



COUNCIL POLICY C-HR30

Whistleblower Policy

PREPARED BY:	Human Resources	COUNCIL APPROVAL DATE:	May 28, 2019
EFFECTIVE DATE:			
REFERENCES:	Municipal Government Act Local Authorities Election Act Freedom of Information and Protection of Privacy Act Council and Public Committee Member Code of Conduct Policy C- AD21 Employee Code of Conduct Directive A-HR03 Respectful Workplace Directive A- HR02 Workplace Investigation & Remediation Procedure HR02-P1	PREVIOUS REVISION DATE:	NEW
FUNCTION:	Human Resources	LS REVIEW DATE:	May 17, 2019

PURPOSE

The purpose of this policy is to encourage and enable Parkland County employees, contractors, residents or other stakeholders to file formal complaints regarding genuine allegations of wrongdoing in the conduct of County business at the earliest opportunity, without fear of reprisal.

POLICY STATEMENT

Parkland County is committed to fostering a corporate culture and environment in which employees, contractors, residents and other stakeholders are encouraged to identify and report wrongdoing, with the knowledge that they will be protected from reprisal when acting in good faith.

DEFINITIONS

1. **"Allegation"** means a complaint submitted under the whistleblower policy alleging wrongdoing on the part of any employee, contractor or member of council.
2. **"Chief Administration Officer" (CAO)** means the person appointed to the position of chief administrative officer by Council pursuant to the *Municipal Government Act*.
3. **"Council"** means the Mayor and Councillors duly elected pursuant to the provisions of the Local Authorities Election Act.

4. **"Contractor"** means any person, corporation, or firm with whom the municipality has/had a contract for procurement of goods or services.
5. **"County"** means Parkland County.
6. **"Disciplinary Action: means any consequence imposed upon a person as a result of finding of wrongdoing which may include, but is not limited to, the following:**
 - a. Public or Private Apology;
 - b. Educational training on ethical conduct;
 - c. Removal of an employee from a position of responsibility within the municipality;
 - d. Termination of employment;
 - e. Termination of a contract; or
 - f. Other disciplinary action deemed appropriate in the circumstances and allowable by law.
7. **"In good faith"** means a sincere belief that is absent of malice.
8. **"Third Party Administrator" (TPA)** means the independent third party appointed yearly by Council during the organizational meeting.
9. **"Public Committee Member"** means an individual of the public that is appointed annually by Council to a committee, board or other body established by Council.
10. **"Reporter"** means the person who has knowledge of a wrongdoing and reports the activity in good faith.
11. **"Reprisal"** includes verbal or written reprimand, suspension, termination, loss of advancement opportunities, and change in duties, reduction in pay, change in reporting structure, change in work location, harassment, threats, and coercion.
12. **"Wrongdoing"** includes explicit violations of Parkland County's Employee Code of Conduct (A-HR03), Parkland County's Respectful Workplace Directive (A-HR02), misuse of public funds or County assets, mismanagement of County resources, or any unlawful act and Council and Public Committee Member Code of Conduct (C-AD21). In addition, wrongdoing will also include the following:

<ol style="list-style-type: none"> 1. Fraud/theft 3. Workplace violence 5. Substance abuse 7. Discrimination 9. Sexual Harassment 11. Falsification of Company Records 	<ol style="list-style-type: none"> 2. Conflicts of Interest 4. Proprietary information theft 6. Safety/security violations 8. Malicious damage 10. Violations of regulatory issues 12. Trade Compliance
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SCOPE

This policy applies to all Parkland County Employees, Council, Contractors and Agencies or Boards of Council.

RESPONSIBILITIES

1. Council shall:
 - a. Review allegations of wrongdoing against the CAO.
 - b. Take appropriate action if the CAO is found to have committed acts of wrongdoing.
 - c. Appoint a subcommittee and investigate allegations against an individual member of council as applicable within the Council Code of Conduct Policy C-AD21.
 - d. Appoint **the TPA yearly at Council's organizational meeting.**
2. The CAO shall:
 - a. Ensure that a Reporter whose allegation of wrongdoing is made in good faith is protected from reprisal(s) regardless of the outcomes of the ensuing process. Parkland County will not extend this assurance to someone who maliciously raises a matter they know is without basis or merit or knowingly submits a misleading report.
 - b. Advise council of any allegations that are substantiated and may involve imminent or significant risk to the municipality.
 - c. Prepare and present an annual report to council on the allegations and findings respecting the confidentiality of the Reporter.
 - d. Ensure all allegations raised will be treated fairly and impartially.

PRINCIPLES

1. County employees must immediately report any suspected instance or allegation of wrongdoing to a supervisor, management or Human Resources. Where an employee feels they may subject to reprisal, or where the nature of the allegation precludes direct reporting to Administration, the concern can be reported confidentially and/or anonymously to the Third Party Administrator of the Whistleblower program at 1-800-###-####.
2. It is the responsibility of Parkland County leadership to ensure that workers have appropriate avenues to voice their concerns. Given the sensitivity surrounding issues of misconduct, measures are taken to protect the anonymity of those who bring reports forward.
3. Human Resources will administer this Policy. This includes providing the appropriate processes for the reporting, collecting, investigating and resolving of valid allegations of wrongdoing. In addition, Human Resources will ensure that subsequent action is taken in accordance with the corresponding policies, directives and procedures associated with the reporting of an allegation.
4. Where the investigation finds reasonable grounds to indicate that a fraud or criminal act may have occurred the file will be turned over to the applicable Police authority. The County will fully co-operate in any police investigation.

5. The Whistle Blowing Program is designed to address reports and allegations of wrongdoing. It will not act on matters that are considered to be activism and/or challenges to the decisions or appropriateness of this, or any other, Council policy or decisions.

STANDARDS

1.0 ALLEGATIONS

1. Any individual who makes an allegation of wrongdoing must provide sufficient evidence to substantiate the allegation.
2. Anonymous allegations will only be considered when one or more of the following criteria are met:
 - a) There is significant imminent risk to the municipality;
 - b) There is evidence of past, present or imminent criminal activity involving the municipality; or
 - c) The allegation impacts the health, safety, or well-being of elected officials, employees or the general public.
3. Any person sending an allegation directly to an elected official shall be informed of this policy and **informed that the procedure(s) must be followed with the allegation being addressed to the "TPA"**
4. Any allegation against an Elected Official must be made pursuant to Parkland County Council and Public Committee Member Code of Conduct Policy C-AD21.
5. Every reasonable effort will be made to maintain the confidentiality of the Reporter however, the Reporter's identity may be disclosed to ensure that a thorough investigation is conducted. The identity may be disclosed to parties on a need to know basis, including as required by law.

2.0 REPORTING

1. If any employee believes reasonably, and in good faith, that wrongdoing exists and wishes to report the allegation anonymously, the employee should immediately contact the independent Third Party Administrator by calling the confidential whistleblower hotline, at 1-800-###-####.
2. An employee acting in good faith is entitled to protection under this policy.
3. A person is entitled to protection under this policy only if the wrongdoing is not the result of conduct by the individual seeking protection.
4. Protection against reprisal cannot effectively be provided to non-employees or those who choose to keep their identities anonymous.
5. **An employee's allegation made through the whistleblower hotline (TPA) will be reported to Parkland County, Human Resources without revealing the caller's identity. Employee identities will not be disclosed without prior consent.**
6. An Individual or individuals implicated by wrongdoing are granted due process, and their identity is kept confidential and disclosed only on a need to know basis as necessary to conclude the investigation.

3.0 INVESTIGATIONS

1. All investigations will be conducted with a sense of urgency and time dependency.
2. All parties subject to this policy must fully co-operate with the investigation as may be required.
3. Employees who are Peace Officer and face allegations of wrongdoing may also be part of a formal investigation through the Solicitor General of Alberta.
4. All parties to the investigation shall keep confidential and not disclose and knowledge they have or obtain concerning the details or results of an investigation.
5. All investigations are subject to existing Freedom of Information and Protection of Privacy Act legislation.
6. A party that breaches confidentiality with respect to an investigation may be subjected to disciplinary or legal action, regardless of the impact of the outcome of the investigation.
7. An allegation reported by the whistleblower hotline to Human Resources will be reviewed with the Chief Administrative Officer and a plan of action or response will be formulated. If warranted, Human Resources will further investigate following the appropriate policies, directives and procedures and formulate a recommendation to resolve the matter.
8. If an allegation reported by the whistleblower hotline to Human Resources directly involves the Chief Administrative Officer, Human Resources will review the whistleblower report with the Mayor or designated Councillor. At that time a plan of action or response will be formulated. If warranted Human Resources will further investigate, following the appropriate policies, directives and procedures and formulate a recommendation to resolve the matter.
9. In order to prevent conflicts of interest arising from allegations made against the Human Resources department, the whistleblower hotline will refer the allegation to the Chief Administrative Officer.
10. Any effort to retaliate against any person making an allegation or raising a concern in good faith is strictly prohibited.
11. Parkland County will regard any deliberately false or malicious allegations by an employee as a serious offence which may result in disciplinary action up to and including dismissal for cause.
12. Human Resources will provide an annual status report for Council on Allegations reported to the whistleblower hotline.