

Whistleblower Policy

Original Implementation Date: April 2, 2024

Approved by: Cathie O’Toole, CAO

Date of Last Revision:

Approved by:

Effective Date of Last Revision:

Approved by:

1 - Policy Name

Whistleblower Policy

2 - Purpose

Halifax Regional Municipality is committed to integrity and accountability. The purpose of this Policy is to ensure that all employees have access to an anonymous method of reporting allegations of waste and/or wrongdoing within the Municipality when there is fear of reprisal or discomfort with using the regular process for reporting a specific concern. This Policy supports the Administrative Priorities of Responsible Administration, Our People, and Service Excellence.

3 - Objectives

- Provide employees with a clear process for anonymously reporting waste and wrongdoing.
- Protect employees from reprisal for reporting waste and wrongdoing.
- Inform employees of their right to bring forward concerns of waste and wrongdoing without providing their name.
- Outline the relationship between this Policy and related policies and processes that provide channels for reporting waste and wrongdoing.

4 - Scope

This Policy applies to all HRM employees (as defined in this Policy), and to others made subject to this Policy pursuant to the terms of a contract or tender. Any concerns raised through the whistleblower intake process regarding an elected official will be addressed as per Administrative Order 52, the *Code of Conduct for Elected Municipal Officials* Administrative Order (Administrative Order 52 | Halifax).

5 - Definitions

In the context of this document:

Bullying means a form of harassment that typically is carried out through a repeated targeted pattern of behaviour that is intended to, or ought reasonably to be known to, cause fear, humiliation, intimidation, distress or other forms of harm. The impact may be physical or psychological and may damage a person's body, feelings, self-esteem, reputation, or property. Bullying may be obvious or subtle, direct, or indirect, and can occur in person, writing, or through the use of technology such as social media, text, or email.

Discrimination means making a distinction, whether intentional or not, based on a protected characteristic (as outlined in the Nova Scotia Human Rights Act and defined in this Policy) that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals that is not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.

Employee means an individual employed by the Municipality, and for the purposes of this Policy includes volunteers, student trainees, interns and individuals employed on a personal service contract or sub-contract. Employee also includes contractors or sub-contractors who are made subject to this Policy pursuant to the terms of a contract or tender, and their employees, in the course of providing goods and services to the Municipality.

External Intake Body means a service that is contracted by the Municipality to receive reports of waste and wrongdoing in a manner that protects the employee's identity.

Fraud means the use of deception with the intent of obtaining an advantage, avoiding an obligation or causing a loss to another party.

Good Faith means that the employee is telling the complete truth about the information they provide and genuinely believe that waste or wrongdoing has occurred (or is occurring).

Harassment means a course of derogatory (e.g. condescending, insulting, belittling) or vexatious (e.g., aggressive, angry, antagonistic) conduct or comment that is known or ought reasonably to be known to be harmful or unwelcome. Harassment includes actions or comments that create an intimidating, demeaning or psychologically unsafe work environment. Harassment may occur as a serious one-time incident, but it usually occurs through a course of conduct or pattern of behavior.

Investigator means a person appointed to investigate formal complaints. The investigator may be a Municipal employee or contracted externally.

Leader means a supervisor, manager, director, executive director or employee who has supervising responsibilities in their role (i.e. work assignment, training, etc.).

Municipality means Halifax Regional Municipality; it may also be referred to as "the Organization."

"Ought Reasonably to be Known" means an objective assessment of how a specific behaviour might generally be received.

Procedural Fairness means following processes that are consistent, transparent, without bias or conflict of interest and ensuring all necessary information is gathered prior to determinations, including an opportunity for those involved to respond as appropriate.

Protected Characteristics means the list of characteristics as defined by the Nova Scotia Human Rights Act that discrimination and harassment are legally prohibited against in the area of employment. The protected characteristics are: age; race; colour; religion; creed; sex; sexual orientation; gender identity; gender expression; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity; that individual's association with another individual or class of individuals having protected characteristics.

Retaliation means any adverse action or threat of adverse action taken by any manager or employee in response to another's participation in the complaint process. Acts of retaliation include conduct that intimidates, coerces, penalizes, excludes or otherwise discriminates against the complainant or those who are involved in the complaint process.

Waste means the material mismanagement or abuse of Municipal resources in a wilful, intentional, or negligent manner.

Whistleblower means an employee who has knowledge of, or suspicion of actions or behaviour involving waste or wrongdoing and who chooses to submit a complaint through any of the established processes for submitting complaints, including the anonymous whistleblower intake process.

Witnesses means individuals who are identified as having observed alleged actions or behaviours related to a complaint or who are identified as having knowledge relevant to the alleged actions or behaviours. Employees who are identified as witnesses have a responsibility to cooperate in good faith with the complaint resolution process including providing particulars of the alleged incident.

Workplace means any place occupied by employees and includes (but is not limited to) Municipal offices, vehicles/vessels and facilities, including hybrid and remote work locations; training events; conferences; business travel; work-related social gatherings or any other location where Municipal activity is conducted or where an employee is representing the Municipality in a professional setting.

Wrongdoing means any illegal, harmful, or discriminatory conduct, including but not limited to:

- Crime or a suspicion of criminal activity held in good faith.
- Discrimination, harassment or bullying.
- Fraud and theft.
- The wrongful or unauthorized acquisition, use, appropriation or disposal of Municipal assets, including but not limited to monies, information, data, materials, labour or equipment.

- Falsification, alteration or manipulation of the Municipality's documents, records or files.
- The violation of public trust.
- Danger to workplace/public health or safety.
- The misuse of position or data for personal gain.
- Financial dishonesty, including, but not limited to forgery, alteration of financial documents and misappropriation or mishandling of funds or securities.
- Any fraudulent claim for reimbursement of expenses by the Municipality.

6 – Roles and Responsibilities

Employees

Every employee has a responsibility to conduct themselves in a manner that aligns with Halifax Regional Municipality's values, policies, and Code of Conduct and upholds all laws. Employees are expected to:

- Only bring forward concerns that are honest and genuine (in good faith).
- Use the most appropriate process for reporting concerns.
- Provide as many details with as much accuracy as possible when raising concerns through the whistleblower process.
- Maintain discretion and confidentiality and follow the appropriate process for raising concerns.
- Cooperate in investigations and handling of alleged violations of Waste and/or Wrongdoing.
- Maintain confidentiality related to investigations.

Leaders

Leaders have additional responsibilities to ensure that employees conduct themselves in a manner that aligns with Halifax Regional Municipality's values, policies and Code of Conduct and upholds all laws.

Leaders are expected to:

- Ensure their direct reports are aware of this Policy and the process for reporting.
- Cooperate in reviews and investigations addressing alleged violations of waste and/or wrongdoing.
- Maintain confidentiality related to all reviews and investigations.
- Ensure all mandatory training for direct reports is complete and up to date.

Diversity and Inclusion/African Nova Scotia Affairs Integration Office (ANSAIO)

The Diversity and Inclusion/ANSAIO team will provide a diversity, equity, inclusion and accessibility lens and advice related to whistleblower reports as requested by the CAO or designate.

Human Resources

If a report is filed through the whistleblower intake process that relates to discrimination, harassment, or bullying, Human Resources is responsible for:

- Supporting the work of the review as requested by the CAO or designate.
- Conducting a formal investigation if requested by the CAO or designate.
- Maintaining confidentiality and discretion for all elements related to the file.
- Supporting requests for HR functions that may be required as part of the process in addressing a whistleblower concern.
- Supporting training that is identified as a necessary outcome of a review.

Chief Administrative Officer

The Chief Administrative Officer is responsible for communicating organizational expectations of integrity and accountability to all employees. The CAO or designate is also responsible for:

- Receiving reports from the external intake body and determining who (external body, and/or specific individuals within identified Business Unit) is best positioned to assist with each review that does not involve the CAO's Office.
- Maintaining a record of all complaints received and how they were addressed.
- Contracting external investigative services as required.
- Delegating investigations to Municipal staff as required.
- Providing oversight and guidance for review of whistleblower reports.
- Ensuring that, at the conclusion of a review, the intake service has been provided with a high-level account of the outcome that complies with all *Access to Information* legislation to be shared with the whistleblower, should they call back for an update.

7 – Policy Regulations

All employees have both the right and the responsibility to bring forward a concern made in good faith that relates to waste and/or wrongdoing at Halifax Regional Municipality. Employees who bring forward concerns made in good faith, regardless on the process they choose to report through, are protected from retaliation.

Whistleblower Protection

Employees are encouraged to report waste and wrongdoing through the channels that are best suited to the nature of their complaint. In situations where an employee is not comfortable reporting a concern through the normal procedure, the employee may file a report through the whistleblower intake process. Through this process the identity of the reporting employee shall be kept confidential.

For code of conduct violations, the normal procedure is for employees to report violations to their manager as outlined in the *Code of Conduct Policy*. For harassment, bullying and discrimination, the normal procedure is to report concerns through a respectful workplace complaint as outlined in the *Respectful Workplace Policy*. No adverse action shall be taken against any employee who, acting in good faith, reports potential waste or wrongdoing. If

retaliatory action occurs, the employee should immediately report the action to the CAO or designate (or the Municipal Solicitor if the retaliatory action involves the CAO's office).

Whistleblower Intake Process

Any employee who has witnessed waste or wrongdoing and does not feel comfortable reporting through other established processes may file a report through the whistleblower intake process.

To report waste and/or wrongdoing through the whistleblower intake process:

- Employees can either call the confidential phone number or fill out an online intake form.
- Employees will not be required to provide a name or a call back number.
- Employees will be given a file number so they can call back to provide more information or ask questions about the status of their report.
- The external intake body will inform the CAO or designate of any reports that do not relate to the Office of the CAO. For reports involving the CAO or Chief of Staff, the external intake body will inform the Municipal Solicitor, who will provide a report to the Executive Standing Committee outlining the complaint and actions taken to address it.
- The CAO or designate (or Municipal Solicitor) will determine the best method for gathering information related to the report. This may require contracting an external body to assist with the process.
- For every report received from the external intake body, the CAO or Municipal Solicitor will provide information to the intake body regarding the final resolution in keeping with *Access of Information* legislation.
- Employees are encouraged not to report the same concern through multiple channels. If an employee does decide to report a concern through multiple channels, the employee should flag this as part of their report.
- The more detailed information provided in the report, the better able the Municipality will be to act on the whistleblower complaint. If a report is filed without sufficient information to conduct a review, no further action will be taken. In situations where this occurs, it will be reported back to the intake body to give the whistleblower the opportunity to follow up with further information.

Complaints Against Executive Leaders/Senior Leaders

If a report is filed regarding a senior leader (Executive Director, CAO, CFO, CIO, Chief of Police or Fire Chief), an external body may be consulted regarding any subsequent review. If the complaint involves the CAO, the Municipal Solicitor will manage the review of the file and provide a report outlining the complaint and all actions taken to the Executive Standing Committee.

Complaints against Halifax Regional Police Officers

Complaints against Halifax Regional Police officers that are disciplinary in nature must be addressed in a manner consistent with the *Nova Scotia Police Act*.

Interaction with Collective Agreements

In order for an alleged breach of a collective agreement to be addressed as a grievance, it must follow the process that is outlined in the relevant collective agreement.

Allegations of Criminal Behaviour

Any allegation of criminal behaviour should be reported to the Halifax Regional Police (HRP). If an allegation of criminal behaviour is reported through the whistleblower intake process, the CAO or designate must lawfully inform HRP immediately. Criminal activity can be reported directly to HRP through several different channels as outlined on their website [Reporting crime | Halifax | Halifax](#).

Confidentiality

Anyone who provides information or evidence related to a workplace investigation must keep the information confidential.

8 - Repeal

“CAO Hotline”

9 - Effective Date

April 2, 2024

10 - Related Policies and Practices

Respectful Workplace Policy

Respectful Workplace Toolkit

Nova Scotia Police Act

Workplace Violence Prevention Procedure

Code of Conduct Policy

Human Rights Act, RSNS 1989, c. 214

Occupational Health and Safety Act, SNS 1996, c.7

[The Access to Information Act - Canada.ca](#)

11 - Policy Review

This Policy will be reviewed annually to ensure that it is meeting its stated purpose and aligned with current legislation.