

Human Resources Policies
Whistle Blower Protection Policy

Category: **Working Environment**



Policy Statement

The City of Toronto is committed to open, ethical, accountable and transparent local government.

It is in the public interest to maintain and enhance public confidence in the City and its employees, by providing for the disclosure of wrongdoing with respect to the City's operations.

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

Background Information

City of Toronto employees are expected to act with integrity as they apply judgement and discretion while serving the public and council. They are expected to use City property, services and resources responsibly in the execution of their duties. The Toronto Public Service Framework and Charter of Expectations for Employees, identify standards that are to be applied when carrying out their duties.

The Fraud Prevention Policy provides guidance and mechanisms for City of Toronto employees to report suspected misuses or misappropriation of city resources and assets. The effectiveness of any Fraud Prevention Program is dependent on employees being able to report suspected cases of wrongdoing without fear of reprisal for doing so.

Application

This policy provides protection from reprisal for all City of Toronto employees excluding the council appointed Accountability Officers (Auditor General, Integrity Commissioner, Lobbyist Registrar, and Ombudsman) and elected officials.

Definitions

City of Toronto employees

For the purpose of this policy, City of Toronto employees include all non-union management and exempt employees, all employees in the offices of elected officials and in the offices of the accountability officers, and all members of bargaining units.

Wrongdoing

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

- A violation of a City policy or council direction,
- Breaches of the Lobbying by-law,
- The misuse of public funds or City assets,
- A gross mismanagement of City resources.

Fraud

Fraud is defined in the Fraud Prevention Policy.

Waste

Waste is the gross mismanagement of City resources in a wilful, intentional or negligent manner that contravenes a City policy or direction by Council.

Whistle-Blower

A 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

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.

Implementation

No City of Toronto employee, elected official or council appointed accountability officer, shall take any action in reprisal or retaliation against an employee for making, or suspected of making, a complaint or allegation of wrongdoing in good faith.

A City of Toronto employee who believes that they are the subject of a reprisal, related to their reporting of wrongdoing, shall notify the Executive Director of Human Resources or the City Manager of the alleged reprisal for investigation.

Where a manager or supervisor is informed of, or becomes aware of, reprisals against an employee, as a result of a report of wrongdoing, the manager or supervisor will inform the Executive Director of Human Resources, or the City Manager.

Any allegations of reprisals will be the subject of investigation. Where an investigation substantiates the allegations of reprisals resulting from a report to the Fraud and Waste Hotline, the Auditor General will lead the investigation in consultation with the City Manager. A complaint of maladministration to the City's Ombudsman which may contain a whistle blowing aspect will be led by the Ombudsman in consultation with the City Manager or his designate.

Where an allegation arises outside the Fraud and Waste Hotline or complaint of maladministration to the Ombudsman, the investigation will be led by Human Resources in consultation with the City Solicitor. Investigations may be conducted by an independent external investigator if necessary.

Allegations of reprisals committed by an elected official under the code of conduct for members of council will be reported to the Integrity Commissioner by the City Manager.

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

The Executive Director of Human Resources, in consultation with the

City Solicitor, will recommend to the City Manager appropriate actions to take to stop, reverse or remedy a reprisal against an employee of the City of Toronto.

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 as determined by the Executive Director of Human Resources and the City Solicitor.

Approved by

City Council

Date Approved

Related Information

Fraud Prevention Policy
Conflict of Interest Policy
Code of Conduct for Members of Council