

Whistleblower Policy



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Human Resources	April 28, 2026	52-2026	1	11
Subsection	Repeals By-Law Number		Policy Number	
	N/A		HR-2-9	

1.0 Policy Statement

The City of Kenora (the City) is committed to the principles of corporate accountability, transparency and honesty.

2.0 Purpose

- 2.1 The purpose of this policy is to establish procedures for Employees for the anonymous reporting and investigation of allegations of waste and/or wrongdoing within the City of Kenora, when there is fear of reprisal when using established channels.
- 2.2 The City acknowledges that the Whistleblower program fulfills the Occupational Health and Safety Act (OHSA) harassment reporting obligations directing the administrator to route Occupational Health and Safety Act complaints appropriately and in accordance with policy.
- 2.3 It is important to note that all City employees are expected to report workplace misconduct, breaches of City policies, procedures and by-laws, as well as wasteful, fraudulent or inappropriate behaviour in the workplace. The Whistleblower Policy does not replace procedures set out in the Employee Code of Conduct or other City policies.

3.0 Application

- 3.1 The Whistleblower Program may be utilized by all City of Kenora employees.
- 3.2 Complaints regarding the conduct of a member of Council are to be directed to the Integrity Commissioner. Should an investigation include a member of Council and a City employee, the third-party investigator will work with the Integrity Commissioner directly to coordinate the investigation.
- 3.3 Several existing Corporate Policies and Procedures outline the actions the City will take in the event of accusations or findings of staff misconduct. Staff should review these policies and consider using established channels of reporting

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allegations of waste and/or wrongdoing in accordance with the applicable policy:

- Employee Code of Conduct
- Information Technology Acceptable Use
- Purchasing of Goods and Services
- Respectful Workplace
- Workplace Violence

3.4 Unionized employees also have access to the grievance procedure outlined in their collective agreements as a channel to report waste and/or wrongdoing.

4.0 Definitions

Good Faith - refers to any sincere, honest intention or belief.

Employee - means, for simplification of the language in this policy, all union and non-union employees, and includes volunteers and paid per call firefighters.

Frivolous/Vexatious - Reports made with malicious intent or without reasonable grounds.

Integrity Commissioner – refers to an independent officer under current legislation, the Municipal Act, or any applicable provincial legislation that appoints an independent person to oversee ethical conduct in public office.

Misconduct - Includes illegal acts, policy violations, gross mismanagement, misuse of resources, health and safety risks, harassment, and retaliation.

Respondent - the person(s) identified in a Whistleblower complaint.

Retaliation - any adverse action, including dismissal, demotion, harassment, intimidation, or threats, against a Whistleblower.

Unsubstantiated - Following an appropriate investigation of the circumstances, reports made under the Whistleblower Policy will be deemed to be unsubstantiated where the evidence does not support an allegation or where insufficient evidence exists to determine if any allegation contained in the report has occurred. The civil standard of “balance of probabilities” will be used to substantiate allegations.

Waste - means the gross mismanagement/abuse of City resources in a willful, intentional or negligent manner.

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Whistleblower - an employee who has knowledge or suspicion of an activity and chooses to submit a complaint through the Whistleblower Program.

Whistleblower Program - means the processes and mechanisms for the confidential and anonymous reporting of waste and/or wrongdoing where fear of reprisal exists and the subsequent investigation and outcome of each complaint.

Wrongdoing - means any illegal or inappropriate conduct, including but not limited to:

- Crime or suspected criminal activity;
- Fraud and theft;
- The wrongful or unauthorized acquisition, use, appropriation or disposal of City assets, including monies, information, data, materials, labour or equipment, including furniture and fixtures;
- Falsification, alteration or manipulation of the corporation's documents, records or computer files;
- The violation of public trust or duty;
- Danger to public health or safety;
- The misuse of position for personal gain;
- Financial irregularities, including but not limited to: forgery or alteration of cheques, drafts, promissory notes and securities; any misappropriation or mishandling of funds or securities; and/or
- Any fraudulent claim for reimbursement of expenses by the City.

5.0 Procedures

Administration

1. The Whistleblower Program is managed by an independent third-party service provider.
2. Complaints are submitted through the third-party service provider's external, anonymous reporting system and investigated by professionals employed by a third-party service provider or another independent investigator or by appropriate City staff.
3. The Manager of Human Resources and Chief Administrative Officer (CAO) act as the contract manager(s) 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.

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6.0 Accountability

Chief Administrative Officer & Manager of Human Resources

The Chief Administrative Officer & Manager of Human Resources are accountable for:

- Ensuring the City retains a Whistleblower Program provider whose services include procedures for receiving, assessing, appropriately investigating and reporting the outcome of allegations and complaints received under the Whistleblower Program;
- Ensuring staff cooperate with Whistleblower Program investigations as required;
- Where applicable, ensuring the underlying causes are determined and that recommendations are made to correct the situation and prevent further occurrences; and
- Where appropriate to the circumstances, inform Council of Whistleblower Program investigations and/or outcomes.

Departmental Directors

All departmental directors are accountable for:

- Ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions;
- Ensuring compliance with this policy; and
- Cooperating with Whistleblower Program investigations as required.

Managers and Supervisors

Managers/supervisors are accountable for:

- Ensuring staff in their respective divisions are aware of this policy and any subsequent revisions;
- Ensuring staff comply with this policy; and
- Cooperating with Whistleblower Program investigations as required.

All Employees

All Employees are accountable for:

- Complying with this policy;
- Reporting any occurrence or indication of Waste and/or Wrongdoing that they are aware of to their manager, supervisor or other management staff through established channels or, where fear of reprisal exists, through the Whistleblower Program;
- Cooperating with Whistleblower Program investigations as required; and

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Adhering to the confidentiality requirements in the section below, in addition to the City's confidentiality protections outlined in the Employee Code of Conduct Policy, when making reports to external lawful authorities, except where required by law, or where an Employee's safety or public safety is imminently threatened.

7.0 Process

- 7.1 All Employees have a responsibility to report serious violations or breaches of City policies, procedures and by-laws; allegations of criminal activity; and any other Employee misconduct which may be detrimental to the City's interests.
- 7.2 Employees are encouraged to report such matters to their director, manager, supervisor or Human Resources using established channels, but may report them anonymously through the Whistleblower Program when they fear reprisal.
- 7.3 Where possible, reports should be submitted within 30 days of the incident. Reports that are filed more than 30 days will still be considered, however, delays may hinder the ability to investigate and take appropriate corrective action.
- 7.4 An independent, objective and impartial investigation of any suspected acts or allegations of Waste and/or Wrongdoing will be conducted in a timely manner and regardless of the Respondent's position, title or length of service or the relationship with the City or any party who might be involved in such an investigation.
- 7.5 Should an employee use the reporting form to report an OHS/A violation, the Administrator will forward the complaint to the appropriate authority within the City. The Whistleblower Program Administrator does not investigate harassment allegations directly; these allegations are referred to the employer for investigation.
- 7.6 Investigations will be conducted in a timely manner, and any Employee found to have participated in actions constituting Waste/Wrongdoing shall be subject to discipline, up to and including termination for cause.

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8.0 Reporting Mechanism

- 8.1 The reporting system, accessible 24 hours a day, 7 days a week through a secure website submission form, is operated by an independent third-party service provider to ensure strict Employee confidentiality and anonymity.
- 8.2 Whistleblowers are not required to provide their name or any other personal information when submitting a complaint of suspected waste and/or wrongdoing by a Respondent(s). However, in some cases, investigation may not be possible unless the source of the information is identifiable and/or insufficient information has been provided.

9.0 Reporting Process

- 9.1 An anonymous report is submitted through the third-party service provider reporting tool. The Whistleblower should include as much information as possible, including the nature of the Waste and/or Wrongdoing; which Employees are alleged to be involved; specific dates, times and locations; and any relevant evidence.
- 9.2 The Whistleblower is encouraged to retain any confirmation details provided at the time of submission, including access credentials or reference numbers, in case further communication or clarification is required during the review process.

10.0 Investigation

- 10.1 Complaints will be investigated by employees of the independent service provider, another qualified external investigator or by Human Resources staff, depending on the nature and subject of the report or the respondent. The Manager of Human Resources and/or the Chief Administrative Officer (CAO), in consultation with the relevant Director, if applicable, will determine the most appropriate investigative approach. If a report alleges serious waste and/or wrongdoing involving either the Manager of Human Resources or the CAO, or if the circumstances present a conflict of interest or require independent handling, the Whistleblower Program Administrator will refer the matter to an external investigator. In all cases, a qualified and impartial investigative team will be assigned to ensure a fair and objective process. Interim measures, such as administrative leave, may be implemented to protect workplace integrity.

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- 10.2 Anonymous two-way communication is facilitated if more information is needed with respect to the complaint. If additional information is requested during the investigation and the Whistleblower chooses not to participate/respond, the investigator may decide not to investigate further, and the report will be updated accordingly. All Employees are expected to cooperate fully with any investigation.
- 10.3 A report may be deemed frivolous or vexatious at any stage if the third-party service provider, Manager of Human Resources, CAO, or external investigator determines that:
- The Whistleblower knowingly submitted false allegations;
 - The report was filed solely to harm the respondent;
 - The Whistleblower submitted multiple frivolous or vexatious reports and failed to respond to inquiries; or
 - There is reasonable evidence that the Whistleblower is abusing the Whistleblower Policy.

11.0 Conclusion

- 11.1 At the conclusion of each investigation, the independent service provider or staff investigator will document the results in a confidential report and provide the report to the Manager of Human Resources and/or CAO. In the case of complaints against the Manager of Human Resources, the report will be provided to the CAO. In the case of complaints against the CAO, the report will be provided to Council, through the City Clerk, in closed session. Findings will be communicated to the whistleblower and respondent, respecting confidentiality.
- 11.2 The City will make every reasonable effort to pursue the recovery of City losses from the Respondent(s) or other appropriate source(s).

12.0 Protection from Reprisals

- 12.1 Unsubstantiated complaints made in good faith will not result in any reprisal against the Whistleblower or the Respondent, including:
- Dismissal or threat of dismissal;
 - Discipline or suspension, or the threat of discipline or suspension;
 - Subjecting the Employee to any form of harassment or abuse; or
 - Imposing any penalty, directly or indirectly, including career limitations or a change in work conditions/ assignment.

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- 12.2 This protection applies to the complainant, witnesses and cooperating employees assisting with the disclosure.
- 12.3 This protection applies from the moment the complaint is made and an investigation is initiated.
- 12.4 The Manager of Human Resources and CAO must be informed if a Whistleblower believes they are being retaliated against, or if any Employee is informed of or becomes aware of possible reprisals against an individual as a result of a complaint under the Whistleblower Program.
- 12.5 The Manager of Human Resources and/or CAO will assign complaints of retaliation by City staff to an independent reviewer, who will investigate and report the outcome to the Manager of Human Resources, the CAO and the City Employee. Where the investigation substantiates the allegations of reprisals, staff involved in the reprisal will be subject to appropriate disciplinary action, up to and including termination for cause.

13.0 Frivolous and Baseless Complaints

A “frivolous and baseless complaint” refers to a claim or accusation that has no serious merit, evidence, or valid legal/factual foundation.

Frivolous → lacking seriousness or importance; often seen as a waste of time

Baseless → not supported by facts, proof, or reasonable grounds

If a third party determines that a complaint is frivolous and/or baseless and the accusations continue beyond the initial investigation, the complaint may be deemed by a third party as harassment and the OHSa definitions may apply.

14.0 Confidentiality

14.1 Confidentiality of the Respondent

A Respondent(s) accused of waste and/or wrongdoing is innocent until proven guilty and entitled to due process. The decision to inform the Respondent(s) of the allegation or the investigation will be at the discretion of the investigator(s) and will be determined on a case-by-case basis. The identity of the Respondent(s) will be confidential and only made known on a need-to-know basis in order to conclude the investigation.

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14.2 Confidentiality During Investigation

Whistleblowers, witnesses, the Respondent(s), investigators and Employees interviewed as part of an investigation must maintain confidentiality of all information related to an investigation.

15.0 Municipal Freedom of Information Privacy and Protection Act (MFIPPA)

Records of a whistleblower complaint may be subject to Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) access request.

16.0 Reports

The Manager of Human Resources will provide a high-level summary of the complaints received and investigations conducted in an annual report to Council in closed session.

17.0 Exclusions

This policy does not apply to allegations of violations of the Council Code of Conduct against a member of Council. Reports about the conduct of a member of Council are to be directed to the Integrity Commissioner.

18.0 References and Related Policies

- Purchasing Policy
- Corporate Media Relations Policy
- Information Technology Acceptable Use Policy
- Corporate Vehicle Policy
- Progressive Discipline Policy
- Travel, Business, Mileage Expense Policy
- Social Media Policy
- Records and Information Management Policy
- Hiring of Employees Policy
- Respectful Workplace Policy
- Workplace Violence Policy
- Employee Code of Conduct Policy
- Municipal Act, 2001
- Municipal Conflict of Interest Act
- Municipal Elections Act
- Municipal Freedom of Information and Protection of Privacy Act
- Occupational Health & Safety Act
- Ontario Employment Standards Act
- Ontario Human Rights Code

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19.0 Consequences of Non-Compliance

Employees who knowingly make a false or misleading statement, seek reprisal against an individual as a result of a complaint, do not cooperate during the course of an investigation or complaint of retaliation, or against whom acts of waste and/or wrongdoing are substantiated, will be subject to disciplinary action, up to and including termination of employment.

20.0 Review Cycle

This Policy will be reviewed once per term of Council or as required, based on revisions to corporate practices or governing legislation.