

COMMISSAIRE À L'INTÉGRITÉ MUNICIPALE ET AUX ENQUÊTES

DISCLOSE WRONGDOING CONFIDENTIALLY

in the interest of all Quebecers.

You are **PROTECTED** from **REPRISALS**.





You have the **POWER TO ACT**
if you witness a **WRONGDOING**
committed in a **municipality**
or a **municipal body**.

To implement the Procedure for processing the disclosure of wrongdoings relating to municipalities and reprisal complaints, the Ministère des Affaires municipales et de l'Occupation du territoire (MAMOT) has created the Commissaire à l'intégrité municipale et aux enquêtes (CIME – Commissioner for Municipal Integrity and investigations), replacing the Bureau du commissaire aux plaintes (Office of the Complaints Commissioner), which was previously responsible for applying the Policy on the processing of complaints related to municipalities within MAMOT.

This change reflects amendments made to the Act to facilitate the disclosure of wrongdoings relating to public bodies, with the goal of making it applicable to municipalities and other municipal bodies. Note that this law was adopted further to Recommendation 8 of the Commission of investigation into the Awarding and Management of Public Contracts in the Construction Industry (Charbonneau Commission) related to supporting and protecting whistleblowers.

With the other measures deployed, this entire process is part of the government vision to redefine relations between the Gouvernement du Québec and the municipalities, based on the principles of autonomy and accountability. It is closely related to the MAMOT's mission, which is to oversee the sound administration of the municipal system in the interest of the municipalities and their citizens.

MANDATE OF THE CIME

The CIME's mandate consists of receiving information from any person that could prove that a wrongdoing relating to a municipality or a municipal body has been committed or is about to be committed. Its mandate also includes handling reprisal complaints. In this sense, the CIME has powers of intervention that allow it to undertake audits related to information received and to conduct investigations if necessary.

In the enforcement of the Act, the CIME guarantees the confidentiality of requests for information and any communication concerning the disclosure of wrongdoing or a reprisal complaint (subject to the special conditions related to investigations about alleged reprisals or threats of reprisals).

To consult the Procedure for processing of disclosure of wrongdoings relating to municipalities and reprisal complaints:
www.mamh.gouv.qc.ca/divulgation.



BODIES CONCERNED

The new rules apply to local and regional municipalities, supralocal and intermunicipal bodies and bodies that are mandataries or agents of a municipality, such as:

- a municipality, including one constituted as a city, town, parish, village, township or united townships;
- a regional county municipality;
- a metropolitan community;
- an intermunicipal board;
- a public transit authority.

DISCLOSURE OF WRONGDOING

If you have information that could prove that a wrongdoing relating to a municipality has been committed or is about to be committed, you may make a disclosure to the CIME. A whistleblower can communicate any confidential information. A disclosure may consist of a communication of information, a report, a complaint or a denunciation in the public interest. The CIME will take all necessary means to protect any confidential information once it is received.

An action committed by a member of a municipality's staff or council in the exercise of their duties or by any other person maybe be considered to be a wrongdoing if it is contrary to public interest and it is:

- a contravention of any law or regulation applicable in Québec;
- a serious breach of the standards of ethics and professional conduct;
- misuse of municipal funds or property;
- 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.

Every person has the obligation to cooperate in the audits and investigations conducted by the CIME. Whoever hinders or attempts to hinder the CIME's action, refuses to provide information or a document or conceals or destroys evidence is liable to a fine ranging from \$4,000 to \$20,000. The fine may be doubled for a repeat offence.

PROTECTION AGAINST REPRISALS

If you believe you are a victim of reprisals or threats of reprisals, you may make a complaint to the CIME, as 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 related to a disclosure. The Act also prohibits threatening a person with reprisals so that they abstain from making a disclosure or cooperating in an audit or an investigation.

The following actions are considered to be reprisals:

- An act or omission that targets a person for having made a disclosure protected by the Act or having cooperated in an audit or an investigation and that causes harm to that person
- Threats or intimidation to prevent a person from making a disclosure or from cooperating in an audit or an investigation
- Dismissal, demotion, suspension and any other disciplinary action that adversely affects such a person's employment or conditions of employment

The Act provides for severe penalties for reprisals or threats of reprisals, which may be doubled in the case of a repeat offence. The fines range from \$2,000 to \$20,000 for a natural person and from \$10,000 to \$250,000 for a legal person. (A legal person is an entity such as an organization, an enterprise or a corporation.)

CIME PARTNERS

The oversight and control activities related to wrongdoings in municipalities are exercised by several stakeholders acting in their respective fields of jurisdiction. The CIME acts in cooperation with its partners. Therefore, certain disclosures must be sent to the authority with the jurisdiction to examine them.

Under the terms of the Act, the CIME may disclose information to the Public Protector (Québec Ombudsman), the Commission municipale du Québec, the Autorité des marchés publics and the Bureau de l'inspecteur général of Ville de Montréal.

It may also, without the consent of the whistleblower or the witnesses, send information to the bodies responsible for the prevention, detection or repression of crime or statutory offences, including the Permanent Anti-Corruption Unit, Élections Québec, a police force or a professional order.



To learn more:

By phone: 418-691-2071 • Toll-free: 1-855-280-5348

cime@mamh.gouv.qc.ca • www.mamh.gouv.qc.ca/divulgation