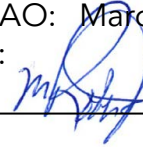


## Whistleblower

Effective Date: January 30, 2020

Approved by CAO: March 4, 2020

CAO Signature:



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### 1. Policy Statement

The City fully supports whistleblowing and is committed to protecting whistleblowers, the important information they provide and more widely, the integrity of the whistleblowing process. Employees are encouraged to disclose allegations of wrongdoing with respect to City operations in accordance with this policy and without fear of reprisal for doing so in good faith.

### 2. Purpose

This policy sets out guidelines and process that assist individuals to report any conduct that is not consistent with City policies and bylaws, and provides protection from retaliation to those who report wrongdoing in good faith, and for the allegations of wrongdoing to be screened for legitimacy and investigated, and for appropriate discipline to be imposed when an allegation is substantiated.

### 3. Scope

This policy applies to all employees of the City of Pitt Meadows.

### 4. Exclusions

This policy is not intended to override or replace existing reporting processes provided under City policies, collective agreements or legislation and does not create an independent reporting requirement where other reporting processes exist. For example:



- a) Grievances under an existing collective agreement;
- b) Disclosures that are more appropriately addressed under the Respectful Workplace policy, or any other employment-related policy of the City;
- c) Reports of safety hazards or refusal of unsafe work under WorkSafe BC Regulations;
- d) Privacy breaches that must be reported under City policy or by law; or
- e) Litigation or other proceedings addressed through the Courts or administrative bodies established by statute.

## 5. Policy

### 5.1 Definitions

*City* means City of Pitt Meadows.

*Disclosure* means a disclosure of wrongdoing made by an individual in accordance with this policy.

*Designated Person* means the person who receives information about the disclosure of wrongdoing.

*Good faith* means an act which is not done trivially, frivolously, or for a vexatious purpose.

*Reprisal / Retaliation* means taking any adverse employment action, directing someone to take such an action, or making a threat about taking such an action against an employee who is seeking advice about making a disclosure of wrongdoing, making a disclosure of wrongdoing, or who participates in an investigation into a disclosure of wrongdoing. Examples include harassment, intimidation, dismissal, suspension, demotion, discipline, or threat of.

*Wrongdoing* means an act or omission that an individual reasonably believes to be:

- a) a violation of a City policy or Council direction;
- b) a violation of any law;
- c) a misuse or misappropriation of City funds or assets;
- d) gross or systemic mismanagement;
- e) abuse of authority;



- f) manipulation of any City accounting or audit-related records or documents (in any format, including electronic records such as emails) or destroying any City accounting or audit-related records or documents except as otherwise permitted or required by the City's Records Retention Policy;
- g) an act or omission that creates substantial and specific danger likely to cause serious harm to persons, public safety, property or the environment; other than a danger that is inherent in the performance of an employee's duties or functions;
- h) any action that contravenes City policies, bylaws, applicable government laws, rules or regulations, including but not limited to health and safety violations; and
- i) knowingly directing or counselling a person to commit a wrongdoing.

It should be noted that the above are examples only and are not an exhaustive list of what amounts to serious wrongdoing.

## 5.2 Roles and Responsibilities

### 5.2.1 Employees:

- Disclose any real or suspected Wrongdoing as provided in the policy.
- Respect the confidentiality of all matters related to a Disclosure, including when providing information related to the Disclosure of another individual. An individual who is considering making a Disclosure may, however, consult with or request advice from a union representative or a City supervisor in relation to the Disclosure.
- Fully cooperate with any investigation under this policy.

### 5.2.2 Designated Person:

- Receive and handle Disclosures in confidence except as otherwise provided in this policy.
- Involve other Designated Persons when necessary to ensure the timely and appropriate handling of Disclosures.
- The Designated Person will take prompt action in investigating the allegations of wrongdoing. The Director of Human Resources will be made aware of the allegations and will be kept apprised of the investigation.

- Select an investigator if one is required.
- Maintain accurate records of all steps taken in assessing or investigating a Disclosure and ensure those records are safely kept where others cannot access them except as otherwise provided in this policy or as required or authorized by law.

**5.2.3** The Chief Administrative Officer, Directors and Managers:

- Disclose any real or suspected Wrongdoing through the appropriate channels.
- Foster an environment where individuals feel safe disclosing real or suspected Wrongdoing through the appropriate channels.
- Ensure that no retaliatory action is taken against either an individual who files a Disclosure, a Designated Person who receives the Disclosure, or individuals who take part in an assessment or investigation of a Disclosure.
- When required, support and fully cooperate with any investigation under this policy.

**5.3** Confidentiality

The City is fully committed to maintaining procedures for the confidential reporting of Disclosures by Employees. All reports of Disclosures will be treated on a confidential basis. Generally, a report of a Disclosure will only be disclosed to those persons who have a need to know in order to properly carry out an investigation of such Disclosure in accordance with the procedures.

**5.4** Reporting

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

If the subject of the alleged wrongdoing involves:	The alleged wrongdoing should be reported to ("Designated Person"):
A colleague, Supervisor, Manager, Director	Director of HR
Any Staff in the HR department including the Director	Chief Administrative Officer
CAO	Director of HR

5.4.2 Employees who become aware of, or have good reason to suspect wrongdoing, must promptly communicate the issue to a Designated Person. To ensure that disclosures are accurately captured, given the significance of a disclosure to all involved, all Disclosures must be made in writing and contain the following information, to the extent known:

1. A description of the Wrongdoing;
2. The name of the person alleged;
  - a) To have committed the wrongdoing, or
  - b) To be about to commit the wrongdoing
3. The date of occurrence;
4. Whether information or conduct that is being disclosed relates to an obligation under another enactment and, if so, a reference to that enactment;
5. Whether the Wrongdoing has already been disclosed under this policy or under an enactment of British Columbia or Canada; and
6. If (5) above applies, the name of the person to whom the Disclosure was made and the response, if any, that has been received.

An anonymous Disclosure may be made under this policy.

## 5.5 Designated Person

5.5.1 The Designated Person receiving a Disclosure will assess whether to investigate the matters disclosed in it. The Designated Person may decline to investigate, or may stop an investigation into, a Disclosure if the Designated Person is of the opinion that:

- a) The Disclosure does not provide adequate details about the Wrongdoing, or does not disclose a Wrongdoing;
- b) The Disclosure is frivolous or vexatious, or has been made in bad faith;
- c) The Disclosure has not been made by a person entitled to disclose under this policy;
- d) The Disclosure does not deal with a Wrongdoing;
- e) The investigation of the Disclosure would serve no useful purpose or could not reasonably be conducted because of the length of time that has elapsed between the date when the subject matter of the Disclosure arose and the date the Disclosure was made; or
- f) The Disclosure is being, or already has been, appropriately investigated.

5.5.2 Further, the Designated Person may suspend or stop an investigation if the Designated Person:

- a) is of the opinion that the investigation may compromise another investigation;
- b) becomes aware that the alleged Wrongdoing that is being investigated is also being investigated for the possible prosecution of an offence; or
- c) is of the opinion that an offence under any enactment of British Columbia or Canada may have been committed.

5.5.3 If the Designated Person does not investigate, or if an investigation is suspended or stopped, the Designated Person must notify the individual who made the Disclosure, unless doing so could compromise an investigation of any kind. This requirement does not apply if the Disclosure was made anonymously.

5.5.4 The Designated Person may consult, on a confidential basis, with senior-level staff, Human Resources staff and/or the City's legal counsel to determine an appropriate course of action to properly address a Disclosure.

5.5.5 The Designated Person, in consultation with the CAO, if appropriate, will have the discretion to either conduct an investigation, or appoint a neutral third party to investigate within fifteen (15) calendar days.

In deciding whether to investigate a Disclosure, or to suspend or stop an investigation, the Designated Person will, in an expeditious, fair and proportionate manner as appropriate in the circumstances, assess the Disclosure and all information received in relation to it.

## 5.6 Outcomes

5.6.1 The Designated Person is responsible for ensuring that investigation outcomes are reported to the following:

- a) The Chief Administrative Officer and Director of Human Resources, if the Disclosure involves employee Wrongdoing;
- b) The Mayor, if the Disclosure involves the Chief Administrative Officer.

5.6.2 The reportable outcomes may include:

- a) Findings of fact, including whether a Wrongdoing was committed;
- b) Whether a determination was made to refer the issue to the police or another entity;
- c) Potential employment consequences for any individual involved in the Wrongdoing; and
- d) Potential policy changes that should be considered to protect the City against similar wrongdoing in the future.

5.6.3 The person or persons receiving the report from the Designated Person will be responsible for determining the City's course of action, in consultation with the City's legal counsel if required.

5.6.4 The City may take disciplinary action, up to and including termination, against any individual who is found to have either:

- a) Engaged in Wrongdoing, as determined after an investigation;
- b) Made a Disclosure in bad faith; or
- c) Taken a measure of reprisal, or threatened reprisal, against an individual in relation to the individual's disclosure or participation in an investigation.

5.6.5 For certainty, an employee who makes a Disclosure respecting their own Wrongdoing is not exempt from disciplinary action, although the self-reporting will be considered as a mitigating factor in determining any appropriate disciplinary action in the circumstances.

5.6.6 Any allegations of reprisals will be the subject of investigation. Where an investigation substantiates the allegations of reprisal/retaliation resulting from a report of wrongdoing, the Director of Human Resources will lead the investigation in consultation with the Chief Administrative Officer. Investigations may be conducted by an independent external investigator if necessary. The employee responsible for the reprisal will be subject to disciplinary action up to and including dismissal.

## 5.7 False Allegations

Any employee who knowingly makes a false disclosure in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a compliant, may be subject to disciplinary or legal action.

## 5.8 Prohibitions

Retaliation or other action taken against the individual who, in good faith, reports a Disclosure will not be tolerated and will be taken seriously. Anyone engaging in retaliatory conduct will be subject to disciplinary action by the City, which may include termination. Engaging in retaliatory conduct may be considered an offence under various Canadian laws.

## 6. Related Policies

Criminal Code of Canada  
Freedom of Information and Protection of Privacy Act (FIPPA)  
Personal Information Protection Act (PIPA)