

## CONFIDENTIAL REPORTING POLICY

### 1. Definitions

- 1.1 “*Director*” – An individual appointed or elected to the Organization’s Board of Directors
- 1.2 “*Worker*” – An individual who has signed an Employment Agreement or Contractor Agreement with the Organization

### 2. Purpose

- 2.1. 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 Manitoba Diving Association (the “Organization”) without fear of unfair treatment or reprisal.

### 3. Application

- 3.1. This Policy only applies to Workers who observe, or experience incidents of wrongdoing committed by Directors or other Workers.
- 3.2. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by the Organization can be reported under the terms of the *Conduct Policy with Disciplinary Procedures* and/or reported to the Board or Executive Director to be handled under the terms of the individual Worker’s Employment Agreement or Contractor Agreement, as applicable, and/or the Organization’s policies for human resources.
- 3.3. Matters reported under the terms of this Policy may be referred to be heard under the Organization’s *Conduct Policy*, at the discretion of the Case Manager or Independent Third-Party Officer (if any).

### 4. Wrongdoing

- 4.1. Wrongdoing can be defined as:
  - 4.1.1. Violating the law;
  - 4.1.2. Intentionally or seriously breaching the Organization’s *Conduct Policy*;
  - 4.1.3. Committing or ignoring risks to the life, health, or safety of a Participant, Registrant, Member, or other individual;
  - 4.1.4. Directing an individual or Worker to commit a crime, serious breach of an Organization policy, or other wrongful act; or
  - 4.1.5. Fraud.

### 5. Pledge

- 5.1. The Organization 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.

5.2. Any individual affiliated with the Organization who breaks this Pledge will be subject to disciplinary action.

## 6. Reporting Wrongdoing

6.1. A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:

- 6.1.1. Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
- 6.1.2. Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
- 6.1.3. Why the act or action should be considered to be wrongdoing; and
- 6.1.4. How the wrongdoing affects the Worker submitting the report (if applicable).

## 7. Authority

7.1. The Organization has appointed a Case Manager or Independent Third-Party Officer (if any) to receive reports and their contact information can be found on the Organization's website.

7.2. After receiving the report, the Case Manager or Independent Third-Party Officer (if any) has the responsibility to:

- 7.2.1. Assure the Worker of the Organization's Pledge
- 7.2.2. 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)
- 7.2.3. Determine if the Organization's *Confidential Reporting Policy* applies or if the matter should be handled under the Organization's *Conduct Policy*
- 7.2.4. Determine if the local police service be contacted
- 7.2.5. Determine if mediation or alternate dispute resolution can be used to resolve the issue
- 7.2.6. Determine if the Organization's President and/or Executive Director] should or can be notified of the report
- 7.2.7. Begin an investigation

## 8. Investigation

8.1. If the Case Manager or Independent Third-Party Officer (if any) determines that an investigation should be launched, the Case Manager or Independent Third Party Officer (if any) may decide to contract an external investigator. In such cases, the Organization's Executive Director 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. The Organization's Executive Director and/or President may not unreasonably refuse the decision to contract an external investigator.

8.2. The investigation may be undertaken as per the Organization's *Investigations Policy*.

- 8.3. 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, the Organization 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.
- 8.4. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the Organization's President and/or Executive Director for review and action.

## 9. Decision

- 9.1. Within fourteen (14) days after receiving the Investigator's Report, the Organization's President and/or Executive Director will take corrective action, as required. Corrective action may include, but is not limited to including:
  - 9.1.1. Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
  - 9.1.2. Revision of job descriptions or,
  - 9.1.3. Discipline, suspension, termination, or other action as permitted by the Organization's By-laws, provincial employment legislation, the Organization's procedures for human resources, the *Conduct Policy*, and/or a Worker's Employment Agreement or Contractor Agreement.
- 9.2. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
- 9.3. Decisions made under the terms of this Policy may be appealed under the terms of the Organization's *Appeal Policy* provided that:
  - 9.3.1. 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
  - 9.3.2. If the Worker or 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 the Organization will act as the Respondent.

## 10. Confidentiality

- 10.1. 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.