

Authority: Item 1(i), Audit, Finance and
Administration Committee Report 23-
004 (AUD23005)
CM: March 29, 2023
Ward: City Wide

Bill No. 053

CITY OF HAMILTON

BY-LAW NO. 23-053

To Amend By-law No. 19-181, the Whistleblower By-law

WHEREAS Council enacted a Whistleblower By-law being City of Hamilton By-law No. 19-181;

AND WHEREAS it is necessary to amend By-law 19-181.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 19-181 be amended by repealing every reference to “Office of the City Auditor” and replacing such references with “Office of the Auditor General”.
2. That By-law No. 19-181 be amended by repealing every reference to “City Auditor” and replacing such references with “Auditor General”.
3. That By-law 19-181 be amended by repealing the first WHEREAS clause and replacing it with the following:

WHEREAS Council of the City of Hamilton desires to put into place a mechanism whereby, under appropriate circumstances, (i) employees who disclose serious wrongdoing regarding City operations; and (ii) employees who disclose information as cooperating witnesses in whistleblower investigations, are protected from reprisal and whereby, under appropriate circumstances, investigations or alternative actions are undertaken in response to such disclosures;

4. That By-law 19-181 be amended by repealing subsection 1(b) and replacing it as follows:
 - (b) the protection from reprisals of (i) employees for making disclosures of serious wrongdoing when such disclosures are qualifying disclosures; and (ii) employees who disclose information as cooperating witnesses in whistleblower investigations when the employee has had no direct or indirect involvement in the serious wrongdoing under investigation, including prescribing the conduct of employees with supervisory or management responsibilities and members of Council with respect to the provision of protection from reprisals; and

5. That By-law 19-181 be amended by repealing the definition of reprisal and replacing it with the following:

"reprisal" means any of the following measures taken against (i) an employee because the employee has made a qualifying disclosure; or (ii) an employee who discloses information as a cooperating witness in whistleblower investigations when the employee has had no direct or indirect involvement in the serious wrongdoing under investigation:

- (a) the dismissal, suspension, demotion, discipline, harassment of an employee;
- (b) the denial of a benefit of employment to an employee;
- (c) any other disadvantaging of an employee;
- (d) or the threat to take any of the measure in paragraphs (a) to (c) inclusive;

6. The By-law comes into force on the day it is passed.

PASSED this 29th day of March, 2023.

T. Jackson
Acting Mayor

A. Holland
City Clerk