

Personnel And Employee Relations

Administrative Procedure #314 Public Interest Disclosure (Whistleblower Protection)

1. Application of this Procedure

- a. This procedure applies to “wrongdoings” in or relating to the Thrive Charter School Society that involve:
 - i. A contravention of an Act of Alberta or Canada or the Regulations related to those acts.
 - ii. An act or omission that creates:
 1. Substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee.
 2. A substantial and specific danger to the environment.
 3. Gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:
 - a. Public funds or a public asset.
 - b. The delivery of a public service, including the management or performance of:
 - i. A contract or arrangement identified or described in the regulations including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement.
 - ii. The duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment.
 - c. Employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying harassment or intimidation.
 4. Knowingly directing or counselling an individual to commit one of the wrongdoings listed above.
 - b. Day-to-day workplace issues that fall short of “wrongdoings” should be addressed through the use of existing Board policies and practices.

2. No Reprisals

- a. An employee who, in good faith, undertakes any of the following actions, 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.
 - i. Seeks advice about making a disclosure.
 - ii. Makes a disclosure.
 - iii. Co-operates in an investigation.
 - iv. Declines to participate in a wrongdoing.
- c. An employee may make a written complaint to the Public Interest Commissioner if the employee believes 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*.
- d. Reasonable human resource management decisions made in good faith do not constitute a reprisal.

3. Disclosures

- a. Disclosures of wrongdoing must be made to the Superintendent (the Designated Officer) in writing. The form, *Public Interest Disclosure (Whistleblower Protection) Act Disclosure Form*, outlines the information required in a disclosure.
- b. In the event that disclosure to the Superintendent 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 Chair of the Board of Directors.
- 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 Superintendent as soon as practicable thereafter.
- d. An employee considering making a disclosure may seek advice from the designated officer, chief officer, or the Public Interest Commissioner.
- e. Anonymous disclosures may be dealt with, but an investigation may be hampered by the request for anonymity.

4. Investigations

- a. Upon receiving a disclosure, the person 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.

5. 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 ten (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 thirty (30) days by the Superintendent, or for a longer period of time if approved by the Public Interest Commissioner.

6. Good Faith

- a. An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
- b. The submission of deliberately false or malicious allegations by an employee will form the grounds for disciplinary action up to and including termination of employment.

References:

- Public Interest Disclosure (Whistleblower Protection) Act
- Public Interest Disclosure (Whistleblower Protection) Regulation