



Whistleblower Policy

Policy Number: 011-2206	References and Related Documents
Section: Council Policy	FMB Financial Management System Standards
Sub-Section: Operations	Standard 28.0 Financial Misconduct
Interpreter: Council	FMB Financial Administration Law Standards
Authority: Council	Standard 32.0 Financial Misconduct
Effective Date: Jan. 12, 2021	
Review by Date: As needed	
Replaces: N/A	
Last Modified: N/A	

PART I - POLICY

1. Policy Statement

1.1 It is Council's policy to establish a process around the reporting and investigation of misconduct while protecting the identity of individuals who report misconduct to the extent possible.

2. Purpose

2.1 The Fort Nelson First Nation (FNFN) is committed to integrity and ethical behaviour in the workplace, and will foster and maintain an environment where employees can work safely and appropriately, without fear of retaliation.

2.2 The purpose of this policy is to ensure appropriate procedures to report, investigate, and act on allegations of wrongdoing within FNFN's operations and/or financial management system and to provide protection to persons who come forward with these reports in good faith.

2.3 The Policy shall ensure that all affected or interested persons understand that they may report any wrongdoing that may adversely impact the FNFN, its members, employees, or the public at large, without fear of retaliation or adverse employment action, if applicable.

2.4 Reports of workplace wrongdoing may be made according to the process set out herein.

2.5 It is a violation of FNFN's Whistleblower Policy for anyone to knowingly make a false complaint of wrongdoing or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

3. Scope

3.1 This policy applies to Council, Committees of Council and those entities for which they are responsible, Officers, employees, contractors, agents and FNFN members.



Whistleblower Policy

4. Definitions

- 4.1 **“Adverse employment action”** means any demotion, suspension, termination, unfavourable transfer, denial of promotion, denial of benefits, threat, harassment or denial of compensation as a result of the reporting of wrongdoing, or any manner of discrimination against an employee in the terms and conditions of employment because of any other lawful act done by the employee pursuant to this policy, or any applicable Canadian legislation.
- 4.2 **“Chairperson”** means the chairperson of the FNFN Finance and Audit Committee.
- 4.3 **“Complainant”** means any person that submits a complaint or report of wrongdoing.
- 4.4 **“Conflict of interest”** means a situation in which public servants have an actual or potential interest that may influence or appear to influence the conduct of their official duties, which may create doubts or suspicions concerning the integrity or fairness of decisions made by such public servants.
- 4.5 **“Executive Director”** means the person who is responsible for leading the day-to-day administration or management of the First Nation and who reports directly to Council.
- 4.6 **“Investigation”** means the process of learning the facts/information about a whistleblower incident in order to determine whether a report is substantiated.
- 4.7 **“Misconduct” or “wrongdoing”** means any illegal action or breach of the FNFN Financial Administration Law, Conflict of Interest Policy, Code of Conduct, Council-approved policies and administrative procedures.
- 4.8 **“Remedial actions”** means steps taken to deal with job-related behavior that does not meet agreed upon and communicated performance expectations and may apply to employees, managers, contractors, agents, elected or appointed officials and volunteers.
- 4.9 **“Respondent”** means an individual whose alleged conduct is the subject of a complaint.
- 4.10 **“Retaliatory acts”** means retribution, or reprisal against any Complainant as a result of their reporting an incident of wrongdoing, or against any employee that participates in an investigation relating to a allegation of wrongdoing.
- 4.11 **“Whistleblower incident”** means a reported incident of financial or operational concern.

5. Responsibilities



Whistleblower Policy

5.1 Council is responsible for:

- a. Ensuring this policy is communicated to all affected and interested persons by publishing on the FNFN website
- b. Overseeing investigation of reported misconduct by a member of the Finance and Audit Committee, a member of any relevant Committee of Council, or the Executive Director
- c. Ensuring that the identity of the person who makes a report of misconduct in good faith is kept confidential to the extent possible in all circumstances and not subject to negative actions for making the report
- d. Approving policies and procedures required in the Financial Administration Law on such matters
- e. Supporting and fostering an open and ethical environment.

5.2 The Finance and Audit Committee is responsible for:

- a. Reviewing any reports provided to it on inquiries into the circumstances of reported misconduct relating to financial management systems; conducting any further inquiry it considers necessary; and providing a report to Council, along with any recommendations
- b. Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent possible in all circumstances
- c. Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any negative actions including but not limited to discrimination, threats, harassment or loss of employment or employment opportunities
- d. Supporting and fostering an open and ethical environment.

5.3 The Chair of the Finance and Audit Committee is responsible for:

- a. Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent possible in all circumstances
- b. Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any negative actions including but not limited to discrimination, threats, harassment or loss of employment or employment opportunities



Whistleblower Policy

- c. Reporting to Council any potential or real breaches of policy and/or negative actions against the whistleblower.

5.4 The Executive Director is responsible for:

- a. Communicating the Whistleblower Policy to all affected and interested persons
- b. Providing a confidential reporting procedure(s) to report violations
- c. Receiving reports of misconduct, making an appropriate and timely inquiry into the matter and reporting to the Finance and Audit Committee as soon as possible, if related to financial management systems
- d. Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent possible in all circumstances
- e. Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any negative actions including but not limited to discrimination, threats, harassment or loss of employment or employment opportunities
- f. Reporting to Council any potential or real breaches of policy or negative actions against the whistleblower
- g. Securing related records
- h. Fostering and supporting an open and ethical environment.

PART II - ADMINISTRATIVE PROCEDURES

6. Fostering an Open and Ethical Working Environment

6.1 The identity of any person who raises a concern of wrongdoing will remain confidential to the extent possible.

6.2 A person reporting a concern of misconduct or wrongdoing in good faith will receive fair and unbiased treatment throughout the investigative process. Council, and where appropriate the Executive Director, and/or the Finance and Audit Committee will ensure that the Complainant is protected from any discrimination, threats, retaliation or harassment.



Whistleblower Policy

6.3 A person against whom a report has been made will receive fair and unbiased treatment. Where a preliminary inquiry into a report indicates a possible finding of misconduct, the person against whom the report has been made will be given an appropriate opportunity to answer the allegation in a manner consistent with the other provisions of this policy.

6.4 On an annual basis, the Finance and Audit Committee will provide Council with a report on the effectiveness of this policy and the Code of Conduct Policy.

7. Reporting Wrongdoing

7.1 Council has established the following procedures to receive, retain, investigate and act on complaints and concerns of Council members, Officers, employees, contractors and agents of the Fort Nelson First Nation regarding instances of misconduct or wrongdoing.

7.2 The Executive Director will ensure that the procedures described above will be included in contracts of contractors and the appointment of agents and committee members.

7.3 The Executive Director, the Council or the Chair of the Finance and Audit Committee, where appropriate, will receive and inquire into reports of misconduct or wrongdoing under the following circumstances:

- a. Any report of misconduct or wrongdoing relating to non-financial operations and personnel matters received by a Council member, Officer, employee, contractor or agent from any source inside or outside the Fort Nelson First Nation will be immediately forwarded to the Executive Director, unless the Executive Director is the subject of the report, in which case the report shall be submitted to the Council.
- b. Any report of misconduct or wrongdoing relating to financial management systems received by a Council member, Officer, employee, contractor or agent from any source inside or outside the Fort Nelson First Nation shall be submitted to the Executive Director, who will be responsible to immediately forward the report to the Finance and Audit Committee Chairperson, unless the Executive Director is the subject of the complaint, in which case the report shall be submitted directly to the Council if relating to FNFN non-financial operations and personnel matters, or to the Chairperson of the Finance and Audit Committee if relating to financial management systems.
- c. Members of the Public
 - i. Members of the public who believe they have witnessed wrongdoing are advised to report the incident(s) to the Executive Director, unless the Executive Director is the subject of the complaint, in which case the incident should be reported directly to the Council if relating to



Whistleblower Policy

FNNF non-financial operations and personnel matters, or to the Chairperson of the Finance and Audit Committee if relating to financial management systems.

d. Employee Obligations

- i. Employees who believe they have witnessed wrongdoing in their working environment are advised to report the incident(s) or retaliation to the Executive Director or to their supervisor/manager.

e. Supervisor/Manager Obligations

- i. Supervisors and managers are directed to take all appropriate steps to prevent and stop wrongdoing in their areas of responsibility. Any supervisor or manager who is subjected to, witnesses, or is given written or oral complaints of wrongdoing or retaliation shall immediately report it to the Executive Director. Supervisory personnel who are contacted by an individual seeking to file a complaint about wrongdoing in their unit shall assist the complainant in contacting the Executive Director.

7.4 Instances of misconduct or wrongdoing relating to non-financial operations, personnel matters, or financial management systems can be reported directly to the Executive Director in the following ways:

a. Anonymously in writing to the attention of the Executive Director:

Executive Director
Fort Nelson First Nation
2026 Kennay-Yah Road
RR1 Mile 295 Alaska Hwy
Fort Nelson, BC V0C 1R0

b. Via email: whistleblower@fnnation.ca

c. Via telephone to the Executive Director at 1-250-774-7257.

7.5 Instances of misconduct or wrongdoing relating to financial management systems can be reported directly to the Finance and Audit Committee chairperson in the following ways:

a. Anonymously in writing to the attention of the Finance and Audit Committee chairperson:

Chairperson, FNNF Finance and Audit Committee
Fort Nelson First Nation



Whistleblower Policy

2026 Kennay-Yah Road
RR1 Mile 295 Alaska Hwy
Fort Nelson, BC V0C 1R0

- b. Via email: fac@fnnation.ca
- c. Via telephone by contacting FNFN Administration at 1-250-774-7257 and requesting to be connected with the Finance and Audit Committee Chairperson.

8. Inquiry

8.1 Promptly upon receipt of a report, the Executive Director and the Finance and Audit Committee chairperson, where appropriate, will:

- a. If not anonymous, confirm in writing to the whistleblower that the report has been received.
- b. Ensure that the identity of the person(s) making the report is kept confidential to the extent possible and that individuals who report in good faith are protected from negative actions.
- c. The Executive Director is responsible for determining and administering the methods and means for addressing complaints and:
 - i. Determining the veracity of allegations of wrongdoing or retaliation
 - ii. Determining whether or not a reported act is indeed wrongdoing
 - iii. Administering punitive or corrective actions if allegations are determined to be true
 - iv. Administering punitive actions against the Complainant if allegations are determined to have been made in bad faith
 - v. Within a period of eight weeks or other timeframe deemed to be reasonable, from the receipt of the report, inform the whistleblower, if not anonymous, of the status of the inquiry and steps that have been taken or will be taken following the results of the inquiry
 - vi. Report on the progress of current inquiries at each Finance and Audit Committee meeting
 - vii. Upon completion of the inquiry, report to the Finance and Audit Committee on the conduct of the inquiry and the result of the inquiry and recommended actions to Council for review and approval.



Whistleblower Policy

- d. The Finance and Audit Committee will actively monitor inquiries to ensure they are conducted in accordance with this policy and if necessary, inquire further into any findings reported.
- e. When the alleged incident is of significant risk to the operations, reputation, etc. of the Fort Nelson First Nation, related to potential criminal acts by individuals, or of high financial value to the Fort Nelson First Nation, the Executive Director, the Council, or the Finance and Audit Committee Chairperson may retain external expertise to conduct the inquiry.
- f. If the reported wrongdoing concerns a Finance and Audit Committee member, Council will inquire into the matter or retain external expertise to conduct the inquiry.
- g. Wherever and whenever investigations are conducted, this Policy asserts that Complainants and Respondents have certain rights which include, but are not limited to:
 - i. Receiving written notice of the allegations (where permitted by law)
 - ii. Presenting relevant information to the Executive Director
 - iii. Receiving notification that the investigation has concluded and where permitted by law may be made aware of the outcome.
- h. At the conclusion of an investigation, the Executive Director and/or the Chairperson of the Finance and Audit Committee, where appropriate, shall create a confidential written report including the following:
 - i. The nature of the report (including specific allegations made and the names of the persons involved)
 - ii. The date of receipt of the report
 - iii. The current status of any inquiry
 - iv. The report made to the Finance and Audit Committee, where appropriate
 - v. Any final resolution of the reported wrongdoing.

9. Response and Remedial Actions



Whistleblower Policy

- 9.1 After considering the final report of an inquiry, and pending the nature of the incident and the authority responsible for the inquiry:
 - a. The Executive Director and/or the Finance and Audit Committee, where appropriate, will make a recommendation to the Council to resolve the issue
 - b. Based on the final report and the recommendation from the Executive Director and/or the Finance and Audit Committee, where appropriate, the Council shall make a decision to resolve the issue in a timely manner.
- 9.2 Remedial actions recommended by the Executive Director, and/or the Finance and Audit Committee where appropriate, will correspond with the severity of the wrongdoing and may include reprimands, leave without pay, termination, revocation of appointment and/or other actions as determined by the provisions of the relevant FNFN policies, and in consultation with and subject to the provisions of the Council.
- 9.3 Police will be contacted if activities of a criminal nature are identified.
- 9.4 Recovery of FNFN funds as a result of the wrongdoing as described in the Financial Administration Law will be tracked and collected from the responsible individual(s).

10. Confidentiality

- 10.1 All records of workplace wrongdoing reports and subsequent investigations are considered confidential.
- 10.2 The Fort Nelson First Nation will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. The FNFN will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

11. Records

- 11.1 The Executive Director shall advise the Complainant and the Respondent in writing of the resolution of any investigation conducted under this Policy.
- 11.2 The FNFN's Human Resources Office shall retain the findings report for a number of years in compliance with legislation or for as long as any administrative or legal action arising out of the complaint is pending.



Whistleblower Policy

11.3 The records will only be available to authorized management personnel on a need to know basis.

This Policy may be reviewed and updated from time to time.

---Signature page follows---



Whistleblower Policy

Dated at Fort Nelson, British Columbia, this 12th day of January, 2021

Approved, Signed, Sealed and Delivered by the Fort Nelson First Nation Chief and Council.

Signatures on file.

Chief Councillor, Sharleen Gale

Councillor, Lycrecia Adin

Councillor, Harvey Behn

Councillor, Cynthia Burke

Councillor, Patricia Capot-Blanc

Councillor, Aaron Dendys

Councillor, Roberta Dendys