

# Guide to Implementing Whistleblowing in Saskatchewan Municipalities



# Table of Contents

<b>Introduction and Purpose of this Guide</b> .....	1
<b>Existing Legislative Framework</b> .....	2
<b>Municipal Considerations</b> .....	3
Establishing Authority - Bylaw, Resolution, Policy? .....	3
Demonstrating Commitment and Leadership .....	4
Including the Important Elements .....	4
<b>Administration of the Bylaw</b> .....	5
<b>Management of Disclosure Types</b> .....	7
<b>Other Considerations</b> .....	7
<b>Putting it All Together</b> .....	8
<b>Where to Get More Information</b> .....	11

## Disclaimer

This publication is a guide for municipalities considering the development of a bylaw or policy for whistleblower protection for their employees. It is not intended to be a legal reference.

Municipalities are advised to consult a solicitor to obtain legal advice with respect to the legislative references in the document and with respect to drafting these bylaws and/or policies.

## Introduction and Purpose of this Guide

Whistleblower protection is defined as legal protection from discriminatory or disciplinary action for employees who disclose wrongdoing of any kind in the context of their workplace in good faith<sup>1</sup> and to a competent authority. A whistleblowing legal framework in addition to policy and procedures is increasingly seen as a critical element of internal control and public accountability and trust for corporations of all kinds: public; private; non-profit; for profit.

Government, the Saskatchewan Association of Rural Municipalities (SARM), the Rural Municipal Administrators' Association (RMAA), the Saskatchewan Urban Municipalities Association (SUMA), the Urban Municipal Administrators Association of Saskatchewan (UMAAS) and New North believe it is important to encourage municipal employees to disclose wrongdoing and to protect those who do from reprisal. Good governance and administration benefits everyone.

It is also important to note that municipal employees, like all employees in Saskatchewan, currently have rights and protection from reprisal under federal and provincial legislation, such as *The Saskatchewan Employment Act* and the *Criminal Code (Canada)*. Municipal bylaws and/or policies can build on these existing rights and protections and provide an opportunity for internal disclosure, reporting and resolution before an employee feels the need to report a matter to provincial or federal authorities.

This document has been prepared to serve as a guide for municipalities and their employees to better understand the existing legislative protection and frameworks in place in Saskatchewan regarding whistleblowing and to consider additional internal measures to support this framework and further protect their employees. Municipalities are advised to consult a solicitor to obtain legal advice regarding bylaws and policies developed in this regard.

### Definition of whistleblower protection

“Legal protection from discriminatory or disciplinary action for employees who disclose to the competent authorities in good faith and on reasonable grounds wrongdoing of whatever kind in the context of their workplace. “ (OECD 2016. *Committing to Effective Whistleblower Protection*)

---

1 — The OECD, in its document *REVISITING WHISTLEBLOWER PROTECTION IN OECD COUNTRIES: FROM COMMITMENTS TO EFFECTIVE PROTECTION* (2014) (p.14), discusses good faith as ‘ A principal requirement in most whistleblower protection legislation is that the disclosures be made in “good faith” and on “reasonable grounds.” Accordingly, protection is afforded to an individual who makes a disclosure based upon his or her belief that the information disclosed evidenced one of the identified conditions in the given statute, even if the individual’s belief is incorrect. Under US law, the test for determining whether a purported whistleblower had a “reasonable belief” is based on whether “a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee reasonably conclude that the actions of the government” evidence the wrongdoing as defined by the statute (United States Court of Appeals Federal Circuit, 1999). In Japan, whistleblowing protected by the act has to be made “without a purpose of obtaining a wrongful gain, a purpose of causing damages to others, or any other wrongful purpose.”’

Source: [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/PGC/ETH\(2014\)4&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/PGC/ETH(2014)4&docLanguage=En)

## Existing Legislative Framework

Saskatchewan is among seven provinces and one territory that have legislation respecting whistleblower protection. *The Public Interest Disclosure Act* (PIDA) was proclaimed in 2011 to protect Government of Saskatchewan employees who disclose wrongdoing that occurred in their workplace as it relates to the public interest. PIDA applies to all employees of government ministries, Crown corporations, as well as a large number of other government agencies, boards and commissions.

Saskatchewan does not include municipalities as a public entity under PIDA, which is consistent with all other jurisdictions in Canada.

The current legislation contains some measures and options that could help to protect municipal employees in whistleblower situations.

1. *The Saskatchewan Employment Act* (SEA). The SEA provides protection to municipal employees (see section 2-42). The SEA stands on its own authority so there is no need for explicit links in the municipal legislation to protect municipal employees.

The SEA provides protection to employees who report any activity that is likely to result in an offence under a provincial or federal Act. This would include offences for members of council who fail to discharge the duties of office imposed by the municipal Acts, including failing to declare/disclose a conflict of interest or meet public disclosure requirements. It would also include a member of council obstructing, impeding or interfering with an employee of the municipality exercising any powers, obligations or duties under the Act or a bylaw.

A municipal employee can report to a supervisor at the municipality, the police or to the Ministry of Labour Relations and Workplace Safety. The SEA has a well-established and staffed investigation process.

The SEA then prohibits an employer (i.e. the municipality or municipal council) from taking any discriminatory action against an employee who makes a report. A discriminatory action is defined (clause 2-1(d)) to include any action or threat of action that would adversely affect an employee with respect to their terms of employment. This includes termination, suspension, demotion, transfer, changing hours, wages, intimidation or any discipline.

Sections 2-95, 2-96 and 2-97 of the SEA make it an offence for an employer to take discriminatory action against an employee and if the employer is convicted, the employer can be fined up to \$10,000. The courts can also award that the employee be reinstated.

Municipalities and municipal employees are encouraged to contact the Ministry of Labour Relations and Workplace Safety if they have any questions or require more information about the existing protections under *The Saskatchewan Employment Act*. The following link to the different provisions of the Act is also a good source of information for employers and employees:

<https://www.saskatchewan.ca/business/employment-standards>



2. *The Criminal Code (Canada)* – Section 425.1 of this federal legislation makes it a criminal offence for employers, anyone acting on behalf of an employer, or a person in a position of authority over an employee, to make employment-related threats, such as job loss or demotion, disciplinary action, or otherwise adversely affect the employee's employment for providing information about offences against federal or provincial legislation. Employees are protected if they approach a law enforcement authority (vs the media or another entity). The code provides for a maximum term of imprisonment of five years.
3. Locally established procedures and protections. Municipalities have the general authority to create a policy or include in a bylaw provisions pertaining to disclosure and whistleblower protection by virtue of natural person powers for corporate matters and bylaw making authority for the peace, order and good government of the municipality. A number of municipalities across Canada have used this authority to incorporate whistleblower protection into their employee codes of conduct, similar to business corporations. Many municipal harassment-free workplace policies include processes and procedures that could be easily adapted for whistleblower policies. The Harassment Prevention Guide at: <https://www.saskatchewan.ca/business/safety-in-the-workplace/hazards-and-prevention/bullying-and-harassment-in-the-workplace> provides guidance in developing harassment policies and sample harassment policies, forms and statements. In addition, at least one Saskatchewan municipality, the City of Regina, has incorporated provisions into their Code of Ethics bylaw prohibiting reprisal or obstruction against persons initiating a complaint or inquiry regarding a potential contravention by a member of council. Links to these policies, procedures, bylaws and codes of conduct/ethics are easily accessed on the internet. Some links are included on pages 11-13 of this guide for easy reference.

## Municipal Considerations

### Establishing Authority- Bylaw, Resolution, Policy?

*The Municipalities Act, The Cities Act and The Northern Municipalities Act, 2010* give municipalities general authority to pass bylaws within their areas of jurisdiction. The formalities of passing of a resolution are less restrictive than those for the passing of a bylaw. Resolutions typically deal with matters of a routine, administrative nature such as adjourning a meeting or appointing an auditor and other policies. Council will use a bylaw for more important matters such as those affecting the public or regulating an activity. A bylaw is advisable for matters that may require the intervention of the courts for enforcement.

A review of other jurisdictions shows that municipalities have used both bylaws and policies and procedures to enable whistleblowing protection for their employees.

**A public statement of support** demonstrates a municipality's commitment to the public and its employees. This can be included in the bylaw and the preamble to the policy. A statement of support could look like:

"Council fully supports whistleblowing and is committed to protecting whistleblowers, the important information they provide and more widely, the integrity of the whistleblowing processes. All persons who are considering reporting their concerns in good faith can be assured that your concerns will be taken seriously, your identity will be protected and, as an employee of our municipality you will be protected from detrimental treatment, retaliation or employment harassment."

(Adapted from Thompson Reuters Benchmarks Whistleblowing Statement – <https://financial.thomsonreuters.com/content/dam/openweb/documents/pdf/financial/whistleblowing-statement-reporting-suspicious-activity.pdf> )

It is important to consider the benefits of providing protection for whistleblowers through a form of local legislation (bylaw) rather than policy. It is not only enforceable by law but is a highly visible demonstration of council's commitment to governing in the public interest.

## Demonstrating Commitment and Leadership

Whistleblower protection policies and programs are important elements in preventing and detecting corrupt, illegal or other undesirable conduct within an organization. In private and public sector organizations they are viewed as a critical component of the internal control system and the effective achievement of good governance.

As effective whistleblower program can also support a healthier and safer work environment and improved employee morale.

Whistleblower policies demonstrate to both the public and employees that municipal council is taking its governance obligations seriously.

## Including the Important Elements

An overview of the important elements that should be included in a whistleblowing bylaw or policy includes the following:

### 1. Designating a senior staff member

(usually City Manager, City Solicitor, Director of Audit Services in large municipalities, or Administrator in smaller municipalities) as the accountable or designated officer for the purposes of:

- a. coordinating the disclosure process;
- b. carrying out an investigation;
- c. providing the results and recommendations coming from the investigation to council;
- d. appropriately communicating the results to the whistleblower; and
- e. ensuring confidential processes, including filing and tracking are in place.

They would also take steps necessary to protect the identity of the whistleblower and the person subject to the disclosure and protect employees involved in the disclosure from reprisal.

**2. Outlining the roles and responsibilities** of the accountable officer, the municipal council, the employee disclosing, the employee's supervisor and/or manager, and any employee or council member as it relates to the accountable officer's role in carrying out his/her responsibilities.

**3. Ensuring confidentiality at all stages** for all employees involved in the entire process. It is important to set up procedures from the start of the process that consider things such as maintaining complete confidentiality in conversations among staff, establishing and maintaining effective and confidential disclosure processes, documents and document and conversation security, and confidential and effective processes to investigate disclosures.

### Examples of What NOT to Do

- Forward the disclosure through the chain of command so as many people as possible know about it
- Allowing personal biases about the whistleblower influence the assessment of the disclosure
- Not taking the whistleblower's concerns about reprisal seriously
- Interpreting natural justice to mean that a person has an immediate right to know when a disclosure has been made about them and who made it
- Ignoring potential conflicts of interest when deciding who should assess or investigate the disclosure
- Delaying the investigation as long as possible so any evidence of wrongdoing can be altered or destroyed

4. **Ensuring a process is designed to receive complaints.** Consider how an employee can get advice about making a disclosure, what is required of them to make a formal disclosure, how confidentiality will be maintained, the distinction between a wrongdoing and a grievance. Often a toll-free number or web-based contact form is used to provide an avenue to make a disclosure as well as the information needed for a formal disclosure. Consider also how an employee can get advice and make a disclosure if the accountable or designated officer is the individual who is the subject of the disclosure.
5. **Ensuring a process is designed to investigate complaints.** An investigative process is systematic and well documented. Timeliness, objectivity, discretion, confidentiality and procedural fairness are critical. Selection of resources, skills and experience will be important to meet these critical needs.
6. **Protection against reprisal.** A key reason for developing the bylaw is to protect those disclosing a wrongdoing, in good faith, from reprisal. Reprisal is taking any adverse employment action, or directing someone to take such an action, or making a threat about taking such an action, against an employee who is seeking advice about making a disclosure of wrongdoing, making a disclosure of wrongdoing, or who participates in an investigation into a disclosure of wrongdoing. Processes for bringing forward complaints of reprisal and investigation of reprisal should be established.
7. **Offences are defined and penalties are established and enforceable.** Offences most commonly refer to making false or misleading statements, obstructing the designated officer or anyone delegated by the officer in the performance of any of their duties under the bylaw, or destroying, concealing or falsifying documents. This includes directing someone to commit any of these offences. Penalties can be consistent with the current provisions in the municipal legislation.
8. **Reporting to council and public accountability.** In larger municipalities it may be appropriate to provide an annual statistical report to council, and made available publicly, including items such as number of disclosures received, the number acted on and number not acted on. It could also include the number of investigations undertaken and the number that resulted in a finding of wrongdoing. In the case of a finding of wrongdoing, a description of the wrongdoing and recommendations/corrective action taken should be described. For smaller municipalities, an annual report may not be practical. However, in any instance of an investigation the results should be reported and made public.

## Administration of the Bylaw

Council may appoint an individual, a committee or hire a professional individual or organization to carry out the functional responsibilities of the bylaw.

There are a few ways in which this resourcing can be approached. Larger municipalities may have sufficient staff at senior levels that division of duties and alternatives to the designated local officer could be resourced within the current staff complement. For smaller municipalities, opportunities exist to partner with other municipalities to hire an individual to do this work on their behalf. A third party ethics or whistleblower reporting company could be contracted by individual municipalities, a collective of municipalities or the Associations to provide confidential telephone and on-line disclosures, and, if necessary, the investigations as well. Large municipalities can use such an organization for the disclosures and then undertake the investigations through an internal designated officer.

It is important that the formal assignment of these responsibilities include the practical application of the key elements listed above such as:

- **Being the point of contact** for general advice and guidance about the operation of the bylaw and the municipality's process
- **Making sure the objectives and intent of the bylaw**, as well as the process involved is communicated frequently and publicly
- **Designing the disclosure process.** Some considerations include:
  - » Establish a policy for handling disclosures – timing to investigation, communication with complainant, confidential tracking and filing system.
  - » Determine the information that will be needed to assess the disclosure. From this information determine the forms to be used and the method of disclosure (web based form, hard copy form confidentially mailed or emailed).
  - » Design a procedure for assessing the disclosure. Consider how to determine its validity given the information provided. Are there critical issues that may require immediate action (danger to public, environment, criminal actions – see section on “Management of Disclosure Types”, below)? Is this a subject that could be more effectively managed through another process or requires reporting under another process (grievance, offence under The Saskatchewan Employment Act as examples)? Assessment of the risk of reprisal and steps to take if the risk is not low. What is the rationale for proceeding to an investigation?
- Impartially **assessing each disclosure**, and coordinating the disclosure process
- **Designing the investigation process.** Some considerations include:
  - » Establish a policy for handling investigations – target timing to conclude investigation, how will an investigator be chosen (internal or external), communication protocols with complainant, witnesses, individual under investigation, and others (council and other employees), maintaining confidentiality and objectivity, maintaining procedural fairness, documenting testimony and evidence, communication of results and recommendations
  - » Design a procedure for undertaking investigations. Since investigations are systematic, document the steps required such as establishing a terms of reference (and what to include), establishing the investigation team, developing an investigation plan, documenting the investigation, reporting on progress and conclusion
- Carrying out or appointing someone to **carry out an investigation**. Where someone has been delegated the authority to carry out an investigation, oversee and coordinate the investigation
- **Review the results** of the investigation and **provide the findings and recommendations** to council
- **Protect the complainant, witnesses and all investigation participants from reprisal.** A process to file a complaint of reprisal should be developed and well communicated. The communication can include what is considered reprisal, including some examples to illustrate cases, so it is clear to all employees and elected officials what reprisal looks like.



- **Establish and/or communicate supports** for the whistleblower, witnesses and the person against whom the disclosure is made. Maintaining confidentiality and regular communication with the whistleblower is important. Confidentiality for witnesses and reassurance that reprisal against them is also prohibited are key areas of support. The person against whom the disclosure has been made is also supported by the confidentiality requirements and procedures for the investigation should follow the principles of natural justice and make sure unnecessary harm is not done to that individual as a result. The accountable or designated officer should provide confidential advice to any employee considering disclosure of a wrongdoing. SUMA and SARM have Employee and Family Assistance Programs available through their group benefits programs. These programs can be a good source of additional employee support if needed.

## Management of Disclosure Types

- **Disclosure processes and procedures typically require the complainant identify themselves** so that this individual can provide evidence and identify witnesses so the designated officer can assess if an investigation should be undertaken.

Maintaining confidentiality of the identity of the complainant, the witnesses identified and the individual(s) subject to the disclosure is critical to maintain the integrity of the processes. Protecting the complainant and witnesses against reprisal will ensure the effectiveness of the entire process.

It is important, however, to be realistic with individuals making disclosures about possible circumstances where confidentiality may not be maintained. For example, if the person making the disclosure reveals their own identity this is outside of the control of the investigator.

- Some organizations will accept **anonymous disclosures** as they believe this will provide a strong incentive for whistleblowers to come forward. Anonymity may encourage reporting but many times these disclosures do not contain enough specific information to undertake an investigation.

If an organization is prepared to accept anonymous disclosures it may want to be clear that there may not be an investigation unless certain specific information is provided with the disclosure. This may also reduce the risk of anonymous disclosures that are not made in good faith.

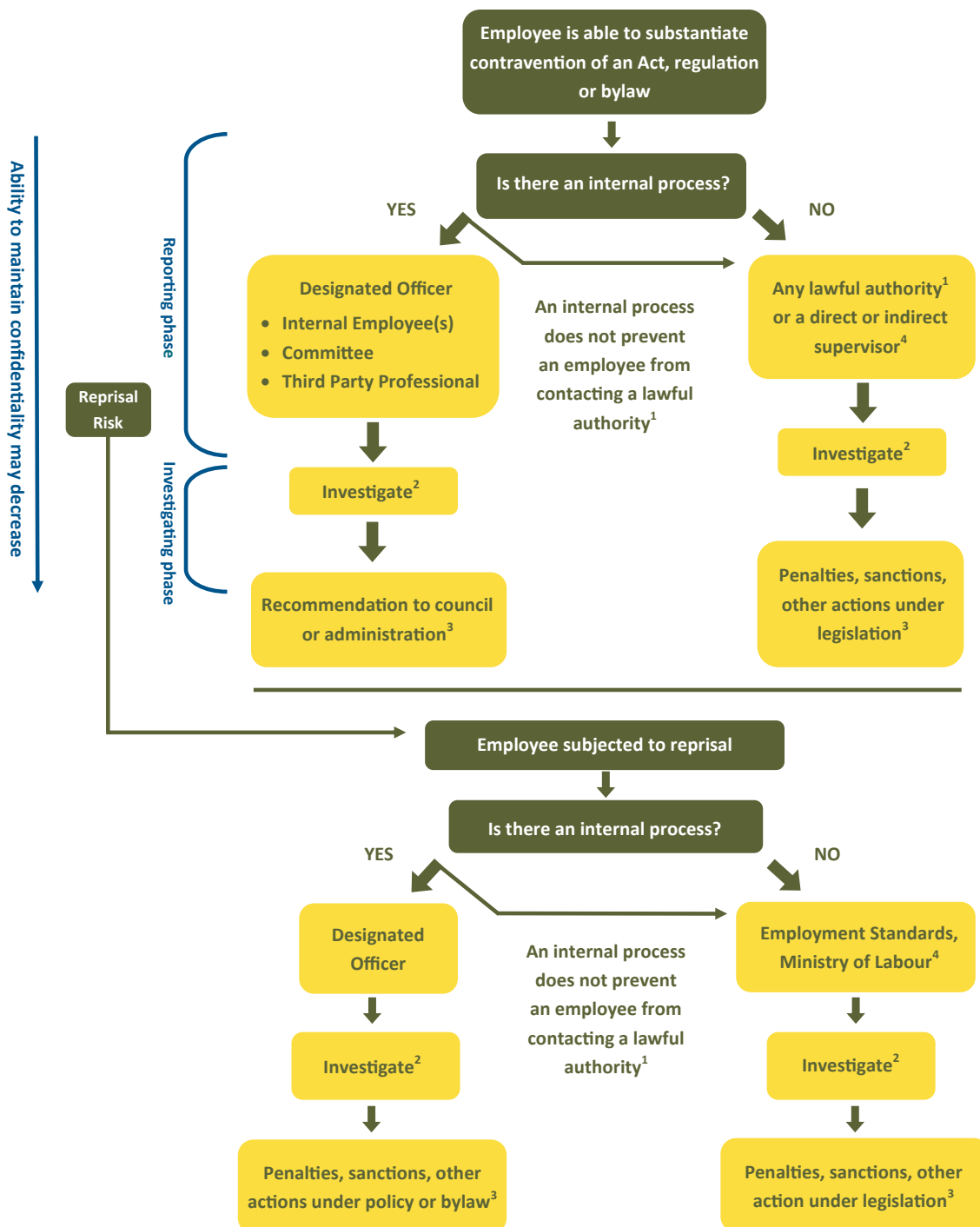
- **Imminent risk** is a situation that requires an immediate response because it could pose a significant risk to public health, or safety or a danger to the environment. A clear disclosure protocol, developed in conjunction with legal counsel, should be broadly communicated so in these situations the proper authorities (law enforcement, public health authorities) are contacted immediately.

## Other Considerations

- **Comprehensive early communication and ongoing reinforcement of the policy.** An important part of the designated officer's role will be to design and implement, with council's support, a communication roll out strategy for the bylaw. This should include updates for orientation of new councilors and staff. Ongoing, regular communication will be important.
- **Orientation for councilors and comprehensive training** for all staff charged with the responsibility of administering the bylaw. The designated officer should be required to keep current on emerging issues related to whistleblowing and aware of promising practices.
- **Regularly scheduled, comprehensive review of the policies and procedures.** Establishing the review timelines and the elements to be included in the review should be a part of the original policy that accompanies the bylaws.

## Putting It All Together

1. With the existing legislative framework and potential internal bylaws or policies a municipality may choose to adopt, the following illustrates a potential path an employee may take in reporting and resolving a matter of potential wrongdoing.



<sup>1</sup> Lawful authority is any person whose duties include enforcement of the legislation that has been contravened and who have it in their power to investigate the contravention.

<sup>2</sup> If warranted. May recommend to another authority (example: Occupational Health & Safety).

<sup>3</sup> If investigation substantiates complaint.

<sup>4</sup> Protections under *The Saskatchewan Employment Act*.

2. With the current legislation, the following summarizes some of the sources of authority for municipalities to develop whistleblower by-laws, resolutions or policies or potential authorities for employees to report and resolve potential wrongdoing.

Important Elements	Summary of Sources of Legislative Authority	✓
<ul style="list-style-type: none"> <li>Statement of support for whistleblowers</li> <li>Purpose of the policy and procedures</li> <li>Definition of key terms</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s.4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA (s. 2-1 (d)) defines discriminatory action.</li> </ul>	
<ul style="list-style-type: none"> <li>Roles and responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6) with respect to bylaws, resolutions, policy.</li> <li>SEA (s. 2-42) responsibilities of employer to comply with SEA and prohibition against disciplining employees for whistleblowing.</li> </ul>	
<ul style="list-style-type: none"> <li>Receiving and assessing disclosures</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA (s. 2-42) employee may report an offence under legislation to a lawful authority without being disciplined.</li> </ul>	
<ul style="list-style-type: none"> <li>Dealing with anonymous disclosures</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6)</li> </ul>	
<ul style="list-style-type: none"> <li>Dealing with imminent risk</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA (s. 2-42)</li> <li>Municipal Emergency Coordinator – must be appointed under The Emergency Planning Act</li> </ul>	
<ul style="list-style-type: none"> <li>Investigations</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA Part II, Div. 6</li> </ul>	
<ul style="list-style-type: none"> <li>Action taken after investigation</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA Part II, Div. 6 and s. 2-95</li> </ul>	
<ul style="list-style-type: none"> <li>Timelines</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA Part II, Div. 6</li> </ul>	
<ul style="list-style-type: none"> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> </ul>	
<ul style="list-style-type: none"> <li>Protection from reprisal</li> </ul>	<ul style="list-style-type: none"> <li>MA (s. 4, 5, 6), CA (s. 4, 5, 6), NMA (s. 4, 5, 6).</li> <li>SEA (sec. 2-42) employee may report an offence under legislation to a lawful authority without being disciplined.</li> </ul>	
<ul style="list-style-type: none"> <li>Managing the welfare of the whistleblower and the person against whom the disclosure is made</li> </ul>	<ul style="list-style-type: none"> <li>MA (secs. 4, 5, 6), CA (secs. 4, 5, 6), NMA (secs. 4, 5, 6).</li> </ul>	
<ul style="list-style-type: none"> <li>Offences</li> </ul>	<ul style="list-style-type: none"> <li>MA (secs. 4, 5, 6), CA (secs. 4, 5, 6), NMA (secs. 4, 5, 6).</li> <li>SEA (s.2-95)</li> </ul>	
<ul style="list-style-type: none"> <li>Reporting – collating and publishing statistics</li> </ul>	<ul style="list-style-type: none"> <li>MA (secs. 4, 5, 6), CA (secs. 4, 5, 6), NMA (secs. 4, 5, 6).</li> </ul>	
<ul style="list-style-type: none"> <li>Training and regular policy review</li> </ul>	<ul style="list-style-type: none"> <li>MA (secs. 4, 5, 6), CA (secs. 4, 5, 6), NMA (secs. 4, 5, 6).</li> <li>Training on provisions of SEA <a href="https://www.saskatchewan.ca/business/employment-standards">https://www.saskatchewan.ca/business/employment-standards</a></li> </ul>	

3. There are a number of options to provide capacity to support whistleblower by-laws, resolutions or policies.

Important Elements	Summary of Capacity Options	✓
<ul style="list-style-type: none"> <li>The disclosure process. Receiving and assessing disclosures</li> </ul>	<ul style="list-style-type: none"> <li>In house when there are sufficient senior staff to provide alternatives to the local designated officer</li> <li>In house in partnership with one or more other municipalities</li> <li>In house using a regional approach among a number of municipalities</li> <li>A third party ethics or whistleblower reporting organization contracted by individual municipalities, a collective of municipalities, or SUMA/SARM/UMAAS/RMAA on behalf of their members</li> </ul>	
<ul style="list-style-type: none"> <li>Dealing with anonymous disclosures</li> </ul>		
<ul style="list-style-type: none"> <li>Training and regular policy review</li> </ul>		
<ul style="list-style-type: none"> <li>Reporting – collating and publishing statistics</li> </ul>		
<ul style="list-style-type: none"> <li>Investigations</li> </ul>	<ul style="list-style-type: none"> <li>In house when there are sufficient senior staff to provide alternatives to the local designated officer</li> <li>In house in partnership with one or more other municipalities</li> <li>In house using a regional approach among a number of municipalities</li> <li>In house by SUMA/SARM/UMAAS/RMAA on behalf of their members</li> <li>An independent investigator hired on a case by case basis or a third party ethics or whistleblower reporting organization contracted by individual municipalities, a collective of municipalities, or SUMA/SARM/UMAAS/RMAA on behalf of their members</li> </ul>	
<ul style="list-style-type: none"> <li>Action taken after investigation</li> </ul>	<ul style="list-style-type: none"> <li>Report and recommendation from investigator (regardless of option chosen to resource investigation) presented to council for required action.</li> </ul>	
<ul style="list-style-type: none"> <li>Confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>All capacity options noted above provide an opportunity for some degree of confidentiality.</li> <li>Confidentiality in municipalities with very few employees is impractical to apply regardless of disclosure and investigation capacity option. <b>That is why prohibition against reprisal and appropriate penalties and consequences for perpetrator(s) is critical.</b></li> </ul>	
<ul style="list-style-type: none"> <li>Managing the welfare of the whistleblower and the person against whom the disclosure is made</li> </ul>	<ul style="list-style-type: none"> <li>In house when there is an employee assistance plan and sufficient confidential human resource service support.</li> <li>In house in partnership with one or more other municipalities</li> <li>In house using a regional approach among a number of municipalities.</li> <li>In house by SUMA/SARM/UMAAS/RMAA on behalf of their members.</li> <li>An independent human resource service support organization contracted by individual municipalities, a collective of municipalities, or SUMA/SARM/UMAAS/RMAA on behalf of their members. A third party ethics or whistleblower reporting organization may offer this service in conjunction with disclosure/investigative services.</li> </ul>	



## Where to Get More Information

The following are sites for examples of existing whistleblowing or disclosure bylaws/policies:

Lac La Biche County (AB) (Pop. 8,330, 2016)

<http://www.laclabichecounty.com/home/showdocument?id=1407>

Strathcona County (AB) (Pop. 98,044, 2016) – applies to employees only

<https://www.strathcona.ca/files/files/attachment-lls-mph-hum-001-001-employee-conduct-and-code-of-ethics.pdf>

Regional Municipality of Wood Buffalo (AB) (Pop. 71,589, 2016). Link includes FAQs and policy.

<https://www.rmwb.ca/Municipal-Government/Mayor-and-Council/Council-Policies/Whistleblower-Program/FAQ.htm>

Municipal District of Sooke (BC) (Pop. 13,001, 2016)

[https://sooke.ca/wp-content/uploads/policies/7\\_12-Whistleblower-Policy.pdf](https://sooke.ca/wp-content/uploads/policies/7_12-Whistleblower-Policy.pdf)

City of Hamilton (ON) (Pop. 536,917, 2016)

<http://www2.hamilton.ca/NR/rdonlyres/84A8C519-B0EA-4073-BB86-ACD3BD55209D/0/WhistleBlowerByLawFinal.pdf>

Town of Taber (AB) (Pop. 8,428, 2016)

<https://www.taber.ca/DocumentCenter/View/1130>

City of St. John's (NL) (Pop. 108,860, 2016)

<http://www.stjohns.ca/bylaws.nsf/nwByLawNum/1552>

City of Welland (ON) (Pop. 52,293, 2016)

<https://www.welland.ca/Bylaws/Policies/HUM-001-0030.pdf>

Municipal District of Greenview (AB) (Pop. 5,583, 2016)

<http://mdgreenview.ab.ca/wp-content/uploads/2013/12/2003-Whistleblower1.pdf> and

<http://mdgreenview.ab.ca/wp-content/uploads/2013/12/2003-01-Whistleblower1.pdf>

The following are sites for examples of existing harassment-free workplace bylaws/policies:

City of Toronto (ON) (Pop. 2.81M, 2016)

<https://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13239.pdf>

RM of Sherwood (SK) (Pop. 974, 2016) – Code of Conduct Bylaw including anti-harassment

<http://rmofsherwood.ca/wp-content/uploads/2015/09/Bylaw-No.-04-15-A-Bylaw-to-Provide-for-a-Code-of-Conduct-for-Members-of-Council.pdf>

Village of Torquay (SK) (Pop. 255, 2016)

<http://www.villageoftorquay.com/pdf/VillageOfTorquay-Anti-Harassment-Policy.pdf>

City of Saskatoon (SK) (Pop. 246,376, 2016) - Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration. Includes language very similar to prohibition of sanctions and reprisals for whistleblowers.

<https://www.saskatoon.ca/sites/default/files/documents/city-clerk/civic-policies/C01-025.pdf>

Municipal District of Sooke (BC) (Pop. 13,001, 2016)

[https://sooke.ca/wp-content/uploads/policies/7\\_13-Anti-Harassment-Policy.pdf](https://sooke.ca/wp-content/uploads/policies/7_13-Anti-Harassment-Policy.pdf)

RM of Estevan (SK) (Pop. 1,370, 2016) – Policy Manual. Page 29 Harassment Policy

<http://rmestevan.ca/+pub/Policy%20Manual%202014%20rev.pdf>

RM of Corman Park (SK) (Pop. 8,568, 2016) Respectful Workplace Policy

<https://www.rmormancanpark.ca/DocumentCenter/Home/View/270>

RM of Whitehead (MB) (Pop. 1,661, 2016)

<http://www.rmofwhitehead.ca/harrassment.pdf>

Brazeau County (AB) (Pop. 7,771, 2016)

<http://library.brazeau.ab.ca/index.php/policies/1757-per-11-workplace-harassment-policy/file>

RM of McKillop (SK) (Pop. 732, 2016)

[https://www.rmofmckillop220.com/mrws/filedriver/minutes/July\\_27\\_2016.pdf](https://www.rmofmckillop220.com/mrws/filedriver/minutes/July_27_2016.pdf)

Town of Kindersley (SK) (Pop. 4,571, 2016) Respectful workplace and harassment policy pp 96 – 113 of following link. Uses SEA definition of harassment. Documented reporting and investigation process.

<https://kindersley.ca/getFileByName/Town%20of%20Kindersley%20Governance%20Policy%20Updated%202017.pdf>

Town of High Level (AB) (Pop. 3,159, 2016)

<https://www.highlevel.ca/DocumentCenter/Home/View/168>

### **Other sites of interest of interest on whistleblowing:**

SaskEnergy Whistleblower Policy – includes protection from retaliation by agents or contractors of SaskEnergy.

[http://www.saskenergy.com/about\\_saskenergy/attachments/BusinessConductPolicy.pdf](http://www.saskenergy.com/about_saskenergy/attachments/BusinessConductPolicy.pdf)

Saskatoon Health Region Protection of Persons Reporting Wrongdoing Policy and Procedure.

<https://www.saskatoonhealthregion.ca/about/RWPolicies/7311-10-003.pdf>

Town of Okotoks Governance Review – rationale for whistleblowing policies pp 17 - 18. Note that author of the review also provides third party public interest disclosure (whistleblowing services).

[https://www.okotoks.ca/sites/default/files/pdfs/publications/3829\\_Town\\_of\\_Okotoks\\_Governance\\_Review\\_Report\\_Sep\\_30\\_2013.pdf](https://www.okotoks.ca/sites/default/files/pdfs/publications/3829_Town_of_Okotoks_Governance_Review_Report_Sep_30_2013.pdf)

International Standards for Whistleblowing Legislation [https://www.transparency.org/whatwedo/publication/international\\_principles\\_for\\_whistleblower\\_legislation](https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation)

(International) Local Governance Integrity – Principles and Standards [http://www.law.columbia.edu/sites/default/files/microsites/public-integrity/files/shifting\\_landscapes\\_panel\\_cle\\_materials.pdf](http://www.law.columbia.edu/sites/default/files/microsites/public-integrity/files/shifting_landscapes_panel_cle_materials.pdf)