

WHISTLEBLOWER POLICY

February 2023

Unless the subject matter or context otherwise requires, all terms used but not defined herein shall have the meanings ascribed thereto in the "Introduction and Definitions."

1. PURPOSE

- 1.1. The purpose of this Policy is to allow Workers to have a discrete and safe procedure by which they can disclose incidents of wrongdoing within DPC without fear of unfair treatment or reprisal.

2. APPLICATION

- 2.1. This Policy only applies to Workers who observe, or experience incidents of wrongdoing committed by DPC Directors or other Workers.
- 2.2. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by the DPC can be reported under the terms of the *Discipline and Complaints Policy* and/or reported to the Board or Chief Operating Officer to be handled under the terms of the individual Worker's Employment Agreement or Contractor Agreement, as applicable, and/or DPC's policies for human resources.
- 2.3. Matters reported under the terms of this Policy may be referred to be heard under DPC's *Discipline and Complaints Policy*, at the discretion of the Independent Third Party Officer.
- 2.4. Any violation of this Policy that may be considered "Prohibited Behaviour" or "Maltreatment" (as defined in the UCCMS) when the Respondent is an Organizational Participant who has been designated by DPC as a UCCMS Participant (as defined under *DPC's Introduction and Definitions*), will be handled pursuant to the policies and procedures of the Office of the Sport Integrity Commissioner ("OSIC"), subject to the rights of DPC as set out in the *Discipline and Complaints Policy* and any applicable workplace policies.

3. WRONGDOING

- 3.1. Wrongdoing can be defined as:
 - 3.1.1. Violating the law;
 - 3.1.2. Intentionally or seriously breaching DPC's *Code of Conduct and Ethics*;

- 3.1.3. Committing or ignoring risks to the life, health, or safety of a Participant, Registrant, Member, or other individual;
- 3.1.4. Directing an individual or Worker to commit a crime, serious breach of a DPC policy, or other wrongful act; or
- 3.1.5. Fraud.

4. PLEDGE

- 4.1. DPC pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any individual who discloses information or submits, in good faith, a report against a Worker under the terms of this Policy.
- 4.2. Any individual affiliated with DPC who breaks this Pledge will be subject to disciplinary action.

5. REPORTING WRONGDOING

- 5.1. A Worker who believes that a DPC Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:
 - 5.1.1. Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
 - 5.1.2. Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
 - 5.1.3. Why the act or action should be considered to be wrongdoing; and
 - 5.1.4. How the wrongdoing affects the Worker submitting the report (if applicable).

6. AUTHORITY

- 6.1. DPC has appointed an Independent Third Party Officer to receive reports and their contact information can be found at the DPC website: www.diving.ca
- 6.2. After receiving the report, the Independent Third Party Officer has the responsibility to:
 - 6.2.1. Assure the Worker of DPC's Pledge
 - 6.2.2. 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)

- 6.2.3. Determine if DPC's *Whistleblower Policy* applies or if the matter should be handled under DPC's *Discipline and Complaints Policy*
- 6.2.4. Determine if the local police service be contacted
- 6.2.5. Determine if mediation or alternate dispute resolution can be used to resolve the issue
- 6.2.6. Determine if DPC's President and/or Chief Operating Officer should or can be notified of the report
- 6.2.7. Begin an investigation

7. INVESTIGATION

- 7.1. If the Independent Third Party Officer determines that an investigation should be launched, the Independent Third Party Officer may decide to contract an external investigator. In such cases, DPC's Chief Operating Officer and/or 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 individual who submitted the report being disclosed. DPC's Chief Operating Officer and/or President may not unreasonably refuse the decision to contract an external investigator.
- 7.2. The investigation may be undertaken as per the Investigations Procedure (Appendix A to the *Discipline and Complaints Policy*).
- 7.3. 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, DPC 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.
- 7.4. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to DPC's President and/or Chief Operating Officer for review and action.

8. DECISION

- 8.1. Within fourteen (14) days after receiving the Investigator's Report, DPC's President and/or Chief Operating Officer will take corrective action, as required. Corrective action may include, but is not limited to including:
 - 8.1.1. Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;

- 8.1.2. Revision of job descriptions or,
- 8.1.3. Discipline, suspension, termination, or other action as permitted by the DPC's By-laws, provincial employment legislation, the DPC's procedures for human resources, the *Discipline and Complaints Policy*, and/or a Worker's Employment Agreement or Contractor Agreement.
- 8.2. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
- 8.3. Decisions made under the terms of this Policy may be appealed under the terms of DPC's *Appeal Policy* provided that:
 - 8.3.1. 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
 - 8.3.2. If the Worker or DPC Director against whom the initial report was submitted is appealing the decision, this Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that DPC will act as the Respondent
- 9. CONFIDENTIALITY
 - 9.1. Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals. An individual who intentionally breaches the confidentiality clause of this Policy will be subject to disciplinary action.