

Energy Chamber of Trinidad and Tobago (ECTT) Whistleblowing Policy

The ECTT believes that good communication between its members, staff and volunteers promotes better work practice and that it is in the interest of all for the ECTT to adopt and enforce a Whistleblowing Policy. This Policy will take effect on October 11th 2012 and will be amended and updated from time to time as determined by the Board of the ECTT. The most recent version of this Policy will be posted on the ECTT website (www.energy.tt) for consultation by members, staff and volunteers of the ECTT as well as the general public.

Introduction to the ECTT Whistleblowing Policy

The ECTT seeks to conduct itself honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. We believe we have a duty to take appropriate measures to identify such situations and attempt to remedy them. On this basis, members, staff and volunteers are encouraged to raise genuine concerns about malpractice in the workplace without fear of reprisals and ECTT will take all reasonable steps in order to protect such members, staff and volunteers from victimization and/or dismissal if they raise concerns in good faith.

1. Authority for Whistleblowing Policy

Overall authority for this policy sits with the Chairman of the Governance Committee of the ECTT. The ECTT has a specific responsibility to facilitate the operation of this policy and to ensure that members, staff and volunteers feel able to raise concerns, without fear of reprisals, in accordance with the procedure set down below. All members, staff and volunteers are responsible for the success of this policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware.

2. Scope

This policy applies to all ECTT members, employees and volunteers. The ECTT has introduced these procedures to enable members, employees and volunteers to raise or disclose concerns about malpractice affecting the ECTT's activities at an early stage and in the right way, and they apply in all cases where there are genuine concerns, regardless of where this may be and whether the information involved is confidential or not.

The term 'malpractice' includes but is not exhaustive of:

- Criminal offences;

- Breaches of legal obligations (including negligence, breach of contract, breach of administrative law and/or regulations);
- Miscarriages of justice;
- Health and safety violations;
- Damage to the environment;
- The concealment of any of the above.

If an individual raises a genuine concern and is acting in good faith, even if it is later discovered that they are mistaken, under this policy they will not be at risk (if they are an employee) of losing their job or suffering any form of retribution (if they are a member or volunteer) as a result. This assurance will not be extended to an individual who maliciously raises a matter they know to be untrue or who is involved in any way in the malpractice.

3. Procedure for Raising a Concern

If you believe that the actions of anyone (or a group of people) working or volunteering for or on behalf of the ECTT do or could constitute malpractice you should raise the matter with either the Chairman or the CEO of the ECTT. Where this is not appropriate because either the Chairman or the CEO may be involved in the alleged malpractice in some way, the matter should be raised directly with the Chairman of the Governance Committee of the ECTT i.e. the Secretary of the Board.

You may raise your concern verbally or in writing and should include full details and, if possible, supporting evidence of the alleged malpractice. You must state that you are using the ECTT Whistleblowing Policy and specify whether you wish your identity to be kept confidential.

Contact information:

President and CEO	679-4782 ext 45/execoffice@energy.tt
Chairman	821-5145
Chairman, Governance Committee	624-3178 ext 3004

4. Confidentiality

Every effort will be made to keep your identity confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential.

There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you made the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is possible, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation.

Equally, should an investigation lead to a criminal prosecution, it may become necessary for you to provide evidence or be interviewed by the Police. In these circumstances, again, the implications for confidentiality will be discussed with you.

5. Anonymous Reporting

Anonymous disclosures are very difficult to act upon as there may be little or no corroborated evidence to substantiate the allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feed back or ascertain whether your disclosure was made in good faith. The ECTT does not encourage anonymous reporting as it feels it is more appropriate for individuals to come forward with their concerns.

6. Support for Whistleblowers

Once a disclosure is made, a member of the ECTT Governance Committee will be allocated as your key contact to keep you up to date with the matter and provide any specific support that you may need.

No member, employee or volunteer who raises genuinely held concerns in good faith under this procedure will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes unwarranted disciplinary action and victimisation. If you believe that you are being subjected to a detriment as a result of raising concerns under this procedure, you should inform your allocated member of the ECTT Governance Committee immediately. Any employee of the ECTT who victimises or retaliates against those who have raised concerns under this policy will be subject to disciplinary action.

7. How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used:

- (a) If you have any personal interest in the matter you have raised you must disclose this at the outset. [*This procedure is not intended to replace the internal Grievance Procedure, which continues to be the appropriate way to raise personal issues relating to an ECTT employee's specific job or employment*].
- (b) Your disclosure under this policy will be acknowledged in writing confirming that the matter will be investigated and that ECTT will get back to you in due course.
- (c) A suitable person will be identified to manage the disclosure. This will be someone who is in a position to take any necessary action as an outcome.
- (d) A suitable individual will be instructed to conduct an investigation into the allegation (they will have had no previous involvement in the matter). We aim to start the investigation within two weeks of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.
- (e) You may be asked to provide more information during the course of the investigation.
- (f) The investigation report will be reviewed by the person managing the disclosure.
- (g) Appropriate action will be taken – this could involve initiating a disciplinary process, or informing external authorities if a criminal action has been committed e.g. fraud or theft. We will endeavour to inform you if a referral to an external authority is about to or has taken place, although we may need to make such a referral without your knowledge or consent if we consider it appropriate.
- (h) If it is found that there is not sufficient evidence of malpractice, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be more appropriate for the manager to take a more informal approach to dealing with the matter.
- (i) You will receive written notification of the outcome of the investigation, though not all the details or a copy of the report.
- (j) Possible outcomes of the investigation could be that:
 - the allegation could not be substantiated; or

- action has been taken to ensure that the problem does not arise again.

You will not, however, be given details about the action taken as this could breach the human rights of the person(s) involved.

- (k) If you are not satisfied with the response you have received you should raise the matter with the Chairman of the ECTT Governance Committee outlining your reasons.
- (l) If you have asked to remain anonymous, care will be taken to respect this request (see section on confidentiality above).

8. Corrective Action and Compliance

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable ECTT to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The CEO of the ECTT will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required to the ECTT Board.

9. False Disclosures

The ECTT will treat all disclosures of malpractice seriously and protect staff who raise concerns in good faith. However, appropriate disciplinary action will be taken against any member, employee or volunteer who is found to have made a disclosure maliciously that they know to be untrue, or without reasonable grounds for believing that the information supplied was accurate. This may result in striking off (in the case of members), dismissal (in the case of employees) and termination of services (in the case of volunteers).

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