

# POLICY

Policy Name	Safe Disclosure Policy
Policy Number	GA3
Approving Authority	Board of Directors
Designated Executive Officer	Chief Legal Counsel, Governance & Regulatory Affairs
Effective Date	July 1, 2025 <sup>1</sup>
Last Reviewed	April 2025
Next Review	April 2028

**Associated Procedure:** [Safe Disclosure Procedures](#)

## 1. PURPOSE

The purpose of this Policy and related Procedures is to establish mechanisms to facilitate the disclosure, by third parties of the British Columbia Energy Regulator (“BCER”), 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.

## 2. APPLICATION AND SCOPE

This Policy applies to the disclosure by third parties of wrongdoing as defined under this policy. Matters that do not relate to wrongdoing as defined in this policy will continue to be managed in accordance with other BCER policies and mechanisms, as applicable. This policy does not replace the BCER’s existing system for registering public complaints regarding activities regulated by the BCER. Further, this Policy does not act as a dispute resolution mechanism or replace other administrative processes.

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<sup>1</sup> As amended (originally effective December 31, 2022)

### 3. DEFINITIONS

Within this Policy and related Procedures,

**“Advice”** means advice that may be requested in respect of making a disclosure.

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

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

**“Disclosure”** means a written report of wrongdoing made by a third party under this Policy.

**“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 to manage disclosures by third parties under this Policy.

**“Reprisal”** means any adverse measure taken by the BCER against a person by reason that the person has, in good faith, made a request for advice or a disclosure or cooperated with an investigation of alleged wrongdoing under this Policy.

**“Third party”** means a person, other than an employee.

**“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;
- 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 third parties 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 person who, in good faith, makes a request for advice, makes a disclosure, or cooperates in an investigation under this Policy.
- 4.4. The BCER is committed to protecting the privacy of individuals involved in disclosures and investigations under this Policy.

## **5. POLICY REQUIREMENTS**

- 5.1. Third parties 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. Third parties and BCER employees must cooperate during an investigation under this Policy.
- 5.2. Employees must not engage in any reprisal against a person who has, in good faith, requested advice about making a disclosure or made a disclosure, or has cooperated in an investigation under this Policy.
- 5.3. The Chief Executive Officer must designate at least one senior official as an assigned officer for the BCER and ensure that information about this Policy and the Procedures are available to third parties and BCER employees.
- 5.4. The Assigned 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 Assigned Officer must also refer matters that do not meet the threshold for wrongdoing under this Policy to other authorities.
- 5.5. The identity of a third party 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, or as otherwise permitted or required under the *Freedom of Information and Protection of Privacy Act* and/or other applicable laws.
- 5.6. The Chief Executive Officer must ensure an annual report, including the number of disclosures under this Policy, investigations, outcomes and other relevant information, is prepared in accordance with applicable confidentiality and privacy

requirements. 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.

## **7. RELATED LEGISLATIVE REFERENCES**

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

## **8. RELATED BCER POLICIES**

Public Interest Disclosure Act 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