

Whistleblower Policy

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Policy Statement

The Corporation of the City of Cornwall (“The City”) is committed to conducting its affairs with the highest standards of integrity, transparency, and accountability. To support this commitment, the City encourages employees to come forward with information about any serious wrongdoing or unethical behaviour within the organization. This Whistleblower Policy is designed to protect whistleblowers from retaliation and to provide a framework for reporting and addressing concerns.

Scope

This policy applies to all employees, contractors, and consultants associated with the City of Cornwall.

Definitions

For the purpose of this Policy, the following definitions shall apply:

Confidentiality: The protection of the identity and information provided by whistleblowers to the extent allowed by law. While the City of Cornwall is committed to maintaining confidentiality, there may be circumstances where disclosure is necessary for a thorough investigation.

Corrective Actions: Measures taken by the City of Cornwall in response to the findings of an investigation to address and rectify any identified wrongdoing. Corrective actions may include disciplinary measures, policy changes, process improvements, or other remedial steps.

Designated Recipient: This is a specific individual(s) within an organization who is designated to receive and handle whistleblowing reports. This person or team is responsible for ensuring that reports are promptly and appropriately addressed, maintaining confidentiality, and following up on reports to ensure they are thoroughly investigated and resolved. The designated recipient is often a member of senior management or an individual with sufficient authority and independence to handle whistleblowing reports impartially.

Independent Investigator: An individual or entity with the necessary expertise and independence to conduct a thorough and impartial investigation into reported concerns. The independent investigator may be internal or external to the City of Cornwall.

Retaliation: Any adverse action taken against a whistleblower in response to their reporting of wrongdoing. This includes, but is not limited to termination, demotion, harassment, intimidation, or any other form of discriminatory treatment.

Serious Wrongdoing: Any illegal, fraudulent, unethical, or dishonest activity that violates laws, regulations, or City of Cornwall policies.

Whistleblower: Any individual who discloses information about suspected wrongdoing or unethical behaviour related to the City of Cornwall.

Wrongdoing Report (“a report”): A formal or informal communication that discloses information about suspected wrongdoing or unethical behavior within the City of Cornwall.

Purpose

The main objective of this policy is to establish a framework that promotes transparency, integrity, and accountability within the organization. The specific objectives include:

- **Encourage reporting of serious wrongdoing** – This policy is designed to ensure that the City of Cornwall complies with relevant laws and regulations related to whistleblowing and reporting of serious wrongdoing. This includes adherence to the Public Service of Ontario Act, 2006, and other applicable legislation.
- **Protect whistleblowers** - This policy aims to establish clear protections for individuals who come forward with information about serious wrongdoing. This policy includes safeguards against retaliation, ensuring that whistleblowers are shielded from adverse actions such as harassment, demotion, or termination as a result of their disclosures.
- **Strengthen the ethical culture at the City of Cornwall** - By providing a secure avenue for reporting and addressing concerns, the policy sends a clear message that the City of Cornwall values integrity and ethical conduct, promoting a culture of trust and accountability.
- **Detect and prevent fraud and misconduct** - This policy aims to detect and address instances of fraud, corruption, and other forms of misconduct early on. This proactive approach helps prevent financial losses, reputational damage, and legal consequences for the City.
- **Facilitate Investigation and Resolution** - This policy establishes procedures for the proper investigation of reported concerns. It outlines the steps to be taken in response to a disclosure, ensuring a fair and thorough examination of the reported wrongdoing. This contributes to effective resolution and corrective actions.
- **Improve internal controls** - Through the reporting and investigation of wrongdoing, this policy contributes to the identification of weaknesses in internal controls. This allows the City of Cornwall to implement corrective measures and strengthen its governance processes.

Responsibilities

Whistleblower(s)

- Report concerns promptly, providing as much detail as possible.
- Use appropriate channels for reporting.
- Cooperate with any subsequent investigations if required.
- Refrain from making malicious or false accusations, as such actions may result in disciplinary measures.

Senior Management Team

- Support and promote a culture of transparency and accountability at the City of Cornwall.
- Ensure that the Whistleblower Policy is effectively communicated to all stakeholders.
- Allocate resources necessary for the implementation and maintenance of the Whistleblower Program.

- Receive periodic updates on whistleblower activities and outcomes.
- Review and endorse changes to the Whistleblower Policy as necessary.

Managers and Supervisors

- Encourage an environment that promotes openness and the reporting of concerns without fear of reprisal.
- Respond promptly and appropriately to any reports of serious wrongdoing within their areas of responsibility.
- Cooperate fully with any investigations and provide necessary support.
- Ensure that employees under their supervision are aware of the Whistleblower Policy.

Employees

- Familiarize themselves with the Whistleblower Policy and reporting mechanisms.
- Report any suspected serious wrongdoing promptly through appropriate channels.
- Cooperate fully with any investigations related to reported concerns.
- Refrain from engaging in retaliation against whistleblowers.

General Manager of Human Resources

- Regularly review and update the Whistleblower Policy to ensure its relevance and compliance.
- Ensure that employees are aware of the Whistleblower Policy and their rights under it.
- Implement training programs to educate employees about the importance of reporting concerns and the protection offered by the policy.
- Keep records of whistleblower reports and investigations in a secure and confidential manner.
- Provide guidance on legal and regulatory matters related to whistleblowing.
- Ensure that the Whistleblower Policy is compliant with all applicable laws and regulations.

Unions

- Support and promote a culture of transparency and accountability at the City of Cornwall.
- Provide guidance to members on the proper procedures for filing whistleblower complaints.
- Cooperate fully with any investigations related to reported concerns.
- Refrain from engaging in retaliation against whistleblowers.

Designated Recipient(s)

- Responsible for receiving reports of misconduct or violations, reviewing the details of the report, and initiating an investigation process.
- Ensure that investigations are conducted in a manner that protects the confidentiality of the reporter and the integrity of the process.
- Responsible for maintaining appropriate documentation, ensuring that information is shared on a need-to-know basis, and protecting individuals involved from retaliation.
- Facilitate appropriate corrective actions based on investigation outcomes.

Third-Party Confidential Reporting

- Receive and acknowledge all wrongdoing reports promptly.
- Forward reports to the Designated Recipient at the City.
- Facilitate follow-up communication with the individual that made the report, as applicable.

Whistleblower Reporting Procedures

The purpose of this reporting procedure is to establish a clear and confidential process for reporting observed or suspected serious wrongdoing within the City. Whistleblowers are encouraged to report concerns about wrongdoing through the following channels:

1. Initial Reporting to Manager or member of Management
 - If you suspect wrongdoing or unethical behaviour in the workplace, report it promptly to your immediate supervisor or a member of management.
 - Complete the reporting form in Appendix A and provide specific details of the incident, including dates, times, and any evidence or witnesses, if available.
2. Escalation to Confidential Whistleblower Third-Party Firm
 - If you are uncomfortable reporting to your manager or if you believe the issue is not being addressed properly, you can escalate your report to a confidential third party whistleblower firm as follows:
 - **[INSERT CONTACT INFORMATION/PROCESS]**

Confidentiality

The City of Cornwall is committed to protecting the confidentiality of whistleblowers to the fullest extent permitted by law. Information related to the whistleblower's identity will only be disclosed to those individuals involved in the investigation as required by law. Whistleblowers may choose to report anonymously through the third-party Whistleblowing Firm.

Protection Against Retaliation

Any form of retaliation against a whistleblower will be strictly prohibited and treated as a serious violation of this policy.

Corrective action will be taken against individuals found to have engaged in retaliation, which may include disciplinary measures, up to and including termination.

Investigation Process

When a report is received, the City will take appropriate steps to investigate and resolve the matter. What is appropriate in each situation will depend on the nature of the report and other relevant circumstances. All reports will be handled with confidentiality and in a timely manner as possible, consistent with the City of Cornwall's obligations to conduct a thorough investigation. In appropriate situations, the City may involve external legal counsel and/or investigators.

The investigation process for whistleblowing will typically involve several key steps to ensure fairness, thoroughness, and compliance with legal requirements as follows:

1. **Receipt of the Report:** The City receives the whistleblowing report through the designated channel.
2. **Initial Assessment:** The Designated Recipient will conduct an initial assessment to determine the credibility, seriousness, and urgency of the report. This may involve gathering preliminary information and identifying potential risks.
3. **Appointment of Investigator(s):** A qualified and impartial investigator or investigation team will be appointed to conduct the investigation. The investigator should have the necessary skills and training to handle the specific nature of the allegations. The City may involve legal counsel and/or external investigators.
4. **Investigation:** During the investigation, the appointed investigator gathers evidence, interviews witnesses, and analyzes the information to determine the validity of the allegations and prepares a detailed report of findings
5. **Decision Making:** Based on the investigation findings, the City will make a decision on how to address the whistleblowing report. This could involve taking corrective actions, implementing new policies or procedures, or other measures.
6. **Communication with Stakeholders:** The City will communicate the outcome of the investigation to relevant stakeholders, including the whistleblower, alleged wrongdoer, if applicable, and other affected parties. Confidentiality is maintained to the extent possible.
7. **Follow-Up and Monitoring:** The City will follow up on any corrective actions taken as a result of the investigation and monitor the situation to prevent future wrongdoing.

Timing of the Investigation

The investigation will be completed in a timely manner and generally within 60 days or less of receipt of the report, unless there are extenuating circumstances warranting a longer investigation as determined by the investigator.

Record Keeping

The documents corresponding to any investigation will be kept on file in a secure location. Records of any remedial action taken against an employee, if applicable, will be placed in the appropriate employee's personnel file.

Consequences

Violations of this Policy may be subject to disciplinary action, up to and including immediate termination for or without cause. The City reserves the right to put an employee on leave or change their duties pending the resolution of the investigation.

Additionally, the City may impose discipline, up to and including immediate termination for or without cause, on the following individuals in the following circumstances:

- On supervisors and managers who were aware or made aware of serious wrongdoing and failed to act in accordance with this Policy and/or permitted it to take place;
- On employees who have made a false Whistleblower report, knowingly or in a malicious manner.

Remedial Actions

In addition to disciplinary measures, the City will take remedial actions to address the consequences of the misconduct and prevent its recurrence. Remedial actions may include implementing process improvements, additional training, or other measures to rectify the issues identified.

Legal Consequences

If the investigation uncovers illegal activities, the organization may take legal action against the responsible parties, which may involve reporting the matter to law enforcement authorities.

Communications

In accordance with ESA, the City of Cornwall will present a copy of this policy to all employees within 30 calendar days of the policy being prepared or changed. In addition, new employees will be provided with a copy of this policy within 30 days of being hired.

Monitor and Review

The City will periodically review and update this policy to ensure it remains effective and compliant with any changes in laws or regulations.

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City Clerk

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Matthew Stephenson
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Tracey Bailey
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