

SECTION:	Human Resources – Problem Resolution	POLICY:	Whistleblower Policy
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APPROVED BY:	Chief Operating Officer		

POLICY

All Community Care Northumberland (CCN) staff, volunteers, students, and third-party contractors are strongly encouraged to report any serious act, or suspected serious act, of Improper Conduct that they are involved in or become aware of in the course of their related employment or professional activities.

This Policy provides a formal vehicle for individuals to communicate genuine and bona fide concerns related to inappropriate workplace conduct without fear of reprisal.

Any individual who is aware of or suspects a breach of the codes of conduct or matters of Improper Conduct is strongly encouraged to report the breach as soon as possible using the appropriate reporting mechanisms. In some cases, there are professional and legal obligations to report. This policy endorses a proactive environment of disclosure and protection to ensure that our agency meets legislative requirements and aligns our values of accountability and transparency.

CCN is committed to protecting a person from inference when reporting, or from retaliation for having reported. In some cases, there are professional and legal obligations that require reporting. This policy endorses a protective environment for disclosure to ensure that CCN meets legislative requirements and aligns it to the guiding principles of transparency and accountability.

The Whistleblower protection includes non-retaliation, non-discrimination and anti-harassment protection outlining procedures for the protection of any person who, in good faith, reports any concern regarding a wrongdoing, presents a complaint or report to CCN, to a governing college, or to any governmental authority in respect of a wrongdoing that is deemed to be a *protected disclosure*.

In making a report (“Report of Wrongdoing”), an individual must be acting in good faith with reasonable grounds for believing there is an incident of Improper Conduct. An individual who makes an unsubstantiated Report of Wrongdoing, which is knowingly false or made with malicious intent, will be subject to discipline, up to and including termination of employment or service.

This Policy *is not intended* to:

- Apply to personal grievances concerning staff employment terms and conditions.
- Replace or supersede any other reporting mechanisms covered by violations of human resource policies and legislation, or issues related to Occupational Health and Safety. CCN has existing mechanisms for reporting issues related to the above.

CONFIDENTIALITY

All CCN Board members and management staff will keep reports of wrongdoing confidential to the extent possible, consistent with CCN’s legal and ethical responsibilities, including the need to conduct an effective investigation. CCN will not tolerate any attempt by another individual or group to identify an individual who reports in good faith on a confidential basis.

PROCEDURE

Reporting Mechanisms

CCN staff, volunteers, students and third party contractors, are strongly encouraged to report to their Director/Manager, HR, CEO or other appropriate personnel should they be involved in or become aware of any wrongdoing. If an individual feels unable to report to their immediate supervisor, they should report to the next management level.

The Reporter is strongly encouraged to submit the Report of Wrongdoing in writing via email or arrange a meeting.

The Reporter is encouraged to identify themselves and to provide a written, fact-based summary of the grounds and circumstances supporting the Report of Wrongdoing and should be aware that anonymity will impede an investigation into the Report of Wrongdoing. The Report of Wrongdoing:

- should contain as much specific detail as possible to facilitate an investigation into the Report of Wrongdoing; and
- may include any documents or other factual information the Reporter feels will substantiate the allegations contained in the Report of Wrongdoing.

Investigation and Follow-up

All Reports of Wrongdoing will be investigated internally, or if necessary, will be referred to the appropriate law enforcement or regulatory authorities. Circumstances may require external expertise for the investigation. This will be determined at the sole discretion of the investigators.

The investigation should be completed promptly upon receiving such Report of Wrongdoing. Persons undertaking the investigation of third-party wrongdoings or complaints will:

- treat each Report of Wrongdoing, as well as its investigation and disposition, on a confidential basis in accordance with this Policy unless disclosure is required or deemed advisable in connection with any investigation or Report of Wrongdoing, is in the interest of CCN, or, upon advice of legal counsel, is required in CCN's legal handling of the matter;
- involve in each investigation only those persons who need to be involved in order to properly carry out such investigation.

The principles of natural justice (which concern procedural fairness and ensure a fair decision is reached by an objective decision-maker) will be followed by CCN in any investigation including, without limitation, having regard to the following:

- the person who is the subject of a Report of Wrongdoing is entitled to know the allegations made against them and be given an opportunity to respond. This does not require that the person be advised of the allegation or the Report of Wrongdoing as soon as the allegation or the Report of Wrongdoing is made, or the investigation has commenced.
- all proceedings must be carried out fairly and without bias; and
- A decision should not be made until all reasonable inquiries have been made.

Absolute proof of wrongdoing is not required to make a Report of Wrongdoing, but it is expected that there should be some clear evidence or grounds supporting the Report of Wrongdoing. In situations that are unclear, the best judgment should be used.

Reports of Wrongdoing made in good faith that are later discovered to be unfounded will not be subject to disciplinary action.

All individuals are required to cooperate with any investigation being conducted, or authorized, by CCN under this Policy, including, without limiting the generality of the foregoing, responding to inquiries, providing copies of requested documentation, participating in interviews, etc.

Where a Reporter is implicated in the Report of Wrongdoing, CCN will handle the Report and protect the Reporter from retaliation in accordance with the policy. CCN acknowledges that a Report of Wrongdoing should not shield or absolve a Reporter from the reasonable consequences flowing from involvement in improper conduct. However, in some circumstances admission may be a mitigating factor when considering disciplinary or other actions. Where disciplinary or other action relates to conduct that is the subject of the Reporter's Report of Wrongdoing, the disciplinary or other action will only be taken after the Report of Wrongdoing has been officially dealt with.

BREACHES OF NON-RETALIATION

Any person who legitimately and in good faith believes that they have been the subject of retaliation or is aware of any conduct which may be prohibited by other CCN policies is strongly encouraged to report immediately the facts forming the basis of that belief or knowledge to their Director/Manager, HR, or CEO.

Upon receiving a report regarding retaliation, the receiver will promptly ascertain if an investigation is necessary, and if so, lead an investigation or request another to conduct an investigation. It is the obligation of all people to cooperate in such investigation. Those responsible for the investigation will maintain confidentiality of the allegations of the complainant and the identity of the persons involved, subject to the need to conduct a full and impartial investigation, remedy any violations of policies, or monitor compliance with or administer the policies. If the report was made anonymously in writing or verbally, an investigation may not proceed.

The investigation generally will include, but will not be limited to, discussion with the subject of retaliation (unless the report was submitted on an anonymous basis), the person(s) against whom allegations have been made, and witnesses, if appropriate.

In the event that an investigation establishes that a person has engaged in conduct or actions constituting retaliation in violation of this policy, the CEO will ensure that appropriate corrective action up to and including termination of that person's employment or relationship with CCN.

In the event that the investigation reveals that the report of retaliation was frivolously made or undertaken for improper motives or made in bad faith or without a reasonable basis, the CEO, in conjunction with HR, will ensure that the complainant's Director/Manager will take whatever disciplinary action up to termination may be appropriate in the circumstances.

If there is a determination that a reprisal has been taken against the person reporting allegations contrary to this policy, the CEO, in consultation with applicable CCN representative (s) may in accordance with the policy:

- Return the complainant to their duties / activities; or
- Reinstatement of the complainant or propose another remedy, if it is determined that the trust relationship between the parties cannot be restored; or
- Rectify any situation resulting from the reprisal as deemed necessary; or
- Do or refrain from doing anything in order to remedy any consequence of the reprisal.

