WHISTLE BLOWER & PUBLIC INTEREST DISCLOSURE POLICY HR18

INTRODUCTION

The Trust is committed to the highest possible standards of honesty, integrity and accountability and is supportive of all employees in maintaining these ethical standards. Trust employees have the right to report any unethical or unlawful activities within the organization through an applicable channel, either the Whistle Blower or Public Interest Disclosure Act (PIDA) policies.

OBJECTIVES

The objective of the Whistle Blower & Public Interest Disclosure Policy is to enhance accountability and transparency by establishing procedures for the confidential receipt, retention, and investigation of disclosures received from employees regarding serious wrongdoing, unethical or unlawful matters, or violations of the Trust's Code of Conduct Policy. It supports and encourages employees to speak up, and protects employees from reprisals.

WHISTLE BLOWER POLICY

APPLICATION AND SCOPE

This Whistle Blower policy can be utilized by all current Trust employees, whether full-time, part-time, temporary, regular or students. It is used for any complaints of an unlawful or unethical nature or that violate the Trust's Employee or Director Code of Conducts.

PROCEDURE

1. SUBMISSION OF COMPLAINTS

a) Complaints may be made directly to the President and CEO:

   Johnny Strilaeff
   #300, 445 – 13 Avenue
   Castlegar, BC V1N 1G1
   jstrilaeff@ourtrust.org

b) If the Complainant does not feel comfortable filing a complaint with the President and CEO, a submission may be made directly to the Chair of the Finance and Audit Committee:

   Bill Van Yzerloo
   1621 Putter Lane
   Castlegar, BC V1N 4W7
   bvanyzerloo@ourtrust.org

   The Chair of the Finance and Audit Committee is an independent director of the Board of

Directors, with no ties to management.

c) If the Complainant does not feel comfortable filing a complaint with the President and CEO or the Chair of the Finance and Audit Committee, a submission may be made directly to the Chair of the Board of Directors:

Jocelyn Carver
402 First Street
Nelson, BC V1L 2K5
jcarver@ourtrust.org

d) Submissions made by mail should be marked "Confidential" on the envelope.

e) Complaints must include the identity of the Complainant. If not, the complaint may not be processed.

f) The President and CEO, Chair of the Finance and Audit Committee, or Chair of the Board of Directors, as appropriate, will document the complaint and ensure all pertinent information has been received from the Complainant.

g) Unless the Finance and Audit Committee or any member of the Finance and Audit Committee is the subject of the complaint, the President and CEO, Chair of the Finance and Audit Committee, or Chair of the Board of Directors, as appropriate, will forward the complaint to the Finance and Audit Committee immediately.

h) If the Finance and Audit Committee or any member of the Finance and Audit Committee is the subject of the complaint, the President and CEO, Chair of Finance and Audit Committee, or Chair of the Board of Directors, as appropriate, will forward the complaint to the Executive Committee immediately.

2. ROLE OF THE AUDIT AND EXECUTIVE COMMITTEES

a) The Finance and Audit Committee or Executive Committee, as the case may be, will receive the complaint from the President and CEO, the Chair of the Finance and Audit Committee, or the Chair of the Board of Directors and decide what course of action will be taken.

b) If necessary, the Finance and Audit Committee or Executive Committee will perform an investigation to establish the validity and materiality of the information received. The Finance and Audit Committee or Executive Committee may seek information or assistance and direction from whomever is deemed appropriate including, but not limited to, the Complainant, the subject of the complaint, witnesses, or external legal counsel.

c) The committees may wish to arrange for a third party investigation. A third party investigator may provide additional expertise in questioning witnesses, assessing credibility and weighing evidence.

d) The Chair of the Finance and Audit Committee or Executive Committee will notify the President and CEO or the Chair of the Board of Directors, as appropriate, of the results of the investigation and its recommendation of any action to be taken.

e) Should the investigation establish that an individual within the Trust has engaged in improper conduct, immediate and appropriate corrective action will be taken by the President and CEO or the Chair of the Board of Directors, as appropriate, and may include termination of employment or services.

f) The President and CEO or the Chair of the Board of Directors, as appropriate, will notify the Complainant of the results of the investigation and any action taken. If the Complainant submitted his or her complaint directly to the Chair of the Finance and Audit Committee, the Chair of the Finance and Audit Committee will notify the Complainant directly of the results of the investigation and of any action taken.

g) The Chair of the Finance and Audit Committee or Executive Committee will provide a list of all complaints to the Board of Directors at the next scheduled meeting. All complaints relating to accounting or auditing procedures and all other complaints of a serious nature will be presented to the Board of Directors immediately.

3. COMPLAINANT PROTECTION

a. A Complainant, acting in good faith and on the basis of reasonable belief, may file a complaint without fear of retaliation or adverse treatment of any kind.

b. All complaints will be handled in timely manner.

c. Information related to a complaint or the identity of the Complainant will be maintained in confidence except where disclosure is necessary to investigate the complaint, take disciplinary action or as required by law.

d. Any employee, director, or officer involved in the investigation of a complaint must not disclose or discuss information regarding the complaint with any individuals not involved in the process.

e. If the Complainant is not satisfied with the action taken, the Complainant may contact the Chair of the Board of Directors directly by mail:

Jocelyn Carver
402 First Street
Nelson, BC V1L 2K5
jcarver@ourtrust.org

4. FALSE AND MALICIOUS ALLEGATIONS

a. Allegations of impropriety or unlawful activity may result in severe personal repercussions for the subject of the complaint. False or malicious allegations made by an individual will be considered a serious offence and for employees, officers, and directors, may result in termination of employment or services.

PUBLIC INTEREST DISCLOSURE ACT (PIDA) POLICY

APPLICATION AND SCOPE

This Public Interest Disclosure Act (PIDA) policy can be utilized by all current and former Trust employees, whether full-time, part-time, temporary, regular employees or students. PIDA establishes an additional avenue for employees to disclose specific types of serious wrongdoing through a fair and objective process and does not replace other HR policies and procedures including the Code of Conduct, Whistle Blower or Bullying and Harassment policies.

PIDA covers serious wrongdoing that is defined as the following:

- A serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- 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 an employee's duties or functions;
- a serious misuse of public funds or public assets;
- gross or systemic mismanagement;
- knowingly directing or counselling a person to commit a wrongdoing described above.

PROCEDURE

1. Zoe Sweeting, Senior Manager, Human Resources has been appointed as the Designated Officer for the Trust and is responsible for providing advice to employees, receiving and reviewing disclosures to assess whether they fall under PIDA and meet the threshold for wrongdoing, and for managing PIDA investigations.

2. An employee who is considering making a disclosure under PIDA may seek advice and information about doing so from their manager, the Designated Officer, the BC Ombudsperson, or a lawyer.

3. Managers and Designated Officers will document all requests for advice received under PIDA, and maintain a written record of the advice provided. They may request that an employee make a request for advice in writing. Employees who seek advice from those listed above are protected from reprisal under PIDA, whether or not they choose to make a disclosure.

4. For a disclosure to qualify under PIDA, it must be disclosed by an employee or former employee, it must be disclosed to either the employee’s manager, the Designated Officer, the BC Ombudsperson or to the appropriate protection official in the case of an urgent public disclosure, and must be made in good faith. Protection officials include the following:
    a. The Provincial Health Officer in respect of a health-related matter;
    b. Emergency Management BC in respect of an environmental matter;
    c. The appropriate police force in any other case.

5. Employees can make disclosures about wrongdoings that they reasonably believe have occurred or are about to occur. Employees can make disclosures

about wrongdoings that occurred before PIDA was in force, as long as the wrongdoing occurred or the employee learned of the wrongdoing during their employment.

6. Wrongdoing that falls under PIDA should be reported in writing using the PIDA Disclosure Form. If wrongdoing is reported to a manager, the manager will forward the information to the Designated Officer. If the PIDA Disclosure Form is not used, employees must make the disclosure in writing and should clearly indicate that they are making a disclosure under PIDA. Disclosures may also be made by email or mail.

7. Disclosures may be made anonymously; however, there is a risk with anonymous reporting that the investigator may not be able to fully and thoroughly investigate the report or be able to communicate with the anonymous discloser about the investigation and its outcome. An anonymous disclosure may not be considered if the Designated Officer cannot determine whether the discloser is an employee or former employee. If an employee chooses to make an anonymous disclosure, it must be anonymous from the start and cannot contain any identifying information. If the employee previously sought advice and their identity is known to the person they sought advice from, they cannot make a disclosure anonymously. Without knowing the identity of the discloser, the Designated Officer cannot conduct a reprisal risk assessment or take measures to mitigate any risk of reprisal to the employee.

8. Disclosures must include the following (if known):
    a. a description of the wrongdoing;
    b. the name of the person alleged to have committed the wrongdoing, or that is about to commit the wrongdoing;
    c. the date of the wrongdoing;
    d. whether the information disclosed relates to an obligation under legislation;
    e. whether the wrongdoing has already been disclosed. If this is the case, the name of the person to whom the disclosure was made and the response, if any, that has been received.

9. The Designated Officer is responsible for determining if an urgent response to a disclosure is required, as well as completing a reprisal risk assessment to ensure any risks of reprisal are identified and managed to the extent possible.

10. A disclosure to the public may be made in limited circumstances, only if all of the following conditions apply:

    a. An individual reasonably believes that the wrongdoing constitutes an imminent risk of a substantial and specific danger to the life, health, or safety of persons, or to the environment;
    b. Prior to the public disclosure, the individual consulted and followed the direction of the appropriate protection official. For clarity, the individual must not make a public disclosure if they have been directed not to by one of those officials;

   c. The individual only releases the personal information necessary; and
   d. The individual does not disclose information that is subject to a restriction under an enactment of BC or Canada, subject to solicitor-client privilege, protected by any common law rule of privilege, cabinet information or confidential information received during the course of their employment.

   Immediately after making the public disclosure, the individual must advise their manager or the Designated Officer and report the disclosure to the BC Ombudsperson.

11. If multiple disclosers come forward at the same time regarding the same alleged wrongdoing, the Designated Officer may assess and investigate the disclosures together as a single matter.

12. All disclosures must be managed in a fair and expeditious manner and without reasonable delay. Disclosures will be reviewed by the Designated Officer to determine the method of investigation within 20 days of receipt, unless exceptional circumstances prevent this, in which case the discloser (unless anonymous) will be informed of the timeline for the review.

13. The Trust may refer a disclosure of wrongdoing to an alternate authority, including to the BC Ombudsperson and law enforcement, if appropriate in the circumstances (e.g., a real or perceived conflict of interest exists, the subject matter is too complex, greater resources and expertise are required for a fair and effective investigation).

14. Any investigations will be conducted by the Designated Officer, a third party the Designated Officer refers the investigation to, or the BC Ombudsperson. If the Designated Officer or Chief Executive Officer is the subject of the disclosure, it will be referred to the BC Ombudsperson.

15. A discloser, unless anonymous, will be notified of the decision to investigate the disclosure, suspend an investigation, or to refuse to investigate, including the reasons where possible.

16. A disclosure will not be investigated if it primarily relates to:
    a. a dispute between an employee and the Trust respecting the employee's employment;
    b. a matter relating to law enforcement;
    c. a matter relating to the prosecution of an offence; or
    d. the exercise of an adjudicative function of court or other decision maker.

17. A disclosure may not be investigated if:
    a. The disclosure does not provide sufficient details or particulars about the wrongdoing;
    b. It is frivolous or vexatious;
    c. It was not made by an employee or former employee of the Trust;
    d. It was not made in good faith;
    e. It does not deal with a wrongdoing under PIDA,
    f. It would serve no useful purpose given the passage of time;
    g. It relates solely to a public policy decision;

   h. It has been referred to another appropriate authority for investigation; or
   i. If the subject matter has already been appropriately investigated, or is in the process of being investigated by the Trust or another authority.

18. If an investigation is required:
    a. The investigation will be conducted, where practicable, within 120 business days.
    b. The discloser will be advised of the outcome of an investigation within 20 business days of its completion, including whether there was a finding of wrongdoing, the reasons to support the finding of wrongdoing, and any recommendations to address the finding. An appropriate summary will be provided to the discloser and any other appropriate persons.
    c. It will be conducted in accordance with the principles of procedural fairness and natural justice, and in a confidential manner. Information relating to a complaint will only be disclosed to the extent necessary to carry out investigative procedures, or if corrective measures are warranted, to carry out those measures.

19. If during an investigation, the investigator has reason to believe that another wrongdoing has been committed or may be committed, the investigator may investigate the other wrongdoing whether or not an official disclosure has been made.

20. An investigation may be suspended if the investigator:
    a. becomes aware that an offence has been committed and reports the offense to an appropriate authority;
    b. believes the investigation may compromise another investigation; or
    c. becomes aware of another investigation that is already underway in relation to the prosecution of an offence for the same conduct.

21. The information collected, and the identity of the persons involved in the disclosure process, including the identity of an individual who makes a disclosure, will be strictly confidential and will be protected from unauthorized access, use and disclosure. The information must be stored in a secure location that is not accessible by other people. The amount of personal information (and other confidential information) collected, used and disclosed must be limited to what is necessary to carry out the purposes of PIDA and this policy.

22. Individuals have the right to report wrongdoing in good faith without fear of reprisal/retaliation.
    a. Reprisals include a disciplinary measure, demotion, termination of employment or other measure (or threat to take any measure) that adversely affects the individual's employment or working conditions.
    b. Individuals are protected from reprisals resulting from
       (a) seeking advice about making a disclosure;
       (b) making a disclosure; or
       (c) cooperating with an investigation.
    c. The BC Ombudsperson is responsible for investigating complaints of reprisal. Individuals are encouraged to contact the BC Ombudsperson if they feel that they have suffered a reprisal. If a complaint is made, it must be in writing.
    d. Reprisals are an offence under PIDA and are subject to a fine up to $25,000 for the first offence and up to $100,000 for any subsequent offences.

BAD FAITH COMPLAINTS & CONSEQUENCES OF VIOLATIONS

1. Disclosures under the Policy must be made in good faith. Any false allegation or report made in bad faith is a violation of this Policy.
2. Employees who engage in conduct in violation of this Policy will be subject to disciplinary action up to and including termination of employment.

RESPONSIBILITIES

1. The Designated Officer responsibilities:
    a. Providing advice to employees about making a disclosure;
    b. Receiving disclosures from managers and employees and collecting information about the disclosure in writing;
    c. Managing the disclosure according to the principles of administrative fairness, including maintaining confidentiality to the fullest extent possible;
    d. Assessing the risk of reprisal;
    e. Assessing and investigating the disclosure in a timely manner and completing required follow up;
    f. Collecting information to report on number of disclosures, disposition, outcomes and relevant measures.
2. Manager responsibilities:
    a. Providing advice to employees about making a disclosure;
    b. Receiving disclosures and collecting information in writing;
    c. Maintaining confidentiality;
    d. Forwarding disclosures to the Designated Officer in a timely manner;
    e. Contributing to a safe environment free of reprisal that encourages employees to report wrongdoing.
3. Employee responsibilities:
    a. Exhibiting the highest standards of conduct;
    b. Making public interest disclosures in good faith and in accordance with established procedures;
    c. Maintaining confidentiality and cooperating with investigations;
    d. Co-operating with the BC Ombudsperson if required in the handling of a disclosure or information under the Act;
    e. Reporting if wrongdoing is observed.

ANNUAL REPORTING

1. The Trust must maintain that there is a mechanism in place to track disclosures of alleged wrongdoing that have been made to the Trust or to the BC Ombudsperson related to the Trust.
2. The Trust must also release a public annual report on disclosures made under PIDA.
3. The report will not publicly identify anyone who has participated in the disclosure process or asked for advice under PIDA.