

## WHISTLEBLOWER AND WITNESS OF ABUSE PROTECTION POLICY

### 1. Policy statement

Since reporting inappropriate conduct or abuse is fundamental to protecting the safety of all employees, pastoral staff, volunteers and congregants, it is essential that those who disclose such conduct, or who participate in an investigation of a complaint, are able to do so in a manner that ensures confidentiality and protects their privacy, reputation, employment and also protects them from any form of retaliation, threat or other prejudicial action.

The purpose of this policy is to set out the guiding principles for disclosure and the safeguards and support available to those who disclose abuse or inappropriate conduct, or who are called upon to participate in an inquiry or investigation into a complaint of abuse or inappropriate conduct.

### 2. Definitions

“Abuse” means any wrongful conduct committed by one person against another, including physical abuse, sexual abuse, psychological abuse, including harassment or intimidation, spiritual abuse and financial abuse.

This includes offensive, threatening or otherwise inappropriate conduct or inappropriate communications via electronic media, the internet, or social media.

“Disclosure” means communication to the Ombudsman of information regarding misconduct or abuse that the whistleblower believes in good faith to be credible.

“Whistleblower” means a person who in good faith reports or denounces an act of abuse or suspected abuse or who provides information in the context of an inquiry or investigation of a disclosure or complaint.

“Ombudsman” means the Ombudsman appointed by the Archbishop in accordance with the *Archdiocese of Montreal Complaint Handling Regulation*.

“Reprisal” means any conduct, abuse or adverse action taken against a person on the grounds that the person has made, or intends to make, a disclosure in good faith or has cooperated or proposes to cooperate in an inquiry or investigation because of a disclosure or complaint. Reprisal also means threatening a person to keep them from making a disclosure or cooperating with such an inquiry or investigation or denouncing him or her or otherwise seeking to damage his or her reputation, dignity, or honour.

### 3. Disclosure of abuse and preservation of confidentiality

**3.1** It is the duty of any person who, in good faith, has credible knowledge of abuse or suspected abuse or inappropriate conduct to disclose it. The disclosure must be made to the Ombudsman who is obliged to protect the identity of the person making the disclosure.

**3.2** All reasonable steps, consistent with the law, will be taken to protect the employment, reputation, privacy, and confidentiality of the person making the disclosure. The If, for any reason, confidentiality can no longer be maintained, the person having made the disclosure shall be notified by the Ombudsman

**3.3** All persons involved in the handling of disclosures or complaints are bound by the same obligations of confidentiality and must exercise the same level of discretion as the Ombudsman so as to protect the confidentiality of any information they may receive in relation to the disclosure process, the handling of disclosures received and, especially, the identity of the persons involved in the process.

**3.4** It is strictly forbidden for anyone, including any member of the pastoral staff, employee, volunteer, or any other member of the Church, to disclose, directly or indirectly, to anyone, the identity of a person involved in the disclosure or speculate on the identity of that person. This prohibition applies not only to the name of the person, but also to any nominative information, i.e., any information that can identify a person.

It is also strictly forbidden to disclose or speculate about the identity of the person in electronic media, on the internet, or on social media.

**3.5** Persons who breach the above confidentiality are subject to appropriate sanctions:

- (a) In the case of employees, disciplinary measures, including reprimands, disciplinary suspensions, or dismissal.
- b) In the case of volunteers, removal from any position or right of involvement in the work of the community, formal reprimand from the Archbishop.
- c) In the case of members of the pastoral staff, formal reprimand by the Archbishop, revocation of faculties, and other disciplinary sanctions according to canon law.
- d) In the case of any member of the Church, formal reprimand by the Archbishop, and other sanctions according to canon law.

all without prejudice to any civil remedies or remedies under the *Charter of Human Rights and Freedoms* that may be applicable, as discussed below in paragraph 5.2.

**3.6** Any person who considers that the confidentiality of their identity has been violated may notify the Ombudsman, who will ensure the appropriate follow-up. Such behaviour may lead to a complaint of abuse.

## **4. Protection against retaliation**

**4.1** No person shall retaliate or threaten to retaliate against a person who makes a disclosure or cooperates in good faith with an inquiry or investigation of a disclosure or complaint.

**4.2** Any person who retaliates or threatens to retaliate is subject to appropriate sanctions, including, in the case of employees, disciplinary action which may, depending on the circumstances, include reprimand, disciplinary suspension, or dismissal. In the case of pastoral staff, volunteers or members of the Church, sanctions may include those listed in paragraph 3.5.

**4.3** Any person who is a victim of, or who fears retaliation, may contact the Ombudsman who will follow up appropriately. Such behaviour may lead to a complaint of abuse.

## **5. Support services**

**5.1** Any person who has, in good faith, made a disclosure or cooperated in an inquiry or investigation conducted as a result of a disclosure or complaint will benefit from the *Archdiocese of Montreal Complainant Support Policy*, including support from the Ombudsman, legal protection, and therapeutic support.

**5.2** In the event of a serious breach of the obligations set out in this policy that has infringed upon the privacy, reputation, dignity, or honour of the whistleblower, legal protection also includes the services of a lawyer, whose fees will be paid by the Archdiocese or the relevant Diocese body, to pursue civil remedies against the offender or remedies under the *Charter of Human Rights and Freedoms*.