

COUNCIL POLICY



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Policy Name: Whistleblower
Department Name: Human Resources
Policy Number: LEG-150
Effective Date: October 23, 2018

Next Revision Date: October 2021

STRATEGIC PLAN LINKAGE

Strategic Priority 1 - Responsible Government

PURPOSE AND OBJECTIVE

The purpose of this Policy is to further the Municipality's core principles of accountability, transparency and integrity in all municipal operations, and ethical behavior on the part of Elected Officials, Employees and Contractors.

The Whistleblower Policy promotes a corporate culture and environment in which there is no tolerance for Wrongdoing and in which Employees, Elected Officials and members of the public are encouraged to identify and report Wrongdoing, with the knowledge that they will be protected from Retaliation when acting in good faith.

GENERAL PRINCIPLES

1. Definitions:

- 1.1 "Allegation" means a complaint submitted under the Whistleblower Policy alleging Wrongdoing on the part of any Employee, Contractor or Elected Official or alleging that any person has been a victim of Retaliation.
- 1.2 "Chief Administrative Officer" (CAO) has the meaning given to it in the *Municipal Government Act*, RSA 2000, c. M-26, as amended (*MGA*).
- 1.3 "Contractor" means any person, corporation or firm with whom the Municipality has a contract for procurement of goods or services.
- 1.4 "Disciplinary Action" means any consequence imposed upon a person as a result of an act of Wrongdoing, which may include, but is not limited to, the following:
 - 1.4.1 public or private apology;
 - 1.4.2 educational training on ethical conduct;
 - 1.4.3 removal of an Employee or Elected Official from any place where the Employee or Elected Official represents the Municipality, including any committee, board, or corporation;

- 1.4.4 removal from any position of responsibility in the Municipality;
 - 1.4.5 termination of employment with the Municipality;
 - 1.4.6 termination of a contract; or
 - 1.4.7 such other discipline as may be considered appropriate in the circumstances.
- 1.5 “Elected Official” means a councillor as defined in the *MGA*.
- 1.6 “Employee” means any person directly employed by the Municipality, including the CAO.
- 1.7 “Retaliation” means any action in reprisal against a person who has made an Allegation of Wrongdoing, or who has sought advice or information about making an Allegation of Wrongdoing, or who participated in the investigation of such an Allegation, and includes but is not limited to:
- 1.7.1 dismissal from employment or threats to dismiss from employment;
 - 1.7.2 discipline or suspension, or threats to discipline or suspend;
 - 1.7.3 harassment or abuse;
 - 1.7.4 imposition of any penalty or sanction, directly or indirectly; and
 - 1.7.5 intimidation or coercion or attempts to intimidate or coerce; but does not include Disciplinary Action defined in clause 1.4 of this Policy.
- 1.8 “Whistleblower” means a person who makes an Allegation.
- 1.9 “Wrongdoing” means an act or omission that constitutes one or more of the following, in relation to the Regional Municipality of Wood Buffalo:
- 1.9.1 a contravention of federal or provincial legislation or regulations;
 - 1.9.2 gross mismanagement, including an act or omission that shows a reckless or willful disregard for the proper management of:
 - 1.9.2.1 municipal funds or a municipal asset;
 - 1.9.2.2 the delivery of a municipal service;
 - 1.9.2.3 employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; or
 - 1.9.2.4 any act of fraud.
 - 1.9.3 an act or omission that creates a substantial and specific danger to the life, health or safety of any person, or to the environment, other than a danger inherent in performance of a person’s duties as an Employee or Contractor;
 - 1.9.4 anything that may be grounds for disqualification of an Elected Official under the *MGA*;

- 1.9.5 an act of Retaliation, as set out in subsection 1.7; or
- 1.9.6 advising or encouraging any person to do anything set out in subsections 1.9.1 through 1.9.6.

2. Responsibilities:

2.1. Council:

- 2.1.1. Review Allegations of Wrongdoing made against Elected Officials or the CAO and any applicable Investigation Reports;
- 2.1.2. Take Disciplinary Action against the CAO or Elected Officials who are found to have committed acts of Wrongdoing.
- 2.1.3. Determine when and under what circumstances the results of an investigation of alleged Wrongdoing by an Elected Official will be publicly disclosed.

2.2. CAO:

- 2.2.1. Ensure that a Whistleblower whose Allegation of Wrongdoing is made in good faith is protected from Retaliation regardless of the outcome of the ensuing process.
- 2.2.2. Establish processes which allow for:
 - 2.2.2.1. Whistleblowers to make Allegations of Wrongdoing relating to Elected Officials, Employees and Contractors;
 - 2.2.2.2. Allegations to be screened for legitimacy and potential investigation;
 - 2.2.2.3. appropriate discipline to be imposed when an Allegation is substantiated; and
 - 2.2.2.4. Ensure that adequate resources are made available to support all investigations.
- 2.2.3. Advise Council of any Allegations that, if substantiated, may involve significant imminent risk to the Municipality or may involve past, present or imminent criminal activity that would affect the Municipality.
- 2.2.4. Ensure that an annual report is presented to Council which will include a description of the Wrongdoing and any outcomes arising.

3. Allegations:

- 3.1 Any individual who makes an Allegation of Wrongdoing must provide sufficient evidence to substantiate the Allegation.
- 3.2 Anonymous Allegations will only be considered when one or more of the following criteria are met:

- 3.2.1 there is significant imminent risk to the Municipality;
 - 3.2.2 there is evidence of past, present or imminent criminal activity involving the Municipality;
 - 3.2.3 the Allegation impacts the health, safety or wellbeing of Elected Officials, Employees or the general public;
 - 3.2.4 in the case of an Elected Official, the Allegation involves potential pecuniary interest; or
 - 3.2.5 the Allegation is of such a serious nature and relates to the operation of the Municipality such that, it cannot, in good faith, be overlooked.
- 3.3 Allegations must be made within 6 months of the date of the Wrongdoing or within 6 months of the date on which the Whistleblower learned of facts tending to support an Allegation, except in the case of an Allegation of criminal activity relating to the Municipality to which no time limit applies.
- 3.4 An Allegation which discloses information suggesting criminal activity, an imminent risk of substantial danger to the life, health or safety of any person, or a risk to the environment, the matter must be immediately disclosed to the RCMP or the appropriate regulatory authority.
- 3.5 Any person sending a complaint to an elected official shall be informed of this policy and that the procedure in this policy must be followed.

4. Investigations:

- 4.1 All investigations will be conducted as expeditiously as possible.
- 4.2 All Elected Officials, Employees and Contractors who are aware, or become aware, of an investigation shall keep confidential and not disclose any knowledge they have or obtain concerning the details or results of an investigation.
- 4.3 An Elected Official, Employee or Contractor who breaches confidentiality with respect to an investigation may be subject to Disciplinary Action, regardless of the impact of the disclosure on the investigation.
- 4.4 Council may resolve to publicize any portion of an Investigation Report related to an Elected Official, unless:
 - 4.4.1 the disclosure of such findings might be an unreasonable invasion of the privacy of the Elected Official accused of committing the Wrongdoing or any other individual(s) involved, impacted or implicated in the investigation, including but not limited to the Whistleblower, as determined by section 17(1) of *FOIP*, or

- 4.4.2 the disclosure of such findings may impact an ongoing criminal investigation being undertaken by the RCMP or other law enforcement agency.

5. *Freedom of Information and Protection of Privacy Act (FOIP):*

- 5.1 Nothing in this Policy will affect the application of *FOIP*.

SUPPORTING REFERENCES AND POSITION RESPONSIBLE

Legal References: *Municipal Government Act*, RSA 2000, c.M-26
Freedom of Information and Protection of Privacy Act,
RSA 2000, c.F-25

Cross References: Whistleblower Directive HRM-650
Code of Conduct Procedure HRM-600
Conflict of Interest Disclosure Procedure HRM-610

Position Responsible for Policy: Director, Human Resources

APPROVAL

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time as necessary.

Mayor

Chief Legislative Officer

Approval Date