

Policy Section	HUMAN RESOURCE	Policy statement approved by the Board	NOVEMBER 2016
Policy Title	WHISTLEBLOWER POLICY	Procedure creation date	November 2016
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Program Reference	Parent Tot Program Wondergarten Nursery Program WISE School Program Home Education Program		

POLICY

The Waldorf Education Society of Edmonton and Waldorf Independent School of Edmonton's staff are committed to promoting a safe and caring school environment in addition to ethical and accountable conduct. WESE & the WISE recognize the importance of working to prevent and identify wrongdoing within the operations of the school board, and advancing public confidence in the administration.

For this reason, the Board is committed to maintaining a positive, open and supportive environment whereby employees can disclose potential wrongdoing, or seek advice about disclosing a potential wrongdoing, without fear of reprisal. Employees have a duty to report wrongdoings or suspected wrongdoings to the Chief Officer, Designated Officer and/or to the Public Interest Commissioner of Alberta^[S11].

Employees may also seek advice about reporting a wrongdoing to their Management/Supervisor. For the WISE, advice can be sought by the Principal and/or the Executive Administrator.^[S12]

On June 1, 2013, the Public Interest Disclosure (Whistleblower Protection) Act ("PIDA") came into force in Alberta. The purpose of PIDA is to:

- facilitate the disclosure and investigation of significant and serious matters in public entities, including school boards, that an employee believes may be unlawful, dangerous to the public, or injurious to the public interest;
- protect employees who make those disclosures;
- manage, investigate and make recommendations respecting disclosures of wrongdoings and reprisals, and
- promote public confidence in the administration of public entities.
- In accordance with Section 5(1) of PIDA the Board is required to establish and maintain written procedures for managing and investigating disclosures by employees. Those written procedures are set out herein

DEFINITION(S):

Chief Officer

The President of the Board is designated as the "Chief Officer" for the overall administration

and reporting required under PIDA.

Designated Officer

The assigned member of Human Resources Committee is designated as the “Designated Officer” to manage and investigate disclosures under PIDA.

Wrongdoing

A wrongdoing is defined under section 3 of the *Alberta’s Public Interest Disclosure (Whistleblower Protection) Act*. For the purposes of this policy, wrongdoing in accordance with section 3 is listed as one of the following, within or *relating to the Board or its employees*:

- a contravention of an Act of Alberta or Canada or the regulations made pursuant to those Acts; an act or omission that creates:
- 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;
- a substantial and specific danger to the environment;
- gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful 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, and
 - 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.
- knowingly directing or counseling an individual to commit a wrongdoing mentioned above.

Reprisals

A reprisal is any adverse employment action including:

- dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job:
- change of job location, reduction in wages, changes in hours of work, reprimand:
- or any other measure that adversely affects the employee’s employment or working conditions, including threats to do any of the above.

No person shall take or direct, or counsel or direct a person to take or direct, any of the following measures against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation under PIDA, declined to participate in a wrongdoing or done anything in accordance with PIDA.

An employee may make a written complaint to the Public Interest Commissioner (“Commissioner”) if the employee alleges that a reprisal has been taken or directed against the employee. The written complaint must, be made on the prescribed PIDA Complaint or Reprisal Form.

No action lies against the Board or an employee of the Board for making a reasonable human resource management decision in good faith.

PROCEDURE

A. Disclosures of Wrongdoing

1. Employees seeking advice on potential disclosure under PIDA and this Policy shall be referred to the Designated Officer, who shall provide the employee with information on PIDA, this Policy, the requirements of PIDA and this Policy, and other alternative processes for resolution of the employee’s concern.
2. An employee who reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed, or who has been asked to commit a wrongdoing, may make a disclosure to the Designated Officer.
3. An employee may, at his/her discretion seek inquiry or advice from the designated Principal and/or Executive Director of the Wise.
4. At the time an employee makes a disclosure to the Designated Officer, the employee may also make the disclosure to the Commissioner and advise the Commissioner that the disclosure has been made to the employee’s Designated Officer. Further information can be obtained by visiting the Commissioners website at www.yourvoiceprotected.ca.
5. An employee may disclose directly to the Commissioner instead of their chief officer and/or designated officer.
6. In the event, that disclosure to the Designated Officer is not appropriate due to a conflict of interest with respect to the nature of the disclosure or the person involved, the Designated Officer shall refer the matter to the Chief Officer.
7. In the event of a disclosure to the Designated Officer concerning the conduct of the Chief Officer, or concerning which the Chief Officer has a conflict of interest, the Designated Officer shall:
 - 7.(a) advise one of the two Board Vice-President(s) of the nature of the disclosure, whereupon the Board may authorize an investigation into the disclosure or defer to 6.(b) for direct intervention from the Commissioner Office;
 - 7.(b) advise the Commissioner of the disclosure and its referral to the Board and seek advice from the Commissioner concerning whether the disclosure should be referred to the Commissioner.
8. If the Designated Officer reasonably believes that the matter to which the disclosure relates constitutes an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the

environment, the Designated Officer shall as soon as reasonably practicable refer the disclosure to the Commissioner.

9. Notwithstanding whether a disclosure is referred to the Commissioner, where the Designated Officer is aware of:

9.(a) a disclosure relating to an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment, or

9.(b) that the alleged wrongdoing, if true, may threaten the welfare of students, staff, or the safe and caring environment of the school, the Designated Officer shall report the disclosure to the Chief Officer, the President within the Board and ensure there is sufficient information to abate that risk.

10. Where at any point following a disclosure, the Designated Officer has reason to believe that the alleged wrongdoing, if true, could potentially give rise to the President, believing the welfare of students is threatened by the presence of the teacher, the Designated Officer shall advise the President of the alleged wrongdoing for consideration of a possible administrative suspension under section 105(2) of the School Act.

10.(a) Where there may be an imminent risk substantial or specific danger to the life, health or safety of individuals, or to the environment, the Chief Officer and/or Designated Officer will report the disclosure to one of the following Ministries or Agencies:

1. an appropriate law enforcement agency;
2. in the case of a health-related matter, to the Chief Medical Officer of Health;
3. to the department, public entity or office responsible for managing, controlling or containing the risk, if any; and
4. to a person identified in the procedures created by the Chief Officer.

Any investigation into the matter will be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

11. Where during an investigation, the Designated Officer has reason to believe that an offense has been committed under an Act or regulation of the Province of Alberta, or under an Act or regulation of the Parliament of Canada, the Designated Officer shall report the potential offense to the appropriate law enforcement authorities.

12. If more than one disclosure of wrongdoing is received by the Designated Officer in respect to the same matter, a single investigation may be conducted into the wrongdoing.

13. Where, during an investigation, the Designated Officer has reason to believe that another wrongdoing has been committed or may be committed, the Designated Officer shall investigate that other potential wrongdoing as if a disclosure had been made.

14. Anonymous disclosures will be dealt with in accordance with the provisions of this procedure.

B. Investigations

1. The designated officer may request advice from the Commissioner with respect to the management and investigation of a disclosure.
2. Upon receiving a disclosure, the Designated Officer shall make a decision whether to investigate.
3. Where the designated officer has reason to believe the subject matter of a disclosure would be more appropriately dealt with by a department of the Government of Alberta, an office of the Legislature, or another public entity, the Designated Officer shall report the subject matter of the disclosure to the Designated Officer of that other entity.
4. Should the subject matter of the disclosure be more appropriately dealt with according to another policy or procedure of the Board, another Act, or regulation, or procedures under an employment contract, the Designated Officer may decline to investigate under the parameters of this policy.
5. The Designated Officer may utilize both internal personnel and external resources, for the purpose of conducting the investigation.
6. The Designated officer, and any person conducting an investigation on their behalf, may interview any person and shall have access to any document of the Board necessary for the investigation.
7. The Designated Officer shall ensure all disclosures, and information gathered in the course of investigating disclosures, including the identity of the person making the disclosure, those alleged to have committed the wrongdoing and witnesses, are maintained in confidence and disclosed only:
 - 7.(a) as necessary for this policy and to conduct the investigation in accordance with the principles of procedural fairness and natural justice;
 - 7.(b) in accordance with PIDA or any other statute;
 - 7.(c) if the disclosure of that information is necessary due to an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment.
8. Investigations shall be conducted in accordance with the principles of procedural fairness and natural justice.
9. The Designated Officer may decline to investigate where the disclosure:
 - 9.(a) is clearly frivolous or vexatious, not been made in good faith, has not been made in a timely enough manner to permit an investigation, or does not deal with a wrongdoing;
 - 9.(b) relates to a decision, action or matter that results from a balanced and informed decision-making process on a public policy or operational issue; or
 - 9.(c) does not provide adequate particulars about the wrongdoing to permit the conduct of a fair and effective investigation.

10. The Designated Officer is not required to investigate a disclosure or, if an investigation has been initiated, may discontinue the investigation if *more than 2 years has passed* since the date that the wrongdoing was discovered.

C. Timelines

1. The Designated Officer shall acknowledge receipt of the disclosure or complaint of reprisal to the employee making the disclosure or complaint within ten (10) business days from receipt of the disclosure or complaint. An employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised, no more than (15) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received, whether an investigation will be undertaken.
2. The investigation must be concluded and the investigation report provided to the Chief Officer not more than 120 business days from the date on which the disclosure of wrongdoing or complaint of reprisal was received.
3. These timelines may be extended by the Chief Officer provided that the total extensions granted do not exceed more than 30 business days, or for a longer period of time if permitted by the Commissioner.

D. Report

1. The Designated Officer shall provide a written investigation report to the Chief Officer detailing whether the disclosure was substantiated and/or warranted, and provide recommendations on corrective action.
2. Where the Designated Officer is considering a recommendation to the President that the President exercise authority delegated to him or her by the Board to suspend or terminate a teacher or administrative designation under the School Act, the Designated Officer shall consult with the Human Resource Committee designated Board Member(s) typically responsible for such recommendations concerning the necessary process. In such event, the written investigation report shall be provided to the President during any process under the School Act for the President to consider that recommendation.
3. The Chief Officer shall consider the recommendations in the investigation report, and shall be responsible for determining what action, if any, including disciplinary action, shall be taken. The Chief Officer shall follow up with the employees responsible to ensure those actions are taken.
4. The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the Chief Officer's actions resulting from the written investigation report.

E. Good Faith

1. An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith. Good faith describes that state of mind denoting honesty of purpose, being faithful to one's duty or obligation, or an honest intention to abstain from taking any advantage of another.

2. An employee who knowingly makes deliberately false and/or malicious allegations of wrongdoing *may be subject to disciplinary action up to and including termination of employment.*

F. Annual Reporting

1. The Chief Officer will prepare an annual report on all disclosures that have been made to the designated officer. This report will be posted annually on the WESE & WISE websites as part of the Annual Three Year Plan & AERR by November 30th of each year.
2. The annual report will include the following information:
 - the number of disclosures received by the designated officer;
 - the number of disclosures acted on; and
 - the number of disclosures not acted on by the designated officer;
 - the number of disclosures commenced by the designated officer as a result of disclosures;
 - in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and
 - any recommendations made or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken.

G. Policy Communication

1. The Chief Officer will ensure that this policy is reviewed by Administration or Board designate with all employees and made accessible to them for every school year.

H. Remedies

Under the Act, employees have the ability to obtain financial remedies in cases where the Commissioner finds a reprisal occurred. If, following an investigation, the Commissioner finds that a reprisal occurred, the Commissioner is obligated to refer the decision to the [Labour Relations Board](#) for determination as to the appropriate remedy. [Sec 27.1(1)]