

Whistleblower Policy

Purpose

The Municipality of Middlesex Centre is committed to the principles of corporate accountability, transparency, integrity and ethical behaviour in the workplace.

The purpose of this policy is to provide a mechanism whereby employees can report suspected unlawful, fraudulent or unethical conduct that may adversely impact the municipality, rate payers, residents, employees, or the public at large. The policy puts in place safeguards so that employees who disclose allegations of wrongdoing can do so without fear of retaliation or a negative impact on their employment status at the Municipality of Middlesex Centre, where the employee has made such reports in good faith.

This policy is not intended to consider or reconsider matters for which alternative resolution processes are available. The municipality reserves the right to address allegations brought forward under other applicable policies, including but not limited to Workplace Violence & Harassment Policy and Program.

Scope

All Municipality of Middlesex Centre employees.

Definitions

Allegation: A claim or assertion that a wrongdoing has occurred that has not yet been proven as true.

Appropriate Authority: Any delegated employee who has the authority to make final decisions regarding employees, wrongdoing, and resulting actions. At the Municipality of Middlesex Centre, the Appropriate Authority is the supervising manager or director, the manager of human resources, and/or the Chief Administrative Officer (CAO).

Bad Faith: Dishonest behaviour, done with the intention of deceiving or tricking someone.

Complainant: Any employee that submits a complaint or report of wrongdoing.

Disclosure: Making information known about wrongdoings through verbal or written communication to the appropriate authority or the independent delegated authority.

Employee: Any person employed by the Municipality of Middlesex Centre, including full-time, part-time, contract, paid-on-call and/or casual employees.

Good Faith: An honest and sincere belief or motive without any malice or the desire to cause harm to others.

Independent Delegated Authority: An independent third party contracted by the municipality to provide a confidential complaint review service in order to receive the confidential disclosure of concerns, investigate and recommend any resulting actions. At the Municipality of Middlesex Centre, the Independent Delegated Authority is Aird & Berlis LLP.

Respondent: An employee whose alleged conduct is the subject of a complaint.

Retaliation: Retribution or reprisal against any Complainant as a result of their reporting of an incident of wrongdoing, or against any employee that participates in an investigation relating to the allegation of wrongdoing.

Whistleblowing: refers to the act of calling attention to a questionable or illicit activity in an attempt to have it brought to an end.

Wrongdoing: is illegal or dishonest behaviour or activity. In the municipal setting, this includes breaking the law or violating provincial Acts of legislature; misusing public funds or a public asset; gross mismanagement; doing something – or failing to do something – that creates a substantial and specific danger to the health, safety, or life of persons or to the environment; seriously breaching any code of conduct that applies to the municipal sector; or knowingly directing or counselling a person to commit wrongdoing.

Policy

Responsibilities

Individuals who believe they have witnessed an act or acts of wrongdoing should report the incident(s) immediately to the Appropriate Authority or the Independent Delegated Authority. Any delays in reporting acts of wrongdoing can make the case against the Respondent more difficult to establish.

Reporting Obligations – Employees

Employees who believe they have witnessed wrongdoing in their working environment are expected to report the incident(s) or retaliation to the Appropriate Authority or the Independent Delegated Authority at the earliest convenient opportunity.

Reporting Obligations – Supervisors & Managers

Supervisors and managers are directed to take all appropriate steps to prevent and stop wrongdoing in their areas of responsibility. Any supervisor or manager who is subjected to, witnesses, or is given written or oral complaints of wrongdoing or retaliation shall immediately report it to the Appropriate Authority or the Independent Delegated Authority.

Supervisory personnel who are contacted by an individual seeking to file a complaint about wrongdoing in their department shall assist the Complainant in contacting the Appropriate Authority or the Independent Delegated Authority.

Investigation

In general, complaints will be addressed in a phased approach, first through an internal (staff) resolution process, or should a more serious matter arise, through a second, formal resolution process. The formal process will be managed by the Independent Delegated Authority.

Complainants are strongly encouraged to use the internal resolution process by first raising their concerns with their manager, director, the manager of human resources or the CAO (an Appropriate Authority). This is to ensure that the complaint should not come under a different Middlesex Centre policy. However, if the situation warrants, Complainants may go directly to the formal process and contact the Independent Delegated Authority.

In either case, the municipality will seek to resolve claims of wrongdoing in the workplace as expeditiously as possible. The Appropriate Authority or the Independent Delegated Authority will acknowledge receipt of a complaint and begin the investigation process within 7 working days of the filing of a complaint.

Wherever and whenever investigations are conducted, this policy asserts that Complainants and Respondents have certain rights. These rights include, but are not limited to:

- Receiving written notice of the allegations (where permitted by law).
- Presenting relevant information to the Independent Delegated Authority.
- Receiving a summary of the report at the conclusion of the investigation (where permitted by law).

Procedures for Handling Complaints of Workplace Wrongdoing: Internal Process

Once the Complainant lodges a complaint with the Appropriate Authority, a discussion will take place that shall be kept confidential to the extent allowed by the law. During this discussion, the Appropriate Authority will explain all options available to the Complainant, including referral to the formal process. If the Complainant wishes to proceed further with their complaint, the Complainant must then provide a written statement with sufficient details of the wrongdoing to enable an appropriate investigation to be conducted.

The Appropriate Authority will notify the Respondent of the complaint, keeping all such communication confidential. The Respondent shall have 10 days from being notified to respond, in writing, to the allegation. The Respondent's statement must specifically answer each concern or complaint, either admitting, denying, or explaining the allegations against them. The Respondent must sign their statement, which will then be attached to the original complaint.

Please note the Appropriate Authority investigating the complaint has the discretion to abridge timelines on a case-by-case basis.

The Appropriate Authority may then implement whatever steps are necessary to create an acceptable resolution, including recommending disciplinary actions if applicable. This resolution will be shared with the Complainant, the Respondent, Human Resources, and more senior levels of management as required.

The Appropriate Authority will record the occurrence of the complaint and the resolution achieved. If a resolution of the complaint is achieved and no wrongdoing is found, no record

of the complaint will be entered in the Respondent's personnel records. Records will remain confidential.

Procedures for Handling Complaints of Workplace Wrongdoing: Formal Process

The Complainant may also choose to make a disclosure directly to the Independent Delegated Authority via a confidential and secure email account.

<email account to be added after policy approval>

Employees may choose to remain anonymous and their identity will not be disclosed without their consent. Anonymous disclosures are generally more difficult to investigate as the municipality is unable to contact the Complainant should further information be required.

The Independent Delegated Authority is responsible for determining and administering the methods and means for addressing complaints, which may consist of:

- Determining the authenticity of allegations of wrongdoing or retaliation.
- Determining whether or not a reported act is indeed wrongdoing.
- Recommending disciplinary or corrective actions if allegations are true.
- Recommending disciplinary or corrective actions if allegations were knowingly falsely made.

In the case of formal complaints, the Respondent shall have 10 days from being notified to respond, in writing, to the allegation. The Respondent's statement must specifically answer each concern or complaint, either admitting, denying, or explaining the allegations against them. The Respondent must sign their statement, which will then be attached to the original complaint.

Please note the Independent Delegated Authority investigating the complaint has the discretion to abridge timelines on a case-by-case basis.

At the conclusion of an investigation, the Independent Delegated Authority must create a written report including a statement regarding a summary of the findings that have been proven, and a statement of decision on whether or not a municipal policy has been violated or an offense has been committed that falls under other federal or provincial laws. The report shall be presented for review to any/all appropriate authorities and/or legal counsel, as appropriate.

The Complainant and the Respondent will be advised of the resolution of any investigation conducted under this policy. A summary of findings with any remedial action shall be provided in writing to the Complainant and the Respondent, as required.

In all cases, the Municipality of Middlesex Centre's Human Resources department shall retain the findings report for the minimum amount of time as per the municipality's Records Retention By-law.

Confidentiality

Middlesex Centre will consider all reports of suspected wrongdoing and subsequent investigations to be provided in confidence, and will disclose only to the extent required:

- to adequately investigate the suspected wrongdoing,
- by this policy or its procedures, or
- by law.

The Municipality of Middlesex Centre will endeavour to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully.

Assurance Against Retaliation

This Policy encourages employees to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding workplace wrongdoing complaints. Retaliation by the Respondent or anyone acting on behalf of the Respondent against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent or anyone acting on behalf of the Respondent against any witness providing information about a workplace wrongdoing report is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and violence.

Disciplinary Actions

Upon concluding that an instance of workplace wrongdoing has indeed occurred, the Respondent will be subject to disciplinary action. This may result in a suspension of duties, termination of employment, and/or potential legal action. Disciplinary actions will be determined on the basis of the facts of each case and the extent of harm to the municipality's interests and business goals.

It is a violation of the Municipality of Middlesex Centre's Whistleblower Policy for anyone to knowingly make a false complaint of wrongdoing or to provide false information about a complaint. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint, up to and including termination of employment.

Timelines

Complainants are encouraged to file a complaint immediately after an alleged incident of workplace wrongdoing. However, the Municipality of Middlesex Centre is aware that such timely reporting may not always be possible, due to fear of being identified through knowledge of a situation or of retaliation against the Complainant. Individuals who believe that they have witnessed workplace wrongdoing should lodge a complaint within 30 days following an alleged incident. At the CAO's discretion, this timeline may be extended at the request of the Complainant; however, it is the responsibility of the Complainant to show good reasons for this extension.

Records

Records of all internal and formal resolutions will be kept by the Human Resources department, except where otherwise stated in this Policy. The records will only be available to managerial members of the appropriate department and Human Resources, and only in the following circumstances:

- When determining an appropriate disciplinary action for subsequent workplace wrongdoing complaints.
- When a Respondent is a candidate for a promotion to a supervisory position.
- When a complaint against retaliatory action is made.
- When a decision or resolution is reviewed.
- As required for legal investigations or proceedings.

Any records concerning employees will be maintained in accordance with all applicable laws and regulations. Both the Complainant and the Respondent are eligible to obtain copies of their own statements made throughout the course of an investigation.

Policy Review

This Policy will be reviewed once every four (4) years, or as necessary.