



Procedure Name	DISCLOSURE OF WRONGDOINGS			<i>Revised</i>
Procedure Number	CO 1.1	Approval Date	October 30, 2024	
Parent Policy	CO 1.0 Public Interest Disclosure (Whistleblower) Protection			
Procedure Authority	Manager, Policy and Compliance			
Executive Sponsor	Vice-President, Administration and Finance			
Approved By	Vice-President, Administration and Finance			

1. PURPOSE

This procedure outlines

- Reportable types of wrongdoings,
- Procedures for employees to report wrongdoings,
- Procedures for managing and investigating disclosures of wrongdoings, and
- Annual reporting requirements.

This procedure does not apply to alleged contraventions of internal policies or procedures, code of conduct matters, violations of collective agreements, or individual disputes between employees relating to bullying, harassment, or intimidation.

2. SUPPORTING

- CO-01 Public Interest Disclosure (Whistleblower Protection) (the **Policy**).

3. REPORTABLE TYPES OF WRONGDOINGS

The Alberta Public Interest Disclosure Act (the Act) facilitates the disclosure and investigation of wrongdoings. The types of wrongdoings specifically defined within the Act that may be reported and investigated are:

- (a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada.
- (b) an act or omission that creates
 - i. a substantial and specific danger to the life, health, or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
 - ii. a substantial and specific danger to the environment.
- (c) gross mismanagement, including an act or omission that is deliberate and shows a reckless or wilful disregard for the proper management of
 - i. public funds or a public asset,
 - ii. the delivery of a public service, including the management or performance of a contract or arrangement identified or described in the regulations, including

- the duties resulting from the contract or arrangement, or any funds administered or provided under the contract or arrangement, and
 - the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or
- iii. employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.
- (d) knowingly directing or counselling an individual to commit a wrongdoing mentioned above.

4. PROCEDURES FOR EMPLOYEES TO REPORT WRONGDOINGS

4.1. Seeking Advice

Employees considering making a disclosure may seek advice about the disclosure process from their supervisor, their Designated Officer, or from the Public Interest Commissioner. Employees are protected from any reprisal as a result of seeking advice.

In circumstances where a complaint relates to a college executive or member of the Board of Governors employees should seek advice from the Public Interest Commissioner.

The office of the Public Interest Commissioner may be contacted at:

Email: info@pic.alberta.ca
Phone: 1.855.641.8659
www.yourvoiceprotected.ca

4.2. Reporting Wrongdoings

Employees may make a disclosure as soon as perceived wrongdoings are recognized and do not need to take any other preliminary step to address their concern.

Employees may report wrongdoings through MHC's third-party reporting service, ConfidenceLine. Disclosures can be made via telephone at 1.800.661.9675 or online through the link found on the MHC website under Information for Employees.

Employees may also report wrongdoings by contacting the Designated Officer. Disclosures must be submitted in writing and employees should clearly indicate they are making a disclosure under the Act. The Designated Officer for MHC is the Vice-President, Administration and Finance, who may be contacted at:

Email: designatedofficer@mhc.ab.ca

Employees who submit a disclosure of wrongdoing to the Designated Officer or through ConfidenceLine may also inform the Public Interest Commissioner of the disclosure. The Public Interest Commissioner will consult with the Designated Officer and monitor the outcome of the matter.

4.3. Anonymous Disclosures

Employees considering making an anonymous disclosure should seek advice about doing so from the Public Interest Commissioner. If there is inadequate information provided about the wrongdoing, anonymous disclosures may not be acted on if an investigation cannot be carried out fairly and effectively.

4.4. Disclosures Relating to College Executives or the Board of Governors

Employees who have information about wrongdoings involving a college executive or board member should make their disclosure to the Public Interest Commissioner.

4.5. Reporting Reprisals

The Act protects employees from reprisal who have, in good faith

- (a) requested advice from a supervisor, the Designated Officer, or the Public Interest Commissioner about making a disclosure,
- (b) made a disclosure under the Act,
- (c) cooperated in an investigation under the Act,
- (d) declined to participate in a wrongdoing, or
- (e) acted in accordance with the Act.

MHC supports employees who come forward in good faith to report wrongdoings. Reprisals taken against employees will not be tolerated. A reprisal is an offence under the Act. Anyone who takes, directs, or counsels a reprisal against an employee is liable to prosecution under the Act in addition to disciplinary action, up to and including termination for cause.

Employees who believe they have been the target of a reprisal must make a complaint of reprisal directly to the Public Interest Commissioner using the form on the Public Interest Commissioner's website.

5. PROCEDURES FOR MANAGING AND INVESTIGATING DISCLOSURES OF WRONGDOING

5.1. Assessing Disclosures of Wrongdoing

The Designated Officer must acknowledge receipt within five business days after reading the disclosure.

Within 20 business days, the Designated Officer must decide whether an investigation is required and notify the employee who made the disclosure of the decision and the reason for the decision.

To establish jurisdiction over a complaint of wrongdoing under the Act, the Designated Officer will confirm the following

- (a) the disclosure relates to actions by an employee of MHC,
- (b) the disclosure appears to have been made in good faith,
- (c) the alleged wrongdoing occurred post enactment of the Act and less than two years have passed since the discovery of the wrongdoing,
- (d) the allegation(s) appear to meet the definition of wrongdoing as defined in section 3 of the Act, and
- (e) the allegation(s) has a public interest component and are not based only on perceived wrongs perpetrated against the individual employee who made the disclosure.

If the disclosure does not meet the jurisdiction of the Act, the Designated Officer must notify the employee who made the disclosure. The Designated Officer may refer the employee to a more appropriate process or alternate authority.

An investigation is not required if:

- (a) the subject-matter of the disclosure would more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act or a regulation,
- (b) the disclosure relates to a matter that would more appropriately be dealt with according to the procedures under a collective agreement or employment agreement,

- (c) the disclosure is frivolous or vexatious, has not been made in good faith or does not meet the definition of a wrongdoing,
- (d) the disclosure relates to a decision, action, or matter that results from a balanced and informed decision-making process on a public policy or operational issue,
- (e) the disclosure does not provide adequate particulars about the wrongdoing as required by section 13 of the Act to permit the conduct of a fair and effective investigation,
- (f) more than two years has passed since the date that the wrongdoing was discovered, or
- (g) there is another valid reason for not investigating the disclosure (e.g., the subject-matter of the disclosure is under investigation by another authority or is currently before the courts).

Disclosures alleging gross-mismanagement of employees are jurisdictional under the Act when **ALL** of the following apply:

- (a) there is a pattern of behavior or conduct of a systemic nature by the alleged wrongdoer(s),
- (b) the conduct or pattern of behavior indicates a problem within the culture of MHC including a department within MHC,
- (c) the conduct relates to systemic bullying, harassment, or intimidation, and
- (d) the matter does not relate to an individual dispute between employees or between an employee and their supervisor.

An employee who is dissatisfied with the Designated Officer's decision may bring the matter to the Public Interest Commissioner.

5.2. Assessing Good Faith

Employees are required to make disclosures of wrongdoing in good faith.

A disclosure is made in good faith if there is an honest belief in the wrongdoing and the allegation is absent of clear malice or intent to seek an unjust advantage.

In the absence of clear evidence of malice, the benefit of the doubt must be afforded to the employee in that the information was provided in good faith.

A disclosure is not considered to be made in good faith if

- (a) the disclosure is seeking to deceive MHC,
- (b) the allegations are non-serious (i.e., frivolous), or
- (c) the allegations are vexatious in nature and seeking to cause emotional or material harm to those accused of the wrongdoing.

MHC is not required under the Act to investigate a disclosure that has not been made in good faith. The Designated Officer will decline to investigate allegations that have not been made in good faith.

The Act does not permit MHC to penalize an employee with adverse employment measures when the Designated Officer has determined a complaint was not made in good faith (without consultation with the Public Interest Commissioner). Doing so may contravene the reprisal provisions of the Act.

In serious instances where an employee knowingly makes a false or misleading statement when making a disclosure, the Designated Officer will consult with the Public Interest Commissioner to determine whether the conduct constitutes an offence under the Act.

5.3. Investigating Disclosures of Wrongdoing

The Designated Officer will notify the Chief Officer prior to initiating an investigation into a disclosure of wrongdoing. The Designated Officer may consult with the Chief Officer regarding the management and investigation of the disclosure.

The Designated Officer may request advice and support from the Public Interest Commissioner during the management and investigation of a disclosure.

The Designated Officer may choose to conduct the investigation themselves or designate an investigator, including retaining the services of a third party where appropriate and may request assistance from any individual while investigating the disclosure of wrongdoing.

Prior to initiating an investigation, the Designated Officer or investigator will prepare terms of reference including

- (a) the scope of the investigation,
- (b) the human resources required to complete the investigation including external consultants and subject-matter experts,
- (c) a preliminary list of witnesses to be interviewed,
- (d) a preliminary list of records required for the purpose of the investigation, and
- (e) a timeline for completion of the investigation.

The Designated Officer or investigator may collect, use, and disclose personal information, individually identifying health information, and any other information that is considered necessary to manage and investigate the disclosure of wrongdoing.

The Designated Officer or investigator may require any employee of MHC to provide information or record and give written or oral replies to questions for the purpose of investigating the disclosure.

If, during an investigation, the Designated Officer has reason to believe that another wrongdoing has been committed or may be committed, they may commence a new investigation and notify the Chief Officer.

If the Designated Officer receives more than one disclosure of wrongdoing with respect to the same matter, a single investigation may be conducted rather than a separate investigation.

The Designated Officer must conclude an investigation within 120 business days from the date the disclosure of wrongdoing was acknowledged. The Chief Officer, with the Public Interest Commissioner's permission, may extend the time period to complete the investigation as appropriate in the interest of a fair and efficient outcome.

If the time period has been extended, the employee who submitted the disclosure must be promptly advised of when they may expect the next procedural step to occur or be completed.

At the conclusion of an investigation, the Designated Officer must prepare a report for the Chief Officer outlining the allegations investigated, whether the investigation found wrongdoing occurred, and recommendations for corrective measures.

The Chief Officer will consider the recommendations for corrective measures, implement applicable remedies to the wrongdoing and take appropriate disciplinary action as required, up to and including termination with cause.

An employee who is dissatisfied with the outcome of the investigation by the Designated Officer or believes the matter has not been resolved may bring the matter to the Public Interest Commissioner.

5.4. Referring Disclosures of Wrongdoing

The Designated Officer may refer a disclosure of wrongdoing to an alternate authority, including the Public Interest Commissioner. Factors in considering whether to refer a disclosure of wrongdoing include:

- (a) whether the subject-matter of the disclosure would more appropriately be dealt with by another authority,
- (b) the complexity of the subject-matter of the disclosure,
- (c) whether a real or perceived conflict of interest may exist,
- (d) the resources and expertise required to conduct a fair and effective investigation, and
- (e) whether the subject-matter pertains to an individual whose position in the organization is superior to that of the Designated Officer.

When a disclosure of wrongdoing is referred to an alternate authority, the employee who made the disclosure must be informed of the decision.

5.5. Matters Constituting an Imminent Risk

Notwithstanding any other provision in this procedure, where the subject-matter constitutes an imminent risk of a substantial or specific danger to the life, health, or safety of individuals, or to the environment, the Designated Officer is authorized to notify any individual within MHC and any appropriate authority required to respond to the danger, including calling 911, without the consent of the disclosing employee.

The Designated Officer must also notify

- (a) the appropriate law enforcement agency,
- (b) in the case of a health-related matter, the Chief Medical Officer of Health, and
- (c) the department, public entity, or other entity responsible for managing, controlling, or containing the risk, if any exists.

The Designated Officer must suspend any investigation into the matter and may only resume after any charge relating to an alleged offence, or any investigation by a law enforcement agency or the Minister of Justice and Solicitor General, has been completed.

5.6. Matters Involving a Possible Offence

If during an investigation the Designated Officer has reason to believe that an offence has been committed under a provincial or federal act or regulation, the matter must be reported to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as reasonably practicable.

The Designated Officer must suspend any investigation into the matter and only resume after any charge relating to an alleged offence, or any investigation by a law enforcement agency or the Minister of Justice and Solicitor General, has been completed.

6. Offences Under the Act

It is an offence to willfully obstruct, or counsel or direct a person to willfully obstruct a Designated Officer in the performance of their duties.

It is an offence to knowingly withhold material information or make a false or misleading statement, orally or in writing, to a Designated Officer.

It is an offence to destroy, damage, or alter a document or thing, falsify a document or make a false document, conceal a document or thing, or direct or counsel to do any of the foregoing, knowing that the document or thing is likely to be relevant to an investigation by the Designated Officer.

The Designated Officer may seek advice from the Public Interest Commissioner when there is a concern that an offence may have been committed under the Act.

7. Procedural Fairness

Disclosures of wrongdoing will be investigated in an efficient, confidential manner that is guided by the concept of procedural fairness. This includes the right of an alleged wrongdoer(s) to be heard, and the right to have the matter investigated in an impartial manner.

Where a disclosure of wrongdoing is determined to have merit, the alleged wrongdoer(s) has the right to know the nature of the allegations made against them.

Where a disclosure of wrongdoing is determined to have merit, the Designated Officer must give the alleged wrongdoer(s) the opportunity to respond to the allegations and the relevant information used to support the allegation. The Designated Officer may receive a response verbally or in writing, in any manner determined to be fair and appropriate.

The whistleblower, respondent, and witnesses have the right to obtain advice and representation from their association or union. Other support persons are at the discretion of the Designated Officer.

The respondent has the right to be informed of the conclusion and the reasons for the conclusion.

Whistleblowers must be informed that a report has been made to the Chief Officer but the extent that the Designated Officer informs the whistleblower about the investigation is discretionary.

The Designated Officer must recuse themselves from an investigation where they believe they are in a conflict of interest, or when they believe a personal bias exists. The Chief Officer may appoint an alternate individual to function as the Designated Officer or may refer the matter to the Public Interest Commissioner.

8. Protecting Confidentiality

Designated Officers must protect the identity of employees who make disclosures of wrongdoings, individuals alleged to have committed wrongdoings, and witnesses who participate in investigations.

Any persons engaged by the Designated Officer or Chief Officer to assist with managing or conducting an investigation must protect the identity of the individuals involved in the disclosure process.

The identity of employees who make disclosures, individuals alleged to have committed wrongdoings, and witnesses who participate in investigations, may only be revealed

- (a) to persons appointed as the Designated Officer,
- (b) to the Chief Officer,
- (c) to the Public Interest Commissioner,
- (d) to persons engaged by the Designated Officer or Chief Officer to assist with managing or conducting an investigation,
- (e) to other persons when required by law, and

- (f) when disclosing the identity of the whistleblower is absolutely necessary to ensure the right to procedural fairness is respected.

The Designated Officer will inform those who participated in the investigation of the intent to reveal their identity prior to doing so. In the event of a dispute regarding the release of the identity of a party, the Designated Officer will seek advice from the Public Interest Commissioner.

Where a wrongdoing has been found, the Chief Officer, or the Board of Governors when it assumes this role, may identify the wrongdoer(s) to others within the organization or to external authorities for the purpose of taking appropriate corrective action.

9. Information Security and Access

The Designated Officer will ensure all information obtained through the course of an investigation is secured, remains confidential, and is only disclosed when necessary to manage and investigate disclosures of wrongdoing.

The Designated Officer must maintain all records and information relating to investigations electronically in a secure network drive (ShareDrive or SharePoint) with access privileges restricted to the Designated Officer and Chief Officer. Where additional persons are required to assist with an investigation additional file permissions will be established for each specific case.

Investigation related information must not be stored on the hard drive (i.e. desktop) of a computer or a portable media (i.e. USB flash drives).

Paper evidence or evidence that cannot be converted electronically, must be stored in a secure location accessible only to the Designated Officer. If securing evidence is not possible, the Designated Officer may contact the Public Interest Commissioner for advice.

There is no right of access under the Freedom of Information and Protection of Privacy (FOIP) Act to information that would reveal the identity of a person who has requested advice about making a disclosure, made a disclosure, or whose complaint has been referred to the Labour Relations Board pursuant to the Act. However, if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

10. ANNUAL REPORTING REQUIREMENTS

The Chief Officer will report annually as required by the Act, including

- (a) the number of disclosures received by or referred to the Designated Officer,
- (b) the number of disclosures acted on, and the number of disclosures not acted on, by the Designated Officer,
- (c) the number of investigations commenced by the Designated Officer,
- (d) in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations made or corrective measures taken in relation to the wrongdoing, and
- (e) if corrective measures in relation to the wrongdoing have not been taken, the reasons provided.

The Chief Officer's report will be included in MHC's Annual Report.

The Chief Officer will not publicly identify an employee who requested advice, made a disclosure of wrongdoing or complaint of reprisal, or publicly disclose individually identifying health information within the Annual Report.

ORIGINAL COPY SIGNED

Wayne Resch
Vice-President, Administration and Finance
Date: October 30, 2024

DOCUMENT HISTORY

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December 2018	Revised procedure approved
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