

POLICY: **WHISTLE BLOWER PROTECTION POLICY**

SECTION: **Section II – General Policies – Human Resources**

MOTION#/DATE: **12 – xxx – June 25, 2012**

Effective Date

June 26, 2012

Policy Objective

To provide protection from reprisal to those employees who in good faith report wrongdoing.

Underlying Principles

The Toronto Public Library is committed to openness, ethical operations, accountability and transparency.

It is in the public interest to maintain and enhance public confidence in the Library and its employees, by providing for the disclosure of wrongdoing with respect to the Library's operations.

Policy Statement

Toronto Public Library employees are expected to act with integrity as they apply judgment and discretion while serving the public. They are expected to use Library property, services and resources responsibly in the execution of their duties.

The Toronto Public Library will protect from reprisal an employee who, in good faith, reports wrongdoing to the appropriate authority in an attempt to have the activity brought to an end.

Scope

This policy provides protection from reprisal for all Toronto Public Library employees who report wrongdoing.

Application

The policy applies to Library Board members and all Toronto Public Library employees.

Specific Directives

No Library employee or Board Member shall take any action in reprisal or retaliation against an employee for making, or suspected of making, a complaint or allegation of wrongdoing in good faith.

Library employees who believe that they are the subject of a reprisal, related to their reporting of wrongdoing, shall notify the Director of Human Resources or the City Librarian of the alleged reprisal for investigation.

Where a manager or supervisor is informed of, or becomes aware of, reprisals against an employee, as a result of a report of wrongdoing, the manager or supervisor will inform the Director of Human Resources, or the City Librarian.

Allegations of reprisal will become the subject of an investigation. Investigations may be conducted by an independent external investigator if necessary.

The Director of Human Resources, in consultation with staff from the City Legal Division and the City Librarian, will recommend appropriate actions to take to stop, reverse or remedy a reprisal against an employee of the Library.

Any Library employee responsible for the reprisal will be subject to disciplinary action up to and including dismissal.

Any employee who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a complaint, may be subject to disciplinary or legal action as determined by the Director of Human Resources and the City Librarian.

Allegations of reprisal committed by Board members will be reported to the Library Board by the City Librarian. The Board will investigate the allegations through an independent external investigator. The Board, in consultation with staff from the City Legal Division and the City Librarian, will recommend appropriate actions to take to stop, reverse or remedy a reprisal against an employee of the Library. The Board will decide on an appropriate course of action for a Board member responsible for the reprisal.

Accountability

All Board members and employees have equal and full responsibility for the implementation of the policy.

The City Librarian and the Director of Human Resources have responsibility for investigating any claims of wrongdoing reported by any staff member, in consultation with staff in the City Legal Division. Investigations may be conducted by an independent external investigator if necessary and appropriate actions will be taken.

The City Librarian and Director Human Resources have responsibility for investigating any claims made in bad faith, or any misleading statements made, and will determine the appropriate action to be taken, in consultation with staff from the City Legal Division.

References

- Toronto Public Library, Fraud and Other Similar Irregularities Policy
- Toronto Public Library, *Conflict of Interest Policy*

Definitions

“Toronto Public Library Employees”

For the purpose of this policy, Toronto Public Library Employees include all non-union management and exempt employees and all members of the bargaining unit.

“Wrongdoing”

Wrongdoing includes instances of fraud and waste and refers collectively to any illegal or inappropriate conduct including:

- A violation of a Library policy or Library Board direction;
- Breaches of Library Lobbying policies
- The misuse of public funds or Library assets
- A gross mismanagement of Library resources

“Fraud”

Fraud and other similar irregularities includes, but is not limited to:

- Forgery or alteration of cheques, drafts, promissory notes and securities;
- Any misappropriation of funds, securities, supplies or any other asset;
- Any irregularity in the handling or reporting of money transactions;
- Misappropriation of furniture, fixtures and equipment;
- Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Library Board in violation of the Library Board's Conflict of Interest policy;
- Unauthorized use or misuse of Library Board property, equipment materials or records;
- Any computer-related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Library Board-owned software;
- Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Library Board;
- Any similar or related irregularity.

“Waste”

Waste is the gross mismanagement of Library resources in a wilful, intentional or negligent manner that contravenes a Library policy or direction by the Library Board.

“Whistle Blower”

A Whistle Blower is an employee who in good faith reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end.

“Reprisal”

Reprisal is any harassment, intimidation, dismissal, suspension, demotion, discipline, or threat of dismissal, suspension, demotion or discipline of an employee as a direct result of the employee in good faith disclosing a perceived wrongdoing.