

POLICY GBO – Public Interest Disclosure

Peace Wapiti Public School Division expects all employees to conduct themselves, personally and professionally, in a highly ethical manner. Employees should expect a positive supportive environment where they can seek advice and, if necessary disclose alleged wrongdoing, as defined in this Policy, without fear of reprisal, knowing that such disclosures will be taken seriously.

Only alleged wrongdoing and alleged acts of reprisal occurring after the coming in to force of the Public Interest Disclosure (Whistleblower Protection) Act are subject to the Act and this Policy.

PURPOSE

The purpose of the Public Interest Disclosure (Whistleblower Protection) Act (PIDA) and this Policy are to:

- facilitate the disclosure and investigation of alleged wrong doing as defined in this Policy;
- establish a framework to guide the management of disclosures, and for making recommendations respecting disclosures of alleged wrongdoings as defined in this Policy and alleged acts of reprisals as defined in this Policy;
- protect employees who make disclosures in good faith.

DEFINITIONS

Chief Officer is defined as the Superintendent of Schools (PIDA Reg 2.2.1)

Designated Officer is defined as the senior official designated by the Chief Officer to manage and investigate disclosures under PIDA. In Peace Wapiti Public School Division the District Principal is designated as the Designated Officer. In the event that there is no District Principal, or the disclosure relates to the Designated Officer, the Chief Officer will act as or appoint the Designated Officer.

Commissioner means the Public Interest Commissioner appointed under PIDA.

Employee means an individual employed by Peace Wapiti Public School Division.

Disclosure is defined by PIDA and this Policy as: a disclosure of alleged wrongdoing made in good faith by an employee in accordance with this Act.

Wrongdoing is defined as:

- illegal acts;
- threats to health, safety or the environment;
- gross mismanagement of public funds;
- counselling a person to do any of these above mentioned acts.

Gross Mismanagement of Funds

Few guidelines exist to define gross mismanagement in the public sector; however, the federal Public Service Integrity Commissioner indicates that mismanagement generally

applies to very serious situations that result or could result in a breach of public interest. The following factors, among others, are considered when determining whether a situation could constitute gross mismanagement:

- the seriousness of the deviation from standards, policies or practices;
- the functions and responsibilities of the public servant alleged to be responsible for the gross mismanagement;
- the seriousness and willfulness of the acts or omissions in question;
- the repetitive or systemic nature of the acts;
- the impact or potential impact of the mismanagement on the organization's ability to carry out its mandate;
- the impact or potential impact on the organization's employees, clients and the public trust.

Reprisal is defined as any adverse employment action taken against an employee who:

- seeks advice in good faith on making a disclosure;
- makes a disclosure in good faith; or
- co-operates in an investigation of alleged wrongdoing; or
- declines to participate in a wrongdoing.

ROLES AND RESPONSIBILITIES

Public Interest Commissioner's key responsibilities include:

- receive and investigate certain disclosures;
- receive all allegations of reprisal;
- review internal procedures of public entities;
- provide education and training.

Chief Officer's key responsibilities include:

- establishing internal disclosure procedures;
- appointing a Designated Officer;
- inform employees about PIDA and how to make a disclosure;
- receiving recommendations resulting from investigation;
- fulfilling annual reporting obligations.

Designated Officer's key responsibilities include:

- a) receiving disclosures of alleged wrongdoing and assessing whether or not to investigate;
- b) conducting investigations into allegations of wrongdoing and writing a report;
- c) ensuring the Chief Officer is apprised of investigations.

GUIDELINES & PROCEDURES

1. Reprisals:

- a) An employee who, in good faith:
 - i) seeks advice about making a disclosure;
 - ii) makes or made a disclosure ;
 - iii) co-operated in an investigation; or
 - iv) declined to participate in a wrongdoing

- will not be subject to actions or threats of dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work, or reprimand, or any other measure that adversely affects the employee's employment or working conditions;
- b) An employee may make a written complaint to the Public Interest Commissioner if the employee alleges that a reprisal has been taken or directed against the employee. Such a written complaint must, according to the Act, be made on the Complaint of Reprisal Form (Exhibit 2);
 - c) Reasonable human resource management decisions made in good faith do not constitute a reprisal.
2. Disclosures:
- a) Disclosures of wrongdoing must be made to the Designated Officer in writing. The Disclosure of Wrongdoing Form (Exhibit 3) outlines the information required in a disclosure;
 - b) In the event that disclosure to the Designated Officer is not appropriate due to conflict of interest with respect to the nature of the disclosure or the person involved, disclosure may be made to the Superintendent of Schools (the Chief Officer);
 - c) Disclosures of matters dealing with "imminent risk" (matters that require immediate attention as they pose significant risk to public health or safety, or a danger to the environment) must be made directly to the Public Interest Commissioner, who will then communicate with the appropriate authorities. The employee must also disclose the wrongdoing to the Designated Officer as soon as practicable thereafter;
 - d) Anonymous disclosures may be dealt with, but an investigation may be hampered by the request for anonymity.
3. Investigations:
- a) Upon receiving a disclosure, the Designated Officer receiving the disclosure shall determine whether or not an investigation is warranted;
 - b) An investigation may involve both internal and external sources to assist in determining whether a wrongdoing has occurred and what corrective action may be appropriate;
 - c) Confidentiality of the discloser of a wrongdoing shall be maintained to the extent possible consistent with the need to conduct an adequate investigation;
 - d) Investigations shall be conducted in accordance with the principles of fairness and natural justice as may be appropriate in each case;
 - e) Investigators will use the Procedures to Manage Disclosures for Designated Officers (Exhibit 1) to guide their investigations.
4. Timelines:
- a) A disclosure of wrongdoing or complaint of reprisal shall be acknowledged not more than five (5) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received;

- b) The employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised no more than 10 business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received of whether an investigation will be made;
 - c) An investigation must be concluded not more than 110 business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received. The employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised of the result of the investigation in writing;
 - d) These timelines may be extended by up to 30 days by the Superintendent, or for a longer period of time if approved by the Public Interest Commissioner.
5. Good Faith:
- a) An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith;
 - b) Deliberately false or malicious allegations by an employee will form the grounds for disciplinary action up to and including termination of employment.

REFERENCES

Cross References:

[*Exhibit 1- Procedures to Manage Disclosures for Designated Officer*](#)

[*Exhibit 2 - Complaint of Reprisal Form*](#)

[*Exhibit 3 – Disclosure of Wrongdoing Form*](#)

Policy GBE – Health and Safety

Policy GBEA – Protection of Staff

Policy JAB – Conflict Resolution

Legal References:

Public Interest Disclosure (Whistleblower Protection) Act

Public Interest Disclosure (Whistleblower Protection) Regulation

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