

**TOWN OF MIDDLETON
CODE A - GENERAL ADMINISTRATION**

Subject: Whistle Blower Policy	Number: 2.5
Coverage: Staff & Council	Approved by: Council
Effective Date : December 7, 2015	Revision Date:

Rationale

This Policy, which has been approved and issued by Council, is a statement by the Town of Middleton that improper, unethical or inappropriate behaviour in the conduct of the business of the Town is unacceptable. All cases of suspected wrongdoing are to be reported and managed in a timely and appropriate manner.

Policy Statement

1. Statement of Principles

The Town of Middleton is committed to safeguarding elected officials, the CAO, employees, and the public from harm or loss arising from illegal or irregular conduct by persons acting on behalf of the Town. The Town of Middleton is also committed to safeguarding public assets from loss or damage arising from such acts as vandalism, theft or an attempt by anyone to gain, by deceit, any benefit they are not entitled to in the discharge of municipal responsibilities.

The Town of Middleton is committed to responding to allegations of wrongdoing in an appropriate manner following an examination into the allegation of illegal and/or irregular activities.

The success of this policy depends on each and every individual working in and for the Town of Middleton being committed to adhere to this policy at all times in the conduct of the business of the Town.

In order to foster adherence, this policy is designed to encourage employees to come forward with allegations of wrongdoing without concern of reprisal.

2. Definitions

- a. Whistle Blower – anyone who speaks out in the name of public good from within an organization;
- b. Whistle Blowing - the act of disclosing information about a ‘wrong doing’ to someone who can help ensure the wrongdoing ceases and that its perpetrator is held accountable for his or her action(s). Whistle Blowing offers a mechanism for protecting the public interest.

3. When should I speak up?

This policy is designed to deal with concerns raised in relation to specific issues which are in the public interest and detailed below. Only genuine concerns should be reported.

Whistle Blowing means a disclosure of information made by an employee or contractor, an external person or body where they reasonably believe that one or more of the following matters is happening now, took place in the past or is likely to happen in the future. This is a non-exhaustive list of examples:

- a criminal offence;
- fraud;
- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, or breach of the Town's Code of Ethics);
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; and
- a deliberate concealment of information tending to show any of the above.

4. Reporting in Good Faith

If you make an allegation in good faith, but it is not confirmed by investigation, no action will be taken against you. If, however, you make allegations that are malicious or simply to cause anger, irritation or distress, disciplinary action may be taken against you.

5. Whistle Blower Protection

a. No Town of Middleton representative or person acting on behalf of the Town shall:

- i. dismiss or threaten to dismiss an employee;
- ii. discipline or suspend, or threaten to discipline or suspend, an employee;
- iii. impose any penalty upon an employee;
- iv. intimidate, harass or coerce an employee;
- v. take non-disciplinary actions contrary to the wishes of the employee, i.e. lateral transfer;

because the employee has come forward and made an allegation of wrongdoing.

b. No member of Town Council or an employee of the Town of Middleton, Agency, Board or Commission over which Council has authority shall:

- i. intimidate, harass or coerce another employee;

because the employee has come forward and made an allegation of wrongdoing.

c. An employee who violates this policy may be subject to discipline up to and including dismissal of the Town of Middleton representative, person acting on behalf of the Town of Middleton representative, or employee.

d. Any person found to have made a false allegation of wrongdoing is subject to discipline up to and including dismissal.

6. Reporting Protocol

- a. Employees are required to report any allegations of wrongdoing to their immediate supervisor, unless the allegation directly involves the immediate supervisor.
- b. If the allegation involves the employee's immediate supervisor, employees shall report the wrongdoing to their Director, or to the Chief Administrative Officer (CAO) if the allegation directly involves their Director.
- c. In cases where the allegation directly involves the Chief Administrative Officer, the employee shall report the wrongdoing to the Mayor or Deputy Mayor if the Mayor is not available. If the allegation involves municipal funds, the Municipal Auditor shall also be advised.
- d. In cases where the allegation involves a member of Town Council, the allegation should be reported to the Chief Administrative Officer who shall report the matter to the Mayor or Deputy Mayor.

7. How do I speak up and what information should I provide?

You can raise your concerns by email, orally or in writing, stating that you are using the Whistle Blowing Policy.

We request that, where possible, you include the information below:

- an outline of the known or suspected wrongdoing;
- details, to the best of your knowledge, about when, where and how it occurred;
- a list of the names of those suspected of being involved (both within the Town administrative structure and externally);
- a list of the names of anyone who may have relevant information;
- details of how you came to know about the suspected activities;
- what, if any, do you estimate to be the value of the loss to the Town or other parties;
- what, if any, breaches of internal controls, policy, procedure or other requirements you believe took place;
- any specific recommendations you have for actions;
- the names of anyone who you have discussed or reported this incident to;
- your name and contact details. Please note – these will be kept confidential as far as is reasonably practicable; and
- the date and time of making the report.

You will not be expected to prove the wrongdoing that you believe you have witnessed or suspect.

8. What happens following speaking up?

The person you contact will acknowledge receipt of your concern within three (3) working days and reply to discuss the next steps with you. If you attend any meetings as part of this process, you may choose to be accompanied to this meeting by a work colleague, union representative or a lawyer.

9. Duty to Respond

- a. Upon receiving an allegation of wrongdoing, the Chief Administrative Officer, or designate, shall undertake an examination into the circumstances, ensuring the safeguarding of any pertinent notes, records or documents relating to the allegation.
- b. Following an examination which indicates inappropriate activity has occurred, the CAO, upon consultation with the Municipal Solicitor, will take action appropriate to the circumstances, which may include suspension, re-assignment or termination.
- c. Following an examination which indicates illegal activity may have occurred, the CAO shall report the findings to Council and refer the matter to an appropriate policing agency.
- d. Except as compelled by law, no employee, Town of Middleton representative or member of Town Council will reveal or confirm the identity of any Whistle Blower.

Certification

THIS IS TO CERTIFY that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 7th day of December, 2015.

GIVEN under the hand of the CAO and under the seal of the Town of Middleton this 7th day of January, 2016.



Rachel L. Turner
Chief Administrative Officer