

Authority: Executive Committee Item 6.2,
as adopted by City of Toronto Council on June 14 and 15, 2011
Enacted by Council: June 15, 2011

CITY OF TORONTO

BY-LAW No. 818-2011

To amend City of Toronto Municipal Code Chapter 3, Accountability Officers, respecting the enactment of a Whistle Blower Protection Policy.

WHEREAS the City shall, in accordance with section 212(1) of the *City of Toronto Act, 2006*, S.O. 2006, as amended, adopt and maintain policies with respect to the manner in which it will try to ensure that it is accountable to the public for its actions, the manner in which it will try to ensure that its actions are transparent to the public and the manner in which it will ensure that the rights of persons affected by its decisions are dealt with fairly; and

WHEREAS Council has approved the adoption of a Whistle Blower Protection Policy pursuant to this requirement; and

WHEREAS Council authorized the preparation and introduction of any bills required to enact the Whistle Blower Protection Policy as a by-law under the City of Toronto Municipal Code; and

WHEREAS Council wishes to assign responsibilities under the Whistle Blower Protection Policy to the Auditor General related to a complaint to the Auditor General under the City's Fraud and Waste Hotline and to the Ombudsman related to a complaint of maladministration made to the Ombudsman;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 3-17, of The City of Toronto Municipal Code shall be amended by adding a new paragraph C so that the section shall now read as follows:

§ 3-17. Additional powers, duties and responsibilities.

- A. The Auditor General shall perform such other duties respecting audit matters as assigned by Council.
- B. The Auditor General shall disclose to Council any attempts at interference with the work of the Auditor General's office.
- C. The Auditor General shall investigate, in consultation with the City Manager, any allegation of reprisal under the Whistle Blower Protection Policy, adopted by Council and amended by it from time to time, resulting from any report to the City's Fraud and Waste Hotline and, where the allegation is substantiated, shall report the findings to the City Manager.

2. Section 3-30, of The City of Toronto Municipal Code shall be amended by adding paragraph C so that the section shall now read as follows:

§ 3-30. Responsibilities.

The Ombudsman is responsible for:

- A. Determining procedures related to the function.
- B. Investigating public complaints about decisions, actions or recommendations made or omitted in the course of implementing City policies and administering City services.
- C. Investigating any allegation of reprisal under the Whistle Blower Protection Policy, adopted by Council and amended by it from time to time, resulting from any complaint of maladministration made to the Ombudsman and, where the allegation is substantiated, reporting the findings to the City Manager.

ENACTED AND PASSED this 15th day of June, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)