



AP-G-801.1 Public Interest Disclosure (Whistleblower Protection) Administrative Procedures

Revised June 18, 2014

BACKGROUND & RATIONALE

Foundations for the Future Charter Academy (FFCA) maintains a culture characterized by integrity, respect, trust and care, and expects all staff to demonstrate high ethical standards in their work. Staff should expect in return a positive workplace.

Good Faith

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

DEFINITIONS

Chief Officer

1. The Superintendent is the Chief Officer for the purpose of the overall administration, management and reporting required under the Public Interest Disclosure (Whistleblower Protection) Act.

Designated Officer

1. The Secretary Treasurer will act as the Designated Officer for the purpose of administering and investigating disclosures under the Act. In the event that disclosure to the Secretary-Treasurer 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 Chief Officer.

PROCEDURES

Application of this Policy

2.1 This policy applies to reports of perceived wrongdoings in or related to FFCA, its campuses, departments and employees that involve:

- A contravention of an Act of Alberta or Canada or the regulations related to those acts, or
- An act or omission that creates
 - ♦ substantial and specific danger to the life, health and safety of individuals other than a danger that is inherent in the performance of duties of functions of an employee, and/or
 - ♦ a substantial and specific danger to the environment, and/or
 - ♦ gross mismanagement of public funds or a public asset, and/or
 - ♦ knowingly directing or counseling an individual to commit one of the wrongdoings listed above.

2.2 An employee who, in good faith:

- seeks advice about making a disclosure,
- makes or made a disclosure,
- co-operated in an investigation, or
- declined to participate in wrong-doing

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.

3. 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* (<https://www.pic.alberta.ca/files/Complaint-of-Reprisal-Form.pdf>.)

4. Reasonable human resource management decisions made in good faith do not constitute a reprisal.

Disclosure

5. Disclosures of wrong-doing must be made to the Designated Officer in writing. The form *Public Interest Disclosure (Whistleblower Protection) Act Disclosure Form* (<https://www.pic.alberta.ca/files/Online-Disclosure-Form.pdf>) outlines the information required in a disclosure.

6. Disclosures of matters dealing with “imminent risk” (matters that require immediate attention as they pose a significant risk to public health or safety, or a danger to the environment) must be made directly to the Public Interest Commissioner (peter.hourihan@ombudsman.ab.ca), who will then communicate with the appropriate authorities. The employee must also disclose the wrongdoing to the Designated Officer as soon as practicable thereafter.

7. Anonymous disclosures may be dealt with, recognizing that an investigation may be hampered by the request for anonymity.

8. A disclosure of wrongdoing or complaint of reprisal shall be acknowledged not more than 5 business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received.

9. 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.

Investigations

10. Upon receiving a disclosure, the Designated Officer shall determine whether or not an investigation is warranted.

11. The Designated Officer will report any instances of disclosure requiring investigation to the Chief Officer and the Board Chair, and/or to outside law enforcement, where necessary.
12. 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.
13. Confidentiality of the discloser of a wrongdoing shall be maintained to the extent possible consistent with the need to conduct an adequate investigation.
14. Investigations shall be conducted in accordance with the principles of fairness and natural justice.
15. An investigation must be concluded not more than 100 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.
16. These timelines may be extended by up to 30 days by the Chief Officer (Superintendent), or for a longer period of time if approved by the Public Interest Commissioner.