

NUMBER	TITLE		
HRS- 02.10	Whistleblower Protection		
DEPARTMENT		APPROVAL DATE	REVISION DATE
Human Resources & Safety		April 26, 2023	January 1, 2025

Purpose

The purpose of this directive is to establish and maintain a system to prevent, report, and investigate suspected Fraud, as defined herein, as well as to protect employees from retaliation for reporting suspected Fraud or participating in an investigation.

Directive

The City shall ensure that reporting and investigation procedures are available to prevent, report, and investigate Fraud. This directive is established to ensure accountability by providing a venue to confidentially report suspected Fraud without fear of Retaliation.

Scope

This directive applies to all City employees and volunteers. Provisions are also included for contractors who provide a service to the City of St. Albert.

Delegations

The Chief Administrative Officer delegates authority to the Director, Human Resources & Safety to implement this directive. Roles and responsibilities are assigned to personnel as noted below.

Definitions

“Appropriate City Representative” means the City employee responsible for receiving and actioning a Complaint or liaising with the Arms Length Provider. This may include the Chief Administrative Officer, a member of Executive Leadership, the Director, Human Resources & Safety, or the Director, Legal & Legislative Services.

“Arms Length Provider” means a third party contracted by the City to receive and conduct initial reviews of Complaints submitted in accordance with this directive. The

Arms Length Provider does not automatically investigate complaints that they have received and reviewed.

“City” means the municipal corporation of the City of St. Albert.

“Complainant” means an employee, contractor, or volunteer of the City who alleges that a Wrongdoing or Retaliation has occurred.

“Complaint” means an allegation submitted pursuant to this directive alleging Wrongdoing on the part of any City employee, contractor or volunteer or alleging that any individual has been a victim of Retaliation.

“Fraud” means an act committed by an individual who, by deceit, falsehood, or other fraudulent means, whether or not it is a false pretense, defrauds or attempts to defraud the City, whether ascertained or not, of any property, money, or valuable security or any service, typically involving but not limited to the use of a dishonest act or omission in an attempt to gain some improper personal benefit or advantage, but can also include the abuse of authority, assigned to or entrusted upon an individual by the City, to achieve an improper end. Fraud may include, but is not limited to:

- theft by lying or deception;
- bribes, corruption and embezzlement;
- forgery or alteration of cheques, drafts, promissory notes, or securities;
- misappropriation of funds, securities, supplies, or other City assets;
- improper handling or reporting of money transactions;
- violation of public trust or duty; and
- misuse of one’s position for personal gain.

“Executive Leadership” means the Chief Administrative Officer, and any other position deemed Executive Leadership by the Chief Administrative Officer.

“Leadership Team” is comprised of those employees occupying positions determined by the CAO which are in charge of a Department or multiple branch managers within a department. In addition, in larger Departments where there are Senior Managers, these positions may also form part of the Leadership Team.

“Respondent” means an employee, volunteer, or contractor of the City who is alleged to have committed a Wrongdoing pursuant to this directive.

“Retaliation” means an oral or written reprimand, discipline, suspension, termination, loss of advancement opportunities, change in duties, reduction in pay, change in reporting structure, change in work location, harassment, abuse, threats, coercion, interference, or intimidation directed at an employee who, in good faith, submitted a Complaint pursuant to this directive, or participated in an investigation with respect to a suspected Wrongdoing, violation of any City policy, directive, procedure, or any other rule or expectation respecting the conduct of employees.

“Wrongdoing” means an act or omission that constitutes one or more of the following, in relation to the City of St. Albert:

- any act of Fraud.

Responsibilities

1. The Chief Administrative Officer shall:

- a) be notified of all reports of Wrongdoing, the findings of any investigations and the corrective actions proposed and taken;
- b) determine the course of action and consequences to be implemented when a Complaint is substantiated in collaboration with the Director, Human Resources & Safety and in accordance with the Corrective Actions directive.
- c) Review a Complaint (if they so choose) or delegate the matter to an appropriate member of Executive Leadership, if a complaint received involves a matter that alleges a violation by the Director, Human Resources & Safety.

2. The Arms Length Provider shall:

- a) receive all incoming Complaints of Wrongdoing, screen them for legitimacy to determine if the Complaint has potential to be substantiated, and forward all Complaints as follows:
 - i. legitimate Complaints to the Director, Human Resources & Safety for investigation; and
 - ii. illegitimate Complaints for processing and filing. See attached Appendix A.

3. An appropriate member of Executive Leadership shall:

- a) review a Complaint if the matter alleges a violation by the Director, Human Resources & Safety; and
- b) if an investigation is deemed necessary, assign the investigation to an appropriate external investigator or a trained investigator in the Legal, Legislative, and Records Services department.

4. The Director, Human Resources & Safety shall:

- a) review all Complaints (excepting those requiring review by Executive Leadership) and, if an investigation is deemed necessary, assign the investigation to the appropriate department (i.e. Financial Services) or external investigator;
- b) assign a Human Resources & Safety representative who is trained in investigation processes to facilitate the internal investigation;

- c) determine the appropriate course of corrective action based on the findings of the investigation;
 - d) receive all Complaints of alleged Retaliation and assign the investigation to Human Resources & Safety;
 - e) determine the course of action when an allegation of Retaliation is substantiated in collaboration with the Chief Administrative Officer and in accordance with the Corrective Actions directive; and
 - f) receive and investigate any Complaints which lead to a respectful workplace complaint in accordance with the Respectful Workplace directive.
5. The Director, Legal, Legislatives, and Records Services shall:
- a) perform any of the responsibilities applicable to Executive Leadership or Director, Human Resources & Safety where delegated by one of those parties, or when vacancies/absences in a position would delay necessary actions from occurring, or the Complaint would not be appropriate to review by one of the other parties.
6. Employees in Leadership Team positions shall:
- a) be familiar with the types of Wrongdoing that might occur within their area of responsibility and be alert for any indicators of such conduct;
 - b) be a role model for appropriate behavior and ensure awareness of and compliance with all directives; and
 - c) create a safe and respectful environment for employees to bring forward Complaints and ensure no employee in their department suffers Retaliation as a result of providing information or submitting a Complaint in good faith.

Expectations / Guidelines

7. Employees will be guided by the following principles:
- a) employees will exercise due diligence and control to prevent, detect, and report suspected Wrongdoing;
 - b) all suspected incidents of Wrongdoing should be reported in good faith to the Arms Length Provider within six months of becoming aware of the issue;
 - c) Complaints of Wrongdoing must comply with the definitions contained in this directive and shall not include allegations relating to matters that are considered under other policies or directives (e.g. respectful workplace complaints);
 - d) all Complaints of possible Wrongdoing will be taken seriously and will be promptly reviewed;
 - e) employees will be protected from Retaliation when making Complaints in good faith or participating in investigations;

- f) employees will fully cooperate with the Arms Length Provider and other relevant authorities to investigate and resolve any suspected Wrongdoing or acts of Retaliation; and
- g) confidentiality of Wrongdoing reports will be preserved wherever possible.

Employees may choose not to reveal their identity when submitting a Complaint, and all reasonable efforts will be made to keep the reporting employee's identity confidential during investigations. However, anonymous complaints may hinder the ability to investigate Complaints and prevent the Arms Length Provider or investigator from seeking clarification to substantiate the Complaint. Therefore, anonymous Complaints may result in non-action.

8. Filing a Complaint (see Appendix A)

- a) Any employee who suspects a Wrongdoing has occurred must report the incident in writing to the Arms Length Provider for initial review.
- b) All Complaints should contain the following content:
 - i. a description including the activity or activities involved in the alleged Wrongdoing;
 - ii. the name of the individual or individuals alleged to have committed the possible Wrongdoing;
 - iii. the date of the alleged Wrongdoing;
 - iv. an explanation of any perceived risk to the City;
 - v. an explanation of any perceived interest, gain or reward; and
 - vi. an explanation of any perceived violation of relevant directives, policies or laws.
- c) Employees will not be penalized for reporting in good faith, even if, upon initial review or investigation, the allegation is unfounded. The Complainant and those participating in investigations will be protected from Retaliation. If necessary, either the Complainant or the Respondent may be temporarily reassigned during the initial review or investigation, and if this occurs, this will not be considered Retaliation in this limited circumstance.
- d) An employee who does not act in good faith or makes an allegation of a Complaint without having reasonable grounds for believing it to be substantially true, or who makes it maliciously or for the purposes of personal gain, may be subject to discipline.

9. Review of the Complaint

All Complaints must be submitted to the Arms Length Provider who will then conduct an initial review of the Complaint to assess its legitimacy. Incidents of suspected Wrongdoing will be assessed as follows:

- a) The Arms Length Provider will receive a Complaint involving any Respondent (regardless of that employee's position, title, or length of service) and will acknowledge receipt of it to the Complainant and the Director, Human Resources & Safety (or Appropriate City Representative), within seven calendar days of receipt;
- b) Complaints may be submitted anonymously; however, the Arms Length Provider has no obligation to forward an anonymous Complaint with recommendation for investigation if there is no reasonable expectation, based upon an initial review, to be able to substantiate the Complaint;
- c) In circumstances where there are reasonable grounds to believe that a criminal act may have occurred, the Arms Length Provider will recommend to the Appropriate City Representative to contact the RCMP to aid in the investigation. The City will cooperate fully in any subsequent RCMP investigation;
- d) The Arms Length Provider will inform the Appropriate City Representative (e.g. Director, Human Resources & Safety) of suspected Wrongdoing Complaints and forward the Complaints to the Appropriate City Representative with recommendation for investigation;
- e) The Appropriate City Representative will take appropriate action to prevent the alteration or destruction of documents or other evidence that might be relevant to the investigation (where pursued);
- f) If the Complaint warrants investigation, the Appropriate City Representative will serve as sponsor for an investigation and generally assign the investigation to be conducted by the department (or appropriate investigator) which has the primary responsibility based on the details of the Complaint (i.e. monetary Fraud would be assigned to the Director responsible for Financial Services). Complaints related to respectful workplace will be directed to the Director of Human Resources & Safety to follow the process outlined in the Respectful Workplace directive;
- g) The investigation will be completed in consultation with the head of the assigned department or branch and a Human Resources & Safety representative (or contracted external investigator) who is trained in conducting investigations. The lead investigator will inform the Respondent of the Complaint being assigned to the investigator and the investigation will be conducted in a reasonable timeframe;
- h) The investigator will submit a confidential report of the findings to the Appropriate City Representative;
- i) Where the allegations of Wrongdoing are substantiated, the Appropriate City Representative will determine the course of action and inform the Chief Administrative Officer;
- j) Potential consequences for substantiated Wrongdoings include, but are not limited to:
 - i. public or private apology;
 - ii. educational training on ethical conduct;
 - iii. removal of the Respondent from any place where they represent the City to external parties;
 - iv. removal from any position of responsibility within the City;

- v. termination of employment or contract with the City;
 - vi. such other discipline or consequences as may be considered appropriate, or any or all of them;
- k) The Respondent will be given notice in writing of the findings and, in the event of contravention, the consequences;
 - l) The City will make every reasonable effort, including court-ordered restitution, to pursue the recovery of City losses from the offender or other appropriate source(s);
 - m) Following a Complaint, the Appropriate City Representative will assign the appropriate department director to conduct a review to assess the adequacy of controls in place to safeguard the City's assets against Wrongdoing. In those situations where the control mechanisms have not adequately safeguarded City assets, the department director will identify the cause(s) of the failure, and will issue a report to the Chief Administrative Officer and the Appropriate City Representative including recommendations to minimize future risk;
 - n) If there is a valid reason to do so (such as unsubstantiated Complaints), the investigator may recommend to the Appropriate City Representative and the Appropriate City Representative may decide to cease the investigation;
 - o) If the Complaint implicates the Chief Administrative Officer, and the Arms Length Provider recommends investigation, the Complaint will be provided to Council on a confidential basis to review and determine appropriate actions.
 - p) All parties involved in a Complaint or an investigation, must keep the details and results of the Complaint and investigation confidential. This means disclosure is only permitted to those who have a legitimate need to know, and such disclosure shall be restricted to what must be disclosed to ensure a thorough, effective, and complete investigation/response, or as otherwise required by law.

10. Retaliation Reporting

If an employee believes that Retaliation has occurred as a result of making a Complaint or participating in an investigation, the employee may submit a written Complaint to the Appropriate City Representative within six months of the date the employee knew or ought reasonably to have known that the alleged Retaliation occurred.

- a) The Retaliation Complaint must include the following information:
 - i. name and work address of the Complainant;
 - ii. name and title of each City employee against whom the Complaint of Retaliation is made;
 - iii. the specific nature of the Retaliation;
 - iv. the specific date(s) of Retaliation;
 - v. a statement as to the facts that form the basis of the Complaint of Retaliation; and

- vi. a statement of the Complainant’s outlining how their reported allegation and/or participation in an investigation, proceeding, or hearing is related to the Retaliation.

11. Retaliation Investigation

- a) Upon receipt of a Retaliation Complaint, the Appropriate City Representative will appoint a trained Human Resources & Safety representative or external investigator who has not been involved in any aspect of the Complaint to serve as the investigator. The investigator will investigate, make determinations, and report the outcome to the Appropriate City Representative. The Appropriate City Representative will coordinate with the supervisor of the Respondent to make final determination on the appropriate course of action or consequence. The findings will be provided to the Complainant in writing. The findings and any corrective actions, if applicable, will be provided to the Respondent in writing.
- b) All employees involved in the investigation of Retaliation Complaints must keep the details and outcome of the investigation confidential. This means disclosure is only permitted to those who have a legitimate need to know, and such disclosure shall be restricted to what must be disclosed to ensure a thorough, effective, and complete investigation/response, or as otherwise required by law.

12. Next Review Date

- a) This directive will be reviewed by the Chief Administrative Officer at minimum every 4 years from the last revision date.

Legal References


Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25

Cross References

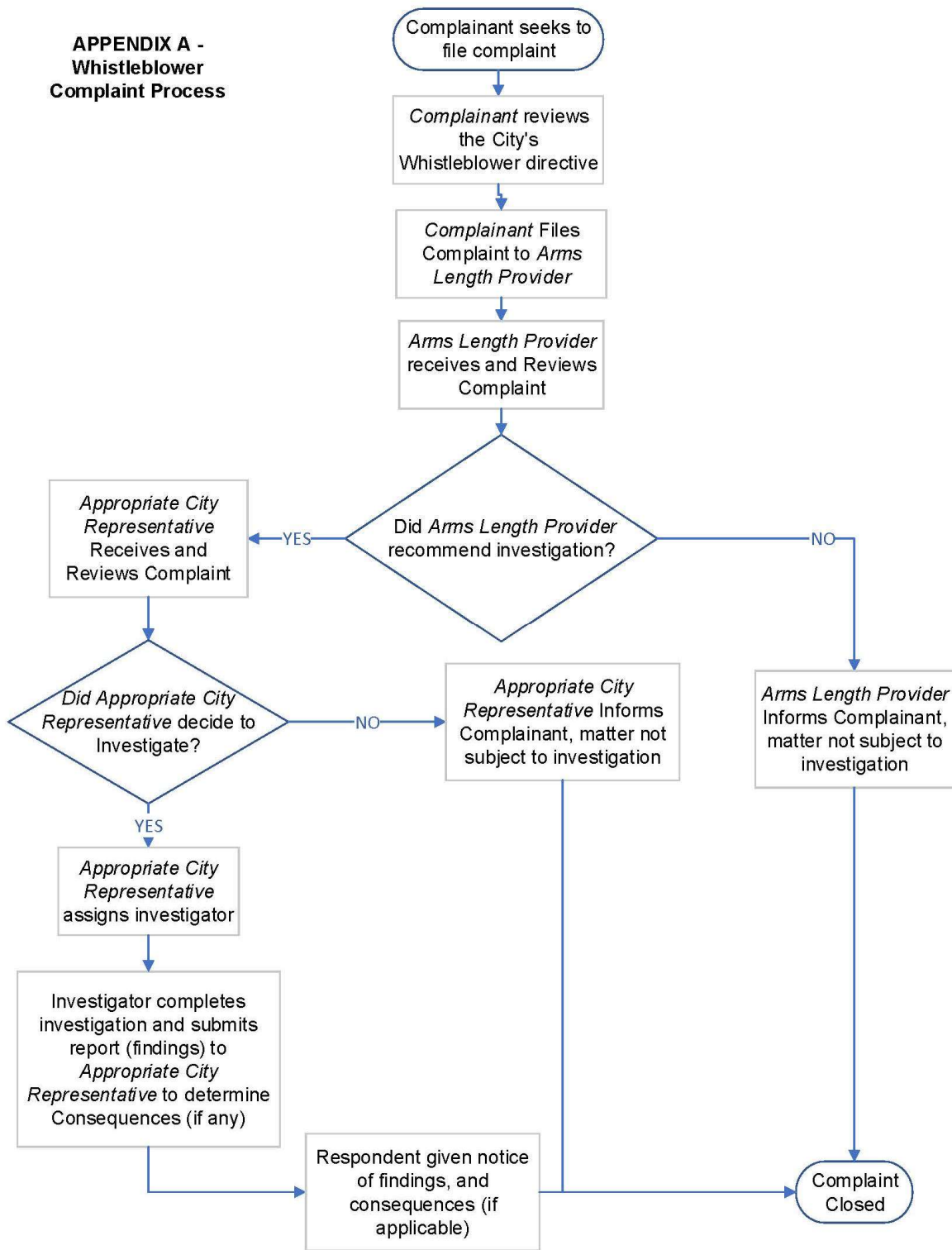
- A-HRS – 2.03 Respectful Workplace Directive
- A-HRS – 2.04 Code of Conduct Directive
- A-HRS – 2.05 Corrective Actions Directive

Attachments

Appendix A – Whistleblower Complaint Process

	8 January, 2025
SIGNATURE	DATE

**APPENDIX A -
Whistleblower
Complaint Process**



A-HRS 02.10 - Whistleblower Protection 2025

Final Audit Report

2025-01-08

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