



# County of Wetaskiwin No. 10 Municipal Policy

Department:

Policy No.

12.1 Employee Relations

12.1.19

Title Whistleblower

## 1. Policy Statement:

1.1. The purpose of this Policy is:

- 1.1.1. To facilitate the reporting and investigation of significant and serious matters in or relating to the County and departments thereof, that an employee believes may be unlawful, dangerous to the public or injurious to the public interest;
- 1.1.2. To protect employees who make Reports of Wrongdoing;
- 1.1.3. To manage, investigate and make recommendations respecting Reports of Wrongdoing and reprisals; and
- 1.1.4. To promote public confidence in the administration of departments of the County and the County as a whole.

## 2. Responsibilities:

- 2.1. Employees have a responsibility to report any wrongdoing of which they may have knowledge.
- 2.2. Employees have a responsibility to treat any such Report of Wrongdoing in a confidential manner in accordance with the procedures set out in this Policy.
- 2.3. When making a Report of Wrongdoing, employees are recommended to identify themselves to allow the investigation to be as thorough as possible but may elect to report anonymously. The County will ensure to the fullest extent permitted by law and in accordance with this Policy, that all Reports of Wrongdoing are treated in a confidential manner. However, anonymity of the Complainant, Respondent and other parties affected cannot be guaranteed in all cases.

## 3. Responsibilities of the Complainant:

- 3.1. Report in writing to the CAO or Human Resources (HR) as soon as possible after becoming aware of any wrongdoing of which they have knowledge of. The Report of Wrongdoing may be either paper or email correspondence and shall contain the following:
  - 3.1.1. A description of the wrongdoing;
  - 3.1.2. The name or names of individuals alleged to have committed the wrongdoing, or to be about to commit the wrongdoing;
  - 3.1.3. The date(s) of the wrongdoing;

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- 3.1.4. Whether a Report of Wrongdoing had been previously made and whether a response had been received on the previous report. If a response is received, a copy of the response must be attached;
- 3.1.5. Any additional information the CAO or HR may reasonably require in order to investigate the matter(s); and
- 3.1.6. The contact information for the Complainant or a statement that anonymity is requested.
- 3.2. Treat any such Report of Wrongdoing in a confidential manner; and
- 3.3. Label any Report of Wrongdoing as "Confidential" in order to deal with the matter in the most confidential manner possible.
- 3.4. May request information from the CAO or HR in regard to potentially making a Report of Wrongdoing.
- 3.5. May contact the Reeve to advise they have made a Report of Wrongdoing to the CAO or HR for the purposes of commencing an investigation;
- 3.6. May disclose directly to the Reeve, circumventing the CAO or HR, only under the following circumstances:
  - 3.6.1. If the Complainant has made a Report of Wrongdoing in accordance with the procedures of Section 3.1. and an investigation regarding the Report has not been completed in accordance with Section 4.3.;
  - 3.6.2. If the Complainant has made a Report of Wrongdoing in accordance with the procedures of Section 3.1. and the matter has not been resolved within the time periods and extensions permitted established in this policy;
  - 3.6.3. If the Complainant has made a Report of Wrongdoing in accordance with the procedures of Section 3.1., the investigation has been completed, a final decision has been issued relative to the Report and the Complainant is dissatisfied with the decision;
  - 3.6.4. If the subject matter of the Report of Wrongdoing involves the CAO;
  - 3.6.5. If the Complainant reasonably believes a matter constitutes an imminent risk of substantial and specific danger to the life, health or safety of individuals and there is insufficient time to make a disclosure to the CAO or HR. In these circumstances the Complainant must, as soon as is reasonably practicable, make a Report of Wrongdoing of this matter to the CAO or HR; and
  - 3.6.6. If the Complainant has made a Report of Wrongdoing to the CAO or HR and is unable to complete the procedures because of a reprisal directed towards them, or reasonably believes a reprisal is likely to be taken or directed towards them.

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#### 4. Responsibilities of the CAO:

- 4.1. Acknowledge receipt to the Complainant making the Report of Wrongdoing, in writing, within a maximum of five (5) business days.
- 4.2. Advise Reeve of Report of Wrongdoing.
- 4.3. Within 30 days of receiving the Report of Wrongdoing, provide a final written report of findings to the Complainant.
- 4.4. Ensure that any and all enforcement of disciplinary action or corrective measures are undertaken.
- 4.5. Enforce any disciplinary action or corrective measures deemed necessary to correct the wrongdoings found.
- 4.6. Prepare an annual non-identifiable report for Council review for the fiscal year ending December 31<sup>st</sup> of each year, which will be provided to Council for review no later than February 15<sup>th</sup> of the following year; to contain the following:
  - 4.6.1. The number of Reports of Wrongdoing received;
  - 4.6.2. The number of Reports of Wrongdoing acted on;
  - 4.6.3. The number of Reports of Wrongdoing not acted on;
  - 4.6.4. The number of investigations commenced as a result of Reports of Wrongdoing; and
  - 4.6.5. A description of the wrongdoing and any recommendations made or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken in regard to an investigation that results in a finding of wrongdoing.
- 4.7. Extensions greater than thirty (30) business days can only be approved by the Reeve and must be communicated in writing to the complainant.

#### 5. Responsibilities of HR

- 5.1. Report receipt of complaint of wrongdoing to the CAO, subject to Section 3.7, who will investigate the complaint.

#### 6. Conducting the Investigation:

- 5.1. Initiate an investigation into a Report of Wrongdoing or take no action where the Report of Wrongdoing is trivial, vexatious, or improperly submitted and communicate either decision to the Complainant making the Report of Wrongdoing within a maximum of ten (10) business days from the date the Report of Wrongdoing was received.
- 5.2. Interview the Complainant, Respondent, or any other employee with respect to the Report of Wrongdoing in accordance with the principles of procedural fairness and natural justice;

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- 5.3 Request any record reasonably required pursuant to his or her investigation, subject to legal restrictions;
- 5.4 Refer any Report of Wrongdoing to the Royal Canadian Mounted Police (RCMP) if the reported wrongdoing is believed to be a matter of imminent risk of a substantial or specific nature to the life, health or safety of individuals, or to the environment;
- 5.5 Begin the process of investigating other wrongdoings discovered during the investigation of the original Report of Wrongdoing;
- 5.6 Report alleged offences under an Act or Regulation of either the Province of Alberta or Parliament of Canada, if discovered during the investigation; and
- 5.7 Maintain confidentiality regarding parties involved in the investigation to the best of their ability, except in the case where the Report of Wrongdoing is determined to be an imminent risk.
- 5.8 May seek the advice of legal experts at the County's costs.
- 5.9 May conduct a single investigation in circumstances where multiple Reports of Wrongdoing are made on the same matter; or
- 5.10 May contact employees for assistance regarding the investigation of the Report of Wrongdoing and have the full assistance of employees contacted pursuant to this Policy.

## 6 **Prohibition Against Retaliation**

- 6.1 The intention of this Policy is to ensure that employees can raise legitimate concerns about Wrongdoing in a safe and secure manner. If an employee files a Report of Wrongdoing in good faith, they shall not be subject to any form of punitive retaliation, reprisal, or the threat of such. All supervisors, managers, and other employees are prohibited from penalizing or retaliating against such an employee.
- 6.2 Reprisals include, but are not limited to dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, changes of hours of work, reprimand and any measure that adversely affects the employment or working conditions of the employee.

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