WHISTLEBLOWER PROTECTION

East Central Alberta Catholic Schools is governed by the *Public Interest Disclosure Act* (PIDA). Under this legislation, an employee of the Board may make a disclosure of a wrongdoing, which the school board must investigate. No person may make reprisals against an employee for a disclosure provided the employee is acting in good faith. In addition, the Board is required to establish and maintain written procedures for investigating disclosures, protect those who make such disclosures without fear of reprisal and make recommendations for corrective action.

PURPOSE OF PIDA

a. To facilitate the disclosure and investigation of significant and serious matters in or relating to departments, public entities or offices of the Legislature, that an employee believes may be unlawful, dangerous to the public or injurious to the public interest;

b. To protect employees who make disclosures;

c. To manage, investigate and make recommendations respecting disclosures or wrongdoings and reprisals;

d. To promote public confidence in the administration of departments, public entities and offices of the Legislature.

DEFINITIONS:

Chief Officer – the Superintendent is designated the Chief Officer for the purpose of the overall administration and reporting required under the Public Interest Disclosure (Whistleblower Protection) Act (PIDA).

Designated Officer – the Secretary Treasurer is designated as the “Designated Officer” to manage and investigate disclosures under PIDA.

Commissioner – the Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act.

Disclosure: reporting a wrongdoing that is made in good faith by an employee under PIDA and this policy;

Whistle blowing: the release of information by an individual regarding the school board’s improper activity or a violation of law. Whistle blowing is NOT individual concerns, appeals, complaints, grievances, or issues associated with matters such as academic appeals, student or employee harassment, discrimination, employee performance, or provisions contained in collective agreements.

Wrongdoing is defined as a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;

A. 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 an employee;
B. A substantial and specific danger to the environment;
C. 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 public assets;
    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 or 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 behavior or conduct of a systematic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
D. A wrongdoing prescribed in the regulations;
E. Knowingly directing or counseling an individual to commit wrongdoing mentioned in the above clauses.

Reprisal: under Alberta's Public Interest Disclosure (Whistleblower Protection) Act, a reprisal, where an employee is punished for making a disclosure, is limited to the following actions committed after June 1, 2013:

- Dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job;
- Change of job location, reduction in wages, changes in hours of work, reprimand;
- Or any other measure that adversely affects the employee's employment or working conditions, including threats to do any of the above.

No person shall take or direct, or counsel or direct a person to take or direct, any of the following measures against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, cooperated in an investigation under PIDA, declined to participate in the wrongdoing or done anything in accordance with PIDA.

An employee may make a written complaint to the Public Interest Commissioner ("Commissioner") if the employee alleges that a reprisal has been taken or directed against the employee. The written complaint must, be made on the prescribed PIDA Complaint or Reprisal Form.

No action lies against the Board or an Employee of the Board for making a reasonable human resource management decision in good faith.

Designated Officer: The Board appoints the Secretary Treasurer as the designated officer for the purpose of PIDA. The contact information of the Designated Officer is as follows:

Mary Ann Threinen, Secretary-Treasurer
maryann.threinen@ecacs16.ab.ca
East Central Alberta Catholic Schools Division
1018 1st Ave, Wainwright, AB T9W 1G9
Phone: 780-842-3992
Fax: 780-842-5322

PROCEDURES

Receipt of Disclosures:

1. Any Employees seeking advice on potential disclosure shall be referred to the designated officer, who shall provide the employee with information on PIDA, this operating procedure, or alternative processes for resolution of the employee's concern. The Office of the Public Interest Commissioner can be contacted Monday to Friday 8:15-12/13:00-16:30 at Toll-free province-wide: 1-855-641- 8659 or via email at info@pic.alberta.ca.

2. An employee who reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed or who has been asked to commit wrongdoing may make a disclosure to the Designated Officer.

3. At the time an employee discloses the Designated Officer, the employee may also make the disclosure to the Commissioner and advise the Commissioner that the disclosure has been made to ECACS's Designated Officer. Employees may disclose wrongdoing directly to the Public Interest Commissioner using the online web form available at www.yourvoiceprotected.ca . Employees who are unable or do not wish to use the web-form may contact the office of the Public Interest Commissioner at 1-855-641-8659.

4. An employee may only disclose directly to the Commissioner and circumvent their Chief Officer and Designated Officer if:

4.1 The employee has disclosed in accordance with the expectations of this procedure and an investigation has not been completed in accordance with these procedures;

4.2 The employee has disclosed in accordance with the expectations of the disclosure requirements of this policy and the matter has not been resolved within the timelines established within these procedures;

4.3 The employee has disclosed to the Designated Officer, but is unable to complete the disclosure requirements because of a reprisal directed towards the employee, or reasonably believes a reprisal is likely to be taken or directed towards them should the disclosure be made in accordance with these requirements;

4.4 The employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment, such that there is insufficient time to make disclosure to the Designated Officer, the Employee may make a complaint directly to the Chief Officer.

5. In the event that disclosure to the Designated Officer is not appropriate due to a conflict of interest with respect to the nature of the disclosure or the person involved,

the Designated Officer shall refer the matter to the Chief Officer.

6. In the event of a disclosure to the Designated Officer concerning the conduct of the Chief Officer or concerning which the Chief Officer has a conflict of interest, the Designated Officer shall:

6.1 advise the Board Chair of the nature of the disclosure, after which the Board may authorize an investigation into the disclosure;

6.2 advise the Commissioner of the disclosure and its referral to the Board and seek advice from the Commissioner concerning whether the disclosure should be referred to the Commissioner.

7. If the Designated Officer reasonably believes that the matter to which the disclosure relates constitutes an imminent risk of a substantial or specific danger to the life, health or safety of individuals or to the environment, the Designated Officer shall, as soon as reasonably practicable, refer the disclosure to the Commissioner.

8. Notwithstanding whether a disclosure is referred to the Commissioner, where the Designated Officer is aware of:

8.1 a disclosure relating to an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment, or

8.2 that the alleged wrongdoing, if true, may threaten the welfare of students, staff, or the safe and caring environment of the school, the Designated Officer shall also ensure that appropriate persons with the Board have sufficient information to abate that risk.

9. Where at any point following a disclosure, the Designated Officer has reason to believe that the alleged wrongdoing, if true, could potentially give rise to the Superintendent being of the opinion that the presence of the teacher threatens the welfare of students, the Designated Officer shall advise the Superintendent of the alleged wrongdoing for consideration of a possible administrative suspension under section 213 of the Education Act.

10. Where in the course of an investigation, the Designated Officer has reason to believe that an offense has been committed under an Act or regulation of the Province of Alberta, or under an Act or regulation of the Parliament of Canada, the Designated Officer shall report the potential offense to the appropriate law enforcement authorities.

11. If more than one disclosure or wrongdoing is received by the Designated Officer in respect to the same matter, a single investigation may be conducted into the wrongdoing.

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Confidentiality

14. Maintaining confidentiality is paramount to the success of the process. Accordingly, the confidentiality risk will be strictly managed from the outset of a disclosure being received through to the end of the investigation and report release. To enhance confidentiality, as few people as are required will handle disclosures. Employees must not share information or evidence regarding disclosures or wrongdoings with fellow employees who do not need to know such information and are not authorized to address disclosures.

15. All participants in an investigation shall keep confidential:

15.1 The identity of individuals involved in the disclosure process;
15.2 The identify of individuals alleged to have committed the wrongdoing;
15.3 The identity of the witnesses;
15.4 The information collected in relation to the disclosure;
15.5 The details and results of the investigation provided, however, such confidentiality may not be maintained for matters which pose an imminent risk of a substantial and specific danger to life, health or safety of individuals, or to the environment.

16. Confidentiality is also subject to the provisions of the Freedom of Information and Protection of Privacy Act (Alberta) and other legislation.

Investigations

17. The Designated Officer may request advice from the Commissioner with respect to the management and investigation of a disclosure.

18. Upon receiving a disclosure, the Designated Officer shall make a decision whether to investigate.

19. Where the Designated Officer is of the opinion that the subject matter of a disclosure would be more appropriately dealt with by a department of the Government of Alberta, an office of the Legislature, or another public entity, the Designated Officer shall report the subject matter of the disclosure to the Designated Officer of that other entity.

20. Should the subject matter of the disclosure be more appropriately dealt with according to another policy or procedure of the Board, another Act, or regulation, or procedures under a collective agreement or employment contract, the Designated Officer may decline to investigate under the parameters of this policy.

21. The Designated Officer may utilize both internal personnel and external resources for the purpose of conducting the investigation.

22. The Designated Officer, and any person conducting an investigation on their behalf, may interview any person and shall have access to any document of the Board necessary for the investigation.

23. The Designated Officer shall ensure all disclosures and information gathered in the course of investigating disclosures, including the identity of the person making the disclosure, those alleged to have committed the wrongdoing and witnesses, are maintained in confidence and disclosed only:

23.1 as necessary for this policy and to conduct the investigation in accordance with the principles of procedural fairness and natural justice;
23.2 in accordance with PIDA or any other statute;
23.3 if the disclosure of that information is necessary due to an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment.

24. Investigations shall be conducted in accordance with the principles of procedural fairness and natural justice.

25. The Designated Officer may decline to investigate where the disclosure

25.1 is clearly frivolous or vexatious, not been made in good faith, has not been made in a timely enough manner to permit investigation, or does not deal with a wrongdoing;
25.2 relates to a decision, action or matter that results from a balanced and informed decision-making process on a public policy or operational issues; or
25.3 does not provide adequate particulars about the wrongdoing to permit the conduct of a fair and effective investigation.

26. The Designated Officer is not required to investigate a disclosure or, if an investigation has been initiated, may discontinue the investigation if more than two (2) years has passed since the date that wrongdoing was discovered.

Timelines

27. The Designated Officer shall acknowledge receipt of the disclosure or complaint of reprisal to the employee making the disclosure or complaint within five (5) business days from receipt of the disclosure or complaint. An 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, whether an investigation will be undertaken.

28. The investigation must be concluded and the investigation report provided to the Chief Officer not more than one hundred ten (110) business days from the date on which the disclosure of wrongdoing or complaint of reprisal was received.

29. These timelines may be extended by the Chief Officer provided that the total extensions granted do not exceed the overall time period for investigation and provision of the investigation report by more than thirty (30) business days, or for a longer period of time if permitted by the Commissioner.

Report

30. The Designated Officer shall provide a written investigation report to the Chief Officer detailing whether the disclosure was substantiated and provide recommendations on corrective action.

31. Where the Designated Officer is considering a recommendation to the Superintendent that the Superintendent exercise authority delegated to them by the Board to suspend or terminate a teacher or administrative designation under the Education Act, the Designated Officer shall consult with other board staff typically responsible for such recommendations concerning the necessary process. In such event, the written investigation report shall be provided to the Superintendent during any process under the Education Act for the Superintendent to consider that recommendation.

32. The Chief Officer shall consider the recommendations in the investigation report and shall be responsible for determining what action, if any, including disciplinary action, shall be taken. The Chief Officer shall follow up with the employees responsible to ensure those actions are taken.

33. The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the Chief Officer's actions resulting from the written investigation report.

Good Faith

34. An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith. Good faith describes that state of mind denoting honesty of purpose, being faithful to one's duty or obligation, or an honest intention to abstain from taking advantage of another. faithful to one's duty or obligation, or an honest intention to abstain from taking advantage of another.

35. An employee who knowingly makes deliberately false and/or malicious allegations of wrongdoing may be subject to disciplinary action up to and including termination of employment.

Annual Reporting

36. The Chief Officer will prepare an annual report on all disclosures made to the Designated Officer. This report will be posted annually on the Division website by January 30th of each year. The annual report will include the following information:
    - 36.1 the number of disclosures received by the Designated Officer;
    - 36.2 the number of disclosures acted on;
    - 36.3 the number of disclosures noted acted on by the Designated Officer;
    - 36.4 the number of disclosures commenced by the Designated Officer as a result of disclosures;
    - 36.5 in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations made or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken.
    - 36.6 The Chief Officer is restricted from publicly identifying, in their annual report, an employee

37. The Chief Officer is restricted from publicly identifying, in their annual report, an employee who sought advice, made a disclosure, or made a complaint of reprisal and from disclosing individually identifying health information.

Procedure Communication

38. The Chief Office will ensure that this policy is reviewed with all employees and made accessible to them before the start of each school year.

Reviewed/Revised: April 2016 March 2025

Reference : Sections 33, 52, 53, 68, 196, 197, 203, 204, 222, 225 Education Act
AP 120 – Occupational Health and Safety
Alberta Public Interest Disclosure (Whistleblower Protection) Act (Alberta)
Alberta Public Interest Disclosure (Whistleblower Protection) Regulation
Occupational Health and Safety Act, Regulation and Code
Buffalo Trail Public Schools Regional Division No. 28
Westmount Charter School

Disclosure Form

1. Name of the disclosing employee: ______________________________________

2. Name of the individual or individuals alleged to have committed the wrongdoing, or to be about to commit the wrongdoing:
   ____
   ____
   ____

3. Date of the wrongdoing: __________________________

4. Description of the wrongdoing:
   ____
   ____
   ____
   ____
   ____
   ____