

<b>Ethical Practices</b>	<b>Policy Name</b> Whistleblower Policy
<b>Responsible for Implementation</b> President and CEO	<b>Creation Date:</b> September 2012
<b>Approved By the Board of Directors</b> <b>Date:</b>  <b>Review Date:</b>	<b>Revision Dates:</b>

### **Policy Statement**

Aptus Treatment Centre is committed to a high standard of openness, honesty and accountability. With that commitment, we expect our employees and others that we deal with who have serious concerns about any aspect of Aptus Treatment Centre work to come forward and voice those concerns. All employees are required to report abuse and failure to do so can result in a disciplinary action up to and including dismissal.

The purpose of this policy is to make clear that employees can report suspected wrongdoing without fear of harassment or victimization, subsequent discrimination or reprisal. It is intended to encourage and enable employees to raise serious concerns within the organization rather than overlooking a problem or seeking a resolution of the problem outside of Aptus Treatment Centre.

### **Scope**

This policy applies to all People We Support, Employees, Parents and/or Caregivers, Volunteers, Contractors, Suppliers and/or any other stakeholders that come in contact with Aptus Treatment Centre.

### **Safeguards**

*Harassment or Victimization* – Harassment or victimization for reporting concerns under this policy will not be tolerated.

*Confidentiality* – Every effort will be made to treat the complainant's identity with appropriate regard for confidentiality.

*Anonymous Allegations* – Our policy encourages for people to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be explored appropriately, but consideration will be given to:-

- The seriousness of the issue raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources

*Bad Faith Allegations* – Allegations in bad faith may result in disciplinary action.

## **Policy**

This policy is intended as a clear statement that if any wrongdoings has been identified and reported to Aptus Treatment Centre, it will be investigated thoroughly and remedied promptly. Aptus Treatment Centre, will further examine the means of ensuring that such wrongdoings can be prevented in the future.

A whistleblowing or reporting mechanism invites everyone to act responsibly to uphold the reputation of Aptus Treatment Centre. Our aim is to ensure that serious concerns are properly raised and addressed with the organization.

This policy presumes that our employees will act in good faith and will not make false accusations when reporting any wrongdoings. An employee who knowingly or recklessly makes statements or disclosures that are not in good faith may be subject to discipline up to and including dismissal. Employees who report acts of wrongdoings pursuant to this policy can and will continue to be held to Aptus 's general job performance standards and adherence to our Policies and Procedures.

## **Definitions**

*Disclosing* – Information raised within the organization in good faith, based on reasonable belief concerning wrong doing that someone has committed or intends to commit

*Complainant* – An individual that brings forth a complaint or a concern. A complainant could be the People We Support, Employees, Parents and/or Caregivers, Volunteers, Contractors, Suppliers and/or any other stakeholders that come in contact with Aptus Treatment Centre

*Whistleblower* – An individual who discloses information he or she in good faith reasonably believes evidences a violation of any law, rule, regulation or policy; a gross mismanagement; a gross waste of funds; an abuse of authority; a substantial and specific danger to public health; or a substantial and specific danger to public safety.

*Vexatious* – Lacking sufficient ground and serving only to annoy or harass when viewed objectively.

*Good Faith* – Is evident when the report is made without malice or consideration or personal benefit and has reasonable basis to believe that the report is true. Good faith is lacking when the disclosure is known to be malicious or false.

*Wrongdoing* – Involves any unlawful or illegal behavior that can include but not limited to:

- An unlawful act whether civil or criminal
- Breach of Aptus Treatment Centre Code of Ethics and Code of Conduct
- Breach of or failure to implement or comply with any approved Aptus Treatment Centre Policies
- Knowingly breaching federal or provincial laws or regulations
- Questionable accounting or auditing practices
- Dangerous practice likely to cause physical harm or damage to any person or property
- Failure to rectify or take reasonable steps to report a matter likely to give rise to a significant and avoidable cost or loss to the organization
- Abuse of power or authority for any unauthorized or ulterior purpose; or
- Unfair discrimination in the course of the employment or provision of services

Any employee who makes a disclosure or raises a concern under this Policy will be protected if the employee:

- Discloses the information in good faith
- Believes it to be substantially true
- Does not act maliciously or make false allegations
- Does not seek any personal or financial gain

## **Procedure**

### **Reporting Responsibility**

Any individual who is aware of or suspects a breach of the code of conduct or matters of concerns or wrongdoings is responsible for disclosing the concern as a soon as possible. It is expected that matters of concern will be reported in a timely manner and within one year of when the issue became known to the individual.

A concern/complaint may be disclosed in the following manner:-

- By telephone
- By a letter addressed to the Supervisor, Manager or Director
- In person

The information provided by the individual making the complaint should be sufficient for Aptus to act on. The complainant should be able to provide the following information if possible:-

- A brief, accurate statement of the facts believed to provide evidence of the wrongdoing
- Name, addresses and office location of the pertinent individual
- Dates when the suspected wrongdoing took place or expected to have occurred
- How the complainant became aware of the information
- Any pertinent documents within their possession

- Name, addresses and telephone numbers of others who may have information about the suspected wrongdoing

Employees should not engage in any independent inquiry or investigation and should not discuss the matter with the person suspected of wrongdoing.

Any new or additional information pertinent to the allegation should be provided to Aptus directly.

### **Who should you contact**

Any indications of fraud, waste or authority, mismanagement or other wrongdoings should be reported to the Supervisor, Manager or Director responsible for the department which provides the related service.

All operational matters are the responsibility of the President and CEO. Should there be a situation/complaint regarding the actions of the President and CEO a formal complaint can be made to the Board of Directors.

If the complainant is not satisfied with the resolution provided by Aptus Treatment Centre, they have the right to complain or take their actions beyond the Organization such as to the Government and Funding bodies (Ministry of Community and Social Services). If the complaint is regarding an allegation of abuse (disclosed, suspected or witnessed), the complainant will be directed to contact the police directly. If the complainant is the person supported, Aptus will contact the Police for them.

### **How Aptus will respond**

Aptus will respond to all concerns. In order to protect individuals and those accused of misdeeds, Aptus will conduct initial enquiries and decide whether an investigation is appropriate and, if so what form it would take. Some concerns may be resolved by agree actions without the need of an investigation. If urgent action is required, Aptus will take necessary action prior to any investigation being conducted.

Where appropriate the matters raised may be investigated by management and go through the disciplinary process. Some matters depending on the misdeed may be referred to an outside third party such as the police or an external party. Aptus will make every effort to ensure that the investigative process is free of any Conflict of Interest.

The overriding principles which Aptus will keep in mind while responding to concerns, is the best interest of the People We Support and the Organization. The amount of contact between

the person who identified the issue and the investigators will depend on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided.

Concerns/complaints will be investigated as quickly as possible. If it is necessary to refer the matter to an external agency, this may result in an extension of the investigative process. The seriousness and complexity of a complaint may also have an impact upon the time taken to investigate a matter thoroughly.

If the complainant was not anonymous, a designated person from Aptus Treatment Centre will:

- Acknowledge by the end of the next business day that the concern has been received
- Indicate how Aptus proposes to deal with the matter
- Give an estimate of how long it will take to provide a final response
- Inform them if any initial enquiries have been made
- Inform them whether further investigation will take place and if not, why

If the complainant prefers to be anonymous, they will be given a time or times when they can call back for updates on the investigation of their complaint.

Aptus recognizes that the complainant needs to be assured that the matter has been properly addressed, thus subject to legal constraints, Aptus will inform them of the outcomes of any investigation.

Based on the nature of the complaint, Aptus if necessary will report the complaint to the Ministry as a serious occurrence through the Ministry's Serious Occurrence Reporting Process.

## **Roles and Responsibilities**

### *Step 1: Discussion with Program Supervisor*

Discuss the complaint/concern with the specific program supervisor. The complaint and the resolution will be documented in writing by the Supervisor and a copy will be provided to complainant, Human Resources Department and to the Director of Programs and Services or designate.

### *Step 2: Discussion with Director of Programs and Services or designate*

Should the issue remain unresolved, the complainant can contact the Director of Programs and Services or designate. Ideally bring a copy of the written complaint if possible.

If the complaint cannot be resolved by a phone call or email, a meeting will be scheduled with the Director of Programs and Services or designate. Such meeting may occur as soon as deemed possible for all parties.

*Step 3: Discussion with President and CEO*

If the complaint is still not resolved, the complainant may request a meeting with the President and CEO. The complainant will contact the Executive Assistant and provide reasons for a meeting and schedule a date to discuss the matter.

If the complaint cannot be resolved by a phone call or email, a meeting will be scheduled. Such meeting may occur as soon as deemed possible for all parties.

Based on the nature of the resolution, the meeting and resolution will be documented and a copy forward to the complainant and Human Resources Department.

*Step 4: Board of Directors*

All operational matters are the responsibility of the President and CEO. Should there be a situation/complaint regarding the actions of the President and CEO a formal complaint can be made to the Board of Directors.

The complainant must prepare a written document outlining the nature of the complaint specific to the President and CEO and non-operational matters. The letter should be addressed to the Chairperson of the Board. The Board of Directors will review the correspondence and if satisfied that the decision and the actions taken by the management and the President and CEO were within their responsibilities and operational in nature, the matter will not be further reviewed by the Board and will be considered final.

At the sole discretion of the Board, they may choose to meet with the complainant to review the matter further. Should the matter not be operational the Executive Assistant will arrange for a meeting between the complainant and the Board representative as the Board determines appropriate.

Correspondence to the Board should be addressed to The Board Chairperson and sent to 40 Samor Road, Toronto, Ontario M6A 1J6.

The Human Resources department will keep a log of all complainants and resolutions. A copy of the Log will be presented to the Executive Committee of the Board of Directors on a quarterly basis.

The People Supported at Aptus Treatment Centre will not participate in the investigation process for any of the complaints received. When the person supported is the complainant and if they are able to communicate, they will be met with to record their statement with regards to the complaint.

### **Prevention of recriminations, victimization or harassment**

Aptus Treatment Centre will not tolerate any attempt by anyone to apply any sanction or detriment to any person who has reported a serious and genuine concern regarding an apparent wrongdoing.

An individual who retaliates against another individual for reporting in good faith will be subject to discipline including dismissal.

### **Confidentiality**

Except in exceptional circumstance and if required by law, Aptus Treatment Centre will make every attempt to ensure that both the complainant and the Treatment Centre maintain confidentiality.