



POLICY NO. 18

SAFE DISCLOSURE (WHISTLEBLOWER) POLICY

This policy was adopted for the first time by Resolution Number 366-11 on April 7, 2015 and subsequently amended by Resolution:

- 385-10 February 6, 2018
- 435-08 April 29, 2025

POLICY NO. 18 – SAFE DISCLOSURE (WHISTLEBLOWER) POLICY

ARTICLE 1 - SCOPE

- 1.1 This policy applies to all current employees of John Abbott College (the “**College**”) and establishes a procedure pursuant to which a Wrongdoing may be raised without fearing Reprisal (as defined below).

Nothing in this policy shall preclude an employee from applying Section 1.3 hereof, or from using any complaint, grievance or appeal procedure set out in any other policy of the College or any collective or employment agreement, as applicable, or from using the usual method of reporting concerns to an employee’s immediate superior. If applicable, the Designated Officer (as defined below) may inform the employee of same and direct them accordingly.

- 1.2 This policy does not apply to a disclosure whose purpose is not in the public interest, such as a disclosure whose purpose pertains solely to a condition of employment of the person making the disclosure, nor does it apply to a disclosure whose purpose is to question the merits of the policies and program objectives of the College.

- 1.3 As per the *Act to facilitate the disclosure of wrongdoings relating to public bodies* (CQLR, c. D-11.1) (the “**Act**”) and the *Act respecting protection against reprisals related to the disclosure of wrongdoings* (CQLR, c. P-33.01) (the “**Act against reprisals**”), any person who wishes to safely raise a Wrongdoing without fearing Reprisal may do so by contacting the Public Protector directly, without using the procedure set forth herein. Disclosures to the Public Protector may be done by phone (1-800-463-5070) or by using their secure online form ([Form - Disclosing wrongdoing | Protecteur du citoyen](#)); a disclosure may be made anonymously or not. Additional information is available on their website ([Home | Protecteur du citoyen](#)). Persons may reach out to the Designated Officer in a confidential manner to obtain additional information about the possibility of making a disclosure under the Act and the protection against Reprisals provided for in the Act against reprisals.

ARTICLE 2 - DEFINITIONS

As used herein, the following words and expressions shall mean:

- 2.1 “**Designated Officer**” means the person in charge of ethics and integrity designated by the HRAO, as required by the Act. In such respect, the Secretary General is the Designated Officer. The functions of the person in charge of ethics and integrity are set out in the Act and include:
- (i) to coordinate and implement the measures to prevent Wrongdoings, and Reprisals or threats of Reprisals;
 - (ii) to inform College employees about the possibility of making a disclosure and the protection against Reprisals provided for in the Act against reprisals; and

- (iii) to act as liaison officer when an audit or an investigation is conducted for the purposes of the Act and the Act against reprisals.

These functions are further defined in the *Directive concernant les responsables de la gestion de l'éthique et de l'intégrité* established by the Conseil du trésor pursuant to Section 31 of the Act ([directive-RGEI_RPG1117 .pdf](#)).

- 2.2 “HRAO” means the highest ranking administrative official of the College; pursuant to the Act, the HRAO is the Board of Governors unless it has delegated all or part of the functions conferred on the HRAO to the Director General, in which case the HRAO is the Director General; by the adoption of this policy, the Board of Governors hereby delegates all of the functions conferred to it to the Director General of the College;
- 2.3 “Reprisal” means, without limitation, any punitive measure or action taken, or threatened to be taken, for having, in good faith, made a disclosure under this policy or for having cooperated in an investigation regarding such disclosure. Reprisals include transferring, suspending, demoting or dismissing a person, imposing on them any other disciplinary measure or measure that adversely affects their employment or conditions of employment, including discriminatory measures, or imposing on them any other sanction.
- 2.4 “Wrongdoing” means any act that constitutes or consists in, as the case may be,
 - (i) a contravention of a Québec law, of a federal law applicable in Québec or of a regulation made under such a law,
 - (ii) a serious breach of the standards of ethics and professional conduct,
 - (iii) a misuse of funds or property belonging to the College, including the funds or property it manages or holds for others,
 - (iv) gross mismanagement within the College, including an abuse of authority,
 - (v) any act or omission that seriously compromises or may seriously compromise a person’s health or safety or the environment, or
 - (vi) directing or counselling a person to commit an act described in any of paragraphs (i) to (v) above.

ARTICLE 3 - PROCEDURE

Disclosure of Wrongdoing under this Policy

- 3.1 Subject to Section 1.3 hereof, any employee who becomes aware of information that could show that a Wrongdoing has been committed or is about to be committed in relation to the College may, at any time, disclose the matter to the Designated Officer as provided for herein. Anonymous disclosures are not receivable hereunder (please refer to Section 1.3 hereof).
- 3.2 A disclosure shall be communicated in writing by providing as much information as possible, including, without limitation, a description of the conduct, dates, places, persons involved/witnesses, relevant documentation, etc., so that a reasonable investigation may be conducted.

- 3.3 If the Wrongdoing involves the Designated Officer or if the Designated Officer is absent or unable to act, the matter may be reported in writing to the Director General, except if the Wrongdoing involves the Director General or if the Director General is absent or unable to act, in which case, the matter may be reported in writing to the Chair of the Board of Governors.
- 3.4 On receipt of a disclosure by an employee, the Designated Officer, the Director General or the Chair of the Board of Governors, as applicable (the “Investigator”) proceeds to an investigation if the Investigator considers it receivable hereunder.
- 3.5 The investigation shall be conducted with due regard to the sensitivity of the complaint and the Investigator shall take the measures necessary to ensure the confidentiality of the investigation and the information communicated to them, including protecting the identity of the person who made the disclosure. Information about the investigation shall be shared strictly with those who have a legitimate need to know consistent with a fair investigation. The Investigator shall inform those involved to treat all information, evidence and proceedings as confidential. Confidential measures that may be taken include confidentiality agreements, locking physical files in a filing cabinet, limiting access rights to computer files, being mindful in choosing meeting locations, etc.
- 3.6 The investigation shall be completed within a reasonable amount of time, taking into account the circumstances, content and complexity of the disclosure. Within thirty (30) days of receipt of the disclosure, a report of the conclusions should be prepared. If the investigation is more complex and requires additional time, such report will consist of a preliminary report. All such reports will be shared with the Director General which may take any corrective measure it deems appropriate. When the handling of the disclosure has ended, the person who made the disclosure will be informed.

No Reprisal

- 3.7 It is forbidden to take a Reprisal against an employee on the ground that the employee has, in good faith, raised a Wrongdoing in accordance with the terms hereof or against a person on the ground that the person has cooperated in an investigation conducted on the basis of a disclosure hereunder. It is also forbidden to threaten to take a Reprisal against an employee so that the employee will abstain from making a disclosure, or against a person so that the person will abstain from cooperating in an investigation conducted on the basis of a disclosure.

ARTICLE 4 - RESPONSIBILITY FOR APPLYING THIS POLICY

The Designated Officer and the Director General are responsible for the application of this policy in accordance with the terms hereof.

ARTICLE 5 - EFFECTIVE DATE

This policy will come into force upon its adoption by the Board of Governors.