

Whistleblower Policy

Approved by: BCLC Board of Directors
Last Reviewed: January 2015

Purpose

This policy establishes BCLC's expectations and protections for reporting concerns related to Misconduct in a safe, confidential manner.

SCOPE

This policy applies to all BCLC Board of Directors, employees, and contractors.

This policy applies to issues of alleged Misconduct relating to BCLC. Routine operational issues, disputes or grievances should be addressed through the process established under BCLC's [Redress Policy](#). Other corporate policies are in place to report matters related to harassment and occupational health and safety.

CONTEXT

This policy is governed by accountability principles defined by the Government of British Columbia and [Standards of Conduct Guidelines for the B.C. Public Sector Guidelines](#). The latter requires BCLC to state how and where employees may seek advice on making a report and the process for reporting breaches of the [Standards of Ethical Business Conduct](#) (SOEBC).

POLICY STATEMENT

BCLC is committed to achieving high standards in honesty, integrity and accountability, to enforcing adherence to its Standards of Ethical Business Conduct (SOEBC), and to promoting a culture of openness and transparency in its interaction with employees. BCLC encourages whistleblowing in order to achieve this commitment. Whistleblowing refers to the act of reporting alleged Misconduct in accordance with BCLC's [Whistleblower Procedures](#). Whistleblowing enables BCLC to take action immediately to resolve problems and minimize the risk of damage to our business, players, people, and the public.

BCLC expects employees and contractors to report situations where there is reasonable grounds to suspect a BCLC employee or a member of the BCLC Board of Directors has engaged in Misconduct. Reports concerning Misconduct may be submitted through BCLC's Whistleblower Procedures. BCLC treats all Complaints as confidential to the fullest extent possible.

BCLC reviews and assesses all Complaints received through the Whistleblower Procedures. Where warranted, an appropriate, objective and impartial investigation is conducted. BCLC implements mitigation strategies and/or takes disciplinary action when a Complaint is Well-founded. Once a Complaint has been completed, BCLC provides notification to the Complainant that states their Complaint has been reviewed and closed. For systemic issues, the notification may also identify whether further action was taken.

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BCLC has zero-tolerance for Retaliation against persons who seek advice about making a Complaint, make a Complaint, or participate in an investigation. BCLC investigates all allegations of Retaliation that appear to be connected to a person's report or participation in an investigation.

POLICY DETAILS

Reports Received by Managers. Where an employee or contractor reports Misconduct to a Manager first, the Manager must explain to the person making the report that he or she has the right to report Misconduct directly through BCLC's Whistleblower Procedures. Regardless of whether the person making the report escalates the matter, Managers have a duty to document the discussion and promptly report alleged Misconduct through BCLC's Whistleblower Procedures.

Withdrawing Complaints. Complaints cannot be withdrawn.

Respondent Rights. When a whistleblower investigation is conducted, Respondents are:

- entitled to submit relevant information and evidence before disciplinary action is taken against them; and
- entitled to receive a summary of the investigation findings, upon request.

Complaints Concerning BCLC Governance and Corporate Social Responsibility ("Governance and CSR") Committee Members. If a Complaint concerns the conduct of any member of the BCLC Governance and CSR Committee, the roles and responsibilities assigned to the Governance and CSR Committee and its Chair ("Committee Chair") within this policy will be assumed by other members of BCLC's Board of Directors and the Chair of the Board, respectively.

Redirecting Complaints. Complaints received under BCLC's Whistleblower Procedures may be redirected through other BCLC procedures, if appropriate. When Complaints are redirected, they must be treated with the same level of protection for confidentiality and Retaliation, regardless of the policy or process under which the Complaint is redirected.

Complaints Concerning Illegal Activity. If a Complaint indicates that illegal activity has occurred, a Complaint may be made directly to the police or other law enforcement or regulatory agency, as appropriate. A complaint may be forwarded to the police if it involves illegal activity.

Quarterly Reports. A confidential summary report must be provided to the Board of Directors by the Governance and CSR Committee Chair on a quarterly basis. The report must contain a list of Complaints and their outcomes from the preceding and current quarter, but exclude personal information. The report must include the number of: complaints received, complaints in review and assessment, complaints under investigation (total, internally, and externally), closed with investigation, and closed without investigation.

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Records management. BCLC must retain records pertaining to a Complaint in compliance with BCLC policies, the *Document Disposal Act*, the B.C. *Freedom of Information and Protection of Privacy Act*, and the Administrative Records Classification System (ARCS) or the Operational Records Classification System (ORCS); and subject to safeguards that ensure their confidentiality.

Confidentiality and Privacy. Maintaining confidentiality is crucial in preventing Retaliation against a Complainant. BCLC provides a safe avenue to report any situation where there is alleged Misconduct by treating the identities of those involved in making a report, the subject of an investigation, or individuals involved in the investigation process as confidential to the fullest extent possible. Employees and contractors who make a Complaint can expect it to be treated as confidential when submitted in accordance with BCLC's Whistleblower Procedures.

Persons who have knowledge of or participate in an investigation carried out under the Whistleblower Procedures are required to keep the details and results of the investigation confidential. This means employees and contractors must not share this information with other persons, unless authorized to do so by the Committee Chair, and must take all reasonable steps to not reveal the identity of a Complainant, unless required to do so by law.

BCLC is a public body and must comply with B.C.'s *Freedom of Information and Protection of Privacy Act* (FIPPA). Therefore, records in the custody and under the control of BCLC may be requested under the access to information provisions of FIPPA, or by other legal process such as court orders. If this is the case, BCLC will take steps to maintain the confidentiality of employees and contractors to the fullest extent possible under the law.

Anonymity. Given the technical and logistical requirements of investigating a Complaint, anonymous complaints may be difficult to resolve when additional information is required. It is preferred that Complainants provide their identity and contact information when making a Complaint in order to allow for follow up and clarification, if necessary. The Whistleblower Advisor withholds identity and contact information belonging to a Complainant, unless it is specifically requested by the Committee Chair.

ROLES AND RESPONSIBILITIES

Governance and CSR Committee

The Governance and CSR Committee is responsible for:

- the overall maintenance and operation of this policy;
- establishing procedures for receiving, investigating, tracking and appropriately resolving all reports received under this policy;
- establishing and maintaining channels to facilitate the confidential reporting of alleged Misconduct;
- investigating as appropriate all reports of alleged Misconduct received through the Whistleblower Procedures; and

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- determining an appropriate outcome and/or taking corrective actions when a report of Misconduct is substantiated.

The Committee Chair is responsible for:

- reviewing Complaints and assessing whether an investigation is warranted;
- determining whether internal or external investigators need to be engaged;
- determining an Investigation Team based upon advice received from the Whistleblower Advisor;
- overseeing investigations, including initiating investigations when required, delegating responsibilities for investigating, reviewing and reporting the results;
- determining whether a Complaint is Well-founded and making recommendations for mitigation and disciplinary actions;
- protecting the identities of Complainants, Respondents, and persons who participate in an investigation under this policy by keeping personal information confidential to the fullest extent possible;
- maintaining documentation in accordance with this policy; ;
- maintaining and tracking the appropriate information required for preparing quarterly reports;
- preparing quarterly reports, with assistance from the Whistleblower Advisor, and providing it to the Board of Directors; and
- designating another member of BCLC's Board of Directors to fulfill the Committee Chair's role and responsibilities during absences and in extenuating circumstances.

Whistleblower Advisor

The Whistleblower Advisor is an external third party contracted by BCLC and is responsible for:

- receiving and documenting Complaints from employees and contractors concerning Misconduct;
- protecting the identities of Complainants, Respondents, and persons who participate in an investigation under this policy by keeping personal information confidential to the fullest extent possible
- forwarding information regarding each Complaint made under the Whistleblower Procedures to the Committee Chair;
- assisting the Committee Chair in reviewing and assessing complaints, as needed;
- advising the Committee Chair in determining an Investigation Team;
- assisting the Committee Chair in engaging external investigators, as necessary;
- providing assistance in conducting investigations, as necessary; and
- reviewing investigation reports and making recommendations to the Committee Chair on whether a Complaint is Well-Founded or not.

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Investigation Team

The Investigation Team may consist of an investigator(s) who are BCLC employees and/or persons from an independent third party. The Investigation Team is responsible for:

- conducting an investigation under the direction and guidance of the Whistleblower Advisor;
- protecting the identities of Complainants, Respondents, and persons who participate in an investigation under this policy by keeping personal information confidential to the fullest extent possible;
- preparing a full investigation report; and
- providing an investigation report to the Committee Chair and Whistleblower Advisor.

Managers

In addition to their responsibilities as employees, BCLC Managers, including executives, directors and managers, are responsible for:

- promoting a culture of openness in their interaction with employees;
- taking reasonable steps to ensure that a safe environment exists for persons who make a report of Misconduct;
- informing employees of the protections offered by BCLC's under this policy, its intended use, and the related Whistleblower Procedures; and
- promptly following the related Whistleblower Procedures upon receiving a Complaint.

Employees and Contractors

BCLC employees are responsible for:

- being aware of their responsibilities under BCLC's Standards of Ethical Business Conduct, BCLC policies, and applicable laws;
- understanding BCLC's Whistleblower Procedures;
- cooperating in investigations; and
- keeping details and results of investigations confidential when they have knowledge of or are participants in an investigation.

COMPLIANCE

Employees may be subject to disciplinary action in accordance with BCLC's [Progressive Discipline Policy](#) if they:

- retaliate against a person who made a report or participated in an investigation;
- knowingly make a false or misleading statement in the course of seeking advice about making a report, in making a Complaint, or during an investigation;

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- wilfully obstruct an investigation;
- knowingly conceal, destroy, mutilate or alter/falsify materials that are likely to be relevant to a whistleblower investigation;
- breach confidentiality related to a Complaint or investigation; and
- direct, counsel or cause, in any manner, a person to do any of the above.

DEFINITIONS AND ABBREVIATIONS

Complaint: Refers to a report made through BCLC's Whistleblower Procedures that concerns a situation or issue where Misconduct is alleged to have occurred or is occurring.

Complainant: Refers to the person(s) who makes a Complaint.

Misconduct: Means any act or workplace practice that is premeditated, intentional, or carried out with indifference to the consequences. For example, Misconduct may include, but not be limited to:

- a violation of law;
- a violation of professional standards or practice;
- a violation of BCLC's Standards of Ethical Business Conduct or another BCLC policy or procedure;
- unauthorized or misuse of BCLC funds or assets;
- an act of accounting or auditing impropriety (e.g., fraud related to audit, accounting, or internal control matters);
- an act that is dangerous or likely to cause serious harm to the health and safety of an employee, contractor, player, or the public;
- an act that poses a significant danger to the environment; or
- an act in retaliation to a Complaint made under this policy.

Respondent: Refers to the person(s) implicated in a Complaint.

Retaliation: Refers to adverse consequences, discrimination or reprisal against a person because that person made a Complaint or participated in a whistleblower investigation. This may include, but is not limited to:

- Dismissal or the threat to dismiss an employee;
- Disciplining, suspending, or threatening to discipline or suspend an employee;
- Demoting or threat to demote an employee;
- Denial of benefits, compensation, or professional development opportunities;
- Harassing or discriminatory behaviour or otherwise disadvantaging an employee; and
- Intimidating or coercing an employee.

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Well-founded: Refers to the outcome of an investigation conducted in accordance with the Whistleblower Procedures where the collected evidence substantiates some or all parts of the reported Misconduct.

RELATED MATERIAL

[Whistleblower Procedures](#)

POLICY OWNERSHIP

Policy Owner Position Vice President, Human Resources

Approving Body BCLC Board of Directors

REVISION HISTORY

| Version Number | Approval Date | Approved by | Amendment |
|----------------|---------------|---|--|
| 2.1 | Jan 29, 2015 | Vice President, Corporate Security and Compliance | Minor amendment to footer text. This document was re-classified from 'Internal' to 'Public' in order to comply with a directive from the Public Sector Employers' Council. An exemption to policy approval requirements was made due to exceptional circumstances. |
| 2.0 | Jan 14, 2015 | BCLC Board of Directors | Major revisions made to address implementation of a Whistleblower Advisor role, to align BCLC policy with principles and guidelines recently released by the BC government, to transfer responsibilities from the Audit Committee to the Governance and CSR Committee, to transfer Policy Ownership authority, to separate policy and procedure content, and to clarify existing policy. |
| 1.2 | Sep 10, 2013 | Corporate Secretary | Email reference(s) removed |
| 1.1 | Sep 30, 2011 | Corporate Secretary | Contact details for Chairman of the Board updated following relocation of Vancouver office, and content transferred to new corporate policy template |
| 1 | Dec 19, 2009 | BCLC Board of Directors | |