

Administrative Procedure 199

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION)

Background

The Division is committed to acting with respect and integrity and expects all its employees to demonstrate high ethical standards in their work. Employees may expect in return a positive supportive environment, where they can seek advice and, if necessary, disclose wrongdoing without fear of reprisal, knowing that such disclosures will be taken seriously.

The Province of Alberta has enacted the Public Interest Disclosure (Whistleblower Protection) Act (“the Act”) in order to:

- Facilitate the disclosure and investigation of significant and serious matters in relating to public bodies, 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.
- Promote public confidence in the administration of public bodies.

The Division will provide an environment that will allow employees to come forward to disclose wrongdoing without fear of reprisal, consistent with the Public Interest Disclosure (Whistleblower Protection) Act (“the Act”) and related Regulations of the Province of Alberta.

Procedures

1. Designation of Chief Officer
 - 1.1 The Superintendent is designated the Chief Officer for the purpose of the overall administration and reporting required under the Act.
2. Designation of Designated Officer
 - 2.1 The Deputy Superintendent is designated the Designated Officer for the purpose of administering and investigating disclosures under the Act.

3. Application

- 3.1 This administrative procedure applies to “wrongdoings” in or relating to Northern Gateway School Division, its schools, departments and employees that involve:
 - 3.1.1 A contravention of an Act of Alberta or Canada or the Regulations related to those acts, or
 - 3.1.2 An act or omission that creates
 - 3.1.2.1 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 of functions of an employee, or
 - 3.1.2.2 Substantial and specific danger to the environment, or
 - 3.1.3 Gross mismanagement of public funds or a public asset, the delivery of a public service, or employees, or
 - 3.1.4 Knowingly directing or counseling an individual to commit one of the wrongdoings listed above.
- 3.2 Day-to-day workplace issues that fall short of “wrongdoings” are to be dealt with using existing Division policies and practices.

4. No Reprisals

- 4.1 An employee who, in good faith:
 - 4.1.1 Seeks advice about making a disclosure
 - 4.1.2 Makes or made a disclosure
 - 4.1.3 Co-operated in an investigation, or
 - 4.1.4 Declined to participate in a wrongdoingwill not be subject to actions or threats of dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work, or reprimand, or any other measure that adversely affects the employee’s employment or working conditions.
- 4.2 An employee may make a written complaint to the Public Interest Commissioner if the employee alleges that a reprisal has been taken or directed against the employee. Such a written complaint must, according to the Act, be made on the “Complaint of Reprisal Form”.
- 4.3 Reasonable human resource management decisions made in good faith do not constitute a reprisal.

5. Disclosure

- 5.1 Disclosures of wrongdoing can be made to the Deputy Superintendent, (the Designated Officer) or to the Public Interest Commissioner in writing. The form [Public Interest Disclosure \(Whistleblower Protection\) Act Disclosure Form](#) outlines the information required in a disclosure.
- 5.2 In the event that disclosure to the Deputy Superintendent is not appropriate due to conflict of interest with respect to the nature of the disclosure or the person involved, disclosure may be made to the Superintendent (the Chief Officer).
- 5.3 Disclosures of matters dealing with “imminent risk” (matters that require immediate attention as they pose significant risk to public health or safety, or a danger to the environment) must be made directly to the Public Interest Commissioner, who will then communicate with the appropriate authorities. The employee must also disclose the wrongdoing to the Deputy Superintendent as soon as practicable thereafter.
- 5.4 An employee considering making a disclosure may seek advice from the Supervisor, Designated Officer, Chief Officer or the Public Interest Commissioner.
- 5.5 Anonymous disclosures may be dealt with, but an investigation may be hampered by the request for anonymity.

6. Investigations

- 6.1 Upon receiving a disclosure, the person receiving the disclosure shall determine whether or not an investigation is warranted.
- 6.2 An investigation may involve both internal and external sources to assist in determining whether a wrongdoing has occurred and what corrective action may be appropriate.
- 6.3 Confidentiality of the discloser of a wrongdoing shall be maintained to the extent possible consistent with the need to conduct an adequate investigation.
- 6.4 Investigations shall be conducted in accordance with the principles of fairness and natural justice.

7. Timelines

- 7.1 A disclosure of wrongdoing or complaint of reprisal shall be acknowledged not more than five (5) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received.

- 7.2 The employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised no more than ten (10) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received of whether an investigation will be made.
 - 7.3 An investigation must be concluded not more than one hundred and ten (110) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received. The employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised of the result of the investigation in writing.
 - 7.4 These timelines may be extended by the Superintendent or by the Public Interest Commissioner.
8. Good Faith
- 8.1 An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
 - 8.2 Deliberately false or malicious allegations by an employee will form the grounds for disciplinary action up to and including termination of employment.

Reference: Education Act 196, 197, 222, 225 Public Interest Disclosure (Whistleblower Protection) Act Public Interest Disclosure (Whistleblower Protection) Regulation Teaching Profession Act ATA Code of Professional Conduct		
	Date Approved:	April 1, 2021
	Reviewed or Revised:	Executive: April, 2021

References shall be updated as required and do not require additional approval.