

Policy Name: Whistleblower
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WHISTLEBLOWER POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) *Councillor* – An individual appointed or elected to Northern Ontario Curling Association’s (NOCA) Board of Directors
 - b) *Worker* – An individual who has signed an Employment Agreement or Contractor Agreement with Northern Ontario Curling Association (NOCA)
 - c) *Case Manager* - An independent third-party individual or organization appointed by NOCA to administer certain complaints under the *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with NOCA.

Purpose

2. The purpose of this Policy is to allow Workers to have a discreet 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 Councillors 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 Northern Ontario Curling Association can be reported under the terms of the Northern Ontario Curling Association’s *Discipline and Complaints Policy* and/or reported to the Northern Ontario Curling Association’s Board or Executive Director to be handled under the terms of the individual Worker’s Employment Agreement or Contractor Agreement, as applicable, and/or any other relevant and applicable Northern Ontario Curling Association policy.
5. Matters reported under the terms of this Policy may be referred to be heard under the Northern Ontario Curling Association’s *Discipline and Complaints Policy*, at the discretion of the Case Manager.

Wrongdoing

6. Wrongdoing can be defined as:
 - a) Violating the law;
 - b) Intentionally or seriously breaching of the Northern Ontario Curling Association’s *Code of Conduct and Ethics*;
 - c) Intentionally or seriously breaching the Northern Ontario Curling Association’s 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 Northern Ontario Curling Association, or other wrongful act; or
- f) Fraud.

Pledge

- 7. The Northern Ontario Curling Association 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.
- 8. Any individual affiliated with the Northern Ontario Curling Association who breaks this Pledge will be subject to disciplinary action.

Reporting Wrongdoing

- 9. A Worker who believes that a Board Member 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. After receiving the report, the Case Manager has the responsibility to:
 - a) Assure the Worker of the Northern Ontario Curling Association's 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 the Northern Ontario Curling Association 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 Northern Ontario Curling Association's *Whistleblower Policy* applies or if the matter should be handled under the Northern Ontario Curling Association's *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 Northern Ontario Curling Association's President should or can be notified of the report
 - h) Begin an investigation

Investigation

- 11. If the Case Manager determines that an investigation should be launched, the Case Manager may decide to contract an external investigator. In such cases, the Northern Ontario Curling Association's Executive Director and/or President must 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 Northern Ontario Curling Association's Executive Director may not unreasonably refuse the decision to contract an external investigator

12. An investigation launched by the Case Manager 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 Councillor(s) or Worker(s) against whom the report was submitted
 - e) Interview with the supervisor(s) of the Councillor(s) or Worker(s) against whom the report was submitted
13. 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 Northern Ontario Curling Association 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.
14. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the Northern Ontario Curling Association's President and/or Executive Director for review and action.

Decision

15. Within fourteen (14) days after receiving the Investigator's Report, the Northern Ontario Curling Association's President and/or Executive Director 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 Northern Ontario Curling Association's Bylaws, provincial employment legislation, any relevant and applicable Northern Ontario Curling Association policy, and/or the Worker's Employment Agreement or Contractor Agreement.
16. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
17. Decisions made under the terms of this Policy may be appealed under the terms of the Northern Ontario Curling Association's *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, and
 - b) If the Board member or Worker against whom the initial report was submitted is appealing the decision, the Worker or Board member understands that the identity of the Worker who submitted the report will not be revealed and that the Northern Ontario Curling Association will act as the Respondent

Confidentiality

18. 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.