
TITLE:	Whistleblower Policy
POLICY NO.:	POL-ADMIN-02-2023
APPROVAL DATE:	JULY 17, 2023
EFFECTIVE DATE:	JULY 17, 2023
POLICY AMENDED:	N/A

POLICY STATEMENT

The Township of West Lincoln ("Township") is committed to accountability, transparency, integrity and maintaining high ethical standards in the workplace. To maintain an organizational culture that is ethical, transparent and accountable, it is important to provide a process for Employees to report any allegations of wrongdoing, in good faith and without fear of reprisal.

This Policy recognizes that it is in the public interest to maintain and enhance public confidence in the Township and its Employees, by providing for:

- the disclosure of wrongdoing with respect to the Township's operations;
- the protection from reprisals against Employees for disclosing wrongdoing;
- appropriate investigation and disciplinary actions in response to disclosures of wrongdoing when made in good faith

All disclosures of wrongdoing will be investigated in accordance with the provisions set out in this policy.

All Employees have a duty to report any suspected acts of wrongdoing. The Township will not tolerate reprisal or retaliation against Employees who report acts of wrongdoing in good faith. Any employee who knowingly reports an alleged wrongdoing in bad faith, or who knowingly makes a false or misleading statement that is intended to mislead an investigation of wrongdoing, may be subject to legal action and/or disciplinary action, up to and including summary dismissal.

PURPOSE

The purpose of this policy is to facilitate the disclosure of wrongdoing with respect to the Township's operations or business and provide a mechanism where Employees who disclose wrongdoing are protected from reprisal.

SCOPE

This policy applies to all Township Employees. The Township prohibits wrongdoing and reprisals against Employees who report wrongdoing. Disclosures of wrongdoing will be investigated in accordance with the provisions set out in this policy and any procedures.

Complaints about members of Council are addressed through the process outlined in the Code of Conduct for Members of Council.

The provisions set out in the policy address those matters that are in the public interest and for which there are no established mechanisms for consideration and investigation. Nothing in this policy is intended to conflict with any existing reporting rights, mechanisms, or procedures established by any other policies of the Township or by any collective agreement. This policy should be interpreted to be consistent with the Township's policies regarding workplace violence and harassment, and with the Ontario *Human Rights Code*.

Employees who do not comply with the provisions set out in this policy may be subject to legal action or disciplinary action up to and including summary dismissal.

DEFINITIONS

Allegation: means a complaint submitted under this Policy alleging wrongdoing on the part of any Employee or alleging that any person has been a victim of retaliation for making a disclosure of wrongdoing.

Disclosure: means an oral or written allegation to an Appropriate Authority (see Appropriate Authority Chart below) by an Employee alleging an act of wrongdoing by another Employee.

Employee: a person employed by the Township who provides work and services for remuneration (pay and benefits) (including full time, part time or contract employees).

Good Faith: means an act which is done for a proper and honest purpose and is not done trivially, frivolously or for a vexatious purpose

Misconduct: means intentionally wrongful, improper or unlawful conduct.

Whistleblower: means a person who makes an allegation of wrongdoing.

Wrongdoing: refers to serious actions that are contrary to the public interest, which may include, but is not limited to, the following:

- A contravention of a federal or provincial statute or regulation, or Niagara Region by-law, the Township of West Lincoln by-law or policy
- An act or omission that results or is likely to result in the misappropriation or misuse of the Township of West Lincoln funds or assets
- A contravention of the Township of West Lincoln Code of Conduct Policy for Employees including any contravention that results or is likely to result in unjust profit, advantage, payment or compensation to the employee
- An act or omission that creates or is likely to create a substantial and specific danger or harm to the life, health or safety of any person
- Taking reprisal against someone for disclosing wrongdoing or otherwise acting in compliance with this policy
- An abuse of authority
- Breach of public trust

- Directing or counselling someone to engage in wrongdoing

Disciplinary Action: means any consequence imposed upon an Employee as a result of the determination under this policy that they have committed an act of wrongdoing, which may include, but is not limited to, the following:

- Educational training on ethical conduct
- Removal of an employee from any place where the employee represents the Township of West Lincoln, including any committee, board, or corporation;
- Removal from any position of responsibility at the Township of West Lincoln;
- Suspension of duties;
- Termination of employment with the Township of West Lincoln summarily (without notice or severance);
- Termination of a contract;
- Legal action depending on the severity of the action
- Other acts of discipline as may be considered appropriate in the circumstances.
- Public or private apology

Reprisal: refers to any action or threat of action that is intended as retaliation for the good faith disclosure of actual or suspected wrongdoing, initiating or cooperating in an investigation into alleged wrongdoing, or otherwise acting in compliance with this policy, including but not limited to, the following:

- The dismissal, suspension, demotion, discipline, harassment or abuse of an Employee;
- The denial of a benefit of employment to an Employee;
- The intimidation, coercion or attempt to intimidate or coerce an Employee.
- Any punitive measure that adversely affects the employment or working conditions of the Employee
- Directing or counselling someone to commit a reprisal.
- Reprisal against an Employee is any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or co-operating in an investigation into an alleged wrongdoing.

Roles and Responsibilities

Employees shall:

- All Employees who become aware or suspect that an act of wrongdoing has occurred will notify their immediate supervisor or Human Resources Coordinator as soon as applicable and appropriate.
- Follow the internal processes established in making allegations of wrongdoing in the workplace
- Respect the reputation of individuals by not making trivial or malicious allegations or by making disclosures in bad faith
- Report incident(s) of reprisal to the Appropriate Authority if they believe they have witnessed an act(s) of wrongdoing in their work environment

- Fully co-operate during the course of an investigation and will make all reasonable efforts to be available to assist with the investigation.

Supervisors, managers, directors, or other persons in a position of authority (i.e. those directing work of others) shall:

- Inform their employees of this policy
- Reinforce the opportunity for all employees to report wrongdoing, unethical behaviour or illegal acts, including preventing any acts of retaliation against the whistleblower
- Promote ethical conduct and support ethical decision-making in their areas of responsibility
- Act promptly when information concerning an act of wrongdoing is brought to their attention
- Undertake investigations of alleged wrongdoing seriously and appropriately
- Report the results of investigations of alleged wrongdoing to the Appropriate Authority
- Be familiar with the types of wrongdoing that could occur within their area of responsibility and be proactive in taking steps to guard against such activities.
- Keep the information of a disclosure confidential and bring the matter to the immediate attention of the Human Resources Coordinator who may provide advice, consultation, and support under this policy
- Protect from reprisal the employees who disclose acts of wrongdoings in good faith
- Cooperate with any investigation and ensure that all relevant resources and information are made available

The Chief Administrative Officer (CAO)/Human Resources Coordinator shall:

- Disseminate information on the policy, provide interpretation and related advice on the policy
- Ensure that a Whistleblower whose allegations of wrongdoing are made in good faith is protected from reprisal regardless of the outcome of the investigation process
- Ensure the following process:
 - a) Allegations received are reviewed
 - b) Allegations received are screened for legitimacy and potential investigation
 - c) Appropriate discipline is imposed when an allegation is substantiated
 - d) Adequate resources are made available to support all investigations
 - e) Advise Council of any allegations that, if sustained, may involve significant imminent risk to the Township or may involve past, present or imminent criminal activity that would affect the Township

Council shall:

- Review allegations of wrongdoing made against the CAO and any applicable investigation reports
- Take disciplinary action against the CAO if the CAO is found to have committed acts of Wrongdoing

Reporting Wrongdoing

- All Employees who become aware or suspect that an act of wrongdoing has occurred will immediately notify their immediate supervisor, or Human Resources Coordinator as applicable and appropriate (see Appropriate Authority chart below).
- Where a supervisor, manager is suspected of wrongdoing, reports should be directed to the Director
- Where a Director is suspected of wrongdoing, reports should be directed to the CAO or the Human Resources Coordinator
- Where the Clerk is suspected of wrongdoing, reports should be directed to the CAO
- Where the CAO is suspected of wrongdoing, reports should be directed to the Mayor
- In the interests of facilitating a timely investigation, Employees are encouraged to bring forward complaints at the earliest opportunity.
- When disclosing an allegation of wrongdoing, all Employees must provide sufficient evidence to substantiate the allegation through a signed and dated written communication or in the alternative, an email to the Appropriate Authority.
- If an Employee is uncomfortable disclosing an act of alleged wrongdoing to the Appropriate Authority, they can notify an Appropriate Authority a level above (see Appropriate Authority chart below).
- All Employees who report wrongdoing in good faith will be protected from reprisal.
- Any Employee who reports a wrongdoing in bad faith, or who knowingly make a false or misleading statement that is intended to mislead an investigation of wrongdoing, may be subject to legal action or disciplinary action up to and including dismissal.
- Any allegation related to the Township's Code of Conduct, Harassment, or Workplace Violence policies is to be in accordance with those policies.

Investigation

- All disclosures of alleged wrongdoing shall be investigated by the Township or an independent investigator, including where appropriate, Niagara Regional Police.
- All disclosures of alleged wrongdoing will be investigated in an objective and thorough manner as expeditiously as possible with fair due process of all persons involved.
- Any individual against whom allegations are being made will be given a reasonable opportunity to respond to the allegations, as part of the investigation.
- All employees, including the individual making the disclosure of wrongdoing and the individual who is the subject of the investigation, will be required to cooperate.
- No individual shall obstruct or interfere with the investigation.
- If alleged wrongdoing by an Employee is substantiated through an investigation, the employee may be subject to disciplinary action up to and including dismissal.
- Upon conclusion of an investigation, recommendations may be made and implemented in order to minimize future risk.

Appropriate Authority

Respondent of Complaint	Parties Responsible to Receive the Complaint
Employee	Supervisor, Human Resources Coordinator

Supervisor or Manager	Director, Human Resources Coordinator
Director	CAO, Human Resources Coordinator
Clerk	CAO
CAO	Mayor, Human Resources Coordinator

Protection from Reprisal

No person shall engage in a reprisal against a Township Employee acting in good faith for:

- Reporting an incident of actual or suspected wrongdoing;
- Seeking information or advice about making a disclosure;
- Initiating or cooperating in any subsequent investigation;
- Appearing as a witness, giving evidence, or participating in any proceeding relating to the wrongdoing;
- Acting in compliance with this policy
- An Employee informed of, or who becomes aware of a reprisal against another Employee must notify their immediate supervisor, or Human Resources Coordinator as applicable and appropriate. Refer to Appropriate Authority.
- Complaints of reprisal will be investigated and where allegations of reprisal are substantiated, any staff involved in the reprisal will be subject to appropriate disciplinary action, up to and including dismissal.

Confidentiality

- The name of a complainant and the circumstances related to the complaint will not be disclosed except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures. Every effort will be made to keep the identities, details of the incident and circumstances confidential; however, there cannot be a guarantee of anonymity in association with a complaint.
- All records of workplace wrongdoing including reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.
- All Township Employees and officials aware of or participating in an investigation of wrongdoing shall treat all information received confidentially.
- It is recognized that in some cases absolute confidentiality cannot be guaranteed and disclosure may be required in order to properly assess and/or investigate any complaint. Any information obtained during any investigation will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident, or is otherwise required by law.
- Individuals who improperly breach confidential information may be subject to legal action or disciplinary action up to and including dismissal.

NON-COMPLIANCE

Failure or refusal to adhere to the terms of this policy may result in discipline up to and including dismissal.