

# POLICY 8400

## WHISTLEBLOWER PROTECTION

Adopted: May 30, 2022  
Revised: November 27, 2023  
Frequency  
of Review: Annual

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### 1.0 RATIONALE

- 1.1 The Board of Education of School District No. 61 (Greater Victoria) is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The School District encourages and supports all employees in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia Public Interest Disclosure Act ("PIDA").
- 1.2 The purpose of this Policy and related Procedures is to establish a process, in compliance with the PIDA, for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.
- 1.3 This Policy applies to alleged wrongdoing related to the School District's operations or employees. This Policy does not displace other mechanisms set out in School District Policy for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

### 2.0 DEFINITIONS

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

- 2.1 "**Advice**" means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Policy or the PIDA;
- 2.2 "**Discloser**" means an Employee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal;
- 2.3 "**Disclosure**" means a report of Wrongdoing made under this Policy;
- 2.4 "**Employee**" refers to a past and present employee of the School District;
- 2.5 "**FIPPA**" means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;
- 2.6 "**Investigation**" means an investigation undertaken by the School District under this Policy or by the Ombudsperson under the PIDA;
- 2.7 "**Personal Information**" has the same meaning set out in FIPPA, namely "recorded information about an identifiable individual", and includes any information from which the identity of the Discloser or any person who is accused of Wrongdoing or participates in an Investigation can be deduced or inferred;
- 2.8 "**Personnel**" means Employees;
- 2.9 "**PIDA**" means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;
- 2.10 "**Procedure**" means the School District's Administrative Procedure associated with this Policy, as amended;
- 2.11 "**Reprisal**" means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working condition of a

- member of Personnel because they made a Disclosure, sought Advice, made a complaint about a Reprisal or participated in an Investigation;
- 2.12 **“Wrongdoing”** refers to:
- 2.12.1 a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
  - 2.12.2 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;
  - 2.12.3 a serious misuse of public funds or public assets;
  - 2.12.4 gross or systematic mismanagement;
  - 2.12.5 knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

### **3.0 POLICY**

- 3.1 The School District is committed to supporting ethical conduct in its operations, and seeks to foster a culture in which Employees are encouraged to disclose Wrongdoing, including by receiving, investigating and responding to Disclosures and by providing information and training about the PIDA, this Policy and the Procedures.
- 3.2 The School District will investigate Disclosures that it receives under this Policy. Investigations under this Policy will be carried out in accordance with the principles of procedural fairness and natural justice.
- 3.3 Current or former employees may choose whether to report wrongdoing through the school district internal process or externally to the Office of the Ombudsperson. Current and former employees do not need to complete any internal school district process before contacting the Office of the Ombudsperson.
- 3.4 The School District will not commit or tolerate Reprisals against any Employee who, in good faith, makes a request for Advice, makes a Disclosure, participates in an Investigation or makes a complaint under this Policy.
- 3.5 Only the BC Ombudsperson can investigate reprisal complaints from current and former employees under the Public Interest Disclosure Act. Where the Public Interest Disclosure Act does not apply, the reprisal complaint should be investigated through the school district process.
- 3.6 The School District is committed to protecting the privacy of Disclosers, persons accused of Wrongdoing and those who participate in Investigations in a manner that is consistent with its obligations under the PIDA and FIPPA.
- 3.7 All Personal Information that the School District collects, uses or shares in the course of receiving or responding to a Disclosure, a request for Advice, a complaint of a Reprisal, or conducting an Investigation will be treated as confidential and will be used and disclosed as described in this Policy, the Procedures, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

#### **4.0 REPORTING**

- 4.1. Each year, the Superintendent shall prepare, in accordance with the requirements of the PIDA, and make available, a public report concerning any Disclosures received, investigations undertaken and findings of Wrongdoing. All reporting under this Policy will be in compliance with the requirements of FIPPA.

#### **5.0 RESPONSIBILITIES**

- 5.1 **The Superintendent** is responsible for the administration of this Policy, and shall ensure that training and instruction is available to all Employees concerning this Policy, the Procedures and the PIDA.
- 5.2 In the event that the Superintendent is unable or unavailable to perform their duties under this Policy, the Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior members of Personnel.

#### **6.0 REFERENCES**

- 6.1 *Public Interest Disclosure Act, 2019 (as amended November 27, 2023).*
- 6.2 *Public Interest Disclosure Act (Dec 1, 2019), Ministry of Attorney General*
- 6.3 *Regulation 8400 Whistleblower Protection*