

Floyd.McCormick

From: Ted.Staffen
Sent: Wednesday, March 19, 2008 10:58 AM
To: Floyd.McCormick; Floyd.McCormick
Subject: FW: Whistle-blower Protection

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From: President @ Whitehorse Chamber [mailto:president@whitehorsechamber.ca]
Sent: Monday, March 17, 2008 8:49 AM
To: Ted.Staffen
Subject: Whistle-blower Protection

Hi,

Please find below a comment from the Whitehorse Chamber of Commerce.

Please be advised that this is a preliminary and draft statement as the Board has not gone over nor approved any formal submissions. Our mandate is to represent the issues of our membership and this legislation will deal with one of those concerns – the fairness of issuing contracts to the private sector.

To The Select Committee on Whistle-blower Protection

The Whitehorse Chamber of Commerce has heard from its membership of circumstances that lead us to believe that there exists a need for this type of protection.

That we do not have a document that shows the intention of the legislation to a greater degree makes it difficult at this early stage to make a reasonable contribution. Having said that we will make a few comments in the hope that they will contribute to the discussion. The Whitehorse Chamber of Commerce would appreciate an opportunity to review a formal document in the near future:

1. When a business makes a proposal, responds to an advertisement in the media, or bids on a contract they must be secure in the fact that their submission will be treated fairly. Therefore, at this point in the discussion the Chamber would support the inclusion of all public institutions in the proposed Whistle-blower Legislation as well as those in the private sector representing the interests of YG in the completion of contracted work.
2. There is a question as to the role of the Ombudsman's Office in this legislation and the scope of the legislation. At this time the Chamber would support the use of the legislation for groups outside of the employee base. To our membership this goes beyond the creation of a mechanism for Government workers to be protected and goes into the area of short listing companies for the awarding of contracts and how that process is functioning in "the real world" of Government procurement.
3. From the perspective of the business community wrongdoing such as eliminating a bid for a contract for personal reasons, not following the guidelines set down for the determination of which bids will make the shortlist and responding within a conversation, in person or over the phone, with incorrect information that negatively affects a bid are a few of the wrongdoings that should be included. Also, in the public sector any continuous infraction in accepted policy, procedure or process identified by an employee should be included. When an employee identifies wrongdoing on the part of fellow employees, or supervisors, whether in the public sector, or with private enterprises doing work for the Government, that should be included. Abuses of privilege, abuses in the use of public funds, and not applying legislative guidelines.
4. We are unclear as to how many people would work in such an office. We would not support the creation of an office with a large staff.
5. Employees, and those outside of YG, should be able to have a direct and private line to the office. Like with the SCAN legislation identities should be protected at all cost and the claim should be reviewed completely before any action is taken.
6. YG has the expertise to determine this.

3/25/2008

7. This legislation should go beyond application to the offices in YG. It should be open to all citizens that identify problems and this is where we ask about the different roles of the Ombudsman's Office and this office.
8. There should be a process in place, such as in the SCAN legislation that allows for a thorough identification, investigation, and review of the reported issue before it goes anywhere. If there is no foundation in fact for the complaint then it could just be dropped and the decision reported to the complainant. This type of legislation could cause considerable harm to the career of a loyal and hard working employee and so there must be protection for privacy. As to penalties the whole process has to work to avoid getting to the point where an individual, who may be falsely accused, is brought before public attention.

The committee must hold in-camera meetings and thoroughly research an issue so an unfounded issue does not become public.

Rick Karp

President

Whitehorse Chamber of Commerce

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