



THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

COUNCIL POLICY

Effective Date April 7, 2006	POLICY NO: 04.ADM
Amendment Date(s):	File No: 0340-50-2006-01
SUBJECT: WHISTLE BLOWER	
Department: Administration	

PURPOSE

To create and maintain a work environment with high standards of business and personal ethics.

To inform all employees of their responsibilities and opportunities to report conduct that falls below acceptable ethical standards.

To prevent retaliation against employees who report unacceptable conduct.

To enable employees to raise serious concerns within the District rather than seeking resolution outside the District.

APPLICATION

This policy applies to all employees of the District and members of Council.

DEFINITIONS

Baseless Allegation means an allegation of fraudulent or dishonest conduct made in bad faith of with reckless disregard for truth or falsity;

Code means the District of Central Saanich *Code of Ethics (Municipal Employees)*;

Fraudulent or Dishonest Conduct means a deliberate act or failure to act with the intention of obtaining an unauthorized benefit or some other improper purpose, and specifically includes acts prohibited under the Code. Examples of fraudulent or dishonest conduct include, but are not limited to:

- a) forging documents;
- b) unauthorized alteration or manipulation of computer files;
- c) fraudulent financial reporting;
- d) misappropriation or misuse of the District's resources, such as funds, supplies, materials, equipment, tools, vehicles, or other assets;
- e) misappropriation or misuse of the District's facilities;
- f) authorizing or receiving compensation for goods not received or services not performed;
- g) authorizing or receiving compensation for hours not worked; and
- h) unauthorized release of in camera or confidential information.

Informant means an employee who reports an allegation of fraudulent or dishonest conduct;

Retaliation includes, but is not limited to, threats of physical harm, harassment, and punitive work assignments, negative impacts on salary or wages, and job loss.

POLICY

The District of Central Saanich *Code of Ethics (Municipal Employees)* requires employees to conduct their duties with integrity, impartiality, and equality of service. The District is committed to creating and maintaining a work environment where high standards of business and personal ethics are observed.

The District believes that employees must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. All employees must report possible violations of the Code and other fraudulent or dishonest conduct in accordance with the Code and this Policy.

REPORTING PROCESS

An employee who knows or suspects that another employee or Council member has engaged, or plans to engage, in fraudulent or dishonest conduct, must immediately report this information as follows:

- 1) if the matter involves a colleague, the employee must report the information to the employee's direct supervisor;
- 2) if the matter involves a supervisor, the employee must report the information to the employee's department head;
- 3) if the matter involves a department head, the employee must report the information to the Administrator;
- 4) if the matter involves the Administrator, the employee must report the information to the Mayor;
- 5) if the matter involves the Mayor or another member of Council, the employee must report the information to the Administrator.

If an employee is not comfortable reporting his or her concern as set out above, the employee may approach any supervisor, manager, or Council member to report the concerns. That supervisor, manager, or Council member must then report the matter to the Administrator of the Mayor.

Department heads and supervisors must advise the Administrator of any suspected or reported allegations of fraudulent or dishonest conduct. If the concern involves an allegation of fraud or theft, the Director of Financial Services must also be advised of the matter. The Director of Financial Services will determine whether the matter must be reported to the District's auditors.

All allegations will be investigated in an impartial and timely manner. The Administrator has the authority to investigate the allegation or to designate an appropriate internal or external investigator to conduct the investigation. The investigator will interview the informant and may take any other steps he or she thinks necessary to make a fair determination of whether fraudulent or dishonest conduct has occurred or may occur.

Where the investigation reveals that an employee or member of Council has engaged in, or planned to engage in, fraudulent or dishonest conduct, the following forms of corrective or preventative action, without limitation, may be recommended:

- a) education and training for the person whose conduct is found to be fraudulent or dishonest;
- b) review and modification of District policies, procedures and practices, if necessary, to ensure they better address or prevent future fraudulent or dishonest conduct;
- c) notification of Council, the District's auditors and appropriate law enforcement authorities or other oversight bodies;
- d) disciplinary action, up to and including dismissal.

In all cases, corrective or preventative action will be appropriate to the situation. When determining appropriate action, the following factors, without limitation, may be considered:

- a) the nature and seriousness of the fraudulent or dishonest conduct;
- b) whether the fraudulent or dishonest conduct was a single or repeated act;
- c) the duties and responsibilities of the District to report fraudulent and dishonest conduct to other people or agencies;
- d) the personnel record of the employee whose conduct is found to be fraudulent or dishonest.

NO RETALIATION

An informant who, in good faith, reports suspected fraudulent or dishonest conduct will not suffer harassment, relation or adverse employment consequences.

District employees and members of Council must not retaliate against an informant. Informants who believe they have been retaliated against may file a written complaint with the Administrator. If the employee believes the retaliation involves the Administrator or a member of council, the individual may file a written complaint with the Mayor. A disciplinary action, up to and including dismissal, against the individual engaging in retaliation.

This protection does not interfere with the rights and responsibilities of managers and supervisors, and the Administrator to take action, including disciplinary action, in the usual scope of their duties.

BASELESS ALLEGATIONS

The District recognizes that not every complaint will reveal fraudulent or dishonest conduct. Determining whether a particular incident is fraudulent or dishonest will require a full investigation to obtain relevant facts and background information that may not be available to an informant.

Informants must be careful to avoid making baseless allegations of fraudulent or dishonest conduct. Baseless allegations can have serious, negative effects on innocent parties. If, after investigating and allegation, the Administrator or a designated investigator determines it is a baseless allegation, disciplinary action may be taken against the informant.

CONFIDENTIALITY

The District will use best efforts to protect the confidentiality of informant and protect informants from retaliation by other employees and Council members. However, it cannot guarantee confidentiality, and there is not such thing as an "unofficial" or "off the record" report. The District will keep the informant's information confidential unless:

- a) the person agrees to be identified;
- b) identification is necessary to allow the District or law enforcement officials to investigate or

- respond effectively to the allegation;
- c) identification is required by the law; or
- d) the person accused of fraudulent or dishonest conduct is entitled to the information to ensure fairness in investigations and disciplinary proceedings.

In order to encourage employees to report concerns under this policy, the District will investigate anonymous complaints. However, it must be recognized that the District will be limited in its ability to thoroughly investigate complaints made on this basis.