



POLICY MANUAL

POLICY NUMBER: CORPORATE-052

SUBJECT: SAFE REPORTING PROGRAM

Policy Statement

The Corporation of the City of Brantford (the "City") is committed to ensuring that all Staff and Elected Officials execute their duties and responsibilities with accountability, transparency and honesty. The City is also committed to fostering a strong speak-up culture and creating an environment where Staff and Elected Officials feel safe to raise concerns regarding wrongdoing within the City without fear of reprisal or retribution.

Purpose

The purpose of this policy is to establish procedures that Staff and Elected Officials may use to report suspected wrongdoing affecting the City. This policy will establish mechanisms which Staff and Elected Officials may use to make reports anonymously where there is a legitimate fear of reprisal/retribution, where the subject of the complaint has authority over the Staff member or Elected Official that makes the complaint or where making a report through established channels would otherwise be impractical or awkward.

Scope

The Safe Reporting Program may be utilized by any Staff member or any Elected Official. The Safe Reporting Program is not for use by the public.

Complaints involving Elected Officials will be forwarded to the Integrity Commissioner, appointed under the Code of Conduct for Members of the Council of The Corporation of the City of Brantford and its Local Boards, who may conduct the investigation in accordance with that by-law.

Related Policies and Statutes

- Municipal Act, 2001, S.O. 2001, c. 25
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
- Criminal Code, RSC 1985, c C-46
- Human Rights Code, R.S.O. 1990, c. H.19
- Occupational Health and Safety Act, R.S.O. 1990, c. O.1
- Corporate - 029 Employee Code of Conduct
- HSS026 – Respectful Workplace Standard

Definitions

Elected Official – means the Mayor or any member of City Council.

Safe Reporting Program – means the complaints process provided by the independent third party and the reporting/investigative process established by this policy.

Staff - means all employees of The Corporation of the City of Brantford whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers), as well as non-elected appointees of any of the City's committees, advisory boards or task forces.

Wrongdoing - means any conduct that is contrary to law or in violation of the City's Policies and Standards. Examples of Wrongdoing include, but are not necessarily limited to:

- Crime or suspected criminal activity;

- Fraud, theft, forgery or alteration of cheques, drafts, promissory notes and securities or any misappropriation or mishandling of funds or securities;
- The wrongful or unauthorized acquisition, use, appropriation or disposal of City assets;
- Falsification, alteration or manipulation of the City's documents, records or computer files;
- Engaging in behaviour that violates or impacts the public's trust and confidence in the City;
- The misuse of position for personal gain;
- Engaging in any harassing, violent or abusive conduct that is targeted towards other Staff or the public; and
- Engaging in a reprisal or retaliation against any person that makes a good faith report under this policy.

Responsibilities and Accountability

All Staff have a responsibility to report suspected instances of Wrongdoing and any other misconduct which may be detrimental to the City's interests. Staff and Elected Officials are encouraged to report such matters to their immediate supervisor or to another appropriate Staff member using established channels, but may report them anonymously through the Safe Reporting Program where appropriate. All Staff and Elected Officials have a positive obligation to comply with this policy and to cooperate/participate in any investigations as required.

The City's Legal Department will be responsible for retaining an independent service provider to administer the Safe Reporting Program. The Legal Department will also be responsible for administering the contract with the independent service provider that is retained to receive and re-direct anonymous complaints from Staff and Elected Officials and, when required, the City Solicitor will act as the point of contact for any independent investigators or City Staff that are assigned to an investigation resulting from a complaint under this policy.

The following Staff will have specific responsibilities associated with this policy and the Safe Reporting Program.

Chief Administrative Officer (CAO)

- Ensuring Staff cooperate with any Safe Reporting Program investigations as required;
- Ensuring that any Staff who make complaints under the Safe Reporting Program are free from reprisal;
- Where appropriate, informing Council of complaints and investigations/outcomes; and
- Where applicable, making recommendations to Council, or implementing appropriate controls to address or correct any institutional practices which materially contributed to a complaint under this policy.

Directors and General Managers

- Ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions;
- Ensuring that any Staff who make complaints under the Safe Reporting Program are free from reprisal;
- Ensuring Staff cooperate with Safe Reporting Program investigations as required;
- Ensuring compliance with this policy; and
- Where appropriate, participating in investigations as a result of complaints under this policy.

Managers/Supervisors

- Ensuring Staff that report directly to them are aware of this policy and any subsequent revisions;
- Ensuring Staff comply with this policy; and
- Cooperating and participating in Safe Reporting Program investigations as required.

Reporting Process

The Safe Reporting Program is not intended to displace the City's established processes for receiving and investigating complaints and Staff should, wherever feasible, continue to make use of the City's established process(es).

The Safe Reporting Program should only be used in circumstances where the City does not have an existing process for receiving and investigating complaints, or in circumstances where there is a legitimate fear of reprisal/retribution, such as: where the subject of the complaint has authority over the Staff member or Elected Official or where making a

report through established channels would otherwise be impractical or awkward.

The Safe Reporting Program will be managed by an independent third party service provider that is contracted by the City to receive complaints/reports of suspected Wrongdoing.

Complaints can be submitted to the service provider using the service provider's external, anonymous reporting system. Options to submit complaints on-line or by phone will be made available.

The Staff member or Elected Official making the complaint should include as much information as possible, including details such as the nature of the suspected Wrongdoing, the date(s) and time(s) on which the suspected Wrongdoing took place, the name(s) of any person alleged to be involved in the Wrongdoing and any other evidence to support the complaint. Because complaints can be made anonymously, if there is insufficient information to support an investigation, complaints may not be processed or advanced if designated Staff are unable to collect enough information at the outset to initiate an investigation.

Upon receipt of a complaint, the service provider will advise designated Staff member(s) of the complaint and the designated Staff will assess the complaint and appoint an appropriate investigator as required.

Investigation/Results

Allegations of Wrongdoing may be investigated by any of the following:

- Appropriate Staff members;
- Integrity Commissioner;
- Independent investigator retained by the City with subject matter expertise; or
- Employees of the service provider.

Designated Staff, in consultation with the Legal Department will determine an appropriate investigator. In all cases, the assigned investigator will be required to, and will be capable of conducting a neutral and objective investigation and to make a determination as to whether Wrongdoing has occurred.

During the course of an investigation, additional information may be necessary to facilitate and advance the investigation. In such a case, the appointed investigator may request additional information from the complainant through the independent service provider. In the event the complainant chooses not to participate in the investigation or provide additional information the investigator may decide not to investigate the complaint or may issue a decision confirming that Wrongdoing was not established.

At the conclusion of each investigation, the investigator will issue a confidential written report detailing the process, and outcome of the investigation. The report will be provided directly to the City Solicitor and the Chief Administrative Officer, unless one or both of those individuals is the subject of the complaint. In that case, the report will be issued to the Mayor.

Protection from Reprisal

The City will make all reasonable efforts to ensure that any good-faith complaints, including unsubstantiated complaints, made under this policy will not result in any reprisal against the complainant, including, but not limited to the following:

- Dismissal or threat of dismissal;
- Discipline, suspension or the threat of discipline or suspension;
- Imposition of any penalty, directly or indirectly, including blacklisting, reassignment, altering normal work assignments or conditions, or being denied promotions etc.; and
- Harassment, bullying, abuse, exclusion, isolation or any other treatment designed to make the complainant feel unwelcome or uncomfortable in the workplace.

If a complainant feels that they are the subject of reprisal as a result of making a complaint under this policy or any Staff or Elected Official is informed, or becomes aware of possible reprisal(s) against a complainant the City's CAO should be informed immediately. If it is not practical to do so in the circumstances, or the CAO is alleged to have committed the reprisal, a complaint may be made to the independent service provider.

Complaints of retaliation/reprisal will be assigned to an independent investigator or appropriate Staff member who will conduct an investigation and provide a report on the outcome of the investigation to the CAO. In the event the CAO is the subject of the complaint/investigation the report will be provided to the Mayor.

Any Staff or Elected Officials found to have engaged in reprisal shall be subject to appropriate disciplinary penalties up to and including termination of employment. Reprisal/retaliation is itself Wrongdoing under this policy.

Protection against reprisal is limited to good faith complaints. If any Staff or Elected Official abuses the Safe Reporting Program and uses, or attempts to use the program as a means to harass, intimidate, annoy, bully or damage the reputation of any other Staff or Elected Official, the protections against reprisal outlined in this policy will not apply and the complainant may be subject to appropriate disciplinary action.

Confidentiality

Confidentiality is the cornerstone of this policy. The City will make every attempt to protect the identity of a complainant, unless a complainant chooses to reveal their identity. Where there is a need, or a desire on the part of the City/investigator to learn the identity of a complainant, Staff assigned to investigate a complaint, or an independent investigator retained by the City may ask for the identity of the complainant through the independent service provider. The independent service provider will forward that request to the complainant and the complainant will be permitted to choose, in their absolute and unfettered discretion, whether to reveal their identity. If a complainant chooses not to reveal their identity, and that prevents or frustrates an investigation, the investigator may suspend or discontinue an investigation.

A Staff member or Elected Official accused of Wrongdoing may or may not be informed of an allegation against them or a subsequent investigation. The decision to inform the subject(s) of the allegation or the investigation will be at the discretion of the investigator(s) and will be determined on a case-by-case basis. The identity of the subject party(s) will be confidential and only made known on a need-to-know basis in order to conclude the investigation.

Complainants, witnesses, the subject(s) of a complaint, investigators and Staff interviewed as part of an investigation must maintain confidentiality of all information related to an investigation. Breaches of confidentiality may be regarded as Wrongdoing and will be subject to disciplinary action in accordance with this policy.

Disciplinary Action

Employees who knowingly make a false or misleading statement; seek reprisal against an individual as the result of a complaint; do not cooperate during the course of an investigation; or against whom acts of Wrongdoing are substantiated will be subject to disciplinary action, up to and including dismissal.

Reporting

The CAO will provide an annual report to Council detailing the number of complaints received through the Safe Reporting Program, the category of the complaint and the number of substantiated complaints. The report will not contain any information regarding any complainant, the subject of the complaint or any detailed information regarding the complaints.