



## **SD 42 POLICY: 7110**

### **WHISTLEBLOWER PROTECTION**

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#### **PHILOSOPHY**

The Board of Education ("Board") is strongly committed to upholding ethical standards in the School District and fostering and maintaining an environment where employees can work safely and appropriately without fear of retaliation. All employees performing work on behalf of the School District, are expected to conduct themselves in a professional manner, adhere to applicable laws, Board Policies and Procedures, and demonstrate ethical behavior in all their decisions and interactions.

The Board encourages and supports all employees in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia [Public Interest Disclosure Act](#) ("PIDA").

The purpose of this Policy and related Procedure is to establish a process, in compliance with the PIDA for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

The Board expects employees who have serious concerns about any aspect of the School District's operations with respect to potential wrongdoing, to come forward and voice those concerns in accordance with this Policy and related Procedure.

#### **SCOPE**

This Policy applies to alleged wrongdoing related to the School District's operations or personnel. The provisions of this Policy are independent of, and supplemental to, the provisions of collective agreements between the School District and its Unions relative to grievance procedures and to any other terms and conditions of employment.

#### **AUTHORITY**

The Superintendent of Schools ("Superintendent") is responsible for the administration of this Policy which includes establishing procedures that will guide the implementation of this policy and ensuring that training and instruction is available to all Employees concerning this Policy, the Procedures and the PIDA.

The Superintendent may delegate their authority in writing to the Secretary Treasurer or other senior members of Personnel.

#### **DEFINITIONS**

**"Advice"** means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Policy or PIDA;

**"Discloser"** means an Employee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal;

**"Disclosure"** means a report of Wrongdoing made under this Policy and includes allegations of Wrongdoing received by the School District from the Ombudsperson or another government institution for investigation in accordance with PIDA;

**"Employee"** refers to a past and present employee of the School District;

**"FIPPA"** means the [Freedom of Information and Protection of Privacy Act](#), and all regulations thereto;

**"Investigation"** means an investigation undertaken by the School District under this Policy or by the Ombudsperson under PIDA;

**"Personal Information"** has the same meaning set out in FIPPA, namely "recorded information about an identifiable individual", and includes any information from which the identity of the Discloser or any person who is accused of Wrongdoing or participates in an Investigation can be deduced or inferred;

**"PIDA"** means the [Public Interest Disclosure Act](#) of British Columbia, and all regulations thereto;

**"Procedure"** means the School District's Administrative Procedure associated with this Policy, as amended;

**"Reprisal"** means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working condition of an Employee because they made a Disclosure, sought Advice, made a complaint about a Reprisal or participated in an Investigation;

**"Trustee"** means a past or present member of the School District's Board of Education. Trustees are not Employees within the meaning of this Policy and any corresponding Procedure; and

**"Wrongdoing"** refers to:

- a) serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;
- c) a serious misuse of public funds or public assets;
- d) gross or systematic mismanagement; or
- e) knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

## **PRIVACY AND CONFIDENTIALITY**

All Personal Information that the School District collects, uses or shares in the course of receiving or responding to a Disclosure, a request for Advice, a complaint of a Reprisal or conducting an Investigation will be treated as confidential and will be used and disclosed as described in this Policy, the Procedures, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

## **POLICY VIOLATIONS**

It is a violation of the Policy for anyone to knowingly make a false complaint of wrongdoing or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

## **REPORTING**

Each year, the Superintendent or a designate shall prepare, in accordance with the requirements of the PIDA, and make available, a report concerning any Disclosures received, Investigations undertaken and findings of Wrongdoing. All reporting under this Policy will be in compliance with the requirements of the FIPPA.

**APPROVED: June 19, 2019**

**UPDATED: November 15, 2023**