



Policy Title:	<b>JAMAICA MORTGAGE BANK WHISTLEBLOWER POLICY</b>
Policy Number:	<b>CG 2019/01</b>
Approved By:	<b>BOARD OF DIRECTORS</b>
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Date of Revision:	
Related Policies/ Legislation:	<b>Protected Disclosures Act 2011</b>
Position Responsible for Maintaining this Policy:	<b>General Manager</b>

# JAMAICA MORTGAGE BANK WHISTLEBLOWER POLICY

## Rationale of Policy

The Jamaica Mortgage Bank is committed to the highest standards of integrity, probity, transparency and accountability.

An important aspect of accountability and transparency is a mechanism to enable all members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of one's immediate supervisor (save and except in relatively minor instances the immediate supervisor would be the appropriate person to be told).

**The Protected Disclosure Act 2011**, gives legal protection to employees against being dismissed or penalised by their employers as a result of their making certain specified disclosures of improper Conduct. The Company has endorsed the provisions set out below to ensure that no forms or acts of reprisals or occupational detriment are meted out to those employees who report or disclose improper/illegal conduct.

This Policy is intended to outline the protections afforded to the Directors, Officers and Employees of the Jamaica Mortgage Bank in the event that they discover any type of wrongdoing while employed to or affiliated with the Company. This includes any serious misconduct, breach of law (including but not limited to fraud, theft or corruption) and also conduct which is not in line with the Company's Values and Ethics. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under the Bank's Anti-Sexual Harassment policy or other disciplinary breaches outlined in the Bank's Human Resource Policy Manual.

## Definitions

*Disclosure*- means disclosure of information made by an employee, regarding any conduct of an employer of that employee, regarding any conduct of an employer of that employee or another employee of the employer, where the employee has a reasonable belief that the information disclosed shows or tends to show that improper conduct has occurred, is occurring or is likely to occur and "disclose" shall be construed similarly.

*Investigating Officer* – Means the person selected to carry out an enquiry under this Policy and under the **Protected Disclosures Act 2011** in respect of a disclosure made.

*Nominated Officer* – means the individual designated by the Board as the person to whom disclosures are made.

*Whistleblower* – means the employee, officer or Director of the Bank who discloses the information which is protected under this Policy and the **Protected Disclosures Act, 2011**

## **Scope of Policy**

This policy is designed to enable employees of the JMB to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy covers the concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary, civil or criminal actions. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these
- Any other offence outlined in the **Protected Disclosures Act , 2011**

## **Safeguards**

**Protection** - this policy is designed to offer protection to those Employees, Directors or Officers of The Jamaica Mortgage Bank who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to a Nominated Officer. It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

**Confidentiality** - The Jamaica Mortgage Bank will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

**Anonymous Allegations** - this policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the JMB. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

**Untrue Allegations** - If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

#### **Non-Protected Disclosures**

- A disclosure of information is not a protected disclosure if the employee making the disclosure commits an offence by making it.
- A disclosure shall not qualify for protection unless it is made in good faith and in the public interest.
- The policy does not allow for the disclosure of information which is protected by legal professional privilege.

#### **Procedures for Making a Disclosure**

The Policy prescribes certain procedures for whistleblowing by employees. An employee who decides to “blow the whistle” must:

- (i) Complete a Whistle Blower Disclosure Form ( Appendix 1) and submit it to the Nominated Officer,
- (ii) The Nominated Officer will inform the Audit Committee of the complaint ,
- (iii) The matter will then be investigated; and

- (iv) upon completion of the investigation a report will be submitted to the Audit Committee.

The Whistleblower who wishes to submit a complaint, may do so by oral disclosure directly to the JMB's Nominated Officer under this Policy or, as the policy provides, to the General Manager or the Chairman of the Audit Committee.

The Whistleblower needs to be guided by the following steps to complete the Whistleblower Disclosure Form:

- (i) Provide his/her full name and position held ;
- (ii) Provide the full name and position of the person complained of;
- (iii) Specify the charge;
- (iv) State the date or dates of the incident
- (v) State the relevant and material facts;
- (vi) Provide any evidence that support the charge

The Nominated Officer on receipt of complaint takes the follow steps

- (i) Receives and assesses the complaints and
- (ii) passes on his/her assessment and recommendation to the Audit Committee

The Audit Committee will determine the appropriate action to be taken. This could entail routing the matter to the Board, the Corporate Governance or any other Committee of the Board for further investigation by the appointment of an Investigating Officer who could be the same Nominated Officer.

### **Timescales**

- (a) The Nominated Officer on receipt of a complaint will provide an initial response to the Complainant within 30 days of receipt of complaint of the steps being taken.
- (b) The Nominated Officer will advise the audit Committee of the complaint received no longer than 14 days after receipt of said complaint.
- (c) The Audit Committee must make a decision on the appropriate steps to take to deal with the disclosure no longer than 30 days after receipt of same from the Nominated Officer.
- (d) In the event that an Investigation is required, due to the varied nature of these sorts of complaints, which may involve internal / external investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.
- (e) The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the

investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address marked "confidential".

### **Investigating Procedure**

Generally, the procedures involve the building of the case files, determination of the validity or sufficiency of the complaint disclosure, referral to an investigating body and whistleblower notification of the actions taken on complaint and their outcomes.

Based on the sensitive nature of whistleblowing, the respective parties responsible for investigating reports will be required to sign a confidentiality agreement before pursuing investigations.

The Investigating Officer is expected to act independently, impartially and thoroughly in the execution of his/her duties.

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a representative (co-worker) at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual's legal representative.
- The investigating officer should consider the involvement of the Company Auditors and the Police at this stage and should consult with the Chairman of the Audit Committee / General Manager if appropriate
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the General Manager/ the Audit Committee as appropriate.
- The General Manager / the Audit Committee will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.

- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be used to enable a review of Company procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the General Manager / Audit Committee.

If there is evidence of criminal activity then the investigating officer should inform the police dependent on the severity of the action. The Company will ensure that any internal investigation does not hinder a formal police investigation.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, The Jamaica Mortgage Bank recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons. A full list of prescribed people and bodies as outlined in the first schedule of the **Protected Disclosure Act (2011), which is attached at Appendix 2**

## ***APPENDIX 1***

### **WHISTLEBLOWER DISCLOSURE FORM**

Please provide the following details for any suspected serious misconduct or any breach or suspected breach of law or regulation that may adversely impact the Company and submit directly to any of the following persons the Nominated Officer or

the Audit Committee as provided by the Policy. Please note that you may be called upon to assist in the investigation, if required.

<b>REPORTER'S CONTACT INFORMATION (this section may be left blank if the reporter wants to be anonymous)</b>	
Name	
Designation	
Department	
Contact	
e-mail address	
<b>SUSPECT INFORMATION</b>	
Name	
Designation	
Department	
Contact	
e-mail address	
<b>WITNESS INFORMATION</b>	
Designation	
Department	
Contact	
e-mail	
Allegation No.	
<p><b>COMPLAINT: Briefly describe the misconduct/improper activity and how you know about it. Specify what, who, when, where and how. If there is more than one allegation, number each allegation.</b></p> <p><b>1. What misconduct /improper activity occurred?</b></p>	



**2. *Who committed the misconduct/improper activity?***

**3. *When did it happen and when did you notice it?***

**4. *Where did it happen?***

**5. *Is there any evidence that you could provide for us?***

**6. Are there other parties involved other than the suspect stated above?**

**7. Do you have any other details or information which would assist us in the investigation?**

**8. Any other comments? Please State**

**Date** **Signature :**

*\*Note – You **SHOULD NOT** attempt to obtain evidence for which you do not have a right of access since whistleblowers are “reporting parties” and **NOT** investigators*

<b>For Whistleblower Committee Use</b>	<b>Report No.</b>
<b>Received By:</b>	<b>Received on:</b>
	<b>Acknowledgement sent on:</b>
<b>Investigation Required(Yes/No) If no, please state the reason</b>	

<b>Investigation done by:</b>
<b>Investigation Results:</b>
<b>Action Taken/Conclusions:</b>
<b>Reported to Audit Committee Chairman on:</b>
<b>Signed Off by:</b>