



Whistleblower Protection Policy

1. Policy Identification Badge

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3. Policy Statement

- 3.1. AFSC is committed to maintaining a positive working environment while ensuring the integrity of its operations.
- 3.2. AFSC will take action in a fair and objective manner to address reports of improper activities within AFSC without retribution to Employees and members of the public.

4. Purpose

- 4.1. AFSC is committed to conducting its affairs to the highest standards of ethics, integrity, honesty, fairness and professionalism and in accordance with the principles of procedural fairness and natural justice.
- 4.2. The purpose of this Policy is:
 - 4.2.1. To establish and maintain Whistleblower policies and Procedures that comply with the Act;
 - 4.2.2. To promote ethical behavior by Employees, as every Employee is expected to perform their duties with the utmost integrity; and to conduct themselves honestly, ethically and with the highest degree of professionalism;
 - 4.2.3. To deter and detect Wrongdoing within AFSC in order to positively impact the reputation, effectiveness and finances of AFSC and enhance the working environment for Employees;
 - 4.2.4. To provide clear guidance for the Disclosure of any Wrongdoing occurring within AFSC; and,
 - 4.2.5. To protect from retaliatory action any Employee who in good faith discloses Wrongdoing occurring within AFSC.

5. Scope and Audience

- 5.1. The Policy applies to all Employees who are expected to:
 - 5.1.1. Know and adhere to all applicable laws and regulations, contracts, policies and Procedures applicable to their duties and responsibilities;
 - 5.1.2. Be proactive to prevent and detect any Wrongdoings; and,
 - 5.1.3. Follow up to ensure that any Disclosures made or received are resolved, including reporting to internal and external authorities as appropriate.
- 5.2. The Policy does not apply to matters that may be more appropriately dealt with by another applicable policy of AFSC, another Public Entity or the Office of the Public Interest Commissioner. For example, this Policy does not apply to:
 - 5.2.1. Employee performance;

- 5.2.2. Personal People Services related matters; or,
- 5.2.3. Any unethical conduct by a member of AFSC's Board of Directors.
- 5.3. The Policy may apply to a human rights complaint as it could potentially be a contravention of the *Alberta Human Rights Act*, and therefore a Wrongdoing under Section 3(1)(a) of the Act.
- 5.4. Day to day workplace issues that fall short of "Wrongdoings" will be dealt with using existing AFSC policies and procedures.

6. Definitions

- 6.1. **Act:** Means the *Public Interest Disclosure (Whistleblower Protection) Act* as may be amended from time to time, and any regulations thereunder.
- 6.2. **Business Day:** Means a day other than a Saturday, Sunday, statutory holiday in Alberta or any other day on which AFSC is not open.
- 6.3. **Chief Officer:** Means the individual charged with the administration and operation of AFSC. The Chief Officer for AFSC is the Chief Executive Officer of AFSC appointed by AFSC's Board of Directors.
- 6.4. **Commissioner:** Means the Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act.
- 6.5. **Department:** Means a Department established under section 2 of the *Government Organization Act* (Alberta).
- 6.6. **Designated Officer:** Means the individual designated by the Chief Officer as the individual primarily responsible to manage and investigate Disclosures of Wrongdoings. The Designated Officer for AFSC is the individual who leads internal Audit who reports directly to the Board of Directors through the Chair of the Audit Committee.
- 6.7. **Disclosure:** Means a report of Wrongdoing made in good faith in accordance with this Policy.
- 6.8. **Employee:** Means an individual employed by AFSC, or an individual who has suffered a Reprisal and has been terminated by AFSC.
- 6.9. **General Counsel:** Means the individual employed by AFSC to provide oversight in corporate governance on all legal functions as they pertain to AFSC.
- 6.10. **Procedures:** Means the AFSC Whistleblower Protection Procedures, which are the procedures for handling the management of Disclosures.
- 6.11. **Public Entity:** Means any Alberta agency, board commission, or Crown corporation.

- 6.12. **Public Interest Commissioner:** Means the individual appointed by the Alberta Lieutenant Governor in Council. The Commissioner is an officer of the Legislature and carries out the duties, responsibilities, and functions set out in the Act.
- 6.13. **Reporter:** Means an Employee who makes a Disclosure.
- 6.14. **Reprisal:** Means measures taken or directed against an Employee, or any measure that adversely affects the working conditions of an Employee, including but not limited to:
- 6.14.1. 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;
 - 6.14.2. Any measure that adversely affects the Employee's employment or working conditions; and,
 - 6.14.3. A threat to take any measures mentioned above.
- 6.15. **Wrongdoing:** has the same meaning set out in Act and means:
- 6.15.1. An act or omission that creates
 - i. 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,
 - ii. A substantial and specific danger to the environment;
 - 6.15.2. 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 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.
 - iii. 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.
 - 6.15.3. Knowingly directing or counselling an individual to commit a Wrongdoing mentioned above or a Wrongdoing prescribed in the regulations;

7. Duty to Disclose

- 7.1. Any Employee who has a reasonable basis to believe that Wrongdoing has occurred or is occurring with AFSC is required to disclose the information on which the belief is based.
- 7.2. AFSC's Whistleblower Protection Program also provides a mechanism for the Employee or member of the public who report their concerns to do so and receive a response to their issue while maintaining anonymity.

8. Protection from Reprisal

- 8.1. The identity of individuals involved in the Disclosure of Wrongdoings, including the Employee or member of the public making the Disclosure and the individuals alleged to have committed the Wrongdoings, shall be kept confidential during the investigation of Disclosures except where a Disclosure is determined to be an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment; or except where the identity of an individual must be revealed by law.
- 8.2. AFSC will not take or condone any adverse action (including demotion, suspension, termination, harassment or denial of service or benefits) against any Employee who:
 - 8.2.1. Is the purported perpetrator of the Wrongdoing, in the absence of reasonable evidence; or,
 - 8.2.2. In good faith and without malice or desire for personal benefit, reports Wrongdoing in accordance with the Policy.

9. Accessibility through Clearview Connects

- 9.1. AFSC has retained ClearView Connects ("Clearview") to support the Disclosure process. ClearView has built a program to provide for complete anonymity to those who disclose concerns or make a Disclosure of Wrongdoing under this program that includes a telephone hotline (1-877-685-9317) or online by visiting www.clearviewconnects.com.
- 9.2. If an Employee or member of the public utilizes the telephone hotline (1-877-685-9317), ClearView will answer the hotline twenty-four hours a day, seven days a week, 365 days per year. ClearView will produce a written report from this conversation to enhance the communication process. When you submit a report via the web visiting www.clearviewconnects.com or by speaking to a Clearview hotline agent, you receive a secure ID and password that will allow you to check the status of your report, or provide additional information, while maintaining anonymity.
- 9.3. Your report will be distributed to the Chief Officer, Designated Officer and General Counsel for assessment. When a report is filed with ClearView, an email notification that a report has been filed will be sent to the AFSC's Chief Officer and Designated Officer. As both the Chief Officer, the Designated Officer and General Counsel have a direct reporting relationship with the Board of Directors the oversight and full



Disclosure of all reported instances of Wrongdoing as required by Act is assured. If either of these individuals is named in the report, the Chair of the Board and Chair of the Audit Committee will be notified of the Disclosure as part of the intake process.

- 9.4. The ClearView hotline provides a mechanism for anyone who files a report to learn what resulting action was taken in an anonymous manner. If the Chief Officer or Designated Officer handling the complaint deems it appropriate, a response can be filed with ClearView that is accessible only to the individual who filed the report.

10. Request for Information

- 10.1. An Employee or member of the public who is considering making a Disclosure may request information or advice from the Designated Officer, Chief Officer, their supervisor, or from the Public Interest Commissioner.

11. Disclosure Process and Requirements

11.1. Disclosure to the Designated Officer

- 11.1.1. If an Employee becomes aware of a Wrongdoing, the individual shall disclose such behaviors and conduct to the Designated Officer.
- 11.1.2. The Employee or member of the public making the Disclosure above may also contact the Public Interest Commissioner and advise the Public Interest Commissioner that the Disclosure has been made to the Designated Officer for the purposes of commencing an investigation.

11.2. Disclosures by Members of the Public

- 11.2.1. Members of the public may report Disclosures of Wrongdoing through the independently managed external confidential reporting and Disclosures Clearview hotline maintained by AFSC, and such Disclosures are subject to the applicable provisions of this Policy. The information contained in the Disclosure will be provided to the Designated Officer for follow-up and/or investigation. The Service Provider is Clearview and can be contacted by dialing 1-877- 685-9317.

11.3. Direct Disclosure to the Public Interest Commissioner

- 11.3.1. An Employee or member of the public has the option of reporting Disclosures directly to the Public Interest Commissioner in the first instance.
- 11.3.2. The Public Interest Commissioner has the discretion to refer a disclosure to a Designated Officer for investigation if the Commissioner considers it appropriate. An Employee may make a Disclosure of Wrongdoing anonymously to the Public Interest Commissioner. Employees may make disclosure of Wrongdoings directly to the Commissioner by phone at 1-855-641-8659, or by using the online web-form available at www.yourvoiceprotected.ca.

- 11.3.3. The Public Interest Commissioner has exclusive jurisdiction to receive and investigate complaints of Reprisal. A “Complaint of Reprisal” must be submitted in the prescribed form and is available on the Public Interest Commissioner’s website at www.yourvoiceprotected.ca.

11.4. Disclosure to a Department, Public Entity or the Public Interest Commissioner

- 11.4.1. The Designated Officer may refer a Disclosure of Wrongdoing to a Department or another Public Entity if the Disclosure would, in the opinion of the Designated Officer, be more appropriately dealt with there.

11.5. Disclosure of Matters of Imminent Risks

- 11.5.1. The Chief Officer or Designated Officer must report matters of imminent risk to the life, health or safety of individuals or the environment, to:
- i. An appropriate law enforcement agency;
 - ii. In the case of a health-related matter, such as a health-related outbreak, to the Chief Medical Officer of Health;
 - iii. To the department, Public Entity or office responsible for managing, controlling or containing the risk, if any; and,
 - iv. To a person identified in the Procedures created by the Chief Officer.

11.6. Disclosure of Matters of Criminal Offences

- 11.6.1. In circumstances where the Chief Officer or Designated Officer has reason to believe that an offence has been committed under a statute or regulation, the Act requires the offence be reported to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as reasonably practicable.
- 11.6.2. An investigation into the matter shall be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

12. Whistleblower Confidentiality Requirements

- 12.1. Maintaining confidentiality is paramount to the success of the process. Accordingly, the risk of confidentiality will be strictly managed from the outset of a Disclosure being received through to the end of the investigation and report release. In order to enhance confidentiality, as few people as are required will handle Disclosures. Employees must not share information or evidence regarding Disclosures or Wrongdoing with fellow Employees who do not have a need to know such information and who are not authorized to address Disclosures.
- 12.2. All participants in an investigation shall keep confidential:

- 12.2.1. The identity of individuals involved in the Disclosure process;
 - 12.2.2. The identity of individuals alleged to have committed an alleged Wrongdoing;
 - 12.2.3. The identity of witnesses;
 - 12.2.4. The information collected in relation to a Disclosure;
 - 12.2.5. 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;
 - 12.2.6. Applicants under the *Freedom of Information and Protection of Privacy Act* (“*FOIP Act*”) do not have the right of access to records that would reveal the identity of a Whistleblower, unless the identity of the Whistleblower can be severed from the record. Chief Officers need to ensure internal privacy officers are aware of access to information limitations as it applies to the Act; and,
 - 12.2.7. Personal information must only be disclosed in accordance with section 40(1) of the *FOIP Act*.
- 12.3. The details and results of investigations will not be disclosed or discussed with any persons other than those Employees who have a legitimate need to know such results in order to perform their duties and responsibilities. However, the Chief Officer and the Designated Officer may at any time disclose information in relation to any Disclosure, investigation or investigation outcome with Executive Leadership, AFSC General Counsel, the Board of Directors Audit Committee, the Board of Directors and/or law enforcement agencies as deemed appropriate.

13. Investigation

- 13.1. Upon receiving a Disclosure, the Designated Officer shall determine whether or not an investigation is warranted. An investigation may involve both internal and external sources to assist in determining whether an improper activity has occurred and what corrective action may be appropriate.
- 13.2. Where a Disclosure received by the Designated Officer would, in the view of the Designated Officer, be more appropriately dealt with by the Commissioner or by another department, Public Entity or office of the Legislature, the Designated Officer shall refer such Disclosure to the Commissioner or the Chief Officer or Designated Officer of such department, entity or office within fifteen (15) Business Days of receipt. The Employee or other person making the Disclosure will be advised by the Designated Officer about the referral.
- 13.3. The Designated Officer may request advice from the Public Interest Commissioner with respect to the management and investigation of a Disclosure of Wrongdoing.

14. Timelines

- 14.1. The Designated Officer shall acknowledge in writing a Disclosure of Wrongdoing within five (5) Business Days from the date on which the Disclosure of Wrongdoing or complaint of Reprisal is received by the Designated Officer.
- 14.2. Within twenty (20) Business Days from the date on which the Disclosure of Wrongdoing is received, the Designated Officer shall make a decision as to whether to investigate the Disclosure of Wrongdoing and or will forward complaint of Reprisal to the Public Interest Commissioner.
- 14.3. The Designated Officer shall complete an investigation of a Disclosure of Wrongdoing within one hundred-twenty (120) Business Days from the date on which the Disclosure of Wrongdoing was received by the Designated Officer. The Chief Officer may extend the time period for investigation and provision of an investigation report up to thirty (30) Business Days.
- 14.4. The Designated Officer shall advise the individual who has made a Disclosure of the progress of an investigation and will advise that individual of any actions taken.

15. Reporting Obligations

15.1. Report to the AFSC Chair

- 15.1.1. On a semi-annual basis the Designated Officer shall report to the chair of AFSC's Audit Committee all Disclosures of Wrongdoing that have been brought to the Designated Officer's attention.

15.2. Report of the Chief Officer

- 15.2.1. The Chief Officer shall prepare an annual report on all Disclosures of Wrongdoing made or referred to the Designated Officer including Disclosures referred to the Designated Officer by the Public Interest Commissioner. The annual report shall include:
 - i. The number of Disclosures received or referred to the Designated Officer;
 - ii. The number of Disclosures acted on;
 - iii. The number of Disclosures not acted on;
 - iv. The number of investigations commenced by the Designated Officer; and,
 - v. In cases where Wrongdoing is found, a description of the Wrongdoing and any recommendations or corrective measures taken, or the reasons why no corrective measures were taken.

16. Applicable Laws, Regulations and Legislation

- 16.1. The content of all AFSC policies and guidelines will adhere to and not be in conflict with applicable current Provincial and Federal legislation.
- 16.2. If any section of the Policy is found to be in contravention of Provincial or Federal legislation, that particular section shall be rendered severed from (no longer constituting part of) the Policy, leaving the balance of the provisions in full force and effect.
 - 16.2.1. *The Public Interest Disclosure (Whistleblower Protection) Act;*
 - 16.2.2. *Public Interest Disclosure (Whistleblower Protection) Amendment Act;*
 - 16.2.3. *Freedom of Information and Protection of Privacy Act;*
 - 16.2.4. *Alberta Human Rights Act; and,*
 - 16.2.5. *Alberta Public Agencies Governance Act.*

17. Exceptions

- 17.1. There are no exceptions for the application of the Policy except as stated herein.

18. Related Policies, Procedures and Guidelines

- 18.1. For a comprehensive understanding of the content discussed herein, the Policy shall be read in conjunction with relevant AFSC policies and material including, but not limited to:
 - 18.1.1. [Code of Conduct and Ethics.](#)
 - 18.1.2. [Fraud Prevention Policy.](#)
 - 18.1.3. [Respectful Workplace Policy.](#)
 - 18.1.4. [Whistleblower Protection Procedure.](#)

19. Non-Compliance

- 19.1. Compliance with this Policy is a condition of employment. Failure to comply with this Policy may result in disciplinary action, up to and including termination of employment and prosecution if appropriate. Policy violations may result in civil and criminal penalties.

20. Monitoring/ Management's Responsibility

- 20.1. Management must actively monitor practices and controls within their respective departments and take early and effective remedial action in areas where significant deficiencies are encountered or improvements are needed and inform management / policy coordinator of any significant concerns in a timely manner.

21. Approval

- 21.1. The Policy shall be signed by the Chief Executive Officer before it is considered approved and put into force

Chief Executive Officer

(Signed Original on File) _____
Chief Executive Officer's Signature

22. Revision History

Version / Revision Date	Change	Author
v1. October 14, 2021	*Revised	Craig Donkin – Corporate Policy Officer
v2 December 7, 2021	*Minor revisions throughout	Tony Kurian, General Counsel, VP Governance & Privacy

Revision Notes:	<p>Amended:</p> <ul style="list-style-type: none">- The Policy put into the new standard format. Authority/ signing vests from previous iteration (signed by Darryl Kay in 2018). Policy to be signed by CEO in 2022.- No obligation has been added or benefit removed from the previous iteration.- Policy has been reviewed for diversity, equity and inclusion. Gendered language has been removed from the Policy.- The purpose section has been amended from the previous iteration. The history/ purpose of the legislation has been removed.- Human Resources changed to People Services.- The “Chief Officer”, “Public Interest Commissioner”, and the “Designated Officer” definitions have had the responsibilities section removed. Defined terms are now capitalized throughout the document.- Hyperlinks are now active. <p>Added:</p> <ul style="list-style-type: none">- Index. All additional sections are standard per the new policy format.
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23. Appendix A – Employee Agreement

I have read and I understand the Whistleblower Protection Policy. I understand that if I violate the obligations and rules explained herein, I may face legal or disciplinary action according to applicable laws or AFSC policy.

_____.
Employee Name

Employee Signature

Date