



Nourish Life

Statement of Policy and Procedure

Section	Human Resources	Effective Date: April 1, 2010
Chapter 4	Employee Relations Policies	Date of Revision:
Policy HR-4.09	HR- 4.09 WHISTLEBLOWER PROTECTION	

1 POLICY

- 1.01 (a) Where an employee, acting in good faith and on the basis of reasonable belief, becomes aware of actual, suspected or intended misconduct, unlawful activity, suspicious financial management, or other accountability concerns, he or she has a duty to report such misconduct or incidents, as soon as learning of them, to his or her Regional Director and the Vice President - Corporate Services.
- 1.01 (b) An employee, acting in good faith and on the basis of reasonable belief, may refuse to carry out any order or direction which is illegal, unethical, or against NI policy and which is given by an individual who has direct or indirect control over the employee's employment. Such refusals must be reported immediately to the employee's Regional Director and the Vice President - Corporate Services.
- 1.01 (c) Employees are expected to co-operate fully with lawful authorities during any investigation or proceeding related to acts of alleged misconduct or work refusals under this policy.

- 1.02 No employee shall be subject to discipline, termination, demotion, or any form of retaliation, including but not limited to, intimidation, harassment, financial penalty or other threats by reason that:
 - (a) the employee, acting in good faith and on the basis of reasonable belief, reports actual, suspected or intended misconduct as outlined in paragraph 1.01(a); or
 - (b) the employee, acting in good faith and on the basis of reasonable belief, refuses to carry out an order or direction which is illegal, unethical, or against company policy and reports such refusals in accordance with paragraph 1.01(b); or
 - (c) the employee cooperates with, or provides information to, or testifies in any proceeding against a member of NI regarding situations outlined in paragraph 1.01.

- 1.03 Nothing in this policy is meant to take precedence over an employee's duties under any statutory law. Any unlawful misconduct or incident which may affect public safety must be reported to the proper lawful authorities immediately.

- 1.04 Information regarding any alleged misconduct, the identity of the reporting person, and any details of the alleged misconduct or investigation, shall be held in confidence by those to whom or through whom the misconduct is reported, except as required by this policy or by law. Any employee who breaches this confidentiality requirement shall be subject to discipline up to and including termination for cause.

- 1.05 Complaints or reports of misconduct made under paragraph 1.01 shall be fully investigated, and any employee found to have participated in actions of misconduct shall be subject to discipline, up to and including termination for cause.

- 1.06 An employee who makes a complaint or report of misconduct under paragraph 1.01 which is found to be both unfounded and made with malicious intent will be subject to disciplinary measures up to and including termination for cause.

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2 PURPOSE

2.01 NI is committed to maintaining high ethical standards and legitimate business practices and wishes to encourage the identification and prevention of any misconduct that may affect this commitment. The purpose of this policy is, therefore:

- (a) to provide employees with a system whereby employees can disclose any knowledge of actual or intended misconduct which may be unethical, illegal or fraudulent; and
- (b) to provide employees who provide such disclosure, and are acting in good faith, and on the basis of reasonable belief, with protection from any form of retaliation or threat of retaliation when they do provide such disclosure.

3 SCOPE

3.01 This policy applies to all employees, independent contractors, clients, job applicants and any other individual who may have dealings with NI.

3.02 This policy does not apply to complaints or issues related to employment or safety issues. Such issues should be handled through the individual's immediate supervisor and be dealt with under other more appropriate policies.

4 RESPONSIBILITY

4.01 Employee

- (a) An employee, acting in good faith and on the basis of reasonable belief, has a duty to report actual, suspected or potential incidents of misconduct and to co-operate with any investigation by lawful authorities into such allegations.
- (b) An employee is responsible for adhering to NI's confidentiality policy when making reports to external lawful authorities, except where required by law, or where an employee's safety or public safety is imminently threatened.

4.02 **Supervisors** are responsible for:

- (a) receiving any reports of misconduct from employees or clients in confidence, and for immediately forwarding such reports to the Regional Director and the Vice President - Corporate Services;
- (b) co-operating with any investigations into misconduct; and
- (c) fostering a work environment which encourages open communication, ethical behaviour, adherence to laws and adherence to company policy.

4.03 Regional Directors and Vice President - Corporate Services

Regional Directors and the Vice President - Corporate Services are responsible for receiving reports of misconduct, alleged misconduct or anticipated misconduct and for:

- (a) assessing the situation in order to make a determination of the process of investigation to be followed;
- (b) determining whether external authorities should be notified;
- (c) leading the internal investigation process;

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- (d) reporting to the most senior level of executive management, or in the alternative the Chair of the Board of Directors, the confirmed facts of each disclosure;
- (e) implementing actions to resolve the issue and ensuring any procedural or policy changes that may be necessary in order to prevent a recurrence;
- (f) developing and preparing, in consultation with the most appropriate senior authority, a communications strategy for internal and external use regarding the misconduct and/or investigation; and
- (g) providing any information or follow-up reports as required by executive management, external authorities or agencies.

In carrying out these responsibilities, the Vice President - Corporate Services in his or her sole discretion, may involve legal counsel and/or independent auditor representatives throughout the process.

5 DEFINITIONS

- 5.01 **“Misconduct”** means conduct which results in or could result in a contravention of country, provincial, state or local law, serious breach of NI policy, misuse of NI resources, financial mismanagement or misuse of authority. Misconduct also includes any retaliatory measures against any employee who is protected under this policy.

6 REFERENCES AND RELATED POLICY

HR1.07 — Confidentiality and Intellectual Property

7 PROCEDURE

- 7.01 (a) An employee, acting in good faith and on the basis of reasonable belief, who has knowledge or a concern that misconduct has occurred or will occur, must report the information to his or her immediate Supervisor as soon as the employee becomes aware of such information.
- (b) If it is not possible or appropriate to report the information to the employee’s immediate Supervisor, the information should be reported to the Regional Director.
- (c) If it is not possible or appropriate to report the information to the employee’s Supervisor or Regional Director, the information should be reported directly to the Vice President - Corporate Services or as a last resort, to a member of the Board of Directors.
- 7.02 Any person who receives a report of alleged misconduct under this policy must hold the report and the identity of the reporting person in confidence.
- 7.03 Employees are discouraged from making anonymous reports. If an employee, for whatever reason, believes that he or she can not otherwise make a report of misconduct, anonymous reports can be sent to the Vice President - Corporate Services via the internal mail system or by telephone.
- 7.04 The Regional Director with the Vice President - Corporate Services shall exercise the specific and exclusive responsibilities specified in paragraph 4.03 and conduct inquiries and investigations into complaints or allegations made and/or submitted under this policy, including complaints or allegations that whistleblowers have suffered retaliation. The

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employee who initiated the report of alleged misconduct shall be notified of the proposed process of investigation except where the initial report is made anonymously.

- 7.05 Any and all information collected under this policy or through the investigative process shall be held in confidence, except where disclosure may be necessary to further the investigation, or as required by law.
- 7.06 Employees and independent contractors are required to co-operate with the investigation of incidents under this policy and, if necessary, shall be granted paid time off to do so.

8 ATTACHMENTS

None.