

400.3 Whistleblower Protection

Policy

A just workplace culture is fundamental to the success of school divisions in Alberta. To ensure the Lethbridge School Division maintains high standards of legal, ethical and fiscal behavior, the Division endorses a culture where employees and management work collaboratively to detect and remedy wrongdoing, and employees who come forward to report wrongdoing are protected and valued.

The Board believes in promoting a culture that supports employees who come forward to report wrongdoing. The Board expects employees to comply with the Division Code of Conduct when making good faith reports of any wrongdoing. Employees making such reports shall do so without fear of reprisal.

The Public Interest Disclosure (Whistleblower Protection) Act facilitates the disclosure and investigation of “wrongdoing”. The Act specifically defines the types of wrongdoing that may be reported and investigated:

- (i) A contravention of an Act, a regulation made pursuant to an Act, an Act of Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada.
- (ii) An act or omission that creates:
 - a. 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, or
 - b. A substantial and specific danger to the environment.
- (iii) Gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:
 - a. Public funds or a public asset,
 - b. The delivery of a public service, including the management or performance of:
 - 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, and
 - 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,
 - c. Employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment, or intimidation.

- iv. Knowingly directing or counselling an individual to commit a wrongdoing mentioned above.

Regulations

1. Employees considering making a disclosure may seek advice from:
 - 1.1. their own supervisor;
 - 1.2. to the Division's Designated Officer namely the Coordinator of Learning;
Email: whistleblower@lethsd.ab.ca .
 - 1.3. in the case of a complaint against the Coordinator of Learning, to the Chief Officer namely the Superintendent;
 - 1.4. in the case of a complaint against the Superintendent, to the Board Chair;
or
 - 1.5. directly to the Public Interest Commissioner:
Email: info@pic.alberta.ca
Phone: 1-855-641-8659
www.yourvoiceprotected.ca
2. Employees who want to report wrongdoing may do so by contacting the Coordinator of Learning:
Email: whistleblower@lethsd.ab.ca .
Employees should clearly indicate they are making a disclosure under the Act.
3. Employees who believe wrongdoing is occurring with the Division are protected from any type of adverse employment action when they report the wrongdoing to either their Designated Officer, or to the Public Interest Commissioner. Employees have a responsibility to report wrongdoing in good faith, to cooperate during an investigation, and to provide any information to the Designated Officer or Public Interest Commissioner may require.
4. The Division supports employees who come forward in good faith to report wrongdoing. Reprisals taken against employees will not be tolerated. A reprisal is an offence under the Act. Employees considering making a disclosure anonymously should seek advice about doing so from the Designated Officer or the Public Interest Commissioner.
5. Anonymous disclosures may not be acted on if there is inadequate particulars provided about the alleged wrongdoing and would therefore not permit the conduct of a fair and effective investigation. Employees who believe they have been the target of a reprisal may make a complaint of reprisal directly to the Public Interest Commissioner,
6. Where a disclosure of wrongdoing does not meet the jurisdiction of the Act, the Designated Officer must notify the employee who made the disclosure. The Designated Officer may refer the employee to a more appropriate process.
7. The Chief Officer will prepare a report annually as required by the Act.

The Board delegates to the Superintendent the authority to develop the procedures necessary to implement this policy. The Superintendent is delegated the authority to develop Administrative Procedures that are consistent with provincial policies and procedures, as well as the delegation of authority as provided for in Section 67 of the Education Act.

References

Alberta Education Act: Section 67
Legal reference: Public Interest Disclosure (Whistleblower Protection) Act (PIDA) Division
Division Policies: Policy 400.1 – Welcoming, Caring, Respectful, & Safe Work Environments
Appendix 400.1 – Employee Code of Conduct
Other: ATA Code of Conduct