

Whistleblower Policy



WHISTLEBLOWING – REPORTING, INVESTIGATION AND PROTECTION:

PURPOSE

The purpose of this policy is to set out guidelines for the reporting and investigation of allegations of serious misconduct, and to provide protection from retaliation to those who report serious misconduct in good faith. Reporting serious misconduct in good faith is also referred to as whistleblowing.

This policy does not address matters that are dealt with through existing procedures, established through collective agreements or other employee policies such as but not limited to, health and safety, respectful and harassment free workplace, misconduct (that does not constitute serious misconduct as defined in this policy), and discrimination on grounds protected under the Human Rights Code.

Nothing in this policy is meant to conflict with Britannia's obligation to its employees under its collective agreement, employment contracts, or other Britannia policies.

SCOPE

This policy applies to all Britannia Community Services Centre Society ("Britannia") staff and Seconded Parks Board staff.

This policy applies to Britannia contractors and volunteers to the extent that it addresses how they may be investigated for serious wrongdoing.

DEFINITIONS

Employee: Anyone employed by the Britannia Community Services Centre Society or the Vancouver Parks Board and are Seconded to Britannia. This includes full-time, part-time, temporary, auxiliary or casual employees, unionized or exempt.

Fraud: Deception intended to result in financial or personal gain, including but not limited to, bribes, misappropriating funds, breach of trust, theft, misdirecting or misuse of funds or assets, manipulating Britannia accounting or audit records, or destroying accounting or audit-related records except as otherwise permitted by Britannia policy.

Good Faith: Based on reasonable belief/grounds, and not made with malicious intent, self-interest and/or in support of a political agenda.

Retaliation: Any action or threat of action directed at a person that does or would adversely affect them because they are or might be involved in a report or complaint under this policy. Retaliation also includes directing or counselling someone to commit a retaliatory act.

POLICY STATEMENTS

1 General

- 1.1 Britannia Community Services Centre (“Britannia”) is committed to the principles of integrity, accountability, responsibility, leadership, respect, and openness.
- 1.2 Staff are to act in a way that enhances public confidence in Britannia and to fulfill their duty to act honestly and exercise reasonable care and diligence.
- 1.3 Staff have a responsibility to report instances of serious misconduct. Examples of serious misconduct are set out in Schedule “A” to this policy.
- 1.4 Protection for reporting in good faith for serious misconduct applies in all cases regardless of Britannia policy or process under which the report was made.
- 1.5 In the event that any portion of this policy is inconsistent with a binding Britannia collective agreement or federal or provincial legislation, that portion and only that portion of the policy will have no application to the extent of that inconsistency. All other portion of the policy will continue in full force and effect.
- 1.6 Any future amendments to this policy must be approved by the Executive Director prior to it being proposed to the Britannia Board of Directors.

2 Roles & Responsibilities

- 2.1 **Executive Director:** The Executive Director is responsible for overseeing this policy. The Executive Director is to appoint the Manager of Administrative Services as the Designate responsible for the day-to-day administration and stewardship of the policy. The Executive Director will report serious misconduct issues to the Britannia Board as appropriate. The Executive Director will execute the roles and responsibilities of the Designate should alleged serious misconduct involve the Manager of Administrative Services/Designate.
- 2.2 **Designate:** The Manager of Administrative Services receives in confidence all reports of alleged serious misconduct unless the Executive Director or Manager of Administrative Services as Designate is alleged to be involved. The Manager of Administrative Services/Designate is responsible for overseeing the investigation of allegations of serious misconduct and/or retaliation for the reporting of serious misconduct. The Designate is responsible for assigning investigations to the most appropriate party, notifying the appropriate parties of investigations and outcomes, reporting to the Executive Director, and ensuring

the confidential retention of investigation documentation in accordance with Britannia's Records and Information Management Policy and the requirements of the *Freedom of Information and Protection of Privacy Act*.

- 2.3 **Britannia Board:** In the event an allegation of serious misconduct involves the Executive Director, the matter will be dealt with in-camera by the Britannia Board of Directors Executive Committee who will determine and assign responsibility for the investigation and disposition of the matter.
- 2.4 **Managers/ Supervisors:** Any level of manager or supervisor receiving a report of alleged serious misconduct from an employee is to promptly forward it in an impartial and strictly confidential manner to the Manager of Administrative Services/Designate. A copy is to be given to the Manager whose area of responsibility is involved, unless the alleged misconduct may involve, or have been condoned by, the Manager.
- 2.5 **Staff:** Staff are to report alleged instances of serious misconduct in good faith to their supervisor, manager, Executive Director or directly to the Manager of Administrative Services. Should the alleged serious misconduct involve the Manager of Administrative Services, staff should report the misconduct to the Executive Director, or should the alleged serious misconduct involve the Executive Director, staff should report the misconduct to the Britannia Board as outlined in section 2.3 above.

3 Reporting of Serious Misconduct

- 3.1 Britannia employees have a responsibility to report instances of serious misconduct in **good faith**.
- 3.2 Members of the public are encouraged to report instance of serious misconduct and may do so through the City of Vancouver's whistleblower program.
- 3.3 Anyone reporting serious wrongdoing may remain anonymous. However, in some cases, an investigation may not be possible unless the source of the information is identifiable. The Manager of Administrative Services/Designate will make preliminary determination as to whether a report made on an anonymous basis can be properly investigated. In doing so, they will consider all circumstances, including the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.
- 3.3 Employees who knowingly make false reports or make allegations of serious misconduct other than in good faith, may be subject to discipline up to and including dismissal as determined by the Executive Director in consultation with the Britannia Board.

3.4 Process for Reporting Serious Misconduct

- Staff aware of serious misconduct have a responsibility to report it either to their supervisor, manager, Executive Director or directly to the Manager of Administrative Services/Designate.
- Should the alleged serious misconduct involve the Manager of Administrative Services/Designate, staff should report the misconduct to the Executive Director, or should the alleged serious misconduct involve the Executive Director, staff should report the misconduct to the Britannia Board of Directors Executive Committee.
- Staff are to report serious misconduct in writing (see “Schedule B: Form for Reporting Serious Misconduct”). Where an employee reports serious misconduct to his or her supervisor/manager verbally, the supervisor/manager receiving the report must document the discussion, confirm its accuracy with the employee and promptly forward the report in an impartial and strictly confidential manner to the Manager of Administrative Services/Designate with a copy to the manager whose area of responsibility is involved unless the alleged misconduct involves the Manager of Administrative Services.

4 Confidentiality

- 4.1** Confidentiality in investigations is critical to maintaining their integrity. Confidentiality, as described below, extends to all information provided orally or in writing, meetings, interview, and investigation result/reports.
- 4.2** Persons who make reports of serious misconduct, those who are the subject of the investigations, and person who may be witness in an investigation process are expected to keep confidential the subject matter of the report, the identities of other persons involved in the report, and any information they learn through the investigation process. However, this does not prevent them from obtaining advice or support from Union representatives and professional advisors (lawyers, doctors, counsellors, etc.).
- 4.3** The persons involved in or responsible for performing investigations into serious misconduct, are also expected to keep confidential all information collected in the course of an investigation and will limit disclosure of such information to that which is necessary to investigate the reports and report out on the results of such investigations as well as any corrective recommendations or actions required.
- 4.4** There are limits to confidentiality within an investigation process. Disclosure of investigation-related information within the investigation process will be restricted to what must be disclosed to ensure a thorough, effective, and complete investigation, or as otherwise required by law.

4.5 Breaches of confidentiality may be subject to legal action and/or, with respect to employees, disciplinary action up to and including termination of employment.

5 Whistleblower Protection against Retaliation

5.1 It is a violation of this policy to retaliate against another person for:

- making a report in good faith;
- participating in an investigation;
- supporting someone to make a report; or
- carrying out their responsibilities under this policy.

5.2 Anyone who experiences retaliation as set out above can make a report under this policy by submitting a written report to the Executive Director or Manager of Administrative Services/Designate who will conduct an investigation on the report.

5.3 Anyone who reports serious wrongdoing in good faith, participates in an investigation, supports someone to make a report, or carries out responsibilities under this policy, is entitled to protection against retaliation. However, protection against retaliation cannot be effectively provided by Britannia to members of the public or employees who choose to keep their identity anonymous when making a report.

5.4 Where the Executive Director or Manager of Administrative Services/designate determines that retaliation occurred, appropriate corrective action and/or disciplinary action may be taken. Any acts of retaliation by an employee may result in discipline up to and including termination of employment.

6 Investigations

6.1 ***Investigation Process:*** The Manager of Administrative Services/Designate has primary responsibility for investigating allegations of serious misconduct. The Manager of Administrative Services/Designate will review and assess the seriousness of all reports promptly and determine the manner in which the report will be investigated. This determination will not be influenced by the position or length of service of the employee(s) accused of serious misconduct. At the Manager of Administrative Services/Designates discretion an investigation may be carried out by the Manager of Administrative Services/Designate directly, assigned to management in the area affected, assigned to an investigative team, assigned to an independent third-party or redirected to a more appropriate existing process. Where the Executive Director or the Britannia Board is executing the roles and responsibilities of the Manager of Administrative Services/Designate, they will determine, based on the circumstances, the appropriate party to investigate the allegation of serious misconduct, which may include the Britannia Board, an independent third-party or other appropriate party.

6.2 ***Material Financial Concerns:*** If upon initial assessment it appears that the concern raised could materially affect the financial position of Britannia or the

integrity of Britannia's system of internal controls, the Manager of Administrative Services/Designate will advise the Executive Director and Board of Directors. The Manager of Administrative Services/Designate will notify the City of Vancouver if there is any potential loss for insurance purposes. Britannia will make every reasonable effort to pursue the recovery of Britannia losses from the offender or other appropriate sources.

- 6.3 ***Criminal Activity and Other Illegal Conduct:*** In circumstances where it appears that a criminal act may have occurred, the Manager of Administrative Services/Designate may report the matter to the appropriate police agency. In circumstances where it appears that there may have been violations of other laws, the Manager of Administrative Services/Designate may advise the appropriate enforcement agency.
- 6.4 ***Acknowledging Reports:*** Within ten working days of a report being received, the Manager of Administrative Services/Designate (or Executive Director or the Britannia Board assuming the role of the Manager of Administrative Services/Designate per sections 2.1 & 2.3) will respond in writing to the employee making the report acknowledging that the allegation of serious misconduct has been received. Subject to legal constraints, the Manager of Administrative Services/Designate will also inform the employee making the report at the conclusion of any investigation. The Manager of Administrative Services/Designate may not be able to disclose the precise action being taken where doing so would be contrary to *Freedom of Information and Protection of Privacy Act* or other requirements for confidentiality.
- 6.5 ***Opportunity to Respond to Allegations:*** In all but exceptional circumstances, individuals accused of serious misconduct will be given an opportunity to know and respond to the allegations made.
- 6.6 ***Consequences of Serious Misconduct:*** Consequences for employees found guilty of serious misconduct may include discipline up to and including dismissal.

It is understood that union staff may grieve any disciplinary action under the applicable collective agreement.

7 **Retention and Documentation of Investigations**

The Manager of Administrative Services/Designate will document the results of each investigation in a confidential report. If an investigation determines that serious misconduct has occurred, the Manager of Administrative Services/Designate will immediately report the details and any action taken to the Executive Director.

A summary of reports made under this policy and outcomes of subsequent investigations will be submitted immediately to the Executive Director and to the Britannia Board.

8 Mitigation of Further Risk

The Executive Director will conduct a review of each investigation report where serious misconduct was found to have occurred and will assign responsibility to ensure steps are taken to address underlying causes and to then take appropriate actions to mitigate the risk of further occurrences.

9 Media

Concerns regarding serious misconduct may have a significant impact on Britannia's legitimate interests. Staff have a responsibility to use the internal whistleblowing reporting process when they have such concerns. Matters covered by this policy are considered confidential and breaches of that confidentiality, including making public statements or disclosing information to the media, will be dealt with in accordance with this policy.

10 Federal or Provincial Legislation

In the event that any portion of this policy is inconsistent with a binding Britannia collective agreement or federal or provincial legislation, that portion and only that portion of the policy will have no application to the extent of that inconsistency. All other portions of the policy will continue in full force and effect.

REFERENCE

Schedule A: Examples of Serious Misconduct

Schedule B: Form for Reporting Serious Misconduct

RELATED POLICIES

Code of Conduct

Respectful Workplace Policy

APPROVAL HISTORY

ISSUED BY: Manager of Administrative Services to Britannia Executive Committee	APPROVED BY: BRITANNIA BOARD	DATE: 2009/2/11
ISSUED BY: Manager of Administrative Services to Britannia	APPROVED BY: BRITANNIA BOARD	DATE: 2017/11/08
ISSUED BY: Administrative Services to Britannia Executive	APPROVED BY: BRITANNIA BOARD	DATE: 2024/XX/XX

Schedule A: Examples of Serious Misconduct

The following are examples of serious misconduct that should be reported pursuant to this policy:

- serious violations of the Code of Conduct and other Britannia policies;
- manipulation of Britannia resources for any illegal, improper or unethical purpose including fraud, theft, embezzling funds, or accepting kickbacks or bribes;
- misappropriating funds, misdirecting or misuse of funds, assets or corporate information;
- manipulating Britannia accounting or audit records or destroying any accounting or audit-related records except as otherwise permitted by Britannia's Corporate Records and Information Management policy;
- actions likely to cause serious harm to persons, public safety, property or the environment;
- actions resulting in Britannia being exposed to liability or financial loss;
- failure to take reasonable steps to report and/or rectify actions that may impact negatively on Britannia's reputation resulting in the public losing confidence in the organization's ability to deliver services;
- deliberately concealing information relating to any of the above.

It should be noted that the above are examples only and are not an exhaustive list of what amounts to serious misconduct.

Schedule B: Form for Reporting Serious Misconduct

This form should be completed by anyone aware of serious misconduct and forwarded to the appropriate individual as outlined in Section 3.3 – Process for Reporting Serious Misconduct of this policy.

TO BE COMPLETED BY INDIVIDUAL RAISING CONCERN

SUMMARY OF INCIDENT (include dates, times, individuals involved):

I hereby declare that I am raising this concern in good faith and have reasonable grounds to believe the information above is accurate and true.

Signature (optional): _____ Date: _____
(Staff making a report under this policy are encouraged to provide their name in confidence which permits for follow-up questions and clarification if necessary. Investigation may not be possible unless the source of the information is identifiable. The Manager of Administrative Services/Designate may investigate a report made on an anonymous basis and will determine whether to do so in light of all of the circumstances, including the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources).

Date Submitted to Supervisor/Manager/Department Head/GM (if applicable): _____

Date Submitted to Manager of Administrative Services/Designate: _____

TO BE COMPLETED BY MANAGER OF ADMINISTRATIVE SERVICES/DESIGNATE

ACTION TAKEN:

Manager of Administrative Services Signature: _____ Date: _____

The above information is collected in accordance with the *Vancouver Charter* and the *Freedom of Information and Protection of Privacy Act*. It is collected for purposes set out in the Whistleblower policy.