

<b>Practice Name:</b>	Serious Complaints Policy		
<b>Implemented:</b>		<b>Distributed:</b>	
<b>Last Updated:</b>	January 15, 2018	<b>Version:</b>	
<b>Issued by:</b>		<b>Approved by:</b>	

## 1. Purpose of the Policy

Council has adopted various policies and by-laws that require employees to conduct themselves in a professional, ethical and honest way. The purpose of this policy is to provide a process for employees to report any conduct that is not consistent with City policies and by-laws without fear of retaliation or penalization.

Council is responsible for establishing policy for:

- (a) the receipt, retention and treatment of complaints received by the City of Surrey (the "City") regarding fraudulent and serious matters; and
- (b) the confidential, submission by employees of the City of concerns regarding questionable matters;

Council has adopted this Policy entitled "Serious Complaints Policy" (which, together with the attached Schedules "A - F", is collectively called the "Policy").

Such complaints and concerns are referred to as "Complaints" in this Policy. Examples of Complaints are set out in Schedule "A" to this Policy. Council has adopted this Policy to ensure that:

- (a) Complaints are received, investigated and retained on a confidential basis that is in compliance with all applicable laws; and
- (b) Retaliation against or penalization of employees (as defined below) for making a good-faith report of a Complaint is a serious matter and will be dealt with promptly (see Section 5 below).

## 2. Policy Oversight

Council has the responsibility of overseeing this Policy and compliance by all employees (as defined below). Council has delegated the day-to-day administration of this Policy to the City Solicitor, the General Manager, Finance, and the Director, Human Resources (the "Designated Officers"). Contact information for the Designated Officers is set out in Schedule "B" to this Policy.

## 3. Reporting of Complaints

All officers and employees of the City (who are referred to as the "Employees") are required to promptly

report any Complaints.

Schedule "C" to this Policy sets out the procedures to be followed by the Employees to report Complaints. Complaints are to be reported to a Designated Officer. If the complainant feels that the Complaint was not adequately addressed by the Designated Officer, then they may report the complaint to the Chair of the Finance Committee.

#### **4. Confidentiality**

The City is fully committed to maintaining procedures for the confidential reporting of Complaints by Employees. All reports of Complaints will be treated on a confidential basis. Generally, a report of a Complaint will only be disclosed to those persons who have a need to know in order to properly carry out an investigation of such Complaint in accordance with the procedures referred to in Section 7 and Schedule "E" of this Policy.

#### **5. Prohibition on Retaliation**

Retaliation or other action taken against any Employee who, in good-faith, reports a Complaint will be not be tolerated and will be taken seriously. Anyone engaging in retaliatory conduct will be subject to disciplinary action by the City, which may include termination. Engaging in retaliatory conduct may be considered an offence under various Canadian laws.

#### **6. Publicizing the Process for Reporting Complaints**

Schedule "D" to this Policy sets out the procedures the City will follow to make known to the Employees the reporting process for Complaints and to communicate reminders of the process to the Employees.

#### **7. Investigation of Complaints and Reporting Results**

Schedule "E" to this Policy sets out the timing and procedures the City will follow regarding the manner of investigating Complaints, monitoring the status of investigations of Complaints and reporting to the Finance Committee.

#### **8. Retention of Complaints Received and Investigations Conducted**

Schedule "F" to this Policy sets out the procedures the City will follow regarding the retention of Complaints received, including the type of documentation to be retained in respect of each Complaint and its investigation and the timing and procedures for retaining such documentation.

#### **9. Policy Review**

This Policy and its effectiveness will be reviewed by Council at least once every three years, with recommendations regarding updates or amendments, if any. Amendments, if any, to the Policy will be made known in accordance with Schedule "D".

#### **10. Inquires**

Any questions with respect to the general application of this Policy should be made to the City Solicitor, the General Manager, Finance or the Director, Human Resources.

## SCHEDULE "A" TO THE CITY SERIOUS COMPLAINTS POLICY

### EXAMPLES OF COMPLAINTS

The following are examples of, Complaints which should be reported pursuant to this Policy:

- (a) use of City funds or property for any illegal, improper or unethical purpose (for example, fraud, theft of corporate property or embezzling funds, misappropriating funds, assets or corporate information, bribes, kickbacks or influence payments or misdirecting funds to related parties);
- (b) manipulating any City accounting or audit-related records or documents (in any format, including electronic records such as emails) or destroying any City accounting or audit-related records or documents except as otherwise permitted or required by the City's Records Retention Policy;
- (c) fraud or deliberate error in the preparation, evaluation, review or audit of any of the City's financial statements;
- (d) fraud or deliberate error in the recording and maintaining of the City's financial records (for example, overstating expense reports, falsifying time sheets, preparing erroneous invoices, misstating inventory records or describing an expenditure for one purpose when, in fact, it is being made for something else);
- (e) deficiencies in or non-compliance with the City's internal accounting controls (for example, circumventing review and approval procedures);
- (f) misrepresentations or false statements to or by a senior officer or accountant regarding a matter contained in the City's financial records, financial reports or audit reports;
- (g) deviation from full and fair reporting of the City's financial condition, results of operations or cash flows;
- (h) any effort to mislead, deceive, manipulate, coerce or fraudulently influence any internal or external accountant or auditor in connection with the preparation, examination, audit or review of any financial statement or records of the City, or
- (i) Any action that contravenes City policies, by-laws, applicable government laws, rules or regulations, including but not limited to health and safety violations.

## SCHEDULE "B" TO THE CITY SERIOUS COMPLAINTS POLICY

### CONTACT INFORMATION FOR THE DESIGNATED OFFICERS

Employees can reach the Designated Officers at the following contact information:

<p><b>Kam Grewal</b> <b>General Manager, Finance</b> <b>Tel:</b> (604) 591-4880 <b>Fax:</b> (604) 591-3654 <b>Email:</b> <a href="mailto:KGrewal@surrey.ca">KGrewal@surrey.ca</a> <b>Address:</b> City of Surrey Finance 13450 – 104 Avenue Surrey, BC V3T 1V8</p>	<p><b>Craig MacFarlane</b> <b>City Solicitor</b> <b>Tel:</b> (604) 591-4255 <b>Fax:</b> (604) 599-1613 <b>Email:</b> <a href="mailto:CMacFarlane@surrey.ca">CMacFarlane@surrey.ca</a> <b>Address:</b> City of Surrey Law Dept. 13450 – 104 Avenue Surrey, BC V3T 1V8</p>
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<p><b>Joey Brar</b> <b>Director, Human Resources</b> <b>Tel:</b> (604) 591-4655 <b>Fax:</b> (604) 591-4517 <b>Email:</b> <a href="mailto:JBrar@surrey.ca">JBrar@surrey.ca</a> <b>Address:</b> City of Surrey Human Resources 13450 – 104 Avenue Surrey, BC V3T 1V8</p>
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Any updates to the contact information related to the above Designated Officers will be promptly communicated to staff through email.

## SCHEDULE "C" TO THE CITY SERIOUS COMPLAINTS POLICY

### PROCEDURES FOR REPORTING COMPLAINTS

Employees may report Complaints by following the procedures set out below. The process is confidential.

- (a) An Employee wishing to report a Complaint using internal means may communicate the Complaint in writing to any of the Designated Officers, who will treat all disclosures in confidence and will involve only those individuals who need to be involved in order to investigate such Complaint.
- (b) An Employee may refer a Complaint to the Chair of the Finance Committee, if they believe that it has not been effectively addressed after being raised internally with the Designated Officers or if the Complaint relates to the conduct of a Designated Officer. An Employee wishing to refer a Complaint to the Chair of the Finance Committee shall do so in writing. The Complaint should be specified in detail in a letter, which should be delivered to the City Solicitor in a sealed envelope marked "Confidential – For the Chair of the Finance Committee". The City Solicitor will forward the sealed envelope to the Chair of the Finance Committee.

## SCHEDULE "D" TO THE CITY SERIOUS COMPLAINTS POLICY

### PROCEDURES FOR PUBLICIZING THE PROCESS FOR REPORTING COMPLAINTS

#### 1. Publicizing the Process for Reporting Complaints

A copy of this Policy will be posted on the City's website. The City will also make known to Employees the process for reporting Complaints on a confidential basis on an ongoing basis. This information will make it clear that no Employee will be penalized for making a good-faith report of a Complaint, nor will the City tolerate retaliation against an Employee who makes a good-faith report of the Complaint.

#### 2. Communicating Reminders of the Process

The City will also periodically (at least annually) communicate reminders to Employees of the process for reporting Complaints. This may be accomplished by electronic or other means, including, for example: email, written memos and City newsletters.

## SCHEDULE "E" TO THE CITY SERIOUS COMPLAINTS POLICY

### PROCEDURES FOR INVESTIGATING COMPLAINTS AND REPORTING RESULTS

#### 1. Manner of Investigation

- (a) The Designated Officers will review and assess the seriousness of all Complaints promptly and determine, in consultation with others, if necessary, the manner in which Complaints will be investigated, using internal and/or external resources, and will determine who will lead such investigation. In most instances, investigation of a Complaint under this Policy will be led by the City Solicitor, the General Manager, Finance or the Director, Human Resources. Such person will report directly to all the Designated Officers. If upon initial assessment of the Complaint it appears that the Complaint could materially affect the financial statements of the City or the integrity of the City's system of internal controls, the Designated Officers will advise Council. It is

anticipated that in the ordinary course, the Designated Officers will complete their assessment of each Complaint and assign the investigation of such Complaint generally within ten business days of receiving such Complaint.

- (b) Persons assigned the investigation of Complaints will:
- i. treat each report of a Complaint, as well as its investigation and disposition, on a confidential basis in accordance with the Policy;
  - ii. involve in each investigation only those persons who need to be involved in order to properly carry out such investigation; and
  - iii. conduct each investigation in a timely manner.

## **2. Monitoring the Status of the Investigation**

- (a) The investigation of all Complaints will be monitored on an ongoing basis by the Designated Officers.
- (b) Depending on the nature of a Complaint and its materiality as determined in the first instance by the Designated Officers, and in particular, with respect to any Complaint or Complaints that could materially affect the financial statements of the City or the integrity of the City's system of internal controls, the Designated Officers will keep the Chair of the Finance Committee and the City Manager apprised of the status of the investigation for purposes of ensuring compliance with regulatory requirements, including the timely and continuous disclosure obligations of the City and the certification obligations of the City Manager.

## **SCHEDULE "F" TO THE CITY SERIOUS COMPLAINTS POLICY**

### **PROCEDURES REGARDING RETENTION OF COMPLAINTS RECEIVED AND INVESTIGATIONS CONDUCTED**

#### **1. Documentation Requirements**

All Complaints will be fully documented in writing by the person(s) assigned to investigate the Complaint. Such documentation will be marked as "Privileged and Confidential" and will include:

- (a) the original report of the Complaint;
- (b) the unique reference number assigned to the Complaint;
- (c) a summary/log of the investigation;
- (d) copies of any reports issued in connection with the Complaint;
- (e) a log of any communications with the Complainant; and
- (f) a summary of the disposition of the Complaint.

#### **2. Retention Requirements**

Such documentation will be maintained in accordance with the City's Records Retention Policy. Such

documentation will be available for inspection by the Designated Officers, members of the Finance Committee, the external auditors and any external legal counsel or other advisors hired in connection with the Complaints. Disclosure of such documentation to any other person, and in particular any third party, will require the prior approval of the City Solicitor to ensure that privilege of such documentation is properly maintained.