



Policy no. 2018-CA-23:	Policy Governing the Disclosure of Wrongdoings
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Origin:	Council of Commissioners	

NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.

1.0 PREAMBLE

The Sir Wilfrid Laurier School Board (SWLSB) believes it is important to have a culture of open communication where issues and concerns can be dealt with as they arise. The disclosure of wrongdoings is a fundamental element in ensuring the integrity of a public administration.

This policy provides staff with a framework for disclosing serious concerns of wrongdoing in the workplace by applying the *Act to facilitate the disclosure of wrongdoings relating to public bodies* (herein referred to as “the Act”). This policy will apply in situations where it is not possible to use the usual method of reporting concerns to an employee’s immediate superior or through other policy processes. The SWLSB strongly prefers to hear about any such concerns in a timely manner so that these can be dealt with and corrected, to avoid the potential of further problems over the longer term.

It is the policy of the SWLSB that employees should disclose information concerning wrongdoing when they have reasonable grounds to believe that another person has committed a wrongdoing in the workplace, and to ensure that employees who come forward within the context of this policy are treated fairly and are protected from reprisal.

2.0 OBJECTIVES

- a) To provide a framework and procedures that allow employees to bring concerns or information about illegal activities or other wrongdoings as defined in this policy (including improper use of SWLSB funds, assets or resources) to the attention of their immediate superior or the officer responsible for handling disclosures (hereinafter called “the Designated Officer”) for review and resolution without fear of reprisal;
- b) to provide that participants in an investigation be treated fairly and appropriately, and;
- c) to ensure that the SWLSB has a process and procedure that favours transparency and accountability.

3.0 SCOPE

The purpose of this policy is to facilitate disclosures of wrongdoings committed or about to be committed by an individual within the SWLSB. Disclosures apply to all SWLSB employees. However, the school board encourages any person to disclose a wrongdoing.

4.0 FRAME OF REFERENCE

- *Act to facilitate the disclosure of wrongdoings relating to public bodies* (CQLR, c. D-11.1)
- *Act respecting access to documents held by public bodies and the protection of personal information* (CQLR, c. A-2.1)

5.0 DEFINITION OF TERMS

- a. **Discloser** means an employee who makes a disclosure under this policy. This person is commonly referred to as a “whistleblower”.
- b. **Protected Disclosure** means a disclosure that is made in good faith by an employee who has reasonable grounds to believe that another person committed a wrongdoing in accordance with this policy.
- c. **Employee** means any individual who is employed by the SWLSB but for greater certainty, does not include self-employed individuals or individuals working for companies or organizations doing business with the SWLSB or for suppliers of the SWLSB.
- d. **Designated Officer** means an individual named by the Council of Commissioners of the SWLSB to be responsible for receiving and dealing with disclosures of wrongdoings made by employees of the SWLSB. The Designated Officer shall not be a present or past member of the Council of Commissioners or an employee of the SWLSB.
- e. **Improper Disclosure** means a disclosure made in bad faith, which includes, but is not limited to, providing false information, making disclosures that the discloser knows are baseless, or making repeated disclosures concerning matters that have been previously examined and determined by the Investigator Officer.
- f. **Reprisal** means any of the following measures taken against an employee by reason that the employee has, in good faith, made a protected disclosure or has, in good faith, cooperated in an investigation carried out under this policy:
 - i. any disciplinary measure including, but not limited to, transfer, demotion or termination;
 - ii. any measure that adversely affects the employment or working conditions of the employee; or
 - iii. a threat to take any of the measures referred to in paragraphs (i) or (ii).
- g. **Subject** means the person(s) whom the discloser believes has committed or is about to commit a wrongdoing that is covered by this policy.
- h. **Wrongdoing** for purposes of this policy means any act or omission that is more than trivial in nature, and that is:
 - i. a contravention of any act of Parliament or of the National Assembly of Québec, or of any regulations made under any such act;
 - ii. a misuse of public funds or assets;
 - iii. gross mismanagement;
 - iv. a serious breach of the SWLSB policies, procedures, guidelines or by-laws;
 - v. an act of omission that creates a substantial and specific danger to the life, health and safety of persons or the environment, other than a danger that is inherent in the performance of the duties or functions of an employee;
 - vi. a deliberate attempt to cover up any wrongdoing set out in any of paragraphs (i) to (v); or

- vii. knowingly directing or encouraging a person to commit a wrongdoing set out in any of paragraphs (i) to (vi).

If the wrongdoing pertains to corruption, malfeasance, collusion, fraud or influence peddling in awarding, obtaining or performing contracts granted while in the exercise of their functions, by a body or a person belonging to the public sector, or a gross mismanagement of contracts within the public sector, the protected disclosure shall be made to the Office of Anti-Corruption Commissioner established under the *Anti-Corruption Act*, CQLR, chapter L-6.1. The Designated Officer shall assist the employee requiring help to make his protected disclosure under the said act.

Actions that result from a balanced and informed decision-making process are not considered wrongdoings within the scope of this policy.

6.0 CONFIDENTIALITY AND REPORTING OF WRONGDOING

All SWLSB employees who participate in or are involved in any way in any process under this policy shall be responsible for:

- a) keeping information relating to any process under this policy strictly confidential;
- b) refraining from discussing any protected disclosure or the fact of their involvement, except to the extent required for the purposes of any investigation and resolution.

Disclosers and subjects have the right to be accompanied by another person of their choice. However, the person shall act as a witness only and cannot represent the employees.

The identity of employees involved in the disclosure procedure, including employees making disclosures, witnesses and employees alleged to be responsible for wrongdoings will be treated as confidential and protected in accordance with the law. Employees who wish to make a disclosure are encouraged to identify themselves. Should they communicate their concern anonymously, it will not be possible for them to be subsequently contacted, whether to obtain clarification on information provided or to be informed of the results of the investigation.

Employees who become aware of a wrongdoing should first determine whether it is possible to use the regular method of reporting concerns to their immediate superior or through other policy procedures to resolve the situation. If this is not possible, the employee is to raise the matter with the Designated Officer as per the SWLSB Procedure to Facilitate the Disclosure of Wrongdoings.

7.0 NAMING THE DESIGNATED OFFICER

As per section 13 of the Act, the Council of Commissioners may delegate the duties to be performed by the highest ranking administrative official in the school board to the Director General.

The Director General, or Council, designates an officer as well as an alternate officer responsible for handling disclosures of wrongdoings made by employees of the school board.

With the authorization of the Director General or Council, the Designated Officer may obtain the assistance of resource persons or associates to deal with disclosures. No judicial proceedings may be brought against the designated officer or associates for an act performed in good faith in the performance of their duties. They shall be bound to confidentiality in the performance of their duties and must ensure that the identity of the discloser, of those who have cooperated with an audit or an investigation and of the person who is the subject of the disclosure remains confidential.

The Designated Officer shall be responsible for ensuring that this procedure is applied within the Sir Wilfrid Laurier School Board.

8.0 INVESTIGATING WRONGDOINGS

Under this policy and its related procedure, all allegations of wrongdoing will be promptly acknowledged provided the employee has self-identified. Nevertheless, action will commence as soon as possible. The Designated Officer will review the information provided and, if there are sufficient grounds for further action, draw on resources from within the SWLSB as appropriate (e.g., Audit, Legal, Finance, Human Resources, Security, etc.) to conduct an investigation.

Once the investigation is complete, the Designated Officer will provide a report of the recommendations to the Director General or in the event that the subject is the Director General, such report shall be transmitted to the Chair of the SWLSB.

If the employee who raised the concern about the wrongdoing is known, the results of the investigation will also be shared with this employee.

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