



Whistleblowing Policy and Procedures

April 2024

PLANNING INSTITUTE OF JAMAICA

Whistleblowing Policy and Procedures

A. Introduction

The Planning Institute of Jamaica (hereinafter referred to as “**the PIOJ**”) is a statutory body established pursuant to section 3 of *The Planning Institute of Jamaica Act of 1984*. The functions of the PIOJ includes, but is not limited to, initiating and co-ordinating planning for the economic, financial, social, cultural and physical development of Jamaica, monitoring the implementation of plans so initiated or co-ordinated and advising the Government on major issues relating to economic and social policy.

The Board of Directors (“the Board”) of the PIOJ is committed to maintaining good corporate governance and best practices by implementing policies to engender the highest levels of integrity, transparency and accountability in all operations of the PIOJ, its directors, officers, employees and contractors. To achieve these objectives, the Board has relied on *The Protected Disclosures Act, 2011* (“the Act”) and section 6 (1) (b) of *the Public Bodies Management and Accountability Act, 2011*, to bring into effect this **Whistleblowing Policy and Procedures** (hereinafter referred to as “**this Policy**”).

B. Aim

The Board has implemented this Policy to provide a mechanism for all directors, officers, employees and contractors of the PIOJ to report and disclose, in good faith, all improper or illegal conduct which adversely affects this entity or is contrary to the public interest, without fear of punishment or reprisal.

This Policy is also aimed at facilitating prompt and full investigations into reports which are made in good faith and stipulates the procedure which must be complied with when addressing any complaints which allege acts or attempted acts of interference, intimidation or reprisal against directors, officers, employees and contractors who report, disclose or investigate such acts.

Therefore, all directors, officers, employees and contractors of the PIOJ are encouraged to adhere to the procedures and guidelines specified in this Policy for reporting all allegations of suspected improper or illegal acts.

C. Scope

This Policy governs the reporting and investigation of suspected improper or illegal conduct as well as the protection offered to persons who are entitled to lodge reports. The provisions of this Policy are applicable to all directors, officers, employees and contractors of the PIOJ.

C.2 Policy Exclusion

This Policy DOES NOT revoke or change the policies and procedures for reporting individual employee grievances or complaints relating to job performance, terms and conditions of employment or other

related issues. The PIOJ's grievance procedures, as outlined in the PIOJ Policy and Procedures Manual will be applicable for those circumstances.

D. Publication of this Policy

This Policy is available to directors, officers, employees, contractors and all members of the public on the organization's website. This Policy shall be displayed in a public and conspicuous area of the PIOJ and all related entities.

E. Definitions

Bad faith

A report will be deemed to have been made in bad faith where it is found to be:

- a) malicious;
- b) made for the purpose of slander;
- c) based on unfounded allegations; or
- d) frivolous or vexatious.

Designated Authority

The Integrity Commission is the designated entity which is authorised by the Minister to oversee and monitor compliance with the provisions of the Act.

Designated Officer

The Internal Auditor and the Chairman of the Finance and Audit Committee of the PIOJ are the persons appointed by the Board for the purposes of receiving and undertaking investigations and reporting findings to the Board and/or the Designated Authority which is empowered under the Act to receive such reports.

Good faith

Good faith shall be evident where the maker of the report has a reasonable basis to believe that the information which is disclosed is true and is made without malice or other improper motive.

Improper/ Illegal Acts

Improper or illegal acts include, but are not limited to:

- a) criminal offences such as fraud, sexual harassment and misappropriation of PIOJ's assets;

- b) violations of PIOJ's policies;
- c) failure to carry out a legal obligation;
- d) conduct which threatens the environment or the health and safety of a person;
- e) conduct that shows gross mismanagement, impropriety or misconduct in the carrying out of any activity that involves the use of public funds;
- f) conduct that tends to show unfair discrimination on the basis of gender, race, place of origin, social class, colour, religion or political opinion;
- g) acts of reprisal against or victimization of an employee who makes a report in accordance with this Policy; or
- h) the deliberate concealment of any of the aforementioned acts.

Whistleblowing

Whistleblowing refers to the process whereby a director, officer, employee or contractor of the PIOJ reports actual or suspected improper or illegal acts or conduct, in accordance with the provisions of this Policy.

Whistleblower

A Whistleblower is any director, officer, employee or contractor of the PIOJ who makes a report relating to any improper or illegal activity, in accordance with the provisions of this Policy, to the individual who is empowered to deal with such reports.

F. Confidentiality

Confidentiality will be strictly observed. The identities of persons who make reports in accordance with this Policy shall remain confidential except where disclosure is imperative in order to protect:

- a) the health, wellbeing or life of a director, officer, employee or contractor of the PIOJ or any other person not affiliated with the PIOJ;
- b) the environment from substantial harm; or
- c) the public interest.

Provided that none of the abovementioned exceptions apply, a report which is made on a confidential basis will be investigated and handled responsibly by the Designated Officer, without disclosing the reporter's identity.

Any breach of confidentiality will be considered a serious contravention of this Policy which may result in the imposition of a sanction proportionate to the breach. Such sanction shall be determined by the Board.

Where, however, the Designated Officer is unable to properly investigate the matter without breaching the maker's right to confidentiality, the Designated Officer shall make a report to the Board immediately, for a determination to be made concerning the matter.

Persons making a report on a confidential basis or anonymously may at any time choose to change the status of the report.

The foregoing applies to all reports that are made to the Designated Officer in accordance with the provisions of this Policy.

G. Protection from Retaliation

Any director, officer, employee or contractor of the PIOJ who makes a report in accordance with the provisions of this Policy shall be protected from punishment, unfair treatment and other acts of reprisal, provided that:

- a) the report is made in good faith, and
- b) the person making the report reasonably believes that the information provided in the report is true.

However, where a report is found to have been made in bad faith, the maker of the report shall be subject to disciplinary procedures and sanctions, as the Board considers appropriate.

The provisions of this Policy will not protect any person who makes a report from the consequences of being involved in any improper conduct which has been reported.

H. Procedure for Reporting and Investigating Misconduct of Improper Activities

H. 1. Reports to the Designated Officer

Any director, officer, employee or contractor who knows or suspects that an improper or illegal act which adversely affects the PIOJ or is contrary to the public interest has been committed by a director, officer, employee or contractor of the PIOJ, shall make a report directly to either of the Designated Officers identified in Appendix 1, which is attached hereto.

All reports of suspected improper or illegal acts shall, where reasonably practicable, be made in writing. However, where disclosure has been made orally, the information disclosed must be reproduced in writing by the Designated Officer to whom the report was made, no later than twenty-four (24) hours after the disclosure is made.

The grounds on which the report is being made must be clearly stated to prove that the maker of the report is acting in good faith. Any individual who makes a report directly to a Designated Officer will be required to give the following information:

- a) his or her name and position,
- b) the name of the person who allegedly committed the improper act,
- c) details of the improper act which is being alleged,
- d) particulars of any witnesses to the alleged conduct,
- e) details of any previous reports made in relation to the same improper conduct and the particulars of the person to whom the report was made, and
- f) any other information which is relevant for the purposes of investigating and determining the matter.

H.2. Reports to the Board of Directors

Where a director, officer, employee or contractor of the PIOJ reasonably believes that an improper or illegal act was committed by either of the Designated Officers appointed pursuant to this Policy, the director, officer, employee or contractor shall make a written report to the Chairman of the Board. The Chairman shall bring the report to the attention of the Board of Directors at the next board meeting.

All reports which are made in accordance with this Clause shall include:

- a) the name and position of the individual making the report,
- b) the name of the person who allegedly committed the improper act,
- c) details of the improper act which is being alleged,
- d) particulars of any witnesses to the alleged conduct, and
- e) any other information which is relevant for the purposes of investigating and determining the matter.

H.3. Reports to the Designated Authority

Any director, officer, employee or contractor of the PIOJ will be entitled to make a report to the Designated Authority if it is reasonable **AND** where the aforesaid individual:

- a) reasonably believes that he or she will be subject to acts of reprisal or termination if the disclosure is made to either of the Designated Officers,
- b) has reason to believe that that evidence relating to the improper conduct will be concealed or destroyed if the matter is reported to the Designated Officers,

- c) made a disclosure to the Designated Officers on a previous occasion and no investigation was commenced within thirty (30) working days from the date on which the report was submitted, OR
- d) submitted a report, concerning the Designated Officers, to the Chairman of the Board and no investigation was commenced within thirty (30) working days from the date on which the report was submitted.

The particulars for the Designated Authority are outlined in Appendix 2 which is attached hereto.

I. Investigating Reports

I.1. Procedure Where Designated Officer Commences Investigation

The Designated Officer to whom a report is made, shall investigate all reports promptly and shall carry out his or her duties impartially and fairly notwithstanding the position or length of service of the suspected wrongdoer.

After the report is received, the Designated Officer shall take all reasonable steps to expedite the investigation by:

- a) formally acknowledging receipt of the report within two (2) working days;
- b) commencing preliminary investigations within fifteen (15) working days of receiving the report; and,
- c) completing further investigations into the allegations contained in the report within thirty (30) working days of receiving the report, or within such further time as is reasonably required to thoroughly investigate the matter; however, no investigation shall exceed sixty (60) working days from the time the report was received.

All employees will be required to fully support and cooperate with any investigation conducted in accordance with this Policy.

Following investigations, the Designated Officer shall prepare an account of his or her findings to be presented to the Board and/or the Designated Authority empowered under the Act.

A report of the findings of the investigation shall be made to the Designated Authority where the matter is one of public interest, or where the allegations within the report concern the conduct of the Chairman of the Board.

Where the report was given on a confidential basis, the Designated Officer, to whom the information was reported, shall not disclose the identity of the maker of the report to the Board unless the maker of the report expressly consents or where any of the circumstances listed in Clause (F) applies.

A record of all reports made pursuant to this Policy shall be prepared and maintained by the Designated Officers.

I.2. Circumstances Where Designated Officer(s) May Refuse to Investigate

Where a report is made in good faith to either of the Designated Officers, he or she may refuse to deal with the report, or commence an investigation into any improper conduct alleged in the report OR cease an investigation where:

- a) the subject matter of the report or the related investigation has been adequately dealt with, or could more appropriately be dealt with by another person;
- b) the subject matter of the report is frivolous or not sufficiently important to warrant an investigation; or
- c) the circumstances surrounding the subject matter of the report have changed (whether by reason of a change in the circumstances of the individual making the report or the wrongdoer, insufficiency of evidence or otherwise) so that it renders the investigation unnecessary.

Where the Designated Officer decides to refuse to carry out an investigation into a report, he or she shall provide reasons for the decision, in writing, to the maker of the report within fifteen (15) days of the decision.

J. Amendment and Modification

This Policy must be submitted to the Corporate Governance Committee for review every two years, or as often as is required to determine its effectiveness.

The Corporate Governance Committee shall be empowered to recommend amendments to the provisions of this Policy to the Board for its consideration and approval. All recommendations to the Board for amendments to this Policy shall be made in writing.

An amendment or modification of this Policy shall not have retrospective effect.

K. Review of Whistleblowing Policy and Procedures

Every Board of Directors should review this Whistleblowing Policy and Procedures and approve any changes that it deems appropriate.

Appendix 8

1. Reports concerning the improper or illegal actions of a director, officer, employee or contractor of the PIOJ, which are made in accordance with **Clause H.1** of the Policy shall be directed to either of the following persons:
 - a) **The Chief Internal Auditor**
Planning Institute of Jamaica
16 Oxford Road
Kingston 5

OR

 - b) **The Chairman of the Finance and Audit Committee**
Planning Institute of Jamaica
16 Oxford Road
Kingston 5

2. Any director, officer, employee or contractor of the PIOJ who makes a report in accordance with **Clause H.1** of the Policy will be required to provide the following information to the Internal Auditor or Chairman of the Finance and Audit Committee:
 - a) his or her name and position,
 - b) the name of the person who allegedly committed the improper act,
 - c) details of the improper act which is being alleged,
 - d) particulars of any witnesses to the alleged conduct,
 - e) details of any previous reports made in relation to the same improper conduct and the particulars of the person to whom the report was made, and
 - f) any other information which is relevant for the purposes of investigating and determining the matter.

Appendix 9

1. Reports which are made in accordance with **Clause H.3** of the Policy shall be directed to the following entity:

**The Integrity Commission
The Director of Investigation)**

1st Floor, PIOJ Building
16 Oxford Road
Kingston 5
St. Andrew

Tel #: (876) 929-6460

2. Any director, officer, employee or contractor of the PIOJ who makes a report in accordance with **Clause H.3** of the Policy will be required to provide the following information to the Director of Investigation:
 - g) his or her name and position,
 - h) the name of the person who allegedly committed the improper act,
 - i) details of the improper act which is being alleged,
 - j) particulars of any witnesses to the alleged conduct,
 - k) details of any previous reports made in relation to the same improper conduct and the particulars of the person to whom the report was made, and
 - l) any other information which is relevant for the purposes of investigating and determining the matter.