



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS**  
*Whistle Blower Policy*

This Policy, which has been approved and issued by Council, is a statement by the Municipality of the District of West Hants that improper, unethical or inappropriate behaviour in the conduct of the business of the Municipality is unacceptable. All cases of suspected wrongdoing are to be reported and managed in a timely and appropriate manner.

**1. Purpose**

The Municipality of the District of West Hants is committed to safeguarding elected officials, the CAO, employees, and the public from harm or loss arising from illegal or irregular conduct by persons acting on behalf of the Municipality. The Municipality is also committed to safeguarding public assets from loss or damage arising from such acts as vandalism, theft or an attempt by anyone to gain any benefit they are not entitled to in the discharge of municipal responsibilities.

The Municipality is committed to responding to allegations of wrongdoing in an appropriate manner following an examination into the allegation of illegal and/or irregular activities.

The success of this Policy depends on each and every individual working in and for the Municipality being committed to adhere to this Policy at all times in the conduct of the business of the Municipality.

In order to foster adherence, this Policy is designed to encourage employees to come forward with allegations of wrongdoing without concern of reprisal.

**2. Definitions**

- a. CAO – Chief Administrative Officer;
- b. Municipality – the Municipality of the District of West Hants;
- c. Whistle Blower – anyone who speaks out in the name of public good from within an organization;
- d. Whistle Blowing - the act of disclosing information by an employee, contractor, or an external person or body about a wrongdoing to someone who can help ensure the wrongdoing ceases and that its perpetrator is held accountable for his or her action(s); where the Whistle Blower reasonably believe that the matter is happening now, took place in the past or is likely to happen in the future. Whistle Blowing

offers a mechanism for protecting the public interest;

- e. Wrongdoing – illegal, irregular or dishonest conduct.

### **3. Reporting in good faith**

This Policy is designed to deal with concerns raised in relation to specific issues which are in the public interest and detailed below. Only genuine concerns should be reported. Specific issues may include but are not limited to the following:

- a criminal offence;
- fraud;
- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, or breach of the Municipality's codes of ethics or conduct );
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; and
- a deliberate concealment of information tending to show any of the above.

All allegations will be investigated by the CAO or Council, as appropriate.

### **4. Whistle Blower Protection**

- a. Allegation of good faith which are not able to be confirmed by investigation will have no actions taken against the Whistle Blower.
- b. Allegations made that are malicious or to cause anger, irritation or distress may result in discipline in accordance with the Human Resources Manual or the Councillor Code of Conduct.
- c. No Municipality representative or person acting on behalf of the Municipality will:
  - i. Dismiss or threaten to dismiss an employee;
  - ii. Discipline or suspend or threaten to discipline or suspend an employee;
  - iii. Impose any penalty upon an employee;
  - iv. Intimidate, harass or coerce an employee; or
  - v. Take non-disciplinary actions contrary to the wishes of the employee, i.e. lateral transfer;

due to an allegation of wrongdoing.



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- d. No member of Municipal Council or an employee of the Municipality, Agency, Board or Commission over which Council has authority will:
  - i. Intimidate, harass or coerce another employee;  
  
due to an allegation of wrongdoing.
- e. A Whistle Blower who violates this Policy may be subject to discipline in accordance with the Human Resources Manual and Councillor Code of Conduct and may include dismissal of the Municipality representative, person acting on behalf of the Municipality representative, or employee.

**5. Reporting Protocol**

- a. A Whistle Blower will report any allegations of wrongdoing to their immediate supervisor, unless the allegation directly involves the immediate supervisor.
- b. If the allegation involves the Whistle Blower's immediate supervisor, they will report the wrongdoing to their Director or to the CAO if the allegation directly involves their Director.
- c. In cases where the allegation directly involves the CAO, the Whistle Blower will report the wrongdoing to the Warden or Deputy Warden if the Warden is not available.
- d. In cases where the allegation involves a member of Municipal Council, the allegation should be reported to the CAO who shall report the matter to the Warden or Deputy Warden.

**6. Reporting Procedure**

Allegations can be made by email, orally or in writing, stating that you are using the Whistle Blowing Policy.

The following information should be contained in the allegation where possible:

- an outline of the known or suspected wrongdoing;
- details, to the best of your knowledge, about when, where and how it occurred;
- a list of the names of those suspected of being involved (both within the municipal administrative structure and externally);
- a list of the names of anyone who may have relevant information;
- details of how you came to know about the suspected activities;

- what, if any, do you estimate to be the value of the loss to the Municipality or other parties;
- what, if any, breaches of internal controls, policy, procedure or other requirements you believe took place;
- any specific recommendations you have for actions;
- the names of anyone who you have discussed or reported this incident to;
- your name and contact details. Please note – these will be kept confidential as far as is reasonably practicable; and
- the date and time of making the report.

You will not be expected to prove the wrongdoing that you believe you have witnessed or suspect.

## **7. Duty to respond**

- a. The person the Whistle Blower contacts will acknowledge receipt of the concern within 3 working days and to discuss the next steps with the Whistle Blower. If the Whistle Blower attends any meetings as part of this process, they may chose to be accompanied by another person.
- b. Upon receiving an allegation of wrongdoing, the CAO or designate, will investigate the circumstances, ensuring the safeguarding of any pertinent notes, records or documents relating to the allegation.
- c. Following an investigation which indicates inappropriate activity has occurred, the CAO, upon consultation with the Municipal Solicitor, will take action appropriate to the circumstances.
- d. Following an investigation which indicates illegal activity may have occurred, the CAO or designate will report the findings to Council and refer the matter to an appropriate policing agency.
- e. Except as compelled by law, no employee, Municipality representative or Member of Council will reveal or confirm the identity of any Whistle Blower.

## **8. Related Legislation**

- Human Resources Manual (ADHR-004.00)
- Employee Code of Ethics Policy (ADHR-001.00)
- Employee Code of Conduct Policy (ADHR-002.00)
- Councillor Code of Conduct Policy (COHR-002.00)



I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **8<sup>th</sup>** day of **December, 2015**.

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 R. N. Brown  
 Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	Not Given
<i>Approval:</i>	December 8, 2015
<i>Description:</i> Initial approval of the Whistle Blower Policy, originally identified as COUNCIL-01-010.	
<i>1<sup>st</sup> Amendment</i>	
<i>Notice to Council:</i>	August 28, 2018
<i>Approval:</i>	September 11, 2018
<i>Description:</i> The Policy was reformatted and re-organized to provide clearer understanding, this includes the addition of definitions and related legislation section . The Policy was given a new identification number of COHR-003.00.	