



Exhibition Place

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**Item No. 18**

March 23, 2012

**ACTION REQUIRED**

To: The Board of Governors of Exhibition Place

From: Dianne Young  
Chief Executive Officer

Subject: **Whistle Blower Protection Policy**

**Summary:**

As an agency of the City of Toronto, the Board is required to follow directions of City Council, hence this report recommends that the Board approve a policy for Whistle Blower Protection.

**Financial Impact:**

There are no financial implications resulting from the adoption of this report.

**Recommendation:**

**It is recommended that the Board approve the Whistle Blower Protection Policy outlined in Appendix “A” to this report.**

**Decision History:**

At its meeting of June 14, 2011, City Council approved a report from the City Manager entitled “Whistle Blower Protection Policy”, wherein one of the recommendations included that all City agencies, boards and commissions adopt a similar policy for their organization, if they have not already done so.

The Exhibition Place 2009-2012 had an Organizational/Staffing Goal to *Review and revise our corporate systems* and a Strategy to support this Goal we will *complete an annual review of By-Laws, and policies and procedures of the Board of Governors and the CNEA Board of Directors*.

**Issue Background:**

As directed by City Council, Exhibition Place, which includes all four Program areas, needs to implement a Whistle Blower Protection Policy to be consistent with the City’s Policy.

**Comments:**

The Whistle Blower Protection Policy attached will provide protection from reprisal for all employees of the Board, excluding accountability of the Board’s Officers (Chief Executive Officer, Chief Financial Officer, and Corporate Secretary). Following Board approval of this policy, a communication to the City Manager is required advising that the direction of City

Council has been undertaken, which communication requires to be reported to the City Executive Committee by the City Manager.

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Submitted by:

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Dianne Young  
Chief Executive Officer



**Purpose:**

The Board of Governors of Exhibition Place (the Board) is an agency of the City of Toronto and on behalf of the City manages the Exhibition Place grounds and all buildings and infrastructure on the grounds. Exhibition Place is made up of four functional programs: Direct Energy Centre / Exhibition Place; Canadian National Exhibition Association (CNEA); and Allstream Centre.

This policy will provide protection from reprisal to those employees who in good faith report wrongdoing.

**Policy:**

The following determinations are based on the recommendation of City Council.

1. Provisions:

- a) Protects from reprisal a whistle blower who, in good faith, reports wrongdoing to the Director of Human Resources or one of the Board's Appointed Officers;
- b) Provides that no Board employee or one of the appointed Officers of the Board shall take any action in reprisal against a Board employee for making, or being suspected of making, a complaint or allegation of wrongdoing in good faith;
- c) The Board employee responsible for the reprisal will be subject to disciplinary action up to and including dismissal; and
- d) A Board employee who knowingly makes a false complaint in bad faith or misleading statements that is intended to mislead the investigation or a complaint may be subject to disciplinary or legal action.

2. Application

This policy will provide protection from reprisal for all employees of the Board, excluding the Board's Officers (Chief Executive Officer, Chief Financial Officer, and Corporate Secretary).

3. Employee Definition

The Board's employees include all non-union management and exempt employees.

4. Wrongdoing

Wrongdoing includes instances of fraud and waste and refers collectively to any illegal or inappropriate conduct including:

- A violation of a Board Policy or Direction;
- The Misuse of the Board's funds or assets; and
- A gross mismanagement of the Board's resources.

## 5. Fraud

- The City Solicitor will recommend to the Chief Executive Officer appropriate actions to take to stop, reverse, or remedy a reprisal against a Board employee; and
- Any employee who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of complaint, may be subject to disciplinary or legal action as determined by the Chief Executive Officer and the City Solicitor.

## 6. Process

- a) If an employee believes that they are the subject of a reprisal, related to their reporting of wrongdoing, the employee is to notify the Director of Human Resources or one of the appointed Officers of the Board, of the alleged reprisal for investigation.
- b) Where a Manager or Supervisor is informed of, or becomes aware of, reprisals against an employee, as a result of a report of wrongdoing, the Manager or Supervisor is to notify the Director of Human Resources or one of the appointed Officers of the Board.
- c) Any allegations of reprisals will be the subject of investigation. Where an investigation substantiates the allegations of reprisals resulting from a report to the Fraud and Waste Hotline, the Auditor General will lead the investigation in consultation with the City Manager. A complaint of maladministration to the City's Ombudsman, which may contain a whistle blowing aspect, will be led by the Ombudsman in consultation with the City Manager or his designate.
- d) Where an allegation arises outside the Fraud and Waste Hotline or complaint of maladministration to the Ombudsman, the investigation will be led by the Director of Human Resources in consultation with the City Solicitor, with the results reported to the Chief Executive Officer. Investigations may also be conducted by an independent external investigator if necessary.