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**Subject:** Policy Update – Whistleblower Policy, Code of Ethics/Conflict of Interest Policy and Recruitment and Selection Policy

**Report to:** Corporate Services Committee

**Report date:** Wednesday, March 11, 2020

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## Recommendations

1. That the Whistleblower Policy (Appendix 1 to Report CLK 4-2020) **BE APPROVED**;
2. That the updated Policy C-A-007 Code of Ethics - Conflict of Interest (Appendix 2 to Report CLK 4-2020), **BE APPROVED**; and
3. That the updated Policy C-HR-010 Recruitment and Selection (formerly Employment and Staffing) (Appendix 3 to Report CLK 4-2020) **BE APPROVED**.

## Key Facts

- The purpose of this report is to seek Council’s approval of a Whistleblower Policy and to update the policies respecting Code of Ethics – Conflict of Interest and Employment and Staffing in accordance with the direction provided by the Ontario Ombudsman in his report “Inside Job”.
- At its meeting held on December 12, 2019, Regional Council directed staff to prepare a draft whistleblower policy for Council consideration.
- Report CAO 17-2019 provided staff with direction to review and update policies respecting Code of Ethics – Conflict of Interest and Employment and Staffing.

## Financial Considerations

There are no financial implications associated with this report.

## Analysis

At its special meeting held on December 5, 2019, Regional Council approved Report CAO 17-2019 that directed staff to begin to undertake work associated with implementing the recommendations of Ontario Ombudsman Report “Inside Job”. Recommendation 1 of the Ombudsman Report was as follows:

**The Regional Municipality of Niagara should ensure it has an employee code of conduct or ethics that provides for the protection of confidential information.**

The Code of Ethics – Conflict of Interest policy has been updated to include provisions related to disclosure of confidential or personal information. The provision provides that employees may not use or disclose confidential, privileged, or personal information belonging to or in the custody or control of the Region except as necessary to perform their duties in accordance with the Region’s policies and procedures. Further, any release of information must be done in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* or as otherwise required by law.

Although not within the scope of any Recommendation arising from the Ombudsman Report, the policy was updated with enhanced clarification concerning employees of the Region shall not use their position within the Region to gain any particular personal, business, educational, financial or political advantage; this includes a prohibition that employees not use any Region property, assets, resources, tools, materials, staff, etc... for personal matters.

Recommendation 6 of the Ombudsman Report is as follows:

**The Regional Municipality of Niagara should adopt a policy clarifying that employees should not engage in any behaviour that provides an unfair advantage to a candidate during a hiring process, including assisting candidates by providing inside information such as interview questions and suggested answers.**

The Employee and Staffing Policy has been updated to include provisions related to favoritism and/or discrimination in any recruitment process. In addition, the policy includes that all persons involved in the recruitment and selection process shall keep confidential all related information, including a Confidentiality Acknowledgement or Commitment, where applicable, or as otherwise required by law.

The policy is applicable to Members of Council, staff, external vendors and anyone else approved to be part of the recruitment process. The policy provides that no one shall engage in any behavior that provides an unfair advantage to a candidate during a recruitment process to assist any candidates by providing inside information, such as but not necessarily limited to, interview questions and suggested answers, presentation materials, information about other candidates, or any information gathered in meetings, conversations, email or any other form of communication or discussion. These updates satisfy the concerns that the Ombudsman raised in his report “Inside Job”.

At its meeting held on December 12, 2019, Council passed a resolution directing staff to prepare a draft whistleblower policy for consideration by the Corporate Services Committee and Council.

To create the policy, a scan of comparable policies from various municipalities was completed which provided an overview of best practices for inclusion in the policy. The final draft has been reviewed by Legal and Human Resources as well as the Corporate Leadership Team (CLT).

The draft Whistleblower Policy attached as Appendix 1 is a result of examining various policies that are currently in place in other municipalities and make sense to implement here at Niagara Region. Once the policy is approved, staff will begin work on implementing a procedure with respect to the policy.

### **Alternatives Reviewed**

No alternatives were reviewed as the policy updates were a result of the recommendations of the Ombudsman Report. Direction was provided by Council to bring forward a Whistleblower Policy.

### **Relationship to Council Strategic Priorities**

This report is based on the recommendations of the Ontario Ombudsman and at the direction of Council. The implementation of policies aligns with Council's Strategic Priority of Sustainable and Engaging Government.

### **Other Pertinent Reports**

CAO 17-2019      Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

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#### **Prepared and Recommended by:**

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#### **Prepared and Recommended by:**

Franco Meffe  
Director, Human Resources

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#### **Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with D. Gibbs, Director, Legal and Court Services.*

## **Appendices**

- Appendix 1      Draft Whistleblower Policy
- Appendix 2      Updated Policy C-A-007 Code of Ethics - Conflict of Interest
- Appendix 3      Updated Policy C-HR-010 Recruitment and Selection