Renert School's *Public Interest Disclosure (Whistleblower Protection) Act*:

Policy and Procedures

Any employee who wishes to disclose a significant and serious wrongdoing in the workplace, can have their workplace handle the matter internally or, make a report to the Public Interest Commissioner.

1) Purpose

The purpose of this Policy and its procedures is to:

- Provide a facilitating platform for an employee who discloses significant and serious matters that he/she believes to be unlawful, dangerous to the public or injurious to the public interest.
- Have set guidelines in place with respect to management and investigation of disclosures of wrongdoings and reprisals.
- Manage, investigate and make recommendations with respect to disclosures of wrongdoings and complaints of reprisals.
- Ascertain the procedures and responsibilities of employees for reporting and investigating wrongdoings within Renert School.
- Protect from reprisal any employees who, in good faith, make a disclosure.
- Ensure individuals that all concerns alleging wrongdoings or reprisals will be thoroughly reviewed and taken seriously.
- Promote public confidence in the administration of the school, Legislative offices, and public entities.

2) Scope

This Policy applies to all Renert School employees.

3) Compliance

All employees are responsible for knowing, understanding, and complying with this Policy.

4) Principles

- Renert School is committed to providing students an opportunity for a high standard of learning in a concerned and safe environment, as directed by our moral and ethical beliefs.
- Renert School provides a positive, supportive environment for employees, with expectations of high ethics and accountability.

5) Definitions

Act: means the *Public Interest Disclosure (*Whis*tleblower Protection) Act*, S.A. 2012 c. P-39.5, as amended, and any regulations thereunder.

Business Day: means a day, other than a day on the weekend, statutory holiday in Alberta, or any other day on which RS is not open for business.

Board: means the Board of Directors of Renert School.

Chief Officer: has the same meaning as set out in the Act, and for Renert School specifically, is the school principal, or, if inappropriate, the Chairman of the Renert School Board.

Commissioner: is the Public Interest Commissioner appointed by the Lieutenant Governor in Counsel in accordance with the Act.

Designated Officer: means any of Renert School vice principals or other senior officials designated by the Chief Officer, to manage and investigate any disclosure under this Policy.

Disclosure: means the written report of a Wrongdoing or alleged Wrongdoing.

Employee: means an individual employed by Renert School.

Policy: means the Renert School's *Public Interest Disclosure (Whistleblower Protection) Act* Policy and Procedures.

Reprisal: means any adverse employment actions taken or directed against an employee, namely:

- A "*dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand*";
- Any "*measure, other than those mentioned above, that adversely affects the employee's employment or working conditions*"; or
- A "*threat to take any of the measures mentioned above*".

Wrongdoing: means a deed that falls into one or more of the following, pursuant to Section 3(1) of the Act:

a) 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:
    i. A "*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*", or
    ii. A "*substantial and specific danger to the environment*";
c) A *"gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:*
    i. *public funds or a public asset,*
    ii. *the delivery of a public service, including the management or performance of:*
        A. *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, and*
        B. *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,*

or

iii. *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.";*

c.1) A "*wrongdoing prescribed in the regulations*"; or

d) "*knowingly directing or counselling an individual to commit wrongdoing in clauses (a) to (c.1)*".

6) Responsibilities

Role of Chief Officer:

a) Establish and maintain, in accordance with the Act, written procedures, including time periods, for managing and investigating employee disclosures.
b) Ensure the procedure includes a process for reporting matters that may cause imminent risk to the life, health or safety of individuals, or to the environment, or is of a criminal nature.
c) Appoint a senior official as a Designated Officer or other senior official designated by the Chief Officer, for the purposes of managing and investigating disclosures.
d) Ensure employee awareness of the Act, this Policy, and disclosure procedures.
e) Be accessible to provide information or advice to an employee who is considering making a disclosure or refer the employee to their Designated Officer or to the Public Interest Commissioner.
f) Receive recommendations resulting from investigations.
g) Fulfill the annual reporting requirements.

Role of Designated Officer:

a) Be accessible to provide information or advice to an employee who is considering making a disclosure.
b) In accordance with the Act, manage and conduct investigations, and issue any reports, as a result of disclosures of wrongdoings or alleged wrongdoings.
c) Maintain authority and discretion when determining the nature and scope of the investigative process.
d) Act in a neutral capacity in order to best facilitate and process internal disclosure reports of wrongdoings or alleged wrongdoings. This includes:
    i) Providing access and advice available on the terms of this Policy;
    ii) Assisting employees who wish to report a suspected wrongdoing;
    iii) Processing all reports of a suspected wrongdoing;
    iv) Assessing disclosures of a suspected wrongdoing to determine if sufficient grounds exist to warrant further action;
    v) Determining the appropriate action to address the suspected wrongdoing, including providing a report to the Chief Officer and, if necessary, involve outside law enforcement;
    vi) Ensuring the protection from reprisal, any employees who, in good faith, disclose a suspected wrongdoing;
    vii) Ensuring the protection from reprisal, any employees who witness or provide information in relation to a suspected wrongdoing;
e) If it is found that a disclosure is maliciously filed or made in bad faith, provide recommendations for consequences.
f) Keep records of all disclosures, investigative outcomes, and actions taken.
g) If there is reason to believe that a matter being disclosed may cause imminent risk of a substantial or specific danger to life, health or safety of individuals, or to the environment, a

referral of the disclosure must be made to the Public Interest Commissioner or legal authority as soon as practicable.

h) Refer a disclosure to another public entity or office of the Legislature.
i) Prepare an annual report on all disclosures.
j) Report matters of imminent risk to the life, health or safety of individuals or the environment to:
    i) An appropriate law enforcement agency;
    ii) In the case of a health-related matter, to the Chief Medical Officer of Health;
    iii) The department, public entity or office responsible for managing, controlling or containing the risk, if any; and
    iv) A person identified in the procedures created by the Chief Officer.

k) Report criminal offences under a statute or regulation to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as is practicable. Any investigation into the matter is to be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

Role of Supervisor:

a) Ensure employee awareness of the process for reporting wrongdoing.
b) Provide an accessible environment for employees to express concerns about suspected wrongdoings.
c) Be accessible to provide information or advice to an employee who is considering making a disclosure.
d) Refer the employee to the Designated Officer or the Commissioner.
e) Provide full cooperation regarding investigations.
f) Protect employees who report suspected wrongdoings from reprisal.

Role of the Public Interest Commissioner:

a) Be available to receive, in the first instance, direct disclosure of an alleged wrongdoing from an employee.
b) Maintain the discretion to refer a disclosure to a Designated Officer for investigation, if considered appropriate.
c) Offer information sessions for employees and/or management to inform them about the Act and their obligations.
d) If, following an investigation, the Commissioner finds a reprisal occurs; the Commissioner is obligated to refer the decision to the Labour Relations Board for determination as to the appropriate remedy.

7) Making a Disclosure

- Employees considering making a disclosure may request information or advice from their Supervisor, their Designated Officer, the Chief Officer, or directly to the Commissioner.
- The request may be required in writing, pursuant to Section 8(2) of the Act.
    - If it is deemed that an employee has information that could show a wrongdoing has been committed or is about to be committed, or that could show that the employee has been asked to commit a wrongdoing, the employee may make a disclosure to the Designated Officer or the Public Interest Commissioner.
    - All disclosures must be made in good faith and based on reasonable grounds. Reports of wrongdoing must be made in writing, using the current Public Interest Disclosure (Whistleblower Protect) Report Form, and submitted in a timely manner.
    - Individual(s) making a disclosure should review the procedures and form at

https://yourvoiceprotected.ca/

8) Internal Reporting

- The procedures for receiving and reviewing a disclosure of wrongdoing shall provide for their timely and expeditious management as follows:
    - Employees have the option of making a disclosure to their Supervisor, their Designated Officer, the Chief Officer, or directly to the Commissioner.
    - A disclosure of wrongdoing must be acknowledged to the disclosing employee within five (5) business days from the date the disclosure was received.
    - Not more than twenty (20) business days from the date on which the disclosure is received: · a decision on whether to investigate must be made; and
    - An employee who submits a disclosure must be notified.
- An investigation must be concluded not more one hundred twenty (120) business days from the date on which the disclosure of wrongdoing is received.
- The Chief Officer Up to thirty (30) days may be given as an extension of this timeline by the Chief Officer, provided that the overall time period for the investigation and the provision of a report does not extend for more than 30 days.

9) Reporting to the Office of the Public Interest Commissioner:

- Direct disclosure may be made directly to the Public Interest Commissioner in the first instance, rather than to their Designated Office. The Commissioner has the discretion to refer a disclosure to a Designated Officer for investigation if appropriate.
- Provide information or advice to an employee who is considering making a disclosure, when contacted in the first instance.
- If there is reason to believe that the matter being disclosed may cause imminent risk of a substantial or specific danger to life, health or safety of individuals, or to the environment, and there is insufficient time to report to the Designated Officer, the disclosure report should be made directly to the Commissioner or the police.
- If the disclosure involves the Chief Officer or Designated Officer, the report may be made directly to the Commissioner.
- If a disclosure was made and not resolved within the specified time frame or according to procedures.
- If an employee is not satisfied with the outcome of a completed investigation.

10) Investigation of a Wrongdoing

- All allegations received will be thoroughly reviewed and assessed for possible investigation. ○ The Designated Officer may consult with the Chief Officer or the Commissioner before launching an investigation.
- In the event an investigation ensues, the Designated Officer must provide a detailed report to the Commissioner, in writing, on or before the date identified (not more than 120 days from the date on which the disclosure of wrongdoing is received).
- All employees will fully cooperate with the Designated Officer or any investigators assigned by the Designated Officer.
- Investigations will unfold in accordance with The *Personal Information Protection Act (Alberta)*.

11) Conflict of Interest

Individuals who are actively engaged in the investigation of an alleged wrongdoing will not include

persons who have a potential, perceived or real, conflict of interest to the matter being investigated.

12) Confidentiality

- Information collected during the course of investigating a disclosure shall be kept confidential according to the limits outlined by the Act.
- Pursuant to the *Freedom of Information and Protection of Privacy Act* (FOIPP) restrictions are in place on the right of access to a record that would reveal the identity of a person who has requested advice about making a disclosure, made a disclosure or submitted a complaint of reprisal or whose complaint has been referred to the Labour Relations Board, unless the information can be reasonably severed from a record.
- An applicant has a right of access to the remainder of the record.
- All employees who have knowledge of, or are participants in, an investigation pursuant to this Policy shall keep the details and results of the investigation confidential.

13) Records

All records will be maintained and retained by RS.

14) Reprisal

Employees are protected from reprisals when they have in good faith:

- Requested advice about making a disclosure;
- Made a disclosure;
- Co-operated with an investigation;
- Declined to participate in a wrongdoing; or
- Done anything in accordance with the Act.

15) Management of Reprisal

The procedures for receiving and reviewing a complaint of a reprisal shall provide for their timely and expeditious management as follows:

- In the event of a complaint of a reprisal, acknowledgement of the complaint must be made not more than five (5) business days from the date on which the complaint of a reprisal is received.
- Not more than twenty (20) business days from the date on which the disclosure is received:
    - A decision on whether to investigate must be made; and
    - An employee who submits a complaint of reprisal, to which the investigation relates, must be notified of the decision.
- An investigation must be concluded not more than one hundred twenty (120) business days from the date on which the complaint of a reprisal is received.
- The Commissioner will manage and investigate all complaints of reprisals.
- The Commissioner's report on the investigation must be referred to the Board not more than five (5) business days from the date on which the investigation is concluded.

16) False, Frivolous or Vexatious Accusations

Any employee who intentionally makes a false, frivolous, or vexatious report will face appropriate consequences up to and including termination of employment.

17) Annual Report

The Chief Officer must make an annual report to the Commissioner on all disclosures made or referred to the designated officer. The report must be available to the public and include:

- The number of disclosures received or referred to the Designated Officer;
- The number of disclosures acted on;
- The number of disclosures not acted on;
- The number of investigations commenced by the Designated Officer;
- In cases where wrongdoing is found, a description of the wrongdoing and any recommendations or corrective measures taken, or the reasons why no corrective measures were taken;
- Specific restrictions against publicly identifying an employee who sought advice, made a disclosure, or made a complaint of reprisal; and
- Specific restrictions against disclosure of individually identifying health information.