



POLICY: AE
SUBJECT: PUBLIC INTEREST DISCLOSURE
(WHISTLE BLOWER PROTECTION)
APPROVAL DATE: February 3, 2020
REVISION DATE:
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1. GENERAL

- 1.1 In accordance with the Public Interest Disclosure (Whistleblower Protection) Act, Winnipeg School Division (WSD) is committed to maintaining the highest standards of ethical conduct in all of its financial activities and business practices to safeguard public trust.
- 1.2 In accordance with the Public Interest Disclosure (Whistleblower Protection) Act, the Secretary-Treasurer/Chief Financial Officer has been appointed by the Chief Superintendent/Chief Executive Officer to facilitate the disclosure and investigation of significant and serious matters in or relating to WSD that are potentially unlawful, dangerous to the public or injurious to the public interest and to protect persons who make disclosures.
- 1.3 WSD encourages all staff to report serious matters relating to perceived or potential wrongdoing.
- 1.4 WSD will ensure the confidentiality of staff who make disclosures.
- 1.5 Where staff have reasonable grounds to believe that another staff has committed a wrongdoing in the workplace, that staff has a responsibility to disclose that information, in writing, appropriately and confidentially.
- 1.6 All disclosures and any related investigations shall be dealt with in a confidential manner to protect the identity of the staff involved, including the disclosing staff and alleged offender, to the fullest extent possible.
- 1.7 All disclosures involving personal information or confidential information must be limited to ensure that only necessary information for the disclosure is provided.
- 1.8 Staff making a disclosure under this policy shall be protected from reprisal.
- 1.9 Outcomes of any investigation/review shall be reported back to the staff making the disclosure, as appropriate, taking into account issues of confidentiality.

2. DEFINITIONS

- 2.1 Designated Officer: The senior official designated to receive and deal with disclosures is the Secretary-Treasurer/Chief Financial Officer.
- 2.2 Disclosure: Information disclosed made in good faith by a staff member concerning any alleged wrongdoing that is suspected or detected.
- 2.3 Staff/Employees: All persons employed by WSD, as well as trustees, students, volunteers, parents and those individuals working on fee for service contracts.



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2.4 Wrongdoing:

In accordance with the Public Interest Disclosure (Whistleblower Protection) Act, a wrongdoing is:

- a) an act or omission constituting an offence under a Statute or Regulation;
- b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of the staff's work function;
- c) gross mismanagement, including of public funds or a public asset;
- d) knowingly directing or counseling a person to commit a wrongdoing described in clauses a), b) or c).

2.5 Reprisal means any of the following measures taken against a staff because the staff has, in good faith, sought advice about making a disclosure, made a disclosure, or co-operated in an investigation:

- a) a disciplinary measure;
- b) a demotion;
- c) termination of employment or contract;
- d) any measure that adversely affects his or her employment, learning or working conditions; or
- e) a threat to take any of the measures referred to in clauses (a) to (d).

3. DISCLOSURE

3.1 Where staff believe a wrongdoing has been committed, staff may make a disclosure to:

- a) the staff's supervisor
- b) the Secretary-Treasurer/Chief Financial Officer
- c) the Ombudsman

3.2 All disclosures must be in writing and include the following information, if known:

- a) a description of the wrongdoing;
- b) the name of the person or persons alleged to
 - i. have committed the wrong doing, or
 - ii. be about to commit the wrongdoing;
- c) the date of the wrongdoing;
- d) whether the wrongdoing has already been disclosed and a response received.

3.3 If the staff make a disclosure to their supervisor, the supervisor must refer the matter to the Secretary-Treasurer/Chief Financial Officer.

3.4 Where staff reasonably believes that an urgent matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment, such that there is insufficient time to make a disclosure, staff may make a disclosure to an appropriate law enforcement agency or, in the case of a health-related matter, the chief provincial public health officer and subject to any discretion that the agency or officer considers necessary in the public interest. Immediately after a disclosure of an urgent matter is made, the staff must also make a disclosure about the matter to their supervisor or the Secretary-Treasurer/Chief Financial Officer.



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4. RESPONSIBILITIES

4.1 Chief Superintendent/Chief Executive Officer

The Chief Superintendent/CEO is responsible to ensure that all staff are encouraged to report any wrongdoing and aware of the disclosure process on an annual basis.

4.2 The Secretary-Treasurer/Chief Financial Officer

The Secretary-Treasurer/CFO is responsible for maintaining all files related to disclosures and resulting investigations, as well as creating an annual report of all disclosures made during the preceding year. The Secretary-Treasurer/CFO may consult with the Ombudsman, Chief Superintendent or any person deemed necessary for the purpose of the investigation.

4.3 Principal/Supervisor

All disclosures of wrongdoing must be made in writing and include the following information:

- a) the name of the staff making the disclosure;
- b) description of the wrongdoing;
- c) the name of the staff alleged to have committed or is about to commit the wrongdoing;
- d) the date of the wrongdoing; and
- e) whether the wrongdoing has already been disclosed and a response received.

5. INVESTIGATIONS

5.1 The purpose of an investigation is to bring the wrongdoing to the attention of the Chief Superintendent/CEO and to recommend corrective measures.

5.2 The Secretary-Treasurer/CFO may require an employee

- a) to produce any records in their possession or under their control that may be relevant to an investigation; and
- b) to be interviewed for the purpose of the investigation.

5.3 An investigation shall be completed by the Secretary-Treasurer/CFO within 30 days of the commencement of the investigation and/or Disclosure. When needed extensions of time may be granted by the Chief Superintendent/CEO.

5.4 The Secretary-Treasurer/CFO may decide not to investigate a disclosure, or may cease an investigation, if they are of the opinion that:

- a) the subject matter of the disclosure could more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act;
- b) the disclosure is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;
- c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;
- d) the disclosure relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;



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- e) the disclosure does not provide adequate particulars about the wrongdoing as required by section 3.2; or
 - f) the disclosure relates to a matter that could more appropriately be dealt with according to the procedures under a collective agreement or employment agreement; or
 - g) there is another valid reason for not investigating the disclosure.

5.5 If the Secretary-Treasurer/CFO decides not to investigate or to cease investigating a disclosure, they must inform the person making the disclosure of the decision. In the case of a decision by the Secretary-Treasurer/CFO, they shall also advise that the person may make a disclosure to the Ombudsman.

5.6 Where a person who is not an employee reasonably believes that they have information that could show that a wrongdoing has been committed or is about to be committed, the person may provide that information to the Ombudsman.

6. INVESTIGATION REPORT

6.1 The Secretary-Treasurer/CFO shall provide the Chief Superintendent/CEO a report containing the following information:

- a) A summary of the disclosure and the alleged wrongdoing;
- b) A summary of the process used in the investigation;
- c) A summary of the key evidence obtained through the investigation;
- d) A conclusion as to whether wrongdoing has been or is likely to be committed, including identifying which individuals were/are involved in the wrongdoing;
- e) A summary of the reasons for the conclusion; and
- f) Recommendations regarding discipline, mitigation steps, or remedial measures.

7. CONSEQUENCES

7.1 Where it is found that a wrongdoing has been or is likely to be committed, the disciplinary action taken against staff may include, but not be restricted to the following:

- a) verbal warning;
- b) written warning included in the personnel file;
- c) suspension of staff – without pay for specified period of time;
- d) termination;
- e) police involvement.



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8. REPRISAL

- 8.1 No person shall take a reprisal against staff or direct that one be taken against the staff because the staff has, in good faith,
- a) sought advice about making a disclosure from their supervisor, Secretary-Treasurer/CFO or the Ombudsman;
 - b) made a disclosure; or
 - c) co-operated in an investigation under this Act.
- 8.2 Staff or former staff who alleges that a reprisal has been taken against them may make a written complaint to the Ombudsman.

9. FALSE ALLEGATIONS

- 9.1 Any individual who is found to have made a complaint that is considered frivolous, or that was filed with malicious intent shall be subject to disciplinary action where appropriate.

10. ANNUAL REPORTS

- 10.1 The Chief Superintendent/CEO must prepare an annual report on any disclosures of wrongdoing that have been made to a supervisor or the Secretary-Treasurer/CFO.
- 10.2 The report must include the following information:
- a) the number of disclosures received and the number acted on and not acted on;
 - b) the number of investigations commenced as a result of a disclosure;
 - c) in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations or corrective actions taken in relation to the wrongdoing or the reasons why no corrective action was taken.
- 10.3 The report shall be publicly available upon request.