

POLICY

Policy Name	Public Interest Disclosure Act Policy
Policy Number	GA2
Approving Authority	Board of Directors
Designated Executive Officer	Chief Legal Counsel, Governance & Regulatory Affairs
Effective Date	July 1, 2025 ¹
Last Reviewed	April 2025
Next Review	April 2028

Associated Procedure: [Public Interest Disclosure Act Procedure](#)

1. PURPOSE

The purpose of this Policy and related Procedures is to establish mechanisms to facilitate the disclosure, by employees of the British Columbia Energy Regulator (“BCER”), under the *Public Interest Disclosure Act* (PIDA) of significant and serious matters that are potentially unlawful, dangerous to the public or injurious to the public interest, and to ensure protections from reprisals under PIDA.

2. APPLICATION AND SCOPE

This Policy applies to the disclosure by employees of wrongdoing as defined under PIDA. Matters that do not relate to wrongdoing as defined in PIDA will continue to be managed in accordance with other BCER policies and mechanisms, as applicable. This Policy does not act as a dispute resolution mechanism or replace grievances, provisions in collective agreements and other administrative processes.

¹ As amended (originally effective December 31, 2022)

3. DEFINITIONS

Within this Policy and related Procedures,

“**Act**” or “**PIDA**” means the *Public Interest Disclosure Act*.

“**Advice**” means advice that may be requested in respect of making a disclosure or a complaint about a reprisal under PIDA.

“**Chief Executive Officer**” means the Commissioner and Chief Executive Officer of the BCER.

“**Designated Officer**” means the senior official(s) designated by the Chief Executive Officer for receiving requests for advice, receiving disclosures and investigating disclosures under PIDA, including any staff or contractor delegated by a Designated Officer in their discretion to assess and investigate disclosures at their discretion and as required in the circumstances.

“**Disclosure**” means a written report of wrongdoing made by an employee under PIDA.

“**Employee**” means an employee of the BCER and includes a director of the BCER and a former employee, if a wrongdoing occurred or was discovered when the employee was employed by the BCER.

“**Procedures**” means the BCER’s procedures established under section 9 of PIDA and this Policy.

“**Reprisal**” means any of the following measures taken against, or counselled to be taken against, an employee solely by reason that the employee has, in good faith, made a request for advice, a disclosure or a complaint about a reprisal, or cooperated with an investigation under PIDA:

- a. a disciplinary measure;
- b. a demotion;
- c. a termination of employment;
- d. any measure that adversely affects an employee’s employment or working conditions;
- e. a threat to take any of the measures described in paragraphs (a) to (d).

“**Wrongdoing**” means

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in an employee’s duties or functions;

- c. a serious misuse of public funds or public assets;
- d. gross or systemic mismanagement; and/or
- e. knowingly directing or counselling a person to commit a wrongdoing described in paragraphs a. to d.

4. PRINCIPLES

- 4.1. The BCER is committed to maintaining high ethical standards in its activities, ensuring transparency and accountability, and seeks to foster a culture in which employees are encouraged to disclose wrongdoing.
- 4.2. The BCER will follow this Policy in investigations of disclosures received under this policy in accordance with the principles of administrative fairness including procedural fairness and natural justice.
- 4.3. The BCER will not commit or tolerate reprisals against any employee who, in good faith, makes a request for advice, makes a disclosure, cooperates in an investigation or makes a complaint about a reprisal, or against any contractor which has cooperated in an investigation under PIDA.
- 4.4. The BCER is committed to protecting the privacy of individuals involved in disclosures and investigations under PIDA.

5. POLICY REQUIREMENTS

- 5.1. Employees must make disclosures in good faith based on a reasonable belief that wrongdoing has occurred or is about to occur, in accordance with this Policy and Procedures, and cooperate during an investigation under PIDA.
- 5.2. Employees must not engage in any reprisal against a person who has, in good faith, requested advice, made a disclosure or a complaint about reprisal, or has cooperated in an investigation under PIDA.
- 5.3. The Chief Executive Officer must designate at least one senior official as a designated officer for the BCER and ensure that information about PIDA, this Policy and the Procedures are available to all BCER employees.
- 5.4. The Designated Officer must receive and respond to requests for advice, and receive, manage and investigate disclosures in accordance with the Procedures and principles of administrative fairness. If appropriate, the Designated Officer must also refer matters that do not meet the PIDA threshold for wrongdoing to other authorities.
- 5.5. Supervisors must respond to requests for advice and manage any disclosures received in accordance with the Procedures and principles of administrative fairness.

- 5.6. The identity of an employee who makes a disclosure, as well as any information collected under this Policy and the Procedures, must be treated as confidential and used and disclosed only as described in this Policy, the Procedures and/or PIDA, or as otherwise permitted or required under the *Freedom of Information and Protection of Privacy Act* and/or other applicable laws.
- 5.7. The Chief Executive Officer must ensure an annual report, including the number of disclosures under PIDA, investigations, outcomes and other relevant information, is prepared in accordance with requirements under PIDA and made publicly available. The BCER's Board of Directors must be updated, on an annual basis at minimum, or such sooner interval as circumstances warrant.

6. CONSEQUENCES OF NON-COMPLIANCE

Employees who fail to comply with this Policy may be subject to disciplinary action, up to and including termination of employment. In addition to disciplinary consequences, it is a provincial offence under PIDA to obstruct, make a false statement to, or mislead or attempt to mislead, a person in the performance of their duties, powers, or functions under PIDA, which is punishable upon conviction by a fine.

7. RELATED LEGISLATIVE REFERENCES

Public Interest Disclosure Act, SBC 2018, c 22

Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165

8. RELATED BCER POLICIES

Safe Disclosure Policy

Employee Code of Conduct and Ethics

Financial Interests and Assets Disclosure Policy

9. AUTHORITIES AND OFFICERS

9.1. Approving Authority – Board of Directors

9.2. Designated Executive Officer – Sara Gregory, Chief Legal Counsel, Governance & Regulatory Affairs

9.3. Procedural Authority – Executive

9.4. Procedural Officer – Claire Bond, Senior Legal Counsel