



**THE DISTRICT OF THUNDER BAY  
SOCIAL SERVICES ADMINISTRATION BOARD**

**BOARD REPORT**

	<b>REPORT NO.: 2018-18</b>
<b>MEETING DATE: MARCH 15, 2018</b>	<b>DATE PREPARED: FEBRUARY 23, 2018</b>
<b>SUBJECT: WHISTLEBLOWER PROTECTION FOR TBDSSAB STAFF – POLICY REVIEW</b>	

**RECOMMENDATION**

THAT with respect to the Report 2018-18 (CAO's Office), we, The District of Thunder Bay Social Services Administration Board approve the revised Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure as presented.

AND THAT we authorize the Chief Administrative Officer to amend the policy with respect to housekeeping items, as may be required from time to time.

**REPORT SUMMARY**

To present The District of Thunder Bay Social Services Administration Board (the Board) with the revised Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure for approval.

**BACKGROUND**

During the February 15, 2018 Board Meeting, the Board discussed the revised Code of Conduct Policy in response to the Memorandum from Board Member Aldo Ruberto regarding the possible use of an external party to take all complaints made by staff that are covered under the Whistleblower section of the Code of Conduct. The Board directed the Chief Administrative Officer to further clarify the reporting mechanism for complaints involving members of the Board of Directors.

**COMMENTS**

The draft policy was amended to clarify the tiered reporting mechanism for complaints lodged against the Manager of Human Resources, the CAO, a Board Member or the Board Chair. The revised draft policy confirms that the Manager of Human Resources will notify the Board Chair of any complaints involving Board Members. The revised draft policy also states that any complaints involving the CAO or the Board of Directors shall be investigated by an impartial external third party and the report shall be submitted to the Board's legal counsel.

**FINANCIAL IMPLICATIONS**



There are no financial implications related to this report.

**CONCLUSION**

It is concluded that the revisions to the existing Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure should be adopted by the Board.

**REFERENCE MATERIALS ATTACHED**

- Attachment #1: Code of Conduct Policy
- Attachment #2: Workplace Harassment Prevention Policy
- Attachment #3: Workplace Harassment Investigation Procedure
- Attachment #4: Board Report No. 2018-08
- Attachment #5: Memorandum dated October 20, 2018 from Board Member Ruberto

<b>PREPARED BY:</b>	Roxanne Brunelle, Manager, Human Resources The District of Thunder Bay Social Services Administration Board
<b>APPROVED / SIGNATURE:</b>	 William (Bill) Bradica, Chief Administrative Officer The District of Thunder Bay Social Services Administration Board
<b>SUBMITTED / SIGNATURE:</b>	 William (Bill) Bradica, Chief Administrative Officer The District of Thunder Bay Social Services Administration Board

**POLICY**

CATEGORY/SECTION

**Employment**

SUBJECT

**Code of Conduct**

**Scope**

This policy applies to all employees, students, and volunteers of the TBDSSAB and will be applied in a manner that is consistent with any applicable collective agreement and all applicable legislation.

**Policy Statement**

Employees of The District of Thunder Bay Social Services Administration Board ('the TBDSSAB') are constantly in the public eye. Decisions which we make and actions which we take are open to public scrutiny. To ensure we build and maintain public confidence, we must maintain high standards of honesty, impartiality, integrity, and respectful customer service. This policy was developed to assist all staff to identify and deal with situations where there is a perception of unethical conduct.

**Standards of Application**

The Code of Conduct is intended to guide staff at all levels of the organization in their decisions and in situations where the right course of action may not be clear. The Code of Conduct ensures that all employees are aware of the expected standards of behaviour both in and related to the workplace.

All employees of The District of Thunder Bay Social Services Administration Board are expected to perform their duties in keeping with the Code of Conduct and to report any breach of Conduct, real or suspect, to their immediate supervisor without delay.

**Whistleblower Protection**

~~An employee of TBDSSAB who comes forward in good faith with reports or concerns about compliance with this Policy shall not be subject to reprisal or retaliation for making such a report unless that person makes an allegation that is found to be malicious, or the person makes repeated allegations that are found to be without merit, are vexatious and/or frivolous.~~

## CATEGORY/SECTION

## Human Resources

## SUBJECT

## Code of Conduct

Supervisory disciplinary action will only be taken after consultation with a representative of Human Resources and in accordance with existing policy and procedures relating to disciplinary matters.

The TBDSSAB 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.

An employee who comes forward in good faith with reports or concerns of any wrongdoing that may adversely impact the TBDSSAB can do so without fear of retaliation or a negative impact on their employment status at the TBDSSAB. Reports of violation of this policy may be made to the Manager, Human Resources, or to the CAO if the matter involves the Manager of Human Resources, or to the Board Chair if the matter involves the CAO.

The Manager of Human Resources will report any complaints involving Board Members to the Board Chair and the Board's legal counsel.

Complaints filed under this policy shall be investigated and reported to the CAO or to the Board Chair if the matter involves the CAO. Any complaints involving the CAO or the Board of Directors shall be investigated by an impartial external third party and the report shall be submitted to the Board's legal counsel.

It is a violation of the TBDSSAB 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. Disciplinary action will only be taken after consultation with a representative of Human Resources and in accordance with existing policy and procedures relating to disciplinary matters.

All employees of TBDSSAB are expected to adhere to the following principles of conduct:

Principle One

The employee shall represent him/herself and The District of Thunder Bay Social Services Administration Board in a professional manner; displaying qualities of honesty, integrity, self and organizational respect, responsibility, and reliability, and maintain these qualities as a standard of professional competency. In addition to this Code of Conduct,

CATEGORY/SECTION	SUBJECT
Human Resources	Code of Conduct

employees will carry out their duties within the generally accepted and publicly available Codes of Conduct and/or Standards of Practice as established by the relevant professional colleges or governing bodies, if applicable and regardless of registration.

### Principle Two

The needs of the client should be of primary concern. In meeting this goal, the employee will:

- a) Treat the client with dignity and respect.
- b) Respect and maintain confidentiality at all times.
- c) Deliver service in a caring and compassionate manner and demonstrate concern for client rights.
- d) Accommodate individual needs of the client where time and resources permit.
- e) Report unethical conduct or inappropriate practices by an employee towards the client to their immediate supervisor.

### Principle Three

An employee shall accept responsibility as a representative of The District of Thunder Bay Social Services Administration Board in their interactions with other professionals, service providers, suppliers, and the community and within the Board. The employee shall:

- a) Provide servicing within the legislative parameters, policies and guidelines of the Board.
- b) Display knowledge of relevant acts and present information in an accurate, articulate manner which lends credibility to the employee's position and the organization.
- c) Maintain effective relations with members of the public, consumer groups, professionals, service providers, suppliers, and colleagues within the Board.
- d) Refrain from providing opinion of other services or other service providers regardless of whether opinion is solicited or not and regardless of whether this request comes from within or outside the Board (formal input acceptable i.e. surveys).
- e) Refrain from engaging in illegal activity.
- f) Not use or allow the use of the Board's vehicles, equipment, materials, property, or assets unless authorized.

## CATEGORY/SECTION

## Human Resources

## SUBJECT

## Code of Conduct

- g) Ensure that any business/private ventures or representation on outside Boards of Community Agencies are not in conflict with duties as an employee (see Conflict of Interest Policy).

Principle Four

The employee shall work conscientiously and consistently to achieve excellence in service provision and endeavor to maintain and improve skills as follows:

- a) Acknowledge individual contributions as a vital part of the overall effort of the organization.
- b) Understand how job responsibilities correlate to the overall goals and objectives of the organization.
- c) Work collaboratively both within and between Divisions to realize the goals of the organization.
- d) Reflect upon and regulate one's own performance in one's own position and communicate with others in a way that demonstrates respect, professionalism, good judgement and an understanding of the desired corporate culture.
- e) Demonstrate proficiency and motivation in achieving quality service.
- f) Demonstrate a balance between achieving results and regard for how these results are achieved.
- g) Adjust practices to the changing environment and adapt to new ideas and procedures.
- h) Demonstrate work ethic and commitment by arriving at work fit for duty, free from the effects of alcohol, illicit drugs or other medications adhering to hours of work as stated in the Collective Agreement and/or employment agreement or policies.
- i) Promote the principles and support the practices of achieving a safe and healthy work environment.
- j) Promote the purpose, goals, objectives, and policies of the Board.

Principle Five

The employee shall not exploit any relationship for personal or professional interest at the expense of clients. The employee will refrain from the following:

- a) Taking advantage of trust or dependency placed by clients in staff.
- b) Engaging in personal relationships with clients including intimate or sexual relationships (see Principle Seven).

CATEGORY/SECTION	SUBJECT
Human Resources	Code of Conduct

- c) Using influence to manipulate clients for the employee's personal or professional gain.
- d) Making use of the Board's property, facilities, assets, or other resources for purposes other than servicing the client.
- e) Accepting financial or material benefit for activities which are already rewarded by salary or other compensation.
- f) Assisting clients to engage in illegal activity.
- g) Entering into a business partnership with a client, borrowing money from a client or loaning money to a client.
- h) Disclosing information acquired from one client to a member of the client's family, legal guardian, or third party without the informed consent of the individual that the information pertains to, pursuant to MFIPPA guidelines.
- i) Any action which does not respect the civil, legal, and human rights of clients.

#### Principle Six

The employee shall not exploit any relationship for personal or professional interest at the expense of colleagues. In meeting this goal, the employee will refrain from the following:

- a) Prejudicing others against a colleague for reasons of personal gain (e.g. engaging in rumor or slander).
- b) Repeated incidents or patterns of behaviour that are intended to intimidate, offend, degrade or humiliate a particular person or group of people.
- c) Using influence or coercion to engage colleagues in unethical behaviour.
- d) Engaging in any form of discrimination or harassment.
- e) In addition to the above, the employee shall abide by the workplace violence policy established by the Board.

#### Principle Seven

The District of Thunder Bay Social Services Board does not condone intimate relationships between clients and employees.

- a) If a recipient/client discloses that he/she is attracted to you, explain your professional position in a sensitive and respectful manner.
- b) Inform the client that you are obligated to inform your supervisor to protect the interest of the client and yourself. Document the conversation.

CATEGORY/SECTION

**Human Resources**

SUBJECT

**Code of Conduct**

c) Discuss the matter with your supervisor.

Any employee who has reasonable and probable grounds to believe that a person to whom this Policy applies has violated it may file a complaint.

Exceptions to this policy may be made only with the approval of the Chief Administrative Officer.

**References, Related Policies and/or Procedures**

- All related/applicable Policies, Procedures and legislation.



**POLICY**

CATEGORY/SECTION

**Employee Relations**

SUBJECT

**Workplace Harassment Prevention**

**Scope**

This policy applies to all TBDSSAB employees and will be applied in a manner that is consistent with any applicable collective agreement and all applicable legislation.

**Policy Statement**

The District of Thunder Bay Social Services Administration Board (TBDSSAB) is committed to a safe work environment for all employees in which all individuals are treated with respect and dignity. As such, workplace harassment will not be tolerated from or towards any person in the workplace. TBDSSAB will take every reasonable measure to prevent workplace harassment including but not limited to remedial, disciplinary and/or legal action.

This policy shall be reviewed by the TBDSSAB and the Joint Health and Safety Committee as often as necessary but no less than every year.

**Definitions**

~~“**Harassment**” is defined by the Ontario Human Rights Code as “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.”~~

~~Workplace harassment may also (but does not have to) relate to a form of discrimination as set out in the Ontario Human Rights Code.~~

~~“**Sexual Harassment**” can be defined as one or a series of incidents in which an employee is subject to conduct, comment, gesture, persistent leering, jokes and/or contact of a sexual nature that could reasonably be considered intimidating, hostile or offensive, including coercion of sexual relation. The display of pornographic material may also be deemed to be sexual harassment. Sexual harassment may be accompanied by threats of social and/or economic penalty such as loss of employment, denial of promotion or any other employment opportunity.~~

~~“**Workplace**” means any place where business or work related activities are conducted. It includes, but is not limited to, the physical work premises, work related social functions (parties, golf games, etc.), work assignments in the field, work related travel, and work related conferences or training sessions.~~

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**Workplace Harassment Prevention**

**“Harassment”** includes all forms such as Bullying, Human Rights, Harassment, Sexual Harassment and Workplace Harassment:

**“Bullying”** (Psychological Harassment) means engaging in a course of vexatious comments or conduct against an employee, contractor, volunteer or visitor to the TBDSSAB workplace that is known or ought reasonably to be known to be unwelcome. This includes bullying, which is persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive sanctions which make the individual feel threatened, humiliated and/or vulnerable, which undermine the individual’s self-confidence and/or reduce the individual’s feelings of self-esteem and self-worth, and which may cause the individual to suffer stress. Bullying need not be based on one of the prohibited grounds listed in the *Ontario Human Rights Code*.

**“Human Rights Harassment”** means a course of vexatious comments or conduct that is known to be or ought reasonably to be known to be unwelcome/unwanted and that is based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (in employment only), marital status, family status or disability as defined by the *Ontario Human Rights Code*. A single act of sufficient severity may also be found to constitute harassment.

**“Sexual Harassment”** under the *Ontario Human Rights Code* means making a sexual solicitation or advance where the individual person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the individual knows or ought reasonably to know that the solicitation or advance is unwelcome. (in some cases, one incident could be serious enough to be sexual harassment)

**“Workplace Harassment”** under the *Occupation Health and Safety Act* means: engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment;

**“Workplace sexual harassment”** means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; (in some cases, one incident could be serious enough to be sexual harassment)

X Committee Review Date: 2014Jul14  
IMPLEMENTATION / BOARD APPROVAL DATE:

**July 24, 2014**

REVISION DATE(S): ~~November 1, 2017~~ February 1, 2018 Housekeeping

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**Workplace Harassment Prevention**

“Discrimination” means differential treatment of an individual based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (in employment only), marital status, family status or disability as defined by the *Ontario Human Rights Code*. Discrimination has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed on others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of the TBDSSAB or society in general.

“Workplace” means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (parties, etc.), work assignments in the field, work-related travel, and work-related conferences or training sessions.

### Standards of Application

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace.

Managers, supervisors and workers are expected to uphold this policy and will be held accountable by the TBDSSAB.

The EmployerManagement will investigate and deal with all complaints or incidents of workplace harassment in a timely manner and in accordance with the TBDSSAB procedures while respecting worker's privacy as much as possible.

Supervisors are responsible for communicating the policy and procedures to workers in order that they have the information they need to protect themselves.

Every worker must work in compliance with this policy and all workers are encouraged to raise any concerns about workplace harassment and are required to report any incidents of workplace harassment.

This policy further prohibits all reprisals against any individual who reports, in good faith, any incident of workplace harassment or act as witnesses. Reprisal is defined as any act of retaliation, either direct or indirect.

Nothing in this policy prevents or discourages a worker from filing an application with the *Human Rights Tribunal of Ontario* on a matter related to the *Ontario*

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**Workplace Harassment Prevention**

*Human Rights Code* or the worker's right to exercise any other legal avenues that may be available.

### References, Related Policies and/or Procedures

- All related/applicable Policies, Procedures and legislation.

X Committee Review Date: 2014Jul14  
IMPLEMENTATION / BOARD APPROVAL DATE:

**July 24, 2014**

REVISION DATE(S): ~~November 1, 2017~~ February 1, 2018 Housekeeping

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## The District of Thunder Bay Social Services Administration Board

<b>PROCEDURE</b>	<b>PROCEDURE NAME</b>	Workplace Harassment Investigations
	<b>PROCEDURE NUMBER</b>	HR-04-50-01
	<b>PROCEDURE SECTION</b>	Employee Relations
	<b>POLICY REFERENCE</b>	Workplace Harassment Prevention
	<b>REVISION DATE</b>	February 1, 2018
	<b>SUPERSEDES</b>	New
	<b>IMPLEMENTATION DATE</b>	July 24, 2014

### PROCEDURE STATEMENT:

TBDSSAB will strive to foster a respectful workplace through the prevention and prompt resolution of harassment complaints. Complaints of harassment will be taken seriously and handled professionally. TBDSSAB will provide a mechanism for complainants to lodge either a formal or informal complaint.

### Administrative Responsibilities:

- ensure the intent and the Workplace Harassment Prevention policy and procedures are communicated to all existing and new employees
- ensure that all complaints regarding harassment are investigated promptly
- assist in investigating complaints and determining the appropriate response
- inform complainant of the final outcome of the complaint
- advise employees that reprisals are prohibited against those who make complaints in good faith under this policy
- protect confidentiality to the extent possible during the process where permissible at law

### A Complainants possible choices of action may include:

- Consulting with a peer;
- Confronting the harasser;
- Speaking to a union representative;
- Approaching a person in authority (supervisor, manager, director, human resources, CAO);
- Approaching the Board Chair if the allegations are against the CAO
- Approaching appropriate legal authorities e.g. Police, Human Rights Tribunal of Ontario, and
- At his/her own expense, choose to contact a lawyer to discuss legal rights and/or civil action.

### Confidentiality

Confidentiality will be maintained to every extent possible, but it should be understood that the nature of the investigation may be expanded beyond the complainant(s) and the respondent(s) to verify factual information.

Information will only be disclosed to those necessary to the investigation. The TBDSSAB cannot be held responsible for the actions of the complainant or respondent in relation to any outside agency. The TBDSSAB may be legally required to provide information to an outside authority. As well, the TBDSSAB may be legally required to speak to the respondent regarding the harassment and, where appropriate, take further action. It is because of these facts that absolute confidentiality cannot be guaranteed.

Relocation or reassignment or temporary administrative suspension for the safety/security of individuals involved may be required, but is not considered discipline.

All those that are involved with the investigation process must abide by the confidentiality guidelines.

### Whistleblower Protection

An employee of the TBDSSAB who comes forward in good faith with reports or concerns about compliance with this policy or procedure or cooperates with an investigation shall not be subject to reprisal or retaliation for making such a report.

### Informal Complaint Process

The key to the informal resolution phase is that there is no formal investigation procedure. There is nothing in this process that would prevent a complainant from bypassing the informal resolution process and proceeding directly to the formal investigation process.

Complainants are encouraged to resolve their concerns first by confronting the respondent. If this does not result in the end of the harassment or if the complainant is uncomfortable confronting the harasser, alternative methods of reporting are available. Complainants are encouraged to keep a record of dates, times, places and witnesses of the harassment as well as specific details.

If the complainant is not satisfied with the results of the above process, or is uncomfortable confronting the harasser, the harassment can be reported to a supervisor, a manager/director, a union representative (if applicable) or a representative of Human Resources.

Once the harassment has been reported an informal resolution will be sought (if appropriate) ~~with the involvement of the appropriate supervisor/manager (e.g. complainant confronting respondent alone or with staff/union representation).~~

The complainant will be informed of the following:

- The TBDSSAB harassment policy and procedures;
- The limits to confidentiality during the process
- The right to withdraw the complaint at any time
- The right to representation at any time through the process in accordance with the collective agreement provisions; and
- The right to initiate a formal written complaint

The respondent will be informed of the following:

- The TBDSSAB harassment policy and procedures;
- The limits to confidentiality during the process
- The right to representation at any time through the process in accordance with the collective agreement provisions; and
- The nature of the allegation, and who has lodged the complaint

Once the supervisor of the respondent is made aware of the allegation an attempt to resolve the conflict informally will take place. Informal resolution can come about through communicating with the respondent.

If the complaint cannot be resolved informally to the satisfaction of the complainant, the complainant can choose to make a formal written complaint which will then proceed to the formal complaint process.

### **Formal Complaint Process**

TBDSSAB shall provide a fair and objective formal process for dealing with alleged incidents of harassment.

Employees wishing to pursue a formal investigation, complainants should be required to send a written copy of the complaint, describing the incident(s), witnesses and steps already taken to resolve the matter, to ~~the appropriate Division Director or the Manager Director~~, Human Resources, or the CAO if the matter involves the Manager of Human Resources or the Board Chair if the matter involves the CAO.

Once a formal written complaint is received, the ~~Director Manager, Human Resources or CAO or Board Chair, as receiving appropriate,~~ receiving the complaint will appoint an investigator, which may include the appointment of an external investigator where deemed appropriate.



The investigator should not be directly involved with the complainant or respondent (i.e. in a direct report relationship). All efforts will be made to ensure that the investigator(s) is an impartial third party.

### Investigation of the Complaint

The investigator will meet with the complainant to get clarification of issues that may be unclear and to inform the complainant of:

- The TBDSSAB harassment policy and procedures;
- The limits to confidentiality during the process;
- The right to withdraw the complaint at any time; and
- The right to representation at any time through the process by any person of their choice and/or in accordance with the collective agreement provisions.

The investigator will meet with the respondent in the absence of the complainant and inform the respondent of:

- The TBDSSAB harassment policy and procedures;
- The limits to confidentiality during the process
- The right to representation at any time through the process by any person of their choice and/or in accordance with the collective agreement provisions; and
- The nature of the allegation, and who has lodged the complaint

A copy of the signed formal complaint or a summary of the complaint, will be provided to the respondent ~~-. The respondent at any time during the investigation may respond to the allegations.~~

~~When a~~ unionized employee respondent who elects ~~has elected~~ not to accept representation from his/her union shall do so ~~-(in writing-). the union will be informed by the investigator.~~

The investigator will conduct further fact finding meeting(s) to ascertain the severity of the situation. This will include interviews with the complainant and the respondent and a review of any pertinent documentation. The investigation may also include interviews with witnesses and employees, both past and present.

The complaint will be investigated to the extent practicable and appropriate under the circumstances.

Where the information revealed early in the investigation suggests a reasonable possibility of resolution, the Director, Manager, Human Resources receiving the complaint or designate may decide to propose an early settlement prior to conducting the entire investigation. Where this situation arises, separate meetings with each party involved to discuss preliminary findings of the investigation and inform participants may

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be convened to present the opportunity, based on the information received, to resolve the matter upon agreement of all parties without further investigation.

Where as a result of preliminary findings a resolution cannot be reasonably proposed or achieved, or where an investigator determines that file closure at this point would not be appropriate, further investigations will be conducted.

Once the investigator has conducted adequate research, a final report of the investigation will be prepared as expeditiously as possible. The report shall include a determination as to whether or not the complaint has been sufficiently substantiated to justify further action. The report shall also include a recommendation for further action, if any. The Director will meet with the complainant(s) and their representative to report the results of the investigation. The Manager, Human Resources will ensure that the employee who has allegedly experienced workplace harassment and the alleged harasser(s), if he or she is a worker of the employer, are informed in writing of the results of the investigation. Furthermore, the Manager, Human Resources will share this information, in a manner that protects the privacy of all those involved to the greatest extent possible any corrective action that has been taken or that will be taken as a result of the investigation.

### Discipline

Harassment is a serious offense and in this regard, will not be tolerated. Where harassment is found to have occurred, the harasser will be subject to discipline up to and including discharge.

Retribution or retaliation in any form as a result of making a complaint or for cooperating with an investigation will not be tolerated and will be subject to discipline up to and including discharge.

### Where the Complaint is Not Substantiated

If the allegations are not substantiated nor malicious, no action will be taken.

### Confidentiality

The complaint will be investigated to the extent practicable and appropriate under the circumstances.

All records of complaints will remain confidential except where disclosure is required by a disciplinary or other remedial process and/or by law.

### Records of Investigation

Records of an investigation will include:

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Procedure: Workplace Harassment Investigations

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- The names of the complainant(s) and respondent(s)
- The nature of the alleged harassment
- A record of meetings, specifying dates, times and attendees
- A copy of any correspondence between the parties
- The present disposition of the complaint, including final resolution
- A signed formal complaint (if applicable)
- Any record of any disciplinary action involved
- Background information gained through interviews, meetings etc.
- Proper documentation required for the process followed (informal or formal)

The sealed investigation records will be retained by the ~~Director~~Manager, Human Resources in a locked confidential file, accessible only to those who need to know.

DRAFT



**THE DISTRICT OF THUNDER BAY  
SOCIAL SERVICES ADMINISTRATION BOARD**

**BOARD REPORT**

	<b>REPORT NO.: 2018-08</b>
<b>MEETING DATE: FEBRUARY 15, 2018</b>	<b>DATE PREPARED: JANUARY 29, 2018</b>
<b>SUBJECT: WHISTLEBLOWER PROTECTION FOR TBDSSAB STAFF – POLICY REVIEW</b>	

**RECOMMENDATION**

THAT with respect to Report 2018-08 (CAO's Office), we, The District of Thunder Bay Social Services Administration Board approve the revised Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure as presented.

AND THAT we authorize the Chief Administrative Officer to amend the policy with respect to housekeeping items, as may be required from time to time.

**REPORT SUMMARY**

To present The District of Thunder Bay Social Services Administration Board (the Board) with the revised Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure for approval.

**BACKGROUND**

During the October 25, 2017 Board Meeting, the Board discussed the Memorandum from Board Member Aldo Ruberto regarding the possible use of an external party to take all complaints made by staff that are covered under the Whistleblower section of the Code of Conduct. The Board directed the Chair, Vice-Chair and Chief Administrative Officer to look into options to present to the Board regarding assigning an outside agency to investigate and deal with all whistleblowing incidents with the advice of an outside Employment lawyer.

**COMMENTS**

The existing Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure reference whistleblowing protection for staff.

The TBDSSAB employment lawyer, Mary Catherine Chambers of Buset and Partners, LLP was consulted and reviewed our existing Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure. It was confirmed by legal that the policies meet the employer's obligations arising from the Human Rights Code and the Occupational Health and Safety Act and that the policies are very clear that employees are free to bring their complaints forward without reprisal.

Ms. Chambers further confirmed that the policies should avoid promising a neutral, third party investigator in all situations as it would be prohibitively expensive.

The policies were revised to implement a tiered reporting mechanism in the event a complaint is lodged against the CAO, a Board member or a senior Manager. It is very unlikely, if not impossible, that anyone within the organization can be neutral if an allegation involving individuals at those levels is made. This is not the case for lower level employees, although there may be instances in which an external party is the best choice for an investigation into an allegation against a lower level employee. The policies reserve sufficient flexibility for the employer to make this decision in the right circumstances.

The Thunder Bay District Health Unit was also consulted. TBDHU administration confirmed that they have not adopted a policy to outsource all complaints to an external party.

### **FINANCIAL IMPLICATIONS**



There are no financial implications related to this report.

### **CONCLUSION**

It is concluded that the revisions to the existing Code of Conduct Policy, Workplace Harassment Prevention Policy and Workplace Harassment Investigation Procedure should be adopted by the Board.

**REFERENCE MATERIALS ATTACHED**

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- Attachment #4: [Memorandum dated October 20, 2017 from Board Member Ruberto](#)

<b>PREPARED BY:</b>	Roxanne Brunelle, Manager, Human Resources The District of Thunder Bay Social Services Administration Board
<b>APPROVED / SIGNATURE:</b>	 William (Bill) Bradica, Chief Administrative Officer The District of Thunder Bay Social Services Administration Board
<b>SUBMITTED / SIGNATURE:</b>	 William (Bill) Bradica, Chief Administrative Officer The District of Thunder Bay Social Services Administration Board



**THE DISTRICT OF THUNDER BAY SOCIAL  
SERVICES ADMINISTRATION BOARD**

Attachment #5  
Report No. 2018-18

**BOARD OFFICE**

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Thunder Bay, ON P7E 1B5  
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Our File No.: SSB-10

# Memorandum

**Date:** October 20, 2017  
**To:** Members of the Board  
**From:** Aldo Ruberto, Board Member  
**Subject:** **Whistleblower Protection for TBDSSAB Staff – Policy Review**

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At the September 28, 2017 Board Meeting I made a request that a review of the whistleblower protection policy be added to the October 25, 2017 Regular Session meeting agenda under New Business.

Specifically, I want to discuss the concept of using an external party to take any complaints made by staff that are covered under the Whistleblower section of the staff Code of Conduct.

Sincerely,

Aldo Ruberto  
Board Member  
The District of Thunder Bay Social  
Services Administration Board

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Attachment – POL HR 01:15 Code of Conduct

Copy to: William (Bill) Bradica, Chief Administrative Officer – TBDSSAB

**POLICY**

CATEGORY/SECTION

**Employment**

SUBJECT

**Code of Conduct**

**Scope**

This policy applies to all employees, students, and volunteers of the TBDSSAB and will be applied in a manner that is consistent with any applicable collective agreement and all applicable legislation.

**Policy Statement**

Employees of The District of Thunder Bay Social Services Administration Board ('the TBDSSAB') are constantly in the public eye. Decisions which we make and actions which we take are open to public scrutiny. To ensure we build and maintain public confidence, we must maintain high standards of honesty, impartiality, integrity, and respectful customer service. This policy was developed to assist all staff to identify and deal with situations where there is a perception of unethical conduct.

**Standards of Application**

The Code of Conduct is intended to guide staff at all levels of the organization in their decisions and in situations where the right course of action may not be clear. The Code of Conduct ensures that all employees are aware of the expected standards of behaviour both in and related to the workplace.

All employees of The District of Thunder Bay Social Services Administration Board are expected to perform their duties in keeping with the Code of Conduct and to report any breach of Conduct, real or suspect, to their immediate supervisor without delay.

**Whistleblower Protection**

An employee of TBDSSAB who comes forward in good faith with reports or concerns about compliance with this Policy shall not be subject to reprisal or retaliation for making such a report unless that person makes an allegation that is found to be malicious, or the person makes repeated allegations that are found to be without merit, are vexatious and/or frivolous.

Supervisory disciplinary action will only be taken after consultation with a representative of Human Resources and in accordance with existing policy and procedures relating to disciplinary matters.

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<b>Human Resources</b>	<b>Code of Conduct</b>

All employees of TBDSSAB are expected to adhere to the following principles of conduct:

#### Principle One

The employee shall represent him/herself and The District of Thunder Bay Social Services Administration Board in a professional manner; displaying qualities of honesty, integrity, self and organizational respect, responsibility, and reliability, and maintain these qualities as a standard of professional competency. In addition to this Code of Conduct, employees will carry out their duties within the generally accepted and publicly available Codes of Conduct and/or Standards of Practice as established by the relevant professional colleges or governing bodies, if applicable and regardless of registration.

#### Principle Two

The needs of the client should be of primary concern. In meeting this goal, the employee will:

- a) Treat the client with dignity and respect.
- b) Respect and maintain confidentiality at all times.
- c) Deliver service in a caring and compassionate manner and demonstrate concern for client rights.
- d) Accommodate individual needs of the client where time and resources permit.
- e) Report unethical conduct or inappropriate practices by an employee towards the client to their immediate supervisor.

#### Principle Three

An employee shall accept responsibility as a representative of The District of Thunder Bay Social Services Administration Board in their interactions with other professionals, service providers, suppliers, and the community and within the Board. The employee shall:

- a) Provide servicing within the legislative parameters, policies and guidelines of the Board.
- b) Display knowledge of relevant acts and present information in an accurate, articulate manner which lends credibility to the employee's position and the organization.



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- c) Maintain effective relations with members of the public, consumer groups, professionals, service providers, suppliers, and colleagues within the Board.
- d) Refrain from providing opinion of other services or other service providers regardless of whether opinion is solicited or not and regardless of whether this request comes from within or outside the Board (formal input acceptable i.e. surveys).
- e) Refrain from engaging in illegal activity.
- f) Not use or allow the use of the Board's vehicles, equipment, materials, property, or assets unless authorized.
- g) Ensure that any business/private ventures or representation on outside Boards of Community Agencies are not in conflict with duties as an employee (see Conflict of Interest Policy).

#### Principle Four

The employee shall work conscientiously and consistently to achieve excellence in service provision and endeavor to maintain and improve skills as follows:

- a) Acknowledge individual contributions as a vital part of the overall effort of the organization.
- b) Understand how job responsibilities correlate to the overall goals and objectives of the organization.
- c) Work collaboratively both within and between Divisions to realize the goals of the organization.
- d) Reflect upon and regulate one's own performance in one's own position and communicate with others in a way that demonstrates respect, professionalism, good judgement and an understanding of the desired corporate culture.
- e) Demonstrate proficiency and motivation in achieving quality service.
- f) Demonstrate a balance between achieving results and regard for how these results are achieved.
- g) Adjust practices to the changing environment and adapt to new ideas and procedures.
- h) Demonstrate work ethic and commitment by arriving at work fit for duty, free from the effects of alcohol, illicit drugs or other medications adhering to hours of work as stated in the Collective Agreement and/or employment agreement or policies.
- i) Promote the principles and support the practices of achieving a safe and healthy work environment.

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- j) Promote the purpose, goals, objectives, and policies of the Board.

#### Principle Five

The employee shall not exploit any relationship for personal or professional interest at the expense of clients. The employee will refrain from the following:

- a) Taking advantage of trust or dependency placed by clients in staff.
- b) Engaging in personal relationships with clients including intimate or sexual relationships (see Principle Seven).
- c) Using influence to manipulate clients for the employee's personal or professional gain.
- d) Making use of the Board's property, facilities, assets, or other resources for purposes other than servicing the client.
- e) Accepting financial or material benefit for activities which are already rewarded by salary or other compensation.
- f) Assisting clients to engage in illegal activity.
- g) Entering into a business partnership with a client, borrowing money from a client or loaning money to a client.
- h) Disclosing information acquired from one client to a member of the client's family, legal guardian, or third party without the informed consent of the individual that the information pertains to, pursuant to MFIPPA guidelines.
- i) Any action which does not respect the civil, legal, and human rights of clients.

#### Principle Six

The employee shall not exploit any relationship for personal or professional interest at the expense of colleagues. In meeting this goal, the employee will refrain from the following:

- a) Prejudicing others against a colleague for reasons of personal gain (e.g. engaging in rumor or slander).
- b) Repeated incidents or patterns of behaviour that are intended to intimidate, offend, degrade or humiliate a particular person or group of people.
- c) Using influence or coercion to engage colleagues in unethical behaviour.
- d) Engaging in any form of discrimination or harassment.

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- e) In addition to the above, the employee shall abide by the workplace violence policy established by the Board.

### Principle Seven

The District of Thunder Bay Social Services Board does not condone intimate relationships between clients and employees.

- a) If a recipient/client discloses that he/she is attracted to you, explain your professional position in a sensitive and respectful manner.
- b) Inform the client that you are obligated to inform your supervisor to protect the interest of the client and yourself. Document the conversation.
- c) Discuss the matter with your supervisor.

Any employee who has reasonable and probable grounds to believe that a person to whom this Policy applies has violated it may file a complaint.

Exceptions to this policy may be made only with the approval of the Chief Administrative Officer.

### **References, Related Policies and/or Procedures**

- All related/applicable Policies, Procedures and legislation.