



SPECIAL OLYMPICS CANADA AND Prince Edward Island

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: June 16, 2021

LAST REVISED: May 2021

Purpose

1. 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 misconduct in the workplace without fear of unfair treatment or reprisal.

2. Definitions

- 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 a paid staff member and has signed an Employment Agreement or a Contractor Agreement with Special Olympics Canada or a Chapter.
- c) *Compliance Committee* – is a three-person adhoc committee of the SOPEI Board, one of which should be a senior staff person, who ensures that a company complies with its outside regulatory and legal requirements as well as internal policies and bylaws.
- d) *Alternate Liaison* – is individual who will act as an independent liaison between the Employee and the Compliance Committee.

3. Misconduct -

- 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.

Application

4. This Policy applies to any Director or Employee who observe or experience incidents of misconduct committed by Directors or other Employees.
5. Incidents of misconduct or misconduct observed or experienced 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.
6. Matters reported under the terms of this Policy may be referred to the *Discipline and Complaints Policy*, at the discretion of the Compliance Committee.



Pledge

7. Special Olympics Canada and its Chapters will not dismiss, penalize, discipline, or retaliate or discriminate against any Employee who, in good faith, reports a Director or Employee or discloses information as part of the investigation.
8. A Director or an Employee of Special Olympics Canada or the Chapter who acts contrary to paragraph 7 will be subject to disciplinary action.

Reporting Misconduct

9. A Director or Employee who believes that a Director or another Employee has committed an incident of misconduct should report the incident and include the following information:
 - a) Written description of the act or actions that comprise the alleged misconduct, including the date and time of the action(s) and the person/people involved;
 - b) Identities and roles of individuals, Employees or Directors who may be aware of, affected by, or complicit in, the misconduct;

Authority

The organization will appoint a Compliance Committee which will be a three-person ad hoc committee of Board, one of which should be a senior staff person. To begin this process, the following individual has been identified to engage and appoint the Compliance Committee:

Melanie McKenna
902-629-3929
mmckenna@coxandpalmer.com

10. After receiving the report, the Compliance Committee has the responsibility to:
 - a) Determine if the Whistleblower Policy applies or if the matter should be handled under the Discipline and Complaints Policy;
 - b) 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)
 - c) Assure the Director or Employee of Pledge as outlined in section 7 and review the Whistleblower Policy with the person
 - d) Should the report be deemed frivolous, vexatious, or not in good faith, inform the Director or Employee that no action will be taken on the report and the reasons why.
 - e) Connect the Director or Employee to the Alternate Liaison (as identified in section 11) if the individual feels that they cannot act in an unbiased or discrete manner due to the Compliance Committee's role with the organization and/or the content of the report
 - f) Determine if the local police service should be contacted;
 - g) Determine if mediation or alternate dispute resolution can be used to resolve the issue;
 - h) Determine if the Chairperson/President and/or lead staff person should or can be notified of the report;
 - i) If c) does not apply and d) does apply, begin an investigation.

Alternate Liaison

11. If the Director or Employee feels that the Compliance Committee 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 Director or Employee should contact the following individual who will act as an independent liaison between the



Director or Employee and the Compliance Committee or such other individual at the applicable organization who, based on the circumstances, the independent liaison believes to be an appropriate representative to deal with the report (such person referred to as the “Alternate Compliance Officer”).

Gary Daniel
SOC, Ombudsperson
gdaniel@dww.com

12. If the independent liaison, acting reasonably, does not believe there is a person who can act as the Alternate Compliance Officer, the independent liaison will act as the Compliance Committee for the purposes of the report in question.”
13. A Director or Employee 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

14. If the Compliance Committee determines that an investigation should be launched, the Compliance Committee may contract an external investigator. In such cases, the lead staff person and/or Chairperson/President will be notified that an investigation is being conducted by an external investigator. is necessary without the nature of the investigation, content of the report, or identity of the Director or Employee who submitted the report being disclosed.
15. An investigation launched by the Compliance Committee or by an external investigator should generally take the following form:
 - a) Follow-up interview with the Director or Employee who submitted the report;
 - b) Identification of Employees, participants, volunteers or other individuals that may have been affected by the misconduct;
 - c) Interviews with individuals identified in 16(b);
 - d) Interview with the Director(s) or Employee(s) whom the report was submitted; and
 - e) Interview with the supervisor(s) of the Director(s) or Employee(s) whom the report was submitted.
16. In all stages of the investigation, the investigator will make every effort to protect the identity of the Director or Employee who submitted the report and the specific details of the report. However, Special Olympics Canada and its Chapters recognize that due to the type of the event or investigation that the nature of the report and/or the identity of the reporter could be deduced by individuals participating in the investigation.
17. The investigator will prepare a 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. The report will include facts, findings and recommendations.

Decision

18. Within fourteen (14) days after receiving the Investigator’s Report, the organization’s lead staff person and/or Chairperson/President will acknowledge receipt of the report and accept or amend the recommendations. Documentation as to why the recommendations were accepted or amended will become part of the permanent report. Recommendations may include, but are not limited to:
 - a) Enacting and/or enforcing policies and procedures with the goal of mitigating the misconduct or further opportunities for misconduct;
 - b) Revision of job descriptions; or



- c) Human resources actions including 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, Contractor Agreement or Volunteer Agreement.

19. The recommendations and actions, if any, will be communicated to the investigator who will then inform the Director or Employee who submitted the report that the investigation has been completed.

Recommendations which are not of a disciplinary nature, for example policy changes, will be shared with the reporter. Recommendations or actions of a human resources performance/disciplinary nature are confidential to the director/employee. The director/employee who was investigated may choose to share the recommendations/actions with the reporter as part of the apology process.

20. Decisions made under the terms of this Policy may be appealed as per the *Appeal Policy* provided that:

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

Confidentiality

21. Subject to section 21, confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is of the utmost importance for all individuals (the Director or 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.