



Whistleblower Policy

Prepared By:	Human Resources	Council Approval Date:	March 22, 2022
Effective Date:	March 22, 2022		
References:	Municipal Government Act	Previous Revision Date:	December 8, 2020
	Local Authorities Election Act		
	Freedom of Information and Protection of Privacy Act		
	Code of Conduct for Elected Officials Regulation - MGA		
	Public Interest Disclosure (Whistleblower Protection) Act		
	Bylaw 2018-05 – Code of Conduct		
	Human Resources Policy C-HR01		
	Employee Code of Conduct Directive A-HR03		
	Respectful Workplace Directive A- HR02		
	Workplace Investigation & Remediation Procedure HR02-P1		
Function:	Human Resources	LS Review Date:	March 22, 2022

PURPOSE

The purpose of this policy is to empower Parkland County employees, contractors, residents, and other stakeholders to file formal complaints regarding genuine allegations of serious wrongdoing in the conduct of Parkland County business, without fear or reprisal. Through this Policy, the County aims to facilitate reporting of conduct, which is believed to be unlawful, dangerous to the public, or injurious to the public interest, with a view to increasing accountability by seeking to hold offending individual(s) responsible for their conduct and establish and maintain the trust of employees and all external stakeholders.

POLICY STATEMENT

Parkland County is committed to fostering a corporate culture and environment in which employees, contractors, residents, and other stakeholders are encouraged to identify and report wrongdoing, with the knowledge that they will be protected from reprisal when acting in good faith.

DEFINITIONS

1. "Allegation" means a complaint submitted under the whistleblower policy alleging Wrongdoing on the part of any employee, contractor, or member of Council.
2. "Chief Administration Officer" (CAO) means the person appointed to the position of Chief Administrative Officer by Council pursuant to the Municipal Government Act.
3. "Council" means the Mayor and Councillors duly elected pursuant to the provisions of the Local Authorities Election Act.
4. "Contractor" means any person, corporation, or firm with whom the municipality has/had a contract for procurement of goods or services.
5. "County" means Parkland County.
6. "Disciplinary Action" means any consequence imposed upon a person as a result of finding of Wrongdoing which may include, but is not limited to, the following:
 - a. Public or Private Apology
 - b. Educational training on ethical conduct
 - c. Removal of an employee from a position of responsibility within the municipality
 - d. Termination of employment
 - e. Termination of a contract
 - f. Other disciplinary action deemed appropriate in the circumstances and allowable by law.
7. "In good faith" means a sincere belief that is absent of malice.
8. "Public Committee Member" means an individual of the public that is appointed annually by Council to a committee, board or other body established by Council.
9. "Reporter" means the person who has knowledge of a Wrongdoing and reports the activity in good faith.
10. "Reprisal" includes verbal or written reprimand, suspension, termination, loss of advancement opportunities, and change in duties, reduction in pay, change in reporting structure, change in work location, harassment, threats, and coercion.
11. "Significant imminent risk" includes conditions which could reasonably be expected to cause serious physical harm or death of any individual, and any impending event that could significantly disrupt ongoing operations resulting in unsafe conditions to employees or residents, or significant financial loss.
12. "Third Party Administrator" (TPA) means the independent third party appointed yearly by Council during the organizational meeting.
13. "Wrongdoing" includes the following serious and deliberate breaches of duties owed to the County and/or the public:
 - a. An illegal act
 - b. An act or omission that creates an imminent risk to the health and safety of individuals
 - c. A specific threat to the environment
 - d. Gross mismanagement of County funds, and/or assets, resources, or services
 - e. Knowingly directing or counselling an individual to commit any of the Wrongdoings mentioned above;
or
 - f. An act that causes reputational harm to the organization.

SCOPE

This policy applies to all Parkland County Employees, Council, Contractors and Agencies or Boards of Council.

RESPONSIBILITIES

1. Council shall:
 - a. Review Allegations of Wrongdoing against the CAO. In circumstances where deemed appropriate, Council will place the CAO on paid leave pending completion of the investigation and appoint an Acting CAO.
 - b. Take appropriate action if the CAO is found to have committed acts of Wrongdoing.
 - c. Appoint a subcommittee and investigate Allegations against an individual member of Council as applicable within Bylaw 2018-05 (Code of Conduct) or Code of Conduct for Elected Officials Regulation (MGA).
 - d. Review the TPA yearly at Council's organizational meeting. Following this review Council may appoint the current TPA for another year, or request Administration provide recommendations for the appointment of an alternate TPA. Administration will make the recommendations at a future Council meeting.
2. The CAO shall:
 - a. Review and investigate Allegations of Wrongdoing against County employees.
 - b. Take appropriate action if a County employee is found to have committed acts of Wrongdoing.
 - c. Advise Council of any Allegations that are substantiated and/or may involve imminent or significant risk to the County.
 - d. Prepare and present an annual report to Council on all the Allegations and findings respecting the confidentiality of the Reporter, and in accordance with the *Freedom of Information and Protection of Privacy Act*.
 - e. Ensure all Allegations raised will be treated fairly and impartially.

PRINCIPLES

1. County employees must immediately report any suspected instance or Allegation of Wrongdoing to a supervisor, management, or Human Resources. Where an employee feels they may be subject to reprisal, or where the nature of the Allegation precludes direct reporting to Administration, the concern can be reported confidentially and/or anonymously to the appointed TPA.
2. It is the responsibility of Parkland County leadership to ensure that workers have appropriate avenues to voice their concerns. Given the sensitivity surrounding issues of misconduct, measures are taken to protect the anonymity of those who bring reports forward where possible.
3. The CAO will administer this Policy. This includes providing the appropriate processes for the reporting, collecting, investigating, and resolving of valid Allegations. In addition, the CAO will ensure that subsequent action is taken in accordance with the corresponding policies, directives and procedures associated with the reporting of an Allegation.
4. Where the investigation finds reasonable grounds to indicate that a fraud or criminal act may have occurred the file will be turned over to the applicable Police authority. The County will fully co-operate in any police investigation.
5. This Policy is designed to exclusively address reports and Allegations of Wrongdoing. It will not act on matters that are considered to be activism and/or challenges to the decisions or appropriateness of this, or any other, Council policy, bylaw, resolution, or administrative decisions.
6. The County shall ensure that a Reporter whose Allegation is made in good faith is protected from reprisal(s) regardless of the outcomes of the ensuing process. Parkland County will not extend this assurance to

someone who maliciously raises a matter they know is without basis or merit or otherwise knowingly submits a misleading report.

STANDARDS

1.0 ALLEGATIONS

1. Any individual who makes an Allegation must provide sufficient substantiating evidence.
2. Anonymous Allegations will only be considered when one or more of the following criteria are met:
 - a. There is evidence of Significant Imminent Risk.
 - b. There is evidence of past, present, or imminent criminal activity involving the County.
 - c. The Allegation impacts the health, safety, or well-being of elected officials, employees or the general public.
3. Any person sending an Allegation directly to a member of Council shall be informed of this Policy and informed that the procedure(s) must be followed with the Allegation being addressed to the TPA.
4. Any Allegation against a member of Council will be handled in accordance with Bylaw 2018-05 (Code of Conduct) or Code of Conduct for Elected Officials Regulation (MGA).
5. Every reasonable effort will be made to maintain the confidentiality of the Reporter, however, the Reporter's identity may need to be disclosed, including to the respondent, to ensure that a thorough investigation is conducted. The identity of the Reporter may be disclosed to parties on a need-to-know basis, and as required by law.

2.0 REPORTING

1. If any employee believes reasonably, and in good faith, that Wrongdoing exists and wishes to report the Allegation anonymously, the employee should immediately contact the independent TPA See Schedule "A" for contact information.
2. An employee acting in good faith is entitled to protection under this Policy.
3. A person engaged or participating in Wrongdoing is not entitled to protection under this Policy.
4. Protection against reprisal cannot effectively be provided to non-employees or those who choose to keep their identities anonymous.
5. A Reporter's Allegation made through the TPA will be reported to the appropriate County contact as directed under Section 3.0, 7 and 8 of this Policy without revealing the Reporter's identity. Reporter identities will not be disclosed without prior consent.
6. An individual or individuals implicated in Wrongdoing will be granted due process, and their identity will be kept confidential and disclosed only on a need-to-know basis and as necessary to complete the investigation into the Allegation(s), or as required by law.
7. Psychological support may be provided for affected employees (complainants, respondents, and witnesses) and made available through appropriate interventions such as referral to an Employee and Family assistance program, other debriefing programs, or counseling.

3.0 INVESTIGATIONS

1. All investigations will be conducted with a sense of urgency and time-sensitivity, and in accordance with the County's Workplace Investigation & Remediation Procedure HR02-P1.
2. All parties subject to this policy must fully co-operate with the investigation as may be required. Failure to cooperate in the investigation process may result in Disciplinary Action.
3. Employees who are Peace Officer and face Allegations of Wrongdoing may also be part of a formal investigation through the Solicitor General of Alberta.

4. All parties to the investigation shall preserve confidentiality and not disclose any knowledge they have or obtain concerning the details or results of an investigation.
5. All investigations are subject to existing *Freedom of Information and Protection of Privacy Act*.
6. A party that breaches confidentiality with respect to an investigation may be subjected to legal or Disciplinary Action, regardless of the impact of the outcome of the investigation.
7. An Allegation reported by the TPA to Human Resources will be reviewed with the CAO and a plan of action or response will be formulated. If warranted, Human Resources will further investigate following the appropriate policies, directives and procedures and formulate a recommendation to resolve the matter.
8. If Allegations directly involve or implicates the CAO, the TPA must inform the Mayor and Council directly and a plan of action or response will be formulated. Council will determine whether or not to involve Human Resources.
9. In order to prevent conflicts of interest arising from Allegations made against the Human Resources department or members thereof, the TPA will refer any such Allegations to the CAO exclusively.
10. Any effort to retaliate against any person making an Allegation or raising a concern in good faith is strictly prohibited and will result in Disciplinary Action, up to and including dismissal for cause.
11. Parkland County will regard any deliberately false or malicious Allegations by an employee as a serious offence which may result in disciplinary action up to and including dismissal for cause.
12. The CAO will provide an annual report for Council on Allegations reported to the TPA which shall not contain any identifying information with respect to the identity of the Reporter(s), at an in-camera meeting of Council.
13. Incidents of confirmed Wrongdoing will be recorded in offending employees Human Resource files and may be used during annual appraisals and consideration for matters such as salary adjustments, promotions, and employment.
14. Where incidents of Wrongdoing are deemed to be illegal, proper authorities will be notified and charges may ensue to the offender.

ATTACHMENTS

Schedule "A" Third Party Administrator Contact

Schedule "A"

THIRD PARTY ADMINISTRATOR CONTACT

The Parkland County Whistleblower reporting is managed by a Third Party Administrator, Xpera and can be contacted by the following:

- Website: parklandcounty.confidenceline.com
- Phone number: 1-800-661-9675

Note: Schedule A is updated and approved by Council following their annual organizational meeting each year.

HR Endorsement: Approved by Council October 26, 2021

Date: October 26, 2021