FAMILY VISIONS INCORPORATED
POLICY AND PROCEDURE MANUAL

POLICY: **WHISTLEBLOWER**		POLICY NO: HR-039
	DATE Issued: September 28, 2011	PREVIOUS POLICY NO/NAME: WHISTLEBLOWER HR03-520
	DATE Reviewed: March 16, 2022	RELATED DOCUMENTS:
APPROVED BY: Board of Directors	DISTRIBUTION: Human Resources APPLICATION: Family Visions Employees	

POLICY:
To ensure that the agency provides opportunity and procedure for a person to be able to disclose serious wrongdoing within Family Visions Inc., and to protect the person from reprisal, in accordance with the requirements of The Province of Manitoba's Public Interest Disclosure (Whistleblower Protection) Act.

DEFINITION:
Whistleblowing is as defined as "an act of a man or a woman who, believing in the public interest overrides the interest of the organization he serves, publicly blows the whistle if the organization is involved in corrupt, illegal, fraudulent or harmful activity." (Ralph Nader,1972)

Under the Competition Act, your employer cannot dismiss, suspend, demote, discipline, harass, or otherwise disadvantage you, or deny you a benefit of employment because you provided information under the whistleblowing program that was given in good faith and that you reasonably believe to be true.

Employees, members of the public, volunteers, and volunteer board members are protected under the Whistleblower's Act.

The Whistleblower Protection Act is designed to address "significant and serious matters" as described by the act.
These are matters which are described as:

- Breaking the law / a criminal act
- An act or omission that creates "substantial and specific danger to life, health or safety of persons or the environment"
- Gross mismanagement, including of public funds or a public asset
- Knowingly directing or counselling a person to commit wrongdoing as described above

PROCEDURE:
The agency must have a Designated Officer (Executive Director/designate) to receive and deal with disclosures. The alternative to the agency's Designated Officer is the Manitoba Ombudsman.

Prior to making a disclosure, a person may request advice from the Designated Officer or the Manitoba Ombudsman.

Disclosure
Disclosures must be made "in good faith" and with "a reasonable belief of wrongdoing".

1.The disclosure shall normally be made within thirty (30) working days of the Disclosing Employee coming into possession of the information on which the disclosure is based, to ensure timely attention to the matter.
2. A disclosure must be made in writing and must include the following information, if known:
    (a) a description of the alleged wrongdoing;
    (b) the name of the person or persons alleged to
        i. (i) have committed the alleged wrongdoing, or
        ii. (ii) be about to commit the alleged wrongdoing;
    (c) the date(s) of the alleged wrongdoing;
    (d) if the alleged wrongdoing has already been disclosed, provide details about who it was disclosed to, when it was disclosed and whether a response was received;
    (e) the name and contact information of the Disclosing Employee
    (f) an explanation of any potential risk(s) to the University arising from the alleged wrongdoing;
    (g) any known witnesses to the alleged wrongdoing;
    (h) any other information that would assist in the investigation of the disclosure.

Investigation
1. Except where the Executive Director has made the disclosure, upon the receipt of a disclosure of what is thought to be a "serious wrongdoing", the Executive Director/Designated Officer must assess if the disclosure meets the definition of a "significant and serious matter" as described above, or whether it is an internal agency matter.
2. The Designated Officer may seek legal advice in dealing with the disclosure to the proper authorities.
3. If the disclosure relates to the Executive Director/Designate, the report shall be disclosed directly to the Chair of the Family Visions Board.
4. The Executive Director/Designate shall respond to a Disclosing Employee within ten (10) working days of receiving a disclosure directly from a Disclosing Employee, to acknowledge the disclosure and explain the investigation process.
5. In determining whether an investigation is warranted or at any point during an investigation the Executive Director of Audit Services may decline to investigate or to continue to investigate on following grounds:

a) the Disclosing Employee has failed to exhaust other reasonable avenues to appropriately deal with the issue.
b) the alleged wrongdoing is not covered by the Act.
c) there is insufficient information to undertake an investigation.
d) there has been undue delay in making a disclosure;
e) the disclosure is frivolous or vexations, has not been made in good faith or does not deal with a sufficiently serious subject matter;
f) other valid reason.

6. No person shall willfully obstruct an investigation under this Policy and these procedures. No person shall, knowing that information, a document or thing is likely to be relevant to an investigation,
    a) destroy, mutilate or alter the document or thing;
    b) falsify the document or make a false document;
    c) knowingly make a false or misleading statement;
    d) conceal or withhold information, a document or thing; or
    e) direct, counsel or cause, in any manner, a person to do anything mentioned in the above clauses.
7. If an alleged wrongdoing appears to involve criminal behaviour, the appropriate authorities will be notified (e.g., the RCMP or the Brandon Police Service) and they will coordinate and conduct criminal investigations as they judge appropriate.
8. All persons affected by the disclosure will be provided in writing with the outcome of the investigation or the reason(s) why an investigation was not undertaken by the Executive Director/Designate.
9. In the circumstance where either the disclosing employee or the person who is alleged to have committed the wrongdoing involves both the agency and any affiliated or associated entity, communication and coordination will take place between representatives from the agency and the Directors of the affiliated or associated entity on how to proceed with any investigation if deemed necessary
10. As a requirement of the “Act”, the Designated Officer must complete the Whistleblower Protection Annual Report (Appendix) at the end of the fiscal year, if a disclosure has been made.

Protection

Any employee who experiences or believes that they have experienced a reprisal as a result of seeking advice about a disclosure, making a disclosure or cooperating with an investigation pursuant to this policy and these procedures, should document the details and immediately inform the Executive Director, who will ensure that the allegation of reprisal is investigated, and if justified, that the appropriate corrective steps are taken. Any person engaging in acts of reprisal shall be subject to disciplinary action.

Withdrawal of a Disclosure

If, after making a disclosure, the Disclosing Employee wishes to withdraw the disclosure, the Disclosing Employee must provide a written request for withdrawal to the person to whom the disclosure was made.

In the event that a disclosure is withdrawn, the Executive Director shall determine whether any action regarding the disclosure will be taken. Such action will be independent of these procedures, and will be determined on a case-by-case basis, taking into account all of the relevant circumstances.

Bad Faith Disclosures

Any person found to have made a disclosure in bad faith or in breach of this Policy and/or these procedures shall be subject to disciplinary action.

Note: The Whistleblower's Protection Act "does not affect protections or obligations under other statures (i.e. The Child and Family Services Act, The Workplace Safety and Health Act)."