



Safe Disclosure Procedures

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IMPORTANT: These Procedures do not replace the BCER's system for registering complaints about activities regulated by the BCER, including where concerns exist about risks to the environment and/or public safety. **Emergency situations** require phoning the BCER's 24-hour reporting line at **250-794-5200**.

INTRODUCTION

Purpose

The following Procedures are established to manage disclosures made by third parties of alleged wrongdoing as defined under the BCER's Safe Disclosure Policy. These Procedures reflect the guiding principle that disclosures must be managed in an expeditious, fair and proportionate manner.

Disclaimer: This document is designed to provide guidance regarding some of the procedures in relation to third party disclosures. No legal rights or responsibilities are created by this document, which does not take the place of applicable laws.

Note: The Ombudsperson has distinct procedures. Third parties wishing to file complaints with the Ombudsperson can contact them for more information.

Scope

These Procedures apply to requests for advice and disclosures received by the BCER from third parties.

Definitions

"Assigned Officer" means the senior official(s) assigned by the Chief Executive Officer for receiving requests for advice, receiving disclosures and investigating disclosures under the Policy, including any staff or contractor delegated by a 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.

"Discloser" means a third party of the BCER who requests advice or makes a disclosure under the Policy.

"Disclosure" means a disclosure of wrongdoing made by a third party under the Policy.

"Employee" means an employee of the BCER and includes former employees.

"Policy" means the BCER's Safe Disclosure Policy, as amended from time to time.

"Reprisal" means any adverse action taken by the BCER, or a person acting on behalf of 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.

"Respondent" means a person alleged or found to have committed wrongdoing.

"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).

A. DISCLOSURE PROCEDURES

Requests for Advice

1. A third party who is considering making a disclosure may seek and receive advice about doing so from an Assigned Officer. This does not limit or prevent a third party from requesting advice from any other source(s) as may be available (e.g., union representative or employee association representative as applicable, a lawyer, etc.).
2. The Assigned Officer may require the third party to make the request for advice in writing.
3. Assigned Officers will document all requests for advice received under these Procedures and maintain a written record of the advice provided.
4. Third parties may wish to specify that they are requesting advice under these Procedures. Assigned Officers are to clarify that a request for advice is being made under these Procedures if the matter is unclear.
5. Assigned Officers must respond to a request for advice within five business days where practicable. If it is not practicable to provide a response within five business days, the Assigned Officer will notify the third party of the delay, reasons for the delay and the expected date on which a response will be provided.
6. Third parties who seek advice as set out above are protected from reprisal under the Policy and these Procedures. This protection applies whether or not the third party decides to make a disclosure.

Making a Disclosure

7. Third parties can report allegations of wrongdoing as defined under the Policy and these Procedures to the BCER by making a disclosure to an Assigned Officer. Allegations made to other persons are not covered by these Procedures.

8. Third parties can make disclosures of wrongdoing as defined in the Policy and these Procedures. These Procedures apply to disclosures by third parties of the following wrongdoings in or relating to the BCER:

- (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;
- (e) knowingly directing or counselling a person to commit a wrongdoing.

9. Third parties can make disclosures, in good faith, about wrongdoings that they reasonably believe have occurred or are about to occur.

10. Third parties who wish to make a disclosure must do so in writing. Third parties are encouraged to use the **Disclosure Form for Third Parties**.¹ Disclosures must include the following information, if known:

- (a) a description of the wrongdoing;
- (b) the name(s) of the person alleged
 - (i) to have committed the wrongdoing, or
 - (ii) to be about to commit the wrongdoing;
- (c) the date(s) of the wrongdoing;
- (d) whether the information or conduct that is being disclosed relates to an obligation under an enactment and, if so, a reference to the enactment;
- (e) whether the wrongdoing has already been disclosed under an enactment or another process;
- (f) if paragraph (e) applies, the name of the person to whom the disclosure was made and the response, if any, that has been received.

11. Third parties can also make disclosures to an Assigned Officer by email or mail. Third parties are encouraged to note that they are making a disclosure under the BCER's Safe Disclosure Policy and to ensure that their disclosure includes the required information.

12. If an initial disclosure is not made in writing, the Assigned Officer will assist the third party to document their disclosure using the **Disclosure Form for Third Parties**.

¹ Appendix A

Anonymous Disclosures

13. Third parties who wish to make a disclosure may do so anonymously. However, anonymous disclosers should ensure that they have provided adequate particulars about the allegations to allow the Assigned Officer to assess whether the allegations warrant investigation under these Procedures. Anonymous disclosers should consider providing contact information so that the Assigned Officer can follow up to obtain more information about the disclosure as needed.

14. Assigned Officers will provide anonymous disclosers with the following information:

- (a) They will only share the discloser's identity with their express permission or for a lawful purpose.
- (b) Making an anonymous disclosure does not mean that the BCER or staff will not suspect who made the disclosure.
- (c) The Policy and these Procedures provide protection from reprisal for disclosers, and the BCER does not tolerate retaliation against disclosers.
- (d) Without knowing the identity of the discloser, the Assigned Officer cannot conduct a reprisal risk assessment or take certain measures to mitigate risk of reprisal to the third party.
- (e) If the anonymous discloser does not provide contact information, the Assigned Officer may not be able to obtain sufficient information to assess the disclosure.
- (f) Any notices required to be given to a discloser (e.g., notice of an investigation, summary of the results, etc.) will not be provided to an anonymous discloser, except at the discretion of the Assigned Officer and where the discloser has provided contact information.

Multiple Disclosers

15. If multiple disclosers come forward at the same time regarding the same alleged wrongdoing, the Assigned Officer may assess and investigate the disclosures together as a single matter.

16. The fact that multiple disclosers have come forward about the same alleged wrongdoing will not be shared with the other disclosers. Each discloser will have protections from reprisal under the Policy and these Procedures, and will be interviewed separately.

Reprisal

17. The BCER will not tolerate reprisal when:

- (a) a third party seeks advice about making a disclosure;
- (b) a third party makes a disclosure;
- (c) a third party or employee cooperates with an investigation under these Procedures.

18. An adverse measure can include, among other things:

- (a) in the case of contractors or service providers, termination of a contract or service agreement, withholding payments, or deeming them ineligible for future opportunities;

- (b) in the case of volunteers, any measure that adversely affects the volunteer's experience, or deems them ineligible for future volunteer opportunities;
- (c) in the case of Indigenous communities, members of the public and other stakeholders, any measure which adversely affects their ability to engage with the BCER;
- (d) in the case of employees, a disciplinary measure, a demotion, a termination of employment, any measure that adversely affects an employee's employment or working conditions, or a threat to take any such measures.

B. ASSESSMENT PROCEDURES

19. The Assigned Officer is responsible for receiving disclosures and assessing whether they are made by a third party and meet the threshold for wrongdoing.

20. The Assigned Officer will conduct this initial assessment prior to determining whether an investigation is warranted.

Initial Interview

21. The Assigned Officer will confirm receipt of a disclosure to a third party within two business days. The Assigned Officer will conduct an initial interview with a discloser as soon as possible after receipt of a disclosure. The interview, and any subsequent interviews, will be conducted in a manner and place that maintains the confidentiality of the identity of the discloser.

22. The purpose of the interview is to gather more information about the nature of the disclosure and to assess whether it meets the threshold for wrongdoing. The interview is also intended to inform the Assigned Officer's assessment of the urgency of the matter, as well as an initial consideration of any risk of reprisal to the discloser.

Risk Assessments

23. The Assigned Officer is responsible for conducting two types of risk assessments: an urgency assessment and a reprisal risk assessment. Both assessments will be conducted as soon as practicable. The assessments are then conducted throughout the life of a file, particularly as new information is received, indicating the presence of a risk or when the file moves to a new phase (from assessment, to investigation, to reporting).

Urgency Assessment

24. The Assigned Officer will assess whether the disclosure raises a matter which requires an urgent response. Urgent responses may be required where the subject matter of the disclosure indicates a serious risk to life, public health or safety or the environment. An urgent response may also be required where:

- The alleged wrongdoing has not occurred and there is an opportunity to intervene before it occurs;
- There is a high risk that evidence will be lost or destroyed;
- There is an imminent risk of significant financial harm;
- There is a high risk of reprisal for the discloser.

25. Where a matter poses a risk of significant harm to the environment or the health or safety of persons, the Assigned Officer will consider whether the public interest reporting provision in section 25 of the *Freedom of Information and Protection of Privacy Act* may be applicable. Where the Assigned Officer believes section 25 may apply, the Assigned Officer will consult the Chief Executive Officer.

Reprisal Risk Assessment

26. Third parties are protected from reprisal under the Policy and these Procedures for making a disclosure or requesting advice about making a disclosure. Third parties and employees are protected from reprisal under the Policy and these Procedures for cooperating with a disclosure investigation.

27. The Assigned Officer must conduct a reprisal risk assessment when they receive a disclosure. The reprisal risk assessment is intended to ensure any risks of reprisal are identified and managed to the extent possible.

Gathering Information

28. The Assigned Officer is responsible for reviewing the third party's disclosure form or other written submission to ensure it meets the content requirements in paragraph 10 of these Procedures.

29. If the content requirements are not met, the Assigned Officer will identify any information that is outstanding and ask the discloser to provide that additional information, if known.

30. If the third party makes a disclosure verbally, the Assigned Officer will assist the third party to follow up with a written disclosure, as described in paragraph 12 above.

Assessing the Disclosure

31. The Assigned Officer will assess the disclosure to confirm the following:

- (a) the discloser is a third party of the BCER;
- (b) the alleged wrongdoing occurred in or relating to the BCER;
- (c) the allegations meet the threshold of wrongdoing for at least one of sections (a) to (e) of the definition; and
- (d) the disclosure is in writing and contents of the disclosure include the information set out in paragraph 10.

32. If the Assigned Officer determines that the allegations, if proven, would meet the threshold of wrongdoing, the Assigned Officer will also consider whether there is a reasonable basis to support an investigation. The Assigned Officer will assess whether the discloser has provided some evidence that could support a conclusion that the alleged wrongdoing occurred. Mere speculation on the part of the discloser without any evidentiary support does not suffice.

Deciding Whether to Investigate

33. Once the assessment of a disclosure is complete, the Assigned Officer must determine whether or not to investigate. The Assigned Officer will decide whether to investigate within 30 days of receipt of the disclosure where practicable.

34. If the Assigned Officer concludes the assessment will require more than 30 days, they will notify the Chief Executive Officer of the delay, reasons for the delay, and the expected date on which the assessment will be complete and a decision made.

Refusing or Stopping Investigation

35. If the disclosure is not made by a third party, or if the wrongdoing alleged does not relate to the BCER, the Assigned Officer must refuse to investigate under these Procedures.

36. If the disclosure does not meet the threshold for wrongdoing as defined under the Policy and these Procedures, or there is no reasonable basis to support an investigation, the Assigned Officer must refuse to investigate under these Procedures.

37. Where the disclosure meets the assessment criteria, the Assigned Officer must consider whether they are prohibited from investigating these Procedures.

38. The Assigned Officer is prohibited from investigating if the disclosure relates primarily to:

- (a) a dispute between a contractor or service provider and the BCER respecting their contract or terms of service;
- (b) a matter relating to law enforcement;
- (c) a matter relating to the prosecution of an offence; or
- (d) an adjudicative function of a court, tribunal or other statutory decision maker, including a decision, or the processes or deliberations that have led to or may lead to a decision, by the court, tribunal or other statutory decision maker.

If any of the above circumstances apply, the Assigned Officer must not investigate the disclosure, or stop an investigation, as applicable.

39. If the Assigned Officer determines they are not prohibited from investigating, they will consider whether they should exercise their discretion to refuse to investigate, or stop an investigation, as applicable, applying the following discretionary considerations:

- (a) The disclosure does not provide sufficient details or particulars about the wrongdoing;
- (b) The disclosure is frivolous or vexatious;
- (c) The disclosure was not made in good faith;
- (d) The investigation of the disclosure would serve no useful purpose or could not be reasonably conducted because of the length of time that has passed between the date when the subject matter of the disclosure arose and the date of the disclosure;

- (e) The disclosure relates solely to a public policy decision;
- (f) The disclosure has been referred to another appropriate authority for investigation; or
- (g) The disclosure has already been or is being appropriately investigated.

40. The Assigned Officer may seek additional sources of information to assist in determining whether or not an investigation is appropriate.

41. Unless the disclosure was made anonymously, the Assigned Officer will notify the discloser of a decision not to investigate the disclosure or to stop an investigation and will provide reasons for the decision. If the disclosure was made anonymously and the anonymous discloser has provided contact information, the Assigned Officer may send notification to the anonymous discloser at the Assigned Officer's discretion, along with reasons for the decision. The Assigned Officer must also, except in extenuating circumstances, notify the Chief Executive Officer of a decision not to investigate or to stop an investigation.

42. Where the Assigned Officer decides not to investigate or to stop an investigation, the Assigned Officer will consider whether there are other mechanisms available for addressing the discloser's concerns and provide that information to the discloser as appropriate.

Referral to the Ombudsperson

43. Where the Assigned Officer determines that the disclosure is eligible for investigation under these Procedures, the Assigned Officer will consider whether the disclosure, in whole or in part, would be more appropriately directed as a complaint to the Ombudsperson. In assessing whether to refer a discloser to the Ombudsperson, the Assigned Officer will consider:

- the level and position of the alleged wrongdoer(s);
- potential conflicts of interest or perceptions of conflict;
- the likelihood of voluntary compliance of witnesses;
- whether the disclosure involves sensitive political or social issues;
- implications to the public interest;
- the risk of reprisal to the discloser and;
- any other relevant factors that arise on the facts of the case.

44. The Assigned Officer will consult with the Chief Executive Officer prior to referring a discloser to the Ombudsperson, and make the referral at the direction of the Chief Executive Officer, unless the disclosure is about the Chief Executive Officer.

45. In the case of any disclosure involving the Chief Executive Officer, the Assigned Officer will refer the discloser to the Ombudsperson, unless the disclosure was made anonymously, in which case if the anonymous discloser has provided contact information, the Assigned Officer may refer the anonymous discloser to the Ombudsperson at the Assigned Officer's discretion.

Report to Law Enforcement

46. The Assigned Officer may report an alleged offence relating to a request for advice or a disclosure to a law enforcement agency if the Assigned Officer has reason to believe an offence may have been committed. The offence may be reported regardless of whether the disclosure is determined to meet the threshold for wrongdoing or whether the Assigned Officer decides to investigate the allegations. In assessing whether to make a report, the Assigned Officer will consider the seriousness of the allegations and whether the alleged offence may be a criminal offence.

47. The victim, if applicable, of any alleged offence will be consulted prior to a report being made, unless consultation poses health and/or safety concerns. Assigned Officers may also wish to consider concerns about reporting to law enforcement in cases where persons involved belong to communities or groups that have historically been overpoliced.

48. The Assigned Officer will not report an alleged offence without first consulting the Chief Executive Officer, unless the Chief Executive Officer is implicated in the alleged offence.

49. The Assigned Officer will provide no more information to law enforcement than is necessary to make the report.

Postponing or Suspending an Investigation

50. The Assigned Officer may postpone or suspend an investigation if they:

- (a) report an alleged offence to law enforcement prior to, or during an investigation;
- (b) consider that investigation may compromise another investigation; or
- (c) become aware that the alleged wrongdoing being investigated is also being investigated in the prosecution of an offence.

51. The Assigned Officer must consult with the Chief Executive Officer prior to postponing or suspending an investigation, unless the Chief Executive Officer is implicated in the wrongdoing.

52. Unless the disclosure was made anonymously or the Assigned Officer considers the notification would compromise another investigation, the Assigned Officer must notify the discloser of a decision to postpone or suspend an investigation. If the disclosure was made anonymously and the anonymous discloser has provided contact information, the Assigned Officer may send notification to the anonymous discloser at the Assigned Officer's discretion. The Assigned Officer must also, except in extenuating circumstances, notify the Chief Executive Officer of a decision to postpone or suspend an investigation.

53. The discloser must be notified of the decision to postpone or suspend an investigation, unless the Assigned Officer considers the notification would compromise another investigation.

54. If the Assigned Officer decides a disclosure warrants investigation under these Procedures, the Assigned Officer must investigate in accordance with Part C of these Procedures, and in accordance with the principles of procedural fairness and natural justice.

C. INVESTIGATION PROCEDURES

Notifying Parties

Notice to Discloser

55. The Assigned Officer must notify the discloser of the decision to investigate, unless the disclosure was made anonymously, in which case the Assigned Officer may, if the anonymous discloser has provided contact information, send notification to the anonymous discloser at the Assigned Officer's discretion. The notification may be brief and may be provided orally or in writing. The notification will include the scope of the investigation. If only part of the disclosure will be investigated, the Assigned Officer will provide the discloser reasons for their decision not to investigate the remaining portions of the disclosure.

Notice to Chief Executive Officer

56. Generally, the Assigned Officer will provide notice to the Chief Executive Officer of the decision to investigate. Notice may be delayed until an appropriate time if the Assigned Officer considers that notification may compromise the investigation or expose the discloser to reprisal.

57. If the Chief Executive Officer is alleged to be responsible for the wrongdoing, the Assigned Officer will notify the Chair of the Board of Directors or a member of Executive, and the Minister, Ministry of Energy, Mines and Low Carbon Innovation.

Notice to Respondents

58. The Assigned Officer will notify any respondents that their conduct is the subject of an investigation at an appropriate time, taking into account the need to protect the integrity of the investigation and the respondents' rights to procedural fairness. Respondents will in all cases receive notice of the allegations prior to being interviewed.

Maintaining Confidentiality

59. Assigned Officers may collect, use and disclose personal information for the purpose of these Procedures where the personal information is included in a disclosure or is for the purpose of an investigation or report.

60. For the purpose of these Procedures, Assigned Officers may facilitate any necessary consent or direction from the BCER in respect of the disclosure and use of information accessed or obtained by a third party as a result of a contract with the BCER.

61. Information about the identity of the discloser must be maintained in confidence and may only be used or shared for the purposes of the Act, including as described in the Policy and these Procedures, or as otherwise authorized or required by the Act or other applicable laws.

62. Where necessary to effectively carry out an investigation, an Assigned Officer may share that the third party who made the disclosure was a witness and a source of evidence. Wherever possible, the Assigned Officer will not share or confirm that the third party made the disclosure.

63. The Assigned Officer will explain the confidentiality provisions in these Procedures to the discloser.

64. Information and documents obtained in the disclosure process will be stored in a safe and secure manner and must be protected from unauthorized access, use and disclosure.

Obtaining Documentary and Written Evidence

65. The Assigned Officer will seek to obtain information in the order, format and fashion they determine is most appropriate and effective. They may contact whoever is most appropriate to obtain records related to the allegations.

Conducting Interviews

General

66. Interviews of disclosers, respondents and witnesses will be conducted in the order and format (i.e. in-person, telephone or video) appropriate for the circumstances. Efforts should be made to accommodate the individual's preferences and accessibility needs.

67. Interviewees will be provided notice of an interview date, time and place along with the general nature of the interview. Interviews may be held at a location as necessary to maintain confidentiality and the integrity of the investigation.

68. In some cases, it may be necessary for the Assigned Officer to provide the interviewee with copies of documents in advance of the interview, including where doing so will enhance the effectiveness of the interview and/or to accommodate the interviewee's needs.

69. The Assigned Officer will remind each witness of the prohibition under paragraph 61 of these Procedures and explain the prohibition against reprisal under the Policy and these Procedures.

Respondent Interviews

70. Respondents are afforded a high level of procedural fairness. They must be provided notice they are under investigation and the opportunity to respond to the allegations against them. If documents will be discussed in an interview with a respondent, the Assigned Officer will consider providing advance opportunity for the respondent to review the documents unless they have reason to believe that doing so could compromise the investigation.

71. If, during an interview of a witness, the Assigned Officer receives information that raises concerns the witness may be implicated in a wrongdoing, they must stop the interview and inform the person of this concern. The person will then be treated as a respondent and provided the same level of procedural fairness

provided to all respondents. The interview will be rescheduled to allow sufficient time for the person to prepare for the interview and seek advice should they choose.

Presence of Other Parties

72. Interviewees may be permitted to have a support person present during the interview, such as a family member or friend, at the Assigned Officer's discretion. Requests for the attendance of a union representative or lawyer will be considered on a case-by-case basis.

73. Interviewees must obtain permission for any other party to attend at least five days in advance of the scheduled interview. Additional parties may not be permitted in an interview in some circumstances, for example where:

- They are a witness or respondent in the investigation.
- They were not requested by the interviewee to attend.
- They did not receive permission to attend.
- Their presence would present a conflict of interest or jeopardize the integrity of the investigation.

Investigating Other Wrongdoings

74. If, during an investigation, the Assigned Officer reasonably believes that another wrongdoing has been committed, the Assigned Officer may investigate that wrongdoing. The same policies and procedures that apply to disclosures, with necessary modifications, will apply to other potential wrongdoings identified during an investigation.

Discontinuing an Investigation

75. At any time after an investigation has commenced, the Assigned Officer may discontinue an investigation for the reasons set out in paragraphs 38-39 above. If the Assigned Officer decides not to complete an investigation after it has begun, the discloser must be notified of the decision to discontinue the investigation unless the disclosure was made anonymously, in which case the Assigned Officer may, if the anonymous discloser has provided contact information, send notification to the anonymous discloser at the Assigned Officer's discretion. Any notice will be provided in writing, setting out the reasons for discontinuing the investigation.

Timelines

76. Investigations will be completed and a draft report prepared within four months from the decision to investigate. If the Assigned Officer concludes the investigation will require more than four months to complete, they must notify the Chief Executive Officer of the delay, reasons for the delay, and the expected date on which the investigation will be completed.

D. ASSESSMENT PROCEDURES

Draft Investigation Report

77. Upon conclusion of gathering, reviewing and analyzing evidence, the Assigned Officer will prepare a draft investigation report. The report will include the allegations, applicable laws and policies, evidence, analysis, findings and any recommendations to address findings of wrongdoing, as applicable.

78. Recommendations may be developed through a consultative process between the Assigned Officer and the Chief Executive Officer.

Draft Report to Person(s) Adversely Affected

79. In accordance with the principles of procedural fairness, the Assigned Officer will provide all those who may be adversely affected by any findings or recommendations in the investigation report with the opportunity to make representations before it is finalized. Representations may be provided orally or in writing.

80. Generally, the Chief Executive Officer, any respondents and other individuals who may be adversely impacted by the investigation report will be provided the opportunity to make representations. The Assigned Officer may provide a copy of the draft report, excerpts of the report, or a summary of evidence and findings as the context requires.

81. The Assigned Officer will review and consider all representations received before finalizing the investigation report.

Final Reports

82. The final investigation report will be provided to the Chief Executive Officer, unless the Chief Executive Officer is implicated in founded wrongdoing. If the Chief Executive Officer is implicated in founded wrongdoing, the report will be provided to the Chair of the Board of Directors; a member of Executive or a person occupying a comparable position with respect to the BCER; or the Minister, Ministry of Energy, Mines and Low Carbon Innovation.

83. The final investigation report must include:

- (a) the findings;
- (b) the reasons to support the findings; and
- (c) any recommendations.

84. The Chief Executive Officer will consider the findings and recommendations and take corrective measures at its discretion to remedy the wrongdoing and any other deficiencies identified in the report.

85. The Assigned Officer will provide a summary of the investigation report to the discloser. Where practicable, the Assigned Officer will also provide a summary of the report to any person alleged or found to

be responsible for wrongdoing. The kind of information and level of detail contained in the summary will be decided by the Assigned Officer in consultation with the Chief Executive Officer, on a case-by-case basis.

Annual Reporting

86. The Chief Executive Officer, or delegate, will report annually on all disclosures of wrongdoing received and investigated with respect to the BCER under these Procedures. The annual report must include:

- (a) the number of disclosures received, including referrals of disclosures, and the number acted on and not acted on;
- (b) the number of investigations commenced as a result of a disclosure;
- (c) in the case of an investigation that results in a finding of wrongdoing,
 - (i) a description of the wrongdoing,
 - (ii) any recommendations, and
 - (iii) any corrective action taken in relation to the wrongdoing or the reasons why no corrective action was taken.

87. The annual report must not include any information that would:

- (a) identify the discloser;
- (b) identify a respondent; or
- (c) unreasonably invade a person's privacy.

88. The annual report will be made publicly available on the BCER's website.

APPENDIX

A. Disclosure of Wrongdoing Form for Third Parties

Disclosure of Wrongdoing Form for Third Parties

IMPORTANT: This form and the accompanying procedures do not replace the BCER's system for registering complaints about activities regulated by the BCER, including where concerns exist about risks to the environment and/or public safety. **Emergency situations** require phoning the BCER's 24-hour reporting line at **250-794-5200**.

This form may be completed to provide information to report allegations of serious or systemic wrongdoing to an Assigned Officer of the BCER for review under the BCER's Safe Disclosure Policy and Procedures for Third Parties.¹

Reports must be made in writing and may be submitted to the BCER's Assigned Officers via email (SpeakUp@bc-er.ca) or mail.²

The BCER's Assigned Officer(s) will use the information provided when assessing whether to investigate your report. Please provide as much detail as possible. If you require assistance completing this form, please contact an Assigned Officer.

Important: Reports can be made anonymously, but may not be investigated without obtaining more information from you. Your report will be treated with the strictest confidence. The information you provide will be reviewed, while taking strict measures to keep your identity confidential.

Items with a star "" next to them are required fields.*

CONTACT INFORMATION:

First Name:

Email:

Last Name:

Preferred contact method:

Pronouns:

Address:

Preferred contact time:

Telephone number:

Telephone number:

May we leave a voice message? ☐ Yes ☐ No

¹ This information is collected by the BCER under s. 26(c) of the Freedom of Information and Protection of Privacy Act and will be used to assess and investigate allegations of serious wrongdoing as defined under the BCER's Safe Disclosure Policy and Procedures. If you have any questions about the collection of personal information, please contact an Assigned Officer.

² Reports may be sent to the BCER's Assigned Officer(s) via restricted email, marked CONFIDENTIAL in the subject line, to SpeakUp@bc-er.ca | or via mail, in an envelope marked CONFIDENTIAL, to Attention: BCER Assigned Officer, BC Energy Regulator, PO Box 9331 Stn Prov Govt, Victoria, BC, V8W 9N3.

DESCRIPTION OF THE WRONGDOING:

A Disclosure may be made in relation to the following kinds of wrongdoing,:

- A serious act or failure to act that, if proven, would constitute an offence under an enactment of British Columbia or Canada.
- An act or failure to act 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 the performance of an employee's duties or functions.
- A serious misuse of public funds or public assets.
- Gross or systemic mismanagement.
- Knowingly directing or counselling a person to commit a wrongdoing described above.

Note: *If none of the above apply, disclosure under the Safe Disclosure Policy and Procedures may not be the best way to raise your concern. Please consider addressing the matter through other mechanisms as may be available and/or contact a lawyer for advice.*

1. ***Please describe your concerns**, keeping in mind how wrongdoing is defined, above. Provide as much detail about the specific allegations as possible, including:
 - **What** is the wrongdoing,
 - **Where** the wrongdoing happened or is likely to happen,
 - **Who** committed or is about to commit wrongdoing (please use name, title and contact information where available),
 - **When** the wrongdoing occurred or is expected to occur,
 - **How** you learned of the wrongdoing.
 - Please identify any applicable laws, acts, regulations, or policies that may apply in relation to the wrongdoing.

If you need additional space to provide information about the alleged wrongdoing, you may submit further details in a separate document(s) along with this form.

2. ***Have you already reported the wrongdoing** to anyone in the organization or to an external party?
Please provide details of who you reported to, when, and their response.

3. *Do you know of any other organization addressing these allegations? Please provide details.

4. Do you consider the matter urgent?³ If so, please explain why.

EVIDENCE

5. Please attach any documents, records, correspondence, recordings or other evidence you have in your possession to support the allegations of wrongdoing.

DECLARATION

☐ I have provided this information in good faith and on the reasonable belief that it could show a wrongdoing has been or is about to be committed.

³ As indicated at the top of this form, to report an emergency situation related to activities regulated by the BCER, contact the BCER's 24-hour phone line at 250-794-5200.