



Municipality of Strathroy-Caradoc Human Resources Policy

Administration – Whistleblower Policy

Effective: TBD

1. PURPOSE

The Municipality of Strathroy-Caradoc is committed to open, ethical, accountable and transparent local government. It is in the public interest to maintain and enhance public confidence in the Municipality and its Employees, by providing for the reporting of allegations of wrongdoing with respect to the Municipality's operations.

The purpose of this Whistleblower Policy is to provide a mechanism whereby Employees can report suspected unlawful, fraudulent or unethical conduct that may adversely impact the Municipality, rate payers, residents, Employees, or the public at large. The policy puts in place safeguards so that Employees who disclose allegations of wrongdoing can do so without fear of retaliation or a negative impact on their employment status at the Municipality of Strathroy-Caradoc, where the Employee has made such reports in good faith.

This policy is not intended to consider or reconsider matters for which alternative resolution processes are available. The Municipality reserves the right to address allegations brought forward under other applicable policies, including but not limited to the Workplace Violence, Harassment, and Discrimination Policy.

2. SCOPE

This policy applies to all Municipal Employees, Volunteer Firefighters, and Council Members.

Disclosures involving elected officials will be forwarded to the Integrity Commissioner, appointed under the Council Code of Conduct and the *Municipal Act, 2001*, who will conduct the investigation in accordance with the Council Code of Conduct complaint protocol, as appropriate.

3. DEFINITIONS

Allegation: A claim or assertion that a wrongdoing has occurred that has not yet been proven as true.

Appropriate Authority: Any delegated Employee who has the authority to make final decisions regarding Employees, wrongdoing, and resulting actions. At the Municipality



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of Strathroy-Caradoc, the Appropriate Authority is the supervising Director, the Director of Human Resources, and/or the Chief Administrative Officer (CAO).

Bad Faith: Dishonest behaviour, done with the intention of deceiving or tricking someone, or for purposes other than those stated or communicated

Complainant: Any Employee or Volunteer Firefighter that submits a Disclosure or report of Wrongdoing.

Disclosure: Making information known about Wrongdoing through verbal or written communication to the Appropriate Authority or the Independent Delegated Authority.

Employee: Any person employed by the Municipality of Strathroy-Caradoc, including full-time, part-time, contract, and paid-on-call and/or casual employees.

Good Faith: An act done honestly and for its stated purposes, and which is not done trivially, frivolously or for a vexatious purpose. This definition shall be considered in determining what constitutes Bad Faith under this policy.

Independent Delegated Authority: An independent third party contracted by the Municipality to provide a confidential complaint review service in order to receive the confidential disclosure of concerns, investigate and recommend any resulting actions. At the Municipality of Strathroy-Caradoc, the Independent Delegated Authority is Aird & Berlis LLP.

Policy: This Whistleblower Policy.

Respondent: An Employee whose alleged conduct is the subject of a Disclosure.

Retaliation: Retribution or reprisal against any Complainant as a result of their reporting of an incident of wrongdoing, or against any Employee that participates in an investigation relating to the allegation of wrongdoing. Acts of retaliation include, but are not limited to, interference, coercion, threats, and violence.

Whistleblower: A whistleblower is an Employee who in Good Faith reports wrongdoing to the Appropriate Authority, in an attempt to have the activity addressed, investigated and/or resolved

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Wrongdoing: Illegal or dishonest behaviour or activity. In the Municipal setting, this includes, but is not limited to, breaking the law or violating provincial Acts of legislature, misusing public funds or a public asset, gross mismanagement, doing something – or failing to do something – that creates a substantial and specific danger to the health, safety, or life of persons or to the environment, seriously breaching any code of conduct that applies to the Municipal sector, or knowingly directing or counselling a person to commit wrongdoing.

4. ROLES AND RESPONSIBILITIES

Chief Administrative Officer:

- Ensuring the Municipality has an up-to-date Whistleblower Policy
- Ensures Employees cooperate with investigations under this Policy as required
- Where applicable, ensures the underlying causes of investigation results are determined and that recommendations are made to correct the situation and prevent further occurrences, and
- Where appropriate to the circumstances, inform Council of Whistleblower instigations and/or outcomes

Department Director:

- Ensuring all applicable managers and supervisors are aware of this Policy and of any subsequent revisions
- Ensuring compliance with this Policy, and
- Cooperate with investigations under this Policy, as required

Managers / Supervisors:

- Ensure Employees in their respective work units are aware of this Policy and any subsequent revisions
- Ensure Employees comply with this Policy, and
- Cooperate with investigations under this Policy, as required



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Employees:

- Comply with this Policy
- Report any occurrence or indication of Wrongdoing that they are aware of to their Manager / Supervisor or other Management staff through established channels or, where appropriate, through this Policy, and
- Cooperate with investigations under this Policy, as required.

5. POLICY - STANDARD AND PROCEDURES

A. Responsibilities

Individuals who believe they have witnessed an act or acts of Wrongdoing should report the incident(s) immediately to the Appropriate Authority or the Independent Delegated Authority. Any delays in reporting acts of Wrongdoing can make a report or incident more difficult to investigate and appropriate action to be taken.

Complainants are strongly encouraged to use the internal resolution process by first raising their concerns with their Supervisor/Manager, Director, the Director of Human Resources or the CAO. This provides for opportunities for less formal and more efficient resolution, where appropriate, and also ensures that the Disclosure should not come under a different Strathroy-Caradoc policy. However, if the situation warrants, Complainants may go directly to the formal process and contact the Independent Delegated Authority.

B. Reporting Obligations

i. Employees

- a) Employees who believe they have witnessed Wrongdoing in their working environment, including Retaliation, are expected to report the incident(s) to the Appropriate Authority or the Independent Delegated Authority at the earliest opportunity.

ii. Supervisors & Managers

- a) Supervisors and Managers are directed to take all appropriate steps to prevent and stop Wrongdoing in their areas of responsibility. Any



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Supervisor or Manager who is subjected to, witnesses, or receives written or oral Disclosures of Wrongdoing or Retaliation shall immediately report it to the Appropriate Authority or the Independent Delegated Authority.

- b) Supervisory personnel who are contacted by an individual seeking to file a Disclosure about Wrongdoing in their department direct the Complainant to contact the Appropriate Authority or the Independent Delegated Authority, and/or assist them to the extent required and/or requested.

C. Procedure for Handling Disclosures of Wrongdoing

In general, Disclosures will be addressed in a phased approach, first through an internal (staff) resolution process, or, should a more serious matter arise, through a second, formal resolution process. The formal process will be managed by the Independent Delegated Authority. Investigations may be conducted by an independent external investigator if necessary.

Complainants are encouraged to file a Disclosure immediately after an alleged incident of workplace wrongdoing. However, the Municipality of Strathroy-Caradoc is aware that such timely reporting may not always be possible, due to fear of being identified through knowledge of a situation or of Retaliation against the Complainant. Individuals who believe that they have witnessed workplace Wrongdoing should lodge a Disclosure within 30 days following an alleged incident. At the CAO's discretion, this timeline may be extended at the request of the Complainant; however, it is the responsibility of the Complainant to show good reasons for this extension.

The Municipality will seek to resolve claims of wrongdoing in the workplace as expediently as possible. The Appropriate Authority or the Independent Delegated Authority will acknowledge receipt of a Disclosure and begin the investigation process within seven (7) working days of the filing of a Disclosure.

Wherever and whenever investigations are conducted, Complainants and Respondents have certain rights. These rights include, but are not limited to:

- Receiving written notice of the allegations (where permitted by law)

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- Presenting relevant information to the Independent Delegated Authority
- Receiving a summary of the report at the conclusion of the investigation (where permitted by law.)

i. Internal Process:

- a) Once a Complainant lodges a complaint with an Appropriate Authority, a discussion will take place that shall be kept confidential to the extent permitted by law. During this discussion, the Appropriate Authority will explain all options available to the Complainant, including referral to the formal process. If the Complainant wishes to proceed further with their Disclosure, the Complainant must then provide a written statement with sufficient details of the alleged Wrongdoing to enable an appropriate investigation to be conducted. The Appropriate Authority shall ensure Human Resources and the CAO are aware of the alleged Wrongdoing.
- b) The Appropriate Authority will notify the Respondent of the Disclosure, keeping all such communication confidential. The Respondent shall have ten (10) days from being notified to respond, in writing, to the allegation. The Respondent's statement should specifically answer each concern or complaint, either admitting, denying, or explaining the allegations against them. The Respondent must sign their statement, which will then be attached to the original Disclosure.
- c) The Appropriate Authority investigating the Disclosure has the discretion to abridge timelines on a case-by-case basis.
- d) The Appropriate Authority, in consultation with Human Resources and the CAO, may then implement whatever steps are necessary to create an acceptable resolution, including recommending disciplinary actions if applicable. This resolution will be shared with the Complainant, the Respondent, and more senior levels of management as required.
- e) The Appropriate Authority will record the occurrence of the Disclosure and the resolution achieved. If a resolution of the Disclosure is achieved and no Wrongdoing is found, no record of the complaint will be entered in the Respondent's personnel records. Records will be filed with Human Resources and remain confidential.

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ii. Formal Process:

- a) The Complainant may also choose to make a Disclosure directly to the Independent Delegated Authority via a confidential and secure email account:

<email account to be added after policy approval>

- b) Employees may choose to remain anonymous and their identity will not be disclosed without their consent. Anonymous Disclosures are generally more difficult to investigate as the Municipality is unable to contact the Complainant should further information be required. In some cases, it may not be possible to action a Disclosure further if insufficient information is provided along with the Disclosure.
- c) The Independent Delegated Authority is responsible for determining and administering the methods and means for addressing Disclosures, which may consist of:
- Determining the authenticity of allegations of Wrongdoing or retaliation.
 - Determining whether or not a reported act constitutes Wrongdoing.
 - Recommending disciplinary or corrective actions if allegations are substantiated
 - Recommending disciplinary or corrective actions if allegations were made in Bad Faith.
- d) In the case of formal Disclosures the Respondent shall have ten (10) days from being notified to respond, in writing, to the allegation(s). The Respondent's statement should specifically answer each concern or complaint, either admitting, denying, or explaining the allegations against them. The Respondent must sign their statement, which will then be attached to the original Disclosure.
- e) The Independent Delegated Authority investigating the Disclosure has the discretion to abridge timelines on a case-by-case basis.

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- f) At the conclusion of an investigation, the Independent Delegated Authority must create a written report including a statement regarding a summary of its findings, and a statement of decision on whether or Wrongdoing has been committed, and the details of such Wrongdoing. The report shall be presented for review to any/all Appropriate Authorities and/or legal counsel, as appropriate.
- g) The Complainant and the Respondent will be advised of the resolution of any investigation conducted under this Policy. A summary of findings with any remedial action shall be provided in writing to the Complainant and the Respondent, as required.
- h) In all cases, the Municipality of Strathroy-Caradoc's Human Resources department shall retain the findings report per the Municipality's Records Retention By-law.

D. Confidentiality

Strathroy-Caradoc will consider all reports of suspected Wrongdoing and subsequent investigations to be confidential, and will disclose only to the extent required:

- to adequately investigate the suspected Wrongdoing,
- by this Policy or its procedures, or
- by law.

The Municipality of Strathroy-Caradoc will endeavour to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully.

E. Assurance Against Retaliation

This Policy encourages employees to safely and responsibly report suspected Wrongdoing without fear or Retaliation or reprisal. Retaliation by a Respondent or anyone acting on behalf of the Respondent against the Complainant for making a Good Faith complaint or Disclosure is strictly prohibited and will result in appropriate

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disciplinary action. Further, Retaliation by anyone against any witness providing as part of an investigation into alleged Wrongdoing is also strictly prohibited.

G. Disciplinary Actions

Upon concluding that an instance of Wrongdoing has indeed occurred, the Respondent will be subject to disciplinary action. This may result in a suspension of duties, termination of employment, and/or potential legal action. Disciplinary actions will be determined on the basis of the facts of each case.

It is a violation of this Policy for anyone to knowingly make a false Disclosure or complaint of Wrongdoing or to provide false information about a Disclosure. Any complaint made in Bad Faith, if demonstrated as being such through the investigation or Disclosure process, will result in disciplinary action being taken against the individual making the Bad Faith complaint, up to and including termination of employment.

H. Records

Records of all internal and formal resolutions will be kept by the Human Resources department, except where otherwise stated in this Policy. The records will only be available to managerial members of the appropriate department and Human Resources, and only in the following circumstances:

- When determining an appropriate disciplinary action for subsequent workplace Wrongdoing Disclosures.
- When a Respondent is a candidate for a promotion to a supervisory position.
- When a complaint against retaliatory action is made.
- When a decision or resolution is reviewed.
- As required for legal investigations or proceedings.
- As otherwise required by law.

Any records concerning Employees will be maintained in accordance with all applicable laws and regulations. Both the Complainant and the Respondent are eligible to obtain copies of their own statements made throughout the course of an investigation.



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6. COMMUNICATION & TRAINING

- (a) This Policy will be communicated and provided to Employees within thirty (30) calendar days of:
 - i. The Policy being prepared, or
 - ii. The Policy being changed.
- (b) This Policy will be provided to any new Employees within thirty (30) calendar days of the new Employee being hired.
- (c) Every Employee will review and acknowledge this Policy and have an opportunity to ask any questions regarding the content herein.

7. IMPLEMENTATION & ENFORCEMENT

This Policy shall take effect upon approval by Council.

This Policy may be enforced in conjunction with the Progressive Discipline Policy, and all other conduct-related policies and procedures of the Municipality

8. REFERENCE MATERIALS

- Progressive Discipline Policy
- Workplace Violence, Harassment & Discrimination Policy

Revision History

Revision	Section	Description	Date
1	All	New Whistleblower Policy	TBD