

## Operating Policy 15 – Whistleblower Policy

### Policy

- 15.1. The Gabriola Land and Trails Trust (GaLTT) is committed to lawful and ethical behavior in all of its activities and requires officers, directors, employees, volunteers, and contractors to act in accordance with all applicable laws, regulations, and policies, and to observe high standards of business and personal ethics in the conduct of their duties and responsibilities.
- 15.2. GaLTT’s Whistleblower Policy is intended to ensure that when an individual has reasonable grounds to believe that a GaLTT officer, director, employee, contractor, or volunteer has committed, or is about to commit, a GaLTT whistleblowing incident:
  - The individual understands it is appropriate to disclose this information and is provided with a clear process for doing so;
  - The complainant will be protected from discrimination and retaliation;
  - All parties to an investigation will be treated fairly and impartially;
  - Confidentiality will be maintained to the greatest extent possible; and
  - If wrongdoing is found, appropriate remedial and disciplinary actions will be taken.
- 15.3. Definition of terms: whistleblower incident
- 15.4. For the purposes of this Policy, a whistleblower incident is defined as a concern related to GaLTT’s financial or operational matters, including but not limited to:
  - Improper accounting or auditing practices, or other financial activity indicating fraud or misrepresentation;
  - Violations of federal or provincial laws that could result in fines or civil damages payable by GaLTT, or that could otherwise harm GaLTT’s reputation or status as a charitable, non-profit society;
  - Unethical conduct in violation of any GaLTT policies or bylaws;
  - Risk to the health and safety of officers, directors, employees, contractors, volunteers or the general public.
- 15.5. Definition of terms: Whistleblower
  - For the purpose of this policy the “Whistleblower” is meant to be any director, employee, contractor, subcontractor, agent, volunteer, landowner, donor, member of the general public or partner of GaLTT who has reported a whistleblower incident.
- 15.6. All GaLTT officers, directors, employees, volunteers, and contractors have an obligation to report to the organization what they believe are whistleblower incidents. These individuals must also notify the organization if an action needs to be taken for the organization to be in compliance with law or policy or with generally accepted accounting practices or safety issues.
- 15.7. The Whistleblower must communicate whistleblower incidents as soon as possible after the Whistleblower becomes aware of such situations, using GaLTT’s prescribed procedures.
- 15.8. No officer, director, employee, volunteer, contractor, or member of the public who, in good faith, reports a concern shall be threatened, discriminated against, or otherwise subject to retaliation or, in the case of an employee, suffer adverse employment consequences as a result of such report. This applies even if an investigation proves that no unlawful activity has occurred. Moreover, an officer,

director, employee, volunteer, or contractor who retaliates against a person who has reported a concern in good faith is subject to discipline, up to and including dismissal from the organization.

- 15.9. Employees, officers and directors of GaLTT who are not themselves complainants, but who assist in an investigation relating to unlawful activity, will also be protected from discrimination and retaliation.
- 15.10. A person making a report under this policy must have reasonable grounds for believing that the matter raised is a legitimate whistleblower incident as defined in this Policy. The act of making allegations maliciously, recklessly, with gross negligence, or with the foreknowledge that the allegations are false or unsubstantiated, will be viewed as a serious offense and may result in discipline, up to and including dismissal from the organization.
- 15.11. GaLTT will not protect a Whistleblower who intentionally makes false accusations in reporting of a whistleblower incident.
- 15.12. It is the policy of GaLTT to treat all reported whistleblower incidents in a confidential and sensitive manner. In addition, the Whistleblower shall be provided the opportunity to remain anonymous.
- 15.13. This policy applies to all current and former officers, directors, employees, volunteers, and contractors of GaLTT.

## **Practice**

- 15.14. All complaints shall be submitted in writing. A form for reporting may be found in the Policies section of the GaLTT website.
- 15.15. GaLTT employees should report whistleblower incidents directly to their supervisor. Employees who are uncomfortable communicating with their supervisor or who do not believe the concern is being addressed appropriately, may report the issue to the next higher level of management above the immediate supervisor or, if the employee prefers, to any member of the Executive Committee.
- 15.16. Officers, directors, volunteers, and contractors should report whistleblower incidents to the Executive Director (if applicable) or to the Board president. If the person making the report is not comfortable reporting to either of these individuals or if he/she does not believe the issue is being addressed appropriately, the individual may report directly to any member of the Executive Committee.
- 15.17. Whistleblowers who wish to remain anonymous should download and complete the form and then send it by mail to any member of the Executive Committee, by name, via GaLTT's general mailing address.
- 15.18. Unless the complaint is submitted anonymously, the person receiving the complaint shall promptly acknowledge receipt of the complaint to the Whistleblower.
- 15.19. Unless required by law to immediately report a violation, GaLTT shall promptly and with due care investigate all reports made in accordance with this policy. The person receiving the initial report shall forward it to the executive committee within five business days.
- 15.20. The Executive Committee shall meet to discuss the report as soon as possible (and, in any event, within ten business days) and decide how to conduct an investigation to determine whether the allegations are true, whether the issue is significant, and what actions, if any, are necessary to address and correct the issue. Any appropriate action and investigation will be initiated at this time.
- 15.21. In the event that a report concerns a member of the Executive Committee, the committee deliberations shall proceed confidentially without that member being present. Any member of the Executive Committee with a conflict of interest in the matter must recuse themselves and maintain full confidentiality about the matter. In either of these situations, the Executive Committee may choose to

draw on the assistance of other Board members in discussions and investigations relating to the matter.

- 15.22. If deemed appropriate, the Executive Committee shall seek legal advice.
- 15.23. A written report of the investigation, including recommended actions, will be issued to the Board of Directors, which may conduct further investigation upon receiving the report.
- 15.24. Reports of whistleblower incidents, and investigations pertaining thereto, shall be kept confidential to the greatest extent possible. However, an individual's identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals their legal rights of defence. Unauthorized disclosure of information relating to an investigation under this policy to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the organization.
- 15.25. If a Whistleblower name and contact information is provided in the initial report, the results of the investigation will be shared with the Whistleblower to the extent possible. However, due to confidentiality and legal requirements, all details of the investigation, and actions taken, may not be divulged to the Whistleblower.

—DATE ADOPTED: June 2020