

POLICY	
Policy Number: CORP2020-025	Date Approved: October 2016
Department: Corporate	Date Reviewed: October 2020
Whistleblower Complaint Investigation	

1. Policy Statement

The Town of Kirkland Lake is committed to open, ethical, accountable and transparent local government. 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. Purpose

The purpose of this policy is to provide protection from reprisal to those employees who in good faith report wrongdoing.

3. Scope

For the purposes of this policy "employee" shall mean any Non-Union or bargaining unit employee of the Town and excludes the Mayor and Members of Council. The Mayor and Members of Council are governed under a separate Councillor Code of Conduct Policy and Integrity Commissioner Bylaw.

4. Definitions

Good Faith means an act which is not done trivially, frivolously or for a vexatious purpose, and this definition shall be considered in determining what is bad faith under this policy.

Wrongdoing includes instances of fraud and waste and refers collectively to any illegal or inappropriate conduct including;

- A violation of a 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 falsification, alteration, or manipulation of the Corporation's documents, records or computer files
- Any fraudulent claim for reimbursement of expenses by the Town
- A substantial and specific danger to public health or safety or;
- An abuse of authority

Whistle-Blower is an employee who in good faith reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end.

Reprisal is any harassment, intimidation, dismissal, suspension, demotion, discipline, or threat of dismissal, suspension, demotion or discipline of an employee as a direct result of the employee in good faith disclosing a perceived wrongdoing.

5. Policy & Procedures

Reporting Procedure:

Employees, who become aware of wrongdoing including those outside their own departments, must raise the issue first with their Immediate Supervisor. The issue may be raised verbally or in writing and should include full details and, if possible, supporting evidence of the wrongdoing. The Supervisor shall take prompt action in investigating the allegations of wrongdoing. The Department Director will be made aware of the allegations and will be kept apprised of the investigation.

Where the employee reasonably believes the wrongdoing places his/her Supervisor in a conflict of interest, the employee shall raise the issue with the Department Director who will conduct the investigation. The Department Director will keep the Chief Administrative Officer apprised of the investigation.

Where the employee reasonably believes the wrongdoing places the Department Director in a conflict of interest, the employee shall raise the issue with the Chief Administrative Officer who will ensure an investigation is conducted.

Dependent on the findings of the investigation appropriate action will be taken which could involve disciplinary action or informing external authorities if a criminal action has been committed (e.g. fraud or theft).

Where an incident of wrongdoing is raised concerning a member of council, the employee shall follow the procedure as set out in the Councillor's Code of Conduct and report to the appointed Integrity Commissioner.

Whistleblower Protection:

An employee, who believes they are the subject of a reprisal related to their reporting of wrongdoing, shall notify Department Director of the alleged reprisal for investigation.

Where a Supervisor is informed of, or becomes aware of, reprisals against an employee, as a result of a report of wrongdoing, they shall inform the Department Director.

Any allegations of reprisals will be the subject of investigation. Where an investigation substantiates the allegations of reprisals resulting from a report of wrongdoing, Department Director will lead the investigation in consultation with the Chief Administrative Officer. Investigations may be conducted by an independent external investigator if necessary.

The employee responsible for the reprisal will be subject to disciplinary action up to and including dismissal.

False Allegations:

Any employee who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a complaint, may be subject to disciplinary or legal action.

6. Summary

Complaint must be received within 180 days of infraction.

Give as much detail as possible: Who, What, Where, When, Why, How.

Anonymous complaints will not be investigated.

Form must be given to immediate supervisor. If complaint includes supervisor, then complaint is delivered to next manager in chain of command.

All complaints may not be investigated... dependant on timeline, adequacy of evidence and type of complaint.

See Policy re False or Bad Faith Complaints.

Town of Town of Kirkland Lake Complaint Investigation Form

(Whistleblower Policy attached)

Name: _____

Address: _____

Email: _____

Phone 1: _____ Phone 2: _____

Your Job Site: _____

Type of Complaint

Describe complaint in full. (Use dates and examples/instances) **Please continue on back page if required*

Other witnesses to complaint

Name of person(s) complaint refers to

Received by: _____

Date: _____

Continuation of complaint description *(if needed)*

[Empty box for complaint description continuation]