

#08 Whistleblower

BOARD POLICY

Board Approval: November 28, 2018
Effective Date: December 1, 2018
Amendment Dates: N/A
Review Dates: December 2, 2020

PURPOSE

The Headwater Learning Group (HLG) endorses a culture where all Employees work collaboratively to detect and report Wrongdoing. The purpose of this policy is to provide Employees with guidance and understanding of what to do about conduct that is not of the highest ethical and moral standard and how Employees are protected from Reprisal.

DEFINITIONS

Act – the Public Interest Disclosure (Whistleblower Protection) Act

Board – the Boards of Directors of HLG

Chief Officer – the Chair of the Board

Designated Officer – the senior official designated by the Chief Officer to manage and investigate disclosures of a Wrongdoing under the Act

Employee – an employee of HLG, or an individual who believes they have suffered a reprisal and is no longer employed by HLG

HLG – Headwater Learning Group, the term for three independent charitable organizations – Calgary Academy Society, Headwater Learning Foundation, and Headwater Learning Solutions Foundation

Policy – Whistleblower Policy

Reprisal – a measure taken, directed or counselled that leads to an adverse employment action as a result of reporting Wrongdoing

Wrongdoing – activity that may be considered ethically, morally, or legally inappropriate

GUIDELINES

1. This Policy applies to all Employees of HLG.
2. The roles and responsibilities of key personnel include the following:
 - a) **Employees** – have a responsibility to report Wrongdoing in good faith, to cooperate during an investigation, and to provide any information the Designated Officer or Public Interest Commissioner may require. Employees who believe a Wrongdoing is occurring within HLG are protected from any type of adverse employment action when they report the Wrongdoing to either the Designated Officer or to the Public Interest Commissioner.
 - b) **Supervisors** – responsible for giving information and advice to Employees who are considering making a disclosure of a Wrongdoing. Employees may seek advice without reprisal. Supervisors are anyone who has a reporting relationship with Employees and includes school principals.

- c) **The Designated Officer** – is the individual appointed by the Chief Officer responsible for investigating disclosures of Wrongdoing by an Employee. The Designated Officer also has a responsibility to provide information and advice to Employees who are considering making a disclosure of Wrongdoing. The Designated Officer for HLG is the Director of Human Resources, unless otherwise designated by the Chief Officer.
 - d) **The Chief Officer** – responsible for the overall administration and reporting requirements of the Act within HLG. This includes the establishment and maintenance of policy, procedure, and ensuring information about the Act and the procedures are widely communicated to Employees.
 - e) **The Public Interest Commissioner** – responsible for carrying out the purpose of the Act. The Public Interest Commissioner reviews and investigates disclosures of Wrongdoing and complaints of Reprisal made under the Act by employees of independent schools, and reports the outcome of any investigation, along with recommendations for corrective measures, to the operator of the independent school, and to the Minister of Education where required. The Public Interest Commissioner also provides advice to employees and provides advice and support to the Designated Officer.
3. Types of Wrongdoing that can be reported and investigated include:
 - a) contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
 - b) an act or omission that creates danger to the life, safety, or health of individuals or a danger inherent in the duties as an Employee;
 - c) gross mismanagement, including an act or omission that is deliberate and that shows reckless or wilful disregard for the proper management of public funds or public asset including fraud;
 - d) Employees, by a pattern of behaviour or conduct that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; and
 - e) knowingly directing or counselling an Employee to commit a Wrongdoing mentioned above.
 4. Employees considering reporting a Wrongdoing may seek advice from their supervisor, the Designated Officer, or from the Public Interest Commissioner.
 5. Employees who wish to report a Wrongdoing may do so by submitting the attached form to the Chief Officer. Employees who wish to report a Wrongdoing to the Public Interest Commissioner directly can at <https://yourvoiceprotected.ca/for-employees/disclosure-form/>, or can call 1-855-641-8659 for more information. Employees who wish to report a Wrongdoing to the Public Interest Commissioner directly can at <https://yourvoiceprotected.ca/for-employees/disclosure-form/>, or can call 1-855-641-8659 for more information.
 6. Anonymous disclosures may not be acted on if there are inadequate particulars provided about an alleged Wrongdoing that would permit the conduct of a fair and effective investigation.
 7. After disclosure of a Wrongdoing is made by an Employee, the Designated Officer must acknowledge receipt of the disclosure within 5 business days and within 20 business days, the Designated Officer must decide whether or not an investigation is required and notify the Employee who made the disclosure of this decision and the reason for the decision.
 8. The Chief Officer and/or Designated Officer may access additional resources outside HLG if required to support this Policy.

9. An investigation is not required if:
 - a) the subject matter of the disclosure is not jurisdictional under the Act (i.e. the allegations do not constitute a Wrongdoing defined under the Act);
 - b) the subject matter is frivolous, vexatious or has not been made in good faith;
 - c) the disclosure relates to a matter that could more appropriately be dealt with according to the procedures under a collective agreement or employment agreement;
 - d) the subject matter of the disclosure is already being investigated by another authority;
 - e) the subject matter of the disclosure is currently before the courts; or
 - f) more than 2 years have passed since the date that the Wrongdoing was discovered.
10. The Designated Officer may refer a disclosure of Wrongdoing to an alternate authority, including to the Public Interest Commissioner. Factors in considering whether to refer a disclosure of a Wrongdoing include:
 - a) whether the subject matter of the disclosure would more appropriately be dealt with by another authority;
 - b) the complexity of the subject matter of the disclosure;
 - c) whether a perceived conflict of interest may exist;
 - d) the resources and expertise required to conduct a fair and effective investigation;
 - e) if the subject matter pertains to an individual that supersedes the hierarchical position of the Designated Officer.
11. The Designated Officer must conclude an investigation not more than 120 business days from the date the disclosure of a Wrongdoing was received. The Chief Officer, with the Public Interest Commissioner's permission, may extend the time period to complete the investigation that the Public Interest Commissioner considers to be appropriate in the interest of a fair and efficient outcome.
12. HLG supports Employees who come forward in good faith to report a Wrongdoing and Reprisals taken against Employees will not be tolerated. The Act protects Employees from Reprisal who have, in good faith, requested advice about making a disclosure, made a disclosure, cooperated in an investigation under the Act, declined to participate in a Wrongdoing, or done anything in accordance with the Act.
13. Employees who believe they have suffered a Reprisal may make a complaint of Reprisal directly to the Public Interest Commissioner using the form at <https://yourvoiceprotected.ca/for-employees/reprisal-form/>.
14. Employees who are dissatisfied with the Designated Officer's decision may bring the matter to the Chief Officer and then to the Public Interest Commissioner.

REFERENCES

Public Interest Disclosure (Whistleblower Protection) Act, SA 2012, c. P-39.5, as amended
Personal Information Protection Act, SA 2003, c. P-6.5, as amended

CROSS – REFERENCES

Procedure - B14 – Whistleblower

DISCLOSURE OF WRONGDOING FORM

Which of the below categories does the Wrongdoing apply?*

- Contravention of an Act or a Regulation (Contravention of a Law).
- An act or omission that creates a substantial and specific danger to the life, health or safety of individuals.
- An act or omission that creates a substantial and specific danger to the environment.
- Gross mismanagement of public funds or a public asset.
- Gross mismanagement of the delivery of a public service.
- Gross mismanagement of employees — by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.
- Counselling an individual to commit a wrongdoing mentioned above.

***If none of the above, the Public Interest Disclosure Act does not apply. Consider other internal policies and procedures.**

GENERAL CONTACT INFORMATION

While anonymous complaints may be accepted, you are encouraged to include your name and contact information. For more information about the advantages and disadvantages of making an anonymous complaint, speak with the Designated Officer.

Last Name

Given Names

Title

Email

Work Phone

Other Phone

Organization (select one)

- CA HLS HLF

Branch/Unit/Department (if applicable)

DISCLOSURE DETAILS

Use this area to provide information about the wrongdoing and the person(s) alleged to have committed the wrongdoing. Include, if known, the following details:

- > A description of the wrongdoing
- > If known, dates associated with the wrongdoing
- > Name and title of the alleged wrongdoer(s)
- > Name and title of any other parties involved
- > The name of the school where the wrongdoing occurred
- > If applicable, the specific division or business unit where the wrongdoing occurred
- > Whether you have contacted any other authority in relation to the alleged wrongdoing

Disclosure Details*

Please submit this form and any other supporting documents to the Designated Officer. If you are unable to include all details about the alleged wrongdoing on this form, you may submit further details as a separate document; however, please include it when you submit this form.