



WHISTLEBLOWER POLICY

Purpose

1. The purpose of this Policy is to allow MLA employees 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

2. This Policy only applies to MLA employees who observe, or experience incidents of wrongdoing committed by directors or by other MLA employees.
3. An Individual who is not employed or contracted by the MLA that observes an MLA employee engaging in wrongdoing or misconduct can file a report with the MLA's Independent Third Party or the MLA Board of Directors. Such complaints will be handled under the terms of the MLA employee's employment agreement or contractor agreement, as applicable, and/or any other relevant and applicable MLA policy.
4. Matters reported under the terms of this Policy may be referred by the Independent Third Party to be heard under the MLA's *Discipline and Complaints Policy*, at their sole discretion.
5. The MLA has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) which applies to all individuals designated by the MLA as UCCMS Participants.

Wrongdoing

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



Pledge

7. The MLA pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any employee who discloses information or submits, in good faith, a report against an Employee under the terms of this Policy.
8. Any Individual affiliated with the MLA who breaks this pledge will be subject to disciplinary action, up to and including termination of employment.

Reporting Wrongdoing

9. An employee who believes that a director or another employee has committed an incident of wrongdoing should prepare a report that shall include 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 MLA employees (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 Employee submitting the report (if applicable).
10. Reports of wrongdoing shall be reported to the Independent Third Party within fourteen (14) days of the alleged incident.
11. After receiving the report, the Independent Third Party has the responsibility to:
 - a) Assure the employee of the MLA's pledge
 - 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) Determine if the MLA's *Whistleblower Policy* applies or if the matter should be handled under the MLA's *Discipline and Complaints Policy*
 - d) Determine if the local police service be contacted
 - e) Determine if mediation or alternate dispute resolution can be used to resolve the issue
 - f) Determine if the MLA's President and/or the MLA Board of Directors should or can be notified of the report
 - g) Determine whether an investigation is required and, if so, facilitate an investigation that is appropriate in the circumstances

Investigation

12. If the Independent Third Party determines that an investigation should be launched, they may decide to contract an external investigator. In such cases, the MLA's Board of Directors 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 Employee who submitted the report being disclosed. The MLA Board of Directors and/or President may not unreasonably refuse the decision to contract an external investigator

13. Where an external investigator is appointed, the Independent Third Party shall take into consideration the nature of the allegations and the financial resources of the MLA.
14. An investigation launched by the Safe Sport Officer or by an external investigator should generally take the following form:
 - a) Follow-up interview with the Employee who submitted the report
 - b) Identification of MLA employees, participants, volunteers or other individuals that may have been affected by the wrongdoing and, where appropriate, interviews with such affected individuals
 - c) Interview with the Director(s) or Employee(s) against whom the report was submitted
 - d) Interview with the supervisor(s) of the Director(s) or Employee(s) against whom the report was submitted, where necessary and appropriate
15. In all stages of the investigation, the investigator will take every precaution to protect the identity of the Employee who submitted the report and/or the specific nature of the report itself. However, the MLA recognizes that there are some instances where the nature of the report and/or the identity of the Employee who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
16. The investigator will prepare a report – omitting names whenever possible to ensure confidentiality – that will be submitted to the MLA's President and/or the MLA Board of Directors to determine whether action pursuant to Section 17 below should be taken.

Decision

17. Within fourteen (14) days after receiving the Investigator's Report, the MLA's President and/or the MLA 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; or
 - c) Discipline, suspension, termination, or other action as permitted by the MLA's bylaws, provincial employment legislation, any relevant and applicable the MLA policy, and/or the Employee's employment agreement or contractor agreement.



18. The corrective action, if any, will be communicated to the Independent Third Party who will then inform the Employee who submitted the report.
19. Decisions made under the terms of this Policy may be appealed under the terms of the MLA's *Appeal Policy* provided that:
 - a) If the Employee who submitted the initial report is appealing the decision, the Employee understands that his or her identity must be revealed if he or she submits an appeal; and
 - b) If the director or Employee against whom the initial report was submitted is appealing the decision, the Employee or director understands that the identity of the Employee who submitted the report will not be revealed and that the MLA will act as the Respondent

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 (the Employee, the Employee(s) against whom the report is submitted, and the individuals interviewed during the investigation) to the greatest extent possible. Information will only be disclosed for the purpose of fully investigating the report or where required by law (including, but not limited to, where the disclosure of information is necessary to ensure the safety of other MLA employees). An individual who intentionally breaches the confidentiality clause of this Policy may be subject to disciplinary action.

Board Approved: March 28, 2023