



Medicine Hat College Policy PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION)

Policy #:	HR-03
Policy Authority:	Director, Human Resources
Executive Sponsor:	Vice-President, Administration and Finance
Approved by:	President
Effective Date:	December 6, 2018
Next Mandatory Review Date:	December 6, 2023
Frequency of Review:	Every 5 years

1. POLICY OBJECTIVE

The purpose of this policy is to

- facilitate whistleblower disclosure and investigation of significant and serious matters in relation to the College that an employee believes to be unlawful, dangerous to the public or injurious to the public interest;
- protect employees who make disclosures;
- manage, investigate and make recommendations regarding disclosures of possible wrongdoings and reprisals; and
- promote public confidence in the administration of the College.

2. POLICY SCOPE

The *Public Interest Disclosure (Whistleblower Protection) Act* applies to public entities which includes post-secondary institutions. This policy applies to all employees of Medicine Hat College (MHC).

3. DEFINITIONS

- **Bullying, Harassment and Intimidation:** circumstances where behaviour has become systemic and cultural within the organization and where all internal mechanisms have failed.
- **Chief Officer:** has the same meaning as set out in the Act and for the purposes of the College, means the President.
- **Designated Officer:** a senior official designated by the Chief Officer to manage and investigate disclosures.
- **Employee:** any person who is employed by MHC or who provides services to MHC under an employment contract.

- **Reprisal:** retaliatory actions or measures that are taken, or threatened to be taken against an employee for reporting a possible wrongdoing, including but not limited to
 - (a) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
 - (b) any actions or measures, other than those mentioned in item (a) above, that adversely affects the employee's employment or working conditions;
 - (c) intimidation or coercion; and
 - (d) harassment or discrimination.

- **Wrongdoing:** a significant and serious matter in relation to the College that may be unlawful, dangerous to the public or injurious to the public interest including but not limited to
 - (a) a contravention of a statute of Alberta, a regulation made pursuant to a statute of Alberta, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
 - (b) gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of
 - i. public funds or a public asset,
 - ii. the delivery of a public service, including the management or performance of
 - A. a contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement of any funds administered or provided under the contract or arrangement, and
 - B. the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or
 - iii. employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
 - (c) an act or omission that creates a 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 the employee;
 - (d) a substantial and specific danger to the environment;
 - (e) a wrongdoing prescribed in the regulations;
 - (f) knowingly directing or counselling an individual to commit a wrongdoing identified in the above clauses.

4. PRINCIPLES

- 4.1. MHC recognizes its legal and ethical responsibilities with respect to public interest disclosures.

- 4.2. All employees have a responsibility to report any possible wrongdoings which they have observed or which they reasonably suspect.

- 4.3. All reports of possible wrongdoings will be taken seriously and will be promptly investigated. The specific action taken in any particular case will depend on the nature and gravity of the conduct or circumstances reported, and the quality of the information provided.
- 4.4. The College protects employees from reprisal and will maintain an environment of safe disclosure of allegations of possible wrongdoing made in good faith.
- 4.5. The identity of the complainant will be protected and maintaining confidentiality will be strictly managed throughout the process.
- 4.6. Those who commit a wrongdoing or make a bad faith complaint will be subject to appropriate disciplinary action. Actions may include discipline up to and including termination of employment (for cause) or association with the College, and/or legal sanctions.
- 4.7 In addition to MHC's internal complaint procedure, where there is reason to believe that an offence has been committed under a statute or regulation, MHC is required to report the offence to law enforcement agencies and the Minister of Justice and Solicitor General.

5. RESPONSIBILITIES

5.1. **Chief Officer** is responsible for

- (a) establishing and maintaining an internal written procedure to manage and investigate disclosures of possible wrongdoings;
- (b) providing an annual report on all disclosures made or referred to the Designated Officer to the Medicine Hat College Board of Governors. The Chief Officer's report must be included in the College Annual Report;
- (c) managing and investigating possible wrongdoings where the Designated Officer has or appears to have a conflict of interest in managing and investigating disclosures of possible wrongdoings; and
- (d) ensuring information about the Act and the procedures established are widely communicated to all employees.

5.2. **Designated Officer** is responsible for

- (a) managing and investigating disclosures as defined by this policy; and
- (b) seeking advice/information from the Public Interest Commissioner regarding the management of investigations, where required.

6. APPLICABLE LEGISLATION/REGULATIONS

Public Interest Disclosure Act

7. RELATED POLICIES

GP-9: Board Public Interest Disclosure (Whistleblower Protection)

HR-04: Conflict of Interest

7.28: Code of Conduct

8. RELATED PROCEDURES

- PR-HR-03-01: Disclosure of Wrongdoings
- GP-9: Attachment A (Board Disclosure of Wrongdoings)
- PR-HR-04-01: Conflict of Interest

ORIGINAL COPY SIGNED

Wayne Resch
Acting President and CEO

Date: December 6, 2018

ORIGINAL COPY SIGNED

Carla Bennett
Interim Vice-President,
Administration and Finance

Date: December 6, 2018

August 2016
December 2018

Revised policy approved
Policy reviewed – significant changes - approved