



WHISTLEBLOWER POLICY

Classification: Human Resources	Effective Date: May 18, 2018
Approval Authority: Board of Directors	Latest Revision: November 25, 2021
Implementation Authority: Executive Director	

PURPOSE

The Purpose of this policy is to ensure that all employees and board members of the New Canadians Centre Peterborough (hereafter referred to as "the Organisation") are allowed to bring forward information concerning wrongdoing, and to ensure that they are treated fairly and are protected from reprisal when they do so in a manner consistent with this policy.

SCOPE

This policy applies to all Board members, employees and volunteers of the Organisation. This policy applies to instances of wrongdoing as defined below. Instances of workplace violence and harassment are covered in the Workplace Violence and Harassment Policy. Dispute resolution as it relates to conflict between employees and complaints about terms and conditions of work are covered in Human Resources Policy #2 – Terms and Conditions of Employment.

DEFINITIONS

Whistleblower

An employee, volunteer or Board member who discloses knowledge on any wrongdoing which they think is happening in the Organisation.

Disclosure

Information raised within the Organisation in good faith, based on reasonable belief, by one or more employees, volunteers and/or Board members concerning a wrongdoing that someone has committed or intends to commit.

Wrongdoing

An act or omission concerning:

- a violation of any law or regulation; **or**
- a breach of the Organisation's policies; **or**
- misuse of funds or assets; **or**
- gross mismanagement; **or**
- a substantial and specific danger to the life, health and safety of individuals



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RELEVANT LEGISLATION

Occupational Health and Safety Act, R.S.O. 1990, c. O.1
Access to Information Act (R.S.C., 1985, c. A-1)
Canadian Human Rights Act (R.S.C., 1985, c. H-6)
Canadian Charter of Rights and Freedoms, Constitution Act 1982
Criminal Code (R.S.C., 1985, c. C-46)
Financial Administration Act (R.S.C., 1985, c. F-11)

RESPONSIBILITIES

Executive Director

The Executive Director is responsible for promoting a culture of open communication within the Organisation where issues and concerns can easily be dealt with in the normal interaction between employees and their managers. The Executive Director or delegate is responsible for establishing internal mechanisms to manage the disclosure of wrongdoing and to inform all employees of this policy. The Executive Director is also responsible for ensuring that disclosures are reviewed in a timely fashion and investigated when required, and that prompt, appropriate action is taken to correct the situation and protect from reprisal the employees who disclose wrongdoing in good faith.

Board Chair

The Board Chair is responsible for promoting a culture of open communication within the board. The Board Chair is also responsible for ensuring that disclosures to the board are reviewed in a timely fashion and investigated when required, and that prompt, appropriate action is taken to correct the situation and protect from reprisal board members who disclose wrongdoing in good faith.

Employees, Volunteers and Board Members

Employees and Board Members are responsible for following the internal processes established to raise instances of wrongdoing and respecting the reputation of individuals by not making trivial or vexatious disclosures of wrongdoing or, by making disclosures in bad faith. All individuals have a responsibility to report health and safety violations.

POLICY AND PROCEDURES

Policy Statement

The Organisation is committed to protecting and supporting the dignity, wellbeing, career and reputation of employees, volunteers and board members in the disclosure of Wrongdoing.

**Everyone
welcome.**



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Guidelines

No individual shall be subject to any reprisal for having made a good faith disclosure in accordance with this policy. Reprisal may include any administrative and disciplinary measures.

Throughout the process of resolving disclosures of wrongdoing, the Organisation will protect the identity of whistleblowers to the greatest extent practically possible.

Employees who believe they are subject to reprisal as a direct consequence of having made a disclosure in accordance with this policy may complain to the Executive Director, or to the Board Chair in the case where the original disclosure was made directly to the Executive Director.

The Organisation will conduct an investigation into the alleged Wrongdoing in accordance with the principles of fairness and natural justice.

Confidentiality, within the intent of this policy, is subject to the provisions of the *Privacy Act* and *Access to Information Act*.

Disclosure of any information concerning criminal activity or action should be referred to proper authorities for investigation.

Procedures

Individuals who become aware that a wrongdoing has been committed or will be committed should first attempt to raise the matter using the usual reporting relationship (e.g. Staff to Coordinators, Coordinators to Directors, Directors to the Executive Director, and the Executive Director to the Board).

What follows is the basic process that will be followed when an individual decides to disclose information concerning wrongdoing. Each step should be completed promptly. All steps should normally be completed within six months or less. The nature of certain disclosures might require very prompt, sometimes immediate, action.

Disclosure of wrongdoing

Employees should disclose the information to the Executive Director. Where the Executive Director is accused of wrongdoing, the information should be disclosed to the Board Chair. Board members should disclose information to the Board Chair or, where the Board Chair is accused of wrongdoing, to the Vice-Chair. The person to whom the disclosure is made will hereafter be referred to as "the Investigator".

The disclosure, preferably in writing, must include the nature of the wrongdoing, the name of the person alleged to have committed the wrongdoing; the date and description of the wrongdoing; and other pertinent information. The information should be as precise and concise as possible.

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Screening and review of a disclosure

The Investigator will review the information and determine if there are sufficient grounds for further action. The disclosure may be rejected if it is determined that it is trivial and vexatious, fails to allege or give adequate particulars of a wrongful act, or if it is determined that it was not given in good faith or on the basis of reasonable belief.

The Investigator will inform the individual who made the disclosure in writing of whether the investigation will proceed further. If the Investigator decides to proceed further, they will decide, from the nature and particulars of the wrongdoing what are the most appropriate next steps, which include attempt at resolution and/or investigation. If the Investigator decides to proceed with an attempt at resolution and/or investigation, the Investigator will retain the services of an appropriately qualified professional to help guide next steps (e.g. a lawyer with expertise in employment law; HR professional; certified mediator, etc.).

Attempt at resolution

It is expected that most situations will be addressed by discussing the matter with all individuals concerned, identifying avenues of resolution and taking appropriate action.

Investigation

If the matter cannot be resolved, the Investigator may initiate an investigation.

Decision

The Investigator will inform the individual who made the disclosure and the individual accused of wrongdoing in writing of the outcome of the investigation. When required, corrective measures will be taken. Any findings of wrongdoing and any corrective actions shall be documented in an employee's file or volunteer record or, for board members, in the minutes of the meeting in which it was disclosed.

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