

**THE CORPORATION OF THE CITY OF WINDSOR
POLICY**

Service Area:	Office of the CAO	Policy No.:	
Department:	Chief Administrative Office	Approval Date:	April 20, 2015
Division:		Approved By:	M140-2015
		Effective Date:	April 2015
Subject:	Concerned Employee Policy	Procedure Ref.:	N/A
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1. POLICY

- 1.1** The City of Windsor (“City”) is committed to providing an environment where employees feel safe and secure making good faith reports of suspected fraud, waste or misuse of assets.
- 1.2** The City is committed to protecting employees making good faith reports of suspected fraud, waste or misuse of assets from acts of intimidation or retaliation by any City employee or elected official.
- 1.3** The City is committed to promoting consistent organizational behaviour by providing guidelines and assigning responsibility for conducting investigations of suspected intimidation or retaliation against employees making a good faith report under this policy.
- 1.4** The City is committed to promoting consistent organizational behaviour by providing guidelines and assigning responsibility for conducting investigations of bad faith reports made by employees under this policy.

2. PURPOSE

- 2.1** The purpose of this Policy is to provide guidance to ensure the protection of employees making good faith reports of fraud, waste or misuse of assets from intimidation or retaliation by City employees or elected officials.

3. SCOPE

- 3.1** This policy applies to all City of Windsor employees (“Employees”) inclusive of all regular full-time, part-time, contract and temporary employees, including seasonal and recreation staff, students and volunteers.

4. RESPONSIBILITY

- 4.1** The Chief Administrative Officer (CAO) is responsible to:
- 4.1.1** Ensure the overall application of this policy within the Corporation;
 - 4.1.2** Ensure that this policy is communicated to persons identified as within the scope of this policy;

- 4.1.3** Oversee investigations which, due to potential conflict, cannot be overseen by the City Solicitor;
 - 4.1.4** Ensure that this policy is updated to reflect the requirements of any other Corporate policy.
- 4.2** The City Solicitor is responsible to:
 - 4.2.1** Undertake, in conjunction with any other member of management and/or staff that may be required, investigations of suspected intimidation and/or retaliation against employees making a report under this policy, including matters referred by the Internal Audit Service Provider.
- 4.3** The Corporate Leadership Team (CLT) and all Executive Directors (ED's) are responsible to:
 - 4.3.1** Ensure that all employees under their direction are familiar with the provisions of the policy;
 - 4.3.2** Promptly report any suspected intimidation and/or retaliation to the CAO and the City Solicitor.
- 4.4** The Executive Director of Human Resources is responsible to:
 - 4.4.1** Ensure that all new employees review and sign an acknowledgement of this policy at the time of hire and prior to actively commencing work
 - 4.4.2** Provide advice and guidance on the development of procedures and practices pertaining to this policy.
- 4.5** Managers and Supervisors are responsible to:
 - 4.5.1** Promptly report any suspected intimidation and/or retaliation to their ED. If the ED is the subject of the complaint, the report should be made to the relevant CLT member.
 - 4.5.2** Ensure that they and all employees under their supervision work in a manner that is in compliance with this policy and refrain from actions that may create actual or perceived intimidation and/or retaliation;
 - 4.5.3** Ensure that they reasonably familiar with the types of intimidation and/or retaliation which could be used against employees who make a report under this policy.
- 4.6** All Employees are responsible to:
 - 4.6.1** Conduct themselves in a manner that avoids actual or perceived intimidation and/or retaliation against other employees making a report under this policy;
 - 4.6.2** Report all incidents of suspected intimidation and/or retaliation of employees making a report under this policy to their manager or supervisor. If their manager or supervisor is the subject of the complaint, the report should be made to their ED;
 - 4.6.3** Make use of any reasonable means of communication when making a report described in 4.6.2, including anonymous reports if so desired using the Concerned Citizen/Employee Hotline;
 - 4.6.4** Co-operate fully with management, the Internal Audit Service Provider and any law enforcement agencies as required during the course of any investigation and to make all reasonable efforts to be available to assist with the investigation.

4.7 The Internal Audit Service Provider is responsible to:

4.7.1 Undertake, in conjunction with any member of management and/or staff that may be required, investigations as per the terms of the Internal Audit Charter and the Hotline & Notification Protocol.

5. GOVERNING RULES AND REGULATIONS

5.1 This policy is governed by the following statutes of the Province of Ontario or Government of Canada:

5.1.1 *Criminal Code RSC 1985, c. C-46;*

5.1.2 *Municipal Freedom of Information and Protection of Privacy Act, RSO, 1990 c M-56;*

5.1.3 *Occupational Health and Safety Act RSO 1990, C.0.1;*

5.1.4 *Ontario Human Rights Code RSO 1990, c H.19*

5.1.5 *Ontario Municipal Act, 2001 S.O. 2001 c. 25*

5.2 Definitions

5.2.1 City Assets – Includes all tangible and intangible property of the of the City including but not limited to equipment, financial assets, land, vehicles, material, computers, electronic mail, internet services, information and work time;

5.2.2 Fraud – For the purposes of this policy fraud and / or misuse of assets, includes, but is not limited to, the following acts characterized by deceit, or concealment or wilful blindness to policy, procedure or appropriate practice:

- a) Forgery, alteration or fraudulent creation of documents including, but not limited to cheques, drafts, promissory notes, securities, timesheets, purchase orders, other blank documents of value such as invoices, billing slips, permits, licenses, etc;
- b) Any misappropriation, embezzlement, unauthorized use or misuse of cash, funds, securities, supplies, furniture, equipment, materials, records or any other asset;
- c) Any irregularity in the handling and/or reporting of money transactions;
- d) Any intentional, false representation or concealment of a material fact for the purpose of improperly obtaining or impairing a City of Windsor asset;
- e) Demanding or requesting or accepting anything having value from vendors, consultants, contractors, or anyone doing business with the City as a condition of their doing business with the City or in order for them to receive preferential treatment from the City;
- f) Offering or providing anything having value to clients, vendors, consultants, contractors, or anyone doing business with the City as a

means of obtaining preferential treatment or benefit for the employee, any other person or the City;

- g) Any intentional violations of the Corporate Conflict of Interest Policy;
- h) Any computer related activity involving the alteration, destruction, forgery or fraudulent manipulation of data and any misappropriation of City owned software;
- i) Any claim for reimbursement of expenses that were not incurred as a recognizable business expense for the City's benefit or that are in violation of the Corporate Business and Travel Expense policy;
- j) Authorization or receipt of payments for goods not received or services not performed, other than normal prepaid expenditures;
- k) Authorization or receipt of payment for hours not worked;
- l) Any apparent violation of Federal, Provincial or local laws related to dishonest activities or fraud;

5.2.3 Good faith – refers to any reasonably sincere, honest intention or belief;

5.2.4 Misappropriation – the intentional or illegal use of the property or funds of another person for one's own use or other unauthorized purpose;

5.2.5 Misuse – includes unethical behaviour, wilful omission to perform one's duties, abuse of authority, theft, embezzlement, receipt of bribes, kickbacks or gifts of significant value, breach of federal, provincial or municipal legislation and significant waste of City assets;

5.2.6 Person(s) – includes employees, agents, intermediaries and members of the public;

5.2.7 Retaliation – oral or written reprimand, suspension, termination, loss of advancement opportunities, change in duties, reduction in pay, change in reporting structure, change in work location, harassment, threats, coercion, interference or intimidation at work directed at an employee reporting fraud or misconduct or participating in an investigation, proceeding or hearing with respect to fraud or misconduct;

5.2.8 Suspicion – reasonable belief that a violation of this policy is occurring.

5.2.9 Unauthorized – not having official permission to do or omit to do an act whether specifically granted (whether or not in writing) or designated by policy.

5.3 This policy is designed to augment other corporate policies as noted below containing related information and is not intended to replace or preclude them. Should a conflict arise between policies in the areas of interpretation, application, or responsibility, the policy with the more stringent or restrictive interpretation shall apply. However, in

resolving a conflict between policies, nothing shall be interpreted so as to reduce or interfere with the rights of management to direct or discipline employees.

- 5.3.1** Fraud & Misuse of Assets Policy
- 5.3.2** Human Rights Policy
- 5.3.3** Workplace Harassment Policy
- 5.3.4** Workplace Violence Policy
- 5.3.5** Standards of Employee Department Policy
- 5.3.6** Acceptable Use Policy
- 5.3.7** Purchasing By-Law
- 5.3.8** Travel and Business Expense Policy
- 5.3.9** Code of Ethics & Conflict of Interest Policy
- 5.3.10** Internal Audit Charter
- 5.3.11** Concerned Citizen/Employee Hotline & Notification Process
- 5.3.12** Any and all policies, procedures or directives issued by Council or the CAO relating to financial matters, use of assets or fraud.

5.4 Application of this policy will be in accordance with applicable provisions within the collective agreements and memoranda between the City and its unions and associations.

5.5 Nothing in this policy may preclude an employee from making a report to the Concerned Citizen/Employee Hotline.

5.6 Any person(s) found responsible for intimidation and/or retaliation against an employee making a report under this policy will be subject to disciplinary action up to and including dismissal.

5.7 Any person(s) found responsible for making a false accusation of intimidation and/or retaliation will be subject to disciplinary action up to and including dismissal.

6. RECORDS, FORMS AND ATTACHMENTS

6.1 All records shall be kept confidential and maintained in accordance with the City's Record Retention By-law.

6.2 The Chief Administrative Officer shall have the authority to create and revise operational procedures in support of this policy.

6.3 This policy will be monitored on an ongoing basis and formally brought back to City Council for approval/revision within five years, or sooner if required.