



Board Policy Whistleblower Policy

Whistleblower Policy

Policy Objective

The Vancouver Island Regional Library ("Library") is committed to upholding ethical standards in its operations and administration. The purpose of this policy is to provide a process through which employees (the "Staff") can report in good faith serious misconduct without fear of retribution or reprisal.

Scope

This policy applies to all Staff of Vancouver Island Regional Library.

Policy Statements

The Library is committed to the principles of integrity, accountability, responsibility, leadership, respect, freedom of speech and openness. Staff are likewise expected to act honestly, with reasonable care and diligence and in a manner that supports public confidence in the Library. Consistent with these obligations, the Library expects all Staff to report serious misconduct as defined in this policy (the "Reportable Conduct").

Other Reporting Obligations

This policy is not intended to duplicate, override or replace other applicable reporting processes. Employees are encouraged to address their concerns through applicable reporting and dispute resolution processes available under Library policies or applicable collective agreements. For greater clarification, the Library may decline to receive or investigate a report under this policy if it has already been reported to the Library in accordance with one of these other processes. Reports made under this policy may also be redirected where other more appropriate procedures are applicable such as:

- Grievance procedures (see applicable collective agreements);
- Procedures for reporting discrimination, bullying, harassment or abuse (see [Discrimination Bullying, Harassment or Abuse Policy](#));
- Procedures for reporting safety concerns (see [Workers' Compensation Act](#));
- Procedures for prohibition (see [Prohibition Policy and Appeals Process](#)); or
- Procedures related to unlawful acts or any violation of the Canadian Criminal Code (see the [Canadian Criminal Code](#)).

Definition of Reportable Conduct

Reportable Conduct is any conduct of a serious nature that constitutes a breach of laws or a breach of trust or dishonesty; exposes the Library to loss, cost or liability; or, undermines public confidence in the Library.

The following are examples of Reportable Conduct that should be reported pursuant to this policy:

- Intentional or blatant violations of Library policies;
- Breaches of personal information privacy or misuse of personal information within the custody or control of the Library;
- Manipulation of Library resources for any illegal, improper or unethical purpose including fraud, theft, embezzling funds, or accepting kickbacks or bribes;
- Misappropriating funds, misdirecting or misuse of funds, assets or corporate information;
- Manipulating Library accounting or audit records or destroying any accounting or audit-related records except as otherwise permitted by the Library's Corporate Records and Information Management policy;
- Actions or omissions likely to cause serious harm to persons, public safety, property or the environment;
- Intentional or reckless actions resulting in the Library being exposed to liability or financial loss;
- Failure to take reasonable steps to report and/or rectify actions that may impact negatively on the Library's reputation resulting in the public losing confidence in the organization's ability to deliver services;
- The commission of a criminal offence or provincial offence by any employee in connection with the carrying out of their responsibilities to the Library; and
- Deliberately concealing information relating to any of the above.

It should be noted that the above are examples only and are not an exhaustive list of what amounts to Reportable Conduct.

Reporting Process

Staff are expected to report Reportable Conduct under and in accordance with this policy.

Reports may be made verbally or in writing. (see "[Form for Reporting Serious Misconduct](#)").

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Where Staff reports Reportable Conduct verbally, the supervisor/manager or Designate receiving the report must document the discussion, confirm its accuracy with the Staff member and, as applicable, promptly forward the report in an impartial and strictly confidential manner to the appropriate Designate.

Reports made under this policy are a serious matter. Staff making a report must act in good faith, which means that the individual making the report should have reasonable grounds for believing the report to be true and should not be making the report for personal gain or for any other ulterior or improper purpose. Knowingly making frivolous, vexatious or false allegations or making allegations in maliciously or in bad faith will, itself, be viewed as Reportable Conduct and will be subject to discipline up to and including dismissal.

While Staff may use this policy to report their own conduct, this does not absolve the Staff member of responsibility. However, such reporting will be given appropriate consideration as a mitigating factor in the event that discipline is imposed.

Roles & Responsibilities

Executive Director: Except as otherwise set out in this policy, the Executive Director has the primary responsibility for overseeing this policy, and shall receive reports and updates from the Designate in connection with any report or investigation made under this policy, determine the disposition of any such report or investigation, and decide what action, if any, the Library shall take in response to a substantiated report.

Director of Human Resources: Except as otherwise set out in this policy, the Director of Human Resources will have day-to-day responsibility for the administration and stewardship of this policy and is designated as the officer responsible for receiving all reports of alleged Reportable Conduct (except where the report concerns the actions of the Director of Human Resources or the Executive Director) (the "Designate"). When acting as Designate, the Director of Human Resources is responsible to keep the Executive Director apprised of any reports and the progress of any investigations under this policy, and to follow any direction given by the Executive Director in connection therewith.

Chair of the Board: The Chair of the Library Board ("Chair") shall act as the Designate in the event that a report made under this policy concerns the Director Human Resources or the Executive Director. In any such case, the duties of the Executive Director under this policy shall be performed by the Library Board, and the Chair shall keep the Library Board apprised of any reports and the progress of any investigations under this policy and shall follow any direction given by the Library Board in connection therewith.

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Designate: The Designate is responsible to: (a) receive reports of Reportable Conduct and reports of retaliation against any person who makes a report or participates in an investigation under this policy; (b) to cause reports to be investigated, where appropriate; (c) To refer the report to other more appropriate processes, as applicable; and (d) to keep the Executive Director or, as applicable, the Library Board apprised of any reports or investigations under this policy. The Designate is also responsible to oversee the investigation of any report made under this policy, including by appointing an investigator, notifying affected parties of the investigation and outcome, and ensuring the secure retention of investigation documentation in accordance with the Library's Privacy Policy and the requirements of the Freedom of Information and Protection of Privacy Act.

Library Board: If the Chair of the Library Board receives a report under this policy as the Designate (i.e. the report involves an allegation concerning the Executive Director or Director of Human Resources) the Chair will report the matter to the Library Board and, subject to the direction of the Library Board, will cause it to be investigated or referred to other processes. The outcome of the investigation will be reported to and addressed at an in camera meeting of the Library Board, who will determine the appropriate disposition of the matter or what action the Library will take in response to a substantiated report.

Directors/Managers/Supervisors: All managers and supervisors receiving a report or inquiry under this policy will promptly and confidentially refer or forward the complaint or inquiry to the appropriate Designate.

Staff: Staff are to make reports under this policy in good faith to their supervisor, manager, director or directly to the appropriate Designate.

Confidentiality

All reasonable efforts will be made to maintain the confidentiality of reports made under this policy, but absolute confidentiality cannot be guaranteed. Disclosure may be necessary to conduct a fair and thorough investigation into the allegations, to make appropriate reports to law enforcement or government officials, and may also be required by law.

Reasonable efforts will be made to respect the wishes of Staff who seek to maintain their anonymity, but in some cases investigation may not be possible unless the source of the information is identifiable. The Designate will determine whether to investigate a report made on an anonymous basis, with a view to the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

All Staff who participate in an investigation under this policy are expected to keep the matter confidential.

Whistleblower Protection against Retaliation

Any form of retaliation, discrimination or reprisal against Staff because that person made a report under this policy in good faith or because that person acted as a witness or otherwise participated in an investigation in good faith will be considered a serious violation of this policy. Such retaliatory actions are themselves Reportable Conduct and may result in discipline up to and including dismissal.

If an employee believes that they have been subjected to retaliation as set out above, that person may submit a written report to the Designate who will ensure the allegation is appropriately investigated.

Investigations

Investigation Process: Investigations under this policy will be documented and conducted in a fair and thorough manner, as the circumstances require. The Designate has primary responsibility for investigating allegations of Reportable Conduct. The Designate will review and assess the seriousness of all reports promptly and determine the manner in which the report will be investigated, which may include an internal investigation by management or retaining an external investigator.

Material Financial Concerns: If upon initial assessment it appears that the concern raised could materially affect the financial position of the Library or the integrity of the Library's system of internal controls, the Designate will, as appropriate, advise the Executive Director and Director of Finance. The Designate will notify the Director of Finance of the amount of any potential loss for insurance purposes. The Library will make every reasonable effort to pursue the recovery of Library losses from the offender or other appropriate sources.

Criminal Activity and Other Illegal Conduct: In circumstances where it appears that a criminal act may have occurred, the Designate may report the matter to the appropriate police agency. In circumstances where it appears that there may have been violations of other laws, the Designate may advise the appropriate enforcement agency.

Acknowledging Reports: Within ten working days of a report being received, the Designate will issue a written acknowledgement of the report to the person who reported it, and will, to the extent permitted by applicable personal information privacy laws, provide a written confirmation when the matter has been investigated and addressed by the Library.

Retention and Documentation of Investigations

The Designate will document the results of each investigation in a confidential report, which will be retained by the Library in accordance with the requirements of the Freedom of Information and Protection of Privacy Act and other applicable laws. A summary of reports made under this policy and outcomes of subsequent investigations will be submitted annually to the Executive Director and to the Library Board.

Mitigation of Further Risk

The Executive Director or, as appropriate, the Library Board, will conduct a review of the investigation report in each case where Reportable Conduct was substantiated and will assign responsibility to ensure steps are taken to address underlying causes and to then take appropriate actions to mitigate the risk of further occurrences.

Media

Concerns regarding Reportable Conduct may have a significant impact on the Library's legitimate interests. Staff have a responsibility to use the internal whistleblowing reporting process when they have such concerns. Matters covered by this policy are considered confidential and breaches of that confidentiality, including making public statements or disclosing information to the media, will be dealt with in accordance with this policy.

Federal or Provincial Legislation

In the event that any portion of this policy is inconsistent with a binding Library collective agreement or federal or provincial legislation, that portion and only that portion of the policy will have no application to the extent of that inconsistency. All other portions of the policy will continue in full force and effect.