



## CITY OF YELLOWKNIFE

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Policy Title: **WHISTLEBLOWER POLICY**  
Approved By: **Council Motion #0238-17**  
Effective Date: **December 1, 2017**

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### 1 PURPOSE

The purpose of this policy is to create and maintain an ethically sound and transparent environment in which employees can report allegations of serious misconduct, ethical concerns or illegal acts without fear of reprisal.

### 2 POLICY

(Motion #0238-17)

It is the policy of the City of Yellowknife to provide a safe and neutral process to address allegations of serious misconduct, ethical concerns or illegal acts. The Whistleblower Policy is intended to address complaints of a serious nature such as illegal acts and serious breaches of the City's Ethical Conduct for City of Yellowknife Employees guidelines or the Ethical Principles and Rules of Conduct for Members of Yellowknife City Council. The Policy provides an environment where reporting can take place in a confidential manner and without fear of reprisal.

### 3 DEFINITIONS

Note: Most definitions from <https://www.merriam-webster.com/dictionary>, 2017

<b>"Allegation"</b>	means an unproven assertion or statement.
<b>"Anonymous"</b>	means not named or identified; the identity of the reporter is not known.
<b>"Confidential"</b>	means the communication of information relating to a report will be restricted and only divulged on a "need to know" basis. This includes the identity of the reporter, the named individual(s) or any information gathered as part of an investigation.



<b>“Council member”</b>	means the mayor or a councillor.
<b>“Frivolous”</b>	means lacking in seriousness; having no sound basis.
<b>“Good faith”</b>	means acting under reasonable grounds that the information disclosed is true; a sincere intention to deal fairly with others without any vexatious intentions.
<b>“Investigator”</b>	means the person assigned by the City Administrator to investigate a complaint after the reviewer has determined there is sufficient information to proceed. This may be the same person as the reviewer.
<b>“Managerial authority”</b>	means the right to perform or act in certain designated ways to directly influence the actions of others. It allows its holder to allocate the organization’s resources to achieve organizational objectives.
<b>“Misappropriation”</b>	means the intentional, illegal use of property or funds of another person or organization for one’s own use or other unauthorized purposes.
<b>“Mishandling”</b>	means to manage or deal with something wrongly, ineffectively, roughly or carelessly.
<b>“Reporter”</b>	is an employee who has direct knowledge of an activity that he or she suspects to be an illegal act, serious misconduct or unethical behavior and, as such, has made a report under this policy.
<b>“Retaliation”</b>	means any action taken in reprisal against a person who has made a report in good faith directly to a manager or under the whistleblower program. Retaliation is also when an employee is adversely affected because they refuse to carry out a directive that violates the City’s <u>Ethical Conduct for City of Yellowknife Employees</u> , or that violates the law.
<b>“Reviewer”</b>	The reviewer is the person assigned by the City Administrator to review all reports submitted through the third party service.



**“Serious Misconduct”**

includes but is not limited to the following:

- Crime or suspected criminal activity;
- Breach of Ethical Conduct for City of Yellowknife Employees policy;
- Serious violations of applicable government laws and legislation;
- Gross mishandling of public funds or public assets;
- Mishandling or inappropriate access to corporate information;
- Mishandling or inappropriate access to corporate property (including finances, facilities, outdoor premises, etc.);
- Actions likely to cause serious harm or loss of safety to employees, volunteers or the public;
- Actions likely to cause serious harm to property or the environment;
- Exposing the City to undue liability or loss;
- Serious violations of public trust or duty;
- Misuse of position for personal gain;
- Forgery or alteration of any documents relating to payroll and/or finances, including timesheets and reports of overtime, done purposefully for personal gain;
- Misappropriation of funds, securities or other assets;
- Any irregularity in the handling or reporting of money transactions;
- The wrongful or unauthorized acquisition, use or disposal of City assets;
- Knowingly concealing information relating to any of the above.

**“Third Party Service”**

refers to an independent party contracted to provide a service to another organization.

**“Vexatious”**

means being a source of irritation or annoyance; a proceeding instituted without sufficient grounds so as to cause annoyance or embarrassment to someone.

**“Whistleblowing”**

is the disclosure by a person, usually an employee, to those in authority of serious misconduct, unethical



behavior or illegality. Whistleblowing is usually used in the context where there is fear of retaliation.

#### 4 APPLICATION

This Policy applies to all employees and Council members of the City of Yellowknife.

Complaints involving Council members will be addressed through the process laid out in the Ethical Principles and Rules of Conduct for Members of Yellowknife City Council.

#### 5 PROCEDURE

##### Responsibility

##### Action

Employee/Reporter

1. All employees having direct knowledge of or sufficient evidence to make an allegation about suspected acts of serious misconduct, unethical behavior (refer to Ethical Conduct for City of Yellowknife Employee) or illegality have a duty to report such matters.
2. Employees are encouraged to report such matters to their manager using established channels of authority but may report them through the Whistleblower Policy, particularly if they fear retaliation.
3. The employee (“reporter”) choosing to use the Whistleblower Policy must provide a report with as many details as possible through a third party service. The reporter can choose to remain anonymous or to provide his or her name. However, in some cases, an investigation may not be possible unless the source of the information is identifiable and/or if insufficient information has been provided.
4. The reporter submits a report through the third-party service provider and is assigned a confidential code. The report submitted should include as much information as possible, including the nature of the serious misconduct, unethical behavior or illegal act; which employee/Council member is alleged to be involved; specific dates, times and locations and any relevant evidence.



If a report is submitted anonymously, the reporter must access the report using the confidential code to check the progress of the complaint and to determine if the reviewer has requested additional information.

5. If additional information is requested from the reporter and the reporter chooses not to participate/respond, the reviewer and/or the assigned investigator may decide not to investigate further at which time the report will be updated accordingly and the report closed.
6. All employees must cooperate fully with an investigation.
7. Allegations must be reported within six (6) months of the date of the serious misconduct and/or unethical behavior except in the case of illegal activity where there is no time limit. Reports must be made about current, not former, employees except in the case of illegal activities.
8. Reports of retaliation must be made immediately. Anonymous allegations of retaliation will not be investigated as they must be supported by evidence.
9. Reports must be made in good faith. Any allegations that prove to be unsubstantiated and which prove to have been made maliciously, vexatiously, frivolously or knowingly to be false will be subject to disciplinary and/or legal action.
10. If a report about an employee is substantiated, the appropriate disciplinary action will be taken and may result in termination and/or criminal charges.

#### Management

1. Support/reinforce all opportunity for employees to report serious misconduct or unethical behavior and/or illegal acts.
2. Be familiar with types of conduct and behavior that may occur, including retaliation against employees making reports.



3. Exercise due diligence to prevent, detect and report any serious misconduct, unethical behavior, illegal acts and/or any acts of retaliation.
4. If a report is made directly to a management employee, keep the information confidential and bring to the attention of the Human Resources Division immediately.
5. Support and promote this Whistleblower Policy.
6. Cooperate with any investigation and ensure all required resources are made available for the investigation.
7. Keep any information received around a report as confidential.

Human Resources

1. Manage the Whistleblower program including being a “Reviewer” and coordinating reports received through the third party service.
2. If reports are received outside the third party reporting system, manage those in the same manner (review and investigate where required).
3. If any reports are received about staff in the Human Resources Division, forward to City Administrator.
4. If any reports are received about the City Administrator engage outside legal counsel to review and process.
5. If reports are received about a Council member, forward to the City Administrator for review through the process laid out in the Ethical Principles and Rules of Conduct for Members of Yellowknife City Council.
6. Ensure all reports are handled in a confidential manner and as efficiently and effectively as possible.
7. Keep statistics and notes on all reports in a confidential manner and keep notes updated on the reports in a timely manner.



- Third Party Service
1. A third party reporting system provides the service according to the contract terms which includes providing confidential methods for reporting (toll free number, online system, mail-in service).
  2. Ensure reports are forwarded to the designated Reviewer upon receipt.