



Professional Engineers
Ontario

SAFE DISCLOSURE ("Whistleblower") Policy

NOVEMBER 29, 2024

STATEMENT OF PRINCIPLES

Professional Engineers Ontario (PEO) is committed to fostering an organizational culture where individuals are encouraged to report wrongdoing and feel safe to do so.

Purpose

This Policy is intended to establish the expectation and conditions for the reporting and handling of allegations of unethical, illegal or fraudulent conduct.

This Policy sets out the expectation that all staff, volunteers and Councillors should report misconduct or suspected misconduct, including unethical, illegal or fraudulent conduct. It also guarantees that anyone who makes a report in good faith will be protected from retaliation.

Application and Scope

This policy applies:

- a) To all PEO staff, volunteers and Councillors;
- b) At every level of PEO and in all work settings, including off-site meetings, PEO-sanctioned social events, Chapter events and all forms of electronic communication related to work; and
- c) To all aspects of the employment relationship, contractual relationship, volunteer relationship and Councillor role and to the services provided to PEO by staff, volunteers and Councillors.

Definitions

For the purpose of this Policy:

“CEO/Registrar” is the Registrar of PEO.

“Chief Legal Officer” is the general counsel of PEO or equivalent.

“Council” is the Council of PEO.

“Councillor” is an elected or appointed member of Council.

“PEO” is the Association of Professional Engineers of Ontario.

“Retaliation” means any direct or indirect detrimental action threatened or taken against an individual.

“Staff” means PEO employees, including contract employees and independent contractors.

“Volunteer” means any individual who provides services to PEO who is not a staff member, a Councillor or a third-party supplier. Examples of volunteers at PEO include any Chapter volunteers and any member of a regulatory committee such as the Complaints Committee or the Academic Requirements Committee. Some volunteers are appointed by Council and may be approved by the provincial government. Some volunteers may receive remuneration for their services.

POLICY STATEMENT

Reporting Misconduct

Staff, volunteers and Councillors are strongly encouraged to report any factual information or any reasonable belief regarding misconduct or suspected misconduct in relation to PEO, including but not limited to:

- Committing fraud or financial impropriety;
- Providing false or misleading information or withholding material information on PEO's financial statements, tax returns or other PEO documents;
- Pursuit of a benefit or advantage that brings the individual, or has the potential to bring the individual, into a conflict of interest with their obligations to PEO;
- Misappropriation or misuse of PEO's resources; and/or
- Unauthorized alteration or manipulation of electronic records.

Acting in Good Faith

Anyone filing a report alleging misconduct or suspected misconduct must act in good faith and have reasonable grounds for believing the information disclosed indicates wrongdoing. Making allegations that are proven to have been made maliciously and/or with knowledge that they are misleading or false constitutes a violation of this Policy and could result in disciplinary action up to and including termination or removal of responsibilities/position.

No Retaliation

No staff member, volunteer or Councillor who in good faith makes a report under this Policy, or participates in good faith in an investigation under this Policy, shall suffer retaliation. Anyone who is found to have retaliated against someone in violation of this Policy will be subject to discipline up to and including termination or removal of responsibilities/position.

PROCEDURES

Procedure for Misconduct Reports

Any factual information or any reasonable belief regarding misconduct or suspected misconduct is reported to the CEO/Registrar or staff designate.

Where the CEO/Registrar is alleged to be involved in misconduct, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to receive the report, the alleged misconduct is reported to the President. The Chief Legal Officer shall be informed of the report.

Procedure for Retaliation Complaints

Individuals who believe that retaliatory action has been taken against them because they have made a report under this Policy, or for their participation in an investigation, may make a complaint in writing; complaints of retaliation are to be made to the CEO/Registrar or staff designate.

Where the CEO/Registrar is involved in an allegation of retaliation, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to receive the complaint, the complaint is made to the President. The Chief Legal Officer shall be informed of the complaint.

Confidentiality

Reports and complaints under this Policy will be kept confidential to the extent possible, except to the extent necessary to conduct an appropriate investigation, take action following the investigation, or as required by law.

Investigation of Good Faith in Reporting and Retaliation Complaints

Where the CEO/Registrar or staff designate has a reasonable belief that an individual has made a misconduct report in the absence of good faith, they shall authorize an investigation and determine its appropriate scope.

Where the CEO/Registrar or staff designate has received a written complaint of retaliation, they shall authorize an investigation and determine its appropriate scope.

In circumstances where it would not be appropriate for the CEO/Registrar to be responsible for an investigation, an external investigator shall be engaged.

Outcome

If an investigation finds a report was not made in good faith or that retaliation has occurred:

- Where the investigation subject is a staff member, actions and sanctions shall be determined by the appropriate employment superior, in consultation with Human Resources, in the ordinary course of employment.
- Where the investigation subject is the CEO/Registrar, action and sanctions shall be determined by Council in the ordinary course of employment.
- Where the investigation subject is a Council-appointed volunteer, action and sanctions shall be determined by Council.
- Where the investigation subject is a non-Council appointed volunteer, action and sanctions shall be determined by the CEO/Registrar or staff designate.
- Where the investigation subject is a Councillor, the investigation report shall be referred to the process prescribed in the Code of Conduct.

Upon completion of the proceedings, Council shall be informed of the report or complaint and the outcome, but the anonymity of all individuals involved in the report or complaint shall be maintained. In all cases, investigation subjects and complainants shall be advised in writing of the outcome of the investigation.

Approved by: Council

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