

Politique 2.9.4: Divulgence d'actes répréhensibles (Politique de dénonciation)

Entrée en vigueur : Le 21 septembre 2004; modifié le 9 mai 2007.

Responsabilité: Vice-président, avocat-conseil et secrétaire général

- Énoncé
- Application
- Objectifs
- Définitions
- Confidentialité
- Droits et responsabilités
- Procédure de divulgation
- Protection contre les représailles
- Divulgation malhonnête
- Personne responsable de l'interprétation et de l'application
- Références
- Lignes directrices

ÉNONCÉ

Il est dans l'intérêt public de maintenir la confiance dans l'intégrité des activités de CBC/Radio-Canada à titre de radiodiffuseur public du Canada. La Société a mis en place des contrôles internes et des procédures opérationnelles afin de détecter, de prévenir ou d'empêcher les activités malhonnêtes; cependant, il peut arriver que ces mesures n'offrent pas une protection complète contre les actes malhonnêtes. Les employés de CBC/Radio-Canada ont un devoir de loyauté envers leur employeur, lequel comporte l'obligation d'aviser la Société de tout acte répréhensible. CBC/Radio-Canada s'engage à respecter les lois et les règlements auxquels elle est assujettie ainsi qu'à protéger les fonds, les biens et les ressources dont elle a la responsabilité. Par conséquent, CBC/Radio-Canada a pour politique de s'assurer que, lorsqu'un employé a des motifs raisonnables de croire qu'un autre employé de la Société a commis ou est sur le point de commettre un acte répréhensible à caractère financier ou autre, selon la définition de cette expression dans la présente politique,

- a. l'employé peut divulguer cette information en ayant recours à un processus clairement défini;
- b. la question sera étudiée et une enquête sera menée par l'agent supérieur, s'il est justifié de ce faire;
- c. l'employé sera à l'abri de représailles;
- d. le sujet aura l'occasion de répondre aux allégations;

- e. toutes les parties à une enquête seront traitées de manière équitable;
- f. la confidentialité sera préservée, dans toute la mesure possible;
- g. si des actes répréhensibles ont été commis, des mesures disciplinaires et de redressement appropriées seront prises.

APPLICATION

La présente politique s'applique à tous les employés de CBC/Radio-Canada.

OBJECTIFS

Établir un processus efficace permettant aux employés de signaler leurs inquiétudes ou de fournir de l'information à propos d'actes illégaux ou d'autres actes répréhensibles, selon la définition de cette expression contenue dans la présente politique (y compris l'abus de fonds, de biens et de ressources de CBC/Radio-Canada), à leur supérieur hiérarchique ou à l'agent supérieur, sans crainte de subir des représailles, afin que la question soit étudiée et résolue. La présente politique vise également à garantir que les participants à une enquête sont traités de manière équitable et appropriée, et que CBC/Radio-Canada est dotée d'un processus qui favorise la transparence et la responsabilité.

DÉFINITIONS

- Le terme « **divulgateur** » s'entend d'un employé qui fait une divulgation protégée en vertu de la présente politique. Cette personne est communément appelée « dénonciateur ».
- Le terme « **divulgation protégée** » s'entend d'une divulgation faite de bonne foi par un employé conformément à la présente politique ou aux dispositions de la *LFPDAR*.
- Le terme « **employé** » s'entend de toute personne qui figure sur la liste de paie de CBC/Radio-Canada, mais exclut expressément les pigistes ou les personnes qui travaillent pour des entreprises de prestation de services personnels.
- Le terme « **agent supérieur** » s'entend de la personne chargée par le président-directeur général de prendre connaissance des divulgations d'actes répréhensibles faites par les employés de CBC/Radio-Canada et d'y donner suite.
- Le terme « **divulgation malhonnête** » s'entend d'une divulgation faite de mauvaise foi et comprend également, sans limiter la généralité de ce qui précède, la fourniture de fausses informations, les divulgations que le divulgateur sait être sans fondement et les divulgations faites de manière répétée concernant des questions ayant déjà été examinées et décidées par l'agent supérieur.
- « **LFPDAR** » s'entend de la *Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles*.

- Le terme « **représailles** » s'entend de l'une ou l'autre des mesures suivantes prises contre un employé en raison de la divulgation protégée faite de bonne foi par ledit employé ou de sa collaboration, de bonne foi, à une enquête menée en vertu de la présente politique ou de la *LFPDAR* :
 - a. une mesure disciplinaire, y compris la rétrogradation ou le congédiement;
 - b. toute mesure ayant une incidence négative sur l'emploi ou sur les conditions de travail de l'employé;
 - c. la menace de prendre les mesures mentionnées aux alinéas a) ou b).
- Le terme « **sujet** » s'entend d'une personne soupçonnée par le divulgateur d'avoir commis ou d'être sur le point de commettre un acte répréhensible visé par la présente politique.
- Aux fins de la présente politique, l'expression « **acte répréhensible** » s'entend d'une action ou d'une omission commise au sein du secteur public ou le concernant qui n'est pas frivole et qui constitue :
 - a. la contravention à une loi fédérale ou provinciale ou à un règlement pris sous leur régime, à l'exception de la contravention à l'article 19 de la *LFPDAR*;
 - b. l'usage abusif des fonds ou des biens publics;
 - c. les cas graves de mauvaise gestion;
 - d. le fait de causer, par action ou omission, un risque grave et précis pour la vie, la santé ou la sécurité humaines ou pour l'environnement;
 - e. la contravention grave au Code de conduite de CBC/Radio-Canada;
 - f. le fait de sciemment ordonner ou conseiller à une personne de commettre l'un des actes répréhensibles visés aux alinéas a) à e).

CONFIDENTIALITÉ

La confidentialité sera préservée dans toute la mesure possible, conformément à la procédure de divulgation décrite dans les lignes directrices de la présente politique. Un dossier est créé dès que la procédure de divulgation est enclenchée. Ce dossier de divulgation est conservé séparément du dossier d'employé du divulgateur ou du sujet et est normalement sous le contrôle de l'agent indépendant. La collecte de l'information peut être assujettie aux lois sur la vie privée et aux règles régissant les tribunaux ou les autres procédures judiciaires.

DROITS ET RESPONSABILITÉS

Tous les employés de CBC/Radio-Canada qui participent de quelque manière que ce soit à un processus en application de la présente politique de divulgation ou y sont impliqués sont tenus :

- a. de sauvegarder la confidentialité de toute information relative à au processus;

- b. de s'abstenir de discuter de toute divulgation ou de leur participation, sauf dans la mesure nécessaire à une enquête et à la résolution du problème.

Les divulgateurs et les sujets peuvent être accompagnés ou représentés par une autre personne de leur choix (y compris un avocat, à leurs frais).

PROCÉDURE DE DIVULGATION

La procédure de divulgation est définie dans les lignes directrices de la présente politique.

PROTECTION CONTRE LES REPRÉSAILLES

Un employé qui a des motifs raisonnables de croire que des représailles ont été prises contre lui peut déposer une plainte auprès du commissaire à l'intégrité du secteur public (CISP). On peut obtenir des détails sur le processus de dépôt d'une plainte contre des représailles en consultant le site Web du CISP ou en communiquant avec le CISP, dont voici les coordonnées :

Commissaire à l'intégrité du secteur public
60, rue Queen, bureau 605
Ottawa (Ontario)
K1P 5Y7
Téléphone : 613-941-6400
Numéro sans frais : 1-866-941-6400

DIVULGATION MALHONNÊTE

La divulgation malhonnête constitue une inconduite et est sanctionnée par les mesures disciplinaires appropriées, pouvant aller jusqu'au congédiement, lorsqu'une telle mesure est justifiée.

PERSONNE RESPONSABLE DE L'INTERPRÉTATION ET DE L'APPLICATION

Vice-président, avocat-conseil et secrétaire général

RÉFÉRENCES

Lignes directrices de la Politique de divulgation
Processus confidentiel d'information et de divulgation

LIGNES DIRECTRICES

Lignes directrices de la Politique de divulgation

**POLITIQUE DE CBC/RADIO-CANADA SUR LA DIVULGATION INTERNE D'INFORMATION
CONCERNANT DES ACTES RÉPRÉHENSIBLES LIÉS AU TRAVAIL (« POLITIQUE DE
DÉNONCIATION »)**

1. POLITIQUE : divulgation d'actes répréhensibles (Politique de dénonciation)

**Personne responsable de l'interprétation et de l'application : Vice-président,
Avocat-conseil et secrétaire général**

2. DATE D'ENTRÉE EN VIGUEUR : à communiquer

3. ÉNONCÉ DE POLITIQUE

Il est dans l'intérêt public de maintenir la confiance dans l'intégrité des activités de CBC/Radio-Canada à titre de radiodiffuseur public du Canada. La Société a mis en place des contrôles internes et des procédures opérationnelles afin de détecter, de prévenir ou d'empêcher les activités malhonnêtes; cependant, il peut arriver que ces mesures n'offrent pas une protection complète contre les actes malhonnêtes. Les **employés** de CBC/Radio-Canada ont un devoir de loyauté envers leur employeur, lequel comporte l'obligation d'aviser la Société de tout acte répréhensible. CBC/Radio-Canada s'engage à respecter les lois et les règlements auxquels elle est assujettie ainsi qu'à protéger les fonds, les biens et les ressources dont elle a la responsabilité. Par conséquent, CBC/Radio-Canada a pour politique de s'assurer que, lorsqu'un **employé** a des motifs raisonnables de croire qu'un autre **employé** de la Société a commis ou est sur le point de commettre un acte répréhensible à caractère financier ou autre lié au travail, selon la définition de cette expression dans la présente politique,

- a) l'**employé** peut divulguer cette information en ayant recours à un processus clairement défini;
- b) la question sera étudiée et une enquête sera menée par un **agent indépendant**, s'il est justifié de ce faire;
- c) l'**employé** sera à l'abri de représailles;
- d) le sujet aura l'occasion de répondre aux allégations;
- e) toutes les parties à une enquête seront traitées de manière équitable;
- f) la confidentialité sera préservée, dans toute la mesure possible;
- g) si des actes répréhensibles ont été commis, des mesures disciplinaires et de redressement appropriées seront prises.

4. APPLICATION

La présente politique s'applique à tous les **employés** de CBC/Radio-Canada.

5. OBJECTIFS DE LA POLITIQUE

Établir un processus efficace permettant aux **employés** de signaler leurs inquiétudes ou de fournir de l'information à propos d'actes illégaux ou d'autres actes répréhensibles,

selon la définition de cette expression contenue dans la présente politique (y compris l'abus de fonds, de biens et de ressources de CBC/Radio-Canada), à leur supérieur hiérarchique ou à l'**agent indépendant**, sans crainte de subir des représailles, afin que la question soit étudiée et résolue. La présente politique vise également à garantir que les participants à une enquête sont traités de manière équitable et appropriée, et que CBC/Radio-Canada est dotée d'un processus qui favorise la transparence et la responsabilité.

6. DÉFINITIONS

- Le terme « **divulgateur** » s'entend d'un employé qui fait une **divulgation** en vertu de la présente politique. Cette personne est communément appelée « **dénonciateur** ».
- Le terme « **divulgation** » s'entend de la **divulgation** faite par écrit par un **divulgateur** conformément à l'étape 1 du processus de **divulgation** décrit dans les lignes directrices de la présente politique.
- Le terme « **employé** » s'entend de toute personne qui figure sur la liste de paie de CBC/Radio-Canada, mais exclut expressément les pigistes et les personnes qui travaillent pour des sociétés offrant des services de personnel.
- L'expression « **agent indépendant** » s'entend de la personne nommée par le Conseil d'administration sur la recommandation du président-directeur général et ayant les fonctions et responsabilités décrites dans les lignes directrices de la politique sur la divulgation d'actes répréhensibles.
- L'expression « **divulgation malhonnête** » s'entend d'une divulgation faite de mauvaise foi et comprend également, sans limiter la généralité de ce qui précède, la fourniture de fausses informations, les **divulgations** que le **divulgateur** sait être sans fondement et les **divulgations** faites de manière répétée concernant des questions ayant déjà été examinées et décidées par l'**agent indépendant**.
- Le terme « **représailles** » s'entend de l'une ou l'autre des mesures suivantes prises contre l'**employé** en raison de la **divulgation** faite de bonne foi par ledit **employé** concernant un acte répréhensible en vertu de la présente politique, ou de la collaboration dudit **employé**, de bonne foi, à une enquête menée en vertu de la présente politique :
 - a) une mesure disciplinaire, y compris la rétrogradation ou le congédiement;
 - b) toute mesure ayant une incidence négative sur l'emploi ou sur les conditions de travail de l'**employé**;
 - c) la menace de prendre les mesures mentionnées à l'un ou l'autre des alinéas a) et b).
- Le terme « **sujet** » s'entend d'une personne soupçonnée par le **divulgateur** d'avoir commis ou d'être sur le point de commettre un acte répréhensible visé par la présente politique.

- Aux fins de la présente politique, l'expression « **acte répréhensible** » s'entend d'une action ou d'une omission qui n'est pas frivole et qui entre dans l'une ou l'autre des catégories suivantes :
 - a) la violation de toute loi ou de tout règlement qui s'applique au travail à CBC/Radio-Canada;
 - b) l'usage abusif des fonds ou des biens de CBC/Radio-Canada;
 - c) les cas graves de mauvaise gestion des ressources de CBC/Radio-Canada;
 - d) le fait de causer, par action ou omission, un risque grave et précis pour la vie, la santé ou la sécurité des personnes sur les lieux de travail de CBC/Radio-Canada;
 - e) les représailles contre un **employé**.

7. CONFIDENTIALITÉ

La confidentialité sera préservée dans toute la mesure possible, conformément à la procédure de divulgation décrite dans les lignes directrices de la présente politique. Un dossier est créé dès que la procédure de **divulgation** est enclenchée. Ce dossier de **divulgation** est conservé séparément du dossier d'employé du **divulgateur** ou du **sujet** et est normalement sous le contrôle de l'**agent indépendant**. La collecte de l'information peut être assujettie aux lois sur la vie privée et aux règles régissant les tribunaux ou les autres procédures judiciaires.

8. DROITS ET RESPONSABILITÉS

Tous les **employés** de CBC/Radio-Canada qui participent de quelque manière que ce soit à un processus en application de la présente politique de divulgation sont tenus :

- a) de sauvegarder la confidentialité de toute information relative à au processus;
- b) de s'abstenir de discuter de toute **divulgation** ou de leur participation, sauf dans la mesure nécessaire à une enquête et à la résolution du problème.

Les **divulgateurs** et les **sujets** peuvent être accompagnés ou représentés par une autre personne de leur choix (y compris un avocat, à leurs frais).

9. NOMINATION D'UN AGENT INDÉPENDANT

Un **agent indépendant** est nommé par le Conseil d'administration de CBC/Radio-Canada sur la recommandation du président-directeur général de la Société. Cet **agent indépendant** a les responsabilités suivantes :

- a) contrôler l'administration de la présente politique et tenir des dossiers adéquats;
- b) établir des procédures, des formulaires et des lignes directrices adéquates en application de la présente politique;
- c) recevoir, consigner et étudier les **divulgations** d'actes répréhensibles faites par les **employés**;

- d) déterminer s'il y a des motifs suffisants pour prendre des mesures supplémentaires et effectuer un examen plus approfondi;
- e) aviser le président-directeur général des cas exigeant une attention immédiate, ou le président du Conseil d'administration si la **divulgation** concerne la conduite du président-directeur général;
- f) effectuer des enquêtes conformément aux lignes directrices de la présente politique;
- g) rédiger un rapport annuel à l'intention du Comité de vérification du Conseil d'administration comprenant un résumé de ses activités, notamment des **divulgations** reçues pendant chaque exercice et de leur résolution.

L'**agent indépendant** peut nommer un ou plusieurs délégués pour l'aider à s'acquitter des responsabilités rattachées à ce poste.

10. PROCÉDURE DE DIVULGATION

La procédure de **divulgation** est définie dans les lignes directrices de la présente politique.

11. PROTECTION CONTRE LES REPRÉSAILLES

Les **employés** qui font une **divulgation** de bonne foi seront protégés contre les représailles, que la divulgation soit jugée fondée ou non et qu'une enquête ait été menée ou non.

Les représailles contre un **employé** sont considérées comme constituant une inconduite et ne sont pas tolérées par CBC/Radio-Canada. Elles sont sanctionnées par les mesures disciplinaires appropriées, pouvant aller jusqu'au congédiement, lorsqu'une telle mesure est justifiée. Les **employés** qui croient être victimes de représailles doivent en aviser leur supérieur hiérarchique ou l'**agent indépendant**.

12. RÉPARATION

Si CBC/Radio-Canada détermine que le **divulgateur** a été l'objet de représailles, elle doit alors prendre toutes les mesures nécessaires pour :

- a) permettre au **divulgateur** de reprendre son travail;
- b) réintégrer le **divulgateur**;
- c) verser au **divulgateur** une indemnité équivalant au plus, selon l'estimation de la Société, à la rémunération qui lui aurait été payée s'il n'y avait pas eu de représailles;
- d) annuler toute mesure disciplinaire ou autre prise à l'encontre du **divulgateur** et lui payer une indemnité équivalant au plus, selon l'estimation de la Société, à la sanction pécuniaire ou autre qui lui a été imposée; et
- e) accorder au **divulgateur** le remboursement des dépenses et des pertes financières qui découlent directement des représailles.

13. DIVULGATION MALHONNÊTE

La **divulgation** malhonnête constitue une inconduite et est sanctionnée par les mesures disciplinaires appropriées, pouvant aller jusqu'au congédiement, lorsqu'une telle mesure est justifiée.

PERSONNE RESPONSABLE DE L'INTERPRÉTATION ET DE L'APPLICATION

Vice-président, avocat conseil et secrétaire général

RÉFÉRENCES

Lignes directrices de la Politique de divulgation

Processus confidentiel d'information et de divulgation

LIGNES DIRECTRICES

Lignes directrices de la Politique de divulgation

Référence : Lignes directrices de la Politique de divulgation

**CBC/RADIO-CANADA POLICY FOR INTERNAL DISCLOSURE OF INFORMATION
CONCERNING WRONGDOING IN THE WORKPLACE ("WHISTLEBLOWER POLICY")**

1. POLICY: Disclosure of Wrongdoings (Whistleblower Policy)

Person Responsible for Interpretation and Application: Vice-President, General Counsel & Corporate Secretary

2. EFFECTIVE DATE: TBA

3. POLICY STATEMENT:

It is in the public interest to maintain confidence in the integrity of the operation of the CBC/Radio-Canada as Canada's public broadcaster. CBC/Radio-Canada's internal controls and operating procedures are intended to detect and to prevent or deter improper activities; however, at times these systems may not provide perfect safeguards against improper conduct. CBC/Radio-Canada Employees owe a duty of loyalty to their employer which includes a responsibility to bring to the attention of the Corporation instances of Wrongdoing. CBC/Radio-Canada is committed to complying with the laws and regulations to which it is subject and to protecting the funds, assets and resources of CBC/Radio-Canada. Accordingly, it is the Policy of CBC/Radio-Canada to ensure that when an Employee has reasonable grounds to believe that another CBC/Radio-Canada Employee has committed or is about to commit a financial or other Wrongdoing in the workplace, as defined in this Policy, that:

- a) the Employee may disclose this information through a clearly defined process;
- b) the matter will be reviewed and, if warranted, investigated by an Independent Officer;
- c) the Employee will be protected from reprisals;
- d) the subject of the disclosure will be provided an opportunity to respond to allegations;
- e) all parties to an investigation will be treated fairly;
- f) confidentiality will be maintained to the greatest extent possible;
- g) if Wrongdoing is found, appropriate remedial and disciplinary actions will be taken.

4. APPLICATION: This Policy applies to all CBC/Radio-Canada Employees.

5. POLICY OBJECTIVES:

To provide an effective process that allows Employees to bring concerns or information about illegal activities or other Wrongdoing as defined in this Policy (including improper

use of CBC/Radio-Canada funds, assets or resources) to the attention of their supervisor or the Independent Officer for review and resolution without fear of reprisal, to provide that participants in an investigation be treated fairly and appropriately, and to ensure that CBC/Radio-Canada has a process which favours transparency and accountability.

6. POLICY DEFINITIONS:

- **Discloser** means an Employee who makes a Disclosure under this Policy. This person is commonly referred to as a "whistleblower".
- **Disclosure** means the written disclosure that a Discloser delivers, in accordance with Step 1 of the Disclosure Process set out in the guidelines to this Policy.
- **Employee** means any individual who is on CBC/Radio-Canada payroll but for greater certainty does not include freelance talent and individuals working for personnel services corporations.
- **Independent Officer** means an individual appointed by the Board of Directors on the recommendation of the President and CEO who has the duties and responsibilities described in the guidelines.
- **Improper Disclosure** means Disclosure made in bad faith, which includes but is not limited to providing false information, making Disclosures that the Discloser knows are baseless, or making repeated Disclosure concerning matters that have been previously examined and determined by the Independent Officer.
- **Reprisal** means any of the following actions taken against an Employee by reason that the Employee has, in good faith, disclosed a Wrongdoing under this Policy or has, in good faith, cooperated in an investigation carried out under this Policy:
 - a) a disciplinary measure including demotion or termination;
 - b) any measure that adversely affects the employment or working conditions of the Employee; or
 - c) a threat to take any of the measures referred to in any of paragraphs (a) or (b).
- **Subject** means the person(s) whom the Discloser believes has committed or is about to commit a Wrongdoing that is covered by this Policy.
- **Wrongdoing** for purposes of this Policy means acts or omissions that are more than trivial in nature, and that fall within one or more of the following types:
 - a) a violation of any law or regulation that applies to working at CBC/Radio-Canada;
 - b) a misuse of CBC/Radio-Canada funds or assets;
 - c) gross mismanagement of CBC/Radio-Canada resources;

- d) an act or omission that creates a substantial and specific danger to the life, health and safety of individuals at the CBC/Radio-Canada workplace.
- e) reprisal against an Employee.

7. CONFIDENTIALITY:

Confidentiality will be maintained to the extent possible, consistent with the procedural requirements of this Policy. A file will be created when the Disclosure Process set out in the guidelines is initiated. That Disclosure File will be maintained separately from the personnel files of the Discloser or the Subject, and will normally be under the control of the Independent Officer. Information collected may be subject to considerations such as privacy legislation and the rules governing court or other legal proceedings.

8. RIGHTS AND RESPONSIBILITIES:

Employees

All CBC/Radio-Canada Employees who participate in or are involved in any way in any process under this Policy shall be responsible to:

- a) keep information relating to any process under this Policy, strictly confidential;
- b) refrain from discussing any Disclosure or the fact of their involvement, except to the extent required for the purposes of any investigation and resolution.

Disclosers and Subjects have the right to be represented or accompanied by another person of their choice (including legal counsel, at their own cost).

9. APPOINTMENT OF AN INDEPENDENT OFFICER:

An Independent Officer shall be appointed by the CBC/Radio-Canada Board on the recommendation of the President and CEO, and shall be responsible to:

- a) oversee the administration of this Policy and maintain appropriate records;
- b) establish appropriate procedures, forms and guidelines under this Policy;
- c) receive, record and review the disclosures of Wrongdoing received from Employees;
- d) establish if there are sufficient grounds for further action and review;
- e) advise the President and CEO or where the disclosure concerns the conduct of the President and CEO, advise the Chairperson of the Board of Directors of instances requiring urgent attention;
- f) conduct investigations in accordance with the guidelines to this Policy; and

- g) prepare an annual report to the Audit Committee of the Board of Directors summarizing its activities including Disclosures received in each fiscal year, and how they were resolved.

The Independent Officer may appoint one or more a delegate(s) to assist in carrying out the responsibilities of the position.

10. DISCLOSURE PROCEDURE:

The Disclosure Procedure is set out in the guidelines to this Policy.

11. REPRISAL PROTECTION:

Employees who make a Disclosure in good faith whether or not the Disclosure is determined to be founded, or an investigation is conducted, will be protected from Reprisal.

Reprisal against an Employee will be viewed as Employee misconduct and will not be tolerated by CBC/Radio-Canada. Such misconduct will be met with appropriate disciplinary action, up to and including termination of employment for cause, where warranted. Employees who believe they are subject to reprisal should report it to their supervisor or the Independent Officer.

12. REMEDY:

If CBC/Radio-Canada determines that the Discloser has been subject to Reprisal, CBC/Radio-Canada shall take all necessary measures to:

- a) permit the Discloser to return to his or her duties;
- b) reinstate the Discloser;
- c) pay to the Discloser compensation in an amount not greater than the amount that, in the Corporation's opinion, is equivalent to the remuneration that would, but for the reprisal, have been paid to the Discloser;
- d) rescind any measure or action, including any disciplinary action, taken in respect of the reprisal, and pay compensation to the Discloser in an amount not greater than the amount that, in the Corporation's opinion, is equivalent to any financial or other penalty imposed on the complainant; and
- e) pay to the Discloser an amount equal to any expenses and any other financial losses incurred by the Discloser as a direct result of the reprisal.

13. IMPROPER DISCLOSURE:

Improper Disclosure will be viewed as Employee misconduct and will be met with appropriate disciplinary action, up to and including termination of employment for cause, where warranted.

PERSON RESPONSIBLE FOR INTERPRETATION AND APPLICATION

Vice-President, General Counsel and Corporate Secretary

REFERENCES

Guidelines to Disclosure Policy

Confidential Disclosure and Inquiry Process

GUIDELINES

Guidelines to Disclosure Policy

Policy 2.9.4: Disclosure of Wrongdoings (Whistleblower Policy)

EFFECTIVE DATE: September 21, 2004 amended May 9, 2007

RESPONSIBILITY: Vice-President, General Counsel & Corporate Secretary

- Statement
- Application
- Objectives
- Definitions
- Confidentiality
- Rights and Responsibilities
-
- Disclosure Procedure
- Reprisal Protection
-
- Improper Disclosure
- Person Responsible for Interpretation and Application
- References
- Guidelines

STATEMENT

It is in the public interest to maintain confidence in the integrity of the operation of CBC/Radio-Canada as Canada's public broadcaster. CBC/Radio-Canada's internal controls and operating procedures are intended to detect and to prevent or deter improper activities; however, at times these systems may not provide perfect safeguards against improper conduct. CBC/Radio-Canada Employees owe a duty of loyalty to their employer, which includes a responsibility to bring to the attention of the Corporation instances of Wrongdoing. CBC/Radio-Canada is committed to complying with the laws and regulations to which it is subject and to protecting the funds, assets and resources of CBC/Radio-Canada. Accordingly, it is the Policy of CBC/Radio-Canada to ensure that when an Employee has reasonable grounds to believe that another CBC/Radio-Canada Employee has committed or is about to commit a financial or other Wrongdoing, as defined in this Policy:

- a. the Employee may disclose this information through a clearly defined process;
- b. the matter will be reviewed and, if warranted, investigated by the Senior Officer
- c. the Employee will be protected from reprisal;
- d. the subject of the disclosure will be provided an opportunity to respond to allegations;
- e. all parties to an investigation will be treated fairly;
- f. confidentiality will be maintained to the greatest extent possible;

- g. if Wrongdoing is found, appropriate remedial and disciplinary actions will be taken.

APPLICATION

This policy applies to all CBC/Radio-Canada Employees.

OBJECTIVES

To provide an effective process that allows Employees to bring concerns or information about illegal activities or other Wrongdoing as defined in this Policy (including improper use of CBC/Radio-Canada funds, assets or resources) to the attention of their supervisor or the Senior Officer for review and resolution without fear of reprisal, to provide that participants in an investigation be treated fairly and appropriately, and to ensure that CBC/Radio-Canada has a process which favours transparency and accountability.

DEFINITIONS

- **Discloser** means an Employee who makes a Protected Disclosure under this Policy. This person is commonly referred to as a "whistleblower".
- **Protected Disclosure** means a disclosure that is made in good faith by an Employee in accordance with this Policy or in accordance with the provisions of the PSDPA.
- **Employee** means any individual who is employed by CBC/Radio-Canada but for greater certainty does not include freelance talent or individuals working for personal services corporations.
- **Senior Officer** means an individual designated by the President and CEO to be responsible for receiving and dealing with disclosures of wrongdoings made by employees of CBC/Radio-Canada
- **Improper Disclosure** means a disclosure made in bad faith, which includes but is not limited to providing false information, making disclosures that the Discloser knows are baseless, or making repeated disclosure concerning matters that have been previously examined and determined by the Senior Officer
- **PSDPA means the *Public Servants Disclosure Protection Act***
- **Reprisal** means any of the following measures taken against an Employee by reason that the Employee has, in good faith, made a Protected Disclosure or has, in good faith, cooperated in an investigation carried out under this Policy or pursuant to the PSDPA:
 - a. a disciplinary measure including demotion or termination;
 - b. any measure that adversely affects the employment or working conditions of the Employee; or
 - c. a threat to take any of the measures referred to in paragraphs (a) or (b).

- **Subject** means the person(s) whom the Discloser believes has committed or is about to commit a Wrongdoing that is covered by this Policy.
- **Wrongdoing** for purposes of this Policy means any act or omission in or relating to the public sector that is more than trivial in nature, and that is:
 - a. a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of s. 19 of the *PSDPA*;
 - b. a misuse of public funds or assets;
 - c. gross mismanagement;
 - d. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment ;
 - e. a serious breach of the CBC/Radio-Canada Code of Conduct
 - f. knowingly directing or counseling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

CONFIDENTIALITY

Confidentiality will be maintained to the extent possible, consistent with the procedural requirements of this Policy. A file will be created when the Disclosure Process set out in the guidelines is initiated. That Disclosure File will be maintained separately from the personnel files of the Discloser or the Subject, and will normally be under the control of the Senior Officer. Information collected may be subject to considerations such as privacy legislation and the rules governing court or other legal proceedings.

RIGHTS AND RESPONSIBILITIES

Employees

All CBC/Radio-Canada Employees who participate in or are involved in any way in any process under this Policy shall be responsible to:

- a. keep information relating to any process under this Policy, strictly confidential;
- b. refrain from discussing any Disclosure or the fact of their involvement, except to the extent required for the purposes of any investigation and resolution.

Disclosers and Subjects have the right to be represented or accompanied by another person of their choice (including legal counsel, at their own cost).

DISCLOSURE PROCEDURE

The Disclosure Procedure is set out in the guidelines to this Policy.

REPRISAL PROTECTION

Any Employee who has reasonable grounds to believe that a reprisal has been taken against him or her may file a complaint with the Public Sector Integrity Commissioner ("PSIC"). Details of the reprisal complaint process and information about remedial actions may be obtained from the PSIC website or by contacting the PSIC at

Public Sector Integrity Commissioner
60 Queen Street, Suite 605
Ottawa ON
K1P 5Y7
Telephone: 613 941 6400
Toll free: 1 866 941 6400

IMPROPER DISCLOSURE

Improper Disclosure will be viewed as Employee misconduct and will be met with appropriate disciplinary action, up to and including termination of employment for cause, where warranted.

PERSON RESPONSIBLE FOR INTERPRETATION AND APPLICATION

Vice-President, General Counsel & Corporate Secretary

REFERENCES

Guidelines to Disclosure Policy
[Confidential Disclosure and Inquiry Process](#)

GUIDELINES

[Guidelines to Disclosure Policy](#)

Audit Committee

June 15, 2006

Subject matter**REPORT FROM INDEPENDENT OFFICER****Background**

An annual report from the Independent Officer appointed pursuant to the Whistleblower Policy is mandated. The Independent Officer began his term on April 1, 2005 and this is his first report.

Information on the matter

The report summarizes the activities of the Independent Officer during his first year in office.

For decision**For information****Prepared by**

Name: Pierre Nollet

Date: June 2, 2006

Management recommendation**Last discussed at the Board**

Date: March 16, 2005

Decision made: Appointed Jean-Pierre Soublière as Independent Officer for term beginning April 1, 2005

Next steps

Publish an executive summary of the report on the Corporate websites of CBC/Radio-Canada

CBC/Radio-Canada
Policy on Disclosure
of Wrongdoings

Independent Officer's

1st Report

May 2006

Independent Officer's Report

May 2006

Role & Responsibilities

As Canada's public broadcaster, CBC/Radio-Canada is committed to carrying out all its business activities (financial or otherwise) according to the highest possible standards of integrity. Making every effort to meet this commitment, CBC/Radio-Canada has implemented a Corporate Policy on Disclosure of Wrongdoings (the Policy).

At its March 2005 meeting, the Board of Directors approved my appointment as Independent Officer in accordance with previously adopted corporate policy on internal disclosure of information concerning wrongdoing in the workplace (the Whistleblower Policy). I took up my duties on April 1, 2005.

As the **independent officer**, I am responsible for:

- a. overseeing the administration of this Policy and maintaining appropriate records;
- b. establishing appropriate procedures, forms and guidelines under this Policy;
- c. receiving, recording and reviewing any **disclosures of wrongdoing** received from **employees**;
- d. establishing if there are sufficient grounds for further action and review;
- e. advising the President and CEO, or where the **disclosure** concerns the conduct of the President and CEO, advising the Chairperson of the Board of Directors of instances requiring urgent attention;
- f. conducting investigations in accordance with the guidelines to this policy; and
- g. preparing an annual report to the Audit Committee of the Board of Directors summarizing the activities, including **disclosures** received in each fiscal year, and how they were resolved.

I may also appoint one or more delegate(s) to assist in carrying out the responsibilities of the position.

Activities Over the Past Year

Any disclosures may be made in either of the following ways:

- by telephone or email to the Disclosure Information Officer; or
- in person or in writing to an immediate supervisor.

Most disclosures are made through one of these two channels. In some cases, a disclosure may be made in person or in writing to the Vice-President, General Counsel & Corporate Secretary or to the Compliance Officer and Assistant Corporate Secretary (Meg Angevine), or in person or in writing to the undersigned.

The bulk of the activities over the past year related to ensuring that the necessary administrative systems were in place and operating to support the policy. These included setting up telephone and email systems to handle disclosures and requests for information. An intranet site was created, and administrative procedures developed and implemented. Two employees received training on how to process requests for information and receive disclosures by telephone or in writing. A Canada-wide tour was also organized to train managers vis-à-vis their responsibilities.

The report on disclosures made over the past year is attached as Appendix 1. To summarize, only one disclosure was received. It concerns a number of factors. The complaint was received on March 7, 2006, and forwarded to the Law Department on April 11, 2006. The delay is due to a serious work overload experienced by the Shared Services Organization. I have subsequently been assured that everything is back to normal, and that from now on complaints would be sent on in a timely fashion.

Since then, the discloser added new information to the disclosure. The Law Department reviewed the facts and recently concluded that only one series of incidents merited further investigation. The other reported incidents may be handled under other Corporation policies; the disclosure policy states that it may only be applied to cases of wrongdoing if no other mechanism exists. I am satisfied with the conclusions at this stage, and am now awaiting the complete investigation report.

Current Year

The federal government has tabled Bill C-2. The bill amends the *Public Servants Disclosure Protection Act*, which means that CBC/Radio-Canada will now be subject to legislative regulation rather than its own policy. An analysis of the differences

between the policy and the bill was undertaken. Only time will tell whether the bill will be adopted as tabled. In the event that it is, the Corporation will need to make major changes to its policy so that it complies with the Act. The Law Department's analysis is attached as Appendix 2.

Jean-Pierre Soublière
Independent Officer

REPORT:	Annual Disclosure Administration Report
PERIOD:	May 2005 - April 2006

	New disclosures in the period	Currently under review	Currently under investigation	Decisions rendered
# of calls received	0	0	0	0
# of cases	1	1	1	0
# of emails	3	3	1	0

Completed by:	Angela Chirinian & Pierre-Yves Blain
Date:	May 17, 2006

APPENDIX 2 - Independent Officer Report Policy on Disclosure of Wrongdoings

<p>Part 3 Public Servants Disclosure Protection Act Section 11(1) Duty of Chief Executives</p>	<p>If a wrongdoing is found, each chief executive must promptly provide public access to information describing the wrongdoing, the identity of the person responsible if necessary to adequately describe the wrongdoing and the recommendations in any report made to the CEO in relation to the wrongdoing and the corrective action taken or the reasons why no corrective action was taken</p>	<p>To be in sync with the Public Servants Disclosure Protection Act, CBC/Radio-Canada will need to change its policy to provide for public disclosure. Currently, the name of the accused and the accuser are both kept confidential under CBC/Radio-Canada's policy</p>
<p>Section 19.1 Complaints (Reprisals)</p>	<p>A 60 day extendable limit from date of event is imposed on a public servant or former public servant who believes that a reprisal has been taken against him. Filing is made to the Public Sector Integrity Commissioner. The public servant suffering reprisal must file the complaint.</p> <p>Filing the complaint precludes the complainant from commencing any procedure under other legislation or collective agreement about the reprisal.</p>	<p>CBC/Radio-Canada's policy has no time limit on filing a complaint re reprisals.</p> <p>CBC/Radio-Canada's policy does not limit other action such as a grievance.</p>
<p>Section 19.3</p>	<p>The Commissioner may refuse to</p>	<p>CBC/Radio-Canada's guidelines to its</p>

Refusal to Deal with Complaint	deal with the complaint about a reprisal if it has been or could be adequately dealt with under other legislation or a collective agreement or if it is being dealt with under other legislation or a collective agreement, if it is beyond the Commissioner's jurisdiction or the complaint was not made in good faith.	policy under the heading "Not Accepted for Investigation" provide for similar treatment.
Section 19.4 Time Limit	<p>The Commissioner must decide whether to deal with the complaint of reprisal within 15 days after it is filed</p> <p>If the Commissioner decides to deal with the complaint, he or she must send a written notice of the decision to the complainant and the person with the authority to take disciplinary action</p> <p>If the Commissioner decides not to deal with the complaint, he or she must send a written notice of the decision to the complainant setting out the reasons. The complainant may then make any application under other legislation or a collective agreement unless the complaint has been made in bad</p>	CBC/Radio-Canada's policy has no specific guidelines for the handling of complaints concerning reprisals.

	faith.	
Section 19.5 and 19.6 Restriction on disciplinary action and suspension of disciplinary action	If the Commissioner decides to investigate a complaint, disciplinary action is suspended until the completion of the investigation.	CBC/Radio-Canada's policy does not specifically suspend discipline but remedies it after it has been applied.
Section 19.8 Investigations into complaints. Notice to Chief Executive	When an investigation is instigated, the CEO must be advised	CBC/Radio-Canada's policy contains no specific provision for the CEO to be advised.
Section 19.9 Access and Insufficient Cooperation	CEOs and public servants must provide an investigator with required facilities, assistance information and access to their respective offices. If they do not, the investigator must so report to the Public Service Integrity Commissioner	CBC/Radio-Canada's policy contains no specific provision for cooperation.
Section 20-20.6	Sets out detailed procedures for dealing with complaints of reprisals including conciliation and reference to a tribunal	CBC/Radio-Canada's policy contains no specific provision in the guidelines for conciliation or for procedures in the case of complaints about reprisals.
Section 20.7 --21.9 Public Service Disclosure Protection Tribunal	Creates the Public Servants Disclosure Protection Tribunal composed of 6 members appointed by the Governor in Council, all of whom must be judges. Period of appointment is 7 years and powers are those of a superior court of record.	CBC employees will have access to this Tribunal.

	<p>The Tribunal has the power to determine whether a reprisal has occurred and make an order granting a remedy and disciplinary action against the person responsible for the reprisal</p> <p>To the remedies has been added the power to compensate the complainant by an amount up to \$10,000 for pain and suffering.</p> <p>The person against whom disciplinary action is taken may not initiate a grievance or other similar procedure under legislation or a collective agreement.</p> <p>An order of the tribunal can be turned into an order of the Federal court by filing it with the court.</p>	
<p>Section 25.1 Access to Legal Advice</p>	<p>The Commissioner may provide access to legal advice to any discloser or potential discloser or person involved in an investigation to a limit of \$1500 or to \$3000 in exceptional circumstances if the person does not have other access to free legal advice and if the Commissioner is satisfied that the</p>	<p>CBC/Radio-Canada does not provide access to legal advice in its policy or guidelines.</p>

	disclosure or information warrants an investigation.	
Section 38 (3.1) Case Report	The Commissioner must make a case report to Parliament of any finding of wrongdoing along with recommendations set out in the report to the CEO, the time provided for notice and an opinion as to the satisfactoriness of the CEO's response, along with the chief executive written comments if any.	This will mean that wrongdoings within CBC that are handled by the Commissioner will be submitted to Parliament.
Section 38 (1) Report to Agency – Disclosures under section 12	Within 60 days after the end of the financial year, each CEO must submit to the Public Service Human Resources Management Agency a report for that financial year on the activities in the portion of the public sector that is his or her responsibility on the disclosures made.	This will apply to CBC/Radio-Canada's President.
Section 42.1 Prohibition - Employer	The protection against reprisals is extended to any contractor or person hoping to enter into a contract and forbids either the termination of a contract, withholding of payment, or taking into account in awarding of a contract the fact that the contractor reported a wrongdoing.	CBC/Radio-Canada's policy's definition of employee states that it does not include freelance talent and individuals working for personal service corporations. In order to be in sync with the Accountability Act, the policy would need to be extended to all contractors with CBC/Radio-Canada.
Section 42.3	An offence with a fine up to	This will apply to CBC/Radio-Canada.

Offence and Punishment	\$10,000 or imprisonment for up to two years is created for knowingly contravening section 19 (reprisals) or sections 40-42.2 (false statements, obstruction and destroying documents and things)	
Section 51.1 Power to temporarily assign other duties	A CEO may temporarily assign other duties to a public servant who is involved in a disclosure or complaint in respect of a reprisal if the CEO believes that the employee's involvement has become known in the workplace or to maintain an effective operation of the workplace. This includes the disclosure, subject of the disclosure, a complainant about reprisals and witnesses. The assignment may be for 3 months extendable by the CEO.	CBC/Radio-Canada's policy has no specific provision for reassignment.

Audit Committee

June 19, 2007

Subject matter**REPORT OF INDEPENDENT OFFICER****Background**

An annual report from the Independent Officer appointed pursuant to the Whistleblower Policy is mandated. The Independent Officer began his term on April 1, 2005 and this is his second and final report.

Information on the matter

The report summarizes the activities of the Independent Officer during his second year in office.

For decision**For information****Prepared by**

Name: Pierre Nollet

Date: June 1, 2007

Management recommendation**Last discussed at the Board**

Date: June 20, 2006

Decision made: N/A

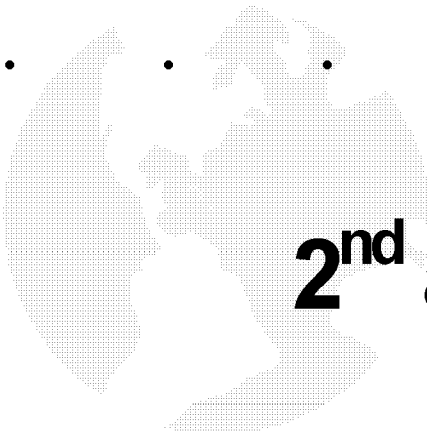
Next steps

Publish an executive summary of the report on the Corporate websites of CBC/Radio-Canada

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CBC/Radio-Canada
Policy on Disclosure
of Wrongdoings

Independent Officer's



2nd and Final Report

June 2007

Independent Officer's Report

June 2007

Role and Responsibilities

As Canada's public broadcaster, CBC/Radio-Canada is committed to carrying out all its business activities (financial or otherwise) according to the highest possible standards of integrity. To support this commitment, CBC/Radio-Canada introduced and implemented a Corporate Policy on Disclosure of Wrongdoings (the "Disclosure Policy").

In March 2005, the Board of Directors approved my appointment as Independent Officer in accordance with the requirements of the Disclosure Policy. I assumed my duties on April 1, 2005 and submitted my first report on my activities to the Audit Committee of the Board of Directors in June 2006.

As the **Independent Officer**, I am responsible for:

- a. overseeing the administration of the Disclosure Policy and maintaining appropriate records;
- b. establishing appropriate procedures, forms and guidelines under the Disclosure Policy;
- c. receiving, recording and reviewing any **disclosures of wrongdoing** received from **employees**;
- d. establishing if there are sufficient grounds for further action and review;
- e. advising the President and CEO, or where the **disclosure** concerns the conduct of the President and CEO, advising the Chairperson of the Board of Directors of instances requiring urgent attention;
- f. conducting investigations in accordance with the guidelines to the Disclosure Policy; and
- g. preparing an annual report to the Audit Committee of the Board of Directors summarizing the activities, including **disclosures** received in each fiscal year, and how they were resolved.

I may also appoint one or more delegate(s) to assist in carrying out the responsibilities of the position.

Activities Since My Last Report

Pursuant to the disclosure procedure set out in the guidelines to the Disclosure Policy, any disclosures may be made in either of the following ways:

- by telephone or email to the Disclosure Information Officer; or
- in person or in writing to an immediate supervisor.

Most disclosures are made through one of these two channels. In some cases, a disclosure may be made in person or in writing to the Vice-President, General Counsel & Corporate Secretary or to the Compliance Officer and Assistant Corporate Secretary, or in person or in writing to the undersigned.

As stated in my first report, the bulk of the activities in the 2005-2006 year related to ensuring that the necessary administrative systems were in place and operating to support the Disclosure Policy. There was only one disclosure received in 2005-2006, which was investigated and ultimately, a finding was made that no wrongdoing had been established.

In terms of the number of disclosures received, the 2006-2007 year was similar to the previous year. The report on disclosures made over the past year is attached as Appendix 1. To summarize, only one disclosure was received during the year, which resulted in a finding that no wrongdoing had been established.

New Legislation Proclaimed in Force

On March 29, 2007, the President of the Treasury Board announced that the *Public Servants Disclosure Protection Act* would come into force on April 15, 2007. Under this new legislation, the Public Sector Integrity Commissioner has replaced the role of Independent Officer under the CBC/Radio-Canada Disclosure Policy. Accordingly, my appointment no longer serves any purpose and comes to an end with this legislative change.

CBC/Radio-Canada is now subject to legislative regulation in addition to its own policy. The Disclosure Policy and related guidelines and procedures have been modified where necessary to reflect the requirements of the legislation.

Conclusion

I would like to take this opportunity to thank CBC/Radio-Canada for appointing me to this position. It has been an honour and my pleasure to serve in this capacity for the Corporation.

Jean-Pierre Soublière
Independent Officer
June 1, 2007

ANNUAL DISCLOSURE ADMINISTRATION REPORT

APRIL 2006 - MARCH 2007

	New disclosures in the period	Currently under review	Currently under investigation	Decisions rendered
Number of calls received	1	0	0	0
Number of cases	0	0	0	1*
Number of emails received	1	0	0	1

* Note: Decision rendered in the March 2006 case

Completed by: Nicole Peever / Sylvie Potvin
Date: May 14, 2007