

Whistleblower Policy

Date Approved: 2023

Projected Review Date: 2025

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PURPOSE:

Hamilton Wentworth District School Board will provide supports and protections from unfair disciplinary actions or reprisals to those who come forward under the Whistleblower Policy if they have reasonable information or concerns with respect to human rights violations, poisoned environment, conflicts of interest, child protection, violence, harassment, bullying, alleged illegal practices, questionable financial or operational transactions or any breach of Board policy or procedure.

HWDSB is committed to providing learning and working environments that are welcoming, respectful, accessible, and free from discrimination and harassment.

GUIDING PRINCIPLES:

HWDSB:

- Values an organizational environment that is open and transparent and conducts operations with integrity.
- Considers all reasonable information it may receive about wrongdoing.
- Protects the identities of whistleblowers. Exceptions will be made if the issue requires investigation by law enforcement or if disclosure is required by law.
- Acknowledges that it may be difficult for a member of the HWDSB community to come forward as a whistleblower given the hierarchy of the organization.
- Encourages disclosures of wrongdoing to be made sooner, rather than later, to reduce harm to the HWDSB community.
- Demonstrates commitment to maintaining high professional ethical standards.

INTENDED OUTCOMES:

- Support HWDSB community members to report suspected wrongdoing by any member of the HWDSB Community.
- Ensure that there is no reprisal against an individual reporting a suspected wrongdoing under this policy.
- Provide all whistleblowers with access to a post-report and investigation feedback and/or complaint process for all.

RESPONSIBILITY:

Director of Education

All members of the HWDSB Community are responsible for exercising diligence in preventing and reporting all suspected wrongdoing in good faith.



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TERMINOLOGY:

Conflict of Interest: A potential, apparent or actual conflict where an employee or trustee's financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the employee's responsibility to the Board or with the participation in any recommendation or decision pertaining to hiring within the Board.

Conflict of Interest – Relationship: Relationship means any relationship of the employee to persons of their immediate family whether related by blood, adoption, marriage or common-law relationship, and any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship or any other past or present relationship that may give rise to a reasonable apprehension of bias.

Good Faith: A sincere belief or motive without any malice or the desire to defraud others.

HWDSB Community: Students, staff, parents, guardians, caregivers, trustees, community advisory committee members, school council members, permit holders, vendors, service providers, contractors, volunteers, visitors and all other persons who are invited to access, provide services or attend Board and school events. It also includes any person or organization who enters into an agreement with HWDSB or uses Board property.

HWDSB Environment: Board property, schools, school buses, virtual or digital learning and working environments, social media, school or work-related events or activities, before- and after-school programs, extracurricular activities, co-instructional activities and excursions. It may include any other locations outside HWDSB that may have an impact on the school or work climate.

Ontario Human Rights Code (OHRC): The Code prohibits actions that discriminate against people based on a protected ground in a protected social area.

Protected Grounds:

- Age
- Ancestry
- Citizenship
- Colour
- Creed (includes religion)
- Disability (including mental, physical, developmental, or learning disabilities)
- Ethnic origin
- Family status (such as a parent-child relationship, elder relationships)
- Gender Identity and Gender Expression
- Marital status (including the status of being married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship).
- Place of origin
- Race
- Sex (including pregnancy and breastfeeding)



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- Sexual Orientation
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received) (applies to employment only).
- Socio-economic status (not a protected ground under the Code but protected under the HWDSB Human Rights Policy).

Protected Social Areas:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions and trade or professional associations

Poisoned environment: A negative, hostile or unpleasant learning or work environment created due to comments, conduct or activities that harass or discriminate against a person or a group. It might not be directed at a specific individual. A poisoned environment may result from a series of incidents or a single serious incident. Allowing inappropriate behavior to continue and failing to adequately remedy and restore the environment following the incident(s) may result in poisoned environment.

Reasonable Information: Any information that is based on sound judgement and is fair and valid.

Reprisal: An action or threat that is intended as retaliation or punishment for making a report of wrongdoing.

Whistleblower: A person who brings forward information of suspected wrongdoing through the whistleblower process.

Wrongdoing:

- Violation of laws, acts or legislation (e.g., Ontario Human Rights Code, Criminal Code of Conduct).
- Serious breach of the HWDSB Code of Conduct or existing HWDSB policies and procedures.
- Misuse of public funds or public assets.
- Mismanagement or abuse of positional power.
- Doing something that creates a significant danger to physical or mental health, safety or the life of a person or persons.
- Time theft (e.g., An employee collects pay for time not actually worked).
- Knowingly directing, counseling or pressuring a person to commit wrongdoing.

ACTION REQUIRED:

- Maintain a Whistleblower Procedure that is accessible to the HWDSB community. The procedure will establish and maintain a clear process for how to submit whistleblower reports to the third-party company contracted by the Board, how the third-party company will process whistleblower reports, how reports of suspected wrongdoing



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about a member of the HWDSB community will be investigated and how to provide feedback about the process.

- Address and remedy wrongdoing, as defined by the policy, appropriately and in an independent, transparent, fair and timely manner.
- Ensure that a person who, in good faith, reports suspected wrongdoing and anyone associated with the report, including witnesses, are protected from reprisal, including harassment, retaliation or adverse employment consequences.
- Maintain a post-report and investigation complaint process for any whistleblower.
- Provide information to all employees to make clear that this policy does not affect or replace any duty to make a report that is required or permitted under legislation.
- Communicate annually to the HWDSB Community about the Whistleblower Policy and Procedure, including details about how to make a report.

PROGRESS INDICATORS:

Intended Outcome	Assessment
Support HWDSB community members to report suspected wrongdoing by any member of the HWDSB community.	The Director of Education or designate will provide semi-annual reports to a committee of the Board about the implementation of this policy, submissions data and general findings.
Ensure that there is no reprisal against an individual reporting a suspected wrongdoing under this policy.	The Director of Education or designate will review the process regularly to ensure no reprisals have occurred through feedback received and the complaint process.
Provide all whistleblowers with access to a post-report and investigation feedback and/or complaint process.	The Director of Education or designate will receive all feedback or complaints about the process and review for potential action.

REFERENCES:

Government Documents

Canadian Criminal Code (R.S., 1985, c. C-46)
 Child, Youth and Family Services Act
 Education Act
 Ministry of Education Expenditure Guidelines
 Ontario Regulation 361/10: Audit Committees
 Ontario Human Rights Code
 The Criminal Code of Canada (RS., 1985, c. C-46)