

TITLE

FRAUD, THEFT, OR MISAPPROPRIATIONSCOPE

Provincial

DOCUMENT

1164

APPROVAL LEVEL

Alberta Health Services Official Administrator

SPONSOR

Ethics & Compliance, Human Resources

INITIAL EFFECTIVE DATE

June 29, 2015

CATEGORY

Ethical Conduct

REVISED

Not applicable

NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

If you have any questions or comments regarding the information in this policy, please contact the Policy & Forms Department at policy@albertahealthservices.ca. The Policy and Forms website is the official source of current approved policies, procedures, and directives.

PURPOSE

To set out Alberta Health Services' ("AHS") commitment to preventing and responding to incidents of **fraud, theft, or misappropriation** of AHS assets by **AHS personnel**.

POLICY STATEMENT

AHS is committed to the principles of public accountability, transparency, and sound financial stewardship. To uphold this commitment, identifying, preventing, and responding to acts of fraud, theft, or misappropriation is a responsibility shared among all AHS personnel. Fraud, theft, and misappropriation constitute a form of **improper activity** and, under certain circumstances, may constitute a **wrongdoing** under the *Public Interest Disclosure Act* (Alberta) ("PIDA").

AHS personnel have a responsibility for understanding the risk of fraud, theft or misappropriation within the scope of their work and responsibilities and adopting effective controls to ensure these risks are mitigated, including:

- a) understanding the importance of their own contribution to a strong internal control environment;
- b) recognizing the symptoms of failing control procedures;
- c) being aware of the consequences that may result if control procedures are not maintained; and
- d) reporting, as soon as possible, matters that are applicable under this policy.

Allegations of fraud, theft, or misappropriation are taken seriously and are reviewed in a timely and objective manner in accordance with established processes and procedures that:

- a) adhere to the principles of just culture, due diligence, and procedural fairness;

- b) support AHS' values; and
- c) comply with requirements imposed by law, legislation, professional association/regulatory bodies, AHS governance documents (e.g., bylaws, policies, procedures, Code of Conduct), and collective agreements.

Investigations are conducted in accordance with the AHS Investigations policy (#1163).

Failure to comply with the terms and conditions of this policy may result in disciplinary action up to and including termination of employment, appointment/privileges, contractual, or other relationships with AHS.

APPLICABILITY

This policy applies to all AHS personnel.

In the event of a conflict with this policy and the requirements set out in AHS' Medical Staff Bylaws and Rules, AHS Midwifery Staff Bylaws and Rules, or a collective agreement, the requirements of the relevant bylaws and rules or collective agreement prevail.

POLICY ELEMENTS

1. Duty to Report

1.1 Any AHS personnel who has a reasonable basis to believe that a fraud, theft, or misappropriation has occurred or is occurring within AHS is required to immediately disclose the information on which the belief is based. Reporting requirements are set out in the AHS Safe Disclosure/Whistleblower policy (#1101). Acts that must be reported include, but are not limited to:

- a) misappropriation or theft of AHS funds, supplies, or other assets;
- b) improper handling or reporting of AHS funds or financial transactions;
- c) offering or accepting bribes or other inducements;
- d) knowingly accepting or submitting fraudulent invoices;
- e) forging or unauthorized altering of AHS documents or accounts;
- f) payroll time theft; and/or
- g) inappropriate destruction, removal, or use of AHS property, including, but not limited to furniture, fixtures, equipment, documents and/or records, and AHS-owned intellectual property.

1.2 Allegations are to be made in good faith and be based on reasonable grounds. Allegations may be made in confidence, subject to applicable legislation, AHS policies including, but not limited to, the AHS Safe Disclosure/Whistleblower policy (#1101), as well as any other established processes for necessary follow-up action, including investigation.

1.3 Allegations should be factual rather than speculative and contain as much specific information as possible. Lack of detail and/or anonymous disclosure may limit AHS' ability to conduct a thorough investigation.

- 1.4 All initial allegations of fraud, theft, or misappropriation can be made confidentially; however, subsequent to the initial disclosure the maintenance of absolute confidentiality may be limited in order to conduct an appropriate and fair investigation.
- 1.5 Investigation or other actions related to allegations of suspected acts or attempted acts of fraud, theft, or misappropriation may not be pursued where insufficient information prevents due process, or where the identity of the individual disclosing the improper activity is required by law or policy in order to proceed.
- 1.6 Disclosures of fraud, theft, or misappropriation may require follow-up contact with the discloser in order to conduct an effective investigation.
- 1.7 Follow-up contact will be conducted in a manner which maintains the confidentiality and anonymity of the discloser, where possible.
- 1.8 Investigation or other actions related to a disclosure of fraud, theft, or misappropriation may not be pursued where insufficient information prevents due process, or where the identity of the individual disclosing the fraud, theft, or misappropriation is required by law or policy in order to proceed.
- 1.9 Intentionally making false, bad faith, or malicious allegations may result in disciplinary action up to and including termination of employment, appointment/privileges, contractual, or other relationship with AHS.

2. Review

Allegations of fraud, theft, or misappropriation are reviewed to determine necessary further action, including investigation. Investigations are conducted in accordance with the AHS Investigations policy (#1163), the AHS Investigations Pertaining to the Public Interest Disclosure (Whistleblower Protection) Act ("PIDA") procedure (#1163-01), the Medical Staff Bylaws and Rules, the Midwifery Staff Bylaws and Rules, or relevant collective agreement, as appropriate.

3. Protection from Retaliation

- 3.1 AHS personnel making allegations in good faith are protected from retaliation in accordance with the AHS Safe Disclosure/Whistleblower policy (#1101).
- 3.2 Any AHS personnel who believe that they have been subjected to retaliation as a result of disclosing improper activity or participating in an investigation of a disclosure of improper activity may report this matter to the designated officer (AHS' ECO) or to the external confidential reporting and disclosure service. Any other individual who believes that he or she has been subjected to retaliation as a result of disclosing improper activity may report the matter to the external confidential reporting and disclosure service.
- 3.3 Any person found to have taken retaliatory action in contravention of AHS Safe Disclosure/Whistleblower policy (#1101) may be subject to disciplinary action up to

and including termination of employment, appointment/privileges, contractual, or other relationship with AHS.

4. Restitution

AHS may exercise its right to seek restitution as a result of acts of fraud, theft, or misappropriation.

DEFINITIONS

AHS personnel means anyone who provides care or services or who acts on behalf of AHS, which may include governing body members, AHS employees, AHS Medical Staff members (physicians, dentists, oral and maxillofacial surgeons and podiatrists), AHS Midwifery Staff members, other allied health professional with an AHS appointment and privileges, students, volunteers, researchers working with AHS or studying AHS staff or patients.

Disclosure means a report of wrongdoing or a complaint of reprisal under PIDA, or a disclosure of an improper activity or retaliation under this policy.

Fraud, theft, or misappropriation means actions pertaining to the intentional misstatement of financial information (i.e. fraud), and/or the misappropriation of AHS assets (i.e. stealing or taking property, equipment, documents without appropriate authorization).

Improper activity means any alleged material, unethical, illegal and other improper activity including without limitation, disclosure of wrongdoing under PIDA, fraud, theft, violations of laws, violations of the AHS Code of Conduct, principles, policies or bylaws (including the Conflict of Interest Bylaw), and negligence of duty.

Reprisal (a subset of retaliation) under PIDA means taking or directing any of the following measures because a disclosure of wrongdoing has been made in good faith, advice has been sought about making a disclosure of wrongdoing, or because there has been co-operation in an investigation or declined participation in an act of wrongdoing. Reprisal includes but is not limited to:

- a) dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work, or reprimand;
- b) any measure, other than one mentioned in (a) that adversely affects the employment or working terms or conditions of the employee, member of the medical staff, or member of the midwifery staff; or
- c) a threat to take any of the measures mentioned in (a) or (b).

Retaliation includes, but is in no way limited to, demotion, suspension, termination, harassment, or denial of service or benefits to AHS personnel that occurs as a result of reporting of an improper activity in good faith, participating in investigations of allegations of improper activity, in the absence of reasonable evidence. Retaliation includes Reprisal under PIDA.

Wrongdoing (a subset of improper activity) under PIDA means:

- a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
- b) an act or omission that creates:
 - i. a substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
 - ii. a substantial and specific danger to the environment;
- c) gross mismanagement of public funds or a public asset; and/or
- d) knowingly directing or counselling an individual to commit a wrongdoing mentioned in clauses (a) to (c).

REFERENCES

- AHS Just Culture Guiding Principles
- Alberta Health Services Bylaws, Policies, and Procedures
 - Ethics Framework
 - Code of Conduct
 - Conflict of Interest Bylaw
 - Medical Staff Bylaws
 - Medical Staff Rules
 - Midwifery Staff Bylaws
 - Midwifery Staff Rules
 - Banking Services policy (#1135)
 - Collection, Access, Use, and Disclosure of Information policy (#1112)
 - Contracts policy (#1117)
 - Delegation of Authority for Financial Commitments policy (#1118)
 - Investigations policy (#1163)
 - Investigations Pertaining to the Public Interest Disclosure (Whistleblower Protection) Act (“PIDA”) procedure (#1163-01)
 - Legal Hold policy (#1133-04)
 - Safe Disclosure/Whistleblower policy (#1101)
 - [Safe Disclosure Policy Frequently Asked Questions](#)
 - Safe Disclosure/Whistleblower: Disclosure Decision Appeals procedure (#1101-01)
- *Criminal Code* (Canada) and associated regulations
- *Freedom of Information and Protection of Privacy Act* (Alberta) and associated regulations
- *Health Information Act* (Alberta) and associated regulations
- *Public Interest Disclosure (Whistleblower Protection) Act* (Alberta), and associated regulations

VERSION HISTORY

Date	Action Taken
June 29, 2015	Initial approval/ effective
June 2018	Scheduled for Review