

## **1. PURPOSE**

- (a) Métis Nation British Columbia (MNBC) is committed to the highest standards of ethical conduct, integrity and accountability. The MNBC encourages open communication from all those who work for us and we want everyone to feel secure about raising concerns.
- (b) The MNBC Board of Directors (the Board) has a responsibility for the stewardship of the MNBC. The Board encourages and supports employees, to report, while acting in good faith, and consistent with their applicable Code of Ethics, what they reasonably believe to be substantive improper activity.
- (c) All staff have protection under the whistleblower policy if they raise concerns in the correct way. This policy is designed to give staff that opportunity and protection.
- (d) It does not matter if an individual who raises a concern is mistaken about it - staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.
- (e) This policy applies to all employees, officers, consultants, and contractors of the MNBC and to other workers within the MNBC, including agency workers, casual workers, volunteers, interns, and remote staff.
- (f) This policy does not form part of any contract of employment and the MNBC may amend it at any time.

## **2. WHEN TO USE THIS POLICY**

- (a) There is a difference between whistleblowing and raising a grievance:
  - (i) Whistleblowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example, because it threatens citizens, clients, third parties or the public generally; but
  - (ii) A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work.
- (b) This policy does not set out the procedure that applies to general grievances. If an employee has a complaint about their own personal circumstances, then they should use the MNBC *Human Resources Policy and Procedures*.
- (c) Reportable Activities related to carrying out professional duties might include:
  - (i) An unlawful act, whether civil or criminal;

- (ii) Questionable accounting practices;
- (iii) Falsifying MNBC records;
- (iv) Theft of cash, goods, services, time or fraud;
- (v) Inappropriate use of MNBC assets or funds;
- (vi) Decision making for personal gain;
- (vii) Danger to the health and safety of any individual; and,
- (viii) Retaliation, repercussion, or reprisal for reporting under the policy.

- (d) This list is not all-inclusive but is intended to give an indication of the kind of conduct which may be considered as 'reportable activity'.

### **3. OUR GUARANTEE**

- (a) The MNBC is committed to the principles set out in this policy. If an employee uses this policy to raise a concern, the MNBC gives them its assurance that they will not suffer any form of retribution or detrimental treatment. The MNBC will treat their concern seriously and act accordingly to this policy.
- (b) If an individual asks for a matter to be treated in confidence, the MNBC will respect this request and, unless the law requires otherwise, will only make disclosures to third parties or other staff with the individual's consent.

### **4. AUTHORITY**

- (a) The responsibility for the day-to-day administration and enforcement of this policy rests with the CEO as authorized by the Board. In the event of a report under this policy concerning the conduct of the CEO, the President, or Board designate, has responsibility for the administration and enforcement of the policy.

### **5. DUTY TO DISCLOSE**

- (a) The Board encourages that an employee who is aware of or witnessed any improper activity will bring the matter to the attention of their supervisor or the CEO or, if the CEO has designated responsibility for the policy to another employee, to that individual. If the report concerns conduct of the CEO, the report will be made to the President or Board designate. The MNBC will investigate and take corrective actions appropriate to the circumstances. All reports are considered confidential.

### **6. PROTECTION OF EMPLOYEE AND EMPLOYER**

- (a) Employee: Any employee(s) who files a report under this policy will be protected if the employee(s):
  - (i) Believes it to be substantially true;
  - (ii) Does not act maliciously or make false allegations; and,
  - (iii) Does not seek any personal or financial gain.
- (b) All reports under this policy will be handled with strict confidentiality and personally identifiable information from the report will only be shared to the extent necessary to conduct a complete and fair investigation according to the law.
- (c) No retaliation, including dismissal or demotion may result from reporting in good faith under this policy.

- (d) Employer: Nothing in this policy shall be deemed to diminish or impair the rights of the MNBC to manage its employees under any policy; or to prohibit any personnel action which otherwise would have been taken regardless of the reporting of the information.

## WHISTLEBLOWER PROCEDURES

### Whistleblower Protection and Procedures

#### 1. PROCEDURE FOR RAISING A CONCERN

- (a) Employees are expected to make reports and participate in investigations under this policy in good faith, which means that they must be acting on belief in the truth of the report or the accuracy of any evidence they may provide in support of the report. They must be acting without malice, without an ulterior purpose and shall not be motivated by personal gain.
- (b) Employees who do not wish to be identified in connection with a report should clearly indicate this preference in the report. However, it is important for employees or stakeholders making a complaint to understand that anonymous complaints may be challenging to fully investigate.
- (c) Reports of workplace wrongdoings:
  - (i) may be made to an immediate supervisor, in person, by telephone, or in writing (confidential email, fax or letter). If is preferable if it is made in writing.
    - 1. If an individual feels they cannot tell their immediate superior, for whatever reason, they should raise the issue with the Senior Director of Human Resources.
    - 2. If an individual has raised concerns and is still concerned, or the matter is so serious that they feel they cannot discuss it with either of the two persons named above, they should raise the matter with the CEO. In the event the matters concerns the conduct of the CEO, the matter should be raised with the MNBC President or Board designate,
  - (ii) will be handled with strict confidentiality, and
  - (iii) personally identifiable information from the report will be shared only to the extent necessary to conduct a complete and fair investigation.
- (d) If an employee files a report or raises a concern under this policy, the MNBC will not retaliate against him or her in any manner, including dismissal or demotion, because of reporting.
- (e) If an investigation reveals that the report was frivolously fraudulent or malicious complaint made or undertaken for improper motives or made in bad faith, or without reasonable and probable basis, disciplinary action may be taken.
- (f) For the purposes of this policy reportable activities include any serious wrongful conduct in connection with the MNBC's operations or governance, including without being limited to:
  - (i) An unlawful act, whether civil or criminal;
  - (ii) Questionable accounting practices;
  - (iii) Falsifying MNBC records;
  - (iv) Theft of cash, goods, services, time or fraud;
  - (v) Inappropriate use of MNBC assets or funds;
  - (vi) Decision making for personal gain;
  - (vii) Danger to the health and safety of any individual; and,
  - (viii) Retaliation, repercussion, or reprisal for reporting under the policy.

## **2. INVESTIGATION**

- (a) The MNBC is committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally.
- (b) Upon receiving a complaint, the following procedure will be followed:
  - (i) The CEO, or, in the case of a complaint involving the CEO, the MNBC President or Board designate will record the receipt of the complaint and determine whether the matter is, in fact, a concern under this procedure. Outside legal, accounting, or other advisors may be enlisted to determine if the matter is a concern under this procedure.
  - (ii) If the CEO, or, in the case of a complaint involving the CEO, the MNBC President or Board designate determines the complaint is legitimate, they will open a file and commence an investigation in a timely manner.
  - (iii) The investigation generally will include, but will not be limited to, discussions with the reporting employee, the party against whom the allegations have been made, and witnesses, as appropriate. Employees shall not obstruct or impede any investigation.
  - (iv) Reasonable actions will be taken to prevent retaliation against anyone making a good faith report or participating in an investigation.
  - (v) The CEO, or, in the case of a complaint involving the CEO, the MNBC President or Board designate may enlist outside legal, accounting, or other advisors, as appropriate, to assist in conducting any investigation. All investigators shall be independent and unbiased both in fact and appearance. Investigators have a duty of fairness, objectivity, thoroughness, and observance of legal and professional standards.
  - (vi) It is the obligation of all employees to cooperate in any investigation. Those responsible for the investigation will maintain confidentiality of the allegations and the identity of the person involved, subject to the need to conduct a full and impartial investigation and remedy any violations of law or the board's policies.
  - (vii) If an investigation establishes that an employee or other worker within the MNBC has engaged in improper activity or reportable activity, the MNBC will take immediate and appropriate corrective action.
- (c) The MNBC will keep the individual who raised the concern informed of the progress of the investigation carried out and when it is completed and give an indication of timings for any actions or next steps that the MNBC will take, but the MNBC will not be able to inform the individual of any matters which would infringe any duty of confidentiality owed to others.

## **3. CONFIDENTIALITY**

- (a) All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of an individual who raises a concern if that is their wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the help of the individual who raises the concern, so the individual may be asked to come forward as a witness. If they agree to this, they will be offered advice and support
- (b) The MNBC hopes that all staff will feel able to voice their concerns openly under this policy. Although a concern may be made anonymously, the MNBC encourages individuals to put their name to their allegation whenever possible. If this is not done, it will be much more difficult for the MNBC to protect the individual's position or to give feedback on the outcome of the investigation.
- (c) Concerns that are expressed completely anonymously are much less powerful and are difficult to

investigate. The MNBC will consider them as its discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

#### **4. RAISING YOUR CONCERNS EXTERNALLY (EXCEPTIONAL CASES)**

- (a) The main purpose of this policy is to give all our staff the opportunity and protection they need to raise concerns internally. The MNBC would expect that in almost all cases, raising concerns internally would be the most appropriate course of action.
- (b) However, if for whatever reason an individual feels they cannot raise their concerns internally and they reasonably believe the information and any allegations are substantially true, the law recognizes that it may be appropriate for them to raise the matter with another prescribed person, such as a regulator or professional body or Member of Parliament.
- (c) The MNBC strongly encourages any individual to seek appropriate advice before reporting a concern to anyone external.

#### **5. PROTECTION AND SUPPORT FOR THOSE RAISING CONCERNS**

- (a) The MNBC is committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- (b) Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If an individual believes that they have suffered such treatment, they should inform the Senior Director of Human Resources immediately. If the matter is not dealt with to the individual's satisfaction, the individual should raise it formally using the MNBC's Human Resources Policy and Procedures.
- (c) No member of staff must threaten or retaliate against an individual who has raised a concern and the MNBC will not tolerate any such harassment or victimization. Any person involved in such conduct may be subject to disciplinary action under the MNBC Human Resources Policy and Procedures - Progressive Discipline, and in some cases, will be liable to a claim for compensation brought against them personally.
- (d) However, to ensure the protection of all our staff, those who raise a concern frivolously, maliciously and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest will also be liable to disciplinary action.

#### **6. RECORD OF PROCEEDINGS**

- (a) Records of all formal and informal resolutions, hearings, and reviews will be kept by the appropriate person: CEO, MNBC President or Board designate. Any records concerning employees will be maintained in accordance with all applicable laws and regulations.

#### **7. REPORTING**

- (a) The CEO shall submit to the Board, in an in-camera board meeting, an annual summary of actions taken under this policy. The summary will include reports received and acted upon during the fiscal year.

- (b) The CEO shall inform the MNBC Board Human Resources Committee of any submissions through this policy quarterly. This information will not include any specific information of the submission.

## **8. FURTHER INFORMATION AND CONTACTS**

- (a) If you have any queries about the application of this policy and procedures, please contact the Senior Director of Human Resources.