



BACKGROUND

In June 2014, City Council approved the Toronto Public Service By-law¹ which is an important piece of foundation legislation that strengthens the separation between the administrative and political components of Toronto's government, and advances Toronto's public service as professional, impartial and ethical.

POLICY STATEMENT

The purpose of the disclosure of wrongdoing and reprisal protection provisions is to facilitate the disclosure of wrongdoing that is contrary to the public interest, ensure through their application, that all disclosures are investigated, and to protect from reprisal to the fullest extent possible, those employees who in good faith report wrongdoing.

Scadding Court will not tolerate wrongdoing or reprisals against employees who report wrongdoing and all employees have a duty to report suspected wrongdoing. Disclosures of wrongdoing will be investigated in accordance with these provisions in order to maintain public confidence in our services and use of our resources.

These provisions address only those matters that are in the public interest and for which there are no established mechanisms for consideration and investigation. For example, it is not intended to address matters that can be dealt with through existing procedures, established through Collective Agreements or Scadding Court policies such as health and safety and human rights and anti-harassment.

DEFINITIONS

Wrongdoing

Wrongdoing refers to serious actions that are contrary to the public interest including but not limited to:

- Fraud;
- Theft of Scadding Court assets;
- Waste: mismanagement of Scadding Court resources or assets in a wilful, intentional or negligent manner that contravenes Scadding Court policy or direction by City Council;
- Violations of Scadding Court/City of Toronto Conflict of Interest provisions; and or
- Breach of public trust.

Reprisal

Reprisal against an employee is any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or co-operating in an investigation into an alleged wrongdoing.

Reprisal includes but is not limited to:

- Disciplinary measures;

¹ the full report can be found at <http://www.toronto.ca/legdocs/mmis/2014/ex/bgrd/backgroundfile-69449.pdf>.

- Demotion of the employee;
- Suspension of the employee;
- Termination of the employee;
- Intimidation or harassment of the employee;
- Any punitive measure that adversely affects the employment or working conditions of the employee; and
- Directing or counselling someone to commit a reprisal.

APPLICATION

Employees of Scadding Court are also considered City of Toronto employees in accordance with the City of Toronto and Association of Community Centre (AOCC) Relationship Framework – this policy applies to all employees, students, and interns.

DISCLOSURE OF WRONG DOING

All Scadding Court employees who are aware that a wrongdoing has occurred will immediately notify their manager, director, the Executive Director (Agency Head) or the anonymous reporting line.

Employees who report wrongdoing in good faith will be protected from reprisal.

Allegations received by Management or Agency Head

Allegations of wrongdoing received by management must be immediately reported to the Executive Director (Agency Head) who will investigate the allegations in a timely manner.

Allegations Received by the City Manager

When an allegation of wrongdoing is received by the City Manager, it will be investigated in a timely manner.

Anonymous Reporting

Employees may remain anonymous when reporting suspected wrongdoing. Scadding Court has contracted with an external third party to receive anonymous complaints. These complaints will be investigated in accordance with this policy.

Reported allegations that do not constitute wrongdoing as defined in the Disclosure of Wrongdoing and Reprisal Protection provisions, will be referred to the Executive Director (Agency Head) or the appropriate Division, City official including the Human Rights Office, or Accountability Officer(s) for investigation and appropriate action.

ALLEGATIONS AGAINST AGENCY HEAD

Allegations Against the Agency Head

Where it is alleged that the Scadding Court Community Centre Executive Director (Agency Head) has committed wrongdoing, improperly breached confidentiality under the policy or committed a reprisal, the Board Chair will be notified of the allegation. The Board Chair will notify the City Manager’s Office of the allegation.

The Board Chair will consult with the City Manager’s Office for advice on how to manage the investigation. The investigation may include retaining a third party investigator to conduct an investigation. The results of the investigation will be shared with the Board of Management and the City Manager’s Office.

ALLEGATIONS

Where it is alleged that a Member of the Agency Board has committed

**AGAINST A
BOARD MEMBER**

wrongdoing, improperly breached confidentiality under these provisions or committed a reprisal, the Integrity Commissioner is responsible for receiving, reviewing, investigating and reporting pursuant to the *City of Toronto Act, 2006* and *Code of Conduct for Members of Local Boards*.

Board Members and the Agency Head will cooperate with the Integrity Commissioner during investigations of wrongdoing and provide the Integrity Commissioner with access to information.

**INVESTIGATING
ALLEGED
WRONGDOING**

All disclosures of alleged wrongdoing as defined in the Disclosure of Wrongdoing and Reprisal Protection provisions will be investigated in a timely manner. The Executive Director (Agency Head) or designate will direct the investigation depending on the nature and scope of the wrongdoing.

The Executive Director (Agency Head) will notify the Executive Director, Human Resources / designate who will provide oversight to ensure investigations of alleged wrongdoing led by the Executive Director (Agency Head) are appropriately conducted.

The Executive Director (Agency Head) will periodically report on the status of any ongoing investigation of alleged wrongdoing to the Executive Director, Human Resources and including the final outcome of the investigation.

Decisions to prosecute or refer the investigation results to the Toronto Police Service or other regulatory agencies for independent investigation will be made through a consultative process between the City Manager, City Solicitor and the Executive Director of Human Resources.

Expectations of Employees

It is expected that employees will fully co-operate with the investigation and law enforcement agencies during the course of an investigation and will make all reasonable efforts to be available to assist the above noted persons with the investigation.

City employees contacted by the media with respect to a wrongdoing investigation shall not comment and will refer the media to the Executive Director or designate.

**REPRISAL
PROTECTION**

No person shall take a reprisal against a Scadding Court employee because the employee:

- has sought information or advice about making a disclosure about wrongdoing;
- has made a disclosure about wrongdoing in good faith;
- has acted in compliance with the Disclosure of Wrongdoing and Reprisal Protection provisions;
- has initiated or co-operated in an investigation or other process related to a disclosure of wrongdoing;
- has appeared as a witness, given evidence or participated in any proceeding relating to the wrongdoing, or is required to do so;
- has alleged or reported a reprisal; or
- is suspected of any of the above actions.

Reprisal protection may not be able to be extended to employees whose identity cannot be confirmed.

INVESTIGATING REPRISAL

A Scadding Court employee who believes that they are the subject of a reprisal following a disclosure of wrongdoing shall notify the Executive Director immediately. If the reprisal involves a Member of City Council or a Member of a Local Board, the employee shall notify the Integrity Commissioner immediately.

A Scadding Court employee informed of, or who becomes aware of a reprisal against an employee, has a duty to notify the Executive Director or in the case of a Member of a Local Board the Integrity Commissioner. Where the Executive Director receives such disclosures, they will immediately notify the Director, Human Resources or Integrity Commissioner and will undertake to ensure that the employee is protected from any further reprisal.

Allegations of reprisal will be the subject of investigation. The Executive Director will lead the investigation of alleged reprisals involving staff in consultation with the Director, Human Resources. The Integrity Commissioner will lead the investigations of alleged reprisals involving Members of City Council or Members of Local Boards.

Where the investigation substantiates the allegations of reprisals, the Executive Director will inform the Executive Director, Human Resources and the employee(s) involved will be subject to disciplinary action up to and including dismissal as determined by the Executive Director in consultation with the City Solicitor and Executive Director of Human Resources.

The Executive Director (Agency Head) will consult with the Director of Human Resources and the City Solicitor to determine and take appropriate actions to stop, reverse or remedy a reprisal against an employee.

REPORTING

The Executive Director will track and report annually to Scadding Court Board of Management through the Human Resources Governance Committee on the disclosure, investigations and resolution of allegations of wrongdoing.

IMPLEMENTATION

All employees will receive a copy of this policy at the time of orientation. All existing employees will receive a copy of the policy as well and it will be circulated.

COMPLIANCE

APPROVED BY

The Board of Management

DATE APPROVED

November 24, 2015 Amended: May 31, 2016

REVISED

NA

RELATED INFORMATION

Toronto Public Service By-law
Code of Conduct Local Boards
Conflict of Interest Policy
Political Activity Policy
Human Rights and Anti-Discrimination Policy

RELATED LINKS (EXTERNAL)

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.3>
http://www1.toronto.ca/city_of_toronto/lobbyist_registrar/files/pdf/code-conduct-local-boards.pdf