

Policy and Procedures for Disclosure ('Whistleblowing')

1. Introduction

Both the British Columbia Whistleblowers Protection Act 2015 and Section 425.1 of the Canadian Criminal Code, gives legal protection to employees against being dismissed or penalized by their employers as a result of publicly disclosing certain serious concerns.

It is fundamental that both employees and producers not disclose confidential information outside the organization. However, from time to time, a member of staff or a producer might discover information which he or she believes shows wrongdoing or malpractice within the organization or industry. On such occasions, it must be made possible for the information to be disclosed without fear of reprisal and, in cases involving employee's, to someone other than the direct line manager.

2. Policy Statement

BC Egg is committed to the highest standards of honesty, openness and accountability. It aims to ensure that it operates in a responsible manner, taking into account standards set out in, for instance, BC Egg's policies and procedures and consolidated order. It recognizes that individual members of staff and producers have an important role in helping achieve this aim.

It is often members of BC Egg who are the first to know if someone in the organization, or connected with it, appears to be acting illegally or improperly. They may feel apprehensive or anxious about raising concerns, and their loyalty to BC Egg or to a colleague may prevent them from doing so. They might also be concerned that they will not be taken seriously or about any action against themselves that a disclosure might provoke. However, BC Egg encourages individuals who have knowledge, or reasonable suspicion, of wrongdoing to come forward. BC Egg takes all wrongdoing seriously and believes that any evidence of suggesting such behavior should be investigated thoroughly.

The purpose of this procedure is to assist and enable all members of BC Egg to raise concerns or to disclose information which they believe, in good faith, may indicate malpractice.

Individuals are encouraged and expected to use this procedure rather than to air their grievances outside BC Egg as there are possible consequences of not using these procedures, which are set out below.

3. Scope of the Policy and Procedure

The policy and procedures are concerned with alleged malpractice, impropriety or wrongdoing in the institution for which it is in BC Egg's or the public interest to disclose. Although it is difficult to provide an exhaustive list, these might include the following:

- Financial malpractice or impropriety or fraud;
- Animal Welfare;
- On Farm practices;
- Failure to comply with a legal obligation or with the rules and regulations of BC Egg;
- Dangers to health and safety or the environment;

- Criminal activity;
- Improper conduct or unethical behavior including any offence under the Canadian Criminal Code or Corruption of Foreign Public Officials Act;
- Miscarriage of justice;
- Harassment;
- Attempts to conceal any of the above

It can be difficult to decide whether a particular action falls within the procedures and it may be that, when concerns are investigated, it appears appropriate to address them through other more specific procedures. For instance, BC Egg has policies and procedures in place covering staff grievances, complaints and discipline matters, in such cases, the matter will not normally be considered under the Whistleblowing Protection Act.

As part of its day to day conduct of business BC Egg takes decisions under established and reasonable procedures. It is not intended that this procedure will allow such decisions to be questioned unless on grounds of malpractice, impropriety or wrongdoing.

4. Procedure for Making and Investigating a Disclosure

- 4.1 Concerns should normally be expressed in writing using the BC Egg Whistleblower Report form to the Executive Director, who is designated as the person primarily responsible for oversight of this procedure. If, however, an allegation directly concerns the Executive Director, or their involvement would not be appropriate for any other significant reason, then an individual may write to the Chairperson of the Board of Directors who may, in turn, refer the matter to the Chairperson of the Audit and Finance Committee to investigate financial allegations and the Chairperson of the Production Management Committee to investigate allegations made against producers.
- 4.2 The Executive Director, or any other senior executive identified by the Chairperson of the Audit and Finance Committee or Chairperson of the Production Management Committee, will consider the information disclosed and decide whether the matter falls within the scope of this procedure and, if so, whether there are grounds for proceeding with an investigation.
- If the matter falls outside this procedure but within another, then the individual making the disclosure will be informed and directed to the appropriate process.
 - If the Executive Director or the person identified decides that there are insufficient grounds on which to proceed, the individual making the disclosure will be informed and will have the right to provide further information and resubmit his or her concerns
 - If there are grounds for proceeding, the Executive Director or other person will decide how the investigation should be undertaken. This will depend on the nature of the matter and may involve:
 - An internal investigation conducted by a sufficiently independent senior member of BC Egg or its external auditor;
 - Referring the matter to the police;
 - An independent external inquiry
- 4.3 The investigation will not be conducted by the Executive Director or any other person who may have to make a significant decision arising from the findings. It will be conducted as sensitively as

possible, and normally be completed within eight weeks of the disclosure being made. The investigation will also take into account concepts of natural justice and the need to safeguard individual reputations.

When an allegation concerns a named individual, the person concerned will be informed of the allegation and of the evidence supporting it. He/she will be invited to respond to the allegation as part of the investigation and/or before any final conclusion is reached. The point at which it is appropriate for the individual to be informed will depend on the nature of the case.

In any hearing under these procedures, the individual making disclosure and the person against whom an allegation has been made are both entitled to be accompanied by his/her union representative, colleague, friend or legal counsel (if appropriate).

- 4.4 The findings of any investigation will be reported to the Executive Director or other identified person who will reach a decision on any further action to be taken.

Following an initial investigation, other internal procedures may be identified as relevant and may be invoked, such as disciplinary, grievance or complaints procedures. In some cases it may be appropriate to refer a matter outside BC Egg for further investigation.

The Executive Director or other person will inform the individual making the disclosure of the conclusion reached and what action, if any, is to be taken and why.

- 4.5 If the individual making the disclosure is dissatisfied about how an inquiry was carried out, and its resultant outcome, he/she may appeal but only on procedural grounds, to the Chairperson of the Audit & Finance Committee or Production Management Committee, who may order a procedural review and establish its terms of reference. If the initial disclosure was made to the Chairperson of the Audit & Finance Committee or Production Management Committee, the appeal may be made to the Chairperson of the Board of Directors.
- 4.6 A report summarizing all disclosures and inquires and any subsequent actions taken will be made to the Executive Director or other person to the Audit & Finance Committee or Production Management Committee and such reports will be retained for a minimum of three years.

5. Safeguards

BC Egg is keen to ensure that the position of both the individual raising concerns and anyone about whom the allegations might be made are safeguarded. It will do this through the following measures.

5.1 Protection

The procedure offers protection against dismissal or other penalty by BC Egg to those individuals who disclose any relevant concerns, provided that the disclosure is made:

- In good faith; and
- In the reasonable belief that what is disclosed may help identify malpractice; and
- To the appropriate person

5.2 Confidentiality

BC Egg will aim to treat all disclosures and information regarding any action taken under these procedures in a confidential and sensitive manner, in particular

- ***Individual making a disclosure***

The identity of the individual making an allegation will remain confidential, unless otherwise agreed with that individual, as long as it does not hinder or frustrate the investigation and is compatible with natural justice. However, the investigation process may at some stage need to reveal the source of the information, and the individual making the disclosure may at that stage need to provide an attributable statement as part of the evidence to be presented.

- ***Named individual***

During the course of any investigation BC Egg will, as far as is reasonably possible without prejudicing the investigation, endeavor to maintain confidentiality regarding the identity of any person named in an allegation.

5.3 Anonymous Allegations

Individuals are normally expected to put their name to any disclosures or allegations they make. Concerns expressed anonymously may be hard to address if further information is needed in order to substantiate a claim and the informant is unknown. However, at its discretion, BC Egg may decide to investigate after taking into account:

- The seriousness of the issue raised; and
- The credibility of any allegations; and
- The likelihood of being able to substantiate the allegation through attributable sources

5.4 Unsubstantiated Allegations

No action will be taken against an individual who makes an allegation in good faith even if it is not confirmed by subsequent investigation. If, however, an individual makes what are subsequently determined by the Executive Director or the Chairperson of the Audit & Finance Committee or Production Management Committee to be malicious or vexatious allegations or made for personal gain, and particularly if he/she persists in making them, disciplinary action may be taken. A disclosure may be deemed malicious or vexatious at any stage of the procedure.

6. Independent Advice

BC Egg is keen to ensure that the position of both the individual raising the concerns and anyone about whom allegations might be made are safeguarded.

If an individual is not clear whether to use this procedure, or if they want independent advice at any stage, they are advised to contact the following, as appropriate:

- Union Representation;
- Senior Level Management;
- Chairperson of the Board of Directors;
- BC Egg's Legal Counsel or External Auditors

7. General

This policy and procedure is designed to clarify for individuals the route through which concerns can be raised and to assure them that such matters will be taken seriously and acted upon within BC Egg. BC

Egg takes the view that in the vast majority of cases an internal investigation and decision is likely to be the most appropriate course of action.

If an individual raises matters of concern outside BC Egg, without first using this procedure, he/she may be in breach of this policy and this may be a disciplinary offence, especially if it causes, or might have caused, unnecessary reputational damage to a member of BC Egg or to the organization.

In such circumstances, an individual may be deemed as having waived their rights under the British Columbia Whistleblowers Protection Act 2015 and Section 425.1 of the Canadian Criminal Code. In particular, it would not usually be considered appropriate for matters raised publicly in the media before an investigation is completed.

Should you have a query about this policy or its applicability, in the first instance, please contact: Katie Lowe, Executive Director.