
Inquiry – Councillor R. Donauer (July 21, 2016) – Whistleblower Policy

Recommendation

1. That City Council adopt the Whistleblower Policy at Attachment #1.
2. That the City Solicitor's Office be instructed to amend *The City Administration Bylaw, 2003* to require the quarterly reporting of whistleblower complaints to Governance and Priorities Committee.

Topic and Purpose

The purpose of this report is to provide a Whistleblower Policy for Council's consideration.

Strategic Goals

This report supports the strategic goals of Continuous Improvement and Quality of Life as it promotes transparency of municipal government and supports City Council in providing good governance to the citizens of Saskatoon.

Background

At the meeting of City Council held on July 21, 2016, Councillor R. Donauer made the following inquiry:

Would the City Solicitor's Office please report on the possible development of a whistle blower policy for City of Saskatoon employees. The policy would encourage employees to come forward with information in their possession concerning any activity or behaviour that they deem is inappropriate. The policy would also provide adequate safeguards to ensure that no employee experiences any form of retaliation when bringing forward information in good faith. Please address oversight and transparency of the process. Could City Solicitor's Office please check legislation and policies in other jurisdictions to ensure that our policy, when implemented, is considered a best practice in the country.

At the meeting of City Council held on April 24, 2017, Council considered a report of the City Solicitor providing information in respect of whistleblower policies and processes from jurisdictions across Canada. City Council resolved:

That the City Solicitor be directed to draft a Whistleblower Policy.

Report

Currently, there is limited whistleblower protection for municipal employees in Saskatchewan. In order to fill this void, and in accordance with City Council's direction, we are pleased to present the Whistleblower Policy, found at Attachment #1, for

Council's consideration. Our Office considered the policies and practices from other Canadian jurisdictions, including Vancouver, Toronto, Calgary, St. John's, Edmonton and Hamilton in the drafting of the Policy. For Council's convenience, Attachment #2 is a copy of our report, with attachments, considered on April 24, 2017.

The draft Policy contemplates:

- general administration of the Policy to be the responsibility of the City Manager, including:
 - the reporting of all complaints to the City Manager;
 - the appointment of an investigator, either internal or external, at the City Manager's discretion; and
 - the reporting of all investigations to the City Manager for further action, if required;
- dual dissemination of complaints and investigation particulars to the City Solicitor;
- the reporting of criminal behaviour to appropriate law enforcement agencies;
- disciplinary action, up to and including termination for breaches of the Policy, including the initiation or participation of an employee in acts of "waste", "wrongdoing" or "reprisal" as defined in the Policy and breaches of confidentiality;
- the ability to report acts of waste or wrongdoing anonymously, subject to the adequacy of information provided to permit a thorough investigation;
- the maintenance and protection of confidentiality throughout the reporting and investigation process, subject to legal disclosure requirements; and
- the reporting of a de-identified summary of complaints received and investigated to City Council on a quarterly basis.

The Policy is intended to encourage employees to bring forward good faith concerns of waste or wrongdoing, and ensure that adequate protections are in place to prevent and address issues of retaliation.

Our Office will work with the City Manager to develop a procedure for the reporting and investigation of allegations of waste or wrongdoing under the Policy. We propose an effective date of September 1, 2018 to provide adequate time to develop the reporting and investigation procedure and a plan for roll out of the new Policy to all City of Saskatoon employees.

Options to the Recommendation

City Council could decide not to pursue adoption of a whistleblower policy. This option is not recommended as there are not currently adequate measures in place to protect against acts of waste or wrongdoing or offer protection to employees who bring forward good faith concerns.

Communication Plan

Adoption of the Policy would require follow up with communications and human resources staff to ensure proper roll out and education on the Policy provisions and

related procedures. A delayed effective date is proposed to allow for employee education and awareness.

Policy Implications

Adoption of the Whistleblower Policy will supplement existing City human resource policies.

Other Considerations/Implications

There are no financial, environmental, Privacy, or CPTED implications or considerations.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Attachments

1. Whistleblower Policy
2. Report considered at City Council’s Regular Business Meeting held on April 24, 2017

Report Approval

Written by: Christine G. Bogad, Solicitor, Director of Administrative & Municipal Law

Approved by: Patricia Warwick, City Solicitor

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