

**Title: Disclosure of Wrongdoing and Reprisal Protection**

**Policy No: 2003**

**Effective Date: July 11, 2023**

**Motion Number: 23.07.365**

**Supersedes Policy No: 2003 / 2003-01**

**Department: Human Resources**

**Review Date: July, 2026**



**Legal References:**

Freedom of Information Protection of Privacy Act,  
R.S.A. 2000, c.F-25.

Municipal Government Act, R.S.A. 2000, c.M-26.

**Cross References:**

Bylaw 21-893 "Council Code of Conduct"

Policy 2004 "Employee Code of Conduct"

**Purpose:**

The purpose of this policy is to:

- A) Facilitate the disclosure and investigation of significant and serious matters in or relating to Greenview’s operations, employees, Councillors, members of any Council committee, and contractors or service providers carrying out work on behalf of Greenview, that an employee believes may be unlawful, dangerous to the public, or injurious to the public interest;
- B) Protect employees who make disclosures;
- C) Manage, investigate and make recommendations respecting disclosures of alleged wrongdoing and reprisals;
- D) Promote public confidence in the administration of or service provided by Greenview; and
- E) Any other purpose prescribed in this policy.

**1. DEFINITIONS**

- 1.1. **Chief Administrative Officer (CAO)** means the Chief Administrative Officer of Greenview.
- 1.2. **Council Committee** means any committee, board, commission or other body established by Council.
- 1.3. **Councillor** means a duly elected member of Greenview Council.
- 1.4. **Disclosure** means a disclosure of alleged wrongdoing made in Good Faith by an employee in accordance with this policy.
- 1.5. **Good Faith** means a sincere belief that is absent of malice.
- 1.6. **Greenview** means the Municipal District of Greenview No. 16.

- 1.7. **Lawful Authority** means any police, law enforcement agency, or regulatory body with respect to an offence within its power to investigate, or any person whose duties include the enforcement of municipal, provincial or federal law within their power to investigate.
- 1.8. **Reprisal** means the imposition of, and any threat to impose, discipline, demotion, termination, or any other act that adversely affects employment or working conditions of an employee because they made a disclosure, sought advice, made a complaint about a reprisal, or participated in an investigation.
- 1.9. **Respondent** means a person against whom allegations of wrongdoing, or a complaint of reprisal is made.
- 1.10. **Wrongdoing** means:
- A) A serious act or omission which could constitute an offence under an Act or regulation of Alberta or Canada;
  - B) A serious act or omission which could constitute an offence against a Greenview bylaw or serious violation of Greenview policy;
  - C) An act or suspected act that creates a substantial and specific danger to the life, health, or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;
  - D) A serious misuse of public funds or public assets;
  - E) Gross or systematic mismanagement; or
  - F) Knowingly directing or coaching an individual to commit an act of wrongdoing.

## 2. POLICY STATEMENT

- 2.1. Greenview is committed to supporting ethical conduct and accountability in its operations and seeks to foster a culture in which employees are encouraged to disclose wrongdoing, including by receiving, investigating, and responding to disclosures and by providing information and training about this policy and the procedures.
- 2.2. This policy applies to the disclosure of wrongdoing related to Greenview's operations, employees, Councillors, members of any Council committee, and contractors or service providers carrying out work on behalf of Greenview.
- 2.3. This policy does not replace other mechanisms set out in other Greenview policy for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, violence and harassment, occupational health and safety, or disputes over employment matters.
- 2.4. Employees of Greenview have a right and the duty to disclose wrongdoing.
- 2.5. Greenview encourages and supports all employees in the disclosure of wrongdoing without fear of reprisal.
- 2.6. No person shall:
- A) Take or direct any of the following measures against an employee because said employee has, in Good Faith, sought advice about making a disclosure, made a disclosure, cooperated in an investigation under this policy, declined to participate in an act of wrongdoing or done anything in accordance with this policy.
  - B) Counsel or direct another person in any of the following measures against an employee because said employee has, in Good Faith, sought advice about making a disclosure,

made a disclosure, cooperated in an investigation under this policy, declined to participate in an act of wrongdoing or done anything in accordance with this policy.

- i. A dismissal, layoff, suspension, demotion, transfer, discontinuation, elimination of a job, change of job location, reduction in wages, change in hours of work, or reprimand.
- ii. Any measure, other than one mentioned in subsection A, which adversely affects the employee's employment or working conditions.
- iii. A threat to take any of the measures mentioned in subsections A or B.

2.7. Greenview will investigate, or direct a third party to investigate, disclosures received under this policy.

2.8. Investigations under this policy will be carried out in accordance with the principles of procedural fairness and natural justice.

2.9. All parties required during an investigation must always remain cooperative with those investigating a Disclosure.

2.10. An employee who makes a Disclosure of wrongdoing under this policy which is found to be BOTH unfounded AND made with malicious intent will be subject to disciplinary measures up to and including termination of employment.

2.11. Greenview is committed to protecting the privacy of employees who make a disclosure, persons accused of wrongdoing and those who participate in investigations in a manner that is consistent with its obligations under the Freedom of Information and Protection of Privacy (FOIP) Act except where the Act provides otherwise.

### 3. PROCEDURE

#### 3.1. Disclosure:

- A) An employee who is considering making a disclosure of wrongdoing may request advice from the Manager of Human Resources or designate.
- B) An employee must not make a disclosure of wrongdoing to a person if the allegations relate, in whole or in part, to wrongdoing by that person.
- C) If an employee has information that could show that a wrongdoing has been committed or is about to be committed, or that could show that the employee has been asked to commit wrongdoing, the employee may make a disclosure:
  - i. To the Manager of Human Resources or designate;
  - ii. To the CAO;
  - iii. To a Director; or
  - iv. To Council, through the Reeve or designate, only if the disclosure of wrongdoing relates to the CAO, a Councillor, or a member of any Council committee.
- D) Unless the disclosure of wrongdoing relates to the CAO, a Director who receives a disclosure of wrongdoing will promptly refer the disclosure of wrongdoing, including all written and non-written information, to the CAO who will refer the matter to the Manager of Human Resources or designate, or to an independent third-party to investigate.
- E) A disclosure of wrongdoing must be made in formal writing and must include the following information if known:
  - i. A description of the alleged wrongdoing
  - ii. The name of the individual or individuals alleged to have committed wrongdoing.
  - iii. The date or timeframe of the alleged wrongdoing.

- iv. Whether the alleged wrongdoing has previously been reported, and if so, to whom, when, and any response that may have been received.
- v. Any additional information that may reasonably be required to investigate the matters set out in the disclosure of wrongdoing.

F) Anonymous disclosures of wrongdoing will only be considered when,

- i. There is a significant imminent risk to Greenview;
- ii. There is evidence of past, present, or imminent criminal activity involving Greenview;
- iii. The allegation of wrongdoing creates a substantial and specific danger to the life, health, or safety of persons, or to the environment; or
- iv. There is sufficient evidence to substantiate the allegation.

3.2. Disclosure involving a possible offence or an imminent risk:

- A) If the CAO, or during an investigation the Manager of Human Resources, has reason to believe that an offence has been committed under an Act or regulation of Alberta or Canada, that person must, as soon as reasonably practicable, report the alleged offence to the appropriate Lawful Authority.
- B) If the CAO, or during an investigation the Manager of Human Resources, reasonably believes that the matter could constitute an imminent risk of a substantial and specific danger to the life, health, or safety of individuals, or to the environment, that person must disclose the matter:
  - i. To an appropriate law enforcement agency; or
  - ii. The appropriate regulatory authority.

3.3. Reprisal protection:

- A) It is strictly prohibited that a respondent, or someone acting on behalf of a respondent, or someone acting independently from a respondent, perform any act, whether verbal or physical, to punish or otherwise retaliate against an employee who has made a disclosure of wrongdoing or anyone who has participated in the investigation of an allegation of wrongdoing.
- B) Any acts of reprisal towards an employee who has made a disclosure of wrongdoing are to be reported to the Manager of Human Resources or designate.
- C) Any acts of reprisal will be investigated by the Manager of Human Resources, or designate, and any person who has been found to have engaged in acts of reprisal will be subject to discipline up to and including termination.
- D) Protection against reprisal cannot effectively be provided to those who choose to keep their identities anonymous.

3.4. Investigations shall:

- A) Be conducted with a sense of urgency and time dependency;
- B) Ensure any party implicated by wrongdoing are granted due process; and
- C) Be carried out in accordance with the principles of procedural fairness and natural justice.

3.5. Investigations shall ensure:

- A) All parties who are aware, or become aware, of an investigation shall keep confidential and not disclose any knowledge they have or obtain concerning the details or results of an investigation;
- B) Any party who breaches confidentiality with respect to an investigation may be subject to disciplinary action, regardless of the impact of the disclosure of wrongdoing on the investigation.

## 5. COUNCIL RESPONSIBILITIES

- 5.1. The Reeve or designate shall bring to Council's attention, in closed session, at a Regular Council Meeting or Special Council Meeting, any disclosure of wrongdoing relating to the CAO, a Councillor, or member of any Council committee.
- 5.2. If appropriate, Council will employ the use of resources including, but not limited to, opinion from legal counsel, an independent third-party, or Lawful Authorities to investigate the alleged wrongdoing.
- 6.1. Council must immediately report alleged wrongdoing to the appropriate Lawful Authorities when it is known or believed to be illegal in nature.

## 6. ADMINISTRATION RESPONSIBILITIES

- 6.2. Establish and maintain written procedures for managing and investigating disclosures of wrongdoing by employees for whom the CAO is responsible.
- 6.3. Ensure that information about this policy and the procedures established are communicated to the employees of Greenview.
- 6.4. Advise Council, in closed session, of any substantiated disclosure of wrongdoing that may involve imminent or significant risk to Greenview.
- 6.5. Ensure all involved parties are treated fairly and impartially.
- 6.6. Ensure that employees who make a disclosure of wrongdoing, in Good Faith, are protected from reprisal regardless of the outcome of the investigation.
- 6.7. Assess and identify any policy, procedure for internal changes which may assist in preventing a wrongdoing from happening again.