

Policy Title:	Applies to:	Reference #
Whistleblower Policy	All employees	133-HR-20
Approved by:	Dates:	Total # of Pages
City Manager	Effective:	01-03-2020
	Last Review:	17-08-2022
	Next Review:	01-01-2024
Authority:		
Sections 6 and clauses 8(h) and (i) of Bylaw 2003-70, being <i>The City Manager's Bylaw</i> , subsection 4(3) of <i>The Cities Act</i>		

1.0 Purpose

The purpose of this Policy is to establish protections and procedures for employees to confidentially or anonymously report allegations of wrongdoing by the City of Regina (the "City") and its employees where there is fear of reprisal when using established reporting mechanisms. The Policy also sets out the process for investigating reports of wrongdoing where there is fear of reprisal.

2.0 Scope

While this Policy may be utilized by all City employees, **unless there is a fear of reprisal**, employees should use established reporting mechanisms to report wrongdoing (i.e. reporting to their supervisor, Director, Executive Director or the Director, People & Organizational Culture Department).

Members of the public are not able to access and use the whistleblower program. The public is required to use established reporting mechanisms.

Allegations of wrongdoing involving elected officials will be directed to the Integrity Commissioner who will conduct the investigation in accordance with Bylaw 2017-4, being *The Code of Ethics Bylaw, 2017*. Allegations of conflict of interest by elected officials will be directed to the Saskatchewan Ombudsman.

Complaints regarding Council decisions or City policies or City Bylaws are outside of the scope of this Policy.

Several existing corporate policies outline the actions the City will take in the event of accusations or findings of employee misconduct. Employees shall review these policies and use established mechanisms of reporting wrongdoing in accordance with the applicable policy, guideline or Bylaw. Some examples include:

- Corrective Discipline Policy;
- Employee Theft and Fraud Policy;
- Harassment Policy;

- Money Handling Policy;
- Petty Cash Policy;
- Privacy Policy;
- Purchasing Card Policy;
- Reasonable Suspicion Guidelines;
- Respectful Workplace Policy;
- *The Regina Code of Conduct and Disclosure Bylaw* or any replacement employee code of conduct;
- Travel Policy;
- Violence Policy;

This policy does not remove any processes that unionized staff may have to report wrongdoing outlined in their collective agreements.

Where the results of an investigation indicate that fraud or other criminal activity may have occurred, the City shall report the findings to the law enforcement agency with jurisdiction over the matter. The City will co-operate 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.

This Policy operates separate and apart from section 425.1 of the *Criminal Code*, section 2-42 of *The Saskatchewan Employment Act* and section 87.1 of *The Cities Act* (proposed). Under these sections, individuals who act against employees who report wrongdoing may also be subject to prosecution.

3.0 Definitions

triage team – means the team that comprises of the Internal Auditor, Director of People & Organizational Culture (or designate) and the City Solicitor (or designate).

designate - means the party responsible for investigating a report of wrongdoing under this Policy, as appointed by the Triage Team;

employee - means all union and non-union employees employed with the City;

reprisal - means any measure taken or threatened against a person as a result of that person's actual or suspected disclosure of an allegation of wrongdoing, or their actual or suspected initiation of or co-operation with an investigation into alleged wrongdoing and includes but is not limited to:

- Disciplinary measures;
- Intimidation or harassment;
- Directing or counselling someone to commit a reprisal;
- Threatening to commit a reprisal; or
- Any other punitive measure, whether direct or indirect, that adversely affects the employment or working conditions of the employee.

whistleblower program - means the processes and mechanisms for the confidential or anonymous reporting of wrongdoing where fear of reprisal exists, and the subsequent investigation and outcome of each complaint as outlined in this Policy.

wrongdoing - means any illegal unethical or inappropriate conduct, including but not limited to:

- crime or suspected criminal activity;

- fraud and theft;
- the wrongful or unauthorized acquisition, use, appropriation or disposal of City assets, including monies, information, data, materials, labour or equipment, including furniture and fixtures;
- falsification, alteration, or manipulation of the City's documents, records or computer files;
- the violation of public trust or duty;
- danger to public health or safety;
- the misuse of position for personal gain;
- financial irregularities, including but not limited to: forgery or alteration of cheques, drafts, promissory notes and securities; any misappropriation or mishandling of funds or securities; and/or
- any fraudulent claim for reimbursement of expenses by the City.

4.0 Policy

4.1 Administration

The City Manager shall manage the whistleblower program and employees aware of wrongdoing have a responsibility to report it to the Triage Team. The Triage Team will review reports of wrongdoing to determine if the allegation of wrongdoing will be investigated by an independent investigator, or by appropriate City staff. The Triage Team acts as the point of contact for any independent investigators appointed or City staff assigned to an investigation of wrongdoing under this Policy.

4.2 Reporting Process

Employees may report the wrongdoing to the Triage Team through a confidential e-mail address, confidential mailbox or confidential telephone number established for such reporting. In order to maintain confidentiality, employees are encouraged not to use City phones or e-mail addresses to report wrongdoing.

The City will conduct an independent, objective and impartial investigation of any suspected acts or allegations of wrongdoing, regardless of the accused person's position, title or length of service, or the relationship with the City of any party who might be involved in such an investigation.

The City expects employees to report wrongdoing in writing (where possible) with as much detail as possible, including names of individuals involved and dates and times of incidents. However, employees should not delay in reporting as the priority is to initiate investigations as soon as possible.

If a report of wrongdoing concerns any member of the Triage Team, the report will be handled by the other two members.

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

4.3 Confidentiality

The designate and any employees involved in the investigation of a report will make every reasonable effort to maintain confidentiality although this is subject to the limitations below. The City will carry out investigations 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 wrongdoing will only be disclosed to those responsible for investigating or addressing the report, or as necessary to conduct a thorough investigation.

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 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 wrongdoing, it may be necessary to disclose this where this information is necessary to enable the accused to respond to the allegations being made against them. 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.

4.4 Investigation Processes and Procedures

The Triage Team has primary responsibility for the initial handling of reports of wrongdoing and determining who should investigate each report. The Triage Team will review all reports promptly and appoint a designate for each report. The designate may be a third party independent investigator or City staff, when appropriate.

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 wrongdoing, or that of the employee making the report. At the Triage Team'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 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 Triage Team shall advise the City Manager, City Solicitor, and Executive Director, Financial Strategy and Sustainability.

The City will make every reasonable effort to prevent losses and to pursue the recovery of losses, but actions against an employee accused of 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 wrongdoing.

In circumstances where it appears that a criminal act or regulatory offence may have occurred, the Triage Team 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 wrongdoing has been received. Individuals accused of 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.

4.5 Action on Investigations

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 Triage Team. The Triage Team will report the results of all investigations to the City Manager for action as appropriate. Where underlying causes of 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.

The Internal Auditor will provide annually, a de-identified summary of substantiated reports made under this Policy and outcomes of subsequent investigations to the Executive Committee of City Council for information.

4.6 Whistleblower Protection

No City employee or person acting on behalf of the City shall take any action in reprisal against an employee making a report of wrongdoing 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 or complaint made under this Policy, the possible reprisal will be the subject of immediate investigation. The Director, People & Organizational Culture Department will assign complaints of reprisal to an independent reviewer who will investigate and report the outcome of the investigation to the City Manager and the City employee. Any employee responsible for reprisal may be subject to disciplinary action, up to and including termination.

4.7 Bad Faith Reports or Dishonesty in Investigations

Where it is determined that an individual has made a false, malicious, frivolous or bad faith report or complaint or who made false or misleading statements during an investigation the individual may be subject to disciplinary action, up to and including termination, and legal action where appropriate.

4.8 Disciplinary Action

If a report of 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 complaint or report and shall have an opportunity to respond before any decision on disciplinary or legal action is made.

5.0 Roles & Responsibilities

The Triage Team is accountable for:

- accepting reports of wrongdoing and determining who should investigate each report of wrongdoing; and
- where applicable, ensuring the underlying causes of the wrongdoing are determined and that recommendations are made to correct the situation and prevent further occurrences.

The City Manager is accountable for:

- ensuring staff cooperate with whistleblower program investigations as required; and
- making any decisions as to disciplinary action taken under the Policy.

The Internal Auditor is accountable for:

- presenting an annual report to the Executive Committee including a high-level summary for substantiated allegations made under this policy and outcomes of subsequent investigations for information.

Executive Directors and Departmental Directors are accountable for:

- ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions;
- ensuring compliance with this policy; and
- cooperating with whistleblower program investigations as required.

Managers/Supervisors are accountable for:

- ensuring staff in their respective work units are aware of this policy and any subsequent revisions;
- ensuring staff comply with this policy; and
- cooperating with whistleblower program investigations as required.

All Employees are accountable for:

- complying with this policy;
- reporting any occurrence or indication of wrongdoing that they are aware of to their manager/ supervisor or other management staff through established mechanisms or, where fear of reprisal exists, through the whistleblower program; and
- cooperating with whistleblower program investigations as required.

6.0 Related Forms

None.

7.0 Reference Material

See attached flow chart of reporting and investigation process.

Individuals who reprimand employees who report wrongdoing may also be subject to prosecution under section 425.1 of the *Criminal Code*, section 2-42 of *The Saskatchewan Employment Act* and section 87.1 of *The Cities Act* (proposed).

8.0 Revision History

Date	Description of Change	(Re)-Approval Required (y/n)
01-03-2020	Initial Release.	
17-08-2022	Establishment of Triage Team	12-11-2022

Flow Chart of Whistleblower Reporting and Investigation Process

