


Policy & Procedure

DEPARTMENT: Administration	EFFECTIVE DATE: August 2013
CATEGORY: Human Resources	REVISED DATE:
SUBJECT: Whistleblower	REVIEWED DATE: January 2012; January 2013, January 2014, January 2015 January 2016, January 2017; January 2018; January 2019, January 2020, June 2022
POLICY NUMBER: ADM-HR-ER - 07	SUPERSEDES: ADM-HR - 42
ISSUING AUTHORITY: Executive Director	SIGNATURE: 

PURPOSE:

The Ukrainian Canadian Care Centre (The Care Centre) endeavours to foster a safe environment for staff, residents and others to disclose information (wrongdoings) related to compliance with the Long-Term Care Homes Act by prohibiting, and making it an offence for anyone to retaliate against the person disclosing the information.

POLICY:

The Care Centre's staff, volunteers and students are obligated to report wrongdoing and are prohibited from doing anything to discourage any of the following:

1. Reports under this policy,
2. Mandatory/immediate reports under the LTCHA, and
3. Disclosures to an inspector or the MLTC Director, ministry of labour or any other oversight or enforcement agency, the giving of evidence in a proceeding under the LTCHA or during a coroner's inquest.
4. Any investigative processes or procedures.

The Care Centre provides a reporting process for the disclosure of wrongdoing and protection against reprisal or retaliation action that might result from the disclosure of wrongdoing.

The Care Centre will protect the identity of those involved in the process whenever possible (e.g. alleged wrongdoer, employee disclosing, witness, etc.).

The Care Centre has a reporting, follow-up and protection process for the disclosure of wrongdoings.

This policy will endeavour to balance the employee's protection against reprisal for disclosing wrongdoing, with the rights of the alleged wrongdoer.

DEFINITIONS:

Wrongdoing:

A wrongdoing occurs if there is:

**Gross mismanagement* is defined as a deliberate act or an omission showing a reckless or wilful disregard for the efficient management of significant Care Centre's resources.

- Gross mismanagement*;
- An act or an omission that creates a substantial and specific danger to the life, health or safety of a person;
- The taking of a reprisal/retaliation against an individual;
- A wilful deliberate violation of any government legislative act or regulation
- A significant deliberate violation of any Care Centre's policy.

Reprisal:

Reprisal action taken against an employee who has made a disclosure of wrongdoing in good faith includes:

- A disciplinary measure such as staff dismissal, discipline and suspensions;
- Intimidating, coercing or harassing a person;
- Demotion of the employee;
- Any measure that adversely affects the employment or working conditions of the employee, or;
- A threat to take any of the previously identified measures.

Retaliation:

Encompasses direct actions, omissions and threats.

PROCEDURE:

1. An employee may seek advice from the Human Resources Department on the disclosure of a wrongdoing.
2. Staff, volunteers and students are expected to follow a systematic approach for the disclosure of a wrongdoing, by following the disclosure process identified below.
3. All disclosures must be made in written form – Attachment A (*Disclosure of Wrongdoing Form*), unless there is imminent and serious danger.
4. Any staff, volunteer or student who reasonably believes that they are being asked to commit a wrongdoing, or who reasonably believes that a wrongdoing has been committed or is about to be committed, may disclose the matter to their immediate supervisor/manager or Director.
5. If the staff, volunteer or student reasonably believes the matter is not being appropriately addressed by their immediate supervisor/manager or Director or reasonably believes it is not appropriate to disclose the matter to their immediate supervisor/manager or department Director, they may disclose the matter to the Executive Director.
6. The supervisor/manager or department Director who receives the disclosure must respond in writing to the disclosing individual within 10 working days after consulting with the Executive Director.
7. The Executive Director who receives a disclosure of wrongdoing or a report notifying

of an alleged wrongdoing, will within 10 days of receiving the information, report on the matter to the Chair of the Board.

8. To the extent possible, the identity of the person(s) involved in the disclosure process will be protected.
9. No person should publicly disclose any information that comes to their knowledge in the performance of their duties under this policy. Staff, volunteers and students shall not disclose information that would reveal the substance of the deliberations.
10. No person, knowing that a document or object is likely to be relevant to an investigation under this policy, shall:
 - a. Destroy, mutilate or alter the document or object.
 - b. Falsify the document or make a false document.
 - c. Conceal the document or object.
 - d. Direct, counsel or cause any person to do anything mentioned above in any manner.
 - e. Propose to any person that they do anything mentioned in the above clauses in any manner.
11. Staff may be subject to appropriate disciplinary action, up to and including termination of employment, if the employee:
 - a. Commits a wrongdoing.
 - b. Makes a disclosure of a wrongdoing that is determined to be frivolous, vexatious, or in bad faith.
12. All staff, volunteers and students are responsible for acting in accordance with this policy.
13. Management is responsible for ensuring that staff are informed of this policy and its procedures. They are also responsible for responding to any disclosures of wrongdoing that are reported to them in accordance with the process established in this policy.
14. The Executive Director is responsible for ensuring that disclosures are reviewed and addressed as provided for in this policy. The Executive Director is also responsible for responding to any disclosures of wrongdoing that are reported to them in accordance with the process established in this policy.

REFERENCES:

Fixing Long-Term Care Act, 2021

