

## CORPORATE POLICY & PROCEDURE

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**POLICY TITLE:** WHISTLEBLOWER PROGRAM  
**POLICY NO.:** HR-4.02-P

<b>Chapter:</b>	Human Resources		
<b>Section:</b>	4. Employee Relations		
<b>Effective Date:</b>	January 11, 2021	<b>Last Review Date:</b>	October 6, 2020
<b>Approval Authority:</b>	Chief Executive Officer		
<b>Issued to:</b>	All TRCA Employees		
<b>Policy Owner:</b>	Human Resources		

### 1. PURPOSE

- 1.01. The purpose of this Policy is to provide a mechanism whereby Toronto and Region Conservation Authority (TRCA) employees may disclose any knowledge of actual or intended misconduct which may be unethical, illegal, or fraudulent in nature.

### 2. SCOPE

- 2.01. This Policy applies to all TRCA employees.
- 2.02. This Policy does not apply to complaints regarding decisions made by the Executive Committee, Board of Directors, and advisory board members.

### 3. POLICY

- 3.01. TRCA is committed to maintaining high ethical standards in the actions, behaviours and decisions of all employees. As such, the Whistleblower Program forms part of TRCA's *Code of Conduct* and sets out clear guidance on the principles, standards, and responsibilities of conduct in the performance of TRCA duties.
- 3.02. Where an employee, acting in good faith and on the basis of reasonable belief, becomes aware of actual or intended misconduct which may be unethical, illegal, or fraudulent, they have a responsibility to report such misconduct or incidents, as soon as learning of them.
- 3.03. Employees are expected to co-operate fully with investigations or proceedings related to acts of alleged misconduct under this Policy.

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- 3.04. Information regarding the identity of the reporting person, if provided, and any details of the alleged misconduct that could identify the reporting person shall be held in confidence, except as required by this Policy or by law.
- 3.05. Complaints or reports of misconduct shall be fully investigated, and any employee found to have participated in actions of misconduct shall be subject to discipline, up to and including termination.
- 3.06. An employee who makes a deliberately misleading complaint or report of misconduct will be subject to disciplinary measures up to and including termination.
- 3.07. Where incidents of a criminal nature are reported through the Whistleblower Program, TRCA may be required to report such actions to the applicable authorities.

#### **4. RESPONSIBILITY**

- 4.01. **Chair of the Board of Directors** is responsible for:
  - (a) Receiving summary reports of investigations under this Policy, if the complaint is against the Chief Executive Officer; and
  - (b) Acting on non-compliance issues if the complaint is against the Chief Executive Officer.
- 4.02. **Chief Executive Officer (CEO)** is responsible for:
  - (a) Ensuring direct reports understand this Policy and act in accordance with the Policy;
  - (b) Modelling expected behaviours and uphold the highest level of public trust and lawful and ethical behaviour and acting in accordance with *HR-4.01-P Code of Conduct*;
  - (c) Receiving summary reports of investigations under this Policy; and
  - (d) Acting on non-compliance issues.
- 4.03. **Chief Human Resources Officer (CHRO)** or their designate is responsible for:
  - (a) Managing and administering the Whistleblower Program, ensuring TRCA retains a Whistleblower Program;
  - (b) Manages the relationship with the third-party independent Whistleblower reporting firm;
  - (c) Triaging complaints and assigning competent investigators;
  - (d) Receiving completed investigation reports and establishing recommendations; for corrective action and informing the CEO; and
  - (e) Monitoring and reporting on non-compliance
- 4.04. **Divisional Directors** are responsible for:
  - (a) Ensuring employees understand this Policy and act in accordance with the Policy;
  - (b) Modelling expected behaviours and uphold the highest level of public trust and lawful and ethical behaviour and acting in accordance with *HR-4.01-P Code of Conduct*;
  - (c) Reporting any incidents of unethical, illegal or fraudulent misconduct;

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- (d) Notifying the CHRO immediately if an employee reports an incident of misconduct related to unethical, illegal or fraudulent conduct or action; and
- (e) Cooperating fully with whistleblower investigations and maintaining confidentiality of any investigations, information and proceedings related to a complaint or investigation.

4.05. **Immediate Supervisors** are responsible for:

- (a) Ensuring employees understand this Policy and act in accordance with the Policy;
- (b) Modelling expected behaviours and uphold the highest level of public trust and lawful and ethical behaviour and acting in accordance with *HR-4.01-P Code of Conduct*;
- (c) Reporting any incidents of unethical, illegal or fraudulent misconduct;
- (d) Notifying the CHRO immediately if an employee reports an incident of misconduct related to unethical, illegal or fraudulent conduct or action; and
- (e) Cooperating fully with whistleblower investigations and maintaining confidentiality of any investigations, information and proceedings related to a complaint or investigation.

4.06. **Employees** are responsible for:

- (a) Understanding and complying with this Policy;
- (b) Maintaining the highest level of public trust and lawful and ethical behaviour, and acting in accordance with *HR-4.01-P Code of Conduct*;
- (c) Reporting any incidents of unethical, illegal or fraudulent misconduct; and
- (d) Cooperating fully with whistleblower investigations and maintaining confidentiality of any investigations, information and proceedings related to a complaint or investigation.

4.07. On advice of the Chief Executive Officer, TRCA may accept, revise or rescind this Policy.

## **5. PROCEDURE**

5.01. TRCA employees should report any cases of actual or intended misconduct which may be unethical, illegal or fraudulent in nature to their immediate supervisor or a member of the Human Resources team. The investigation process for concerns raised through an employee's immediate supervisor or Human Resources team is outlined in the *HR-4.01-P Code of Conduct*.

5.02. In the case that an employee witnesses or experiences an incident of misconduct which may be unethical, illegal or fraudulent in nature, and the employee is uncomfortable reporting through the channels outlined in section 5.01, the Whistleblower Program provides a mechanism to anonymously report through a third-party service provider. Please keep in mind that this is an alternative channel to be used only when there is concern of reprisal when using TRCA's existing procedures.

5.03. Complaints made through the Whistleblower Program are submitted through an external independent third-party service provider anonymous reporting system.

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- 5.04. The Whistleblower Hotline is independently operated by an independent third-party service provider and is accessible 24 hours a day, 7 days a week by phone, email or online submission through a secure website.
- 5.05. Whistleblowers are not required to provide their name or any other personal information when submitting a complaint of potential misconduct of an unethical, illegal or fraudulent in nature. However, employees are expected to cooperate fully with any investigation when additional information is requested.
- 5.06. Whistleblowers are able to access their complaint to obtain the status of the complaint or assess if additional information has been requested, by utilizing the assigned code provided from the third-party reporting system.
- 5.07. The CHRO or their designate acts as the contract manager for the third-party service provider and, when required, the point of contact for other independent investigators assigned to an investigation resulting from a Whistleblower complaint.
- 5.08. The CHRO or their designate is responsible for triaging all complaints, and where a complaint is deemed to be a potential incident of misconduct which may be unethical, illegal or fraudulent in nature, is responsible for assigning an investigator to the matter.
- 5.09. If the matter involves the CHRO, the CEO shall determine a designate to fulfill the CHRO role in the matter.
- 5.10. An objective and impartial investigation of any suspected incident of misconduct which may be unethical, illegal or fraudulent in nature will be conducted, regardless of the subject's role within TRCA. Investigators assigned to each case shall be duly qualified to conduct subject investigations and shall do so in an independent and impartial manner.
- 5.11. Anonymous two-way communication is facilitated through the Whistleblower Program independent service provider's system. If additional information is required with respect to the complaint to aid in assessment of the complaint, the investigation process or to obtain clarification from the Whistleblower, the CHRO or their designate or an investigator will contact the Whistleblower through this mechanism. If additional information is requested during the investigation and the Whistleblower chooses not to participate or respond, the investigation may not be possible to pursue due insufficient information and the case file may be closed.
- 5.12. TRCA employees are required to participate in investigations into matters of a whistleblower complaint. Whistleblowers, witnesses, the Subject Party(s) and investigator(s) must maintain confidentiality of all information related to an investigation. Any breaches of confidentiality may be regarded as misconduct and addressed accordingly.
- 5.13. At the conclusion of each investigation, the investigator will document the results in a confidential report and provide the report to the CHRO, who will share the summary of the conclusion of the report with the CEO. The CHRO and CEO will ensure appropriate action is taken in response to the investigation, and, where practical, will

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make every reasonable effort to pursue the recovery of TRCA losses from the Subject or other appropriate sources where applicable.

- 5.14. If the matter involves the CEO, the CHRO shall present the matter to the Chair of the Board of Directors. The Chair of the Board of Directors would then be responsible for overseeing the investigation and the final resolution of the matter.
- 5.15. Where matters raised are of an unlawful nature, authorities may be contacted.

#### **Retaliation/Reprisals**

- 5.16. Employees who put forth a whistleblower complaint in good faith shall be protected for any form of retaliation or reprisal.
- 5.17. Employees that feel that they are being retaliated or reprimed against as a result of submitting a whistleblower complaint or participating in a whistleblower investigation, is to immediately notify the CHRO or their designate to address the matter.

#### **Corrective Actions**

- 5.18. Where it is determined that a TRCA employee:
- (a) puts forth a malicious or false complaint in bad faith;
  - (b) makes a false, misleading or malicious statement in bad faith;
  - (c) fails to cooperate with the whistleblower investigation or process;
  - (d) seeks reprisal or retaliation as a result of a complaint;
  - (e) has allegations of misconduct substantiated through the whistleblower investigation process;

the employee may be subject to disciplinary action up to and including termination.

### **6. DEFINITIONS**

- 6.01. **“In Good Faith”** means reports are based on reasonable beliefs or grounds and are not made with malicious intent or in bad faith for self-interest and or support a personal agenda.
- 6.02. **“Misconduct”** means conduct which results in or could result in a contravention of federal or provincial law, misuse of company resources, financial mismanagement or misuse of authority. Misconduct also includes any retaliatory measures against any employee who is protected under this Policy.
- 6.03. **“Reporting System”** means the third party hired by TRCA to manage the confidential reporting of misconduct should employees wish to report misconduct anonymously.
- 6.04. **“Subject Party”** means the person(s) identified in the Whistleblower’s complaint
- 6.05. **“Substantiated Report”** means there was sufficient evidence that existed to determine misconduct in accordance with the Policy.

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- 6.06. **“Unsubstantiated Report”** means there was insufficient evidence exists to determine misconduct in accordance with the Policy.
- 6.07. **“Whistleblower”** means the employee who has knowledge or suspicion of an activity of misconduct and submits a complaint through the Whistleblower Program.

**7. ADMINISTRATION**

*Administered by the Clerk’s Office*

<b>Review Schedule:</b>	1 Year	<b>Next Review Date:</b>	October 6, 2021
<b>Supersedes:</b>	<i>Whistleblower Protection Policy (2017-04-21)</i> <i>Whistleblower Protection Procedures (2017-04-20)</i>		
<b>Related Legislation, Regulations and Guidelines:</b>	N/A		
<b>Related Policies and Policy Tools:</b>	<i>HR-4.01-P Code of Conduct</i>		
<b>Revision History</b>			
<b>Version Number</b>	<b>Version Date</b>	<b>Description</b>	
1	January 11, 2021	Policy went into effect.	