

CITY OF SASKATOON COUNCIL POLICY

Policy Number:

Policy Title: <i>Whistleblower Policy</i>	ADOPTED BY: <i>(Insert)</i>	EFFECTIVE DATE <i>September 1, 2018</i>
Origin/Authority:	CITY FILE NO. <i>(Insert)</i>	PAGE NUMBER

1. PURPOSE

The City of Saskatoon is committed to protecting its financial, property, information and other assets from any waste or wrongdoing. The purpose of this Policy is to:

- a) provide overarching guidance to augment existing City policies;
- b) establish additional mechanisms to ensure consistent, systematic, corporate-wide processes are in place for the prevention, detection, reporting, and investigation of any suspected act of waste or wrongdoing, and;
- c) establish specific Whistleblower Program responsibilities.

This Policy applies to all City employees.

2. DEFINITIONS

- 2.1 Designate – the party responsible for investigating a report of waste or wrongdoing under this Policy, as appointed by the City Manager.
- 2.2 Employee – any individual employed by the City of Saskatoon from temporary employees, up to and including the City Manager.
- 2.3 Reprisal – any measure taken or threatened against a person as a result of that person’s actual or suspected disclosure of an allegation of waste or wrongdoing, or their actual or suspected initiation of or co-operation with an investigation into alleged waste or wrongdoing. This includes, but is not limited to:
 - a) Disciplinary measures;
 - b) Intimidation or harassment;
 - c) Directing or counselling someone to commit a reprisal;
 - d) Threatening to commit a reprisal; or

- e) Any other punitive measure, whether direct or indirect, that adversely affects the employment or working conditions of the employee.
- 2.4 Waste – inefficient use of City of Saskatoon resources. Specifically, waste refers to any operation, process or activity where taxpayer funds may be spent without due regard for value for money or where opportunities may exist to save money.
- 2.5 Whistleblower – a person who calls attention to waste or wrongdoing as herein defined, in an attempt to end the waste or wrongdoing.
- 2.6 Whistleblower Program – collectively, all policies, procedures and mechanisms within the City Administration that address issues of waste or wrongdoing.
- 2.7 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 Policy;
 - c) The wrongful or unauthorized acquisition, use, appropriation, or disposal of City assets, including monies, information, data, records, materials, labour, or equipment;
 - d) The violation of public trust or duty;
 - e) The misuse of position, authority or 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; and
 - g) Any claim for reimbursement of expenses not incurred for the exclusive benefit of the City.

3. POLICY STATEMENT

3.1 General

The Whistleblower Program is designed to address reports of waste or wrongdoing. The Whistleblower Program is not intended as a means of raising Occupational Health and Safety issues, human rights complaints, grievances or other human resource related matters. Further, it is not

intended to be a vehicle for activism or challenges to policy decisions of Council. Complaints of this sort are political in nature and should be made to the elected officials.

City employees are expected to report any suspected act or allegation of waste or wrongdoing to the City Manager immediately.

The City will fully investigate any report of waste or wrongdoing. An appropriate, objective, and impartial investigation will be conducted regardless of the alleged wrongdoer's position, title, and length of service or the relationship with the City of any party who might be involved in such an investigation.

Where the results of the investigation find reasonable grounds to indicate that fraud or any other criminal act may have occurred, the investigation's findings shall be reported to the law enforcement agency with jurisdiction over the matter. The City will cooperate fully in any subsequent law enforcement investigation. The City's own investigation may continue regardless of the status of any law enforcement investigation, and may result in disciplinary action, up to and including termination, regardless of the outcome of the law enforcement investigation.

The City will make every reasonable effort, including through legal processes, to pursue the recovery of financial, property, information or other losses from the wrongdoer or other appropriate sources.

3.2 Whistleblower Protection

No City employee or person acting on behalf of the City shall take any action in reprisal against an individual making a report in good faith pursuant to this Policy.

Where management is informed or becomes aware of a possible reprisal against an individual as a result of a report under this Policy, the possible reprisal will be the subject of immediate investigation. Any employee responsible for a reprisal may be subject to disciplinary action, up to and including termination.

3.3 Bad Faith Reports or Dishonesty in Investigations

Any individual who knowingly makes a false, malicious, frivolous or bad faith report or who knowingly makes a false or misleading statement during an investigation may be subject to disciplinary action, up to and including termination, and legal action where appropriate.

3.4 Disciplinary Action

If a report of waste or wrongdoing against an employee is substantiated by investigation, the employee may be subject to disciplinary action, up to and including termination, and legal action where appropriate.

A person under investigation shall be given notice of the essential particulars of the report, and shall have an opportunity to respond before any decision on disciplinary or legal action is made.

4. REPORTING WASTE OR WRONGDOING

4.1 Reporting

Employees aware of waste or wrongdoing have a responsibility to report it to the City Manager. A Designate for the purposes of investigation of that report shall be appointed by the City Manager.

Employees are expected to report waste or wrongdoing in writing with as much detail as possible, including the names of individuals involved and the dates and times of incidents, if available. However, reports should not be delayed in order for the employee to gather further information, as the priority is to initiate investigations as soon as possible. In addition, where urgent action is required to prevent imminent waste or wrongdoing, a written report is not required and the report may be made verbally to any manager.

Where an employee reports waste or wrongdoing verbally, the individual receiving the report must document the discussion, confirm its accuracy with the employee, and promptly forward the report in an impartial and strictly confidential manner to the City Manager.

A copy of all reports of waste or wrongdoing shall also be provided to the City Solicitor. If a report of waste or wrongdoing concerns the City Manager or a member of the City Manager's Office, the report shall be made to the City Solicitor, and the City Solicitor shall appoint a Designate for the purposes of investigation of that report.

Employees may choose to remain anonymous when reporting. However, investigation may not be possible unless the source of the information is identifiable. The Designate may investigate a report made on an anonymous basis and will determine whether to do so in light of all of the circumstances, including the seriousness of the issues raised, the credibility of the concern, and the likelihood of confirming the report from other sources.

4.2 Confidentiality

The Designate and any employees involved in the investigation of a report will make every reasonable effort to maintain confidentiality.

Investigations will be carried out in a manner that limits disclosure of the report and information obtained in the course of the investigation on a “need to know” basis. Information about a report of waste or wrongdoing will only be disclosed to those responsible for investigating or addressing the report, or as necessary to conduct a thorough investigation. Information regarding reports and investigations will also be provided to the City Manager and the City Solicitor.

Confidentiality extends to all records relating to reports, including but not limited to records relating to meetings, interviews, and investigation results. Personal information, including the identity of the person reporting the alleged waste or wrongdoing, will only be disclosed as required or permitted by law. Although all reasonable steps will be taken to protect the identity of the individual reporting the waste or wrongdoing, information collected and retained may be required to be released by law, including pursuant to privacy legislation and to court proceedings, arbitration, or other legal proceedings.

Individuals making a report, investigators, witnesses, and individuals against whom a report has been made are expected to maintain confidentiality. Breaches of confidentiality may be regarded as wrongdoing, and may be subject to disciplinary action, up to and including termination, and legal action where appropriate.

4.3 Whistleblower Protection

Any form of reprisal against an employee because that person reported waste or wrongdoing in good faith, or because that person acted as a witness or otherwise participated in an investigation in good faith will be considered a serious violation of this Policy. Such reprisals are themselves wrongdoing.

If an employee believes that they have been subjected to reprisal as set out above, that employee may report the alleged reprisal to the Designate who will ensure that the alleged reprisal is appropriately investigated. Where an investigation substantiates a reprisal, the City Manager and City Solicitor will be informed, and any employee responsible may be subject to disciplinary action, up to and including termination, and legal action where appropriate.

4.4 Investigation Processes and Procedures

The City Manager has primary responsibility for the initial handling of reports of waste or wrongdoing. The City Manager will review all reports promptly and appoint a Designate for each report. The Designate will review and assess all reports promptly and determine the manner in which to investigate each report. These determinations will not be influenced by the position or length of service of the employee(s) accused of waste or wrongdoing, or that of the employee making the report. At the City Manager's discretion, an investigation may be carried out by the Designate directly, assigned to management in the area affected, assigned to an investigative team, assigned to an independent third-party, directed to the law enforcement agency with jurisdiction, or re-directed to a more appropriate existing process.

If a report of waste or wrongdoing concerns the City Manager or a member of the City Manager's Office, the City Solicitor shall have primary responsibility for the initial handling of the report and will be responsible to promptly appoint a Designate. The City Solicitor shall have discretion in the appointment of a Designate in these circumstances.

If upon initial assessment it appears that the concern raised could materially affect the financial position of the City, the integrity of the City's system of internal controls, or the City's exposure to liability, the Designate shall advise the City Manager, City Solicitor, and General Manager of Asset & Financial Management. The City will make every reasonable effort to prevent losses or pursue the recovery of losses, but actions against an employee accused of waste or wrongdoing will not be undertaken until the investigation has been completed and all individuals accused have been given an opportunity to know and respond to the allegations made, unless exceptional circumstances exist that warrant immediate action, such as to prevent imminent waste or wrongdoing.

In circumstances where it appears that a criminal act or regulatory offence may have occurred, the Designate shall advise the City Manager, who will determine whether to report the matter to the appropriate law enforcement agency on the advice of the City Solicitor.

Within ten working days of a report being received, the Designate will respond in writing to the employee making the report acknowledging that the allegation of waste or wrongdoing has been received.

Individuals accused of waste or wrongdoing will be given an opportunity to know and respond to the allegations made. The Designate will consider the response, and may investigate further if necessary.

5. ACTION ON INVESTIGATIONS

5.1 The Designate will document the results of each investigation in a confidential report. The Designate will report the particulars of all completed investigations to the City Manager, with a copy to the City Solicitor. Where underlying causes of waste or wrongdoing can be identified, the City Manager will assign responsibility to ensure steps are taken to address them and mitigate the risk of further occurrences.

Consequences for employees found to have engaged in waste or wrongdoing may include disciplinary action, up to and including termination, and legal action where appropriate.

5.2 A de-identified summary of reports made under this Policy and outcomes of subsequent investigations will be submitted quarterly to Governance and Priorities Committee.

5.3 All reports and evidence obtained in the course of investigations shall be retained by the City Manager, subject to any applicable collective agreement provisions. The City Manager will ensure that reports and evidence will be secure from theft, alteration, or destruction.

6. RESPONSIBILITIES

6.1 City Manager is responsible for the overall administration and update of this Policy, the initial review of reports, assigning a Designate for each report, and reviewing and acting on the reports of the Designate.

6.2 City Solicitor is responsible for assigning a Designate, where required, advising the Designate, the City Manager, and the investigation team with regard to the conduct of any investigations under this Policy and with regard to potential actions taken as a result of substantiated investigations.

6.3 **All City of Saskatoon employees are expected to be familiar with the provisions of this Policy, and to report any suspected waste or wrongdoing as soon as possible.**