



DISCLOSURE OF WRONGDOING POLICY

Created: March 2020

Approved: September 2020

DISCLOSURE OF WRONGDOING POLICY

I. POLICY OBJECTIVES

- To confirm in writing the Nova Scotia Gaming Corporation's (NSGC) procedures in compliance with the *Public Interest Disclosure of Wrongdoing Act* and regulations for the disclosure, investigation, and reporting of wrongdoings carried out by NSGC employees and protection for those who disclose.

II. DEFINITIONS

- For the purpose of this policy, the following definitions apply:
 - ▶ **Designated Senior Officer**
Senior official of Nova Scotia Gaming Corporation designated to receive and deal with disclosures by employees and non-employees.
 - ▶ **Employee**
A person currently employed by the Nova Scotia Gaming Corporation.
 - ▶ **Fraud**
Any intentional act or omission designed to deceive others with the objective, intent or actual result of either causing the victim to suffer a loss and / or the perpetrator achieving a gain.
 - ▶ **Gross Mismanagement**
An act or omission that is
 - (i) deliberate, and
 - (ii) shows a reckless or wilful disregard for the efficient management of significant government resources.
 - ▶ **Information That is Subject to Cabinet Confidentiality**
Information that would reveal the deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees.
 - ▶ **Medical Officer**
Nova Scotia's Office of the Chief Medical Officer of Health.
 - ▶ **Natural Justice**
Adequate notice, a fair review and no bias (also known as "the right to a fair review").

▶ **Non-employee**

Includes an NSGC Board or committee member, a member of the public, or a former employee who is not presently employed by NSGC.

▶ **Ombudsman**

An official of the House of Assembly and commissioner for investigations established under the *Ombudsman Act* who is appointed to investigate individuals' complaints against administration, especially that of public authorities.

▶ **Procedural Fairness**

Following processes and procedures that are consistent, transparent, without bias or conflict of interest and ensuring all necessary information is gathered prior to determinations, including providing an opportunity for the alleged wrongdoer involved to have a meaningful opportunity to provide a response and address the allegations.

▶ **Reprisal**

Actual or threat of disciplinary measures, including demotion, termination of employment and / or any measure that adversely affect an employee's employment or working conditions.

▶ **Wrongdoing**

- Behaviour that goes against the law, public interest, or government values or principles based on the *Public Interest Disclosure of Wrongdoing Act*;
- a violation of the law or regulations if the violation is related to the official activities of the NSGC employee;
- misusing or gross mismanagement of public funds or assets, including fraud, attempted fraud, or any other serious financial or accounting irregularities or improprieties;
- an act or failure to act in a way that creates substantial and specific danger to the life, health or safety of people or the environment; and / or,
- directing or advising someone to commit a wrongdoing.

III. POLICY STATEMENT

- NSGC is committed to maintaining a positive working environment and ensuring the transparency, accountability, and ethical conduct of its employees.
- Employees and non-employees are encouraged to disclose information concerning wrongdoing when they have reasonable grounds to believe that another person has committed a wrongdoing in the workplace. Individuals who come forward within the context of this policy are treated fairly and protected from reprisal.

IV. PROCEDURES

A. Disclosing a Wrongdoing

- Non-employees who wish to report a wrongdoing may do so through the Nova Scotia Office of the Ombudsman, who is responsible for investigating such reports.
- NSGC employees who become aware of a potential wrongdoing that poses imminent risk or danger to life, health, or safety of people or the environment must immediately disclose to a law enforcement agency or the Chief Medical Officer of Health (*See Section V. Contacts*), if a health-related matter. Employees may then make disclosure to the public, subject to any direction the agency or medical officer considers necessary.
- If the potential wrongdoing does not pose an imminent risk, the employee must disclose it in writing to their supervisor (who informs the President & CEO as the Designated Senior Officer) using the Disclosure of Wrongdoing Form (*Attachment A*), or Ombudsman, using the Office of the Ombudsman's electronic form (*See Section V. Contacts*), within 12 months of becoming aware of the wrongdoing.
- A disclosure must be in writing and include, if known, (a) a description of the wrongdoing; (b) the name of the person or persons alleged to have committed the wrongdoing or about to commit the wrongdoing; (c) the date of the wrongdoing; and (d) whether a disclosure has already been made.
- Where an employee makes a disclosure to their supervisor, the person receiving the disclosure must forward the disclosure immediately to the Designated Senior Officer. If the potential wrongdoing relates to the Designated Senior Officer, then the person receiving the disclosure must instead forward the disclosure immediately to the Chair of NSGC's Board of Directors or Audit Committee, or to the Ombudsman's Office.
- Anyone reporting a wrongdoing must act in good faith and have reasonable grounds before reporting such. Any report that proves to have been made maliciously or knowingly to be false will be viewed as serious disciplinary offence.
- No employee or non-employee who in good faith reports a wrongdoing will suffer any harassment, retaliation or adverse employment consequence. A report may be made to the Designated Senior Officer if a reprisal has been taken or directed against a complainant or witness. Anyone who retaliates against someone who has reported a wrongdoing in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and non-employees to raise serious concerns of wrongdoing

- The Designated Senior Officer assesses the disclosure and takes action no later than the 20th working day after the disclosure is received.
 - ▶ If the wrongdoing does not pertain to NSGC, the Designated Senior Officer informs the submitter and forwards the report to the appropriate other government body.
 - ▶ If the wrongdoing does pertain to NSGC and responding does not create a conflict of interest for the President & CEO as the Designated Senior Officer*, the Designated Senior Officer assesses the disclosure to determine if the matter meets the definition of wrongdoing and that the disclosure was made in good faith prior to proceeding to investigation.

**If responding to the wrongdoing creates a conflict of interest, the submitter is informed, and the disclosure is forwarded to the Ombudsman.*

Confidentiality

- Nothing in this policy authorizes the disclosure of (a) information that is subject to Cabinet confidentiality; or (b) information protected by solicitor-client privilege.
- Where a disclosure involves personal or confidential information, the employee takes reasonable precautions to ensure that no more information is disclosed than necessary to make the disclosure.
- In accordance with Nova Scotia privacy legislation, the identities of the person making the disclosure, person alleged to have committed a wrongdoing, and others involved in the reporting process are protected as much as possible and any information collected is kept confidential to the fullest extent possible.

Protection from reprisal

- The *Public Interest Disclosure of Wrongdoing Act* protects disclosing employees from reprisal by NSGC for reporting wrongdoing in good faith.

Information that cannot be disclosed

- The following information cannot be reported (disclosed) under the Disclosure of Wrongdoing Policy:
 - ▶ Information related to Cabinet or Cabinet committee work including any advice, recommendations, policy considerations, or draft legislation / regulations.
 - ▶ Information protected by solicitor-client privilege.

B. Investigating of Alleged Wrongdoing

- The Designated Senior Officer conducts investigations.
- The President & CEO is the nominated Designated Senior Officer for Nova Scotia Gaming Corporation.
- The President & CEO may nominate a delegate Designated Senior Officer. The delegate must be employed at Director level or above by the Nova Scotia Gaming Corporation.
- The President & CEO must not nominate a Senior Officer of NSGC as the delegate Designated Senior Officer if either or both of the following circumstances apply:
 - ▶ The President & CEO is the subject of the disclosure; and / or
 - ▶ A disclosure that is made to the President & CEO poses an actual or perceived conflict of interest.
- If either of the two circumstances above apply, the disclosure must be referred to the Chair of NSGC's Board or Audit Committee, or to the Ombudsman, who will then direct the investigation.
- If the disclosure relates to a Board Member, the Designated Senior Officer must instead immediately forward the disclosure to the Chair of NSGC's Board or Audit Committee, or Ombudsman, who will then direct the investigation.
- Within reasonable standards, the Designated Senior Officer has the authority to gather all necessary evidence to assess the disclosure and complete an investigation in accordance with the Act and Regulations, to make findings and to execute appropriate disciplinary action.
- No later than the 20th working day after a disclosure is received, the Designated Senior Officer must assess the disclosure and take the appropriate required action in accordance with this policy, the Act and Regulations.
- The Designated Senior Officer must first determine whether a disclosure pertains to the Designated Senior Officer's organization (NSGC) or another organization. If the Designated Senior Officer determines that the disclosure relates to another organization, the Designated Senior Officer must refer the matter to the Designated Senior Officer of the other organization identified.
- The Designated Senior Officer must then determine whether responding to the disclosure would create a conflict of interest for the Designated Senior Officer. If it is determined that a conflict of interest exists, the Designated Senior Officer must refer the disclosure to the Ombudsman.

- If the Designated Senior Officer does not refer a disclosure to another organization for investigation, then the Designated Senior Officer must proceed to assess the disclosure to determine whether both of the following apply:
 - ▶ the matter disclosed meets the definition of wrongdoing;
 - ▶ the disclosure was made in good faith.
- If the disclosure meets the both of the criteria immediately above, the alleged wrongdoer is to be informed of the allegation of wrongdoing and given an opportunity to respond. The employee may be put on paid leave of absence pending the results of the investigation.
- The investigation is to be completed within 60 working days, unless the reporting employee and Designated Senior Officer agree to extend the deadline.
- Except in accordance with the Act and Regulations, the Designated Senior Officer must not reveal any of the following at any time:
 - ▶ the identity of a person making a disclosure;
 - ▶ the identity of a person alleged to have committed a wrongdoing;
 - ▶ the identity of a person who provides information related to a disclosure.
- Exceptions may be allowed in circumstances where there is an immediate threat to an employee's safety or evidence of a legal offence is identified that must be reported to legal authorities. In such circumstances, the Designated Senior Officer should consult with the Ombudsman's Office.
- Where the Designated Senior Officer learns of another wrongdoing during the investigation, the Designated Senior Officer may investigate that wrongdoing in accordance with this policy, unless the Designated Senior Officer believes they would be in a potential conflict of interest if they were to investigate the wrongdoing, in which case they must refer the disclosure to the Chair of NSGC's Board or Audit Committee, or Ombudsman as the case may be consistent with this policy.

C. Reporting on an Investigation

- The Designated Senior Officer prepares a written report no later than 30 working days after the investigation is complete.
- If a wrongdoing was found, the report includes a recommendation(s) for corrective actions (or reasons why none is required).
- If the President & CEO was not the investigator, the delegate Designated Senior Officer is to send a copy of their report to the President & CEO or, if the President & CEO is the subject of the complaint or has a conflict of interest, a copy of the report is to be sent to the Ombudsman instead.

- The Designated Senior Officer provides any information respecting the report they consider appropriate to the disclosing employee and informs the alleged wrongdoer of the outcome of the investigation and any disciplinary action to be taken by NSGC, while protecting identities and the confidentiality of information.
- Disciplinary action is defined in accordance with the Labour Code of Nova Scotia and may include but is not limited to any one or combination of the following:
 - ▶ Verbal warning
 - ▶ Written warning
 - ▶ Performance improvement plan
 - ▶ Suspension
 - ▶ Demotion
 - ▶ Termination.
- Disciplinary action taken will be commensurate to the seriousness of the wrongdoing found to be proven.

D. Reporting Publicly

- On an annual basis, the President & CEO prepares a report on:
 - ▶ the number of reports / disclosures of wrongdoing received;
 - ▶ the number of investigations undertaken; and
 - ▶ any findings, recommendations, or corrective actions.

The report is made available to the public via the NSGC website (gamingns.ca) and will not reveal the identity of a person who reported wrongdoing, was alleged or found to have committed wrongdoing, or any witness who provided information for the purpose of an investigation into wrongdoing.

V. CONTACTS

- Following is the contact information for the Chief Medical Officer of Health and Nova Scotia Office of the Ombudsman:

Chief Medical Officer of Health

Tel: 902-424-2358 (urgent or after hours: 902-473-2222)

Fax: 902-424-0550

Nova Scotia Office of the Ombudsman

Tel: 1-800-670-111

Fax: 902-424-6675

Email: Ombudsman@novascotia.ca

<https://ombudsman.novascotia.ca/complaints/submit-a-complaint>

VI. POLICY REVIEW

- The Manager, Corporate Services is responsible for ensuring the Disclosure of Wrongdoing Policy is reviewed on a biennial basis, including recommendations for changes in order that the policy continues to be sufficient and appropriate.
- Any changes to the policy are reviewed by the Governance and Social Responsibility Committee and brought forward to the Board of Directors for approval.
- A Policy Reviews and Approvals Log is maintained by the Manager, Corporate Services.

Reviewed by: Karen Lockerby, Manager, Policy and Regulatory Affairs	Date: August 31, 2020
Governance and Social Responsibility Committee	July 17, 2020
Approved by: Board of Directors	Date: September 9, 2020

NOVA SCOTIA GAMING CORPORATION

EMPLOYEE DISCLOSURE OF WRONGDOING
Under the *Public Interest Disclosure of Wrongdoing Act*

Under Section 6 of the Act, where a current or former employee reasonably believes they have information that a wrongdoing has been committed or is about to be committed, the employee may make a disclosure to:

- a) their supervisor (who must forward it immediately to the Designated Senior Officer)
- b) the Designated Senior Officer for their government body (NSGC President & CEO)
- c) the Ombudsman via <https://ombudsman.novascotia.ca/complaints/submit-a-complaint>

Current Date: _____

REPORTING EMPLOYEE INFORMATION

(Please print)

Last Name: _____ First Name: _____

Address: _____

Telephone Number: _____

Email Address: _____

Preferred Time to Contact: Day ___ Evening ___ Weekend ___

