

Whistleblower Policy	Policy Number: HI-C-10.20
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Introduction:

Humber Meadows Long Term Care Home (“HMLTC”) is committed to providing exceptional resident centred care, and an exceptional place to live and work. This policy is designed to create a safer environment for everyone to raise concerns regarding improper business conduct on a confidential basis. In some cases, there are professional and legal obligations to report concerns depending on the nature of the case; HMLTC will protect any individual from reprisal for reporting inappropriate business conduct if it is determined that their disclosure is protected.

In order to ensure that HMLTC complies with legal requirements and adheres to the guiding principles of transparency and accountability, this policy supports a proactive environment of disclosure and protection. HMLTC encourages an ethical corporate culture and upholds the highest standards of integrity and fairness in all of its business activities by putting this policy into effect.

Purpose:

This policy is being put into place to make sure that any problems, grievances, or instances of misconduct involving HMLTC's operations are handled ethically, safely, and impartially in accordance with relevant laws, including but not limited to the Fixing Long Term Care Act, 2021.

HMLTC encourages the reporting of any instances of suspected unethical, illegal, corrupt, fraudulent or undesirable conduct involving the Company’s business, provides protections, and measures to individuals who make a disclosure in relation to such conduct without fear of victimization or reprisal.

This policy will be provided to all employees of the Company upon commencement of their employment or engagement, and be available to all residents, families and stakeholders where other regulatory policies are displayed.

WHO IS RESPONSIBLE OR AFFECTED BY THIS POLICY

This policy applies to all HMLTC employees, students/volunteers, and other third party vendors or individuals in business with or providing services on behalf of HMLTC.

DEFINITIONS:

Whistleblower

A person who voluntarily informs an organization of a potential violation of misconduct pertaining to the business operations that may have occurred in the past, is currently occurring, or will occur in the future.

Disclosure

Creating a sincere report of a misconduct in accordance with this policy.

Good Faith

Any action/statement that is made in good faith if it is made without malice or thought of personal gain and if there is reason to believe it to be true. This action/statement does not require to be proven true to be in good faith. However, when the report is known to be malicious or untrue, there is a lack of good faith.

Protected Disclosure

A description of a wrongdoing when specific conditions are met, it is an admission or revelation that entitles the person who made the disclosure to assistance and protection against retaliation, reprisals, victimization or even prosecution.

Incident

One or more violations or suspected violations of the Code, applicable laws, the HMLTC's policies and procedures, or related matters. This includes but is not limited to the following examples:

- Suspected violations of applicable legislations including occupational health and safety, other laws, whether civil or criminal;
- Alleged transgressions of the HMLTC's policies and procedures;
- Undeclared conflicts of interest;
- Doubtful accounting, internal accounting controls, auditing procedures, or irregular accounting or auditing;

Report

Disclosure of claims of improper business behavior in writing or verbally.

Reprisal

A retaliatory act or event.

Retaliation

To take retribution, particularly by paying back an injustice, insult, or to return some injury or wrong in kind.

PROCEDURES FOR ALL HMLTC TEAM MEMBERS (AS NEEDED):

Reportable Conduct:

If you have cause to think that any HMLTC employee, contractor, supplier, consultant, or other person with whom you do business with has engaged in behavior that is considered a reportable conduct, you may report it or disclose it in accordance with this policy:

- Dishonest, corrupt, or unethical;
- Illegal (such as theft, the use or trafficking of illegal drugs, acts of violence or threats of violence, and criminal property damage);
- Any transgression of the Company's policies, such as the Code of Conduct, is unethical; repressive or egregiously careless
- Be harmful to the business, its staff, or a third party; misbehavior or an unsuitable situation;
- A threat to the financial system or the public; bullying, victimization, discrimination, or harassment.

Any disclosures that do not meet the criteria for Reportable Conduct will not be protected. Whether the Company believes there is a reasonable suspicion that the Reportable Conduct is taking place and/or whether the behavior qualifies as "misconduct or an inappropriate state of affairs" under this policy will be at its discretion.

For the avoidance of doubt, personal complaints about the workplace are not considered Reportable Conduct. Any issue relating to a staff member's present or former employment that has ramifications (or appears to have repercussions) for that person personally but does not have more general implications for the Company is considered a personal workrelated grievance. Here are some examples of personal complaints about your job:

- a disagreement between a staff member and another worker;
- a choice regarding the employee's employment, transfer, or promotion; a choice regarding the employee's engagement terms and conditions;
- A decision to discipline the employee in some other way, such as suspending or terminating their employment.

1. Discussing personal matters

Workplace personal matters should be discussed with your immediate supervisor or resolved in accordance with the company's grievance procedure.

2. Steps and Process for Reporting Inappropriate Business Conduct

2.1. Reporting Inappropriate Business Conduct

2.1.1. Each individual has a duty and obligation to report any good faith concern relative to inappropriate business conduct. An employee or individual may report inappropriate behavior or activity in accordance with the procedure outlined below if they have information that, in their reasonable opinion, indicates

that misconduct has been committed or is going to be committed.

2.2. Submissions of Allegations of Wrongdoing

2.2.1. Any employee or person may start a confidential report-submission process by expressing any concerns about a wrongdoing verbally or in writing. This needs to be reported directly to the employee's immediate supervisor or to Human Resources as soon as reasonably possible. Human Resources will handle the report or the appointed body accordingly based on the investigation standards set out in this policy.

2.2.2. A report must be submitted hereinafter referred to as a disclosure which includes:

- a. An explanation of the wrongdoing. To enable accurate judgment, facts— not speculative information—must be supplied in as much detail as possible. Additionally, the disclosure must include enough supporting evidence to warrant opening an investigation.
- b. The name of the individual or person allegedly guilty of the crime or are allegedly planning to do it.
- c. Dates of the misconduct.
- d. Whether the misconduct has already been reported to another hospital representative, and whether a response has been received.

2.2.3. Human Resources or appointed body must record the date received, and issue a dated email or letter acknowledgement to the complainant.

2.2.4. Any information received about accounting, internal accounting controls, financial statements, or auditing issues should be forwarded right to the Executive Director or Business Manager.

Note: Although HMLTC believes that its current policies and procedures provide people with the assurance they need to report concerns about misconduct within the home, it is aware that there may be instances in

which a person or people should appropriately report to outside entities such as governmental authorities or the police.

- 2.2.5. Any concerns or complaints against the Executive Director, Business Manager, Director of Care or Manager of Human Resources can be directed to the Board of

Directors to avoid conflict of interest in the investigation process

2.3. Anonymous Reporting of Inappropriate Business Conduct

- 2.3.1. An employee may submit an anonymous report at any stage of the process.
- 2.3.2. Due to necessity, the seriousness of the claim will only be assessed based on the general merit and specific information provided in the disclosure.
- 2.3.3. HMLTC is fully committed to the protections described in this policy and expressly prohibits any kind of retaliation, discrimination, or harassment against anybody who discloses in good faith what is reasonably thought to be misbehavior. Despite what has been stated above, doing so does not impede or interfere with anyone's right to report something anonymously.
- 2.3.4. Anyone who files an anonymous report automatically relinquishes the protections outlined in sections 8 and 9. However, at anytime if the complainant is identified through the investigation or by their own admission, protections in sections 8 and 9 are extended.
- 2.3.5. Complaints and Concerns can be confidentially sent to the Chair of the Board of Directors via the following email address:
concerns@humbermeadows.ca

3. Complaint Investigation Procedures

- 3.1.** Immediate Supervisor shall immediately evaluate any disclosure, including anonymous disclosures, submitted hereunder in order to decide whether an investigation needs to be conducted. The risks will be assessed in order to implement preventative measures to the employees, residents, and other persons.
- 3.2.** Assess if the receiver should conduct the investigation with applicable internal support from Human Resources or assign another suitable investigator depending on the nature of the report if HR/appointed body determines that the investigation is merited. The receiver must inform the known complainant of the decision to launch an investigation and the investigator's identity.

4. Investigation Reporting and Records Procedure

- 4.1.** When reacting to the disclosure and managing the investigation, the receiver may consult internal resources, his or her supervisor, and Human Resources/ to assess the amount of funding needed to finish the inquiry. The study must be carried out as soon as possible. The receiver must notify the respondent verbally or in writing of the report's kind and the investigation's status as soon as it is decided to launch

one. The investigator must make reasonable measures to ensure that everyone is treated fairly when conducting any inquiry, including those providing the disclosure, witnesses, and those who are allegedly guilty of the violation.

4.2. Supervisor/Manager must remain impartial and discreet during the investigation. They will ensure that the investigation is recorded and that a written account of each stage in the procedure is completed. This record will include details like date, time, and location. In order to examine and compare against disclosure, the receiver or investigator will interview witnesses and gather pertinent documents and records as necessary.

4.3. Following the conclusion of an inquiry, a summary of findings (see Appendix B) comprising conclusions and any recommendations about the disclosure and wrongdoing is given to the Executive Vice President and Chief Operating Officer or designate.

4.3.1. If an assessment concludes that, the disclosure was made in bad faith, the receiver will follow-up with applicable parties for discipline and or removal of access.

5. When Investigation is Not Required

Each person has an obligation to report in good faith, any concern in respect of a wrongdoing. If a person reasonably believes that he or she has information about an inappropriate behaviour or activity that could show that a wrongdoing has been committed, or is about to be committed, the person may report this in accordance with the process set out below.

6. General Offences

6.1. Reporting known false or misleading statements

No employee or individual seeking advice about disclosure, disclosing something, or participating in an investigation should purposefully say something that is inaccurate or deceptive, either verbally or in writing.

6.2. Obstructing Work Performance

No employee or individual is to intentionally obstruct any employee investigating and fulfilling the requirements under this policy. Such conduct will be deemed to be a reprisal, as specified in Prohibition against Retaliation, Discrimination and Harassment part of this policy.

7. Destruction, falsification or concealment of documents or things

Knowing that a document or tangible object is likely to be pertinent to an investigation under this policy, no one shall:

- Distort, mutilate, or destroy the written or tangible material

- Create a bogus document or falsify the existing one
- Cover up the document or object; or
- Direct, advise, or otherwise induce someone to carry out any of the aforementioned clause

8. Whistleblower Policy/Non-Retaliation, Non-discrimination, Antiharassment Protection

8.1. Prohibition Against Retaliation, Discrimination and Harassment

HMLTC prohibits discrimination, harassment and/or retaliation against any person who reports, in good faith, what they reasonably believe to be a wrongdoing and any protected disclosures.

8.2. Protection

HMLTC is committed to not discharging, demoting, suspending, threatening, harassing, prejudicially modifying the relationship of, or otherwise discrimination or retaliating against a person in terms or conditions of his/her employment or relationship with the hospital as a result of a disclosure that was submitted in good faith in accordance with this policy and without malice of forethought.

8.3. Collective Responsibilities

All persons are responsible for ensuring that the workplace is free from all forms of discrimination, harassment and retaliation prohibited by this policy.

9. Procedures for Breaches of Non-Retaliation

Employees are strongly encouraged to report any conduct that may be prohibited by the reporting of inappropriate business conduct and whistleblower protection policy to their leader or Human Resources as soon as they have good faith and reasonable cause to believe that they have been the target of retaliation. Any person who receives such a report or observes any behavior that they genuinely and honestly believe may be in violation of this policy is required to contact their direct leader or Human Resources immediately.

9.1. Upon receiving a claim of retaliation, HMLTC shall assess immediately whether an investigation is required, and if so, will either lead the investigation or ask Human Resources or the appropriate agency to lead it. All staff members have a responsibility to assist with the investigation. Subject to the necessity of conducting a complete and impartial investigation, resolving any policy violations, monitoring compliance with or administering the policies, those in charge of the investigation will maintain the confidentiality of the complainant's allegations and the identities of those involved. An investigation may not go forward if the report was made anonymously, whether in writing or verbally.

- 9.2.** The inquiry will generally involve talking to the victim of retaliation (unless the report was submitted anonymously), the individual or people who the claims have been made against, and witnesses, as necessary.
- 9.3.** If the investigation reveals that an individual violated this policy by engaging in conduct or actions that constituted retaliation, Human Resources or the designated body will ensure that the necessary corrective actions are taken, including terminating that individual's employment or relationship with the home.
- 9.4.** If the investigation reveals that, the report of retaliation was made in bad faith or without a reasonable basis; Human Resources/appointed body will ensure that the complainant's leader or applicable administrative lead will take whatever disciplinary action up to termination may be appropriate in the circumstances.
- 9.5.** If it is found that the person who reported claims that are against this policy has suffered retaliation, the receiver may, in accordance with the policy, in collaboration with the applicable representative(s):
 - 9.5.1. Resuming the complainant's tasks or activities; or
 - 9.5.2. If it is decided that the parties' relationship of trust cannot be repaired, reinstate the complainant or suggest an alternative solution; or
 - 9.5.3. Correct any issue brought on by the retaliation if considered required; or
 - 9.5.4. Take action or refrain from action to address any negative effects of the reprisal.

10. Dealing with disclosures

It is best practice to meet with the whistleblower once a disclosure has been made in order to have all the details necessary to comprehend the issue. In some circumstances, an initial discussion with a leader or management may result in a satisfactory conclusion. A formal investigation can be required in more extreme situations. The company must select what course of action is most appropriate

When dealing with disclosures, it is good practice for managers to:

- Human Resources responding to the disclosure and overseeing the investigation may consult with internal resources, his/her supervisor, including individuals appointed by the Executive Director and determine resources required to complete the investigation. The investigation is to be conducted as expeditiously as possible.

PROTECTION OF WHISTLEBLOWERS

The Company is committed to ensuring that any person who makes a disclosure is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this policy.

Protection from Legal Action

You will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

Protection against Detrimental Conduct

The Company (or any person engaged by the Company) will not engage in 'Detrimental Conduct' against you if you have made a disclosure under this policy. Detrimental Conduct includes actual or threatened conduct such as the following (without limitation):

- Termination of employment;
- Injury to employment including demotion, disciplinary action;
- Alternation of position or duties;
- Discrimination;
- Harassment, bullying or intimidation; Victimization;
- Harm or injury including psychological harm; Damage to a person's property;
- Damage to a person's reputation;
- Damage to a person's business or financial position; or any other damage to a person.
- The Company also strictly prohibits all forms of Detrimental Conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

The Company will take all reasonable steps to protect you from Detrimental Conduct and will take necessary action where such conduct is identified. If appropriate, the Company may allow you to perform your duties from another location or reassign you to another role (at the same level) or make other modifications to your workplace or your duties to protect you from the risk of detriment.

If you are subjected to Detrimental Conduct because of making a disclosure under this policy or participating in an investigation, you should inform a Whistleblower Protection Officer or eligible recipient in accordance with the reporting guidelines outlined above.

You may also seek remedies including compensation, civil penalties or reinstatement if: You suffer loss, damage or injury because of a disclosure; and

The Company failed to take reasonable precautions and exercise due diligence to prevent any Detrimental Conduct.

Protection of Confidentiality

All information received from an employee will be treated confidentially and sensitively. The employee will not be required to provide their name when making a disclosure. To make a disclosure on an anonymous basis, it is recommended that the employee use a pseudonym.

If the employee makes a disclosure under this policy, their identity (or any information, which would likely to identify employee) will only be shared if:

- Employee gives their consent to share that information; or
- The disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice); or
- Where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to Employee's identification, all reasonable steps will be taken to reduce the risk that employee will be identified. For example, all personal information or reference to you witnessing an event will be redacted from any report; Employees will be referred to in a gender-neutral context, and where possible they (Employees) will be contacted to help identify certain aspects of your disclosure that could inadvertently identify them. Any disclosure under this policy will also be handled and investigated by qualified staff.

The Company will also take the following measures for protecting employee's identity: All paper and electronic documents and other materials relating to disclosures will be stored securely;

Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;

Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of their identity (subject to employee's consent) or information that is likely to lead to employee's identification;

Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of your identity may be a criminal offence.

If an employee is concerned that their identity has been disclosed in relation to a disclosure, and without their consent, employee should inform a Whistleblower Protections Officer or eligible recipient immediately.

Acting in good faith

A whistleblower must report any action/statement in good faith and have reasonable grounds for believing that the information disclosed is true.

When statements are proven to have been made in bad faith, or knowing they were untrue at the time they were made, this can be viewed by HMLTC as a serious offense and may result in disciplinary action, up to and including termination of employment with HMLTC.

Retention of Records

Records pertaining to an incident are the property of HMLTC and shall be retained in compliance with:

- Applicable laws and legislation
- Subject to safeguards that ensure their confidentiality and, when applicable, the anonymity of the whistleblower in order to maximize their usefulness to HMLTC's compliance program

Review and Monitoring

This policy will be reviewed annually along with the updates to applicable HMLTC policies and procedures.

References:

[Sample Whistleblower Policy - NCFP](#)
[Compliance-Whistleblower-Policy.pdf \(q4cdn.com\)](#)