

EDMONTON

ADMINISTRATIVE PROCEDURE



TITLE

WHISTLEBLOWER PROTECTION

NUMBER

A1455

DEPARTMENT

OFFICE OF THE CITY MANAGER/OFFICE OF THE CITY AUDITOR

DELEGATED AUTHORITY

CITY MANAGER

CONTACT

CITY MANAGER (780) 496-8222

DEFINITIONS

DATE

OCTOBER 13, 2011

Employee - Means any individual employed by the City that reports directly or indirectly to the City Manager or the City Auditor, along with those individuals employed/contracted by the City on a personal services agreement.

Independent Reviewer - Means a General Manager, assigned by the City Manager to review a Retaliation complaint, who does not manage the Department in which alleged Retaliation occurred, and who is not implicated, involved or otherwise conflicted in relation to any aspect of the Retaliation complaint.

Retaliation - Means 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 directed at an Employee who in good faith makes a report, or participates in an investigation, proceeding or hearing with respect to a suspected violation of any City Policy, Directive, Procedure or other rule/expectation respecting the conduct of Employees.

PROCEDURES AND GUIDELINES

If an Employee believes that Retaliation has occurred, the Employee may submit a complaint in writing to the City Manager within six months of the date on which the Employee knew or ought to have known that the alleged Retaliation occurred.

All complaints of Retaliation will include:

- the name and work address of the complainant;
- the name and title of each City Employee against whom the complaint of Retaliation is made;
- the specific type of Retaliation;
- the specific date(s) of Retaliation; a statement as to the facts that form the basis of the complaint of Retaliation; and

AS TO FORM:

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a statement of the complainant's explanation of how his or her reported allegation and/or participation in an investigation, proceeding or hearing is related to the Retaliation.

An Employee who has complained of Retaliation may be temporarily reassigned to other duties during the investigation if such reassignment is deemed appropriate and such reassignments are not Retaliation.

The City Manager will assign the Retaliation complaint to an Independent Reviewer who is not involved in any aspect of the complaint. The Independent Reviewer will investigate, make determinations and report the outcome to the City Manager and all parties involved.

An Employee may appeal the outcome of the investigation into an allegation of Retaliation to the City Manager by submitting a written request for review of the decision not more than one month after the date on which the Independent Reviewer's report is provided to all parties involved. The City Manager will review the appeal, make any further inquiries deemed appropriate, adjust the decision if necessary, and notify all parties involved. The City Manager's decision is final for the purposes of this investigation.

When the City Manager is implicated in Retaliation, Employees may submit complaints in writing to the City Auditor not more than six months after they knew or ought to have known that the alleged Retaliation occurred. The City Auditor will investigate, notify all parties involved and report the outcome to the Audit Committee as required.

When the City Auditor is implicated in Retaliation, Employees may submit complaints in writing to the City Manager not more than six months after they knew or ought to have known that the alleged Retaliation occurred. The City Manager will investigate, notify all parties involved and report the outcome to the Audit Committee as required.

All Employees receiving reports of Retaliation and those participating in investigations shall keep the details and results 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.

Compliance

Any Employee that violates the Directive or this Procedure will be subject to disciplinary action, up to and including termination in addition to and apart from any penalty provided for by law.

An Employee who knowingly makes a false or misleading statement during the course of a complaint, investigation, hearing, or proceeding will be subject to disciplinary and/or legal action.