

POLICY/PROCEDURE:

WHISTLEBLOWER POLICY

EFFECTIVE DATE:

AUGUST 2019

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REFERENCE DOCUMENT ATTACHED:

**WHISTLEBLOWER DISCLOSURE FORM
PROTECTED DISCLOSURES ACT 2011**

POLICY/PROCEDURE:

WHISTLEBLOWER POLICY

EFFECTIVE DATE:

AUGUST 2019

APPROVED: _____

Winston Watson, General Manager

DATE: _____

1.0 **POLICY STATEMENT**

The company's internal policies and operating procedures are intended to promote ethical behavior and deter improper conduct within the organization. However, these safeguards are not absolute and intentional and unintentional violations may take place causing harm to staff morale and the company's reputation. The purpose of this policy is to encourage and facilitate employees making good faith reports of improper conduct and to provide protection to employees from victimization and other negative consequences in their employment for making disclosures in good faith.

2.0 **WHISTLEBLOWER**

The term "Whistleblower" generally refers to any person who reports improper conduct including directors, current or former employees, persons engaged on a voluntary basis to the company and current or former service providers or agents.

3.0 **IMPROPER CONDUCT**

Improper Conduct includes any:

- (i) violations of Company policy;
- (ii) criminal activity;
- (iii) failure to carry out a legal obligation;
- (iv) conduct that tends to show unfair discrimination on the basis of gender , race, place of origin, social class, colour or political opinion
- (v) conduct that is likely to or result (s) in a miscarriage of justice;
- (vi) conduct that is likely to or threaten (s) the health or safety of a person;
- (vii) conduct that is likely to or threaten(s) or damage (s) the environment;
- (viii) conduct that shows gross mismanagement, impropriety or misconduct that involves the use of company funds;
- (ix) breach of corporate governance principles and practices act of reprisal against or victimization of an employee;
- (x) acts of reprisal against or victimization of an employee;

- (xi) any conduct similar in nature to those listed in paragraphs (i-x)
- (xii) willful concealment or facilitation of any of the above.

4.0 REPORTING

A report may be made to the **Group Internal Auditor** if there is reasonable belief that Improper Conduct has occurred, is occurring or is likely to occur, by completing **the attached disclosure form**. Reports may be made anonymously; however, they are less credible, but may be considered at the discretion of the Group Internal Auditor.

Reports are to be treated with the strictest confidence by the Group Internal Auditor. The identity of the whistleblower is not to be disclosed unless it is absolutely necessary for the completion of any internal investigation to be conducted or otherwise agreed by the employee.

All reports must be made in good faith i.e. without malice or consideration of personal benefit and the whistleblower reasonably believes that the reports are true. Malicious and unfounded reports may give rise to disciplinary action. This policy does not change the company's policies in relation to individual employee grievances.

If no steps are taken by the Group Internal Auditor within thirty (30) days of a report being made then a report may also be made to external bodies as appropriate including:

Auditor General
Integrity Commission
National Environment and Planning Agency
A Minister of Government
Other Entities¹

A report may also be made **directly to the Integrity Commission** if the employee reasonably believes that:

- (i) he/she will be victimized, harassed, intimidated or otherwise suffer negative consequences relating to his employment and/or
- (ii) The evidence relating to the improper conduct will be concealed or destroyed if the report is made to the Group Internal Auditor.

5.0 INVESTIGATIONS

When a report is made to the Group Internal Auditor, he or she must receive and record the matter being disclosed and determine whether an investigation should proceed.

If an investigation is considered necessary, the Group Internal Auditor must:

- (i) Provide periodic updates to the employee at thirty day intervals;
- (ii) Ensure that the investigation takes into account the rules of Natural Justice and the need to safeguard individual reputations;

¹ Bank of Jamaica; Bureau of Standards; Commissioner of Police; Director of Public Prosecutions; Electoral Commission; Fair Trading Commission; Independent Commission of Investigations; Inland Revenue Department; Office of Utilities Regulation; Political Ombudsman; Public Defender

- (iii) Report the findings of the investigations to the whistleblower, the Audit Committee of the Board of Directors of Petrojam and to any appropriate law enforcement or oversight body (ies).
- (iv) Make recommendations and take steps to remedy the improper conduct.
- (v) Complete investigations within sixty (60) days from receiving a report.

Following an investigation, other relevant internal procedures may be invoked including the Company's disciplinary policy.

The Group Internal Auditor may in good faith refuse to deal with a report or investigate same or cease an investigation where the disclosure made in the report:

- (i) Has been adequately dealt with or could more appropriately be dealt with by another person; or entity
- (ii) The subject matter is frivolous and does not warrant an investigation;
- (iii) The circumstances surrounding the report have changed such that it renders the investigation unnecessary.

The employee must be notified within fifteen (15) days of this decision.

6.0 EMPLOYEE PROTECTION

This policy protects employees from victimization, harassment, intimidation or suffering any other form of negative consequences relating to his employment provided that the report is made:

- (i) In good faith; and
- (ii) In the reasonable belief that the report is true;
- (iii) To the appropriate person.

If the employee believes that he is being victimized, harassed, intimidated or exposed to any other form of negative consequences on account of seeking to make, making or intending to make a report, this should be immediately reported to the Group Internal Auditor or other appropriate person to whom the report was made.

If an employee is dismissed as a consequence of seeking to make, making or intending to make a report, the employee shall be treated as being unjustifiably dismissed.

If an employee suffers any negative consequences relating to his employment at or about the same time as he/she makes a report, these consequences shall be presumed to be a result of the report made unless the employer/supervisor shows that the action is justified.

The Group Internal Auditor shall not be liable to any civil or criminal proceedings or any disciplinary proceedings by reason of having made, received, investigated or otherwise dealt with a report.



SERVING JAMAICA'S ENERGY NEEDS

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

REPORTER'S CONTACT INFORMATION (<i>this section may be left blank if the reporter wants to be anonymous</i>)	
Name	
Designation	
Department	
Contact	
e-mail address	
COMPLAINT: <i>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.</i>	

1. What misconduct/improper activity occurred?
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 us?	
6. Are there any other parties involved?	
7. Do you have any other details or information which would assist us in the investigation?	
8. Any other comments? Please state	
Date	Signature (Optional)

***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**

