

Revised Proposed Amendment to Principle 8 of the Principles of Staff Employment

Note: New text is highlighted. Current Principle 8 is titled *Disciplinary Measures* and consists of paras. 8.2 and 8.3 below.

Principle 8

MISCONDUCT POLICY AND PROCEDURE

Policy and Procedure for Reporting Misconduct

8.1 The Organizations' policy on protections and procedures for reporting misconduct shall set out the rights and responsibilities of staff with respect to reporting misconduct that may threaten the operations or governance of the Organizations, so as to encourage staff to raise concerns and enable the Organizations to effectively address such cases, manage risks, and uphold standards of good governance. The policy shall provide protections to staff who report such misconduct or who cooperate or provide information during an ensuing review or investigation. These protections shall include:

- a. the prohibition of retaliation by managers or other staff against any person for reporting misconduct, or for cooperating or providing information during an ensuing review or investigation;
- b. with the consent of the staff member involved, the provision of interim protections during the course of review or investigation as necessary to safeguard the interests of a staff member who has reported misconduct or cooperated or provided information in that review or investigation; and
- c. where a staff member has made a *prima facie* case that an adverse employment action was taken in retaliation for an activity protected under the misconduct reporting policy, a shift in the burden of proof to the Organizations to show that the challenged action would have been taken absent the staff member's protected activity.

Disciplinary Measures

8.2 A staff member who fails to observe the standards of conduct established pursuant to these Principles, who engages in misconduct, or who neglects to perform assigned tasks without reasonable excuse, may be subject to disciplinary measures. Depending on the seriousness of the offense and other relevant factors, the disciplinary measures taken in a particular case may be censure, suspension from duty with or without pay or with reduced pay, demotion, reduction in pay, or separation of the staff member from the service of the Organizations as provided in Chapter 7 above. A staff member may also be suspended from duty with pay, without prejudice, pending investigation of a charge under this paragraph.

8.3 Staff members have the right to be notified in writing of the grounds for disciplinary action.