



JAMAICA CIVIL AVIATION AUTHORITY

PROTECTED DISCLOSURES POLICY & PROCEDURAL GUIDELINES

(Made in furtherance of the Protected Disclosures Act (2011))

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1. PRELIMINARIES

1.1 DISCLAIMER

This Policy has been developed to address the needs of the Jamaica Civil Aviation Authority (the "JCAA" or "Authority"). The Authority expects that all who are within the scope of this Policy will bring integrity and honesty to the conduct of its affairs. The Authority, however, recognises that, from time to time, all entities face the risk of unknowingly harbouring illegal or unethical conduct. The Authority values openness, probity and accountability and commits to addressing those events which contravene those values when they do occur.

1.2 STATEMENT OF SUPPORT TO PERSONS MAKING PROTECTED DISCLOSURES

The Directors and Management of the Jamaica Civil Aviation Authority (JCAA or Authority) are committed to the provisions of the Protected Disclosures Act, 2011 and have endorsed these procedures. We also pledge to encourage our Employees to make disclosures of known or suspected incidences of Improper Conduct, to facilitate a fair and impartial investigation into each allegation and to take the necessary steps to implement the recommendations of any such investigation. We also give the assurance that all reasonable steps will be taken to protect Employees who have made a Protected Disclosure from occupational detriment or fear of reprisals.

 Chairman	 Director General on behalf of the Management Team
 Dated	 Dated

1.3 POLICY CONTEXT

JAMAICA CIVIL AVIATION AUTHORITY	
Date Approved:	March 9, 2023
Responsible Director:	Deputy Director General, Corporate Services
POLICY CONTEXT	
Protected Disclosures	Strategic Goal: Governance

	<p>Objectives:</p> <ol style="list-style-type: none"> 1. To manage structures, systems, and resources effectively for responsible administration of protected disclosures 2. To encourage the reporting of suspected wrongdoing as soon as possible 3. To provide guidance as to how to raise and manage those concerns responsibly
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1.4 GLOSSARY

The Authority/JCAA	The Jamaica Civil Aviation Authority
BoD	Board of Directors for the Jamaica Civil Aviation Authority
Board Committee	Any Committee of the Board of Directors as determined from time to time
DDG	Deputy Director General
Director General	Director General of Civil Aviation and accountable officer in keeping with the Public Bodies Management and Accountability Act
Employee	<ol style="list-style-type: none"> a. any person who: <ol style="list-style-type: none"> 1. works or has worked for the Authority; and 2. receives, received, or is entitled to receive, any remuneration for such work done; b. any person who in any manner, assists or has assisted, in the carrying on or conduct of the business of the Authority, without any entitlement to receive remuneration or reward; or c. any person who is, or was, engaged or contracted under a contract for services to do work for the Authority or any agent of the Authority.
Employer	Means any person appointed under any enactment by a Minister or a public body, such as the Authority, whose members are appointed by a Minister.
Executive Management	Collectively, the Director General and Deputy Directors General
GoJ Corporate Governance Framework	Means the Government of Jamaica's Corporate Governance Framework for Public Bodies in Jamaica published in 2011
HoD	Head of a JCAA Department or Unit

1.5 KEY TERMS

Act	Means the Protected Disclosures Act, 2011.
Designated Authority	Means the individual or entity designated by the Minister of Justice pursuant to Section 21 of the Act. The Minister has appointed the Integrity Commission as the Designated Authority; the entity responsible for, among other things: (1) monitoring compliance with the Act; (2) rendering assistance to any person seeking to make a disclosure under the Act or any Designated Officer, Employer or other person subject to the requirements of the Act; and (3) initiating or taking over an investigation, or (4) authorising an entity to undertake in whole, or in part, an investigation.
Designated Officer	Means the person designated under Section 13(3) of the Act as the person to whom disclosures may be made. The Designated Officer is the person(s) appointed by the Employer and conferred with the requisite authority to receive, take steps to investigate or otherwise deal with disclosures. The Designated Officer is also responsible for keeping the Employee updated on the status of the investigation of the disclosure.
disciplinary action	Means any action that can be taken on the completion of/during the investigation proceedings including but not limited to a warning, imposition of fine, suspension from official duties or any such action as is deemed to be fit considering the gravity of the matter.
Disciplinary Committee	Means the disciplinary committee as established by the JCAA Conditions of Service, and described by the Conditions of Service.
Disclosure	Means disclosure of information made by an Employee within the meaning of the Act, regarding any conduct of the Authority or another Employee, if 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.

Eligible Recipient

Means the person receiving a Protected Disclosure per this Policy.

Employee

Means any person who:

- a. works or has worked for the Authority; and
- b. receives, received, or is entitled to receive, any remuneration for such work done;
- a. any person who in any manner, assists or has assisted, in the carrying on or conduct of the business of the Authority, without any entitlement to receive remuneration or reward; or
- b. any person who is, or was, engaged or contracted under a contract for services to do work for the Authority or any agent of the Authority.

Employer

Means any person appointed under any enactment by a Minister or a public body, such as the Authority, whose members are appointed by a Minister.

good faith

An Employee shall be deemed to be communicating in 'good faith' if there are reasonable grounds for believing the information disclosed indicates alleged Improper Conduct. If the Employee knew, or reasonably should have known, that the alleged wrongful conduct is mischievous malicious, false, frivolous, or unsubstantiated, then the Employee is not deemed to be acting in good faith. Good faith shall be deemed lacking when the Employee does not have personal knowledge on a factual basis (i.e., is not in possession of evidential material in tangible or intangible format).

Improper Conduct

Means any-

- a. criminal offence;
- b. failure to undertake a legal obligation;
- c. conduct that is likely to result in a miscarriage of justice;
- d. conduct that is likely to threaten the health or safety of a person;
- e. conduct that is likely to threaten or damage the environment;
- f. conduct that shows gross mismanagement, impropriety or Improper Conduct in the carrying out of any activity that involves the use of public funds;
- g. act of reprisal against or victimization of an Employee;

h. conduct that tends to show unfair discrimination on the basis of gender, race, place of origin, social class, colour, religion or political opinion; or wilful concealment of any act described in paragraphs a to h above.

Members Means members of the Board of Directors of the Jamaica Civil Aviation Authority appointed upon the recommendation of the Minister.

Minister Means the Minister of the Government of Jamaica with responsibility for civil aviation.

occupational detriment Means any act or omission that results in an Employee or Designated Officer, in relation to his employment, being:

- a. subject to disciplinary action;
- b. dismissed, suspended, or demoted;
- c. harassed, intimidated or victimized;
- d. transferred against his or her will;
- e. refused transfer or promotion;
- f. subject to a term or condition of employment or retirement from employment, which is altered to his or her disadvantage;
- g. provided with an adverse reference;
- h. denied appointment to any employment, profession or office;
- i. threatened with any of the actions specified in paragraphs (a) to (h); or

otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and job security.

Protected Disclosure Means a disclosure made in specific circumstances by an Employee to the Authority, Minister, Prescribed Person, Designated Authority, Attorney-at-Law or to the Prime Minister of Jamaica. The disclosure must be made by an Employee in good faith, in the public interest, and in accordance with the Protected Disclosures Act with information that may evidence Improper Conduct. Protected Disclosures should be factual and not speculative in nature. A disclosure is not a "Protected Disclosure" if the person making the disclosure commits an offence by making it.

Policy This Whistle-blower Policy.

Prescribed Person

Means any person specified in the First Schedule of the Act for receipt, investigation and otherwise managing disclosures under the Act:

1. Auditor General;
2. Bank of Jamaica;
3. Bureau of Standards Jamaica;
4. Children's Advocate;
5. Commissioner of Police;
6. Director of Public Prosecutions;
7. Electoral Commission of Jamaica;
8. Fair Trading Commission;
9. Financial Services Commission;
10. Independent Commission of Investigations;
11. Integrity Commission;
12. Tax Administration of Jamaica;
13. National Environment and Planning Agency;
14. Office of the Utilities Regulation;
15. Political Ombudsman; and
16. Public Defender.

Reportable Matter

Means Improper Conduct events which have taken place, are suspected to have taken place, are ongoing, or are likely to occur.

A Reportable Matter should not be confused with a grievance related to employment/superior-subordinate relationship with peers. Likewise, complaints associated with unsatisfactory probation reports, performance evaluations, favouritism, and nepotism and the like would not be covered under this Policy. Such cases shall be referred to the Human Resource Department and redress sought through other mechanisms established within the Authority;

For contractors and vendors a Reportable Matter should not be confused with grievances related to delays/non-payment, dissatisfaction relating to contracts. A Reportable Matter may include concerns such as kickbacks/seeking bribes, forgery, or misuse of the Authority's resources.

Subject

Means a person or group of persons against, or in relation to whom, a Protected Disclosure is made, or evidence gathered against during the course of an investigation under this Policy.

Whistle-blower

Means any Employee who raises a concern about Improper Conduct which has occurred, is ongoing, or is likely to occur.

Whistle Officer

Means, the Designated Officer within the meaning of the Act, who is responsible to make the reports on Protected Disclosures to the Audit and Risk Management Committee.

2. INTRODUCTION

2.1 BACKGROUND

- 2.1.1 The Jamaica Civil Aviation Authority (the "**Authority**") is a statutory body within the Government of Jamaica. The Authority's mandate is to: (1) provide aviation safety and security oversight to promote the safe, secure, efficient and orderly operation and development of the air transport industry; (2) provide reliable and efficient air navigation services to support a safe, efficient and sustainable air transport sector; (3) provide economic regulation of air transport; (4) advise the responsible Minister in the Government of Jamaica on matters pertaining to air transport; and (5) promote the development of air transport including the establishment of training facilities for that purpose.
- 2.1.2 The Protected Disclosures Act, 2011, (the "Act") encourages and facilitates Employees making special disclosures of improper conduct in the public interest (each, a "Protected Disclosure"). The objectives of the Act are to: (1) regulate the receipt, investigation, and overall management of Protected Disclosures; and (2) to protect Employees who make Protected Disclosures from being subjected to occupational detriment.

2.2 APPLICATION AND SCOPE

- 2.2.1 This Policy applies to Protected Disclosures made by Employees as such term is defined by the Act.
- 2.2.2 As prescribed by this Policy, persons belonging to any category defined by the Act and this Policy, can use the channels provided to raise a matter covered by this Policy.
- 2.2.3 This Policy is intended to cover major concerns that fall outside the scope of other policies and procedures and does not apply to, or alter the Authority's policies and procedures for grievances or complaints relating to job performance, terms and conditions of employment, which will continue to be administered and reviewed by the Human Resource Department and documented in the Authority's Conditions of Service Manual and other policies and codes.

2.3 PURPOSE

- 2.3.1 The purpose of this Policy is to encourage and facilitate Employees making good faith reports of Improper Conduct and to protect Employees from victimization and other negative consequences in their employment for making disclosures in good faith.

2.3.2 This Policy outlines the reporting procedures and investigation mechanisms to be followed in alignment with the Act which stipulates protections for Whistleblowers.

2.4 OBJECTIVES

2.4.1 The objectives of this Policy are to:

1. Facilitate and encourage the making, in a responsible manner, disclosures of Improper Conduct, in the public interest;
2. Regulate the receipt, investigation, or otherwise dealing in disclosures of Improper Conduct;
3. Protect Employees who make specified disclosures from being subjected to occupational detriment; and
4. Protect Designated Officers who are Eligible Recipients of specified disclosures from being subjected to occupational detriment.

2.5 CONTROL OF JCAA PROTECTED DISCLOSURES POLICY AND PROCEDURES

2.5.1 This Policy will be reviewed and updated as necessary at least annually to ensure that the procedures developed to support the implementation of this Policy remain relevant to the Authority.

3. PROTECTED DISCLOSURES POLICY

3.1 PROTECTED DISCLOSURES POLICY STATEMENT

3.1.1 Generally

3.1.1.1 To facilitate the effective operation of this Policy, and to assure that Protected Disclosures will be acted upon seriously, the Authority will:

1. Ensure that the person making the disclosure and/or the person processing the disclosure is not victimized for doing so;
2. Treat victimisation seriously, and initiate disciplinary or such other action as appropriate against person/(s) who participate in victimization activities;
3. Enable confidentiality;
4. Be transparent in the treatment of Protected Disclosures within the confines of the confidentiality requirements;
5. Take disciplinary and/or such other appropriate action, if anyone destroys or conceals evidence of the Protected Disclosure made, or to be made; and
6. Adhere to the principles of natural justice so far as is practicable in treating with Protected Disclosures and provide the opportunity of a hearing to the persons involved (including the person making the disclosure and Subjects).

3.1.2 Employee Conduct

3.2.1 Before making a disclosure, the person making the disclosure should satisfy him/herself that s/he has reasonable grounds to suspect Improper Conduct. Reasonable grounds to suspect is based on an objective determination of the reasonableness of the reasons for the suspicion. In practice, a mere allegation with no supporting information is unlikely to reach that standard.

3.2.2 A person making a disclosure pursuant to this Policy is required to:

1. Have sufficient cause for concern (even if proof cannot be provided);
2. Bring to early attention of the Authority any Improper Conduct of which they become aware;
3. Protected by confidentiality, fully co-operate with investigating authorities;
4. Follow the procedures prescribed in this Policy for making a Protected Disclosure;
5. Maintain the confidentiality of the subject matter of the Protected Disclosure and the identity of the persons involved in the alleged

Improper Conduct. Failure to maintain the confidentiality may forewarn the Subject and result in important evidence being destroyed;

6. In exceptional cases, if the person who has made the disclosure is not satisfied with the outcome of the investigation carried out internally by the Authority, he/she can make a direct appeal to the Designated Authority or Prescribed Persons as outlined by the Act.

- 3.2.3 Reports of Improper Conduct made in good faith and in the public interest are protected by this Policy.
- 3.2.4 It is prohibited to invoke this Policy to settle personal scores or to vent malicious intentions.
- 3.2.5 Allegations which prove to be unsubstantiated, malicious, reckless or with prior knowledge that the allegations are false, will be viewed as a serious disciplinary offence. Such an allegation may attract disciplinary action up to and including dismissal or civil action.
- 3.2.6 A person making a disclosure does not need to prove an allegation. Additionally, a disclosure can still qualify for protection even if the disclosure turns out to be incorrect.

3.1.3 Confidentiality

3.1.3.1 Generally

- 3.1.3.1.1 The Authority recognises that maintaining the confidentiality of disclosures made pursuant to the Act is crucial for ensuring that reprisals are not made against the person(s) who have made Protected Disclosures.
- 3.1.3.1.2 The Authority will take all reasonable steps to protect the identity of an Employee who has made a disclosure, and to treat all such disclosures, statements submitted, information, or thing provided to the Designated Officer as being secret and confidential.
- 3.1.3.1.3 The Authority will make provision for the securing the disclosure and related statements, information or other thing submitted pursuant to the Act.

3.1.3.2 Exceptions

- 3.1.3.2.1 The Authority will treat all communication pursuant to this Policy in a confidential manner except to the extent necessary to: (a) conduct a complete and fair investigation, and (b) facilitate review of the Authority's operations by the Board of Directors, the Audit and Risk Management Committee, and the Authority's external auditors.
- 3.1.3.2.1 A person may disclose any statement given or document or information or thing provided in the furtherance of an investigation or any legal or disciplinary

proceedings **provided that** the identity of the person who made the disclosure may not be disclosed.

3.1.4 **Accountability**

- 3.1.4.1 The Audit and Risk Management Committee has overall responsibility for this Policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this Policy.
- 3.1.4.2 Each Member of the Authority's Board of Directors, and staff has the responsibility to promptly report suspected Improper Conduct in accordance with this Policy.
- 3.1.4.3 The Authority's Director, Human Resource is required to review the findings of a Designated Officer pursuant to the outcome of an investigation of Improper Conduct, and implement the necessary corrective actions to address any Improper Conduct reported and verified.

3.1.5 **Designated Officers within the JCAA**

- 3.1.5.1 For the protections under the Act to apply, a disclosure must be made directly to a Designated Officer.
- 3.1.5.2 The following person(s) highlighted in **Table 3.5.2 (Designated Officers)** have been appointed as Designated Officers in compliance with the Protected Disclosures Act, 2011. They have been given the responsibility and authority to receive and investigate disclosures of Improper Conduct by an Employee:

Mrs. Sophia Wilson-Cooper Manager, Risk Assessment Research, Planning & Risk Assessment Department Jamaica Civil Aviation Authority 4 Winchester Road Kingston 10 Tel: 876.960.3948 CUG: 876.860.1159 Email: Sophia.Wilson-Cooper@jcaa.gov.jm	Mr. Jason McPherson Chief Internal Auditor Internal Audit Department Jamaica Civil Aviation Authority 4 Winchester Road Kingston 10 Tel: 876.960.3948 CUG: 876-919-7259 Email: Jason.McPherson@jcaa.gov.jm
Table 3.5.2 (Designated Officers)	

- 3.1.5.3 Upon the inability of the above listed Designated Officers to effectively carry out the duties, or if in the view of the Director General, additional Designated Officers are required, then the Director General may, elect any other officer whom he deems fit to execute the functions of a Designated Officer.

3.1.6 Internal Disclosures

3.1.6.1 All disclosures of Improper Conduct pertaining to the Authority's affairs must be made to the Designated Officer(s). Disclosures may be made to a Designated Officer if there is a reasonable belief that Improper Conduct has occurred, is occurring, or is likely to occur.

3.1.7 External Disclosures

3.1.7.1 While it is the Authority's preference for disclosures to be made internally, to give the Authority the opportunity to investigate and address them, a person may choose to raise disclosures protected by the Act outside of the Authority.

3.1.7.2 In keeping with the Act, if an Employee has exhausted all internal channels, he/she may have no recourse but to seek audience with outside authorized persons.

3.1.7.3 If an Employee makes an internal disclosure and the Authority or a Designated Officer has not taken the steps to deal with it in thirty (30) days, the Employee may make an external disclosure to the Designated Authority, a Prescribed Person, or the Minister with portfolio responsibility.

3.1.8 Fair Treatment of a Subject of a Protected Disclosure

3.1.8.1 The investigative process outlined in this Policy is designed to allow for the fair treatment of any individual who is the subject of a disclosure, including:

1. Disclosures will be handled confidentially;
2. Reportable Matters will be assessed and may be subject to an investigation;
3. There will be the presumption of innocence until the outcome of the investigation is determined; and
4. The purpose of the investigation is to determine whether there is enough evidence to substantiate the matters reported.

3.1.8.2 A Designated Officer in arriving at a decision on a disclosure, should ensure that the rules of natural justice (as indicated by Section 22(i)(a)(b)(c) and (d) of the Labour Relations Code) are adhered to.

3.1.8.3 Even if such information is available, the Subject(s) of a Protected Disclosure will not have access to information about the identity of the person who has made the disclosure.

3.1.8.4 The Subject(s) of a Protected Disclosure must be given the opportunity for a prompt hearing on the matter of the disclosure.

3.1.8.5 The Subject(s) of a Protected Disclosure must be informed by the Authority of the outcome of the investigation of a Protected Disclosure within ten (10)

business days of the completion of the investigative process (including the hearing).

3.1.9 Criminal Offences and Protected Disclosures

3.1.9.1 Generally

3.1.9.1.1 A person commits a criminal offence if he/she:

1. Prevents, restrains or restricts any Employee from making a Protected Disclosure;
2. Intimidates any employee who has made or intends to make a protected disclosure;
3. Induces any person by threats, promises or otherwise to contravene the Act; or
4. Being an Employer-
 - a. Subjects an Employee or former Employee to occupational detriment as a consequence of the Employee or former Employee making a Protected Disclosure;
 - b. refuses, in bad faith, to receive a disclosure or conduct an investigation in relation to a disclosure;
5. Being an Employee, purports to make a disclosure under the Act knowing that it contains a statement that is false or misleading, or reckless as to whether the statement is false or misleading; or
6. Aids, abets, procures or conspires with any other person to contravene the Act.

3.1.9.1.2 Persons who commit the above offences shall be liable upon conviction in a court of law as detailed in **Section 4.1.14 (Criminal Offences Related to Protected Disclosures) of the JCAA Protected Disclosures Procedural Guidelines.**

3.1.9.2 Disclosures to the Designated Authority

3.1.9.2.1 A person who, without reasonable excuse, fails to comply with a requirement imposed by the Designated Authority in the lawful exercise of the functions of the Designated Authority under this Act, commits an offence and is liable upon conviction in a court of law as detailed in **Section 4.1.14 (Criminal Offences Related to Protected Disclosures) of the JCAA Protected Disclosures Procedural Guidelines.**

3.1.9.3 Management of Protected Disclosures

3.1.9.3.1 Each person receiving, investigating or otherwise dealing with a disclosure under the Act shall regard and deal with as secret and confidential:

1. the identity of the Employee making the disclosure and any disclosure made; and
2. any statement given, or document, information or thing/material provided, to the person in the carrying out of an investigation, except that any statement given, or document, information or thing/material provided, given in furtherance of an investigation or any legal or disciplinary proceedings shall not be regarded as being inconsistent with the obligation for secrecy and confidentiality.

3.1.9.3.2 A person who contravenes the confidentiality requirement as noted above commits an offence and is liable in a court of law as detailed in **Section 4.1.14 (Criminal Offences Related to Protected Disclosures) of the JCAA Protected Disclosures Procedural Guidelines.**

3.2 JCAA COMMITMENT

3.2.1 The Authority is committed to cultivating a work environment that is transparent and compliant in which team members feel free to raise legitimate issues related to its operations. The Authority is also committed to protecting eligible persons making a disclosure or managing a disclosure made by another person in keeping with the Act from occupational detriment.

3.3 THE REPORTING SYSTEM FOR THE SUBMISSION OF DISCLOSURES

3.3.1 Disclosures of Improper Conduct are to be made in writing and as far as is practicable, confidentially to a Designated Officer (identified at **Section 3.1.5.2** above. The submission must be made as prescribed by **Section 14.6.1 (JCAA Protected Disclosures Procedural Guidelines)** below using the **JCAA Protected Disclosures Form (Appendix 14.1.6.1).**

3.3.2 In exceptional circumstances where a disclosure is made orally, the Designated Officer should either record the disclosure in the JCAA Protected Disclosures Form, and have the person making the disclosure verify and sign same within twenty-four (24) hours of the oral disclosure being made. Alternatively, the Designated Officer may provide the Protected Disclosures Form to the person making the disclosure for their completion, to ensure that all relevant details are accurately captured to facilitate investigation. Disclosures made orally must be recorded in writing within twenty-four (24) hours.

3.3.3 If the disclosure is to be submitted in writing, by letter, the submission should be sealed in an envelope marked "Private and Confidential". Subject to **Section 3.4 (Alternatives for Disclosures)** below, submissions are to be addressed to a Designated Officer and delivered by hand, courier or post to:

Mrs. Sophia Wilson-Cooper Designated Officer	OR	Mr. Jason McPherson Designated Officer
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Jamaica Civil Aviation Authority
4 Winchester Road
Kingston 10

Jamaica Civil Aviation Authority
4 Winchester Road
Kingston 10

- 3.3.4 Submissions can also be made to a Designated Officer using the officer's official JCAA electronic (email) address or any electronic portal identified for this purpose.

3.4 ALTERNATIVES FOR DISCLOSURE

- 3.4.1 Whilst the Authority encourages disclosures to a Designated Officer in certain circumstances, there are other ways that disclosures can be made.
- 3.4.2 A disclosure can be made to the Designated Authority if there is a reasonable fear of occupational detriment, or evidence of the Improper Conduct will be destroyed. A disclosure can also be made to the Designated Authority if no action has been taken on an earlier disclosure made.
- 3.4.3 A disclosure can be made to a Minister If the Employer of the person(s) making the disclosure was appointed under a law by the Minister, or if the Employer is a public body whose members were appointed by the Minister.
- 3.4.4 A disclosure can be made to a Prescribed Person if the Employee believes that the subject matter of the Improper Conduct disclosed falls within their portfolio.
- 3.4.5 Disclosures on matters that prejudice national security, defence or international relations must be made to the Minister with portfolio responsibility or to the Prime Minister, or to both.
- 3.4.6 Before making any such disclosure by alternative channels, it is recommended that the person making the disclosure should seek independent legal advice to understand the criteria for making such a disclosure. The following are general guidelines for submission of a Protected Disclosure, where the specified person/office is the subject of the disclosure:

PROTECTED DISCLOSURES AGAINST...	PROTECTED DISCLOSURE TO BE SUBMITTED TO...
Designated Officer	Designated Authority
Director General	Designated Authority
Deputy Director General	Designated Authority
Board Member	Minister with portfolio responsibility for the Authority or Designated Authority

Chairman of the Board of Directors	Minister with portfolio responsibility for the Authority or Designated Authority
Person making the disclosure was appointed under a law by the Minister	Minister with portfolio responsibility for the Authority
Person making the disclosure is a public body whose members were appointed by the Minister	Minister with responsibility for the Authority
Improper Conduct falls within a Minister's portfolio	Minister or Prescribed Person
If there is a reasonable fear by the Employee of occupational detriment	Designated Authority
If there is a reasonable fear by the Employee that the evidence of the Improper Conduct will be destroyed	Designated Authority
If no action was taken on an earlier disclosure made	Designated Authority
Disclosures on matters that prejudice national security, defense or international relations	Minister with portfolio responsibility or to the Prime Minister, or to both.

3.5 ANONYMOUS DISCLOSURES

- 3.5.1 Reports may be made anonymously; however, they are less credible, but may be considered for merit at the discretion of the Designated Officer.
- 3.5.2 In the case of anonymous disclosures, the name of the disclosing person may not be known; this information is necessary to guarantee the protections of the Act for the person making the disclosure.

3.6 IMPROPER CONDUCT AND VIOLATIONS OF THIS POLICY

- 3.6.1 Employees who violate this Policy or are found upon the conclusion of investigations to have committed the Improper Conduct disclosed will be subject to disciplinary or other appropriate action. If the Employee is a current member of staff and subject to the Authority's Conditions of Service, the Authority may also require the Employee who has violated this Policy or committed an Improper Conduct to:
1. Submit a formal apology to the intended Subject; or
 2. Undergo counselling as identified by the Authority's Director, Human Resource.
- 3.6.2 The Authority may also, at its discretion and in accordance with the Authority's Conditions of Service:

1. Issue a written warning to such an Employee; a copy of which will be maintained on the Employee's personnel file in the Authority's Human Resource Department;
 2. Change this Employee's work assignment or transfer him/her with or without monetary impact; or
 3. Suspend or terminate the services of such an Employee.
- 3.6.3 If the violation or Improper Conduct amounts to a specific offence under Jamaican law, the Authority must initiate the appropriate action in accordance with law, by making a complaint to the appropriate authority. Crimes against individuals or property (e.g., assault, burglary, rape, etc.) must be immediately reported to law enforcement personnel.
- 3.6.4 For the offences outlined in **Section 3.1.9.1 (Criminal Offences and Protected Disclosures)** above, criminal liability may accrue.

3.7 RECEIVING AND ASSESSING PROTECTED DISCLOSURES

- 3.7.1 Upon the receipt of a disclosure, the Designated Officer, must acknowledge receipt as soon as is practicable, but in any event, no later than five (5) working days of receipt.
- 3.7.2 The Designated Officer must receive and record the matter being disclosed and determine whether an investigation should proceed.
- 3.7.3 Disclosures will be investigated if sufficient information has been provided to enable a meaningful investigation.
- 3.7.4 If an investigation is considered necessary, the Designated Officer must:
1. Subject to any obligations of confidentiality, provide periodic updates to the person who made the disclosure at thirty-day intervals;
 2. Ensure that the investigation takes into account the principles outlined in **Section 3.1.8 above (Fair Treatment of a Subject of a Protected Disclosure)** and the need to safeguard individual reputations;
 3. Report the findings of the investigation to the person who made the disclosure, the Audit and Risk Management Committee of the Authority's Board of Directors and to any appropriate law enforcement or oversight body(ies);
 4. Make recommendations and take steps to remedy the Improper Conduct; and
 5. Complete investigations within sixty (60) days of receiving the report.
- 3.7.5 If the allegations if proven would constitute Improper Conduct, the Designated Officer (or other Eligible Recipient) will proceed to investigate the Protected Disclosure with the assistance of a representative of the

Department in which the breach has occurred, as he/she deems necessary, or as per the process defined under the relevant Policy.

3.7.6 If the alleged Improper Conduct is required by law to be dealt with under any other mechanism, the Designated Officer must refer the Protected Disclosure to the appropriate person under such mandated mechanism and seek a report on the findings from such authority.

3.7.7 If the subject matter disclosed is found, in good faith, by a Designated Officer to be better addressed by another person or entity, frivolous, of a nature insufficiently important, or the circumstance has changed and it is decided that no investigation is warranted, or that an investigation should cease, then the Designated Officer is required to convey the decision taken to the person who made the disclosure in writing within fifteen (15) days of the decision.

3.8 INVESTIGATIONS

3.8.1 Not every investigation will call for a reliance on external legal counsel by the Authority. External counsel should be retained by the Authority to maintain a level of independence during internal investigations; especially if conflicts of interest may arise, or if the allegations are about criminal conduct, or against senior officers or members of the Board of Directors.

3.8.2 A Subject will normally be informed of the allegations included in a relevant Protected Disclosure at the beginning of the formal investigation and must be given the opportunity to provide his/her input during the investigation.

3.8.3 If a Designated Officer has decided that an investigation is warranted, the Designated Officer must prepare an investigation plan detailing the steps to be taken in the investigation, inclusive of witnesses who may have to be interviewed, and resources required (the "**Investigation Plan**"). The Investigation Plan should be forwarded to the Director General (or designate) for approval.

3.8.4 Upon the approval of the Investigation Plan, the Designated Officer should begin the investigation immediately. The investigation must be conducted fairly and within the rights of the person(s) making the disclosure, the Subject(s), and any witness.

3.8.5 The investigation may involve the review of documents and the conduct of interviews with various individuals. Any person required to provide documents, access to systems and other information by the Designated Officer or other Eligible Recipient for the purpose of such an investigation is required to do so and make themselves available for such interviews at reasonable times.

- 3.8.6 If the Improper Conduct constitutes a criminal offence, the Designated Officer must bring it to the notice of the Audit and Risk Management Committee and the Prescribed Person and take appropriate action including reporting the matter to law enforcement.
- 3.8.7 The Designated Officer must initiate investigations promptly and must finalize the written report containing the findings and recommendations for submission to the Director General as soon as is practically possible, and in any case, not later than 60 days from the date of receipt of the disclosure. The Director General may allow additional time for submission of the report based on the circumstances of the case. The report shall be submitted to the Director General in form outlined by **Section 4.1.9 (Investigation and Feedback) of the JCAA Protected Disclosures Procedural Guidelines** below.
- 3.8.8 The Director General, upon receipt of the completed report from the Designated Officer should at the earliest time convene a meeting of the Authority's disciplinary committee, as such has been established pursuant to the JCAA Conditions of Service (the "**JCAA Disciplinary Committee**"), to review the findings and recommendations of the investigation. The JCAA Disciplinary Committee must agree on the course of action to be taken which may include:
1. Preventing the Improper Conduct from continuing or recurring in the future;
 2. Bringing disciplinary proceedings against the person responsible for the improper conduct or referring the matter to the appropriate person/authority for further consideration; and
 3. Reporting any action taken to the Employee who made the disclosure and to the Designated Officer.
- 3.8.9 The JCAA Disciplinary Committee, in arriving at its determination should ensure that the rules of natural justice as indicated in Section 22(1)(a)(b)(c) and (d) of the Labour Relations Code are adhered to.
- 3.8.10 Although no timeframe is being specified for such action (Section 3.8.8), the Authority will endeavour to act as quickly as possible in cases of proved Improper Conduct.

3.9 RETALIATORY ACTION OR THREAT OF RETALIATORY ACTION AS A RESULT OF A SUBMISSION MADE

- 3.9.1 The JCAA has a duty to ensure that no form or act of reprisal or occupational detriment as described in the *Protected Disclosure Act*, is meted out to an

Employee who reports or discloses Improper Conduct or a Designated Officer who receives or manages such a report.

3.9.2 It is a violation of this Policy for any Employee, Member of the Executive Management, Head of Department, Manager, Contractor, Sub-contractor, or agent of the Authority to act or fail to act in a way that would result in an Employee or Designated Officer, in relation to his or her employment, suffering occupational detriment for engaging in conduct protected by this Policy.

3.9.3 The Authority will not tolerate retaliation in any form. Any act of retaliation should be reported to a Designated Officer immediately and be in writing, for an investigation to be conducted and appropriate action taken, including a recommendation that certain steps be taken to protect the Whistle-blower from exposure to such retaliatory action.

3.9.4 The protections for a person making a disclosure as outlined above in this Policy are available to such person **provided that:**

1. The person making the disclosure has chosen to identify him/herself;
2. The disclosure is made in good faith and in the public interest;
3. The person making the disclosure reasonably believes that the information, and any allegation contained in it, are substantially true; and
4. The person making the disclosure is not acting for personal gain.

3.9.5 The protections extended by this Policy to a person making a disclosure will also be extended to any other Employee (or stakeholder) aiding in a Protected Disclosure investigation.

3.9.6 While a person making the disclosure has the right to protection from retaliation, this protection does not extend to immunity for involvement in the Reportable Matters that are the subject of the allegations and investigation.

3.10 Records and Information Management for Protected Disclosures

3.10.1 Reports of Improper Conduct will be kept confidential to the extent possible, and consistent with the need to conduct a thorough investigation.

3.10.2 The reports and records associated with Protected Disclosures are considered confidential information and access will be restricted to Designated Officers, the Director General, the Director, Human Resource and other Human Resource Department personnel as delegated by the Director, Human Resource.

3.10.3 The information from reports or resulting actions for investigations related to Protected Disclosures may be disclosed pursuant to the Authority's policies and procedures, **provided that** such information must be de-identified.

- 3.10.4 Protected Disclosures and any resulting investigation, report or resulting action will generally not be disclosed to the public except as required by law.

3.11 REPORTING

- 3.11.1 Each Designated Officer under this Policy is required to maintain a secure register of the disclosures received (a "**Protected Disclosures Log**"). The information to be recorded is outlined at **Section 4.1.8.1 (1) (Collating and Publishing Statistics of the JCAA Protected Disclosures Procedural Guidelines)** below.
- 3.11.2 Each Designated Officer must submit a monthly report to the Designated Authority of the status of the disclosures received (the "**Designated Officer Protected Disclosure Summary Report**"). The Designated Officer Protected Disclosure Summary Report should include those elements identified at **Section 4.1.8.1 (2) (Collating and Publishing Statistics of the JCAA Protected Disclosures Procedural Guidelines)** below.
- 3.11.3 The Director General must complete and submit to the Designated Authority each month (electronically and in print) a report on the status of disclosures received in the form provided at **Appendix 4.1.9.3** (the "**JCAA Protected Disclosure Summary Report**"). The form of the report is prescribed in **Section 9 (Investigation and Feedback) of the JCAA Protected Disclosures Procedural Guidelines**.
- 3.11.4 The Whistle Officer is required to submit an Annual Report to the Audit and Risk Management Committee on the disclosures received and processed over the course of the previous twelve (12) months. This report should include the disposition of the disclosures.
- 3.11.5 Protected Disclosure Registers and JCAA Protected Disclosure Summary Reports will be confidential and only available for inspection by the Board of Directors.
- 3.11.6 While statistics from the Protected Disclosure Registers and JCAA Protected Disclosure Summary Reports may be published, the data and information must be de-identified. **Information that would lead to the identification of the person who made the disclosure must not be published.** Guidelines on the collation and publication of statistics are included at **Section 4.1.8.1 (Collating and Publishing Statistics)** of the JCAA Protected Disclosure Procedural Guidelines below.

3.12 RETENTION OF DOCUMENTS

- 3.12.1 All Protected Disclosures and the investigation-related documentation must be retained by the Authority for a minimum period of seven (7) years.
- 3.12.2 The materials related to Protected Disclosures must be stored to maintain the physical or digital integrity of the documents.

3.13 DISCLOSURE TO THE MEDIA

- 3.13.1 The internal procedures surrounding Protected Disclosures must be followed before any disclosure to the media is made. External disclosures made to the media that have not first followed internal procedures may be considered an unreasonable action under the Act and can potentially lead to disciplinary action.
- 3.13.2 If a person making a disclosure thinks that a concern is not being dealt with properly through the Authority's internal procedures, it is recommended that s/he should seek independent legal advice before making any further disclosure; as the Act only affords protection to persons making disclosures under certain prescribed circumstances.

3.14 OUTCOME

- 3.14.1 Upon completion of the investigation of a disclosure, the Designated Officer to whom the disclosure was first submitted should, through the Director General, forward to the Designated Authority, a report containing:
1. The allegation disclosed;
 2. All evidence gathered during the investigation;
 3. Findings of the investigation;
 4. Conclusion; and
 5. Recommendations of the steps to be taken to correct the improper conduct.
- 3.14.2 The Authority will notify a the person who made the disclosure once the relevant investigation has been completed. The Authority, however, may be unable to disclose the particular details or the outcome of the investigation.

3.15 ACCOUNTABILITY AND POLICY GOVERNANCE

- 3.15.1 Subject to the protections contained in the Protected Disclosures Act, the Authority through the Audit and Risk Management Committee may amend this Policy at any time.

3.15.2 The following stakeholders within the Authority must be consulted prior to any update of this Policy:

1. Members of the Executive Management;
2. General Counsel;
3. The Audit and Risk Management Committee of the Board of Directors; and
4. The Board of Directors.

3.15.3 Whilst the Authority will make concerted efforts to define detailed procedures for implementation of this Policy, there may be occasions when Reportable Matters are not addressed or there may be ambiguity in the procedures. The Authority will resolve such difficulties or ambiguities in line with the broad intent of this Policy and the Act. The Authority may, therefore, from time to time, establish further rules and procedures, to give effect to the intent of this Policy and the Act and to further the objective of strict adherence to effective corporate governance.

3.16 TRAINING, AWARENESS AND COMPETENCE

3.16.1 The Authority shall ensure that each person who is assigned responsibilities defined in this Policy are competent to perform the required tasks by:

1. Determining the necessary competencies for personnel performing work effecting the management of Protected Disclosures;
2. Providing training;
3. Evaluating the effectiveness of the actions taken; and
4. Maintaining records of education, training, skills, experience and qualifications.

3.16.2 The Authority shall also ensure that each such person is made aware of the relevance and importance of the roles and responsibilities pursuant to this Policy and how they contribute to the achievement of this Policy's objectives.

3.17 APPLICABLE LAWS, POLICIES AND CODES

3.17.1 Generally

3.17.1.1 The principles articulated in this Policy are complementary to:

1. Protected Disclosures Act of Jamaica;
2. Protected Disclosures Act Gazette: Appointment of Designated Authority, January 25, 2021;
3. Protected Disclosures Act, 2011: Procedural Guidelines Gazette, November 15, 2021;
4. JCAA Code of Ethics 2019;

5. JCAA Corporate Social Responsibility (CSR) Policy 2019;
6. Civil Aviation Act;
7. Jamaica Civil Aviation Regulations (JCARs), 2012;
8. Airports (Economic Regulation) Act;
9. Public Bodies Management and Accountability Act;
10. Financial Audit and Administration Act;
11. Integrity Commission Act;
12. Corruption (Prevention) Act;
13. Corporate Governance Framework for Public Bodies In Jamaica Public Bodies In Jamaica (REVISED) (2012);
14. Government of Jamaica Staff Orders; and
15. All other Government of Jamaica legislation, regulations or codes of conduct which govern an Employee as such is defined by the Act.

3.17.2 Conflicts

- 3.17.2.1 If there is a conflict between any provision or guideline in this Policy with any law of Jamaica, the latter shall prevail.

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4. PROTECTED DISCLOSURES PROCEDURAL GUIDELINES

4.1 PROTECTED DISCLOSURES FRAMEWORK

4.1.1 Generally

4.1.1.1 The Authority has established a mechanism to receive, investigate and otherwise manage Protected Disclosures.

4.1.2 Object of the Act

4.1.2.1 The object of the Protected Disclosures Act, 2011 (the Act) is to encourage and facilitate the making by Employees of specified disclosures of Improper Conduct in the public interest; to regulate the receiving, investigating or otherwise dealing with disclosures of Improper Conduct; to protect Employees who make specified disclosures from being subjected to occupational detriment; to protect the confidentiality of the Employee making the disclosure and any statement given, or document, information or thing provided; and to grant immunity from civil or criminal proceeding or any disciplinary proceeding to a person who makes a protected disclosure, or receives, investigates or otherwise deals with a Protected Disclosure.

4.1.3 Purpose of the Procedures

4.1.3.1 These procedures are in compliance with the Protected Disclosures Act, 2011 and are to outline the system that has been established for the Employees of the Jamaica Civil Aviation Authority to report Improper Conduct or occupational detriment. These procedures also describe the timely and impartial investigating and reporting mechanism in place to deal with Protected Disclosures.

4.1.4 Roles and Responsibilities

4.1.4.1 Employee

4.1.4.1.1 Employees are encouraged to disclose known or suspected incidents of Improper Conduct or detrimental action in good faith and in the public's interest in accordance with the Act. Employees should also support those who have made a legitimate disclosure and should refrain from activities that could be perceived as victimization, harassment or reveal the identity of the persons who have made disclosures.

4.1.4.2 Designated Officer

4.1.4.3 The Designated Officer shall have the authority to:

- (a) make the necessary arrangements for a disclosure to be made privately and discretely and if necessary, away from the workplace;
- (b) be the contact point for general advice about the operation of the Protected Disclosures Act, 2011 and these procedures;
- (c) put in writing any disclosure received orally within twenty-four hours of its receipt;
- (d) take all steps to ensure that the identity of the person who makes a disclosure is kept confidential;
- (e) determine whether a disclosure meets the criteria of a Protected Disclosure under the Act and conduct an impartial investigation into the allegation;
- (f) recommend the referral of disclosures based on the subject matter, the seriousness of its nature or if it prejudices national security, defence or international relations to the appropriate authority;
- (g) give an update to the person who made the disclosure within thirty (30) days and in intervals of thirty (30) days thereafter;
- (h) forward an investigation report and all evidence gathered to the Director General for action; and
- (i) make monthly reports to the Designated Authority on the status of the investigations into disclosures received.

4.1.4.3 Employer (Director General)

4.1.4.3.1 The Director General has the responsibility of ensuring that Employees are aware of these procedures and that the Designated Officers are accessible and have the requisite training to carry out their function(s). The Director General is responsible for approving and monitoring the investigation plan and investigation into allegations of Improper Conduct; however, he/she may delegate this task to a senior officer or assign a nominee. The Director General is responsible for ensuring that persons who have made a disclosure and the Designated Authority are kept up-to-date with the progress of the investigations, the findings, recommendations and any subsequent actions taken.

4.1.4.4 Disciplinary Committee

4.1.4.4.1 The Disciplinary Committee has the responsibility to review the findings of the Designated Officers and to approve the actions necessary to correct the Improper Conduct reported.

4.1.5 Appointment of a Designated Officer

4.1.5.1 The following Officers have been appointed as Designated Officers in compliance with the Protected Disclosures Act, 2011. They have been given the responsibility and authority to receive and investigate disclosures of Improper Conduct made by the Employees:

Mrs. Sophia Wilson-Cooper
Manager, Risk Assessment
Research, Planning & Risk Assessment Department
Jamaica Civil Aviation Authority
4 Winchester Road
Kingston 10
Tel: 876.960.3948
CUG: 876.860.1159
Email: Sophia.Wilson-Cooper@jcaa.gov.jm

Mr. Jason McPherson
Chief Internal Auditor
Internal Audit Department
Jamaica Civil Aviation Authority
4 Winchester Road
Kingston 10
Tel: 876.960.3948
CUG: 876-919-7259
Email: Jason.McPherson@jcaa.gov.jm

4.1.6 The Reporting System

4.1.6.1 At the Authority, all disclosures of Improper Conduct must be made confidentially to the Designated Officers outlined above. Where possible the disclosure should be made on the **Protected Disclosures Form (PDA1 - Appendix 14.1.6.1)** which is available in each department and on the Authority's website. Disclosures made orally will be recorded on the same form, PDA1, within twenty-four (24) hours of receipt by the Designated Officer.

4.1.6.2 The following details are essential for inclusion in a disclosure submission:

1. Full Name, address, occupation and contact details of the Whistle-blower;
2. A brief description of the alleged Improper Conduct identified;
3. The full name(s) of those (Subjects) alleged to have committed, are committing, or are about to commit the Improper Conduct;
4. Specific details such as the time and place the alleged Improper Conduct took place, is taking place or is likely to take place;
5. The full name, address and description of a person (if any) who witnessed the commission of the Improper Conduct;
6. Whether the person making the disclosure has made a disclosure of the same, or of some other Improper Conduct on a previous occasion, and if so, about whom and to whom the disclosure was made; and
7. Whether the person making the disclosure about his employer or fellow employee remains in the same employment.

4.1.7 Alternatives

- 4.1.7.1 A disclosure can be made to a Minister, if the Employer of the person making the disclosure was appointed under a law by the Minister or is a public body whose members were appointed by the Minister. A disclosure can also be made to a Prescribed Person if the Employee believes that the subject matter of the Improper Conduct disclosed falls within their portfolio. A disclosure can be made to the Designated Authority where there is a reasonable fear of occupational detriment or that the evidence of the Improper Conduct will be destroyed. A disclosure can also be made to the Designated Authority, if no action was taken on an earlier disclosure made.
- 4.1.7.2 Disclosures on matters that prejudice national security, defence or international relations must be made to the Minister with portfolio responsibility or the Prime Minister or to both.

4.1.8 Receiving and Assessing Disclosures

- 4.1.8.1 Upon the receipt of a disclosure, the Designated Officer should make an assessment as to whether the subject matter of the disclosure meets the criteria established as being a Protected Disclosure under the Act. All disclosures received must be entered into a **Protected Disclosures Log (Form PDA2 - Appendix 4.1.8.1)** which is to be kept by the Designated Officer.
- 4.1.8.2 If the subject matter disclosed is found to be better dealt with by another person/entity, frivolous, of a nature not sufficiently important or the circumstance has changed and it is decided that no investigation is warranted, then the

Designated Officer should convey the decision taken to the person who made the disclosure in writing within fifteen (15) days of the decision.

4.1.9. Investigation and Feedback

- 4.1.9.1 Upon deciding that an investigation is warranted, the Designated Officer should prepare an Investigation Plan detailing the steps to be taken in the investigation, inclusive of witnesses who may have to be interviewed and resources required. The Investigation Plan should be forwarded to the Director General /or his Designate for approval.
- 4.1.9.2 On approval of the Investigation Plan, the Designated Officer should commence the investigation forthwith. The investigation should be done fairly and the rights of the person who made the disclosure and any other witnesses protected.
- 4.1.9.3 The Employee who made the disclosure should be updated on the status of the investigation within thirty (30) days of receipt of the disclosure and at intervals of thirty (30) days thereafter. A **Protected Disclosures Summary Report (PDA3 - Appendix 4.1.9.3)** should be completed at the end of each month and forwarded in print and electronically to the Designated Authority (the "**JCAA Protected Disclosure Summary Report**"). The JCAA Protected Disclosure Summary Report should include the following information:
1. The entity's name;
 2. Date of the report;
 3. The date each disclosure was received;
 4. Summary of the Improper Conduct alleged for each disclosure;
 5. Summary of the action(s) taken for each disclosure during the period;
 6. Number of days since an update was given to the person who made the disclosure;
 7. Date and name of the entity to which the referral made (as applicable);
 8. Date of completion of the investigation report;
 9. Decision taken; and
 10. Date closed.
- 4.1.9.4 Upon completion of the investigation the Designated Officer should forward to the Director General a report containing:
- (1) the allegation disclosed;
 - (2) findings of the investigation;

(3) conclusion; and

(4) recommendations of the steps to be taken to correct the Improper Conduct. All evidence gathered during the investigation should be documented and included in the report.

4.1.10 Actions to be taken after the Investigation

4.1.10.1 The Director General upon receipt of the completed report from the Designated Officer should at the earliest time convene a meeting of the JCAA Disciplinary Committee to review the findings and recommendations of the investigation. The JCAA Disciplinary Committee must agree on the course of action to be taken which may include:

- (1) Preventing the Improper Conduct from continuing or recurring in the future;
- (2) Bringing disciplinary proceedings against the person responsible for the Improper Conduct or referring the matter to the appropriate person/authority for further consideration; and
- (3) Reporting any action taken to the Employee who made the disclosure and to the Designated Authority.

4.1.10.2 The JCAA Disciplinary Committee in arriving at its determination should ensure that the rules of natural justice as indicated in Section 22(1)(a)(b)(c) and (d) of the Labour Relations Code are adhered to.

4.1.11. Preventing Detrimental Actions

4.1.11.1 The Authority is committed to the protection of the person who makes a Protected Disclosure from detrimental actions or reprisals for having made the disclosure. We believe that the best way to empower our Employees who are considering or who have made disclosures is to endorse their rights that are guaranteed under the Protected Disclosure Act, 2011. Under the Act the Employee has the following rights:

- (a) An Employee shall not be subjected to any occupational detriment on the basis that the Employee seeks to make, has made, or intends to make, a Protected Disclosure;
- (b) An Employee who is dismissed as a consequence of seeking to make, making or intending to make a Protected Disclosure shall be treated as being unjustifiably dismissed; and
- (c) Where an Employee suffers occupational detriment at or about the same time that he makes a Protected Disclosure, the occupational detriment shall be presumed to be a consequence of the Protected

Disclosure, unless the Employer shows that the act that constitutes the occupational detriment is otherwise justified.

4.1.12. Collating and Publishing Statistics

4.1.12.1 The Designated Officer(s) should maintain a secure log of the disclosures received (Protected Disclosures Log, PDA2 - Appendix 4.1.8.1). This log records the following:

- (a) Date the disclosure was received.
- (b) Disclosure Number - This number for instance could be arrived at by first using the abbreviation of the entity, followed by the last two numerals of the year and then three digits for numerical count. For example, the first case for the Authority in the year 2022 would be numbered as JCAA22001. The second case for the year 2022 would be JCAA22002 and so on.
- (c) Summary of the Improper Conduct disclosed.
- (d) Date referred where applicable.
- (e) Date of completion of the report which on that date should be forwarded by the Designated Officer to the Director General.
- (f) The decision taken as a result of the recommendations made by the Designated Officer.

4.1.12.2 The Designated Officer must make monthly reports to the Designated Authority of the status of the disclosures received (**Protected Disclosure Summary Report PDA3 - Appendix 4.1.9.3**).

4.1.12.3 The report includes the:

1. Statistics from the records/data may be published; however, no information must be published that would lead to the identification of the person who made the disclosure.

4.1.13. Confidentiality

4.1.13.1 The Authority will take all reasonable steps to protect the identity of an Employee who has made a disclosure and to treat all such disclosures, statements given, information or thing provided to the Designated Officer as being secret and confidential. The Authority recognizes that maintaining confidentiality is crucial in ensuring that reprisals are not made against the person(s) who have made disclosures under the Act

4.1.13.2 Exceptions

4.1.13.2.1 A person may disclose any statement given or document or information or thing provided in the furtherance of an investigation or any legal or disciplinary proceedings. The identity of the person who made the disclosure, however, may not be disclosed.

4.1.14. Criminal Offences

4.1.14.1 A person commits an offence if he:

- (a) prevents, restrains or restricts any Employee from making a Protected Disclosure;
- (b) intimidates any Employee who has made or intends to make a Protected Disclosure;
- (c) induces any person by threats, promises or otherwise to contravene the Act; or
- (d) being an Employer-
 - i. subjects an Employee or former Employee of that person to occupational detriment as a consequence of the Employee or former Employee making a Protected Disclosure;
 - ii. refuses, in bad faith, to receive a disclosure or carry out an investigation in relation to a disclosure;
- (e) being an Employee, purports to make a disclosure under the Act knowing that it contains a statement that is false or misleading, or reckless as to whether the statement is false or misleading; and
- (f) aids, abets, procures or conspires with any other person to contravene the Act.

4.1.14.2 Persons who commit the above offences shall be liable upon:

- (a) summary conviction in a Parish Court to a fine not exceeding Two Million Dollars (\$2,000,000.00) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment; or
- (b) conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

4.1.14.3 A person who, without reasonable excuse, fails to comply with a requirement imposed by the Designated Authority in the lawful exercise of the functions of the Authority under this Act, commits an offence and is liable on summary conviction in a Parish Court to a fine not exceeding Two Hundred and Fifty Thousand Dollars (\$250,000.00) or to imprisonment for a term not exceeding three (3) months.

4.1.14.4 Every person receiving, investigating or otherwise dealing with a disclosure under the Act shall regard and deal with as secret and confidential:

(a) the identity of the Employee making the disclosure and any disclosure made; and

(b) any statement given, or document, information or thing provided, to the person in the carrying out of an investigation, except that any statement given, or document, information or thing provided, given in furtherance of an investigation or any legal or disciplinary proceedings shall not be regarded as being inconsistent with the obligation for secrecy and confidentiality.

4.1.14.5 A person who contravenes the confidentiality requirement as noted above commits an offence and is liable upon summary conviction in a Parish Court to a fine not exceeding Two Million Dollars (\$2,000,000.00) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

4.1.15. Anonymous Disclosures

4.1.15.1 Nothing in these procedures prevents any person from making an anonymous disclosure of Improper Conduct. In the case of anonymous disclosures, basic information such as the name of the person making the disclosure may not be known which is necessary to guarantee that the person making the Protected Disclosure is protected by the Act. The subject matter of the disclosure will however be examined for merit.

4.1.15.2 Anonymous disclosures are not covered under these procedures.

5. APPENDICES

APPENDIX 14.1.6.1 PROTECTED DISCLOSURES FORM (PDA1)



PROTECTED DISCLOSURE FORM

PROTECTED DISCLOSURES ACT, 2011 - PROCEDURAL GUIDELINES

FORM - PDA1

First Name	Middle Name	Surname	Taxpayer Registration Number
Address			
Occupation			
Nature of Improper Conduct <i>(Check all that apply)</i>			
1. Misappropriation of company assets or resources			<input type="checkbox"/>
2. Conflict of interest			<input type="checkbox"/>
3. Breach of confidential information			<input type="checkbox"/>
4. Financial fraud of any nature			<input type="checkbox"/>
5. Violation of gifts and entertainment policy			<input type="checkbox"/>
6. Non-adherence to safety guidelines			<input type="checkbox"/>
7. Inaccurate and falsified financial reporting			<input type="checkbox"/>
8. Bribery and Corruption			<input type="checkbox"/>
9. Harassment - Victimization, Bullying, Discrimination etc.			<input type="checkbox"/>
10. Inappropriate Social Media Usage			<input type="checkbox"/>
11. Misuse/Abuse of authority			<input type="checkbox"/>
12. Environment, health and safety			<input type="checkbox"/>
13. Concurrent employment			<input type="checkbox"/>
14. Other			<input type="checkbox"/>
Details of Improper Conduct			

Name of Witness	Name of Witness
Address of Witness	Address of Witness
Brief Description of Witness	Brief Description of Witness
Previous Disclosure(s) Made (State about whom and to whom the disclosure was made)	

State whether still in employment	

I make this disclosure in good faith and in the public interest. I believe it to be true and accurate to the best of my knowledge and I know that I would be liable for prosecution if this disclosure contains any statement that I know to be false or misleading.

Signature of Person making Disclosure

Date

Name of Witness

Signature of Witness

Date

APPENDIX 4.1.8.1: PROTECTED DISCLOSURES LOG (FORM PDA-2)



PROTECTED DISCLOSURES LOG

PROTECTED DISCLOSURES ACT, 2011 - PROCEDURAL GUIDELINES

FORM - PDA2

Entity: _____

Date Received	Disclosure Number	Summary of Improper Conduct Disclosed	Date and Entity of Referral	Date Closed	Decision Taken

APPENDIX 4.1.9.3: PROTECTED DISCLOSURES SUMMARY REPORT (PDA3)



PROTECTED DISCLOSURES SUMMARY REPORT

PROTECTED DISCLOSURES ACT, 2011 - PROCEDURAL GUIDELINES

FORM - PDA3

Entity: _____ Date of Report: _____

Date Received	Disclosure Number	Summary of Improper Conduct Disclosed	Actions Taken (Brief Description)	Days Since last Notification to the Discloser	Date and Entity of Referral	Date Closed	Decision Taken