

STAFF AND HUMAN RESOURCES POLICY

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Policy Title: Safe Disclosure

Last Approved: October 2023

BACKGROUND

The purpose of this policy is to:

- Facilitate the safe disclosure and investigation that an employee believes may be unlawful, unethical, dangerous to others, and/or injurious to the Association's reputation;
- Manage and investigate disclosures of suspected violations;
- Protect employees who make a disclosure from reprisals; and
- Outline processes and accountabilities for employees making disclosures.

APPLICATION

This policy applies to all Association employees.

POLICY STATEMENT

It is the responsibility of all employees violations or suspected violations of significant and serious matters that the employee believes may be unlawful, unethical, dangerous to others, and/or injurious to the Association's reputation. This policy is intended to encourage, support and enable employees to safely disclose concerns regarding violations or suspected violations.

18.1 DEFINITIONS

Violation – Conduct by an individual working for the Association or Executive member that is:

- i. Illegal
- ii. Unethical
- iii. Dishonest
- iv. Fraudulent – includes the use of deception with the intent to obtain an advantage or causing a loss to the Association. Examples are, but are not limited to theft, misappropriation of funds/assets, bribery, manipulation, and false representation.
- v. Financial Mismanagement
- vi. Creates an unsafe work environment
- vii. Any other conduct which may cause financial and/or reputational loss to the Association.

18.2 NO RETALIATION

- Any employee who retaliates against an employee who discloses a violation or suspected violation will be subject to discipline up to and including termination of employment.

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- Any employee disclosing a violation and feels they are subject of retaliation should report the infraction to their Director or Executive Director or Employee and Labour Relations.
- Any allegations made in bad faith and/or maliciously and knowing to be false will be dealt with as a serious offense and subject to disciplinary action.

18.3 PROCEDURES

- i. Disclosing – Employees may disclose violations or suspected violations to their Director, Executive Director, or Employee and Labour Relations as follows:
 - a. Verbally; or
 - b. In Writing.
- ii. Disclosure should state the type of violation or suspected violation, dates and times, any witnesses, and name of the employee or Executive Member suspected of the violation.
- iii. Employee disclosures will be acknowledged verbally or in writing in a timely manner.
- iv. If an investigation is warranted, the investigating party (internal or external) will notify the employee disclosing that an investigation will be conducted which will include fact finding interviews of the employee disclosing, any witnesses, as well as with the employee alleged to have made the violation or suspected violation.
- v. All monies, property over \$5000 due to fraud or illegal acts will be reported to the police.

18.4 INVESTIGATION

Disclosure of violations or suspected violations will be investigated in a timely manner by an authorized neutral 3rd party (internally or externally). The process will include:

- i. Director or Executive Director or Employee or Labour Relations receiving the disclosure of suspected violation(s);
- ii. Determination if there are sufficient grounds to warrant an investigation and who will conduct the investigation as well as determine if there is a need to report to the police (instance of theft);
- iii. Investigator will inform the employee alleged to have committed a violation or suspected violation of the allegations made and set up an interview time to allow the employee to speak to the allegations made against them through an interview process;
- iv. Investigator will implement measures to protect employees who disclose violations or suspected violations and witnesses (if any exist) from reprisals (if necessary);
- v. Investigator will conduct the investigation in a timely manner;
- vi. Investigator to prepare a report of findings resulting from an investigation;
- vii. Investigator to ensure the findings are made known to the employee whom the alleged violations are made including any disciplinary actions;

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- viii. Investigator to make recommendations for consequences if a disclosure or allegation is found to be made in bad faith and/or maliciously; and
- ix. Employee and Labour Relations to keep record of disclosure, allegations, and any investigations, and resulting actions taken due to an investigation.

18.5 ROLES & RESPONSIBILITIES

- a) Employee Disclosing – full cooperation is expected during the process.
- b) Employee alleged to have committed a violation or suspected violation – will be expected to fully cooperate with any investigation and will not retaliate against the employee making the allegation.
- c) Witness(es) – full cooperation is expected during the process.

18.6 CONFIDENTIALITY

- All parties part of an investigation must maintain confidentiality. Any breaches of confidentiality may be subject to disciplinary actions.
- The employee's identity who is disclosing a violation or suspected violation will be protected, to the extent possible unless in the event of a legal proceeding, the employee's identity will be made known to those who need to know.
- All employees involved (whether disclosing, acting as a witness, or has allegations against them) will keep the details and results of the investigation confidential. Any breaches of such may be subject to disciplinary actions.

REFERENCES