



# Whistleblower Policy

Approved by AFNWA Board

Date: October 7, 2021

## **BACKGROUND**

Atlantic First Nations Water Authority (AFNWA) believes that good and meaningful communication at all levels of the organization promotes best practice and success. The Organization is committed to always conducting itself with honesty and integrity. If, at any time, this commitment is not followed or appears in doubt, the Organization will seek to identify and remedy such situations. Current Staff and affiliates are encouraged to raise genuine concerns without fear of reprisals or consequences.

## **PURPOSE**

The purpose of this Whistleblower Policy is to provide direction to all Directors, employees, contractors, subcontractors, agents, volunteers, vendors, donors, and partners of AFNWA regarding the communication of concerns with respect to issues of honesty and integrity, and of questionable financial or operational matters.

## **POLICY**

### **1. Definitions**

The Organization - "Organization" is meant to be Atlantic First Nations Water Authority.

The Whistleblower - "Whistleblower" is meant to be any current Director, employee, contractor, subcontractor, agent, volunteer, or vendor, and any donor, member of the public or partner of the Organization who has reported a whistleblower incident.

Whistleblower Incident - "Whistleblower Incident" is defined as a concern related to issues of honesty and integrity within the Organization and issues relating to financial or operational matters.

For greater clarity, Whistleblower Incidents are intended to include, but are not limited to the following:

- Breach of legal obligations, regulations, or policy.
- Endangerment of health and safety.
- Gross mismanagement or omission or neglect of duty.
- Abuse of authority.
- Mismanagement in the use or failure to use funds, including, inappropriate recording or reporting of revenues, or lack thereof.
- Inappropriate classification or presentation of assets and/or liabilities.
- Breach of fiduciary duty and/or abuse of trust.
- Inappropriate behaviour at a conference or any such event where the staff member is either directly or indirectly representing the organization; and
- Concealment of any of the above or any other breach of this policy.

## **2. Authority**

Overall authority for this policy rests with the Manager of Corporate Services. The Manager of Corporate Services shall have specific responsibility to facilitate the communication and implementation of this policy, including appropriate training and review. All staff and affiliates are responsible for the success of the policy and should ensure that they take the actions required to make the policy effective and of optimal value to the Organization.

## **3. PROCESS**

Whistleblower Incident reporting:

The Whistleblower must immediately communicate Whistleblower Incidents as soon as the Whistleblower becomes aware of such situations.

Whistleblower Incidents shall be communicated directly and immediately to the Manager of Corporate Services or the Personnel Committee.

A Whistleblower Incident may be received verbally (by phone or in person) or in writing (by mail, fax, email).

The Whistleblower will not be discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of communicating a genuine Whistleblower Incident. Any AFNWA employee found to be in violation of this policy (i.e., harassment of the Whistleblower) will be subject to discipline up to and including termination of employment.

All reported Whistleblower Incidents shall be treated in a confidential and sensitive manner. In addition, the Whistleblower shall be provided the opportunity to remain anonymous, save and except in those circumstances where the nature of the disclosure and/or the resultant investigation make it necessary to disclose identity (for example, legal investigations or proceedings). In such cases, all reasonable steps shall be taken to protect the Whistleblower from detriment because of having made a disclosure.

The accused party shall, at all times, be treated in a fair and unbiased manner, and all investigations will be conducted in a confidential manner that is dignified and respectful of personal privacy. Information will only be communicated to additional parties when there is evidence of wrongdoing which necessitates further investigation or involvement from legal experts or other authorities.

The Organization does not encourage anonymous reporting as proper investigation may prove impossible without the opportunity to substantiate allegations by obtaining further facts and information and confirming good faith. It also allows the Organization to provide appropriate reporting and follow up.

## **4. PROCEDURES**

All Whistleblower Incidents shall be reported to the Manager of Corporate Services or, if otherwise received, shall be forwarded immediately and confidentially to the Manager of Corporate Services. The Manager of Corporate Services shall immediately advise the Organization's CEO or the Board Chair, in writing, as appropriate and shall be otherwise responsible for compliance with this policy.

Once received, the submission is assessed by the Manager of Corporate Services, together with the Personnel Committee and a recommendation on investigation protocol is sent to the CEO or the Chair of the Board, as appropriate. A consensus is reached regarding the organization's plan to address the complaint, and then the appropriate action and investigation commences, involving appropriate levels of management and the Board dependent on the scope and severity of the incident reported. The Manager of Corporate Services, in consultation with the CEO and Board Chair may, in the sole discretion of the Manager of Corporate Services, refer any Whistleblower Incident for review by an independent third party previously approved by the AFNWA Board. Any Whistleblower Incident involving the CEO, the Manager of Corporate Services, the Board Chair, or any member of the Board shall be immediately referred to an independent third party as noted above.

All Whistleblower Incidents shall be communicated and resolved using the Organization's prescribed procedures. Each Whistleblower Incident will be treated with confidentiality and due care. Depending on circumstances, a report may be prepared for the Executive Committee and the Audit & Finance Committee of the Board of Directors, and any recommended actions approved by them.

## **5. No Retaliation**

It is contrary to the values of AFNWA for anyone to retaliate against any Board member, officer, employee, or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of AFNWA. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

## **6. Applicability**

This policy applies to all current Directors, employees, contractors, subcontractors, agents, volunteers, vendors, and partners of the Organization.

This policy is a public document and shall, at all times, be available on our company website ([www.afnwa.ca](http://www.afnwa.ca)). Alternatively, the Manager of Corporate Services can be contacted directly for a copy of this policy.

## **7. Documentation**

Documents shall be held in confidence by all parties and participants under this policy and retained for a period of 7 years beyond the conclusion of the investigation and/or criminal proceedings. Official reports for the Manager of Corporate Services or other designated parties shall be kept confidential by any recipient unless otherwise authorized by the report of the Manager of Corporate Services. All relevant documentation including reports, discussions and supporting information shall remain in the control and custody of the Manager of Corporate Services unless otherwise authorized pursuant to a report or decision issued in accordance with this policy.