification attached

Assessment

The assessment should focus on whether the Whistleblower Disclosure is an allegation of wrongdoing as defined under the Whistleblower Act or an airing of a grievance. The assessment should include:

- the validity and credibility of the information provided;
- determining the seriousness of the complaint and the significance it has for the complainant and for the Corporation;
- determining whether there exists a systemic problem;
- ensuring that the complaint is not trivial, frivolous or vexatious;
- identifying critical issues that may require immediate attention, such as on-going concerns, urgent safety or security matters, or potential criminal acts;
- determining whether an alternative and satisfactory means of redress is available (for example, whether the parties are agreeable to informal resolution of the complaint);
- determining if there are other subject matters that should be addressed by another process or authorities;
- assessing possible sources of information that would provide sufficient evidence to prove or disprove the Whistleblower Disclosure; and
- consideration for the time that has elapsed between the event and the submission of the complaint.

The Designated Officer may, during the preliminary analysis:

- consult with the President & CEO;
- request advice from the Public Interest Commissioner (Commissioner).
- refer a Whistleblower Disclosure to another public entity or office of the Legislature if it would be more appropriately dealt with there (i.e. Privacy Commissioner or Ethics Commissioner).

Assessment Comments:

Notification

The decision on whether or not to proceed with a formal investigation, must be supported with substantiated rationale and within the required timeframe as detailed above.

Decision/Rationale:

INVESTIGATION

The objectives of the investigation:

- Collate information relating to the Whistleblower Disclosure as quickly as possible;
- Consider the information collected and draw conclusions objectively and impartially; and
- Maintain procedural fairness in the treatment of witnesses and the person who is the subject of the Disclosure.

The employee submitting the Whistleblower Disclosure should be asked to clarify any matters which are unclear and for any additional material they may have.

The Designated Officer is responsible to report matters of imminent risk of a substantial or specific danger to the life, health or safety of individuals or the environment, to:

- the Commissioner;
- an appropriate law enforcement agency;
- in the case of a health-related matter, to the Chief Medical Officer of Health; and/or
- the department, public entity or office responsible for managing, controlling or containing the risk, if any.

Imminent Risk Comments:

Referred to: Commissioner Copy attached <input type="checkbox"/>	Referred to: Copy attached <input type="checkbox"/>	Referred to: Copy attached <input type="checkbox"/>
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Human Resources Management

If during an investigation the Designated Officer has reason to believe that another wrongdoing has been committed or may have been committed, the Designated Officer may investigate that wrongdoing in accordance with the Whistleblower Act.

Other Wrongdoing(s)/Comments:

If during an investigation the Designated Officer has reason to believe that an offence has been committed under a provincial or federal statute or regulation, the Designated Officer must, as soon as reasonably practicable, report the alleged offence to a law enforcement agency and to the Minister Justice and Solicitor General.

Alleged Offence(s)/Comments:

Referred to: Law Enforcement Agency Copy attached <input type="checkbox"/>	Referred to : Minister of Justice Copy attached <input type="checkbox"/>	Referred to: Solicitor General Copy attached <input type="checkbox"/>
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In the event that Whistleblower Disclosure identifies an imminent risk or an offence under a statute or regulation has been committed, the Designated Officer's investigation into the matter must be suspended until the matter is concluded by a law enforcement agency or the Minister of Justice and Solicitor General.

Investigation Suspended/Details:

Date investigation suspended: _____

Access to a Whistleblower Disclosure or information collected as a part of an investigation is confidential and restricted to the Designated Officer and/or any person(s) formally delegated by the Designated Officer is on a case by case basis, unless there is an imminent risk of a substantial and specific danger to the life, health, or safety of individuals or to the environment.

Person(s) delegated:

Human Resources Management

The Designated Officer may, if no conflict of interest exists and assurances of confidentiality are made, use internal resources (Human Resources, Finance, etc.) in the investigation.

The investigation may be delegated to other individuals or to an individual within management (so long as that individual has no involvement with the issue raised) or outside advisors, as required.

Investigative Team:

Notes taken during an investigation including testimonies given, **must be signed and dated by each witness**. Any information prepared by the witness must be turned over to the investigation and will become part of the record. As much as possible, interviews should be conducted in person.

Testimonies/Interviews:

REPORTING

An investigation must be concluded with a written report on findings/recommendations provided to the President & CEO and Board of Directors (if appropriate) within 110 business days from the date the Whistleblower Disclosure was received.

Investigation Report attached

In the event that the investigation report is not completed within the 110 business days an extension up to an additional 30 business days may be approved by the President & CEO.

Extension notification attached

Approval for extension attached

An extension beyond the additional 30 business days must be obtained from the Commissioner in the event that the investigation is not complete.

Extension request attached

Approval for extension attached

Human Resources Management

If the Whistleblower Disclosure was not substantiated, some corrective measures, such as improvements to the system or disciplinary action may be required.

Corrective measures/Improvements/Disciplinary actions:

The outcome of the investigation must be fair and reasonable for both the Corporation and the employee making the Whistleblower Disclosure. Recommendations including a development/implementation plan to address necessary action(s), must be reviewed with the President & CEO and the Board of Directors within the established timelines. The President & CEO is responsible for enforcement and follow-up of any disciplinary action or corrective measures taken or directed as a result of the investigation.

Recommendations:

Development/Implementation Plan attached

The Designated Officer is required to provide an **Investigation Summary Report**. The report must:

- provide all of the required information for making the final determination;
- be logical, clear, concise and without personal opinions or extraneous comment;
- include relevant facts and analysis;
- if completed by someone other than the Designated Officer, then the Designated Officer must review the report to ensure that all questions are answered, and that all conclusions are substantiated.

Investigation Summary Report:

Copy attached

The Whistleblower Disclosure(s) and all related information/documentation must be retained in confidential files and accordance with the Corporation's Records Retention Schedule.

MONITORING & REPORTING

On an annual basis the Designated Officer is required to prepare and provide information regarding all Whistleblower Disclosures made or referred to the Designated Officer by the Commission, for publication within the Corporation’s Annual Report. The Whistleblower Disclosure Annual Summary will not include any details that would identify and employee who made or participated in a Whistleblower investigation. The Whistleblower Disclosure Annual Summary will include the following:

- the number of Whistleblower Disclosure received or referred to the Designated Officer;
- the number of Whistleblower Disclosures acted on;
- the number of Whistleblower Disclosure not acted on;
- the number of investigations commenced by the Designated Officer;
- in cases where wrongdoing is found, a description of the wrongdoing and any recommendation or corrective measures taken, or the reasons why no corrective measures were taken.

REFERENCES

[Employee Conduct - Whistleblower Policy and Program](#)

[Whistleblower Disclosure form](#)

Annual Whistleblower Disclosure form

Review Date	Section	Reason for Change
<i>Mar 8, 2023</i>	<i>Objective</i>	<i>Align with Policy and Program wording</i>
<i>Mar 9, 2022</i>		<i>Annual review of Employee Conduct – Whistleblower. No changes to procedure</i>
<i>Mar 10, 2021</i>		<i>Annual review of Employee Conduct – Whistleblower. No changes to procedure</i>
<i>Mar 11, 2020</i>		<i>Annual review of Employee Conduct – Whistleblower. Update hyperlinks</i>
<i>June 20, 2018</i>	<i>Policy and Program, Monitoring and Reporting, and Communications</i>	<i>Legislated Changes and feedback received from the Public Interest Commissioner</i>