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| <i>COUNTY OF WETASKIWIN NO. 10</i> | 12.1 EMPLOYEE RELATIONS |
| Municipal Policy & Procedures Manual | |

WHISTLEBLOWER POLICY #12.1.19

1. PURPOSE

Every employee has a responsibility to report any wrongdoing of which he or she may have knowledge. Every employee has a responsibility to treat any such Report of Wrongdoing in a confidential manner in accordance with the procedures set out in this Policy.

When making a Report of Wrongdoing of which they may have knowledge in regard to, 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.

In addition the purposes of this Policy are as follows:

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

2. DEFINITIONS

2.1 Chief Officer: Chief Administrative Officer (CAO) or other designate assigned by the CAO.

2.2 Complainant: An employee who makes a Report of Wrongdoing.

2.3 Designated Officer: The Chief Officer, Reeve or a designate assigned by the Chief Officer for the purposes of managing and investigating Reports of Wrongdoing.

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2.4 Employee: Includes all persons employed by the County.

2.5 Reeve: Is the Reeve of the County of Wetaskiwin No. 10.

2.6 Report of Wrongdoing: A written document reporting potential instances of Wrongdoing that contains the requirements as outlined in Section 3.1.1. of this Policy.

2.7 Respondent: An employee or employees who are the subject of a Report of Wrongdoing.

2.8 Wrongdoing is defined as:

2.8.1. Any actual or suspected violation of any federal or provincial act or regulation; or

2.8.2. An act or omission that creates:

- a) A substantial and specific danger to the life, health or safety of individuals, other than those inherent in their duties as an employee;
- b) An act or omission that creates a substantial and specific danger to the environment;
- c) The gross mismanagement of public funds or a public asset; or
- d) Knowingly directing or counseling an individual to commit any of the above.

3. **PROCEDURES**

3.1. **The Complainant will:**

3.1.1. Report in writing to the Chief Officer as soon as possible after becoming aware of any wrongdoing of which he or she may have knowledge of. The Report of Wrongdoing may be either a paper or email correspondence and shall contain the following:

- a) A description of the wrongdoing;
- b) The name or names of individuals alleged to have committed the wrongdoing, or to be about to commit the wrongdoing;
- c) The date(s) of the wrongdoing;
- d) 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;
- e) Any additional information the Designated Officer may reasonably require in order to investigate the matter(s); and
- f) The contact information for the Complainant or a statement that anonymity is requested.

3.1.2. Treat any such Report of Wrongdoing in a confidential manner; and

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3.1.3. Label any Report of Wrongdoing as "Confidential" in order to deal with the matter in the most confidential manner possible.

3.2. The Complainant may:

3.2.1. Request information from the Chief Officer in regard to potentially making a Report of Wrongdoing.

3.2.2. Contact the Reeve to advise they have made a Report of Wrongdoing to the Chief Officer for the purposes of commencing an investigation;

3.2.3. Disclose directly to the Reeve, circumventing the Chief Officer and Designated Officer, only under the following circumstances:

- a) If the Complainant has made a Report of Wrongdoing in accordance with the procedures of Section 3.1.1. and an investigation regarding the Report has not been completed in accordance with Section 3.6.;
- b) If the Complainant has made a Report of Wrongdoing in accordance with the procedures of Section 3.1.1. and the matter has not been resolved within the time periods and extensions permitted established in Sections 3.3., 3.6.4. and 3.5.2.;
- c) If the Complainant has made a Report of Wrongdoing in accordance with the procedures of Section 3.1.1., the investigation has been completed, a final decision has been issued relative to the Report and the Complainant is dissatisfied with the decision;
- d) If the subject matter of the Report of Wrongdoing involves the Chief Officer or Designated Officer of the Complainant;
- e) 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 Chief Officer. However, in these circumstances the Complainant must as soon as is reasonably practicable make a Report of Wrongdoing of this matter to the Chief Officer; and
- f) If the Complainant has made a Report of Wrongdoing to the Chief Officer 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, if the Report is made in accordance with Section 3.1.1.

3.3. The Chief Officer will:

3.3.1. Acknowledge receipt to the Complainant making the Report of Wrongdoing within a maximum of five (5) business days; and

3.3.2. Appoint the Designated Officer within five (5) business days.

3.4. The Designated Officer may:

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- 3.4.1. Request advice from the County of Wetaskiwin's solicitor with respect to the management and investigation of a Report of Wrongdoing.

3.5. The Chief Officer may:

- 3.5.1. Refer a Report of Wrongdoing to an alternate if the Chief Officer deems appropriate. This in in circumstances when the Designated Officer is in a conflict of interest; or
- 3.5.2. Approve an extension to the time limit for the management of Reports of Wrongdoing for a maximum of thirty (30) business days. Extensions greater than thirty (30) business days can only be approved by the Reeve.

3.6. The Designated Officer conducting the investigation will:

- 3.6.1. 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.
- 3.6.2. 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;
- 3.6.3. Request any record reasonably required pursuant to his or her investigation, subject to legal restrictions;
- 3.6.4. 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;
- 3.6.5. Create and present a written report at the conclusion of an investigation within a maximum of one hundred and ten (110) business days from the date the Report of Wrongdoing was made for review to the Chief Officer. The written report will include a statement regarding any and all findings that have been proven, along with recommendations of corrective measures and disciplinary actions, if required;
- 3.6.6. Begin the process of investigating other wrongdoings discovered during the investigation of the original Report of Wrongdoing;
- 3.6.7. Report alleged offences under an Act or Regulation of either the Province of Alberta or Parliament of Canada, if discovered during the investigation; and
- 3.6.8. 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 as outlined in Section 3.6.3.

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3.7. The Designated Officer conducting the investigation may:

- 3.7.1. Seek the advice of legal experts at the County's costs, if the Designated Officer deems necessary;
- 3.7.2. Conduct a single investigation in circumstances where multiple Reports of Wrongdoing are made on the same matter; or
- 3.7.3. Contact employees for assistance regarding the investigation of the Report of Wrongdoing and have the full assistance of employees contacted pursuant to this Policy.

3.8. The Chief Officer will:

- 3.8.1. Within 30 days of receiving the written report from the Designated Officer, provide a final written report of findings to the Complainant.
- 3.8.2. Ensure that any and all enforcement of disciplinary action or corrective measures as directed by the Designated Officer are undertaken;
- 3.8.3. Enforce any disciplinary action or corrective measures deemed necessary to correct the wrongdoings found, taking into account the recommendations of the Designated Officer and other applicable County Policies; and
- 3.8.4. Prepare an annual non-identifiable report for Council review for the fiscal year ending December 31st of each year, which will be provided to Council for review no later than February 15th of the following year. The report will contain the following:
 - a) The number of Reports of Wrongdoing received by the Designated Officer;
 - b) The number of Reports of Wrongdoing acted on;
 - c) The number of Reports of Wrongdoing not acted on by the Designated Officer;
 - d) The number of investigations commenced by the Designated Officer as a result of Reports of Wrongdoing; and
 - e) 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.

3.9. Prohibition Against Retaliation

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, he or she 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.

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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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