



# HIGHWAY 14 REGIONAL WATER SERVICES COMMISSION

## POLICY AND PROCEDURE HANDBOOK

### HUMAN RESOURCES

#### POLICY: WHISTLEBLOWER

#### Policy HUM 1.08

##### **Purpose**

Highway 14 Regional Water Services Commission (“Highway 14”) is committed to compliance with applicable laws and regulations. The purpose of this Policy is to provide a mechanism for the reporting of actual or potential serious wrongdoing to a designated authority for investigation and appropriate action, and to protect those individuals who report wrongdoing in accordance with this policy, as well as those who may be wrongly or falsely accused from undue negative repercussions.

Highway 14 acknowledges and understands that whistleblowing is an activity which is stressful and which, without implemented and enforced protections, can be a risky undertaking for an employee. This Policy is intended to provide the necessary protections and procedures to allow employees to meet reporting obligations and to bring forward other disclosures of wrongdoing with reasonable assurances and safeguards to prevent undue harm or risk to the employee.

##### **Scope**

This policy applies to any current or former director, officer, employee, agent, subcontractor of Highway 14, or any other persons who conduct activities on behalf of Highway 14 (collectively, an “Eligible Whistleblower”) who seek to report actual or potential wrongdoing of which the individual is aware by virtue of carrying out duties and responsibilities on behalf of Highway 14.

##### **Policy and Procedure**

Whistleblowing is the act by a Eligible Whistleblower of disclosing wrongdoing, which includes anything that would provide a reasonable person with reasonable grounds to suspect, in relation to Highway 14, is:

- i. Theft, money laundering, misappropriation of funds, corruption, fraud;



- ii. Financial irregularities;
- iii. Offering or accepting a bribe;
- iv. Conduct that constitutes a contravention of applicable laws, bylaws or regulations;
- v. Any violations or imminent violations of any Highway 14, policies; or
- vi. A perceived or actual threat to the public or Highway 14, including its employees, directors, officers and agents;
- vii. And includes requesting any other person to commit or conceal any of the above misconduct.

(collectively, “Wrongdoing”).

Wrongdoing excludes personal work-related grievances such as a report of behavior that has implications for the Eligible Whistleblower personally and does not have significant implications for Highway 14, including an interpersonal conflict, personal work-related grievance, or a decision relating to an Eligible Whistleblower’s position with Highway 14, such as a transfer, promotion, disciplinary action, or termination of position.

This policy is not intended to replace or in any way diminish the responsibility of those in positions of authority, whether in-scope or out-of-scope, to promote and enforce Highway 14’s various policies, operating procedures and other workplace rules. Highway 14 retains the discretion to determine if any particular situation warrants an alternative investigative process.

#### 1. Complaint Process

Eligible Whistleblowers are required to report wrongdoing by making a Whistleblower Report in accordance with this Policy.

The Whistleblower Report must be in writing and signed by the Eligible Whistleblower, and include the following information:

- i. Date, time and location of the incident(s) of Wrongdoing;
- ii. Name of person(s) involved, including role or title;
- iii. The Eligible Whistleblower’s relationship with the person(s) involved;
- iv. The general nature of the Eligible Whistleblower’s concern;
- v. How the Eligible Whistleblower became aware of the issue;
- vi. Possible witnesses; and
- vii. Other applicable supporting information

Be prepared to provide as much information as possible so that an adequate investigation can be conducted. An investigation will not be conducted into a disclosure which is not based on specifics or is without reasonable supporting evidence. The Eligible Whistleblower must also take reasonable care to ensure that the information is accurate and relevant. The information should be factual and should not contain conclusions or speculations. Eligible Whistleblowers must not undertake their own investigation or go looking for information which is not otherwise properly available to them in the course of their duties to Highway 14 or to which they otherwise have a right of access. Improper accessing of information may itself constitute Wrongdoing.

Employees, agents and subcontractors of Highway 14 should first discuss the alleged Wrongdoing with their immediate supervisor. If, after speaking with their supervisor, the individual continues to have reasonable grounds to believe the alleged Wrongdoing is valid, the individual should report the alleged Wrongdoing to the Office Manager. In addition, if the individual is uncomfortable speaking with their supervisor, or the supervisor is a subject of the alleged Wrongdoing, the individual should report the alleged Wrongdoing directly to the Office Manager. If the Office Manager is the subject of the alleged Wrongdoing, the individual should report the alleged Wrongdoing directly to the CAO.

If the alleged Wrongdoing was communicated verbally to the supervisor, CAO, or Chairman, as applicable, they shall record the alleged Reportable Conduct in writing and, in the case of the supervisor, deliver it to the CAO, and in the case of the Chairman, deliver it to the Board of Highway 14.

Board Members and officers of Highway 14 should report any alleged Wrongdoing in writing directly to the CAO. If the CAO is the subject of the alleged Wrongdoing, the Board member(s) or officer should deliver the alleged Wrongdoing at the next special or ordinary Board meeting.

## 2. Investigation

Any individual in receipt of a Whistleblower Report from an Eligible Whistleblower in accordance with this Policy shall consult with the CAO (or, if the Whistleblower Report is received by or relates to alleged Wrongdoing of the CAO, the Chairman to determine whether to engage external legal counsel and/or an external investigator prior to conducting any internal investigation.

All relevant matters, including suspected but unproved matters, will be promptly reviewed and analyzed, with documentation of the receipt, retention, investigation, and treatment of the Whistleblower Report. Appropriate corrective action will be taken, if necessary.

While the particular circumstances of each Whistleblower Report may require different investigations steps, all investigations will:

follow a fair process;

be conducted as quickly and efficiently as the circumstances permit;

determine whether there is enough evidence to substantiate the matters reported;

be independent of the person(s) concerned with the allegations; and

incorporate traditional dispute resolution mechanisms and methodologies when appropriate.

The investigation process outlined in this Policy is also designed to allow fair treatment of any individuals mentioned in the Whistleblower Report, including any Eligible Whistleblowers, as follows:

Whistleblower Reports will be handled confidentially;

matters reported will be assessed and may be subject to an investigation;

there will be a presumption of innocence until the outcome of the investigation is determined; and

the purpose of the investigation is to determine whether there is enough evidence to substantiate the matters reported.

Investigations will be undertaken as quickly as possible, having regard to the nature and potential risk associated with the disclosure. When the alleged Wrongdoing constitutes an imminent significant threat to health or safety or could have serious financial or legal consequences for Highway 14, the Individual (or designate) may take whatever action he/she deems appropriate in the circumstances to prevent potential or actual wrongdoing before an investigation has been undertaken or completed.

### 3. Remedial Action

At the conclusion of the investigation, if it is determined that the Wrongdoing has been substantiated, Highway 14 will determine and implement, after consultation with any individuals it deems appropriate in its sole discretion, corrective, remedial or disciplinary actions to be taken. Each individual case will require discretion and judgment. Discipline will depend on the nature and the severity of the Wrongdoing. Appropriate measures will also be taken to prevent further violations.

### 4. Confidentiality

Any disclosure made in accordance with this Policy is considered confidential but on the record. Highway 14 will use reasonable efforts to treat all disclosures of wrongdoing as confidential and privileged to the fullest extent permitted by law.

The names of those involved in a disclosure of wrongdoing or an investigation, and the circumstances relating to the alleged wrongdoing will not be shared with anyone except as is necessary to investigate the disclosure, to take corrective, remedial or disciplinary action with regard to a substantiated Wrongdoing, to comply with this Policy, or where required by law. Any sharing of information will be carefully and sensitively evaluated, and done on a need-to-know basis as determined by the designated investigating authority, and can arise in the course of, or as a result of an investigation.

Any current or former director, officer, employee, agent, subcontractor of Highway 14 who is privy to information regarding a disclosure of Wrongdoing (whether they made the disclosure), is entrusted



with information in the course of an investigation, or otherwise has knowledge relating to the disclosure, is expected to hold the information in confidence. The failure to do so may be met with discipline up to and including termination of employment, contract or position (as applicable), and/or subject to other legal action.

5. Retaliation Prohibited

This Policy offers protections from retaliation or threats of retaliation against Eligible Whistleblowers who, in good faith, make a disclosure of Wrongdoing in accordance with the procedures herein.

Good faith means that the Eligible Whistleblower has a reasonable and genuine belief that the Wrongdoing occurred or is occurring and is not making the disclosure for personal gain or for any improper motive.

Retaliation or a threat of retaliation against such an Eligible Whistleblower, or against any witness or other participant in an investigation is strictly prohibited and will not be tolerated. Violations of this policy will result in discipline up to and including termination of employment, contract or position (as applicable).

This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

If an investigation uncovers no Wrongdoing or if the alleged Wrongdoing cannot be substantiated, but there is no evidence that the disclosure was not made in good faith, no action will be taken against the Eligible Whistleblower who made the disclosure. However, Eligible Whistleblowers who make intentionally false, misleading or malicious reports will be subject to disciplinary action up to and including termination of employment, contract or position (as applicable). Such conduct may give rise to other legal action. Allegations of retaliation must be reported and will be investigated through the same process as outlined under this Policy.

81-04-24

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DIRECTOR'S APPROVAL MOTION #

  
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CHAIRPERSON

  
\_\_\_\_\_  
DATE