

SPECIAL OLYMPICS CANADA AND NEWFOUNDLAND AND LABRADOR

WHISTLEBLOWER POLICY

This Policy has been prepared by Special Olympics Canada and is a templated Policy applicable to Special Olympics Canada and its Chapters. Specific sections of this document may be modified by a Chapter to align with local legislation.

EFFECTIVE DATE:

LAST REVISED:

Definitions

1. The following terms have these meanings in this Policy:
 - a) *Director* – An individual appointed or elected to the Board of Directors of Special Olympics Canada or a Chapter.
 - b) *Employee* – An individual who is an employee and has signed an Employment Agreement or a Contractor Agreement with Special Olympics Canada or a Chapter.

Purpose

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

Application

3. This Policy only applies to Employees who observe or experience incidents of wrongdoing committed by Directors or by other Employees.
4. Incidents of wrongdoing or misconduct observed or experienced by Employees (but not subject to section 3) by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by Special Olympics Canada or a Chapter can be reported under the terms of the *Discipline and Complaints Policy* and/or reported to the organization’s Board of Directors to be handled under the terms of the individual Employee’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 Policy may be referred to be heard under the *Discipline and Complaints Policy*, 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) Intentionally or seriously breaching the organization’s policies for workplace violence and harassment;
 - d) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Employee, or other individual;
 - e) Directing an individual or Employee to commit a crime, serious breach of a policy of the organization, or other wrongful act; or
 - f) Fraud.

Pledge

7. Special Olympics Canada and its Chapters pledge not to dismiss, penalize, discipline, or retaliate or discriminate against any Employee who submits, in good faith, a report against a Director or Employee or discloses information, in good faith, pursuant to such a report.
8. Any individual affiliated with Special Olympics Canada or the Chapter who breaks this Pledge will be subject to disciplinary action.

Reporting Wrongdoing

9. A Employee who believes that a Director or another Employee 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) and the relevant individual;
 - b) Identities and roles of other individuals or Employees (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 Employee submitting the report (if applicable).

Authority

10. The organization has appointed the following Compliance Officer to receive reports made under this Policy:

[SOC and each Chapter must insert contact information for a Compliance Officer at their organization – should not be the President or CEO]

11. After receiving the report, the Compliance Officer has the responsibility to:
 - a) Assure the Employee of the **Pledge**;
 - b) Connect the Employee to the Alternate Liaison (as defined in section 12)if the individual feels that he or she 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 Employee 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 Policy* applies or if the matter should be handled under the *Discipline and Complaints Policy*;
 - e) Determine if the local police service be contacted;
 - f) Determine if mediation or alternate dispute resolution can be used to resolve the issue;
 - g) Determine if the Chairperson/President and/or lead staff person should or can be notified of the report;
 - h) If c) does not apply and d) does apply, begin an investigation.

Alternate Liaison

12. If the Employee 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 Employee should contact the following individual who will act as an independent liaison between the Employee and the Compliance Officer:

Gary Daniel
SOC, Ombudsperson

(Chapters have the option to use SOC's Ombudsperson or name their own Alternate Liaison)

13. The Alternate Liaison will not disclose the Employee's identity to the Compliance Officer or to anyone affiliated with the organization without the Employee's consent.
14. An Employee who is unsure if he or she should submit a report, or who does not want to have his or her 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 lead staff person and/or Chairperson/President 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 Employee who submitted the report being disclosed. The lead staff person and/or Chairperson/President 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 Employee who submitted the report;
 - b) Identification of Employees, 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 Employee(s) against whom the report was submitted; and
 - e) Interview with the supervisor(s) of the Director(s) or Employee(s) against whom the report was submitted.
17. In all stages of the investigation, the investigator will take every precaution to protect the identity of the Employee who submitted the report and/or the specific nature of the report itself. However, Special Olympics Canada and its Chapters recognize that there are some instances where the nature of the report and/or the identity of the Employee who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
18. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the organization's lead staff person and/or Chairperson/President for review and action.

Decision

19. Within fourteen (14) days after receiving the Investigator's Report, the organization's lead staff person and/or Chairperson/President will take corrective action, as required. Corrective action may include, but is not limited to:
 - 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 Bylaws, provincial employment legislation, policies for human resources, and/or the Employee's Employment Agreement or Contractor Agreement.
20. The corrective action, if any, will be communicated to the investigator who will then inform the Employee who submitted the report.
21. Decisions made under the terms of this Policy may be appealed under the terms of the *Appeal Policy* provided that:

- a) If the Employee who submitted the initial report is appealing the decision, the Employee understands that his or her identity must be revealed if he or she submits an appeal, and
- b) If the Director or Employee against whom the initial report was submitted is appealing the decision, the Employee or Director understands that the identity of the Employee who submitted the report will not be revealed and that the organization will act as the Respondent

Confidentiality

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