

# MUNICIPAL DISTRICT OF BIG LAKES

<b>TITLE:</b>	<b>WHISTLEBLOWER POLICY</b>
<b>APPROVED BY COUNCIL:</b>	<b>December 11, 2013</b>
<b>EFFECTIVE DATE:</b>	<b>December 11, 2013</b>
<b>POLICY NO.</b>	<b>ADMIN-43</b>
<b>LEGAL AUTHORITY:</b>	

## **POLICY STATEMENT**

**The Municipal District of Big Lakes recognizes public interest in maintaining confidence in the integrity of the operations of the Municipal District of Big Lakes. This policy will provide guidelines for Whistleblowing.**

### **PURPOSE**

The purposes of this policy are:

- to create and maintain a work environment with high standards of business and personal ethics;
- to inform all employees of their responsibility to report serious misconduct;
- to prevent retaliation against those who, in good faith, report serious misconduct;
- to provide procedures for the internal reporting and investigation of serious misconduct.

### **POLICY**

#### **1. Application**

This policy applies to all officers and employees of the Municipal District of Big Lakes.

#### **2. Definitions**

**BASELESS ALLEGATION** – means an allegation of serious misconduct made in bad faith, with malice, or without having reasonable and objective grounds for believing an allegation of serious misconduct is true;

**MUNICIPAL DISTRICT** – means the Municipal District of Big Lakes;

**EMPLOYEE** – includes managers, supervisors, and anyone employed by the Municipal District;

**INFORMANT** – means a person who reports an allegation of serious misconduct;

**OFFICER** – includes the Chief Administrative Officer, Treasurer, and other designated officers appointed by Council pursuant to the *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time;

**RETALIATION** – includes, in relation to an allegation, report, investigation or disciplinary measure made under this policy, harassment, punitive work assignments, negative impacts on salary or wages, or job loss;

**SERIOUS MISCONDUCT** – includes:

- a) the forging of documents;
- b) the unauthorized alteration or manipulations of computer files;
- c) manipulating Municipal District accounting or audit records or destroying any accounting or audit-related records except as otherwise permitted under application legislation and Municipal District policy;
- d) serious violations of Municipal District policies or violations of applicable Acts, regulations or bylaws;
- e) misappropriation, misdirection or misuse of funds;
- f) misdirection, misappropriation or misuse of Municipal District assets, corporate information or Municipal District facilities;
- g) actions likely to cause serious harm to persons, public safety, property or the environment;
- h) actions resulting in the Municipal District being exposed to liability or financial loss;
- i) the failure to take reasonable steps to report or rectify actions, or both, that may impact negatively on the Municipal District’s reputation and would result in the public losing confidence in the Municipal District’s ability to deliver services;
- j) the manipulation of Municipal District resources for any illegal, improper or unethical purpose including fraud, theft, embezzling funds, or accepting kickbacks or bribes;
- k) authorizing or receiving compensation for goods not received or services not performed;
- l) authorizing or receiving compensation for hours not worked;
- m) deliberately concealing information relating to any of the above.

### 3. Reporting Serious Misconduct

3.1 A person who, in good faith, is aware of serious misconduct must report it in accordance with this policy and in the following manner:

	<b>If the subject of the alleged serious misconduct involves:</b>	<b>The alleged serious misconduct should be reported to:</b>
a.	a departmental colleague	the informant’s direct supervisor
b.	a supervisor	the informant’s department head

		or manager
c.	a department head or manager	the Chief Administrative Officer
d.	the Chief Administrative Officer	the Reeve

- 3.2 The Chief Administrative Officer may report serious misconduct to a Council member, the Reeve, or to another officer of the Municipal District.
- 3.3 All reports of alleged serious misconduct must be made in writing. A person may be permitted to report serious misconduct verbally if the person to whom they are reporting makes a written record of the allegation and confirms the accuracy of the record with the informant. Anonymous allegations cannot be investigated by the Municipal District because the good faith of those allegations cannot be ascertained.
- 3.4 If a person is not comfortable reporting his or her concern to the person indicated in section 3.1 then they may approach another supervisor, manager, or department head to report their concerns and that supervisor, manager or department head must then report the matter to the Chief Administrative Officer or the Reeve.
- 3.5 A person who reports their own serious misconduct under this policy will not be exempt from disciplinary measures, but their self-reporting will be given consideration when determining such disciplinary measures.

**4. Investigation**

- 4.1 A person identified in section 3.1 who receives a report of alleged serious misconduct must provide the informant with written confirmation within 10 working days that the report has been received and will be investigated in accordance with this policy.
- 4.2 A person identified in section 3.1 who receives a report of alleged serious misconduct must advise the Chief Administrative Officer. If the allegation of serious misconduct involves the Chief Administrative Officer, then the report must be made to the Reeve.
- 4.3 The Chief Administrative Officer (or Reeve) will determine the appropriate level of investigation and response and will advise the Treasurer of any allegations of fraud or theft. The Treasurer must determine whether the matter should be reported to the Municipal District's auditors.
- 4.4 All allegations will be investigated in an impartial and timely manner. The Chief Administrative Officer (or Reeve, if a report is made to the Reeve) has the authority to investigate the allegation or to designate an appropriate internal or external investigator to conduct the investigation. The investigator will interview the informant and may take any other steps he or she thinks necessary to make a fair determination of whether serious conduct has occurred or may occur.

- 4.5 Where the investigation reveals that serious misconduct has occurred, the Municipal District's response may include:
- a) education and training for the person who committed the serious misconduct;
  - b) review and modification of Municipal District policies, procedures and practices, if necessary, to ensure that the Municipal District better address or prevent future serious misconduct;
  - c) notification of Council, the Municipal District's auditors and appropriate law enforcement authorities or other oversight bodies;
  - d) disciplinary action, up to and including dismissal.
- 4.6 In all cases, corrective or preventative action will be appropriate to the situation. When determining appropriate action, factors that may be considered include:
- a) the nature and seriousness of the serious misconduct;
  - b) whether the serious misconduct was a single or repeated act; and
  - c) the personnel record of the employee who committed the serious misconduct.

## **5. Protection against Retaliation**

- 5.1 Any form of retaliation, discrimination or reprisal against an employee or officer who, in good faith, reports serious misconduct or acts as a witness or otherwise participates in an investigation of serious misconduct is a violation of this policy.
- 5.2 Informants who believe they have been retaliated against may report this in writing to the Chief Administrative Officer. If the informant believes the retaliation involves the Chief Administrative Officer, they may report to the Reeve.
- 5.3 A report of retaliation will result in an investigation, and, if proven, may result in disciplinary action, including responses listed in section 4.5 of this policy.

## **6. Baseless Allegations**

- 6.1 The Municipal District recognizes that not every report will reveal serious misconduct and determining whether serious misconduct has occurred requires a full investigation to obtain relevant information that may not be available to an informant.
- 6.2 Informants must avoid making baseless allegations of serious misconduct as they can have serious, negative effects on innocent parties.
- 6.3 If, after investigating an allegation, the Chief Administrative Officer or a designated investigator determines that it is a baseless allegation, then it may be investigated as serious misconduct and disciplinary action may be taken against the informant.

## **7. Confidentiality**

- 7.1 Confidentiality extends to all records relating to reports of alleged serious misconduct, including reports, meetings, interviews and investigation results.
- 7.2 Personal information, including the identity of the informant, will be protected in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 7.3 Persons making a report of alleged serious misconduct, investigators, witnesses and individuals against whom a report has been made must maintain confidentiality.
- 7.4 Breaches of confidentiality may be regarded as serious misconduct under this policy.
- 7.5 Records relating to reports made under this policy will be retained according to the applicable legal requirements and in accordance with the Municipal District's standard records management procedures.
- 7.6 Information may be subject to legal disclosure requirements during a court proceeding, arbitration or other legal proceedings, and to circumstances where affected persons have consented in writing to be identified.

## **8. Exceptions**

- 8.1 This policy does not provide reporting procedures for the serious misconduct of elected officials of the Municipal District. In that situation, a person may report the serious misconduct to the appropriate law enforcement or oversight body, or to Council if the serious misconduct would not normally be addressed by a law enforcement or oversight body, and anyone who does so in good faith will be afforded the protections against retaliation provided in this policy.

## **9. Posting of this Policy**

- 9.1 This policy will be disseminated to all staff to be included in the staff policy manual upon approval in Council.

## **10. General**

- 10.1 In the event that any portion of this policy is inconsistent with a binding Municipal District agreement or policy, or federal or provincial legislation, that portion and only that portion of this policy will have no application to the extent of that inconsistency and all other portions of the policy will continue in full force and effect.

- 10.2 This policy is to be read in conjunction with other applicable Municipal District policies as they are amended from time to time.
- 10.3 Any questions related to the interpretation of this policy should be directed to the Chief Administrative Officer or designate.



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Reeve



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Chief Administrative Officer