

	Policy No. and Title:	1010-01 – Disclosure and Discipline		
	Department:	Corporate Services	Approved By:	Council
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**POLICY STATEMENT / PURPOSE**

This policy is designed to assist with uncovering and eliminating conduct that would be defined as Wrongdoing. If unchecked, Wrongdoing may result in:

- harm to the health and safety of others;
- financial loss to the Municipality or mismanagement of Municipal resources;
- legal jeopardy, including possible prosecutions, fines, civil suits, or other legal costs;
- impairment of the ability of the Municipality to carry on business;
- harm to employee morale and increased employee turnover; and
- future instances of Wrongdoing.

Everyone has a responsibility to be familiar with policies and behavioral expectations, and ensuring compliance with the same. This policy establishes the process for disclosing and investigating actual or potential Wrongdoing, as well as disciplinary measures and consequences for the same. Further, this policy provides protection to those reporting Wrongdoing, as well as those who may be wrongly or falsely accused.

**DEFINITIONS**

“CAO” means the Chief Administrative Officer for the Town of La Ronge, or their duly appointed designate.

“Council” means the duly elected officers of the Town of La Ronge and the Chief Elected Officer or Mayor.

“Employees” means all Municipal staff, contract employees, and all volunteer firefighters.

“Human Resources” means the CAO, or a designate, who is responsible for administering human resource functions for the Municipality.

“Municipality”, “Municipal”, “Employer”, or “Town” means the Town of La Ronge located in the Province of Saskatchewan.

“Personal Information” is any factual or subjective information, recorded or not, about an identifiable individual. It includes: Age; name; address; phone numbers (both personal and business); weight; height; medical records; ID numbers; income; ethnic origin; sexual orientation; blood type; opinions; evaluations; comments; social status; disciplinary action; employee files; credit records; loan records; existence of a dispute between a consumer and a merchant; and intentions (for example, to acquire goods or services, or change jobs).

“**Supervisor**” means the CAO, or the applicable department head designated by the CAO, for a given Employee.

“**Wrongdoing**” means any act or omission, intentional or not, that is contrary to Municipal policies or operating procedures. This includes the concealment of Wrongdoing, or requesting another person to commit Wrongdoing.

## **POLICY STATEMENTS**

### **1.0 SELF-DISCLOSURES**

1.1 Everyone has a responsibility to ensure their behavior, circumstances, or interests do not contravene Municipal policy. Anyone who suspects that he or she is, or may be, in contravention of a Municipal policy must disclose the issue in writing to the following Disclosure Authority:

- a) in the case of an Employee who is not the CAO, the CAO;
- b) in the case of the CAO, a Council Committee member, or Council member who is not the Mayor, the Mayor;
- c) in the case of the Mayor, the Deputy Mayor.

1.2 A disclosure shall include a detailed description of the conflict or potential conflict.

1.3 The Disclosure Authority shall review the disclosure within five (5) business days from the date the disclosure is made and determine an appropriate course of action to address the actual or potential issue.

### **2.0 DISCLOSURES AND ALLEGATIONS OF WRONGDOING**

2.1 Everyone is expected to endeavor to resolve minor disagreements and interpersonal disputes in a direct and professional manner. However, where a person feels that a concern cannot be, or should not be, addressed directly with the person(s) involved, or that the nature of the matter is serious and should be reported in any event, the provisions of this Section shall apply.

2.2 Anyone who strongly suspects, or is witness to, Wrongdoing of an Employee, Committee member, or Council member shall disclose the issue in writing to the Disclosure Authority:

- a) in the case of an Employee who is not the CAO, the CAO;
- b) in the case of the CAO, a Council Committee member, or Council member who is not the Mayor, the Mayor;
- c) in the case of the Mayor, the Deputy Mayor.

2.3 In order to assist those with knowledge of actual or potential Wrongdoing to make a disclosure, where the wrongdoing has been, or can be, substantiated, Council may deem it desirable to provide:

- a) legal advice or assistance;
- b) financial support for substantiated expenses;

- c) time away from work;
  - d) a job transfer;
  - e) an employment buyout;
  - f) an employ with assistance in securing employment outside the Municipality.
- 2.4 Disclosures must be made in good faith, which means that there is reasonable and genuine belief that Wrongdoing has occurred, or is occurring.
- 2.5 Disclosures must not be frivolous, for personal gain, or with improper motive (e.g. in retaliation). Further, subsequent, repeated disclosures should not be submitted when the matter has already been disclosed and a determination has been made.
- 2.6 Disclosures shall include a detailed description of the matter. The disclosure should take care to be accurate, relevant, and contain as much information as possible so that an adequate investigation can be conducted. An investigation may not be conducted if a disclosure lacks specifics, facts, or is without reasonable supporting evidence.
- 2.7 Disclosures shall be treated as confidential, but on the record. Unless required by law or policy to the contrary, the names of those involved in a disclosure or investigation, and the disclosure details and circumstances described therein, will not be shared with anyone except as is necessary to investigate the disclosure and to take corrective, remedial, or disciplinary action with regard to a substantiated Wrongdoing. Any sharing of information will be carefully evaluated and done on a need-to-know basis as determined by the Disclosure Authority.
- 2.8 Notwithstanding Section 2.7, Council shall be made aware of any disclosure that may have significant legal, financial, or other consequences for the Municipality.
- 2.9 The Disclosure Authority shall review the disclosure within five (5) business days from the date the disclosure is submitted and determine an appropriate course of action. The appropriate action may be to render a decision, address the issue in some manner, or proceed with a plan for further investigation.
- 2.10 The Disclosure Authority shall maintain a log of disclosures and complaints received, including actions taken and outcomes. These confidential records are the property of the Municipality and will be maintained in accordance with applicable laws and the Municipality's document retention policies.
- 2.11 Unless a person is performing the role of appointed investigator or Disclosure Authority, no person shall undertake their own investigation or go looking for information that is not otherwise properly available to them in the course of their employment or duties, or to which they do not have a right of access. Improperly accessing information also constitutes Wrongdoing.
- 2.12 Anyone who reasonably believes that he/she is subject to retaliation of any kind by another person with the Municipality as a result of making a disclosure of Wrongdoing in accordance

with the provisions herein, or cooperating or assisting in an investigation of such disclosure, must promptly disclose the matter in accordance with this policy.

- 2.13 Reasonable and appropriate actions will be taken to protect persons from retaliation. This protection does not extend so far as to insulate someone from any repercussions if the person was involved or complicit in the disclosed Wrongdoing.
- 2.14 A disclosure (or complaint) may be withdrawn at any time in writing to the Disclosure Authority, who may still decide to proceed with an investigation or other actions as deemed necessary.
- 2.15 Complaints respecting events that are more than 6 months old will not be investigated unless there are special circumstances, such as:
  - matters relevant to harassment where the harasser is still in the employ of the Municipality;
  - matters related to illegal activity;
  - where the complaint is relevant to a claim for compensation.

### **3.0 INVESTIGATIONS**

- 3.1 If it is determined that the disclosure is to be investigated, the Disclosure Authority shall, within 30 days of disclosure receipt, either:
  - conduct the investigation, determine outcomes, and issue written findings (i.e. act as the investigator); or
  - if it is deemed the matter cannot be satisfactorily investigated entirely by the Disclosure Authority, appoint an independent 3<sup>rd</sup> party investigator (with the necessary professional skills, knowledge, and experience) to lead or assist in the investigation.
- 3.2 If a disclosure investigation and determination of outcomes cannot be completed within 30 days, an investigation plan and timeline will be provided. The timeline will also be communicated to the person(s) who made the disclosure.
- 3.3 When the disclosure involves alleged Wrongdoing consisting of an imminent, significant threat to health or safety, or could have serious financial or legal consequences for the Municipality, Council may approve whatever action they deem appropriate in the circumstances to prevent potential or actual Wrongdoing before an investigation has been undertaken or completed. This may include the issuance of an investigative suspension as described in Section 4.9.
- 3.4 Any enquiries the investigator considers appropriate or desirable to be undertaken shall be complied with. Investigations shall be made in a manner that is fair, timely, confidential, and otherwise accords with the principles of due process and natural justice.
- 3.5 Those persons not involved in an investigation shall not make any effort, or tolerate any effort, to ascertain the identity of a person who made a disclosure, a person who allegedly committed a Wrongdoing, or any witnesses.

- 3.6 The investigator shall provide a written report summarizing the findings of the investigation, which shall include a recommendation that:
- the disclosure or matter be dismissed as unfounded, unable to be substantiated, beyond jurisdiction, or unlikely to succeed; or
  - the disclosure can be addressed via remedial or corrective action, which may include: reassigning a person to another role or department, changing a reporting relationship, requiring someone to divest themselves of their interest that is causing a conflict, or alter responsibilities to avoid the conflict;
  - Wrongdoing is supported or substantiated, and that discipline is recommended (in accordance with Section 4 of this policy).
- 3.7 If an investigation uncovers no Wrongdoing, or if the alleged Wrongdoing cannot be substantiated, but there is no evidence that the disclosure was not made in good faith, no action will be taken against the person who made the disclosure.
- 3.8 Any person who is privy to information regarding a disclosure of Wrongdoing, whether he/she made the disclosure, is entrusted with information in the course of an investigation, or otherwise has knowledge relating to the disclosure, is expected to hold the information in confidence. The failure to do so by any person shall be met with discipline.
- 3.9 Any investigative activity or decision will be made without regard to the suspected wrongdoer's length of service, position/title, or relationship to the Municipality.
- 3.10 All enquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other enquirer should be directed to the Disclosure Authority. No information concerning the status of an investigation should be given out without legal counsel advice to do so. The proper response to any inquiry is: "I am not at liberty to discuss this matter."

#### **4.0 INVESTIGATION OUTCOMES AND DISCIPLINARY ACTION**

- 4.1 Investigatory recommendations, as described in Section 3.6, shall be presented to, deliberated upon, and a decision rendered by:
- a) in the case of all Employees, except the CAO, the CAO;
  - b) in the case of the CAO, a Council Committee member, or a Council member, Council (excepting any member of Council that is in conflict).
- 4.2 Where investigatory findings and recommendations identify Wrongdoing, disciplinary action should be made in accordance with the nature and severity of the Wrongdoing, the time interval between prior disciplinary action, the response to prior disciplinary action(s), and overall prior work performance.
- a) **Level 1 Wrongdoing** is a minor incident where disciplinary measures will generally start with a verbal warning, coaching, and training to curtail future Wrongdoing. Repeated

Level 1 Wrongdoing will lead to progressive discipline, such as a written warning, suspension, and termination for cause. Examples of Level One Wrongdoing include:

- unauthorized tardiness;
- distracting or interfering with the work of others;
- excessive non-work related conversations and e-mails;
- substandard productivity and work quality;
- minor health and safety violations;
- failure to maintain workplaces/sights, and assigned vehicles and equipment, in a clean condition;
- failure to maintain personal protective equipment in good repair, and worn in appropriate manner;
- failure to return tools and equipment to its proper or assigned location when related work is completed;
- unauthorized use of co-worker equipment;
- unauthorized removal of tools or equipment from facilities, grounds, or vehicles;
- showing disrespect for others;
- failure to submit reports in a timely fashion;
- failure to ensure minor injuries are reported and given attention;
- possession of, or use of Municipal property, tools or equipment for personal reasons, without permission;
- failure to comply with established procedures.

b) **Level 2 Wrongdoing** is a moderate incident that will generally result in more serious discipline, such as a written warning or suspension for a first Wrongdoing. Examples of Level Two Wrongdoings include:

- dishonesty;
- leaving work or ending a shift without proper authorization;
- insubordination, including failure to abide by reasonable/proper directives;
- disorderly conduct on company property;
- use of company e-mail and internet for personal reasons;
- serious failure to attend to duties, which causes a disruption to productivity, a loss or damage to equipment, or any other significant disruption;
- falling asleep while on the job;
- showing blatant disregard for safety;
- causing accidental damage to property and failing to notify the applicable supervisor or CAO;
- failure to report all substandard acts and substandard conditions as soon as reasonably possible;
- misuse of Municipal property, tools, equipment and vehicles;
- dangerous operation of any vehicle or equipment;
- failure to operate any vehicle during the course of Municipal duties in accordance with Municipal policy and any applicable legislation;
- unauthorized absenteeism;
- considerable/repeated non culpable absenteeism;

- failure to prevent or disclose a conflict of interest.
- c) **Level 3 Wrongdoing** is the most serious case of Wrongdoing. A first occurrence of a Level 3 Infraction will result in either Employee or Volunteer suspension or termination of employment/appointment. Examples of a Level 3 Wrongdoings include:
- possession of firearms, or brandishing a knife or other weapon in an aggressive or threatening fashion;
  - willful destruction of property;
  - violent behaviour, including fighting and making threatening statements;
  - harassment or bullying, including retaliatory actions, threats, verbal abuse, unwelcome horseplay and practical jokes;
  - moderate to severe health and safety violations;
  - failure to report to work for a shift, including failing to return to work after a scheduled absence (such as a vacation or sick leave) without a reasonable excuse or without notifying their Supervisor;
  - failure to comply with the CAO's request for documents in support of an absence from work;
  - fraud or falsification of records;
  - theft or misappropriation of Municipal or client property or documents;
  - being under the influence of, possessing, or consuming alcohol or drugs in the workplace (unless such is prescribed by a Medical Practitioner and approved by the Municipality in advance);
  - failure to take corrective action when an unsafe condition or act is noted or reported to him/her;
  - failure to promptly investigate or cause to be investigated any accident or near miss incident;
  - demonstrating, through actions or attitudes, a willful disregard for legislation and Municipal rules, policies, procedures, and practices;
  - operating any vehicle without the appropriate drivers' license;
  - bad faith disclosures or giving false evidence to an investigation;
  - directing someone to perform a task in an unsafe manner.
- d) **Council member** sanctions for Wrongdoing that may be imposed on a Council Member, by Council, upon a finding that the Council Member has breached Policy may include:
- a letter of reprimand addressed to the Council Member;
  - a request that the Council Member issue a letter of apology to the affected individual(s);
  - the publication of a letter of reprimand or letter of apology and the Council Member's response;
  - a requirement to attend remedial education and training;
  - re-orientation to this Policy and its purpose;
  - suspension or removal of the appointment of a Council Member as the Deputy Mayor;

- suspension or removal from some or all internal and external Council committees and bodies to which Council has the right to appoint members;
  - restricting the Council Member from attending events as a representative of Council;
  - imposing further limits related travel or expenses beyond those set out in the applicable Municipal policies;
  - requiring the return of Municipal property provided for convenience;
  - limiting access to certain Municipal facilities;
  - restricting how documents are provided to the Council Member; and
  - any other sanction Council deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Council Member from fulfilling the legislated duties of a Council Member and the sanction is not contrary to provincial legislation.
- 4.3 If any investigation under this policy leads to the reasonable conclusion that a crime has, or may have been, committed, the results of the investigation may also be reported to the appropriate law enforcement agency in order that such entity may determine whether criminal charges are warranted.
- 4.4 Council may also pursue recovery of losses resulting from any Wrongdoing.
- 4.5 If any investigation under this policy leads to the conclusion that conduct is, or may be, a violation of an applicable code of conduct of any professional association the wrongdoer is a member of, or to which the wrongdoer belongs, the results of the investigation will be reported to their professional association by the Disclosure Authority.
- 4.6 In addition to any discipline, a person may be required to successfully complete counseling, training, or comply with other measures as deemed appropriate by the applicable, authorized decision maker identified in Section 4.1.
- 4.7 The CAO, at the request of a suspended Employee, may allow the use of paid leave to cover the period of the suspension.
- 4.8 All forms of discipline will become a permanent part of the person's personnel file. Person's receiving discipline will have an opportunity to make comments regarding the discipline, but will be required to sign the notice acknowledgment of receipt of discipline. Such signature is not to be construed as agreement with the discipline. As such, should the person refuse to sign the acknowledgement notice, such refusal will be noted on the file and result in discipline for insubordination and lack of compliance with Municipal procedures.
- 4.9 A person may be placed on investigative suspension, a period during which time a person is placed on leave, because of an alleged serious misconduct and need to confirm facts and details prior to allowing for the person to continue in their position. If after the investigation:
- a) it is determined that a termination of the relationship with the Municipality is warranted, the person shall not be paid or compensated for the period of the investigative suspension;



- b) the Wrongdoing is confirmed, but determined to not warrant termination, the suspended person shall have been deemed to be suspended, forfeit pay lost as a result of the investigative suspension, and may or may not be placed on disciplinary suspension;
- c) the Wrongdoing is not substantiated, the suspended person shall return to their position with the Municipality and paid for compensation lost as a result of the investigative suspension.

4.10 Unless there exists a legal requirement or other public interest to the contrary, the person who made the disclosure of Wrongdoing will be informed of the outcome of the investigation to the extent it is possible to do so.

## **5.0 APPEALS**

- 5.1 If an Employee can provide new evidence regarding a disclosure matter, or believes resulting discipline is inconsistent with this policy, the Employee shall submit a written appeal to the CAO outlining the specific reasons for the appeal. In such instances the CAO's decision shall be final.
- 5.2 If a Council Committee member or Council member can provide new evidence regarding a disclosure matter, or believes discipline received is inconsistent with this policy, the Council Committee member or Council member shall submit a written appeal to Council outlining the specific reasons for the appeal. Such submission will be considered at a Council meeting with 15 days of receipt of the appeal. In such instances Council's decision shall be final.
- 5.3 A written decision shall be communicated to an appellant within 21 days of the Municipality's receipt of the appeal.

## **TOWN OF LA RONGE**



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Lyle Hannan, CAO