



<b>Policy Name: Whistleblower Policy</b>	<b>Policy No: S600-11</b>
Committee approval date:	-
Council approval date:	April 6, 2020
Revision date(s):	-
Department/Division:	Human Resources

## 1. Purpose

This policy will provide a mechanism where employees who disclose serious wrongdoing by staff and management with respect to Town operations are protected from reprisal and where, under appropriate circumstances, investigations are undertaken in response to such disclosures.

The Town of Pelham's corporate values include transparency and trustworthiness. It is in the public interest to maintain and enhance public confidence in the Town and its employees by providing for the disclosure of allegations of wrongdoing with respect to the Town's operations.

## 2. Definitions

**"Appropriate Authority"** – an employee who has the delegated authority to make final decisions regarding discipline, Wrongdoing, harassment claims, and consequential actions. At the Town of Pelham, the Appropriate Authority is the Employee's immediate Director, the Human Resources Department, or the Chief Administrative Officer.

**"Good Faith"** – an act with positive intentions and which is not done trivially, frivolously, or for a vexatious or improper purpose.

**"Reprisal"** – Any demotion, suspension, termination, unfavourable transfer, denial of promotion, denial of benefits, threat, harassment or denial of compensation as a result of the reporting of wrongdoing.

**"Whistleblower"** – an employee who, in good faith, reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end



**“Wrongdoing”** – includes instances of fraud and/or deliberate waste and refers collectively to conduct including, but not limited to:

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

### **3. Policy Statement**

The Town of Pelham shall ensure that any employee who reports serious wrongdoing in good faith is protected from reprisal. Investigations and/or other appropriate actions will be initiated in response to credible reports of wrongdoing.

It is a violation of this policy for anyone to knowingly make a false complaint of Wrongdoing or to intentionally provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

### **4. General Provisions**

#### **Reporting Procedure:**

Individuals who believe they have witnessed an act or acts of Wrongdoing should report the incident(s) to an Appropriate Authority, either verbally or in writing. The Appropriate Authority shall review the allegation and take appropriate action (in most instances this will be a formal investigation). The Human Resources Department will be informed of every allegation, except those involving Human Resources. The Human Resources Department has formal responsibility for maintaining all relevant corporate records.

Where the employee reasonably believes the wrongdoing places their immediate Appropriate Authority in a conflict of interest, the employee shall raise the incident with the Human Resources Department which will conduct an investigation, if appropriate. Human Resources will keep the Chief Administrative Officer apprised of the complaint.



Where the employee reasonably believes the Wrongdoing places the Human Resources Department in a conflict of interest, the employee shall raise the issue with the Chief Administrative Officer who will conduct an investigation, if appropriate.

Upon concluding that an instance of workplace wrongdoing has indeed occurred, the respondent will be subject to disciplinary action, which may result in suspension of duties, or outright termination of employment and possible legal action depending on the severity of the action. Disciplinary actions will be determined on the basis of the facts of each case and the extent of harm to the Town of Pelham's interests and business goals.

Any employee who wishes to file a complaint of violence or harassment must follow the procedure outlined in Policy S101-16. Whistleblower protection also applies to anyone reporting complaints of this nature.

**Whistleblower Protection:**

An employee who believes they are the subject of a reprisal related to their reporting of wrongdoing shall notify the Human Resources Department. Where a Supervisor, Manager, or Director becomes aware of Reprisal or potential Reprisal against an employee as a result of a report of wrongdoing, they shall inform Human Resources.

Any allegations of reprisals will be the subject of an investigation. Where an investigation substantiates the allegations of reprisals resulting from a report of wrongdoing, the employee responsible for the reprisal will be subject to disciplinary action, up to and including termination of employment.

**5. Attachments**

None.