

COMMISSAIRE À L'INTÉGRITÉ MUNICIPALE ET AUX ENQUÊTES
(COMMISSIONER FOR MUNICIPAL INTEGRITY AND INVESTIGATIONS)



PROCEDURE FOR HANDLING

the disclosure of wrongdoings relating
to municipalities and reprisal complaints



This document was produced by the Commissaire à l'intégrité municipale et aux enquêtes (CIME - Commissioner for Municipal Integrity and Investigations) of the Ministère des Affaires municipales et de l'Occupation du territoire (MAMOT).

ISBN: 978-2-550-82591-3 (PDF)

Legal deposit – 2018

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Preamble

The Act to facilitate the disclosure of wrongdoings relating to public bodies (the Act), assented to on December 9, 2016, was designed to facilitate the disclosure, in the public interest, of wrongdoings committed or about to be committed in relation to public bodies and establish a protection regime against reprisals. It responds to Recommendation No. 8 of the Commission d'enquête sur l'octroi et la gestion des contrats publics dans l'industrie de la construction (Charbonneau Commission) on the support and protection of whistleblowers.

The Act to amend various legislative provisions concerning municipal affairs and the Société d'habitation du Québec (Bill No. 155) makes the Act applicable to municipalities and other municipal bodies as of October 19, 2018. The Ministère des Affaires municipales et de l'Occupation du territoire, in collaboration with the Protecteur du citoyen, is responsible for applying the Act to the municipal sector.

Thus, the Ministère now has broader surveillance and control intervention powers over municipalities to ensure the proper administration of the municipal system in the interests of municipalities and their citizens, bearing in mind that they are legitimate local governments that enjoy great autonomy.

Consequently, this procedure replaces the Politique de traitement des plaintes relatives aux municipalités, the first version of which was released in 1995. In addition, the Commissaire à l'intégrité municipale et aux enquêtes [commissioner of municipal integrity and investigations] (CIME) is created to oversee the application of the Act. The CIME receives the disclosures of any person who has information that could show that a wrongdoing has been committed or is about to be committed in relation to a municipality and conducts the appropriate audits. The CIME conducts an investigation when circumstances warrant it.

The following pages provide information on disclosures and how they are processed by the CIME, as well as the remedies available when a person faces reprisals in connection with disclosure or threats of reprisals.

<p>The term "municipality," when appropriate, may refer to any municipal body subject to the Act.</p>

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1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

The expressions and terms that are defined below appear as clickable links to their definition throughout this procedure.

Unless the context indicates otherwise, these expressions and terms mean:

Wrongdoing: Act contrary to the [public interest](#). It can constitute or consist in:

- a contravention of any law or regulation applicable in Quebec;
- a serious breach of the standards of ethics and professional conduct;
- misuse of funds or property of a [municipality](#);
- gross mismanagement within a [municipality](#);
- any act or omission that seriously compromises or may seriously compromise a person's health or safety or the environment;
- directing or counselling a person to commit a wrongdoing described above.

Wrongdoings include, in particular, those committed by a member of the personnel of a [municipality](#) in the exercise of their functions or by any person, partnership, group or other entity.

Disclosure: Disclosure, in the [public interest](#), of information, complaint, report or information that may demonstrate that a [wrongdoing](#) is committed or about to be committed in relation to a [municipality](#).

Public interest: In the context of the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies (the Act), public interest is related to cleaning up the practices and governance of [municipalities](#). It also relates to the efficient implementation of the Act. It may be analogous to the personal interest of the discloser or distinct from it.

Municipality: A local or regional municipality or a supralocal or intermunicipal body or, in particular, an organization that is a mandatary or agent of a municipality, such as:

- municipality, including those constituted as a city, parish, village, township or united township;
- regional county municipality;
- metropolitan community;
- intermunicipal board;
- public transportation company.

The complete list of municipal organizations is presented in [Appendix I: List of municipal organizations subject to the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies](#).

Reprisals: Any prejudicial action taken against a person on the grounds that they have, in good faith, made a disclosure or collaborated in an audit or an investigation conducted as a result of a disclosure.

In terms of employment, dismissal, demotion, suspension or removal, as well as any other disciplinary measure or measure affecting employment or working conditions, are presumed to be reprisals.

> **Threat of reprisals:** Act of threatening a person so they refrain from making a disclosure or cooperating with an audit or investigation conducted as a result of a disclosure.

1.2 Interpretation

Expressions and terms used in this document are interpreted in accordance with the provisions of the applicable laws, including, but not limited to, those relating to the disclosure of wrongdoings, audits, investigations and protection against reprisals.

The terms which characterize the reprehensible nature of a denounced act, in particular severity and misuse, are assessed on a case by case basis according to the public interest.

Appendix II: Interpretation Guide sets out and details certain criteria for assessing these terms.

2. REQUESTS FOR INFORMATION, INTAKE AND CLIENT ASSISTANCE

2.1 Intake and information

The CIME establishes the necessary measures to facilitate the disclosure of wrongdoings relating to municipalities and to offer a professional and courteous service to its clients.

It provides information and advice regarding disclosure of wrongdoings, protection against reprisals, and the disclosure process.

In the application of the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies (the Act), it ensures the confidentiality of requests for information and any communication concerning the disclosure of a wrongdoing or a reprisal complaint, subject to the particularities of investigations into reprisals or alleged threats of reprisals. For this last aspect, please consult Section 7. Reprisals and threats of reprisals of this procedure.

The CIME can be reached on business days from 8:30 a.m. to 12:00 p.m. or 1:00 p.m. to 4:30 p.m., via:

Telephone: 418-691-2071

Toll-free: 1-855-280-5348

Fax: 418-644-2656

Email: cime@mamot.gouv.qc.ca

By mail or in person:

Commissaire à l'intégrité municipale et aux enquêtes (CIME)

Ministère des Affaires municipales et de l'Occupation du territoire

Aile Cook, 3^e étage

10, rue Pierre-Olivier-Chauveau

Québec, (Québec) G1R 4J3

To make a disclosure, a secure form is available here.

2.2 Legal advice service

Under Article 26 of the Act, the Protecteur du citoyen may grant financial assistance to obtain legal services for a person who makes or wishes to make a disclosure of wrongdoing, who collaborates in an audit or an investigation related to a disclosure or who believes they are the victim of reprisals on the grounds that they made a disclosure or collaborated in such an audit or investigation in good faith.

To request legal assistance, the Protecteur du citoyen can be reached via:

Direction des enquêtes sur les divulgations en matière d'intégrité publique

Telephone: 418-643-2688

Toll-free: 1-800-463-5070

Fax: 1-844-375-5758

Email: dedip.PC@protecteurducitoyen.qc.ca

Website: [Access to legal advice | The Québec Ombudsman - Disclosures](#)

3. DISCLOSURE, DISCLOSURE PROTECTION, RECEPTION AND FOLLOW-UP

3.1 Protection of the whistleblower: confidentiality, anonymity, exoneration of civil liability and protection against reprisals

The confidentiality of the identity of those who disclose wrongdoings and those who collaborate in an audit or investigation related to a disclosure is at the heart of the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies (the Act). In this regard, the CIME implements strict safeguards for the personal information of whistleblowers and witnesses. Only authorized personnel, in the exercise of their functions, may have access to the name and contact information of these persons.

The information obtained in processing a disclosure will also remain confidential. By protecting the confidentiality of whistleblowers and witnesses, only the conclusions of the CIME at the end of such processing may be made public.

A disclosure of wrongdoing in relation to a municipality may be made anonymously or not.

Pursuant to Articles 14 and 17.2 of the Act, the CIME may disclose information to its partners as specified in Subsection 4.2 of this procedure.

Under Article 32.1 of the Act, any person who, in good faith, makes a disclosure or collaborates in an audit or investigation related to a disclosure is not liable in this regard.

In addition, all whistleblowers are protected under Chapter VII of the Act in the event of reprisals, in accordance with the provisions of Section 7. Reprisals and threats of reprisals of this procedure.

3.2 Make a disclosure

Any person may make a disclosure of a wrongdoing in relation to a municipality by their method of choice from those listed below.

3.2.1 In writing

To make a disclosure, a secure form is available here.

The email cime@mamot.gouv.qc.ca is available, but the confidentiality of communications cannot be guaranteed by this means of communication.

A person may also make a disclosure by faxing it to 418-644-2656, or by mailing it to the following address:

Commissaire à l'intégrité municipale et aux enquêtes (CIME)
Ministère des Affaires municipales et de l'Occupation du territoire
Aile Cook, 3^e étage
10, rue Pierre-Olivier-Chauveau
Québec, (Québec) G1R 4J3

3.2.2 By telephone

A **disclosure** may be made by telephone, even anonymously, by contacting the CIME on business days from 8:30 a.m. to 12:00 p.m. or 1:00 p.m. to 4:30 p.m. at the **toll-free number 1-855-280-5348** or in the Québec area at 418-691-2071.

3.2.3 In person

A whistleblower may make a disclosure in person on business days from 8:30 a.m. to 12:00 p.m. or 1:00 p.m. to 4:30 p.m. at the office of the Ministère located at:

10, rue Pierre-Olivier-Chauveau
Québec, (Québec) G1R 4J3

3.3 Content of a disclosure

As far as possible, a disclosure must contain the information listed in points 3.3.1 to 3.3.3 below. A well-documented disclosure will allow for more efficient processing.

A person who makes a disclosure or who cooperates in an audit or investigation of a disclosure may disclose any information that could demonstrate that a wrongdoing has been or is about to be committed.

This fact, in accordance with Article 8 of the Act, is applicable despite the provisions on the disclosure of information under the Act respecting the protection of personal information in the private sector and the Act respecting Access to documents held by public bodies and the Protection of personal information, with the exception of the provisions in Article 33 of the latter Act, which concerns certain work of the executive committees of municipalities.

Also, the lifting of these restrictions is applicable despite any other limitation of communication provided for by law and any obligation of confidentiality or loyalty that may bind a person, particularly with respect to their employer or, where applicable, their client. The lifting of professional secrecy does not apply, however, to the one linking the lawyer or the notary to their client.

3.3.1 Contact information of whistleblower

Whistleblowers are an important source of information. As a result, whistleblowers who provide their contact information to contact them allows CIME staff to handle the disclosure more effectively. Their identity will remain confidential.

3.3.2 Information on the alleged wrongdoing

Information that may demonstrate that a wrongdoing has been or is about to be committed, including any documents or evidence, must be provided by the whistleblower. Specifically, a disclosure should answer the following questions:

- What is the wrongdoing disclosed?
- With respect to which municipality was the wrongdoing committed or about to be committed?
- Who committed the wrongdoing? What is their function and what are their contact information, if any?
- Are there any witnesses? Please provide their contact information, if possible, and indicate their role in the wrongdoing.
- When and where was the wrongdoing committed?
- In what context was it committed?
- Why is it a wrongdoing?
- What are the consequences, proven or suspected, of the wrongdoing on the municipality, on its citizens, on the health or safety of persons or on the environment, if any?
- If the wrongdoing has not yet been committed, but is about to be, how is it possible to prevent it?

3.3.3 Information on the steps taken and fears of reprisals

If applicable, it is desirable to indicate the steps already taken in connection with the disclosed wrongdoing.

Similarly, if the whistleblower fears reprisals, they should mention it, as well as the reasons for believing it to be possible.

3.4 Receiving a disclosure

In the case of a verbal disclosure, the CIME staff explains the terms of disclosure handling during the interview with the whistleblower. If the whistleblower still has questions or concerns after this interview, the CIME ensures to contact them again quickly according to the agreement.

In the case of written disclosures, the CIME, to the extent that the whistleblower has left contact information to contact them by telephone, also undertakes to communicate with them by telephone within a period not exceeding 15 working days, the maximum time required for the admissibility analysis provided for in Subsection 4.1 below.

In all cases where the CIME has contact information to acknowledge receipt in writing of a disclosure, unless it is made anonymously, an acknowledgement of receipt is sent to the whistleblower within five business days of receipt.

3.5 Follow up with the whistleblower

When their identity is known and the CIME has their contact information in writing, the whistleblower is notified as soon as the processing of their disclosure is complete. If the process must continue for more than 60 days after the date of receipt, the whistleblower shall also be notified in writing and, thereafter, every 90 days until the CIME closes it.

If the CIME only has contact information to communicate with the whistleblower verbally, the CIME will only contact them when the processing of their disclosure is complete.

4. ADMISSIBILITY OF DISCLOSURES AND TRANSMISSION OF INFORMATION TO CIME PARTNERS

4.1 Admissibility of disclosures

According to the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies (the Act), the CIME handles disclosures of wrongdoings relating to municipalities based on the responsibilities assigned to the Ministère under its incorporating act. In this regard, note that the Ministère is responsible for the good administration of municipalities and is particularly interested in their good governance, the participation of citizens in the democratic life of municipalities, the respect of their areas of jurisdiction and the sound management of their finances.

To be admissible, a disclosure must:

- claim that a wrongdoing in relation to a municipality was committed less than a year ago or is about to be committed;
- involve a case concerning the responsibilities of the Ministère, in accordance with its incorporating act;
- be made in the public interest rather than for personal purposes.

It must not:

- question the validity of a decision or policy of a municipality;
- be frivolous;
- pursue a wrongdoing that is the subject of an action before a court or involve a decision rendered by a court;
- concern an object that is part of the mandate of the Protecteur du citoyen, the Commission municipale du Québec, the Autorité des marchés publics or the Inspector General of the Ville de Montréal referred to in the Act, as specified in Subsection 4.2 below.

However, for serious reasons and if the public interest warrants, the CIME may handle disclosures of alleged wrongdoing that would have occurred more than a year ago. In any case, the CIME may terminate the processing of a disclosure if the passage of time renders audits or investigations impossible.

It may also terminate such processing when, during the course of an audit or investigation, the facts give rise to one or more grounds for non-admissibility.

The CIME undertakes to complete the admissibility analysis of disclosures within 15 working days of receipt.

4.2 Transmission of information to CIME partners

The surveillance and control activities of municipalities are carried out by a number of stakeholders who act according to their area of responsibility. According to this framework, the CIME intervenes with its partners to ensure the probity of the municipal system.

As a result, some disclosures will have to be forwarded to the competent authority to study them.

In accordance with sections 14 and 17.2 of the Act, the CIME may, without the consent of the whistleblower or witnesses, communicate information to the Protecteur du citoyen, the Commission municipale du Québec, the Autorité des marchés publics, the Inspector General of the Ville de Montréal and the organizations responsible for preventing, detecting or repressing crime or violations of the law. In other cases, the consent of the whistleblower, if identified, as well as that of the witnesses, if any, are necessary to provide information to the appropriate authority.

When a disclosure brought to the CIME's attention does not concern a municipality, if it does not fall within the responsibilities of the Ministère according to its incorporating act or if it involves the Ministère, the CIME transmits the disclosure to the Protecteur du citoyen so that they can handle it. The CIME thus closes the request.

If a disclosure relates to the intervention mandates of the Commission municipale du Québec, the Autorité des marchés publics or the Inspector General of the Ville de Montréal, the CIME transmits the disclosure to this authority and closes it.

In the event that a disclosure relates to the responsibilities of the Unité permanente anticorruption, Élections Québec or any other organization that is responsible for preventing, detecting or repressing crime or violations of laws, including a police force and a professional order, the CIME transmits the disclosure to this body and may close it, according to the terms agreed with the organization.

In all cases where a disclosure relates to a municipality, the CIME may, with the consent of the whistleblower, if they identified themselves, as well as any witnesses, transmit information to the Direction générale des opérations régionales of the Ministère as part of its responsibilities in providing support to municipalities.

5. AUDITS AND INVESTIGATIONS

5.1 Audits

In the context of analyzing the merits of a disclosure or if there are reasonable grounds to believe that a wrongdoing has been or is about to be committed, the CIME conducts the audits that it considers appropriate. It may obtain from any person the information and documents it deems useful.

The priority given to audits is based on the following factors:

- Seriousness of the alleged wrongdoing;
- Imminence of its occurrence;
- Anticipated consequences and the possibility of avoiding them;
- Risk of reprisals for the whistleblower;
- Risks to the health or safety of persons or the environment.

The CIME undertakes to complete its audits within 60 days of the date of receipt of a disclosure.

At the end of these audits and if it thinks it necessary or appropriate, the CIME can undertake an investigation in order to find the truth.

5.2 Investigations

In conducting an investigation, the CIME investigators assigned are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, with the exception of the power to order imprisonment.

In the course of such an investigation, the CIME may summon any person to testify or compel any person to provide it with the documents and writings it deems necessary. A person summoned to testify may be accompanied by the person of their choice.

When deciding to conduct an investigation, the CIME shall inform the director general of the municipality concerned of the alleged wrongdoing, except in exceptional cases. Likewise, it may inform its council and any concerned local municipality.

The CIME undertakes to complete its investigations within six months.

5.2.1 Rights of defendants

In the context of an investigation, where a person is alleged to be the perpetrator of the alleged wrongdoing, they have the right to provide their version of the facts, as part of an in-person interview or by any other appropriate means of communication.

In the case of an interview, the defendant is, except in exceptional or urgent circumstances, summoned by a written notice specifying the date and time of the

interview, their right to be accompanied by the person of their choice as well as any other particularity.

The CIME informs the defendant in advance of the topics to be discussed. This person benefits from protections against self-incrimination and unreasonable searches.

This person is informed of the findings of the CIME at the end of the investigation.

5.3 Duty to collaborate on audits and investigations

Everyone is obligated to cooperate with the audits and investigations conducted by the CIME under the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies.

Any person who obstructs or attempts to obstruct their actions, who refuses to provide information or a document requested by the CIME or make such information or document available, or who conceals or destroys a document that is relevant to an audit or investigation, is liable to a fine. This fine, ranging from \$4,000 to \$20,000, is doubled in the event of a repeat offence.

5.4 Witness protection

The whistleblower protection provisions in Point 3.1 of this procedure and concerning confidentiality, exemption from civil liability and protection against reprisals, apply to witnesses in the same way.

6. CONCLUSIONS AND FOLLOW-UPS WITH MUNICIPALITIES

Upon completion of an audit, the CIME may conclude that no wrongdoing has been committed or is about to be committed. It also decides whether an investigation will be conducted in relation to an alleged wrongdoing.

Following an investigation, the CIME determines whether a wrongdoing has been or is about to be committed on the basis of the information gathered and on a preponderance of proof or probabilities.

It reports its findings to the director general of the municipality concerned by the alleged wrongdoing, with some exceptions. Likewise, it may inform its council and any concerned local municipality. Its report may contain any recommendations deemed useful and, if necessary, guidelines.

Before making its opinions, recommendations and directives public on its website, if necessary, the CIME allows the municipality concerned, as well as the persons involved, where appropriate, to provide their observations within the time indicated.

It may require the municipality to be informed, within the time limit communicated, of the corrective measures taken to respond to its findings.

7. REPRISALS AND THREATS OF REPRISALS

Persons who, in accordance with this procedure, disclose information to the CIME that suggests that a wrongdoing in relation to a municipality has been or is about to be committed, are protected by the Act to Facilitate the Disclosure of Wrongdoings Relating to Public Bodies (the Act) and may file a complaint if they suffer reprisals.

The Act prohibits any person from taking reprisals against a person who, in good faith, makes a disclosure to the CIME or cooperates in an audit or an investigation conducted as a result of a disclosure. Similarly, it prohibits threatening a person with reprisals so they refrain from making a disclosure or cooperating with an audit or investigation conducted as a result of a disclosure.

Disclosures made in the exceptional case provided for in Article 7 of the Act are also protected when the conditions set out in that article are met.

A disclosure made to other people (e.g. to a union representative, a supervisor, a colleague, a family member or a friend) is not protected against reprisals. A person could be subject to penalties if they disclose confidential information to third parties when they are not authorized to do so.

In terms of reprisals and threats of reprisals, the Act provides harsh penalties for offenders. The fines provided for in the Act are \$2,000 to \$20,000 for a natural person and, in other cases, \$10,000 to \$250,000. In case of a repeat offence, they are doubled.

Anyone who believes that they have been the victim of reprisals or threats of reprisals may file a complaint with the CIME or the Protecteur du citoyen to examine the merits of their claims, except in the case where their complaint must be filed with the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST), as indicated below.

7.1 In employment

If the reprisals concern the employment or working conditions of a person, the complaint must be filed with the CNESST within **45 days** of the alleged acts constituting the reprisals. Any employee, whether a union member or not, can file such a complaint, including managers and interns. A unionized employee may also address their union.

In the event that an employee who believes that they are the victim of reprisals from their employer addresses the CIME, the CIME redirects them to the CNESST.

The CNESST can be reached at the **toll free number 1 844 838-0808**. The alleged victim may also file a complaint via the following website: [You are an employee - CNESST](#).

7.2 In matters other than employment

A complaint of reprisals or threats of reprisals in matters other than employment cannot be made anonymously. The complainant must identify themselves and

provide contact information. In addition, given the statutory limitation period, **a complaint must be made within a maximum of one year from the date of the offence.**

If penal proceedings are instituted against the perpetrator of the reprisals, the victim must report the facts to the prosecutor to file charges and may have to testify in a trial. Similarly, it is not possible to guarantee the confidentiality of the information obtained during the investigation. The rules of law in penal matters require that all the evidence supporting the statement of offence be communicated to the person concerned by this finding.

Sections 3 to 6 of this procedure apply to complaints of reprisals and threats of reprisals in matters other than employment and their handling, with the necessary modifications. The main particularities of these complaints and their handling are specified in the following points of this subsection.

If serious reasons and the public interest warrants, the CIME may handle complaints of alleged reprisals that would have occurred more than a year ago. In this case, however, no penal proceedings can be instituted.

7.2.1 Content of a complaint

In addition to Subsection 3.3 of this procedure and with the necessary modifications, a complaint must contain the following:

- Complainant's identification and contact information;
- Number assigned to the complainant, if any, as a whistleblower or witness in the disclosure file related to the complaint of reprisals;
- Identification of the person or persons who are the subject of the complaint;
- Identification of witnesses, if any, and their role in carrying out the alleged act of reprisals;
- Description of the injurious measure or threat of reprisals;
- Explanation of cause and effect between the disclosure or collaboration in an audit or investigation in relation to the disclosure and the measure reported or, in the case of threats, the reasons supporting the claim that they were made in order to prevent disclosure or collaboration.

7.2.2 Handling time

The provisions of Subsections 3.4 and 3.5 of this procedure applies to complaints of reprisals with the necessary modifications.

7.2.3 Investigations

Considering that an investigation of reprisals may result in prosecution, the CIME ensures that the conduct of the investigation respects the procedure rules and the rights of the perpetrator of the reprisals. In particular, the investigator will be able to meet with the alleged victim to make a written statement, if necessary, as well as the defendant, as provided in Subsection 5.2.1 of this procedure.

7.2.4 Conclusions and follow-ups with municipalities

Upon completion of an audit, the CIME may conclude that the complaint is unfounded or that the acts of reprisals or alleged threats are not related to a disclosure or collaboration in an audit or an investigation related to a disclosure. It also decides whether an investigation will be conducted in relation to alleged injurious measures. In this case, the good cooperation of the alleged victim is essential.

Following an investigation, the file is submitted to the Directeur des poursuites criminelles et pénales (DPCP), who determines whether there is sufficient evidence to support a penal prosecution. They will assess the appropriateness of authorizing the filing of a statement of offence based on Article 33 of the Act or any other relevant provision prohibiting reprisals.

If the investigation file is not sent to the DPCP or the DPCP concludes that no penal prosecution is authorized, the CIME submits its conclusions and, if applicable, its recommendations to the director general of the municipality concerned, with some exceptions. Likewise, it may inform its council and any concerned local municipality.

It may require the municipality to be informed, within the time limit communicated, of the corrective measures taken to respond to its findings.

APPENDIX I: LIST OF MUNICIPAL ORGANIZATIONS SUBJECT TO THE ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING TO PUBLIC BODIES

Municipal organizations include:

- local municipalities;
- regional county municipalities;
- metropolitan communities;
- Northern villages;
- Cree villages;
- the Naskapi village;
- Gouvernement régional d'Eeyou Istchee Baie-James (Eeyou Istchee James Bay Regional Government);
- Administration régionale Kativik (Kativik Regional Government);
- Administration régionale Baie-James;
- intermunicipal boards;
- public transportation companies;
- mixed enterprise companies established in accordance with the Act respecting mixed enterprises in the municipal sector and similar bodies established in accordance with a private law;
- a legal person whose audit is conducted by the auditor general of a municipality of 100,000 inhabitants or more because they are part of the reporting entity defined in the financial statements of the municipality, or the municipality or a mandatary of the municipality holds more than half of the voting shares or units or appoints more than half of the members of the board of directors;
- local and regional non-profit development organizations to whom a regional county municipality has entrusted the exercise of its powers in this matter under a delegation agreement in accordance with Article 126.4 of the Municipal Powers Act;
- organizations that the law declares mandataries or agents of a municipality;
- any other organization that meets any of these criteria:
 - its board of directors consists mainly of members of the council of one or more municipalities;
 - at least one member of its board of directors sits as a municipal elected representative **and** a municipality or metropolitan community adopts or approves its budget or contributes more than half of its funding;
 - its budget is adopted by a municipality;
 - more than half of its funding is provided by a municipality.

APPENDIX II: INTERPRETATION GUIDE

To determine that an act is reprehensible, certain qualities of that act must be assessed, such as its seriousness and its abusive or intentional nature.

This interpretation guide provides and sets out certain criteria for assessing the reprehensible nature of a reported act.

Intention: The intentional or deliberate nature of the act, including bad faith, malicious motives, abuse of power or the desire for personal gain.

Severity: The degree of severity of the conduct or its marked deviation from normally recognized and accepted standards of conduct and practices, ethical standards, applicable ethical requirements or simple error.

Position of the defendant: The position, function or level of responsibility entrusted to the perpetrator of the act. A higher standard of probity is expected from someone who assumes a position of trust or authority in the municipality.

Recurrence: The frequency or recurring nature of the conduct. Conduct that is part of a trend or is of a systemic nature is more likely to be a serious breach of ethical standards than isolated incidents or mismanagement.

Consequences: The act or omission could have significant consequences for:

- the ability of the municipality to carry out its mission;
- its employees or the population;
- public confidence in the institution.

APPENDIX III: TIMEFRAMES FOR HANDLING DISCLOSURES AND COMPLAINTS OF REPRISALS

Processing stage	Timeframe
Written acknowledgement of receipt, if required	Five business days after receipt of the <u>disclosure</u> or complaint
Decision on the admissibility of the <u>disclosure</u> or complaint and verbal communication with the whistleblower or complainant, if required	Fifteen business days after receipt of the <u>disclosure</u> or complaint
Audits and decision to investigate <u>disclosure</u> or complaint	Sixty days after receipt of the <u>disclosure</u> or complaint
End of the investigation	Six months after the decision to investigate



To learn more:

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