



# SQUASH CANADA - SAFE SPORT & WHISTLEBLOWER POLICY

## SAFE SPORT POLICY

**Adopted by the Squash Ontario Board of Directors in March 2020.**

### Definitions

1. The following terms have these meanings in this Policy:
  - a) *"Individuals"* – All categories of membership defined in the Squash Ontario Bylaws including, but not limited to, athletes, coaches, mission staff, officials, volunteers, committee members, parents or guardians, and Directors and Officers.

### Purpose

2. The purpose of this policy is to confirm Squash Ontario's commitment to ensuring a safe sport environment for all Individuals involved within Squash Ontario. Individuals have a right to participate in a safe and inclusive training and competitive environment free of abuse, harassment or discrimination.

### Application of this Policy

3. This Policy applies to all Individuals.

### Responsibilities

4. Squash Ontario commits to implementing education, policies and procedures to minimize risk within its sporting environment.
5. Squash Ontario will:
  - a) Ensure that all coaches employed, contracted or appointed by Squash Ontario are accredited and licensed coaches and have been approved in accordance with Squash Canada's Screening Policy.
  - b) Ensure that all parties engaged on behalf of Squash Ontario are aware of their duties and obligations to report to Squash Ontario on a timely basis any issues or potential violations of Squash Ontario policies relating to conduct.
  - c) Ensure that all communications (email, written or text) are shared with a minor athlete's legal guardian.
  - d) Ensure that all in-person interactions between a Squash Ontario representative and an athlete will occur in the presence, or close presence, of another individual, except in the case of a medical emergency.
  - e) Ensure written consent of a minor athlete is obtained from the minor athlete's legal guardian in the case of one-on-one travel.
  - f) Ensure that all policies are consistent with the long-term athlete development strategy.
  - g) Establish and approve the following policies in order to support the safe sport environment:
    - i. Code of Conduct Policy
    - ii. Discipline and Complaints Policy
    - iii. Alternate Dispute Resolution Policy
    - iv. Appeal Policy

- v. Whistleblower Policy
- vi. Screening Policy
- vii. Inclusion Policy (Gender Equity and Access Policy)
- viii. Conflict of Interest Policy
- ix. Privacy Policy

#### **Notification of Complaints**

- 6. All Squash Ontario representatives, including coaches and related personnel, will report any suspected breach of Squash Ontario's policies on a timely basis. Any other Individual may also report any such alleged breach of Squash Ontario's policies.
- 7. Squash Ontario will report any and all complaints as required by legislation to the appropriate bodies.

## **WHISTLEBLOWER POLICY**

#### **Definitions**

- 1. The following terms have these meanings in this Policy:
  - a) *Director* – An individual appointed or elected to Squash Ontario's Board of Directors
  - b) *Worker* – An individual who has signed an Employment Agreement or Contractor Agreement with Squash Ontario

#### **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 individuals who observe or experience incidents of wrongdoing committed by Directors 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 Squash Ontario can be reported under the terms of Squash Ontario's *Discipline and Complaints Policy* and/or reported to Squash Ontario's Executive Director to be handled under the terms of the individual Worker's Employment Agreement or Contractor Agreement.
- 5. Matters reported under the terms of this Policy may be referred to be heard under Squash Ontario's *Discipline and Complaints Policy*, at the discretion of the Compliance Officer.

#### **Wrongdoing**

- 6. Wrongdoing can be defined as:

- a) Violating the law;
- b) Intentionally or seriously breaching of Squash Ontario's *Code of Conduct*;
- c) Intentionally or seriously breaching Squash Ontario'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 Squash Ontario policy, or other wrongful act; or
- f) Fraud.

### **Pledge**

- 7. Squash Ontario 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 Squash Ontario who breaks this pledge will be subject to disciplinary action.

### **Reporting Wrongdoing**

- 9. A Worker who believes that a Director 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. Squash Ontario has appointed the following Compliance Officer to receive reports made under this Policy: current Squash Ontario, Executive Director.

In the event the complaint is against the Executive Director the report should be sent to the current President of the Squash Ontario provincial board.

- 11. After receiving the report, the Compliance Officer has the responsibility to:
  - a) Assure the Worker of Squash Ontario'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 Squash Ontario 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 Squash Ontario's *Whistleblower Policy* applies or if the matter should be handled under Squash Ontario's *Discipline and Complaints Policy*
- e) Determine if the local police service should be contacted
- f) Determine if mediation or alternate dispute resolution can be used to resolve the issue
- g) Determine if Squash Ontario's President and/or Executive Director should or can be notified of the report
- h) Begin an investigation

### **Alternate Liaison**

12. If the Worker feels that the Compliance Officer is unable to act in an unbiased or discrete manner due to the individual's role with Squash Ontario and/or the content of the report, the Worker should contact the following individual who will act as an independent liaison between the Worker and the Compliance Officer:

**Steven J. Indig, LLB**

**Sport Law & Strategy Group**

**SJI@sportlaw.ca**

13. The Alternate Liaison will not disclose the Worker's identity to the Compliance Officer or to anyone affiliated with Squash Ontario without the Worker's consent.
14. A Worker 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 Alternate Liaison for informal advice about the process.

### **Investigation**

15. If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, Squash Ontario'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 Worker who submitted the report being disclosed. Squash Ontario's Executive Director and/or President may not unreasonably refuse the decision to contract an external investigator, but may negotiate or limit the costs of such investigation.

16. An investigation launched by the Compliance Officer or by an external investigator should generally take the following form:
  - a) 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 Director(s) or Worker(s) against whom the report was submitted
  - e) Interview with the supervisor(s) of the Director(s) or Worker(s) against whom the report was submitted
17. 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, Squash Ontario 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.
18. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to Squash Ontario's President and/or Executive Director for review and action.

## **Decision**

19. Within fourteen (14) days after receiving the Investigator's Report, Squash Ontario'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
  - c) Discipline, suspension, termination, or other action as permitted by Squash Ontario's Bylaws, Ontario's *Employment Standards Act*, Squash Ontario's *Human Resources Policy*, and/or the Worker's Employment Agreement or Contractor Agreement.
20. The corrective action, if any, will be communicated to the investigator who will then inform the Worker who submitted the report.
21. Decisions made under the terms of this Policy may be appealed under the terms of Squash Ontario'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 Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that Squash Ontario will act as the Respondent

## **Confidentiality**

22. 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.