

ORNGE WHISTLEBLOWING POLICY

Introduction

Ornge is committed to fulfilling its mandate to provide an integrated system of air ambulance and related services in the Province of Ontario with the highest standards of professionalism, ethics, and compassionate patient care. This Policy supports that commitment by providing a framework for the disclosure and investigation of wrongdoing, as well as protection from reprisal for those who make disclosures. It is intended to encourage employees at all levels of the organization and others to act with integrity. It is meant to discourage any wrongdoing.

The balance of this document describes the Policy's governing principles and answers key questions about its operation. This Policy should be read in conjunction with "Procedures under Ornge's Whistleblowing Policy". The Policy and Procedures are posted on the Ornge Internet site. Current, prospective, and newly hired employees, as well as current and prospective suppliers of goods and services, will be advised of the existence of the Policy and Procedures. Employees and suppliers are required to familiarize themselves with both. This Policy also supports the Ornge Workplace Norms document, which is given to all employees when they are hired.

Governing Principles

The Whistleblowing Policy is not meant to duplicate existing processes or remedies that are available through legislation or otherwise. For example, it is not intended to cover what can be grieved under a collective agreement. It is a "last resort" Policy, to be used when no other avenue for the concern or complaint exists.

The Policy is not to be used in the case of an emergency which involves a danger to the health or safety of a patient or another person. The processes for addressing concerns about patient care are available on Ornge's website at <https://www.ornge.ca/patients>. Staff should continue to report any concerns or incidents through the C.A.R.E. software at <https://care.ornge.ca>. Navigation safety concerns should be sent immediately to: aviationsafety@ornge.ca.

Organizations are increasingly appointing external experts to assess whistleblowing concerns and take appropriate action. In recognition of the need to ensure the independence, neutrality, and fairness of its Whistleblowing program, Ornge appointed an Independent Ethics Officer ("IEO") with key responsibilities, explained more fully later in this Policy.

The following principles were applied in the development of the Whistleblowing Policy and will guide the actions of the IEO:

- Accessibility (The Policy is to be well advertised, easy to use, and available throughout Ontario);
- Fairness (The Policy and its application need to be fair to the Discloser and the Subject);
- Credibility (The Policy has respected officials involved and confidentially is respected);
- Flexibility (Processes under the Policy can be adjusted to fit the unique circumstances of the situation);
- Clarity (The Policy uses plain language, is simple in design, and supported by communication and education);

- Accountability (Disclosers, Subjects, and Ornge have specific obligations, there is regular reporting by the Independent Ethics Officer and Ornge, and there is ultimate review by Ornge’s Board of Directors);
- Utility (The Policy allows for a range of concerns to be raised and uses processes that lead to appropriate results);
- Efficiency (The Policy does not duplicate existing procedures for raising concerns and addresses concerns in a timely and cost effective way); and
- Practicality (The Policy is tailored to Ornge’s environment and is workable).

What is whistleblowing?

“Whistleblowing” Policies are intended to protect people who raise legitimate concerns about improper conduct. Whistleblowing involves a “disclosure” (complaint) that is made by a “Discloser” (Complainant) against a “Subject” (Respondent) about an alleged “wrongdoing” or alleged “reprisal”.

Allegations that are found to be trivial, frivolous, vexatious, or made in bad faith will not be treated as a disclosure and will not be pursued under the Whistleblowing Policy.

What is a “wrongdoing”?

“Wrongdoing” under this Policy means committing or counseling another person to do one or more of the following:

- an act or omission that creates a danger to life, health, or safety of a patient or other person;
- mismanagement/misuse of funds/resources;
- contravention of legislation;
- contravention of the Performance Agreement between Ornge and the Ministry of Health and Long Term Care; and/or
- an act or omission impacting the integrity of corporate accounting practices, financial reporting, internal controls, or auditing.

What are some examples of wrongdoing?

A common kind of whistleblowing complaint involves allegations that an employee has taken a “kickback” in order to steer contracts to a specific private or public sector organization. While the behaviour could be criminal, it may come to light through a whistleblowing disclosure. Some whistleblowing complaints allege that an individual has contravened legislation. Others allege that important documents have been falsified or destroyed.

What protection exists against reprisals?

Anyone who, in good faith, makes a disclosure or participates in a process under this Policy, is protected from reprisal. An alleged reprisal may include:

- ending or threatening to end employment;
- disciplining or threatening to discipline;
- penalizing or threatening to penalize; and/or
- coercion and intimidation.

Anyone found to have engaged in a reprisal, for participating in the exercise of their rights under this Policy, is subject to disciplinary action by Management, including the termination of their employment or engagement with Ornge.

Who can make a disclosure?

A person who falls into one of the following categories may make a disclosure:

- current or former employee of Ornge;
- supplier of goods or services to Ornge; or
- Member of Ornge's Board of Directors.

Disclosers' names must be revealed to allow for the proper investigation of disclosures about alleged wrongdoing or reprisal. While disclosures cannot be made anonymously, confidentiality will be preserved to the extent appropriate, or possible, in the circumstances.

Allegations about wrongdoing may be made by anyone in one of the categories above who has relevant information. Allegations about reprisal may be made by anyone who has provided information under the Whistleblowing Policy or participated in a process under the Policy.

How can disclosures be made?

Disclosures can be submitted to the Independent Ethics Officer, Pricewaterhouse Coopers, in writing to ornge.whistleblower@ca.pwc.com or via phone call to 416-687-8327.

It is important that Disclosers provide as much information as possible about their allegations of wrongdoing or reprisal, including dates, times, and details surrounding the alleged acts or omissions.

Who will review disclosures?

Disclosures are reviewed by the "Independent Ethics Officer" ("IEO"), Pricewaterhouse Coopers will be providing the service, who is external to Ornge. The IEO was appointed by the Finance and Audit Committee of Ornge's Board of Directors on December 2012, after approval by the Board.

How will disclosures be processed?

The IEO will first determine whether the disclosure falls within the scope of the Whistleblowing Policy. If it is within the scope of the Policy, the IEO has the discretion to determine what process or processes to use, including referral to Management, mediation, and investigation. All processes will reflect the principles noted in the "Governing Principles" section.

The IEO may designate someone internal or external to Ornge to perform specified tasks. The IEO is empowered to make findings as to whether or not a disclosure has been substantiated and to make recommendations. The IEO also has the discretion to determine what information is provided to the Discloser by way of report back, taking into account such factors as privacy concerns and the public interest.

How will various confidentiality issues be addressed?

Confidentiality is an important aspect of ethical behaviour and is treated sensitively under the Whistleblowing Policy. Information protected by the following forms of privilege cannot be disclosed under the Policy:

- Solicitor/client privilege;
- Litigation privilege; and
- Cabinet privilege.

Aside from those restrictions, a Discloser who acts in good faith may provide information that is otherwise subject to a confidentiality obligation and will not be penalized for doing so.

Once a disclosure is made, the Discloser and Subject (and any other participants) must maintain an appropriate level of confidentiality. Those handling the disclosure will only share information on a need-to-know basis. If the IEO intends to provide a report back to a Discloser, the Discloser may be required to sign a confidentiality agreement in advance of receiving the report back.

Who is accountable for what?

The Finance and Audit Committee of Ornge's Board of Directors is responsible for oversight of the Whistleblowing Policy.

Management is responsible for implementing the Whistleblowing Policy, for monitoring the Policy, and reporting on results. It is also responsible for addressing any matters referred to it by the IEO.

In addition to handling disclosures, the IEO is responsible for submitting written reports, concurrently to Management and the Finance and Audit Committee, at least quarterly.

All employees (including officers) and members of the Board of Directors, as well as suppliers, are expected to co-operate fully in any investigation or other process used under this Policy. Disclosers, Subjects, witnesses, and anyone else contacted by the IEO or his/her designate are responsible for providing accurate information and for participating, as appropriate, in investigations and other processes used to address concerns that are raised.