



LAC LA BICHE COUNTY PROCEDURE

TITLE: Whistle Blowing Standard Operating Procedure

PROCEDURE NO: CS-03-015-11

SPECIAL NOTES/CROSS REFERENCE: POLICY CS-03-015 AMENDMENT DATE:

1.0 Definitions

Complainant: a person, including an employee or member of the public, who makes a report of wrongdoing.

Employee: includes employees, contractors and agents.

Respondent: an employee who is the subject of a report of wrongdoing.

Third Party: An external company contracted with the County to provide whistle blowing services, a means to receive reports of wrongdoing pursuant to this procedure. MNP LLP has been identified as the “third party” contractor for the purpose of providing a whistleblower hotline, Ethics Alert. The Ethics Alert Hotline is available 24/7/365 in both official languages at **1-866-529-9589**.

Appropriate Authority: is the Manager of Human Resources, Chief Administrative Officer (“CAO”), or other designate assigned by the CAO.

Wrongdoing may include, but may not be limited to:

- Any actual or suspected violation of any federal, provincial or municipal act, regulation or bylaw;
- Any actual or suspected violation of any County Policies and Procedures;
- Dangerous practices likely to cause physical harm or damage to any person or property;
- Failure to rectify or take reasonable steps to report a matter likely to give rise to a significant and avoidable cost or loss to the County; or
- Improper or fraudulent accounting or auditing practices.

2.0 General Statement

Every employee has a responsibility to report any wrongdoing of which he or she may have knowledge. Every employee has a responsibility to treat any such report of wrongdoing in a confidential manner in accordance with the procedures set out in this SOP.

While employees and members of the public are encouraged to identify themselves in making a report of wrongdoing, they may do so on an anonymous basis. The County will ensure, to the extent permitted by law and in accordance with this SOP, that all reports of wrongdoing are treated in a confidential manner. However, anonymity cannot be guaranteed in all cases.

3.0 Prohibition Against Retaliation

The intention of this SOP is to ensure that employees and members of the public can raise legitimate concerns about wrongdoing in a safe and secure manner. If an employee or member of the public files a report of wrongdoing in good faith, he or she shall not be subject to any form of penalty, retaliation, or reprisal. All employees are prohibited from penalizing or retaliating against such an employee or member of the public.

However, if an employee files a report of wrongdoing maliciously, in bad faith, or with an ulterior motive (including with the intention to harm any individual or the County), he or she may be subject to disciplinary action as outlined in the Progressive Discipline Policy and SOP.

4.0 Guidelines

4.1 The Employee will:

- a) Report any wrongdoing of which he or she may have knowledge;
- b) Treat any such report of wrongdoing in a confidential manner.

4.2 The Appropriate Authority shall:

- a) Review the Report of Wrongdoing;
- b) Take no action where the Report of Wrongdoing is trivial or vexatious; or
- c) Conduct an investigation, or appoint an investigator to conduct an investigation, into the Report of Wrongdoing.

4.3 The Third Party (MNP):

MNP LLP has been identified as the “third party” contractor for the purpose of providing a whistleblower hotline, Ethics Alert. The Ethics Alert Hotline is available 24/7/365 in both official languages **at 1-866-529-9589**. If Ethics Alert is the first contact for the Complainant and the investigation has not yet started, Ethics Alert will:

- a) Provide complainants with an unthreatening and unbiased means to follow up with their concerns;
- b) Ethics Alert can forward the message to an investigator who may have further questions and clarification from the Complainant. Confidentiality is very important to them. MNP will not disclose the identity of the Complainant to the County unless the Complainant provides permission to do so.
- c) Based on the nature of the complaint and the reason the Complainant was not able to report it to the Appropriate Authority, MNP can decide which Appropriate Authority to report the concern to. If it isn't appropriate to forward the complaint to an Appropriate Authority, MNP can report the complaint to the Mayor or Deputy Mayor; or
- d) MNP can initiate the investigation as deemed necessary, while adhering to the investigation guidelines established in their contract with the County.
- e) MNP will keep the Complainant up to date as to the progress of the investigation if the Complainant has provided contact information.

If MNP was contacted after the complaint has already been forwarded to an Appropriate Authority, MNP will:

- a) Contact the Appropriate Authority that is handling the investigation and inquire as to the progress of the investigation;
- b) If MNP concludes that the investigation is not being conducted adequately, MNP will determine if an additional Appropriate Authority or Mayor or Deputy Mayor should be contacted to follow up with the concerns and/or possibly take over the investigation at that point;
- c) The final and binding decision in regard to the investigation will lie with the CAO. In the event that the CAO was the subject of the investigation, the final and binding decision will lie with the Mayor or Deputy Mayor.

4.4 The Persons conducting the investigation will:

- a) Interview the Complainant, Respondent, or any other employee with respect to the Report of Wrongdoing;
- b) Request any record reasonably required pursuant to his or her investigation, subject to legal restrictions; and
- c) Seek the advice of legal experts at the County's costs;
- d) Create a written report at the conclusion of an investigation including a statement regarding any and all findings that have been proven;
- e) Present the report for review to any/all appropriate authorities and/or legal counsel, as appropriate.

4.5 Human Resources will:

- a) Prepare annual non-identifiable reports for Council review, which will outline the number of whistle-blowing complaints, the general areas of concern, the outcomes and any possible identified area of improvement for both the Whistle Blowing Policy and SOP.

5.0 Procedure for Making a Report for Wrongdoing

5.1 Reporting to an Appropriate Authority

A complainant may file a Report of Wrongdoing to an Appropriate Authority unless the Complainant reasonably believes that, given the nature of the alleged wrongdoing, such a report should be made to an independent Third Party.

Reports of Wrongdoing shall be made by a complainant as soon as possible after becoming aware of the wrongdoing.

5.2 Reporting to the Third Party (MNP)

A complainant will have the opportunity to contact an independent third party, MNP. MNP will:

- Ensure that the concern is forwarded to the Appropriate Authority and follow up to ensure the concern was dealt with, or
- Work with the Appropriate Authority to investigate the complaint and document the outcome, or
- Conduct the investigation on their own.

Complainant reports are encouraged to be made in writing so as to assure a clear understanding of the issues raised, but may be made by phone or by email. Reports should be factual in nature and contain as much specific information as possible to allow for proper assessment and investigation of the allegations reported. If the concerns are forwarded in writing they should be forwarded in a sealed envelope and labeled “Confidential”.

Reports of wrongdoing should include the contact information for the Complainant or a statement that anonymity is requested.

All employees (including management) contacted for assistance with either filing or investigating a Report of Wrongdoing shall assist the complainant or MNP pursuant to this SOP.

“Original Signed”
Chief Administrative Officer

November 8, 2013
Date