CATEGORY: 3.0 Governance and Leadership **SECTION: 3.4 Human Resources**			
POLICY: 3.4.5 Whistleblower Policy	**APPROVED: April 2020**	**REVISED: January 2023**	**PAGES: 5**

CONTENTS

DEFINITIONS 1
PURPOSE 1
APPLICATION 1
WRONGDOING 2
PLEDGE 2
REPORTING WRONGDOING 3
AUTHORITY 3
ALTERNATE LIAISON 4
INVESTIGATION 4
DECISION 5
CONFIDENTIALITY 5

DEFINITIONS

1. The following terms have these meanings in this Policy:

   a) *"Director"* – An individual appointed or elected to the Canadian Cerebral Palsy Sports Association (CCPSA) Board of Directors

   b) *"Worker"* – An individual who has signed an Employment Agreement or Contractor Agreement with the CCPSA

PURPOSE

2. The purpose of this Policy 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 Policy 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 CCPSA can be reported under the terms of the CCPSA *Discipline and Complaints Policy* and/or reported to

the CCPSA Board or Executive Director to be handled under the terms of the individual Worker's Employment Agreement or Contractor Agreement, as applicable, and/or the CCPSA policies for human resources.

5. Matters reported under the terms of this Policy may be referred to be heard under CCPSA's *Discipline and Complaints Policy*, at the discretion of the Compliance Officer.

6. Any violation of this Policy that may be considered "Prohibited Behaviour" or "Maltreatment" (as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport/UCCMS) when the respondent is an Organizational Participant who has been designated by the CCPSA as a CSSP Participant (as defined in the *Discipline and Complaints Policy*), will be handled pursuant to the policies and procedures of the Canadian Centre for Ethics in Sport (CCES), subject to the rights of the CCPSA as set out in the *Discipline and Complaints Policy* and any applicable workplace policies.

WRONGDOING

7. Wrongdoing can be defined as:

   a) Violating the law

   b) Intentionally or seriously breaching of the CCPSA *Code of Conduct and Ethics* or other CCPSA Policies

   c) Intentionally or seriously breaching the CCPSA policies for workplace violence and harassment

   d) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Worker, or other individual

   e) Directing an individual or Worker to commit a crime, serious breach of a policy of the CCPSA, or another wrongful act

   f) Fraud

PLEDGE

8. The CCPSA 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 under the terms of this Policy.

9. Any individual affiliated with the CCPSA who breaks this Pledge will be subject to disciplinary action.

REPORTING WRONGDOING

10. 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

    d) How the wrongdoing affects the Worker submitting the report (if applicable)

AUTHORITY

11. The CCPSA has appointed the Executive Director in the Compliance Officer role to receive reports made under this Policy. If the alleged wrongdoing involves the Executive Director, the President of the CCPSA Board of Directors will serve in the Compliance Officer role.

12. After receiving the report, the Compliance Officer has the responsibility to:

    a) Assure the Worker of the CCPSA Pledge

    b) Connect the Worker to the Alternate Liaison if the individual feels that he or she cannot act in an unbiased or discrete manner due to the individual's role with CCPSA 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)

    d) Determine if the CCPSA *Whistleblower Policy* applies or if the matter should be handled under the CCPSA *Discipline and Complaints Policy*, which includes a referral to CCES

    e) Determine if the local police be contacted

    f) Determine if mediation or alternate dispute resolution can be used to resolve the issue

    g) Determine if the CCPSA Executive Director should or can be notified of the report

    h) Begin an investigation

ALTERNATE LIAISON

13. 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 CCPSA and/or the content of the report, the Worker should contact the CCPSA Independent Safe Sport Officer Sport Dispute Management, https://sportdispute.com/contact-us who will act as an independent liaison between the Worker and the Compliance Officer

14. The Alternate Liaison will not disclose the Worker's identity to the Compliance Officer or to anyone affiliated with the CCPSA without the Worker's consent.

15. A Worker 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

16. 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 CCPSA Executive Director and/or President of the Board of Directors 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 CCPSA Executive Director and/or President of the Board of Directors may not unreasonably refuse the decision to contract an external investigator.

17. 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

18. 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 CCPSA 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.

19. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the CCPSA Executive Director and/or President of the Board of Directors for review and action.

DECISION

20. Within fourteen (14) days after receiving the Investigator's Report, the CCPSA Executive Director and/or President of the Board of Directors 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

    c) Discipline, suspension, termination, or other action as permitted by the CCPSA bylaws, provincial employment legislation, the CCPSA policies for human resources, and/or the Worker's Employment Agreement or Contractor Agreement

21. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.

22. Decisions made under the terms of this Policy may be appealed under the terms of the CCPSA *Appeal Policy* provided that:

    a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that his or her identity must be revealed if he or she submits an appeal

    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 CCPSA will act as the Respondent

CONFIDENTIALITY

23. 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 Worker, the Worker(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.