

DEC 19 2016

City Auditor's Office Report to
Legislative Governance Task Force
2016 December 13

ITEM:

9.5
LGT2016-0926
CITY CLERK'S DEPARTMENT

ISC: UNRESTRICTED
LGT2016-0926
Page 1 of 2

PROPOSED AMENDMENTS TO THE WHISTLE-BLOWER POLICY (CC026)

EXECUTIVE SUMMARY

This report provides proposed amendments to Council Policy CC026, *Whistle-blower Policy*, including changes required as a result on the new Integrity Commissioner role. Based on input gathered from the City Manager, key members of Administration, and the Manager, Whistle-Blower Program, the City Auditor's Office is presenting proposed updates to the policy for consideration by the Legislative Governance Task Force.

CITY AUDITOR'S RECOMMENDATION(S)

That the Legislative Governance Task Force recommend that Council:

1. Adopt the *Whistle-blower Policy*, as amended (Attachment 2);
2. Forward this Report as an item of Urgent Business to the 2016 December 19 Regular Meeting of Council.

RECOMMENDATION OF THE LEGISLATIVE GOVERNANCE TASK FORCE, DATED 2016 DECEMBER 13:

That Council adopt the Whistle-blower Policy, as amended (Attachment 2).

PREVIOUS COUNCIL DIRECTION / POLICY

Council adopted Council Policy CC026, *Whistle-blower Policy* on May 28, 2007, and subsequently amended the policy on May 27, 2013.

The Council Policy assigns responsibilities to the City Auditor and the City Manager to develop, implement, and maintain an effective Whistle-Blower Program. The objective of this review was to review and update Council's *Whistle-blower Policy* to ensure it reflects Council's current expectations, as well as reflects the revised Code of Conduct Policy, the new role of the Integrity Commissioner, and aligns with current practice in the Whistle-Blower Program.

BACKGROUND

On 2016 July 4, after considering Report M2016-0566 titled "Ethics Advisor and Integrity Commissioner Terms of Reference", Council adopted Terms of Reference for the Ethics Advisor and Integrity Commissioner and a Procedure Protocol for the Integrity Commissioner. The Integrity and Ethics Office, City Solicitor and City Auditor were directed to report back to Council no later than 2016 September 26 with bylaw or policy amendments necessitated by the adoption of these documents. The Integrity and Ethics Office, City Solicitor and City Auditor requested that Council amend its direction to allow the report to be provided to Council no later than the 2016 December 19 Council meeting.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Regular review and updating of Council Policy helps to ensure the policy is relevant and reflects Council's current expectations. Attachment 1, the City Auditor's Whistle-Blower Policy Review report, includes a comparison of the current Council policy and the proposed amended Council

Approval(s): Palmer, Katharine concurs with this report.
City Clerk's: M. Cario

PROPOSED AMENDMENTS TO THE WHISTLE-BLOWER POLICY (CC026)

policy, complete with supporting rationale for any changes. Attachment 2 provides a version of the Council policy if all proposed amendments were accepted.

Stakeholder Engagement, Research and Communication

City Auditor's Office completed the review by:

- a) Requesting input and comment from City Manager's Office, Human Resources, Corporate Security, Ethics Advisor, Integrity Commissioner, as well as selected management and staff with direct Whistle-Blower program experience; and
- b) Reflecting City Auditor Office knowledge and experience gained by operating the program.

Once Council approves any updates to the Council policy, the City Auditor and City Manager will work together with the Integrity Commissioner to update their websites accordingly.

Strategic Alignment

The City of Calgary is committed to protecting itself from acts of waste and/or wrongdoing. The Whistle-Blower Program augments Corporate policies and establishes mechanisms to ensure any act of waste and/or wrongdoing is investigated.

Social, Environmental, Economic (External)

No significant external social, environmental and economic impacts were identified.

Financial Capacity

Current and Future Operating Budget:

None. Operating funding for the Whistle-Blower Program is included in the City Auditor's Office budget

Current and Future Capital Budget:

There are no current and future capital budget impacts.

Risk Assessment

The proposed Council policy changes serve to further mitigate two key inherent risks, namely, inappropriate action in response to receipt of a whistle-blower concern and inappropriate disclosure of the report or concern.

REASON(S) FOR RECOMMENDATION(S):

To support Audit Committee's mandated responsibility to oversee, through the City Auditor, the Whistleblower Program (ByLaw 48M2012 Consolidated).

ATTACHMENT(S)

1. City Auditor's Whistle-Blower Policy Review
2. Proposed Amended *Whistle-blower Policy* (CC026)
3. Current *Whistle-blower Policy* (CC026)