

SPORT FOR LIFE SOCIETY PROCEDURE

TITLE: WHISTLEBLOWER PROCEDURE	
Date Created: December 1, 2020	Number of Pages: 4

Definitions

1. The following terms have these meanings in this Procedure:
 - a) **Workerⁱ** – Any person who performs work for the Sport for Life Society including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, the Board of Directors, and independent contractors or consultants

Purpose

2. The purpose of this Procedure is to allow Workers to have a discrete and safe procedure by which they can disclose incidents of wrongdoing in the workplace without fear of unfair treatment or reprisal.

Application

3. This Procedure only applies to Workers who observe or experience incidents of wrongdoing committed by Directors or by other Workers.
4. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by the Sport for Life Society can be reported under the terms of the *Discipline and Complaints Procedure* and/or reported to the organization's Board of Directors or Chief Executive Officer to be handled under the terms of the individual Worker's Employment Agreement or Contractor Agreement, as applicable, and/or the organization's policies for human resources.
5. Matters reported under the terms of this Procedure may be referred to be heard under the *Discipline and Complaints Procedure*, at the discretion of the Compliance Officer.

Wrongdoing

6. Wrongdoing can be defined as:
 - a) Violating the law;
 - b) Intentionally or seriously breaching the *Code of Conduct and Ethics*;
 - c) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Worker, or other individual;
 - d) Directing an individual or Worker to commit a crime, serious breach of a policy, or other wrongful act; or
 - e) Fraud.

Pledge

7. The Sport for Life Society pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any Worker who discloses information or submits, in good faith, a report against a Worker or Director under the terms of this Procedure.

8. Any individual affiliated with the Sport for Life Society who breaks this Pledge will be subject to disciplinary action.

Reporting Wrongdoing

9. A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:
 - a) Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
 - b) Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
 - c) Why the act or action should be considered to be wrongdoing; and
 - d) How the wrongdoing affects the Worker submitting the report (if applicable).

Authority

10. The following Compliance Officer has been appointed to receive reports made under this Procedure:

Brian Ward
W&W Dispute Resolution Services Inc.
safesport_wwdrs@primus.ca

11. After receiving the report, the Compliance Officer has the responsibility to:
 - a) Assure the Worker of the **Pledge**
 - b) Connect the Worker to the Alternate Liaison if the individual feels that they cannot act in an unbiased or discrete manner due to the individual's role with the organization and/or the content of the report
 - c) Determine if the report is frivolous, vexatious, or not submitted in good faith (e.g., the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious) and, if so, inform the Worker that no action will be taken on the report and the reasons why the report has been considered frivolous, vexatious, or not in good faith
 - d) Determine if the *Whistleblower Procedure* applies or if the matter should be handled under the *Discipline and Complaints Procedure*
 - e) Determine if the local police service be contacted
 - f) Determine if mediation or alternative dispute resolution can be used to resolve the issue
 - g) Determine if the Chairperson and/or Chief Executive Officer should or can be notified of the report
 - h) Begin an investigation

Alternate Liaison

12. If the Worker feels that the Compliance Officer is unable to act in an unbiased or discrete manner due to the individual's role with the organization and/or the content of the report, the Worker should contact the following individual who will act as an independent liaison between the Worker and the Compliance Officer:

Steven J. Indig, LLB
Sport Law & Strategy Group
SJI@sportlaw.ca

13. The Alternate Liaison will not disclose the Worker's identity to the Compliance Officer or to anyone affiliated with the organization without the Worker's consent.
14. A Worker who is unsure if they should submit a report, or who does not want to have their identity known, may contact the Alternate Liaison for informal advice about the process.

Investigation

15. If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, the Sport for Life Society's Chairperson and/or Chief Executive Officer may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the Worker who submitted the report being disclosed. The Sport for Life Society's Chairperson and/or Chief Executive Officer may not unreasonably refuse the decision to contract an external investigator.
16. An investigation launched by the Compliance Officer or by an external investigator should generally take the following form:
 - a) Follow-up interview with the Worker who submitted the report
 - b) Identification of Workers, participants, volunteers or other individuals that may have been affected by the wrongdoing
 - c) Interviews with such-affected individuals
 - d) Interview with the Director(s) or Worker(s) against whom the report was submitted
 - e) Interview with the supervisor(s) of the Worker(s) against whom the report was submitted, if applicable
17. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the Chairperson and/or Chief Executive Officer for review and action.

Decision

18. Within fourteen (14) days after receiving the Investigator's Report, the Chairperson and/or Chief Executive Officer will take corrective action, as required. Corrective action may include, but is not limited to including:
 - a) Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
 - b) Revision of job descriptions; or
 - c) Discipline, suspension, termination, or other action as permitted by the By-laws, provincial/territorial employment legislation, applicable policies for human resources, and/or the Worker's Employment Agreement or Contractor Agreement.
19. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
20. Decisions made under the terms of this Procedure may be appealed under the terms of the *Appeal Procedure* provided that:
 - a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that their identity must be revealed if they submit an appeal, and

- b) If the Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that the organization will act as the Respondent

Confidentiality

21. Confidentiality at all stages of the procedures outlined in this Procedure – from the initial report to the final decision – is assured for all individuals (the Worker, the Worker(s), or Director(s) against whom the report is submitted, and the individuals interviewed during the investigation). An individual who intentionally breaches the confidentiality clause of this Procedure will be subject to disciplinary action.

22. In all stages of the investigation, the investigator will take every precaution to protect the identity of the Worker who submitted the report and/or the specific nature of the report itself. However, the Sport for Life Society recognizes that there are some instances where the nature of the report and/or the identity of the Worker who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.

ⁱ The Whistleblower Procedure has a very limited scope. It applies to individuals who are employed by Sport For Life and permits employees to submit a report of wrongdoing anonymously and have the complaint investigated. The procedure provides additional protections to these 'Workers' because only Workers are risking their employment / professional livelihood by making a complaint against another Worker or a Director (potentially the Worker's supervisor/superior).

Representatives other than Workers do not face this much risk when they make a complaint - therefore they can submit a complaint through Sport for Life's Discipline and Complaints Procedure.