



# CHESTERMERE

**Policy Name:** Whistleblower Policy

**Policy Number:** 129

<b>Effective Date:</b>	<b>Approved By:</b>
March 25, 2025	CAO/Mayor & Council
<b>Policies Amended / Rescinded:</b>	<b>Policy Type:</b>
	Administrative

## **I. Purpose**

1. The Corporation of the City of Chestermere ("the City") is committed to protecting its revenue, property, information, and other assets.
2. Therefore, the CAO establishes this Whistleblower Policy to provide overarching guidance to augment existing corporate policies and establish additional mechanisms to ensure consistent, systematic and corporate-wide processes are in place for the prevention, detection, reporting, and investigation of suspected Wrongdoing, as well as protect Employees from Retaliation for reporting suspected Wrongdoings.

## **II. Applicability**

1. This Policy applies to all Employees and Contractors.

## **III. Definitions**

1. "**Complaint**" means an allegation submitted pursuant to this Policy alleging Wrongdoing on the part of an Employee or Contractor;



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2. **"Contractor"** means any person, corporation, or firm with whom the City contracts to provide goods, services, or construction and includes but not limited to, prospective vendors;
3. **"Employee"** means any person employed by the City;
4. **"Independent Investigator"** means an independent service provider contracted by the City to receive and conduct initial reviews of Complaints in accordance with this Policy. The Independent Investigator does not automatically investigate Complaints that they have received and reviewed but may be assigned as an investigator where appropriate;
5. **"Named Individual(s)"** means the person(s) against whom a Complaint is made;
6. **"Reporter"** means a person who has knowledge of Wrongdoing and submits a Complaint;
7. **"Retaliation"** means any action in reprisal against a person who has made a Complaint, or has sought advice or information about making a Complaint, or who participates in the investigation of a Complaint, and includes but is not limited to:
  - a. dismissal from employment or threats to dismiss from employment;
  - b. discipline or suspension, or threats to discipline or suspend;
  - c. harassment or abuse;
  - d. imposition of any penalty or sanction, directly or indirectly; or
  - e. intimidation or coercion or attempts to intimidate or coerce.but does not include disciplinary action imposed upon a person as a result of an act of Wrongdoing: and
8. **"Wrongdoing"** means an act or omission that constitutes one or more of the following, in relation to the City:
  - a. contravention of federal or provincial legislation or regulations;
  - b. gross mismanagement, including an act or omission that shows a reckless or wilful disregard for the proper management of:



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- I. municipal funds or a municipal asset;
    - II. the delivery of a municipal service;
    - III. any act of fraud.
  - c. an act or omission that creates a substantial and specific danger to the life, health,
  - d. or safety of any person, or to the environment, other than a danger inherent in
  - e. performance of a person's duties as an Employee or Contractor;
  - f. an act of Retaliation; or
  - g. advising or encouraging any person to do anything set out in this definition.

### **IV. Policy**

#### **1. General Policy Statements**

- a. Employees and Contractors must report any suspected Wrongdoing to their supervisor, Human Resources, or a Director as required by the Whistleblower Policy or supplier agreement. Where an Employee fears Retaliation or where the nature of the allegation precludes reporting directly within the City Administration, a Complaint may be submitted confidentially and/or anonymously to the Independent Investigator in accordance with this Policy.
      - b. The Independent Investigator will receive all incoming Complaints, screen them to determine whether the Complaint has potential to be substantiated and submit a summary assessment report to the CAO. All Complaints received will be treated as confidential. A Reporter may choose not to reveal their identity when submitting a Complaint. However, submitting an anonymous Complaint may hinder the ability of the Complaint to be reviewed and/ or investigated and may result in no action being taken on the Complaint.
      - c. The City will ensure any Complaint which has potential to be substantiated is assigned to an Independent Investigator. An appropriate, objective, and impartial



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investigation will be conducted regardless of the Named Individual's position, title, and length of service or the relationship with the City of any party who might be involved in such an investigation.

- d.** Employees must cooperate fully in any investigations or reviews arising from a Complaint.
- e.** Where the results of the investigation find reasonable grounds to indicate that a criminal or regulatory offence may have occurred, the case will be turned over to the appropriate authorities. The City will cooperate fully in any subsequent investigation.
- f.** The City will make every reasonable effort, including court-ordered restitution, to pursue the recovery of City losses from the offender or other appropriate source(s).
- g.** It will not accept items that are activism and/or challenges to the appropriateness of Council Policy decisions.

### 2. Reporter Protection

- a.** Reporter protection is extended to any Employee who meets the requirements of the definition of a "Reporter" as defined in this Policy. Reporter protection is provided in two areas: confidentiality and protection from Retaliation.
- b.** Every reasonable effort will be made to maintain the confidentiality of the Reporter's identity. However, the Reporter's identity may need to be disclosed to ensure that a thorough investigation is conducted, including to Named Individuals on a need-to-know basis, or as required by law. No Employee or person acting on behalf of the City shall engage in Retaliation against a Reporter for submitting a Complaint in good faith.
- c.** Where management is informed or becomes aware of possible Retaliation against a Reporter, the manager must inform the CAO. If the CAO is informed or



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becomes aware of possible Retaliation against a Reporter, they must inform the Independent Investigator. A Reporter who believes they are experiencing Retaliation should contact the CAO. Allegations of Retaliation will be the subject of immediate investigation. Where the investigation substantiates the allegations of Retaliation, The Director will be informed and the Employee(s) found to have violated this Policy will be subject to disciplinary action.

### 3. Reporter Protection Limitations

- a.** An Employee acting in good faith is entitled to Reporter protection under this Policy.
- b.** An Employee is not entitled to Reporter protection under this Policy if the Complaint is the result of misconduct by the Employee seeking protection.
- c.** Protection from Retaliation cannot be effectively provided to non-Employees or an Employee who chooses not to reveal their identity to the Independent Investigator if one is assigned.
- d.** A Reporter who submits a Complaint that is determined not to have been made in good faith may be subject to disciplinary action, up to and including dismissal and/or legal action.

### 4. Protection for the Named Individual(s)

- a.** An individual implicated in allegations of Wrongdoing is entitled to receive due process. Prior to any investigation being completed or disciplinary action imposed, a Named Individual must be given written notice of the Complaint and an opportunity to respond to the allegations. A Named Individual may submit a written response to the complaint no later than seven days after the notice is received.



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- b.** During the investigation of a Complaint, the identity of the Named Individual(s) is kept confidential and disclosed only on a need-to-know-basis necessary to conclude the investigation.
- c.** In cases where a Complaint is determined not to warrant investigation, the Named Individual(s) may not be informed of the Complaint.

**5. Disciplinary Action**

- a.** If Wrongdoing on the part of an Employee is substantiated by an investigation, the Employee may be subject to disciplinary action, up to and including dismissal.

**6. Schedules**

- a.** Schedule “A” and “B”, as attached to this Policy.



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**X**

Mayor

**X**

CAO

Last reviewed date: March 25, 2025

Next reviewed date: March 2029

**Revision History (Completed by Legislative Services):**

<b>Policy Title</b>	<b>Date approved</b>	<b>Resolution number</b>



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## SCHEDULE "A"

### Responsibilities

#### **I. Chief Administrative Officer (CAO)**

- 1.** The CAO is responsible for administering this Policy and shall ensure that:
  - a.** Channels, including an anonymous hotline, are functioning and maintained by the Independent Investigator to facilitate receiving Complaints under this Policy;
  - b.** The Independent Investigator conducts initial reviews of all Complaints received and provides their summary assessment reports, with recommendations, to the CAO in a timely manner;
  - c.** All Complaints made in good faith that have the potential to be substantiated are assigned to an Independent Investigator to conduct an investigation;
  - d.** The results of all investigations are reported to the responsible CAO for action as appropriate, in accordance with the Code of Conduct and Administration Policies; and
  - e.** Where applicable, include recommendations to mitigate future occurrences based the investigation's determination of underlying causes of procedural failure or control weakness.

#### **II. Independent Investigator**

- 1.** The Independent Investigator shall receive all incoming Complaints, screen them to determine whether the Complaint has potential to be substantiated, and prepare a summary assessment report for each Complaint, with recommendations, and forward it to the CAO.



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### **III. City Directors**

1. The City Directors are responsible for ensuring that appropriate administrative policies are in place and maintained to clearly define the behaviour and conduct expected of Employees. This responsibility includes encouraging the reporting of Wrongdoing, supporting the investigation processes established, and establishing sanctions for non-compliance.

### **IV. All Employees and Contractors**

1. Employees and Contractors must report any suspected Wrongdoing immediately to their supervisor, Human Resources, or a City Director as required by the applicable Whistleblower Policy. Where an Employee fears Retaliation or where the nature of the allegation precludes reporting directly within the City Administration, a Complaint may be submitted confidentially and/or anonymously to the Independent Investigator in accordance with this Policy.

### **V. Management**

1. Management teams are responsible for establishing and maintaining a system of internal controls to provide reasonable assurance of the efficiency of their operations, including the prevention and detection of Wrongdoing. Management must be familiar with the types of Wrongdoing that might occur within their area of responsibility, be alert for any indicators of such misconduct, and encourage and facilitate the reporting of Wrongdoing.
2. Upon notification from any Employee or Contractor of suspected Wrongdoing, or if a Manager has reason to suspect that Wrongdoing has occurred, the manager shall immediately make a report as required under the Whistleblower Policy or report their concerns to the CAO under this Policy.



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## SCHEDULE "B"

### Procedures

#### I. **Filing a Complaint**

1. All Complaints must be submitted directly to the Independent Investigator via the external email or tollfree phone number provided for that purpose, as listed on the Whistleblower Program page of the City's website, and contain:
  - a. A detailed description of the alleged Wrongdoing, including all facts known to the Reporter;
  - b. The name of the individual or individuals alleged to have engaged in Wrongdoing;
  - c. The names of any witnesses;
  - d. The date the alleged Wrongdoing occurred;
  - e. An explanation of any perceived risk to the City; and
  - f. Contact information of the Complainant, unless the Complainant wishes to remain anonymous.

#### II. **Initial Review of Complaint**

1. On receipt of a Complaint, the Independent Investigator must acknowledge receipt of the Complaint to the Complainant within 72 hours and proceed to conduct an initial assessment of the Complaint. Complaints may be submitted anonymously. However, the Independent Investigator has no obligation to forward an anonymous Complaint with recommendation for investigation if there is no reasonable expectation, based upon an initial review, to be able to substantiate the Complaint. If a Complaint is made in good faith and there are reasonable grounds to warrant an investigation, the Independent Investigator must recommend investigation in their summary assessment report to the CAO.



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### **III. Investigations**

1. If a Complaint warrants investigation and is not subject to referral to another agency or process, the CAO will assign an independent investigator to conduct an investigation. If the Complaint implicates the CAO, and the Independent Investigator recommends investigation, the Complaint will be provided to Council on a confidential basis to review and determine appropriate actions.
  
2. The Independent Investigator will submit a confidential report of the findings to CAO. All Employees must support and cooperate fully with any investigation under this Policy.

### **IV. Confidentiality**

1. All Employees who have knowledge of, or are participants in, a whistleblower investigation shall keep the details and results of the investigation confidential, unless disclosure is authorized by the City or required by law.

### **V. Communication and Reporting of Results**

1. The Directors will be apprised of all whistleblower investigations initiated and concluded. All investigations will result in a confidential report of activities and findings. The CAO will then review the details of substantiated allegations with the applicable Directors.
  
2. Where the results of the investigation are expected to be of public interest, such as when criminal charges are laid, the CAO will inform Council of the investigation in a manner they deem appropriate to the circumstances, unless the R.C.M.P. directs otherwise.



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3. Any person contacted by the media with respect to a whistleblower investigation shall refer the media to the City's Communications Department. The results of the investigation shall not be discussed with the media by any person other than through the City Directors, City Communications or designate, in consultation with the CAO.
4. The CAO will coordinate the reporting of information relating to investigations conducted under this Policy to the Directors, where applicable.
5. The CAO will report, at least on an annual basis, information related to reports received and investigations conducted during the year to Council.