	Whistleblower	
	Policy Type:	Governance Process
	Number:	GP-A-2.2
	To be Reviewed:	Once per term
	Approval Date:	November 9, 2015
	Motion Number:	15.C.618
	Revised Date(s):	

Policy Statement:

The Town of Okotoks is committed to protecting its revenue, property, information and other assets from acts of waste, wrongdoing and/or serious misconduct by Town employees, members of Council, contractors, subcontractors, suppliers, or members of the public and to ensure the confidentiality of information collected and the protection of the individual who makes the disclosure from reprisal.

The Town of Okotoks will investigate any suspected acts or allegations of serious misconduct. If the investigation substantiates the suspected act or allegation of serious misconduct, appropriate action will be taken and may result in discipline or criminal charges where appropriate.

The purpose of this policy is to provide a Whistleblower Program, and establish responsibilities regarding reporting and investigation of serious misconduct within the Town of Okotoks without fear of retaliation.

Scope:

The Whistleblower Program applies to all Town of Okotoks employees, members of Council, Town contractors, subcontractors and suppliers over which Council has the authority to require that general policies be followed.


Reports or allegations of serious misconduct may be made by Town employees, members of Council, contractors, subcontractors and suppliers, or the general public who have knowledge of the Town’s operational activities that he/she considers to be illegal, dishonest, unethical, wasteful and/or highly improper.

Definitions:

Whistleblower means a person who calls attention to an act of serious misconduct in an attempt to have the activity brought to an end.

Serious misconduct means illegal or inappropriate conduct by employees, or members of Council, or where appropriate the Town’s contractors or subcontractors or suppliers. Serious misconduct includes but is not limited to:

- crime or suspected criminal activity;
- fraud as defined in the Criminal Code of Canada;
- other illegal activities, including but not limited to:


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- forgery or alteration of cheques, drafts, promissory notes and securities;
- any misappropriation of funds, securities, supplies or other assets;
- any irregularity in the handling or reporting of money transactions;
- misappropriation of furniture, fixtures and equipment;
- unauthorized use or misuse of Town property, equipment, materials or records; and
- any claims for reimbursement of expenses that are not made for the exclusive purpose of conducting the business of the Town;
- breach of Council Code of Conduct for members of Council and Council Committees;
- breach of the Employee Code of Conduct;
- serious violations of other Town Bylaws, Policies, Administrative Guidelines and/or Procedures;
- serious violations of applicable government laws and legislation;
- malfeasance, including but not limited to:
 - the wrongful or unauthorized acquisition, use, appropriation, or disposal of Town assets including monies, information, data, materials, labour or equipment
 - the violation of public trust or duty; and
 - the misuse of position for personal gain;
- mishandling or inappropriate access to corporate information;
- actions likely to cause serious harm or loss of safety (including emotional stress or harassment) to employees, volunteers, contractors or the public;
- actions likely to cause serious harm to property or the environment;
- exposing the Town to substantial potential liability or loss;
- knowingly concealing information relating to any of the above.

Responsibilities

All Town of Okotoks employees and Council Members will:

- a. Report any suspected instance or allegation of serious misconduct in writing immediately to the Chief Administrative Officer (CAO), or Interim CAO if the CAO is absent. If the incident or allegation is suspected of the CAO or Councillor, then the allegation will be reported to the Mayor, or Deputy Mayor if the Mayor is absent. If the incident is suspected of the Mayor, then the allegation will be reported to the Deputy Mayor;
- b. Cooperate fully with the investigation team;
- c. Keep confidential all information regarding the matter if involved in the investigation, both during and after the investigation.

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The Chief Administrative Officer (CAO) will:


- a. Provide advice and guidance to the Whistleblower regarding any questions about the process and will gather additional information if necessary;
- b. Ensure that an investigation of any suspected acts or allegations of serious misconduct be conducted in a confidential and timely manner;
- c. Refer the issue to an appropriate third party for investigation when the suspected act or allegation of serious misconduct has possible corporate-wide, legal or criminal implications;
- d. Confidentially provide the documentation regarding the allegation and the employee(s) to the Human Resources Manager when appropriate for further handling, unless the allegation is about that position, then it will be provided to the Corporate Services Director;
- e. Ensure that the Whistleblower reporting an allegation of serious misconduct will be protected from any retaliation both during and after the investigation is complete;
- f. Ensure that the information is handled confidentially, subject to the Town's obligations under the *Freedom of Information and Protection of Privacy Act (FOIP)*;
- g. Have the discretion whether or not to reveal the results of the investigation to the Whistleblower in confidence.

The Human Resources Manager will:

- a. Assist the CAO or Corporate Services Director; Mayor or Deputy Mayor as appropriate; by coordinating the confidential internal investigation of all reported instances of serious misconduct regarding employees in a timely manner and obtain external professional assistance when necessary;
- b. Document the results of the investigation. The distribution of the confidential report will be based on the circumstances of the case and the need to mitigate future occurrences of similar situations;
- c. Discuss the results of the investigation with the CAO, or Mayor in the case of the CAO, to determine the appropriate course of action;
- d. Ensure that the appropriate action is carried out;
- e. Ensure that the investigation documentation is protected under FOIP and retained in accordance with the Town's Records Retention policies and obligations under FOIP.

The Mayor will:

- a. Carry out the responsibilities of the CAO as above in the event of an allegation of serious misconduct involving the CAO or Councillors.

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The Deputy Mayor will:

- a. Carry out the responsibilities of the CAO as above in the event of an allegation of serious misconduct involving the Mayor.

Town Council will:

- a. Maintain confidentiality of all matters regarding allegations and investigations should any or all members of Council become aware before, during or after the investigation of serious misconduct occurs.

Human Resources will:


- a. Promote awareness and understanding of the process;
- b. Provide guidance to employees on the interpretation of the process.

Procedures

The Whistleblower Program is managed by the CAO or designate, regarding the reporting and investigation of activities that may be considered a serious misconduct.

Employees

1. Reporting serious misconduct:
 - a. All employees have an obligation to report suspected acts or allegations of serious misconduct. Employees who knowingly fail to disclose information regarding a suspected act or allegations of serious misconduct will be held accountable and be subject to discipline.
 - b. Employees are not penalized for making a report in good faith of a suspected act or allegation of serious misconduct, even if the report is unfounded.
 - i) If, through an investigation, no evidence is found to support the claim, and it is determined that the report was lodged to cause harm or trouble for another individual, and not based on a good faith belief of impropriety, then the person who lodged the complaint will be dealt with accordingly, including potential disciplinary action.
 - c. The Town of Okotoks will ensure that employees reporting a suspected act or allegations of serious misconduct will be protected by maintaining confidentiality during and after the investigation is complete.
 - ii) Retaliation or other action taken against any employee who reports a

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suspected act or allegation of serious misconduct will be not be tolerated. Anyone engaging in retaliatory conduct will be subject to disciplinary action, up to and including termination.

- iii) Should the Whistleblower believe there has been any retaliation (harassment, intimidation, discipline, demotion, dismissal or threats to take action) as a direct result of the employee in good faith disclosing a perceived wrongdoing; the Whistleblower may make a complaint to the Strategic Leadership Team (SLT). The SLT will form an investigation committee comprised of members that does not include anyone involved in the initial investigation, who will be responsible for formally investigating this complaint and determining the appropriate action against the accused retaliator(s).


- d. The CAO has no obligation to investigate anonymous communications of a suspected act or allegation of serious misconduct.

2. Investigations

- a. The investigation team will be determined based on the nature of the suspected act or allegation of serious misconduct. The CAO will determine the appropriate internal or external resources required to undertake an impartial review of the allegations.
- b. Confidentiality - as noted in Personnel Policy Article 4 - the Code of Ethical Conduct, "*unauthorized disclosure of sensitive and/or confidential information*" is grounds for disciplinary action." This stipulation requires that all employees who have knowledge of or are participants in an investigation of a suspected act or allegation of serious misconduct must keep the details and results of the investigation confidential. Generally, communication and results of the investigation of a suspected act or allegation of serious misconduct will only be disclosed to those persons who have a need to know in order to properly carry out an investigation.

Members of the Public

A member of the public that has knowledge of the Town's operations and wishes to report an allegation of serious misconduct must provide their concerns in writing, containing the facts and any supporting evidence of the alleged serious misconduct. The written allegation must also be signed by the Whistleblower and include the Whistleblower's contact information. The Mayor, CAO or designate have no obligation to investigate anonymous communications of a suspected act or allegation of serious

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misconduct. This written allegation will be provided in a confidential manner directly to the appropriate Town of Okotoks official as indicated below.

1. Reporting serious misconduct if Against:
 - a. An employee, contractor, subcontractor or supplier of the Town of Okotoks - the allegation will be provided directly to the CAO or Interim CAO if the CAO is absent
 - b. The Mayor of the Town of Okotoks - the allegation will be provided directly to the CAO, who in turn will immediately inform the Deputy Mayor
 - c. A Councillor of the Town of Okotoks - the allegation will be provided directly to the Mayor

2. Investigations:

The CAO, Mayor or their designate where appropriate, will:

 - a. Acknowledge receipt of the information
 - b. Obtain any additional information if necessary
 - c. Ensure the investigation is conducted where warranted and that the confidentiality of the Whistleblower will be protected both during and after the investigation is complete, subject to the Town's obligations under FOIP
 - d. Advise the Whistleblower that the CAO or Mayor is not obligated to reveal the results of the investigation to the Whistleblower

3. Bad Faith Allegations:

Bad faith allegations and false accusations are not acceptable. A contractor, subcontractor, supplier or member of the public who files a report that alleges serious misconduct that proves to be unsubstantiated and made maliciously or that is knowingly false may be subject to legal action.