



Making a difference...together

**REPORT TO CRD GOVERNANCE COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 6, 2017**

---

**SUBJECT     Reporting of Serious Misconduct Policy**

**ISSUE**

To update on the development and implementation of a CRD policy outlining the mechanism and approach for the reporting of serious misconduct in the workplace.

**BACKGROUND**

On June 7, 2017, the Governance Committee requested that staff review a process and approach for the protection of individuals in addressing concerns in the workplace, and which provides clarity regarding the role of the CRD Board and Board Chair in such matters.

The CRD is committed to creating and maintaining a work environment where high standards of business and personal ethics are observed and practiced, and is committed to conducting its business in compliance with all laws and regulations applicable to a local government. To this end, the CRD has a significant number of policies in place which establish expectations, systems and approaches of workplace conduct. These include but are not limited to financial policies, administrative policies, human resource policies, occupational health and safety policies, legislative policies, and related. These policies are reviewed on a regular basis, and updated as necessary to ensure consistency in approach and organizational understanding, and alignment with regulation, legislation, and jurisprudence as applicable. Many policies have procedures in place for ensuring compliance with expectations.

To aid in ensuring our high standards are maintained, the *Reporting of Serious Misconduct* policy has been developed for adoption (Appendix A). This policy sets out guidelines for the reporting and investigation of serious misconduct contrary to these standards, where there are no procedures in place for doing so, and provides protection from retaliation to those who report serious misconduct in good faith using the established process.

The *Reporting of Serious Misconduct* policy has been established to best ensure a consistent and thorough review of complaints that may be received. The policy ensures the appropriate protection of individuals who make a complaint in good faith, and maintains the concept of procedural fairness for respondents of concerns which may be raised. The policy is aligned with other policies which may have been established by large local government organizations, and has been reviewed by legal counsel to ensure alignment with legislation, regulation, and commonly accepted principles governing such matters.

**ALTERNATIVES**

1. That the Governance Committee recommend to the CRD Board the adoption of the Reporting of Serious Misconduct policy.
2. That staff be requested to provide additional information.

## **IMPLICATIONS**

### **FINANCIAL IMPLICATIONS**

#### **Alternative 1**

The implementation of the policy may result in additional costs. These costs would be based on any complaints received, and the staff and/or third-party resource time required to investigate. Based on other investigation process, an external third-party investigation can cost between \$10,000 and \$30,000 on average, depending on the complexity. These costs are expected to be somewhat mitigated by the establishment of an appropriate and detailed internal preliminary review process, alike those of other local government organizations.

#### **Alternative 2**

There will be additional costs associated with further legal review of the policy, should this be required.

### **GOVERNANCE IMPLICATIONS**

#### **Alternative 1**

The policy includes a process to ensure that the CRD Board is advised of concerns, and in a manner consistent with the Freedom of Information and Protection of Privacy (FOIPPA) requirements. “Organizational Implications” below outlines more detail regarding FOIPPA requirements regarding confidentiality and disclosure of information.

#### **Alternative 2**

There are no implications at this time.

### **ORGANIZATIONAL IMPLICATIONS**

#### **Alternative 1**

The CRD has a number of policies in place that have similar due process provisions for the reporting and investigation of workplace concerns. The policy as drafted ensures that complainants and witnesses are appropriately protected for bringing forward concerns in good faith using the established process, and for respondents ensuring their right for due process in the investigation and response to concerns is maintained.

The policy also ensures the appropriate level of confidentiality to all involved. FOIPPA protections include protections regarding the collection use and disclosure of personal information of employees. Although the collection use and disclosure of personal information is a necessary consequence of an investigation into serious misconduct, it is expected that all such information will be disclosed to the minimal extent possible to meet operational requirements. In other words, while this requirement does not preclude disclosure that does not contain personal information, or that does not effectively identify an individual, there must be a compelling and legally protected reason to disclose personal information gathered through an investigation to any individual.

#### **Alternative 2**

There are no implications at this time.

## **CONCLUSION**

The CRD has a number of policies in place guiding workplace operations and expectations. A *Reporting of Serious Misconduct* policy has been developed which establishes the mechanism and approach for the reporting of serious misconduct involving staff where there are no other policies and/or procedures for doing so.

**RECOMMENDATION**

That the Governance Committee recommend to the CRD Board the adoption of the *Reporting of Serious Misconduct* policy.

Submitted by:	Chris Neilson, MBA, CHRP, Senior Manager Human Resources
Concurrence:	Nelson Chan, MBA, CPA, CMA, Chief Financial Officer
Concurrence:	Brent Reems, LLB, Senior Manager Legislative and Corporate Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachment (1): Appendix A (*Reporting of Serious Misconduct Policy*)