

# HOCKEY NL WHISTLEBLOWER POLICY

## **PURPOSE:**

1. The purpose of this Policy is to allow people to have a discreet and safe procedure by which they can disclose incidents of wrongdoing without fear of unfair treatment or reprisal.

## **APPLICATION:**

2. This Policy applies to individuals and organizations that observe or experience incidents of wrongdoing and report such incident or observations under the expectation of privacy.
3. Matters reported under the terms of this Policy may be referred to be heard under Hockey NL's Appeals and Dispute Resolution Policy, at the discretion of the Hockey NL Board.
4. Matters reported under the terms of this Policy may be referred directly to law enforcement agencies.

## **WRONGDOING:**

5. Wrongdoing can be defined as:
  - a. Violating the law;
  - b. Intentionally or seriously breaching of Hockey NL's Governance Code of Conduct or Code of Conduct;
  - c. Intentionally or seriously breaching HNL's policies for workplace violence and harassment;
  - d. Committing or ignoring risks to the life, health, or safety of a participant, volunteer, person, or other individual;
  - e. Directing an individual or person to commit a crime, serious breach of a Hockey NL policy, or other wrongful act; or
  - f. Fraud

**PLEDGE:**

6. HNL pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any person who discloses information or submits, in good faith, a report against a person under the terms of this Policy.
7. Any individual affiliated with Hockey NL who breaks this Pledge will be subject to disciplinary action.

**REPORTING WRONGDOING:**

8. A person who believes an incident of wrongdoing has occurred 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.

**AUTHORITY:**

9. Hockey NL has appointed the Complaints Committee to receive reports made under this Policy.
10. After receiving the report, the Complaints Committee has the responsibility to:
  - a. Assure the person of Hockey NL's commitment
  - b. Determine if the report is frivolous, vexatious, or not submitted in good faith (eg: the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious)
  - c. Determine if Hockey NL's Whistleblower Policy applies or if the matter should be handled under Hockey NL's Appeals and Dispute Resolution Policy
  - d. Determine if the local police service should be contacted
  - e. Determine if mediation or alternate dispute resolution can be used to resolve the issue
  - f. Determine if HNL's President and/or Executive Director should or can be notified of the report
  - g. Begin an investigation

#### **ALTERNATE LIAISON:**

11. If the person feels that the Complaints Committee is unable to act in an unbiased or discrete manner due to the individual's role with HNL and/or the content of the report, the person can contact a third-party organization such as the Sport Dispute Resolution Centre of Canada (SDRCC) or the Canadian Sport HELPLine.
12. The XXXXX will not disclose the person's identity to anyone affiliated with Hockey NL without the person's consent.
13. A person 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 XXXXX for informal advice about the process.

#### **INVESTIGATION:**

14. If the Complaints Committee determines that an investigation should be launched, an external investigator will be engaged. In such cases, Hockey NL's President (if appropriate) or the Chair of the Hockey NL Risk Management Committee 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 person who submitted the report being disclosed.
15. An investigation launched under this policy, should generally take the following form:
  - a. Follow up interview with the person who submitted the report
  - b. Identification of staff, 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 person(s) against whom the report was submitted
  - e. Interview with the supervisor(s) of the Director(s) or person(s) against whom the report was submitted
16. In all stages of the investigation, the investigator will take every precaution to protect the identity of the person who submitted the report and/or the specific nature of the report itself. However, Hockey NL recognizes that there are some instances where the nature of the report and/or the identity of the person who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
17. The investigator will prepare an Investigator's Report that will be submitted to the Complaints Committee for review and action.

**DECISION:**

18. Within fourteen (14) days after receiving the Investigator's Report, the Complaints Committee 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. Discipline, suspension, termination, or other action as permitted by Hockey NL's Bylaws, provincial employment legislation, HNL's *Policy Manual*, and/or the person's Employment Agreement or Contractor Agreement.
19. Communication will be provided to the person who submitted the report at the conclusion of the matter.

**CONFIDENTIALITY:**

20. Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals, but the principals of procedural fairness must be considered and notice of such matter to Hockey NL Board.