



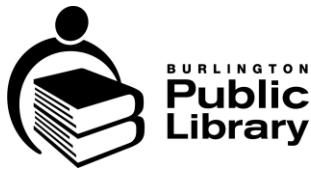
Whistleblower Policy

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Purpose

This policy sets out guidelines and processes for the reporting and investigation of serious misconduct where there are no procedures in place for doing so through other policies and legislation. It also outlines protection from retaliation to those who report serious misconduct in good faith. Reporting serious misconduct in good faith is also referred to as whistleblowing.



Scope

This policy applies to all Burlington Public Library (BPL) employees and volunteers including but not limited to regular, on call, contract, and students, including co-op placements and Burlington Public Library Board members (Board). All classifications will be referred to hereafter as “employees.”

Statement of Policy

BPL is committed to integrity and ethical behaviour in the workplace and will foster and maintain an environment where employees can work safely and appropriately, without fear of retaliation.

This policy has been adopted to ensure that all employees understand that they may report any wrongdoing that may adversely impact BPL, BPL’s customers, employees, or the public at large, without fear of retaliation or a negative impact on their employment status at BPL.

It is a violation of this Whistleblower Policy for anyone to knowingly make a false complaint of wrongdoing or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

The following are examples of serious misconduct that should be reported pursuant to this policy:

- conduct that is contrary to or violates Board approved policies or may be deemed unethical or potentially damaging to BPL’s reputation;
- manipulation of BPL resources for any illegal, improper or unethical purpose including fraud, theft, embezzling funds, or accepting kickbacks or bribes;
- misappropriating funds, misdirecting or misuse of funds, assets or corporate information;
- actions likely to cause serious harm to persons, public safety, property or the environment;
- actions resulting in BPL being exposed to liability or financial loss;
- failure to take reasonable steps to report and/or rectify actions that may impact negatively on BPL’s reputation resulting in the public losing confidence in the organization’s ability to deliver services;

- deliberately concealing information relating to any of the above.

No individual who, in good faith, reports violations or suspected violations of law or policy or unethical behaviour will suffer harassment, reprisal, or Adverse Employment Action. An individual who commits an act of reprisal against someone who has reported a suspected violation in good faith is subject to discipline up to and including termination of employment.

BPL encourages any employee, who acts in good faith and has a reasonable basis for believing that any improper activity or behaviour has occurred, to report such suspected activity or behaviour to the Accountable Authority.

Definitions

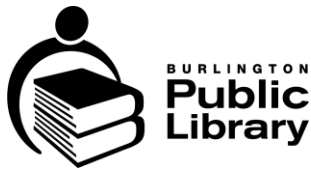
Complainant: Complainant refers to a person or persons filing a complaint against another person or persons.

Respondent: Respondent refers to a person or persons who have a complaint filed against them.

Appropriate Authority: Any delegated employee who has the authority to make final decisions regarding employees, wrongdoing, harassment claims, and resulting actions. At BPL, the Appropriate Authority is BPL's Chief Executive Officer (CEO) or the Chair of the Library Board. Anonymous reports may be submitted directly to the CEO or Chair of the Library Board.

Retaliatory Acts: Retribution, or reprisal against any Complainant as a result of their reporting an incident of wrongdoing, or against any employee that participates in an investigation relating to the allegation of wrongdoing.

Adverse Employment Action: Any demotion, suspension, termination, unfavourable transfer, denial of promotion, denial of benefits, threat, harassment, or denial of compensation as a result of the reporting of wrongdoing, or any manner of discrimination against an employee in the terms and conditions of employment because of any other lawful act done by the employee pursuant to this policy, or any applicable Canadian legislation.



Guidelines

Individuals who believe they have witnessed an act or acts of wrongdoing should report the incident(s) immediately to the Appropriate Authority. Any delays in reporting acts of wrongdoing can make the case against the Respondent more difficult to establish and may even result in retaliatory acts by the Respondent.

Report Obligations – Employees

Employees who believe they have witnessed wrongdoing in their working environment are advised to report the incident(s) or retaliation to the Appropriate Authority, or to their supervisor/manager. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis).

Report Obligations – Supervisors & Managers

Supervisors and managers are directed to take all appropriate steps to prevent and stop wrongdoing in their areas of responsibility. Any supervisor or manager who is subjected to, witnesses, or is given written or oral complaints of wrongdoing or retaliation shall immediately report it to the Appropriate Authority. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis).

Supervisory personnel who are contacted by an individual seeking to file a complaint about wrongdoing in their unit shall assist the complainant in contacting the Appropriate Authority.

Investigation

BPL seeks to resolve claims of wrongdoing in the workplace as expediently as possible. Investigations shall be conducted, and the appropriate actions taken no longer than 10 days following the filing of a complaint.

The Appropriate Authority is responsible for determining and administering the methods and means for addressing complaints. The Appropriate Authority is also responsible for:

- Determining the veracity of allegations of wrongdoing or retaliation.
- Determining whether or not a reported act is indeed wrongdoing.
- Administering punitive or corrective actions if allegations are true.
- Administering punitive actions if allegations were knowingly falsely made.



Wherever and whenever investigations are conducted, this Policy asserts that Complainants and Respondents maintain certain rights. These rights include, but are not limited to:

- Receiving written notice of the allegations (where permitted by law).
- Presenting relevant information to the Appropriate Authority.
- Receiving a copy of the report at the conclusion of the investigation (where permitted by law).

At the conclusion of an investigation, the investigator must create a written report including a statement regarding all findings that have been proven, and a statement of decision on whether or not the Policy has been violated. The report shall be presented for review to any/all appropriate authorities and/or legal counsel, as appropriate.

Report Handling Procedures

The Appropriate Authority shall advise the Complainant and the Respondent of the resolution of any investigation conducted under this Policy. A copy of the investigative findings shall be provided in writing to the Complainant and the Respondent.

In all cases, BPL's Human Resources department shall retain the findings report for a minimum of 7 years or for as long as any administrative or legal action arising out of the complaint is pending.

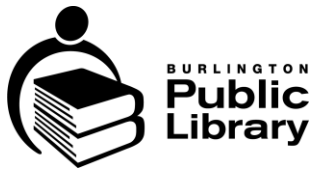
Confidentiality

All records of workplace wrongdoing reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law. Sealed correspondence addressed to the Board Chair will go through the Executive Assistant, who will then ensure that it is passed on to the Chair.

BPL will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. BPL will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

Assurance Against Retaliation

This Policy encourages employees to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding workplace wrongdoing



complaints. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against any witness providing information about a workplace wrongdoing report, is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.

This Whistleblower Policy will not be used to bring fraudulent or malicious complaints against employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint, up to and including termination of employment.

Disciplinary Actions

Upon concluding that an instance of workplace wrongdoing has indeed occurred, the Respondent will be subject to disciplinary action, which may result in suspension of duties, or outright termination of employment and possible legal action depending on the severity of the action. Disciplinary actions imposed by the Appropriate Authority will be determined on the basis of the facts of each case and the extent of harm to BPL's interests and business goals.

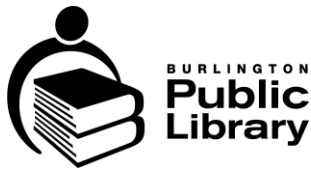
Timelines

Complainants are always encouraged to file a complaint immediately after an alleged incident of workplace wrongdoing. Nevertheless, BPL is aware that such timely response may not always be possible, due to feelings of fear on the Complainant's part.

Individuals who believe that they have witnessed workplace wrongdoing should lodge a complaint within 10 days following an alleged incident. Under extreme circumstances, this timeline may be extended to 30 days at the request of the Complainant; however, it is the responsibility of the Complainant to show good reasons for this extension.

Records

Records of all resolutions, hearings, and reviews will be kept by Human Resources department, except where otherwise stated in this Policy. The records will only be



available to managerial members of the appropriate department, and only in the following circumstances:

- When determining an appropriate disciplinary action for subsequent workplace wrongdoing complaints.
- When a Respondent is a candidate for a promotion to a supervisory position.
- When a complaint against retaliatory action is made.
- When a decision or resolution is reviewed.

Any records concerning employees will be maintained in accordance with all applicable laws and regulations. Both the Complainant and the Respondent are eligible to obtain copies of hearings or of their own statements made throughout the course of the investigation.

Legal Fees

Should an employee decide to retain legal counsel, they are solely responsible for the payment of any legal fees.

Media

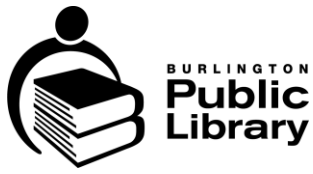
Concerns regarding serious misconduct may have a significant impact on BPL. Employees have a responsibility to use the internal whistleblowing reporting process when they have such concerns. Matters covered by this policy are considered confidential and breaches of that confidentiality, including making public statements or disclosing information to the media, will be dealt with in accordance with this policy.

Criminal Actions

This policy cannot address criminal actions, these actions will be addressed by law enforcement.

Interpretation of Policy

Matters requiring interpretation or violation of this Policy are to be made to the Manager, Human Resources, the CEO, or their authorized delegate. Matters requiring interpretation of the Policy where the CEO's actions are in question are to be referred to the Chair of the Library Board.



Legislation

In the event that any portion of this Policy is inconsistent with relevant federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

- Effective Date: December 1, 2023
- Projected Review Date: 2026
- Motion #/Date: #10-29 Mar. 25, 2010, #18-40 Apr. 19, 2018, #23-70 Nov. 23, 2023
- Amended Dates: March 25, 2010, April 19, 2018, November 23, 2023
- Associated Documents: Board By-Law, Employee Code of Conduct Policy