

CITY OF WELLAND

POLICY

Policy Title: Whistleblower Policy	
Date of Approval: September 18, 2012	Policy Number: HR-014
Lead Role: GM Human Resources	Support Role: Corporate Management Team
Cross Reference:	Next Review Date:
Council File Number: 11-114	Revision Date:

Purpose:

The City of Welland is committed to open, ethical, accountable and transparent local government. It is in the public interest to maintain and enhance public confidence in the City and its employees, by providing for the disclosure of allegations of wrongdoing with respect to the City's operations.

Purpose:

The purpose of this policy is to provide protection from reprisal to those employees who in good faith report wrongdoing.

Scope:

For the purposes of this policy "employee" shall mean any Non-Union or bargaining unit employee of the City and excludes the Mayor and Members of Council. The Mayor and Members of Council are governed under a separate Councillor Code of Conduct Policy and Integrity Commissioner By-law.

Definitions:

Good Faith

Good Faith means an act which is not done trivially, frivolously or for a vexatious purpose, and this definition shall be considered in determining what is bad faith under this policy.

Wrongdoing

Wrongdoing includes instances of fraud and waste and refers collectively to any illegal or inappropriate conduct including;

- A violation of a City policy or Council direction
- A violation of any law
- The misuse or misappropriation of public funds or assets
- A gross mismanagement of City resources
- A substantial and specific danger to public health or safety or;
- An abuse of authority

Whistleblower Policy HUM-001-0030

Whistle-Blower

A Whistle-blower is an employee who in good faith reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end.

Reprisal

Reprisal is any harassment, intimidation, dismissal, suspension, demotion, discipline, or threat of dismissal, suspension, demotion or discipline of an employee as a direct result of the employee in good faith disclosing a perceived wrongdoing.

Reporting Procedure:

Employees who become aware of wrongdoing including those outside their own departments, must raise the issue first with their Immediate Supervisor or General Manager. The issue may be raised verbally or in writing and should include full details and, if possible, supporting evidence of the wrongdoing. The Supervisor or General Manager shall take prompt action in investigating the allegations of wrongdoing. The General Manager of Human Resources will be made aware of the allegations and will be kept apprised of the investigation.

Where the employee reasonably believes the wrongdoing places his/her Supervisor or General Manager in a conflict of interest, the employee shall raise the issue with the General Manager of Human Resources who will conduct the investigation. The General Manager of Human Resources will keep the City Manager apprised of the investigation.

Where the employees reasonably believes the wrongdoing places the General Manager of Human Resources or Human Resources staff in a conflict of interest, the employee shall raise the issue with the City Manager who will ensure an investigation is conducted.

Dependent on the findings of the investigation appropriate action will be taken which could involve disciplinary action or informing external authorities if a criminal action has been committed (e.g. fraud or theft).

Whistleblower Protection:

An employee, who believes they are the subject of a reprisal related to their reporting of wrongdoing, shall notify the General Manager of Human Resources of the alleged reprisal for investigation.

Where a Supervisor, Manager or General Manager is informed of, or becomes aware of, reprisals against an employee, as a result of a report of wrongdoing, they shall inform the General Manager of Human Resources.

Any allegations of reprisals will be the subject of investigation. Where an investigation substantiates the allegations of reprisals resulting from a report of wrongdoing, the General Manager of Human Resources will lead the investigation in consultation with the City Manager. 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.

Whistleblower Policy HUM-001-0030

False Allegations:

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