



POLICY

POLICY NAME: WHISTLEBLOWER POLICY

CATEGORY: City Government – Effective Governance
APPROVED BY COUNCIL: 2021/11/08
DEPARTMENT RESPONSIBLE: Corporate Services

PURPOSE:

The City of Prince George is committed to the highest level of transparency and accountability in its administrative, financial and management practices. The purpose of this Policy is to provide City of Prince George employees and elected officials with a mechanism by which they can raise concerns related to Serious Misconduct.

While it is recognized that individuals retain the right to report any wrongdoing to legal authorities, the purpose of this Policy is to ensure all opportunities for individuals to come forward with allegations of wrongdoing so that appropriate action can be taken.

POLICY OBJECTIVES:

The objectives of the Whistleblower Policy are to establish guidelines for reporting and investigating allegations of Serious Misconduct and provide protection from retaliation to those who, in good faith, report Serious Misconduct.

POLICY:

Definitions

“Serious Misconduct” includes, but is not limited to:

- Serious violations of City policies or applicable acts, regulations or bylaws;
- Gross misuse of City resources for any illegal, improper, or unethical purpose;
- Fraud, theft, embezzling funds, or accepting kickbacks or bribes;
- Misappropriating funds, misdirecting funds or assets, or misuse of corporate information;
- Manipulating City accounting or audit records or destroying any accounting or audit-related records except as permitted by the City’s records management bylaw and procedures;
- Failure to take reasonable steps to report and/or rectify actions that may impact negatively on the City’s reputation resulting in the public losing confidence in the organization’s ability to deliver services;
- Violations of the Protection against Retaliation section of this policy; or
- Deliberately concealing information related to any of the above.

“Whistleblowing” means reporting Serious Misconduct, in Good Faith.

“Good Faith” means having reasonable and objective grounds, which are capable of being verified or substantiated by a written statement, documented evidence or other witnesses, for believing an allegation of Serious Misconduct is true.

“Designated Recipients” are the persons to whom the misconduct should be reported to as set out below.

Scope

This Policy applies to all City employees and elected officials (i.e. members of City Council). In the interests of maintaining the integrity and reputation of the City of Prince George and all those who work to serve its citizens, all employees and elected officials must cooperate with any investigation by the City under this Policy.

This Policy does not apply to matters for which there are other established processes for reporting, investigating or seeking redress, including:

- Grievances under an existing collective agreement;
- Complaints or concerns that are more appropriately addressed under the Respectful Workplace program, the Employee Code of Conduct policy or any other employment-related policy or administrative procedure of the City;
- Disputes between an employee and his/her supervisor for any matters related to the employee’s employment;
- Reports of safety hazards or refusals of unsafe work under WorkSafe BC Regulations;
- Privacy breaches that must be reported under legislation, City bylaw, or other policy; or
- Litigation or other proceedings addressed through the Courts or administrative bodies established by statute.

Process

Persons who, in Good Faith, are aware of Serious Misconduct are required to report such concerns. Individuals making reports are not required to prove their allegations but they are required to demonstrate that they have sound reasons for their concerns.

Employees and elected officials should be aware that local law enforcement agencies or other regulatory agencies may be authorized to review any complaint received.

Allegations of Serious Misconduct may be made in writing or in person, and directed as follows:

If the subject of the alleged wrongdoing is:	Then it should be reported to (Designated Recipients):
A City employee (other than a Director or the City Manager)	Jointly to the Department Director and the Director of Corporate Services
A City Director	Jointly to the Director of Corporate Services and the City Manager
The Director of Corporate Services	Jointly to the City Manager and the Mayor
The City Manager	Jointly to the Director of Corporate Services and the Mayor
A Member of City Council (an elected official)	Jointly to the Director of Corporate Services and the Corporate Officer

At its discretion, the City may investigate anonymous allegations. In exercising this discretion, the City will take into account the seriousness, credibility, and likelihood of other sources confirming the concerns that have been raised.

The Designated Recipients receiving a report have the exclusive authority to determine if and when a report warrants an investigation under this Policy, and to select an investigator if one is required. Such an investigation may be conducted by an internal or external investigator, at the discretion of the Designated Recipients. If one or both of the Designated Recipients determine that an investigation is warranted, then the investigation will proceed. If both of the Designated Recipients agree that an investigation is not warranted, then the investigation will not proceed.

If an allegation is made against a member of Council, the Designated Recipients will forward the complaint to independent legal counsel for assessment of whether an investigation is warranted. If it is determined that an investigation should proceed, legal counsel will engage an appropriate external investigator to conduct the investigation and will serve as the primary point of contact for the investigator. Updates concerning progress of the investigation and the investigator's report will be provided to the Designated Recipients.

If an allegation is made against a City employee, the Designated Recipients are the City's point of contact for any investigator hired to investigate a report made under this Policy.

The Designated Recipients may decline to investigate, or may stop an investigation, if they are of the opinion that:

- The allegation does not provide adequate details about the alleged Serious Misconduct, or does not disclose a wrongdoing;
- The allegation is frivolous or vexatious, or has not been made in Good Faith;
- The investigation into the allegation would serve no useful purpose or could not reasonably be conducted because the length of time that has elapsed between the date when the subject matter of the allegation arose and the date the report was made;
- The allegation relates solely to a public policy decision or to one of the matters identified under the Scope section of this Policy as being excluded;
- The allegation is being, or has already been, appropriately investigated;
- Investigating the allegation may compromise another investigation;
- The report is made on an anonymous basis and does not provide enough substance to undertake an investigation or if it cannot be determined that the report was made in Good Faith;
- The allegation is also being investigated for the possible prosecution of an offence;
- The alleged wrongdoing may constitute an offence under any enactment of British Columbia or Canada; or,
- The issue would be more appropriately dealt with by local law enforcement agencies or another entity.

Those conducting an investigation will:

- Comply with any relevant legislation, policies, and agreements;
- Endeavor to ensure that the investigation is undertaken in a prompt and professional manner;
- Maintain adequate documentation to support any decisions made;
- Take all relevant facts into consideration having regard to the particular merits of each case; and

- Remove themselves from the investigation process if there is a conflict of interest.

If, at the conclusion of its investigation, the City of Prince George finds that Serious Misconduct occurred, it will take appropriate remedial or disciplinary action commensurate with the severity of the offense. Consideration will also be given to potential policy or procedural changes that should be made to protect the City from similar wrongdoing in the future.

All employees and elected officials have a duty to cooperate in the investigation process. Any employee who fails to cooperate in an investigation, or deliberately provides false information during an investigation, will be subject to disciplinary action, up to and including termination of employment.

An employee who makes a report respecting their own misconduct under this Policy is not exempt from disciplinary action; however, the self-reporting will be given consideration as a mitigating factor in determining the level of disciplinary action appropriate to the circumstance.

Confidentiality

Serious Misconduct is a grave matter and it is critical that the reputations of employees who report concerns and of employees about whom concerns are reported are protected. Consequently, all allegations of wrongdoing are handled as confidentially as possible.

Individuals making a report under this Policy are required to provide their name in confidence, which allows for follow-up questions, clarification and investigation where one is deemed appropriate. All information disclosed during the course of the investigation will remain confidential, except as necessary to conduct the investigation and to take any remedial action, and to the extent permitted under law. Specifically, investigations will be carried out in a manner that limits disclosure of the report and allegations on a “need to know” basis. Information about a report of serious misconduct will only be disclosed to those responsible for investigating or addressing the report.

Individuals making a report, investigators, witnesses and individuals against who a report has been made are expected to maintain confidentiality. Breaches of confidentiality may be regarded as Serious Misconduct and will be treated accordingly.

Information collected during an investigation including but not limited to interview notes, reports and other records, will be managed in accordance with the *Freedom of Information and Protection of Privacy Act*.

Confidentiality may be subject to disclosure required by law, including during a court proceeding, arbitration or other legal proceeding, and in circumstances where affected persons have consented to be identified.

Protection against Retaliation

The City of Prince George strictly prohibits any discrimination, retaliation, threats or harassment against any employee who reports, or participates in an investigation related to, alleged wrongdoing or misconduct. A violation of this Protection against Retaliation section may be regarded as Serious Misconduct. Employees who believe they are being retaliated against should report these concerns to the Designated Recipients as outlined under the Process section of this Policy. Individuals who violate the Protection against Retaliation section of this Policy will be subject to appropriate disciplinary action, up to and including termination of employment.

Bad Faith Allegations

Employees who report allegations of Serious Misconduct without sound reasons, who knowingly make false allegations, or make allegations with the intent to harm other individuals, will be subject to appropriate disciplinary action, up to and including termination of employment.