

CITY OF SASKATOON COUNCIL POLICY

NUMBER
C-XXX

POLICY TITLE <i>Whistleblower Protection Policy</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>September 28, 2020</i>
ORIGIN/AUTHORITY <i>City Council Resolution XXX 2020</i>	CITY FILE NO. <i>CK.</i>	PAGE NUMBER <i>1 of 5</i>

POLICY STATEMENT

The City of Saskatoon is committed to providing effective governance by being transparent in its decision making, accountable to the community it serves, and ensuring that there is trust and integrity in delivering valuable public services to the people of Saskatoon. In doing so, City Council supports whistleblowing and commits to protecting whistleblowers who are considering reporting their concerns in good faith. Employees can be assured that their concerns will be taken seriously, their identity will be protected, and they will not be subject to detrimental treatment, retaliation, reprisal or employment harassment.

1.0 PURPOSE

1.1 The purpose of this policy is to :

- (a) provide protection to any employee of the City of Saskatoon who reports a complaint related to issues of wrongdoing; and
- (b) enable the creation of procedures for the prevention, detection, reporting, and investigation of suspected wrongdoing, as well as processes for reporting and resolving complaints of retaliation.

2.0 DEFINITIONS

For the purposes of this policy:

- 2.1 Allegation: An unproven assertion or statement based on a person's perception.
- 2.2 City Internal Auditor: A person or persons appointed by City Council who is authorized to ensure investigating a report of wrongdoing under this policy and as appointed by City Council.
- 2.3 Confidential: Communication of information relating to a whistleblower report will be restricted and divulged only on a "need to know" basis. This includes the identity of the whistleblower, the named individual/parties, or any information gathered as part of an investigation.

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- 2.4 Controlled Corporation: A not-for-profit Corporation created by the City of Saskatoon under the authority of the Cities Act and whose members are appointed by City Council. Specifically, this refers to the controlled corporations operating as SaskTel Centre, TCU Place, and the Remai Modern Art Gallery
- 2.5 Employee: Any individual engaged in providing paid or unpaid services for the City of Saskatoon and includes: full-time, part-time, temporary, permanent, seasonal, and casual employees, as well as interns, contractors, and consultants working for the City.
- 2.6 Reprisal: Any of the following measures taken against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation according to this policy or declined to participate in suspected wrongdoing:
- a) A dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work or reprimand;
 - b) Any measure, other than one mentioned in sub clause (i) that adversely affects the employee's employment or working conditions;
 - c) A threat to take any of the measures mentioned in sub clauses (i) and (ii) Any other punitive action, whether direct or indirect, that adversely affects the employment or working conditions of the employee.
- 2.7 Statutory Board: A board to which the City of Saskatoon must establish through provincial statute. Specifically, this refers to the Saskatoon Board of Police Commissioners and the Saskatoon Public Library Board.
- 2.8 Whistleblower: A person referred to in section 3.1 who calls attention to wrongdoing as herein defined, in an attempt to end the waste or wrongdoing.

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- 2.9 Whistleblower Program: A program managed by the City Internal Auditor's Office to receive concerns of wrongdoing as reported by persons referred to in section 3.1
- 2.10 Wrongdoing: Illegal, harmful, or inappropriate conduct including, but not limited to:
- a) Crime or suspected criminal activity, including theft, fraud, and embezzlement;
 - b) Breach of Code of Conduct or any other Council or Administrative Policies;
 - c) The wrongful or unauthorized acquisition, use, appropriation, or disposal of City assets, including cash, information, data, records, materials, labour, or equipment;
 - d) The violation of public trust or duty;
 - e) The misuse of position, authority or gross mismanagement of City funds or City assets for personal gain;
 - f) Failure to follow any civic policies regarding monetary transactions, cash handling, use of signing authority, competitive bidding, purchasing, or procurement.
 - g) Any claim for reimbursement of expenses not incurred for the exclusive benefit of the City; and
 - h) Knowingly directing or counseling a person to commit wrongdoing mentioned in clauses (a) to (g)

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3.0 SCOPE/EXCEPTIONS

3.1 Scope

This policy applies to all City employees, contractors, suppliers, and agencies over which Council has the authority to require that this general policy be followed.

This policy is subject to any specific provisions of the Cities Act, or any other relevant federal or provincial legislation, City Bylaw, or Collective Agreement, which, in cases of conflict, shall override this policy.

3.2 Exceptions

The policy does not apply to Members of City Council. Nor does it apply to directors, and employees of the City's controlled corporations and statutory boards

4.0 GUIDING PRINCIPLES & OBJECTIVES

4.1 Accountability: The City of Saskatoon is committed to accountability, transparency, and sound ethical operating practices, and will protect its revenue, property, records, information, and other assets.

4.2 Integrity: City of Saskatoon employees are to act in a way that enhances public confidence in the City and to fulfill their duty to act honestly and exercise reasonable care and diligence. All employees have a responsibility to report instances wrongdoing.

4.3 Complimentary: This policy is intended to supplement existing policy and procedures at the City of Saskatoon, whereby employees may already raise matters of wrongdoing. . This policy is not intended to override or replace existing reporting processes provided for under City policies, collective agreements, or legislation and does not create an independent reporting requirement where other reporting processes exist.

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5.0 RESPONSIBILITIES

5.1 City Council shall

- 5.1.1 approve and propose amendments to the policy
- 5.1.2 encourage the use of the whistleblower program where appropriate;
- 5.1.3 approve any unbudgeted program resources in accordance with existing City Bylaws and policies.

5.2 The City Manager shall:

- 5.2.1 implement this policy by establishing governance structures, and associated administrative policies, procedures, and practices, where applicable;
- 5.2.2 propose any amendments to the policy
- 5.2.3 identify any human or financial resources required to implement this policy.

5.3 The City Internal Auditor Shall:

- 5.3.1 shall receive in confidence all reports of alleged wrongdoing unless the Auditor is alleged to be involved.
- 5.3.2 shall Oversee the investigation of allegations of wrongdoing and/or retaliation for the reporting of any such wrongdoing.
- 5.3.3 may provide a confidential report to City Council and/or its Committees, from time to time, on any violations of this policy

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6.0 PROCEDURES/ PROGRAM

- 6.1 This policy delegates authority to the City Manager or designate, to develop any necessary procedures or decision making frameworks to ensure compliance with this policy.
- 6.2 This policy delegates authority to the City Internal Auditor to develop a whistleblower protection program as defined in section 2.13.
- 6.3 Notwithstanding section 6.2, in the absence of a duly appointed City Internal Auditor, the City Manager shall be responsible for establishing and managing an interim whistleblower protection program in accordance with the principles and objectives of this policy.

7.0 REVIEW AND AMENDMENTS

- 7.1 This policy shall be reviewed five years after its enactment by City Council.
- 7.2 Notwithstanding subsection 7.1 and in accordance with subsection 5.2.2, the City Manager and/or the City Internal Auditor may propose amendments to this policy prior to the review date.