

City of Wetaskiwin

Council Policy



Whistleblowing

Policy

Policy Number:	CO-050
Effective On:	January 13, 2025
Approval History:	October 28, 2019
Review Frequency:	Every four (4) years
Division Responsible:	Corporate Services
Cross-Reference:	<i>Municipal Government Act</i> <i>Local Authorities Election Act</i> <i>Freedom of Information and Protection of Privacy Act</i>

1. Policy Statement

1.1 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, including the Chief Administrative Officer (CAO). 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.

2. Definitions

'Allegation' means a complaint submitted in accordance with the whistleblower policy alleging wrongdoing on the part of any employee of the City, including the CAO .

'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 Councilors 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 City.

'Third Party Administrator' means the independent third party appointed annually by Council for purposes of this whistleblower policy

'Reporter' means the person who has knowledge of an activity believed to be wrongdoing and reports the activity in good faith.

'Respondent' the person(s) against whom allegations of wrongdoing are made.

'Investigator' means the party assigned by this policy to investigate an allegation of wrongdoing, being the Third Party Administrator or the CAO.

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'Good Faith' means a sincere belief based on reasonable belief/grounds that is absent of malice.

'Reprisals' means a negative action or threat made by a City employee in direct association with an Allegation by a Reporter or a witness that provides evidence in relation to an Allegation.

'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. Dangerous practices likely to cause physical harm or damage to any person or City property;
- q. Dangers to employee or public health and safety;
- r. Unethical conduct;
- s. Workplace violence, harassment, and bullying; and/or
Knowingly directing or counselling an employee to commit a wrongdoing as described above.

3. Responsibilities

3.1 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 the CAO to the Third Party Administrator.
- c. Review reports from the Third Party Administrator regarding alleged wrongdoing against the CAO;
- d. Take appropriate action if investigations confirm wrongdoing by the CAO; and
- e. Receive an annual report on complaints of wrongdoing, findings and action taken, which report will maintain the confidentiality of the Reporter.

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3.2 Unless the Allegation is about the CAO, the CAO shall:

- a. receive and respond to Allegations;
- b. Investigate Allegations in a fair and impartial manner;
 - i. Advise Council of any Allegations that are substantiated and may involve imminent or significant risk to the City; and
 - ii. Prepare and present an annual report to council on the Allegations and findings, while maintaining confidentiality of the Reporter.

3.3 Human Resources shall:

- a. administer this Policy, including provision of appropriate processes for the reporting, collecting, investigation and resolving Allegations of valid allegations of wrongdoing.
- b. ensure that subsequent action is taken in accordance with the corresponding policies, directives and procedures associated with the reporting of an allegation.

4. Principles

- 4.1 It is the responsibility of City of Wetaskiwin CAO or their delegate to ensure that staff have appropriate avenues to voice their concerns. Given the sensitivity surrounding issues of misconduct, measures shall be taken to protect the identity of those who bring reports forward.
- 4.2 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.

5. Allegations

- 5.1 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
- 5.2 Reporter must provide sufficient evidence to substantiate an Allegation.
- 5.3 Anonymous Allegations will only be considered when one or more of the following criteria are met:
 - a. There is significant imminent risk to the City;
 - b. There is evidence of past, present or imminent criminal activity involving the City; or
 - c. The allegation impacts the health, safety, or well-being of elected officials, employees or the general public.

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5.4 Allegations sent to Councillors shall be referred to the CAO or the Third Party Administrator, as the case may be.

6. Reporting

6.1 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 determine, in the Third Party Administrator's sole discretion, if the allegation meets the requirements for anonymous allegations set out in this policy. If it does, the Third Party Administrator shall forward the complaint to the CAO without revealing the callers identity. If the allegation does not meet the requirements for anonymous allegations set out in this policy, the Third Party Administrator shall dismiss the allegation outright and take no further steps.
- b. In the event that an Allegation is against the CAO, the Third Party Investigator will determine, in the Third Party Administrator's sole discretion, if the allegation meets the requirements for anonymous allegations set out in this policy. If it does, the Third Party Administrator shall review the complaint with Council prior to proceeding with the investigation without revealing the callers identity. If the allegation does not meet the requirements for anonymous allegations set out in this policy, the Third Party Administrator shall dismiss the allegation outright and take no further steps.

6.2 If any employee believes reasonably, and in good faith, that wrongdoing exists and wishes to report the allegation, in the event of an allegation relating to the CAO, to the Third Party Administrator or, in the event of an allegation relating to a member of Administration other than the CAO, to Human Resources or the CAO, the Reporter shall include the following information about the allegation in writing:

- a. A description of the alleged 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.

6.3 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.

6.4 An employee acting in good faith is entitled to protection under this policy.

6.5 An Individual or individuals implicated by wrongdoing shall be granted due process.

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7. Investigation

7.1 When presented with an allegation of wrongdoing involving the CAO, the Third Party Administrator will:

- a. Notify City Council;
- b. Proceed with an investigation; and
- c. Advise City Council on the outcome of the investigation

7.2 When presented with an allegation of wrongdoing involving a member of staff, the CAO will:

- a. Proceed with an investigation; and
- b. Notify Council that a complaint was received and investigated in accordance with the requirements of this policy.

7.3 Best efforts shall be made to conduct efficient and time sensitive investigations as outlined below:

- a. Investigation of an Allegation will commence within 7 days of receipt of an Allegation, subject to statutory and City holidays;
- 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.
- d. The Respondent shall provide a response to the allegations in writing and the Respondent may be interviewed for clarification of their response, if required.
- e. If additional persons are identified by the Respondent to have been involved in the allegation, the investigator may interview them.
- f. In the event that any individual refuses to participate in an interview, they shall provide the investigator with the reasons for the refusal.
- g. During the course of the investigation, the investigator may withhold the names of those involved in the allegation to maintain confidentiality, to maintain the integrity of the investigation, and to prevent incidents of retaliation.
- h. The investigator shall make best efforts to conclude their investigation within 30 days of the allegation having been received.
- i. The investigator will provide a report of their investigation including recommendations or actions to address the allegation.

7.4 All parties subject to this policy must fully co-operate with the investigation as may be required.

7.5 Employees who are Peace Officers and face allegations of wrongdoing may also be part of a formal investigation through the Solicitor General of Alberta.

7.6 All investigations are subject to the *Freedom of Information and Protection of Privacy Act*.

8. Findings

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- 8.1 If the investigator determines the Allegation is substantiated by, the Respondent may face progressive discipline up to and including termination.
- 8.2 One or more of the following actions may be implemented upon conclusion of their investigation and depending on the severity of the findings:
 - a. Apology;
 - b. Training;
 - c. Referral to counseling;
 - d. Mediation
 - e. Reassignment;
 - f. Limiting access to certain areas or individuals within the organization;
 - g. Discipline;
 - h. Termination;
 - i. Advising the local authorities of a potential criminal offense.
- 8.3 If the Investigator determines the allegation is unsubstantiated, the investigator will dismiss the allegation and will further determine if the Reporter was acting in good faith in submitting the allegation.
- 8.4 If an allegation is found to be unsubstantiated, the Respondent shall be informed of such.

9. Confidentiality

- 9.1 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.
- 9.2 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. If this includes disclosure of the identity of the Reporter to the Respondent, the Reporter will be advised in advance of such disclosure.
- 9.3 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.

10. Reprisal

- 10.1 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 of reprisal.
- 10.2 Any acts of reprisal will be investigated by the investigator that considers the original allegation and any person who has been found to have engaged in acts of reprisal will face progressive discipline up to and including termination.

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- 10.3 Any acts of reprisal will be investigated by the investigator that considers the original allegation and any person who has been found to have engaged in acts of reprisal will face progressive discipline up to and including termination.
- 10.4 Protection against reprisal cannot effectively be provided to those who choose to keep their identities anonymous.

11. False or Misleading Allegations

- 11.1 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 may be subject to progressive discipline up to and including termination.

Original has been signed and filed with records Management

Tyler Gandom Mayor	Date	Sue Howard City Manager	Date