

Whistleblower protection



Policy #	ORG-04	Date Created	November 2018
Authority	Board/Management	Date of Last Review	

POLICY

CRCHC is committed to the highest ethical standards. That includes the necessity of providing a safe path for employees, volunteers and contractors to address wrongdoing within CRCHC and ensure that such wrongdoing is brought to the attention of the appropriate official within CRCHC in order that remedial action may be undertaken.

Definition:

Wrongdoing means:

- A contravention by a member of the Board of Directors, an employee, volunteer or contractor of an Act or a regulation of either the Government of Ontario or the Government of Canada.
- An act or omission of a member of the Board of Directors, an employee, volunteer or contractor that creates a grave danger to the life, health or safety of persons, where the danger is unreasonable having regard to his or her duties, powers and functions or any other relevant circumstance.
- Directing or counselling wrongdoing within the meaning of the above items.

The Executive Director shall establish procedures whereby such wrongdoing can be raised, and procedures to protect the identities of those involved in the disclosure process, including witnesses and those alleged to be responsible for the wrongdoing.

Any person who wishes to raise wrongdoing with CRCHC shall communicate their concern in writing to:

1. Their immediate supervisor, and if the complaint relates to that person or the complainant remains dissatisfied with the response;
2. The Executive Director, and if the complaint relates to that person or the complainant remains dissatisfied with the response;
3. The Chair of the Board of Directors of CRCHC and if the complaint relates to that person;
4. The Vice-Chair of the Board of Directors of CRCHC

The Executive Director or the Chair of the Board or the Vice-Chair of the Board (as the case may be) may request any other person, including a lawyer or human resource specialist to undertake the investigation of the complaint.

The complainant shall receive a report from either their immediate supervisor, the Executive Director or Chair of the Board, as the case may be, which shall address:

- A description of the steps taken in the investigation
- A summary of the evidence obtained during the investigation
- A statement of the findings resulting from the investigation including a statement about any wrongdoing discovered
- A description of any corrective action that has been taken or that is proposed as a result of the investigation.

The Executive Director or the Chair of the Board may, instead of undertaking an investigation, refer the matter to another person or body so that it may be dealt with as a law enforcement matter or in accordance with a more appropriate procedures established under another statute or regulation.

If, at any time during the course of an investigation by the Executive Director or the Chair of the Board, as the case may be, it appears that there may be grounds to make a report finding that there has been wrongdoing, the Executive Director or the Chair shall take reasonable measures to provide that person with an opportunity to be heard on relevant matters.

An investigation is not required if:

- The disclosure is frivolous, vexatious or made in bad faith, OR
- There has been a substantial delay between the disclosure and the incidents complained of and consequently an investigation would serve no useful purpose
- The subject matter of the complaint is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure.

An employee, volunteer or contractor who has, in good faith, made a disclosure/complaint under this Policy, co-operated in an investigation under this Policy or declined to participate in a wrongdoing shall not be subject to a dismissal, layoff, suspension, demotion or transfer, change of job location, reduction in wages, change in hours of work or reprimand attributable to a complaint made under this Policy.

The Executive Director shall ensure that employees, volunteers and contractors are familiar with the procedures for disclosure of wrongdoing under this policy and the protections from reprisals for disclosing wrongdoing. The Board Chair shall have the same responsibility for Directors.

The Board of Directors shall be provided with any report produced with respect to an allegation of wrongdoing under this Policy.

Nothing in this Policy shall be interpreted to limit any right that any member of the Board of Directors, employee, volunteer or contractor may have under an Ontario statute or regulation to disclose information about wrongdoing in the CRCHC. (Examples might be complaints raised with the Information and Privacy Commissioner or the Human Rights Commission).

All records of the complaint and any subsequent investigation shall be confidential and will not be disclosed to anyone except to the extent required or permitted by law.

Background

CRCHC has a number of policies/procedures to ensure that employees who are aggrieved for a work-related issue can complain and seek redress. In addition, there are a number of statutory remedies for an aggrieved worker who learns of certain kinds of wrongdoing. This would include the right to complain to the Ontario Information and Privacy Commissioner, the Ontario Human Rights Commission and Ministry of Labour (Employment Standards or Occupational Health and Safety) if there is a bona fide belief that there has been a violation of the statutes overseen by those agencies¹.

¹ Personal Health Information Protection Act, Human Rights Code, Occupational Health & Safety Act, Employment Standards Act

PROCEDURES ASSOCIATED WITH THE WHISTLEBLOWER PROTECTION POLICY

Employees, volunteers and contractors who believe they have witnessed wrongdoing within CRCHC are encouraged to report such alleged wrongdoing:

- to their immediate supervisor, and if the complaint relates to that person or the complainant remains dissatisfied with the response;
- the Executive Director, and if the complainant relates to that person or the complainant remains dissatisfied with the response;
- the Chairman of the Board of Directors of CRCHC.

The Executive Director or the Chairman of the Board (as the case may be) may request any other person, including a lawyer or human resource specialist to undertake the investigation of the complaint.

An investigation is not required if:

The disclosure is frivolous, vexatious or made in bad faith, OR

There has been a substantial delay between the disclosure and the incidents complained of and consequently an investigation would serve no useful purpose

The subject matter of the complaint is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure.

Any records created by or for the investigation of the complaint shall be retained by CRCHC for a period of two years from the date the complaint was received by CRCHC.

Any records created by or for the investigation of the complaint shall be confidential and not disclosed to any persons other than as provided by the Whistleblower Policy and this procedure.

Complainants are encouraged to file a complaint under the Whistleblower Policy immediately after the alleged wrongdoing has occurred. In any event such a complaint must be made within one year after the alleged wrongdoing has occurred. The time may be extended by the Board for reasons determined appropriate by the Board.

An employee, volunteer or contractor who has, in good faith, made a disclosure/complaint under this Policy, co-operated in an investigation under this Policy or declined to participate in a wrongdoing shall not be subject to a dismissal, layoff, suspension, demotion or transfer, change of job location, reduction in wages, change in hours of work or reprimand attributable to a complaint made under this Policy.

The Executive Director shall ensure that employees, volunteers and contractors are familiar with the procedures for disclosure of wrongdoing under this policy and the protections from reprisals for disclosing wrongdoing.

The Board of Directors shall be provided with any report produced with respect to an allegation of wrongdoing under this Policy.

The complainant shall receive a report from either their immediate supervisor, the Executive Director or Chairman of the Board, as the case may be, which shall address:

- A description of the steps taken in the investigation
- A summary of the evidence obtained during the investigation
- A statement of the findings resulting from the investigation including a statement about any wrongdoing discovered
- A description of any corrective action that has been taken or that is proposed as a result of the investigation.

The supervisor, Executive Director or the Chairman of the Board of Directors, as the case may be, is responsible for:

Determining the veracity of allegations of wrongdoing

Determining whether or not a reported act or failure to act qualifies as “wrongdoing” under the Whistleblower Policy

Administering punitive or corrective actions if the allegation is appropriate

Complainants and those alleged responsible for the wrongdoing are entitled to receive, unless the law requires or permits otherwise,:

- Written notice of the allegations
- An opportunity to respond to the allegations
- A copy of any report that results from an investigation of alleged wrongdoing

The Executive Director or the Chairman of the Board may, instead of undertaking an investigation, refer the matter to another person or body so that it may be dealt with as a law enforcement matter or in accordance with a more appropriate procedures established under another statute or regulation. If at any time during the course of an investigation by the Executive Director or the Chairman of the Board, as the case may be, it appears that there may be grounds to make a report finding that there has been wrongdoing, the Executive Director or the Chairman shall take reasonable measures to provide that person with an opportunity to be heard on relevant matters.

Nothing in this Policy shall be interpreted to limit any right that any employee, volunteer or contractor may have under an Ontario statute or regulation to disclose information about wrongdoing in the CRCHC. (Examples might be complaints raised with the Information and Privacy Commissioner or the Human Rights Commission).

All records of the complaint and any subsequent investigation shall be confidential and will not be disclosed to anyone except to the extent required or permitted by law.