

PUBLIC INTEREST DISCLOSURES

Background

The District has as part of its core values the principles of integrity, respect and care, and expects all its employees to demonstrate high ethical standards in their work. Employees are to 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 or 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 District 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 Secretary-Treasurer 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 the District, 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 or 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, 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” should be dealt with using existing District procedures 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 wrongdoing,

will 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 (Form 403-2)
 - 4.3 Reasonable human resource management decisions made in good faith do not constitute a reprisal.
5. Disclosure
- 5.1 Disclosures of wrongdoing must be made to the Secretary-Treasurer (the Designated Officer) in writing. The form Public Interest Disclosure (Whistleblower Protection) Act Disclosure Form (Form 403-1) outlines the information required in a disclosure.
 - 5.2 In the event that disclosure to the Secretary-Treasurer, 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 of Schools (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 Associate Superintendent, Human Resources as soon as practicable thereafter.
 - 5.4 An employee considering making a disclosure may seek advice from the 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 up to thirty (30) days by the Superintendent, or for a longer period of time if approved 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.

Approved: September 1, 2019

Reference: Section 18, 20, 60, 61, 96, 113, 116, 117 School Act
Public Interest Disclosure (Whistleblower Protection) Act
Teaching Profession Act
Public Interest Disclosure (Whistleblower Protection) Regulation
ATA Code of Professional Conduct
Guide to Education, ECS to Grade 12