

Public Interest Disclosure Act Policy

ISSUANCE: BOARD

APPROVED:

EFFECTIVE: December 31, 2022

1.0 General

1.2 Purpose

The BC Energy Regulator (BCER) is committed to maintaining high ethical standards in its activities, ensuring transparency and accountability. The *Public Interest Disclosure Act* (PIDA) facilitates the disclosure, by employees, of significant and serious matters that are potentially unlawful, dangerous to the public or injurious to the public interest, and the protection of employees who make disclosures under PIDA.

The purpose of this policy is to:

- a. encourage BCER employees to report suspected wrongdoing as defined under PIDA;
- b. set out relevant roles and responsibilities in relation to disclosure by employees of wrongdoing as defined under PIDA; and
- c. reinforce the BCER's commitment to provide protections from reprisal in accordance with PIDA.

1.3 Application

This policy and the Safe Disclosure Policy replace the Public Interest Disclosure Policy approved June 14, 2022.

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.

1.4 Definitions

Within this policy, the following terms may be defined as:

- **“Advice”** means advice that may be requested in respect of making a disclosure or a complaint about a reprisal.
- **“Disclosure”** means a disclosure of wrongdoing made by an employee under PIDA.
- **“Employee”** refers to a current or former employee of the BCER.
- **“Ombudsperson”** means the Ombudsperson appointed under the *Ombudsperson Act*.
- **“Procedures”** means the BCER’s procedures established under section 9 of PIDA.
- **“Reprisal”** means, in the case of an employee,
 - 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).

2.0 Roles and Responsibilities

2.1 Commissioner and Chief Executive Officer

The Commissioner and Chief Executive Officer is responsible for the implementation of this policy and the overall administration and reporting requirements of PIDA, including establishing the applicable procedures and ensuring information about PIDA and the procedures are available to BCER employees. The Chief Executive Officer is also responsible for designating at least one senior official as a designated officer.

2.2 Designated Officer

A designated officer is an individual designated by the Chief Executive Officer to receive and respond to requests for advice, and to receive, manage and investigate disclosures in accordance with the applicable procedures and principles of administrative fairness. If appropriate, a designated officer also has a responsibility to refer matters that do not meet the PIDA threshold to other authorities.

2.3 Supervisors

Supervisors are responsible for receiving and responding to requests for advice and for managing and forwarding any disclosures received to a designated officer in accordance with the applicable procedures and principles of administrative fairness.

2.4 Employees

Employees are responsible for making disclosures in good faith and in accordance with the applicable procedures, cooperating during an investigation and seeking clarification from their supervisor or a designated officer if they are unsure about any aspect of this policy.

3.0 Disclosures

Employees are encouraged to make disclosures, in good faith, to their supervisor, a designated officer or to the Ombudsperson, if they reasonably believe they have information that could show a wrongdoing has occurred or is about to occur. The applicable procedures include information on how to make a disclosure.

Employees who are considering making disclosures or complaints about reprisals have the option to request and receive advice from their union representative or employee association representative, if applicable, a lawyer, a supervisor, a designated officer or the Ombudsperson. The applicable procedures include information on how to request advice.

The applicable procedures outline what takes place once a request for advice or a disclosure is received by a supervisor or designated officer.

Reprisals against an employee 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, are prohibited under PIDA and will not be tolerated.

4.0 Privacy and Confidentiality

The identity of an employee who makes a disclosure, as well as any information collected under this policy and the procedures, will be treated as confidential and used and disclosed 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.

5.0 Reporting

The Commissioner and Chief Executive Officer will 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 will be updated on a quarterly basis.