CITY OF NORTH BATTLEFORD
SASKATCHEWAN

BYLAW NO. 2189

A BYLAW OF THE CITY OF NORTH BATTLEFORD, IN THE PROVINCE OF SASKATCHEWAN, TO ESTABLISH THE PROCESS FOR THE INVESTIGATION OF SUSPECTED WRONGDOING, AND TO ESTABLISH THE PROTECTION FROM REPRISAL FROM REPORTING SUSPECTED WRONGDOING IN GOOD FAITH.

WHEREAS pursuant to Section 8(1) of *The Cities Act,* A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city:

(a) the peace, order and good government of the city;

(b) the safety, health and welfare of people and the protection of people and property.

WHEREAS the Council of the City of North Battleford desires to put into place a mechanism whereby, under the appropriate circumstances, employees are protected from reprisal, and whereby, under appropriate circumstances, investigations are undertaken in response to such disclosures for the following employees:

(a) employees who disclose wrongdoing regarding City operations; and,

(b) employees who disclose information as cooperating witnesses in whistleblower investigations.

NOW, THEREFORE, the Council of the City of North Battleford in the Province of Saskatchewan, enacts as follows:

Part I
Short Title & Interpretation

Short Title

1. This Bylaw may be cited as "The Whistleblower Protection Bylaw."

2. Guiding Principles

1. The City of North Battleford is committed to accountability, transparency, and sound ethical operating practices.
2. City employees are to behave in a way that enhances public confidence in the City while fulfilling their duties honestly, exercising reasonable care and diligence.
3. All employees have a responsibility to report instances of wrongdoing.

3. Purpose

1. The purpose of this Bylaw is:
   a) to ensure there is trust and integrity in delivering valuable public services to the people of North Battleford;
   b) to establish the consistent and systematic process for the prevention, detection, reporting and investigation of any suspected act of wrongdoing including processes for reporting and resolving complaints of retaliation;
   c) to encourage City of North Battleford employees to come forward with genuine concerns, in good faith, and with the knowledge that they will be taken seriously, without reprisal, and their privacy shall be protected; and,
   d) to ensure the appropriate investigation is undertaken in response to disclosures of wrongdoing including prescribing the conduct of employees with respect to the investigation of such disclosures.

4. Scope

1. This Bylaw applies to:
   a) All City employees, contractors, suppliers, and agencies over which Council has jurisdiction to require Bylaws to be followed.
   b) All employees with supervisory or management responsibilities who know of reprisals are responsible for ensuring that employees are protected in accordance with this Bylaw.
2. This Bylaw delegates authority to the City Manager to ensure all procedures and decision-making frameworks are followed to maintain compliance with this Bylaw.
3. This Bylaw delegates authority to the Council Compliance Committee to manage the Whistleblower Program in accordance with the objectives of this Bylaw and follow the process as established herein.

4. This Bylaw is intended to supplement existing policies and procedures with mechanisms in place to raise matters of wrongdoing and is not intended to override or replace existing processes, Collective Agreements, or legislation.

5. Any reports received under this Bylaw in relation to Members of Council will be addressed pursuant to the Council & Committees Code of Ethics Bylaw, and all amendments thereto.

6. This Bylaw does not create an independent reporting requirement where other reporting processes exist.

5. Definitions

1. In this Bylaw:

a) ***"Allegation"*** means an unproved assertion or statement based on a person's perception.

b) **"Business Days"** means the days Monday through Friday of each week, excluding Statutory holidays.

c) ***"City"*** means the municipal corporation of the City of North Battleford.

d) ***"City Auditor"*** means the firm and/or person(s) duly appointed by City Council, pursuant to section 159 of *The Cities Act*, to conduct the financial audits for the City of North Battleford.

e) ***"City Clerk"*** means the person duly appointed by City Council, pursuant to section 85 of *The Cities Act*, and includes the person acting as their designate.

f) ***"City Manager***" means the person appointed by Council as administrative head of the City pursuant to section 84 of the *Cities Act* and includes a person acting as their designate.

g) ***"City Solicitor"*** means the person duly appointed by City Council as the lawyer for the City of North Battleford.

h) ***"Confidential"*** means information and disclosures provided in confidence and intended for, or restricted for, the use of the parties defined herein pursuant to the outlined process and procedures when submitting a Disclosure of Wrongdoing Form attached and forming part of this Bylaw Schedule "A".

The communication of information relating to a Whistleblower report will be restricted and divulged only on a 'need to know' basis. This includes the identity of the Whistleblower, the named individual/parties, or any information gathered as part of an investigation.

i) ***"Council"*** means the Council elected pursuant to Section 11 of *The Local Government Elections Act*, as the governing body of the City of North Battleford.

j) ***"Council Compliance Committee"*** means the Committee established by the Mayor consisting of three (3) members of Council; who is authorized to receive Disclosures of Wrongdoing and the Investigation Report of wrongdoing under this Bylaw.

k) ***"Designate"*** means the Council Compliance Committee as established by the Mayor, or a person appointed on an ad hoc basis by Council.

l) ***"Disclosure"*** means the statement provided alleging an action of wrongdoing on the part of any employee or vendor including a complaint alleging that any person has been a victim of reprisal for disclosing a wrongdoing or participating in an investigation of a wrongdoing.

m) ***"Disclosure of Wrongdoing"*** means the statement provided on the form set out in Schedule "A", alleging an action of Wrongdoing on the part of any Employee or Vendor. This may include a complaint alleging that any person has been a victim of Reprisal for disclosing a Wrongdoing or participating in an investigation of a Wrongdoing.

n) ***"Discriminatory Action"*** means any action or threat of action by an employer that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, and includes: termination; layoff, suspension, demotion or transfer of an employee, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty but does not include:

   i. any reassignment of duties for the reasons set out in section 2-41 or subsection 2-49(4) of *The Saskatchewan Employment Act*; or

   ii. any other prescribed action.

o) ***"Employee"*** any individual employed by the City of North Battleford including: full-time, part-time, temporary, permanent, seasonal, and casual employees, as well as contractors, and consultants working for the City. Employee also means a person on an employment leave from employment with an employer.

p) ***"Employer"*** means the City of North Battleford as an employer as defined within *The Saskatchewan Employment Act.*

q) ***"Good Faith"*** means an act which is not done trivially, frivolously or for a vexatious purpose, and this definition shall be considered in determining what is considered bad faith under this Bylaw.

r) ***"Initial Screening"*** means the interview that the Council Compliance Committee conducts to determine if the disclosure requires more information before the investigation process begins.

s) ***"Investigator"*** means a person appointed or recommended by the Council Compliance Committee, who carries out a formal inquiry or investigation of Wrongdoing, and could be one of the following:

i. Internal Investigator: means a person within a Senior Management position and employed by the City of North Battleford and willing to conduct an impartial investigation, at the direction of the Council Compliance Committee, arising from a Disclosure of Wrongdoing; or

ii External Investigator: means an externally qualified, impartial professional, who is not an Employee and has no personal affiliation with an Employee, vendor, or elected official of the City, willing to conduct an investigation, at the direction of the Council Compliance Committee, arising from a Disclosure of Wrongdoing.

s) ***"Investigation Report"*** means a Confidential report completed by the Investigator after an investigation of a Disclosure of Wrongdoing which shall contain the findings, the reasons for those findings, and any recommendations.

t) ***"Reprisal"*** means any of the following measures taken against an Employee because the Employee has, in good faith, sought advice about making a Disclosure of Wrongdoing, made a Disclosure of Wrongdoing, co-operated in an investigation according to this bylaw or declined to participate in suspected Wrongdoing:

i. A dismissal, layoff, suspension, demotion, transfer, discontinuation, or elimination of a job, change of a job location, reduction in wages, change in hours of work or reprimand;

ii. Any measure, other than one mentioned in subclause (i) that adversely affects the employment or working conditions;

iii. A threat to take any of the measures mentioned in subclauses (i) and (ii) or any other punitive action, whether direct or indirect, that adversely affects the employment or working conditions of the Employee; and

iv. A discriminatory action as defined in *The Saskatchewan Employment Act*.

u) ***"Whistleblower"*** means a person referred to in section 4.1 who calls attention to Wrongdoing as herein defined, in an attempt to end the Wrongdoing.

v) ***"Whistleblower Program"*** means a program managed by the Council Compliance Committee to receive concerns of Wrongdoing as reported by persons referred to in section 4.1.

w) ***"Wrongdoing"*** means illegal, harmful, or inappropriate conduct including, but not limited to:

i. Crime or suspected criminal activity, including theft, fraud, and embezzlement, as defined by the Criminal Code, federal or provincial statute, regulation or City Bylaw.

ii. Breach of Code of Conduct or any other Council or Administrative Bylaws or policies;

iii. The wrongful or unauthorized acquisition, use, appropriation, or disposal of City assets, including cash, information, data, records, materials, labour, or equipment;

iv. The violation of public trust or duty;

v. The misuse of position, authority or gross mismanagement of City funds or City assets for personal gain;

vi. Failure to follow any civic policies regarding monetary transactions, cash handling, use of signing authority, competitive bidding, purchasing or procurement;

vii. Any claim for reimbursement of expenses not incurred for the exclusive benefit of the City;

viii. Knowingly directing or counseling a person to commit Wrongdoing mentioned in clauses (i) to (vii) as set out above; and,

ix. An act or omission that creates or is likely to create a substantial and specific danger or harm to the life, health or safety of any person or the environment.

2. This Bylaw must be interpreted in accordance with the applicable legislation, the common law, and the policies and bylaws of the City.

6. <u>Limitations</u>

1. Nothing in this Bylaw is intended to:

   a) limit the responsibilities of employees to carry out their job duties, make reports to their appropriate supervisors or managers, or take appropriate action within the scope of their job to prevent wrongdoing or the harm which may arise from such wrongdoing;

   b) limit the actions which may be taken by the City or the consequences for an employee when an employee has acted contrary to their job duties, in a negligent, dishonest, or vexatious manner, or contrary to this Bylaw; or,

   c) permit employees to disregard their obligations to comply with any other bylaw, statute or regulation, including the *Local Government Freedom of Information and Protection of Privacy Act* or any other statute or regulation governing the access to or privacy of information.

2. Nothing in this Bylaw restricts the City from utilizing the rights and powers available under the *Cities Act* or other laws, or from conducting, participating in, or calling for such other investigations or inquiries as allowed by law and considered advisable by the City.

7. Responsibilities

1. City Council shall:
   a) Encourage the use of the Whistleblower Program, where appropriate; and,
   b) Approve any unbudgeted program resources in accordance with City bylaws and policy.
2. The City Manager, or their designate shall:
   a) implement this bylaw and any amendments by establishing the governance structures and associated administrative policies, procedures and practices;
   b) ensure the investigated report findings of wrongdoing and corrective measures are implemented;
   c) identify any human or financial resources required to implement this Bylaw;
   d) make recommendations to Council for the appointments and posting of names for the Investigator; and,
   e) propose any amendments to this Bylaw.
3. The City Clerk shall:
   a) receive in confidence, the completed Schedule A - Disclosure of Wrongdoing for formal submission to the Council Compliance Committee and the City Manager.
   b) notwithstanding subsection a) where the City Manager is alleged to be involved, the completed Schedule A – Disclosure of Wrongdoing shall only be submitted to the Council Compliance Committee.
   c) notwithstanding subsection a), where a member of the Council Compliance Committee is alleged to be involved, the completed Schedule A – Disclosure of Wrongdoing must be forwarded directly to City Council;
   d) notwithstanding subsection a) where the City Clerk is alleged to be involved, the completed Schedule A – Disclosure of Wrongdoing must be forwarded directly to the City Manager who shall fulfill the duties outlined in this section.
4. The Council Compliance Committee shall:
   a) receive in confidence, the completed Schedule A – Disclosure of Wrongdoing from the City Clerk;
   b) notwithstanding subsection a), declare to the City Manager, any conflict of interest they have arising from a Disclosure of Wrongdoing or from any investigation undertaken in accordance with this Bylaw, so that their obligations may be re-assigned for the duration of the conflicting investigation;

d) conduct the initial screening ensuring the requirements in accordance with Section 10 are fulfilled.

e) provide to the Investigator within ten (10) business days;

e) at the request of the Investigator, assist in the investigation of an allegation of wrongdoing or retaliation for the reporting of any such wrongdoing;

f) request the assistance or advice from the City Solicitor when required; and,

g) provide a confidential report and the respective findings of investigations on any violations of this bylaw to Council annually.

5. The Investigator shall:

a. receive the initial screening from the Council Compliance Committee;

b. determine if disclosures of wrongdoing are qualifying disclosures and ensure that the appropriate investigation is undertaken in response to disclosures and in accordance with this Bylaw.

c. notify the Whistleblower that the investigation will proceed within ten (10) business days of receipt of the initial screening;

d. conduct an investigation in a confidential manner to determine if there are reasonable grounds of wrongdoing;

e. notify the wrongdoer of the opportunity to respond to the Disclosure of Wrongdoing within ten (10) business days after the completion of the investigation;

f. assist if further investigations are required;

g. file the Final Investigative Report with the Council Compliance Committee and the City Manager; and,

h. notwithstanding subsection g) where the City Manager is alleged to be involved, file the Final Investigative Report with the Council Compliance Committee only.

8. <u>Investigations: General</u>

1. The Investigator shall not allow the position or length of service of an involved, disclosing or alleged employee(s) to influence an investigation or investigative findings to be included in the Final Investigative Report.

3. Where a Whistleblower discloses wrongdoing verbally to:

a. a member of the Council Compliance Committee;

b. the City Manager; or,

c. the City Clerk,

the recipient of the disclosure must document the discussion, confirm its accuracy with the Whistleblower, and promptly forward the disclosure in confidence to City Clerk, if applicable, to be submitted pursuant to Section 7 of this Bylaw.

4. Subject to an investigation, individual(s) accused of the wrongdoing will be given an opportunity to respond to a Disclosure of Wrongdoing.
5. Notwithstanding Subsection 8.4., the Investigator may choose to investigate further if extenuating circumstances exist that warrant immediate action, such as to prevent imminent wrongdoing.
6. Employee(s) may be subject to disciplinary action as described within Section 13 of this Bylaw for disclosures of wrongdoing substantiated by investigation.
7. A person under investigation shall be provided with the essential particulars of the Investigation Report and shall have an opportunity to respond to the Investigator before any decision on disciplinary action is made.
8. The Investigator must include the following in the Investigative Report prior to their presentation to the Council Compliance Committee:
    a. a full account of documented findings and results, and,
    b. an assignment of responsibility to ensure steps are taken to address the causes and mitigate the risk of further occurrences.
9. The exercise of the Investigator's authority and discretion under this Bylaw includes, but is not limited to, withholding, collecting, using, or disclosing information which may reveal the identity of the employee making the Disclosure of Wrongdoing, as is necessary to protect the City's interests and to avoid or limit harm to the City, the employee or the public.
10. The Investigation Reports shall be retained in the Office of the City Manager pursuant to applicable legislation, regulations and to the City's Records Retention Bylaw, as amended from time to time.
11. Where causes of the wrongdoing involve the City Manager, the Investigator shall request to the City Clerk, an In Camera Meeting to present the Investigative Report to City Council.
12. Subject to Section 6.11, where the City Manager is the alleged wrongdoer, Council shall direct that the City Manager leave the meeting.
13. After reviewing an Investigation Report, Council may take disciplinary action as described in Section 13.
14. Notwithstanding Section 8.13, if Council concurs that the City Manager has committed the wrongdoing, Council may take disciplinary action that is consistent with *The Cities Act*, this Bylaw, or any related Bylaw or Policy of the City.

9. Investigations Involving Financial Misconduct

1. Notwithstanding the process outlined in Section 7.5 and 8, the Investigator shall also immediately advise the Council Compliance Committee and engage the City Auditor and City Solicitor if, upon the initial screening, it appears that the Disclosure of Wrongdoing could materially affect the following:

a. the financial position of the City;
b. the integrity of the City's system of internal controls, or,
c. the City's exposure to liability.

2. Subject to Subsection 1, the City Auditor or City Solicitor, and Investigator shall determine if an investigation is required and if the matter shall be reported to the appropriate law enforcement agency.
3. Where it appears that a criminal act allegedly occurred, the Investigator will submit an In Camera Meeting request to the City Clerk and report the matter directly to Council. Council may pass a resolution that the act be reported to the appropriate law enforcement agency.
4. Subject to Subsection 8.3, the City Auditor and City Solicitor must be requested to attend any In Camera Meetings where reports of alleged criminal acts will be presented.

10. Requirements for a Qualifying Disclosure

1. The Investigator shall, in their sole discretion, determine whether a Disclosure of Wrongdoing made by an employee satisfies the following criteria and is therefore deemed a qualifying disclosure in accordance with this Bylaw:

   a) the employee making the Disclosure of Wrongdoing identifies themselves by name and their position or title with the City;

   b) the employee making the Disclosure of Wrongdoing identifies the specific nature of the wrongdoing, the specific date of the wrongdoing and a statement as to the information or evidence upon which the disclosure is based;

   b) the employee making the Disclosure of Wrongdoing does so in good faith;

   c) the employee's Disclosure of Wrongdoing is made to one of the following designated recipients:

      i. their supervisor or manager;

      ii. the department director or their designate; or,

      iii. the City Manager or their designate.

2. Upon receipt of a Disclosure of Wrongdoing, the recipient shall immediately and confidentially submit the Disclosure of Wrongdoing to the City Clerk.
3. Notwithstanding Subsection 10.1, a Whistleblower may wish to remain anonymous; however, an investigation may not be possible where the source of the information is not identifiable.

4. Subject to Subsection 10.2, the Investigator shall, in their sole discretion, evaluate a Disclosure of Wrongdoing made anonymously based on the circumstances, including:
   a) the seriousness of the issues raised;
   b) the credibility of the concern; and,
   c) the likelihood of confirming the report from other sources,

   and determine whether a Disclosure of Wrongdoing is deemed a qualifying disclosure in accordance with this Bylaw.

11. Confidentiality

1. Anyone involved in the investigation of a Disclosure of Wrongdoing will make every reasonable effort to maintain confidentiality.
2. Information about a Disclosure of Wrongdoing will only be revealed to those responsible for investigating or addressing the Disclosure of Wrongdoing, or as necessary, to conduct a thorough investigation.
3. Confidentiality extends to all records relating to disclosures of wrongdoing, including, but not limited to, records relating to meetings, interviews, and investigation results.
4. Personal information, including the identity of the Whistleblower, shall only be disclosed as required or permitted by law.
5. Notwithstanding Subsection 11.4, information collected and retained may be required to be released by law, including those requirements pursuant to privacy legislation, court proceedings, arbitration, or other legal proceedings.
6. Individuals making a Disclosure of Wrongdoing, Investigators, witnesses, and individuals against whom a Disclosure of Wrongdoing has been made shall maintain confidentiality.
7. Breaches of confidentiality may be regarded as wrongdoing and may be subject to disciplinary action in accordance with Section 13 of this Bylaw.
8. In some cases, maintaining the anonymity of a Whistleblower may not be possible in all investigations.

12. Protection from Reprisal

1. Every employee with supervisory or management responsibility has an obligation to ensure that:
   a) an employee is not subjected to reprisal; and,
   b) to ensure employees under their direction are made aware of this Bylaw.
2. An employee who believes they have been subjected to a reprisal may make a Disclosure of Wrongdoing as outlined in Schedule "A".
3. Nothing in this Bylaw impairs any right of an employee under federal or provincial law or under any term or condition of employment including applicable collective agreements.

4. The provisions of this Bylaw for the protection of employees are an addition to, and shall not be construed as limiting, whistleblower and non-reprisal protections outlined in any federal or provincial statute or regulation.

13. Disciplinary Action

1. Every person who contravenes this Bylaw is guilty of an offence and liable on summary conviction in accordance with Section 87.1 of *The Cities Act.*

14. Severability

1. In the event that any portion of this Bylaw is declared *ultra vires* by a court of competent jurisdiction, that portion shall be deemed severed from the Bylaw to the extent reasonably possible, and the remainder of this Bylaw shall continue in force and effect.
2. In the event of any conflict between the provisions of this Bylaw and those contained in any of the authorities set out above, the provisions of this Bylaw shall apply.
3. Notwithstanding Section 14.2, in the event of any conflict between the provisions of this Bylaw and those contained in the Collective Agreement relevant to the matter, the provisions of the relevant Collective Agreement shall apply.
4. Where a provision of this Bylaw conflicts with the provision of another City Bylaw, the provision that establishes the higher standard to protect the health, safety and welfare of the public shall prevail.

15. Coming Into Force

16. This Bylaw shall come into force on the day of its final passing.

Introduced and read a first time this 22nd day of September, 2025.

Read a second time this this 14th day of October, 2025.

Read a third time and adopted this 14th day of October, 2025.

CERTIFIED A TRUE COPY OF A BYLAW PASSED BY THE COUNCIL OF THE CITY OF NORTH BATTLEFORD ON THE 14th DAY OF October 20 25

CITY CLERK

THE CITY OF NORTH BATTLEFORD

MAYOR

CITY CLERK

SCHEDULE "A"

Disclosure of Wrongdoing

Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.

I,

____

(name, department, and position)

____

(full address)

____

(email address) *(phone number)*

do solemnly swear/affirm and declare that the following contents of this statement are true and correct and hereby request the Investigator of the City of North Battleford to *look into/ conduct an investigation/ inquiry/ follow-up on* whether or not the following individual(s) has/have committed a wrongdoing in accordance with the Whistleblower Bylaw No. XXXX

____

(employee name and position or individual vendor name)

I have reasonable and probable grounds to believe that the above individual(s) has/have committed a wrongdoing by reason of the following:

1. Description and nature of wrongdoing;
2. Insert date(s), time and location of wrongdoing;
3. Provide the particulars and names of all persons involved, including all witnesses;
4. Provide contact information for all people listed;
5. Any additional information or can be attached; and
6. Other evidence that may be relevant or material to an investigation of the Disclosure of Wrongdoing.

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