

	City of Wetaskiwin Policy:	Whistleblowing
Policy # CO-050	Approved Res. No.: 426/19 Date: October 28, 2019	Revised Res. No: N/A Date: N/A

Policy Statement

The City of Wetaskiwin is committed to keeping with the highest standards of conduct and ethics. This policy provides a process for submitting and investigating whistleblowing allegations against members of administration, the Chief Administrative Officer, and Council. Any whistleblowing allegation shall ensure that the Reporter and any persons involved in supporting the allegation are safeguarded against reprisals, and provide for procedural fairness for anyone accused of wrongdoing.

Definitions

Allegation: means a complaint submitted under the whistleblower policy alleging wrongdoing on the part of any employee, contractor or Member of Council.

Chief Administration Officer (“CAO”): means the person appointed to the position of chief administrative officer by Council pursuant to the *Municipal Government Act* or their delegate.

City: means the City of Wetaskiwin.

Council: means the Mayor and Councillors duly elected pursuant to the provisions of the *Local Authorities Election Act*.

Employees: means persons, directors or officers employed for wages or salary by the Municipality.

Third Party Administrator: means the independent third party appointed annually by Council.

Whistleblowing: means confidential allegation received from employees regarding Wrongdoing, including accounting, internal controls, auditing matters, bullying and/or harassment and contraventions of Municipality Policies or Directives and federal and provincial legislation.

Reporter: means the person who has knowledge of a wrongdoing and reports the activity in good faith.

Respondent: means the alleged wrongdoer.

Investigator: means the party assigned by this policy to investigate an allegation of wrongdoing.

Good Faith: means a sincere belief that is absent of malice.

Reprisals: Means action taken against a Reporter or participant in the investigation of wrongdoing. Threats of, or, verbal or written reprimand, suspension, termination, loss of advancement opportunities, and change in duties, reduction in pay, change in reporting structure, change in work location, harassment, threats, and coercion., or anything meant to dissuade an employee from reporting or participating in an investigation.

Wrongdoing: Can relate to an act or action and/or behavior that is in violation of City Policies, Procedures and Directives, wrongdoing will also include, but is not limited to the following:

- a. Questionable financial, internal accounting controls or auditing practices;
- b. Serious waste of resources;
- c. Mismanagement of public funds or a public asset;
- d. Misappropriation/misuse of funds, equipment, or other assets;
- e. Falsification of City Records;
- f. Misuse of position in order to derive a personal benefit;
- g. Conflict of Interest;
- h. Proprietary Information theft;
- i. Safety/security violations;
- j. Malicious damage;
- k. Violation of regulatory issues;
- l. Trade Compliance;
- m. Violations or circumventions of City policies, bylaws, or provincial and federal legislation;
- n. Negligence;
- o. Theft or fraud;
- p. Substance abuse;
- q. Dangerous practices likely to cause physical harm or damage to any person or City property;
- r. Dangers to employee or public health and safety;
- s. Unethical conduct;
- t. Workplace violence, harassment, and bullying; and/or
- u. Knowingly directing or counselling an employee to commit a wrongdoing as described above.

Responsibilities

1. Council shall:
 - a. Refer a Reporter with a complaint of alleged wrongdoing by a member of Administration, to the CAO;
 - b. Refer a Reporter with a complaint regarding the alleged wrongdoing of a member of Council or the CAO to the Third Party Administrator of the Whistleblowers program.
 - c. Ensure all allegations raised will be treated fairly and impartially;
 - d. Review reports from the Third Party Administrator regarding alleged wrongdoing against the CAO;

- e. Review reports from the Third Party Administrator regarding alleged wrongdoing against a member of Council;
 - f. Take appropriate action if investigations confirm wrongdoing by the CAO or by a Council Member; and
 - g. Receive an annual report on alleged complaints of wrongdoing, findings and action taken.
2. The CAO is responsible for responding to complaints of wrongdoing from a Reporter and addressing alleged wrongdoing by Respondents within the CAO's delegated authority. The CAO shall:
- a. Ensure all allegations raised will be treated fairly and impartially;
 - b. Ensure that a Reporter whose allegation of wrongdoing made in good faith is protected from retaliation regardless of the outcomes of the ensuing process.
 - i. The City of Wetaskiwin will not extend this assurance to someone who maliciously raises a matter they know is without basis or merit or knowingly submits a misleading report.
 - c. Advise Council of any allegations that are substantiated and may involve imminent or significant risk to the municipality; and
 - d. Prepare and present an annual report to council on the allegations and findings, while maintaining confidentiality of the Reporter.
3. Human Resources shall administer this Policy. This includes providing the appropriate processes for the reporting, collecting, investigation and resolving of valid allegations of wrongdoing. In addition, Human Resources will ensure that subsequent action is taken in accordance with the corresponding policies, directives and procedures associated with the reporting of an allegation.

Principles

4. It is the responsibility of City of Wetaskiwin leadership to ensure that workers have appropriate avenues to voice their concerns. Given the sensitivity surrounding issues of misconduct, measures are taken to protect the anonymity of those who bring reports forward.
5. City employees must immediately report any suspected instance or allegation of wrongdoing to the Third Party Administrator.
6. Where the investigation finds reasonable grounds to indicate that a fraud or criminal act may have occurred the file may be turned over to the applicable Police authority. The City will fully cooperate in any police investigation.

Standards

Allegations

7. If an employee is uncertain of bringing an allegation forward, they have the options of:

- a. Contacting the Employee Assistance Program provider to seek legal resource advice;
 - b. Contacting Human Resources for advice; or
 - c. Discussing the concern with a person in a position of authority at the City with whom they feel comfortable sharing the information.
8. Any individual who makes an allegation of wrongdoing must provide sufficient evidence to substantiate the allegation.
9. Anonymous allegations will only be considered when one or more of the following criteria are met:
- a. There is significant imminent risk to the municipality;
 - b. There is evidence of past, present or imminent criminal activity involving the municipality; or
 - c. The allegation impacts the health, safety, or well-being of elected officials, employees or the general public.
10. Any person sending an allegation directly to an elected official shall be informed of this policy and informed that the procedure(s) must be followed.

Reporting

11. If any employee believes reasonably, and in good faith, that wrongdoing exists and wishes to report the allegation anonymously, the employee should immediately do so by reporting it to in writing and submit it to the independent Third Party Administrator by calling the confidential whistleblower hotline.
- a. In the event that an Allegation is against a member of staff, the Third Party Investigator will forward the complaint to the CAO without revealing the callers identity.
 - b. In the event that an Allegation is against the CAO, the Third Party Investigator will review the complaint with Council prior to proceeding with the investigation without revealing the callers identity.
 - c. In the event that an Allegation is against Council, the Third Party Investigator shall proceed without the involvement of City Council.
12. If any employee believes reasonably, and in good faith, that wrongdoing exists and wishes to report the allegation to Human Resources or the CAO, the Reporter shall include the following information about the allegation in writing:
- a. A description of the wrongdoing;
 - b. The name/position of the individual alleged to having done the wrongdoing;
 - c. The timeframe[s] or date[s] the wrongdoing was done;
 - d. How the Reporter became aware of the wrongdoing;
 - e. If the Reporter is aware of any other City employee who may also have knowledge of the alleged wrongdoing;
 - f. Any other information the Reporter may have; and
 - g. How the Reporter wishes to be contacted (such as Personal cell number; personal email address) in order to be interviewed as part of the investigation process.

13. If the Reporter requires temporary job re-assignment during the investigation because of whom the allegation is about and concerns the Reporter may have about coming forward about the person named in the allegation the City will make every reasonable effort to accommodate.
14. An employee acting in good faith is entitled to protection under this policy.
15. A person is entitled to protection under this policy only if the wrongdoing is not the result of conduct by the individual seeking protection.
16. An Individual or individuals implicated by wrongdoing are granted due process.

Investigation

17. When presented with an allegation of wrongdoing against a Member of Council, the Third Party Administrator will:
 - a. Confidentially advise the Mayor.
 - i. In the event that the Complaint is against the Mayor, the Third Party Investigator will confidentially advise the Deputy Mayor.
18. When presented with an allegation of wrongdoing involving the CAO, the Third Party Administrator will:
 - a. Notify City Council; and
 - b. If the complaint is unfounded, City Council will be advised.
19. When presented with an allegation of wrongdoing involving a member of staff, the CAO will:
 - c. Proceed with an investigation; and
 - d. Notify Council that a complaint was received and investigated.
20. All investigations will be conducted with a sense of urgency and time dependency.
 - a. The allegation is received, and within one week (7 calendar days) of receipt an investigation shall commence.
 - b. The investigator will evaluate the allegation and will identify from the allegation, or from interviewing the Reporter, if other persons must be interviewed as part of the investigation.
 - c. The investigator shall provide the Respondent with a summary of the allegations. The Respondent shall provide a response to the allegations in writing. The Respondent shall be interviewed for clarification of their response. If additional persons are identified by the Respondent to have been involved in the allegation, the investigator may interview them.
 - ii. In the event that an individual refuses to participate in an interview, they shall provide the investigator with the reasons for the refusal.
 - d. During the course of the investigation, the investigator may withhold the names of those involved in the allegation so to maintain confidentiality, to maintain the integrity of the investigation, and to prevent incidents of retaliation.

- e. The investigator shall conclude their investigation within 30 days of the allegation having been received and will establish recommendations or actions to remedy the substance of the allegation.
- 21. All parties subject to this policy must fully co-operate with the investigation as may be required.
 - 22. Employees who are Peace Officers and face allegations of wrongdoing may also be part of a formal investigation through the Solicitor General of Alberta.
 - 23. All investigations are subject to the Freedom of Information and Protection of Privacy Act.

Findings

- 24. If an allegation is determined by the investigator to be substantiated, the Respondent will face progressive discipline up to and including termination.
- 25. The following actions may be implemented upon conclusion of their investigation and depending on the severity of the findings:
 - f. Apology;
 - g. Training;
 - h. Referral to counseling;
 - i. Mediation
 - j. Reassignment;
 - k. Limiting access to certain areas or individuals within the organization;
 - l. Discipline;
 - m. Termination; or
 - n. Advising the local authorities of a potential criminal offense.
- 26. If an allegation is determined by the investigator to be unsubstantiated, the investigator will dismiss the allegation or will further determine if the Reporter was acting in good faith in submitting the allegation.
- 27. If an allegation is found to be unsubstantiated, the respondent shall be informed of such.

Confidentiality

- 28. Every participant in this process is expected to maintain confidentiality throughout the process and thereafter. Only those who must be informed of the details will be involved in order to effectively address the situation.
- 29. To protect the interests of all parties involved, all information must remain confidential, subject to the rules listed below, and except where sharing of information is otherwise required by law or with respect to a possible violation of the Criminal Code.
 - a. Reporters, Respondents and witnesses will have access to their own statements.

- b. Respondents and Reporters must have sufficient information about the allegations and response of the other parties to enable them to offer rebuttal.
30. A party that breaches confidentiality with respect to an investigation may be subjected to disciplinary or legal action, regardless of the impact of the outcome of the investigation.
31. Access to all or part of an Allegation, supporting interviews, or other identifiable information may be refused to the Respondent pursuant to Section 19 of the Freedom of Information and Protection of Privacy Act.

Reprisal

32. It is strictly prohibited that a Respondent, or someone acting on behalf of a Respondent, or someone acting independently from a Respondent, perform any acts, whether verbal or physical, to punish or otherwise retaliate against a Reporter or anyone who has participated in the investigation of an allegation.
33. Any acts of reprisal will be investigated by the investigator and any person who has been found to have engaged in acts of reprisal will face progressive discipline up to and including termination.
34. Protection against reprisal cannot effectively be provided to those who choose to keep their identities anonymous.
- a. If it is discovered that a person is facing reprisal, the investigator shall take action to stop the reprisal and the person found to be committing the acts of reprisal will face progressive discipline up to and including termination.

False or Misleading Allegations

35. Investigations into allegations involve a great deal of time, resources, attention, and legal advice. If an allegation has been made by an employee who knows it to be untrue, or false, and/or who advances a misleading allegation in order to target another employee, that employee will be subject to progressive discipline up to and including termination.