

Safe Disclosure 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 BCER facilitates the disclosure, by third parties, of significant and serious matters that are potentially unlawful, dangerous to the public or injurious to the public interest, and the protection of third parties who make such disclosures.

The purpose of this policy is to:

- a. encourage third parties to report suspected wrongdoing as defined under this policy;
- b. set out relevant roles and responsibilities in relation to disclosure by third parties of wrongdoing as defined under this policy; and
- c. reinforce the BCER's commitment to provide appropriate protections from reprisal.

1.3 Application

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

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.

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.
- **“Disclosure”** means a disclosure of wrongdoing made by a third party under this policy.
- **“Procedures”** means the BCER’s procedures established to manage disclosures by third parties under this policy.
- **“Reprisal”** means any adverse action taken by the BCER against a person by reason that the person has made a request for advice or a disclosure or cooperated with an investigation of alleged wrongdoing under this policy.
- **“Third party”** includes
 - a. contractors and service providers to the BCER;
 - b. volunteers at the BCER; and
 - c. Indigenous communities, members of the public and other stakeholders.
- **“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).

2.0 Roles and Responsibilities

2.1 Commissioner and Chief Executive Officer

The Commissioner and Chief Executive Officer is responsible for the implementation and overall administration of this policy, including establishing the applicable procedures and ensuring information

about this policy and the procedures are available to third parties. The Chief Executive Officer is also responsible for assigning at least one senior official as an assigned officer.

2.2 Assigned Officer

An assigned officer is an individual assigned 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, an assigned officer also has a responsibility to refer matters that do not fall under this policy to other authorities.

2.4 Third Parties

Third parties may make disclosures in good faith and in accordance with the applicable procedures and are invited to seek clarification from an assigned officer if they are unsure about any aspect of this policy.

3.0 Disclosures

Third parties may make disclosures, in good faith, to an assigned officer, 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.

The BCER will facilitate requests for advice from third parties made to an assigned officer. 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 an assigned officer.

Reprisals against a person by reason that the person has made a request for advice or a disclosure or cooperated with an investigation of alleged wrongdoing will not be tolerated.

4.0 Privacy and Confidentiality

The identity of a third party 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, 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 this policy, investigations, outcomes and other relevant information, is prepared in accordance with applicable confidentiality and privacy requirements and made publicly available.

The BCER's Board of Directors will be updated on a quarterly basis.