

Public Interest Disclosure

Purpose

This Procedure establishes expectations for how individuals may request advice and report Wrongdoing at BCLC under the *Public Interest Disclosure Act* (PIDA), British Columbia and for how BCLC will respond.

Scope

This Procedure applies to all current and former BCLC Board of Directors and employees. It does not apply to Contractors. Contractors should refer to BCLC's Whistleblower Policy to make a complaint about misconduct or to the B.C.'s Ombudsperson process if they believe they have experienced retaliation due to cooperating with a PIDA investigation.

This Procedure applies to Disclosures of Wrongdoing. It does not apply to minor or isolated transgressions or misconduct that may not meet the seriousness threshold in the definition of Wrongdoing. It also does not apply to employment disputes involving purely personal interests that are unlikely to qualify as Wrongdoing. Employees should utilize BCLC's Redress Program to express and resolve concerns about working conditions or differences in opinions concerning policies, procedures, or decisions affecting them.

This Procedure applies to requests for Advice and Disclosures made internally.

This Procedure does not address how to request Advice from, make a Disclosure to, or how an investigation is carried-out by B.C.'s Ombudsperson, who has distinct PIDA procedures.

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DESIGNATED OFFICERS

BCLC's Chief Executive Officer (CEO) designates¹ those individuals holding the following two Executive positions as BCLC's Designated Officers:

- Chief People Officer (CPO) and
- Chief Compliance Officer (CCO) & Vice President of Legal, Compliance, Security.

¹ PIDA, s. 10(1)

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Shared Responsibility

BCLC's Designated Officers have the same authority and shared responsibility for the set of duties assigned to a Designated Officer in this Procedure. The Designated Officer's set of duties may be segregated, in whole or part, amongst the two Designated Officers. Any duty may be carried out by a single Designated Officer or both Designated Officers acting together. For example, the Designated Officers may agree to both receive and assess a specific Disclosure together but only one proceeds to investigate and report.

If both Designated Officers are available, the Designated Officers will agree on a case-by-case basis who will perform their duties as set in this Procedure.

Prohibited from Assuming or Performing Duties

An individual appointed by the CEO must not assume or perform the duties of a Designated Officer in the following circumstances:

- They are in an actual or perceived conflict of interest or believe a reasonable apprehension of bias exists.
- They are the subject of an allegation in the Disclosure.
- They have not completed training for Designated Officers as required by BCLC.

If any of these circumstances apply, a Designated Officer should recuse themselves and the other Designated Officer should assume all duties assigned to a Designated Officer.

No Designated Officer Available

If no Designated Officer is available or both must recuse themselves, then the CEO should consider appointing another Designated Officer who will be available to assume the duties or referring requests for Advice and Disclosures to the Ombudsperson.

If it is apparent both BCLC's Designated Officers will be unavailable, Disclosers should consider requesting Advice and making Disclosures directly to the Ombudsperson.

Delegation Authority

A Designated Officer may delegate their authority in part or whole to another individual to provide Advice, receive Disclosures, and investigate Disclosures at their discretion and as required in the circumstances on a case-by-case basis.

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CONTACT INFORMATION FOR DESIGNATED OFFICERS

A Designated Officer may be contacted as follows:

Website: www.integritycounts.ca/org/bclc

Telephone: 604-228-3220 (CCO)
250-828-5587 (CPO)

Mail: Whistleblower Security
PO Box 91880
West Vancouver, BC V7V 4S4

Please be advised that using a BCLC device, network, or email account to transmit a request for Advice or a Disclosure is not a secure or anonymous means of transmission. Instead, Disclosers may wish to use a personal or third-party device, network, or email account of their choice. Disclosers should not use email or voicemail to request Advice or submit a Disclosure as these may be monitored by employees other than the Designated Officers and/or may not be received due to BCLC's email security measures.

TIMEFRAMES FOR MANAGING A DISCLOSURE

All Disclosures under PIDA must be managed in a fair, expeditious, and proportionate manner² and without unreasonable delay. For this reason, timeframes have been set for completing certain tasks under this Procedure. A Designated Officer must make certain the tasks prescribed in Table 1 are met within the prescribed timeframes³.

If a Designated Officer concludes a task will require more than the allotted time to complete, they must notify the CEO and Discloser about the delay (see [Notices to the Discloser and CEO](#)). Additionally, the CEO must be informed of the reasons for the delay and the expected date on which the delayed task will be completed. If an investigation will require more than the allotted time, the CEO should receive progress updates at least every 30 business days until the investigation is concluded.

² PIDA, s. 17

³ PIDA, s. 9(2)(b)

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Table 1 Timeframes for completing key tasks

Task	Timeframe (business days)
Responding to a request for Advice	Within 20 days of receipt of request
Confirming receipt of a Disclosure	Within 2 days of receipt of Disclosure
Completing an initial assessment of a Disclosure	Within 30 days of receipt of Disclosure
Determining whether or not to investigate	Within 30 days of receipt of Disclosure
Concluding an investigation	Within 120 days of deciding to investigate
Providing a summary of the investigation results to the Discloser	Within 10 days of concluding the investigation

MAINTAINING CONFIDENTIALITY

All persons involved in the Disclosure process are responsible for maintaining confidentiality. For clarity, this includes but is not limited to Disclosers, witnesses, Respondents, Designated Officers, supervisors, individuals delegated duties under this Procedure, and invited third party attendees.

Safeguarding Information

All information and records obtained in a Disclosure or in the course of carrying out this Procedure must be kept confidential. They must be stored in a safe and secure manner and must be protected from such risks as unauthorized viewing, collection, use, disclosure, or disposal, theft, or loss in accordance with Applicable Law. A Designated Officer is responsible for making certain that reasonable security measures are in place to protect confidential information.

Limitations on the Collection, Use, and Disclosure of Information

The amount of confidential information, including personal information, that is collected, used and disclosed should be limited to what is necessary to carry out this Procedure and to what is authorized under Applicable Law. It should only be shared on a need-to-know basis or as required by Applicable Law.

Information collected from a Discloser, witnesses, and/or Respondents may only be used and disclosed for the purposes of:

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- responding to requests for Advice⁴,
- responding to Disclosures, including investigations or reports⁵;
- a resultant process such as BCLC's progressive discipline process; or
- meeting obligations as required by law.

Identity Protection

Information about the identities of a Discloser, witnesses, or Respondents must be kept confidential. No individual may share information, including personal information, about a Discloser that could enable the identification of the Discloser as the person who made the disclosure⁶, unless⁷:

- the provision or use of the information is for the purpose of complying with PIDA, including as necessary to effectively manage the disclosure in accordance with PIDA and the principles of natural justice and procedural fairness;
- the provision or use of the information is in connection with another lawful purpose;
- the Discloser has given express consent, in writing, to the release or use of the information; or
- the personal information has previously been lawfully published.

Designated Officers should refer to Disclosers as a witness or source of evidence (instead of referring to them as a Discloser) where it is necessary to effectively carry out an investigation. Wherever possible, a Designated Officer will not share or confirm that an individual made a Disclosure.

Privacy Notice

Personal information is collected by supervisors and Designated Officers (or their delegates) in accordance with the *Freedom of Information and Protection of Privacy Act* (FIPPA), British Columbia, and other Applicable Law, and will be used, disclosed and stored by BCLC and its service providers⁸ inside and outside of Canada to assess, investigate and respond to allegations of Wrongdoing made under section 9(2)(d) of PIDA. Disclosers who have any questions about the collection of personal information should contact BCLC's Designated Officer (see [Contact Information for Designated Officers](#)).

⁴ PIDA, s. 9(2)(d)

⁵ PIDA, s. 9(2)(d)

⁶ PIDA, s. 9(2)(e)

⁷ PIDA, s. 6(4)(e)

⁸ "service provider" has the meaning ascribed to it in Schedule 1 of FIPPA and, as of the date of this Procedure, means a person retained under a contract to perform services for a public body.

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Designated Officers, supervisors, and Disclosers may collect, use, and disclose personal information only to the extent authorized under FIPPA, PIDA⁹, this Procedure, and BCLC's Privacy Policy.

PROHIBITING REPRISAL

Reprisal is prohibited under PIDA¹⁰. This means Board members and employees, including supervisors, co-workers, Executive members, and Respondents, are protected from any individual taking an adverse measure (or counseling or directing an adverse measure be taken) against them which impacts their employment when they do any of the following acts in good faith (collectively, "Protected Acts"):

- seek Advice about making a Disclosure;
- make a Disclosure; or
- cooperate with a PIDA investigation.

An adverse measure includes but is not limited to termination, suspension and demotion, as well as subtler measures like bullying, ostracising or a workplace transfer. Threatening to take any of these measures is also an adverse measure.¹¹

Reprisals are an offence under PIDA (see [Compliance](#)).

The Ombudsperson is responsible for investigating complaints of Reprisal. Disclosers may contact the Ombudsperson's office to make a complaint if they believe that Reprisal has been taken against them because they did a Protected Act.

NOTIFYING PARTIES

Notices to the Discloser and CEO

A Designated Officer must inform the Discloser and the CEO as soon as practicable of a decision to:

- begin an investigation of the Disclosure¹²;
- not investigate a Disclosure under PIDA;
- refer a Disclosure, in whole or part, to the Ombudsperson; or
- postpone or suspend an investigation.

⁹ PIDA, s. 5, 6, and 9(2)(d)

¹⁰ PIDA, s. 31(1)

¹¹ PIDA, s. 31(1)(a)-(e)

¹² PIDA, s9(2)(g)(i) (or refer directly to s. 21(5))

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A Designated Officer must inform the Discloser and the CEO as soon as practicable upon concluding a task will require more than the allotted time to complete (see Timeframes for Managing a Disclosure).

A Designated Officer must not notify the Discloser or the CEO if they consider that a notification to one or both these individuals would compromise another investigation. Alternatively, notification may be delayed until an appropriate time if the Designated Officer considers that the notification may compromise an investigation or expose the Discloser to Reprisal.

Notices to the Chair of the Board of Directors and Minister

A Designated Officer must notify the chair of the Board of Directors, and the Minister responsible for BCLC if the CEO is alleged to be responsible for the Wrongdoing¹³. The timing of this notice should occur in consultation with the Ombudsperson after referring a Disclosure to the Ombudsperson (see [Referral of Investigation to the Ombudsperson](#)).

Notices to Respondents

A Designated Officer must notify any Respondents that their conduct is the subject of an investigation. The timing of this notice should be at an appropriate time, taking into account the need to protect the integrity of the investigation and the Respondents' rights to procedural fairness.

In all cases, Respondents must receive notice of the allegations prior to being interviewed (see [Procedural Fairness During Respondent Interviews](#)).

Notification Format and Contents

Notifications must be provided in writing and may be brief.

If a Disclosure will not be investigated, a Designated Officer must include in the notification the reasons for their decision, and may include information about other mechanisms available for addressing the Discloser's concerns.

If a Disclosure will be investigated, a Designated Officer must include in the notification the scope of the investigation. If only part of the Disclosure will be investigated, the Designated Officer will provide the Discloser reasons for their decision not to investigate the remaining portions of the Disclosure.

¹³ PIDA, s9(2)(g)(i) (or refer directly to s. 21(5))

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REQUESTING ADVICE

Acceptable Advisers

A Discloser who is considering making a Disclosure or has concerns about Reprisal after making a Disclosure may request Advice from¹⁴:

- an external lawyer retained by the employee at their expense;
- their supervisor or a manager in their chain of command;
- a Designated Officer; or
- the Ombudsperson.

Disclosures who seek Advice from the individuals set out above are protected from Reprisal under PIDA. No individual can adversely affect a Discloser's employment or working conditions because the Discloser sought Advice about making a Disclosure. This protection applies whether or not the Discloser decides to make a Disclosure.

Ambiguous Requests

Disclosers are encouraged to specify that they are requesting Advice about making a public interest disclosure for greater certainty that they will receive protections from Reprisal.

Supervisors and Designated Officers should clarify that a request for Advice is being made under PIDA (as opposed to under BCLC's Standards of Ethical Business Conduct, Whistleblower Policy, or other policy) in cases where there is ambiguity.

Recording Requests for Advice

A supervisor or a Designated Officer may require that a request for Advice be made in writing¹⁵.

Supervisors and Designated Officers are encouraged to provide Disclosers with Advice in writing. Supervisors and Designated Officers must make certain to maintain a written record of requests for Advice and the Advice provided.

¹⁴ PIDA, s11(1) and s. 31(4)

¹⁵ PIDA, s. 11

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MAKING A DISCLOSURE

Individuals Entitled to Disclose

The following individuals may make a Disclosure under PIDA:

- current members of BCLC's Board of Directors;
- former members of BCLC's Board of Directors;
- current BCLC employees; and
- former BCLC employees.

Disclosures made by other individuals are not covered by PIDA. They should instead be brought forward under other BCLC policies and procedures, including but not limited to BCLC's Whistleblower Procedure and Respectful Workplace Procedure.

Other internal mechanisms may be used if a Disclosure is made in accordance with this Procedure and, upon initial assessment, it cannot be substantiated that the Discloser is entitled to disclose under PIDA (see [Investigations under other policies or law](#)). In this case, the Discloser will remain protected from Reprisal under PIDA.

Acceptable Recipients of Disclosures

Disclosers may make a Disclosure to any one of the following individuals¹⁶:

- their supervisor or a manager in their chain of command;
- a BCLC Designated Officer; or
- the Ombudsperson.

Disclosers who make a Disclosure to one of the above listed individuals are protected from Reprisal under PIDA. Disclosures made to other individuals are not covered under PIDA.

Disclosures should not be made to an individual where there is reasonable belief that the individual is the subject of an allegation.

Disclosers may make public Disclosures in limited circumstances (see [Matters involving Imminent Risk of Danger](#)).

Former Board members and employees are encouraged to Disclose to a Designated Officer or the Ombudsperson due to organizational changes at BCLC that they may be unaware of.

¹⁶ PIDA, s. 12(1)

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Acceptable Disclosures

Allegations of Wrongdoing, as defined in section 7(1) of PIDA, are covered under this Procedure. For clarity, not all misconduct constitutes Wrongdoing or will satisfy the threshold for “serious”. Allegations of misconduct that do not constitute Wrongdoing should be brought forward under other BCLC policies and procedures, including but not limited to BCLC’s Whistleblower Procedure and Respectful Workplace Procedure.

Other internal mechanisms may be used if a Disclosure is made in accordance with this Procedure and, upon initial assessment, it is determined the allegation would not constitute Wrongdoing if proven (see [Investigations under other policies or law](#)). In this case, the Discloser will remain protected from Reprisal under PIDA.

Disclosures may be made, in good faith, about Wrongdoings that a Discloser reasonably believes to have occurred or is about to occur¹⁷. Disclosers may not be protected from Reprisal under PIDA where a Disclosure is not made in good faith¹⁸.

Disclosures may be made about Wrongdoings that occurred before PIDA was in force, as long as the Wrongdoing occurred or the Discloser learned of the Wrongdoing during their employment or appointment.

Required Information for Disclosures

Disclosures must include the following information, if known:

- a description of the Wrongdoing;
- the name(s) of the individuals(s) alleged:
 - to have committed the Wrongdoing, or
 - to be about to commit the Wrongdoing;
- the date(s) of the Wrongdoing;
- whether the information or conduct being disclosed relates to an obligation under another enactment and, if so, a reference to the enactment; and
- whether the Wrongdoing has already been disclosed under PIDA or another enactment. If applicable, the name of the individual to whom the Disclosure was made and the response, if any, that has been received¹⁹.

¹⁷ PIDA, s. 12(1)

¹⁸ PIDA, s. 31(1) and 31(3)(b)

¹⁹ PIDA, s. 15

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Submitting Disclosures

Disclosures must be made in writing²⁰.

Disclosers are encouraged to use BCLC's online [PIDA disclosure form](#) to submit a Disclosure internally, which a BCLC Designated Officer will receive and manage. If this form is not used, a Disclosure may be hand delivered or sent by mail. Disclosers are encouraged to note that they are making a Disclosure under PIDA to receive protection from Reprisal, and to ensure that their Disclosure includes the required information. Email should not be used (see [Contact Information for Designated Officers](#)).

If an initial Disclosure is not made in writing, the receiving supervisor or Designated Officer will require the Discloser to follow-up with a written Disclosure or they may assist the Discloser to document their Disclosure using BCLC's online disclosure form.

Submitting a Disclosure to the Ombudsperson

Disclosers may choose to submit a Disclosure to the Ombudsperson's Office, which the Ombudsperson will manage externally. Disclosers are not required to follow any of the internal processes outlined in this Procedure before contacting the Ombudsperson. Disclosers may find instructions for [how to report a Wrongdoing](#) on the Ombudsperson's website.

Anonymous Disclosures

Disclosers are encouraged to identify themselves in bringing forward a Disclosure. However, Disclosures may be made anonymously.

A Designated Officer will consider anonymous Disclosures only where there is a reasonable basis to believe the Discloser is a current or former Board member or BCLC employee. Disclosures cannot be considered under PIDA otherwise²¹. Where a reasonable basis cannot be established, a Designated Officer may, at their discretion, close a Disclosure file or bring forward the Disclosure for investigation under another BCLC policy and procedure, including but not limited to BCLC's Whistleblower Procedure and Respectful Workplace Procedure.

Disclosers who wish to make a Disclosure anonymously should consider providing contact information (that will not identify them) so that a Designated Officer can follow up to obtain more information about the Disclosure as needed. Additionally, they should ensure that they have provided adequate particulars about the allegations to allow a Designated Officer to assess whether the allegations warrant investigation under PIDA.

A Designated Officer must not use contact information to deliberately identify a Discloser.

²⁰ PIDA, s. 15

²¹ PIDA, s. 1, 2, and 12

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Disclosers are unable to request anonymity if they include their name or other identifying information in a Disclosure.

Disclosers who opt to disclose anonymously should be aware of the following:

- making an anonymous Disclosure does not mean that their colleagues or BCLC will not suspect who made the Disclosure.
- without knowing the identity of the Discloser, a Designated Officer cannot conduct a Reprisal risk assessment or take measures to mitigate any risk or Reprisal to the Discloser.
- without contact information that can be used for follow up, a Designated Officer may be unable to obtain sufficient information to assess the Disclosure or to establish that a Board member or an employee made the Disclosure.
- they may not receive information about the conduct of any investigation into the Disclosure²², including notice of the investigation, a summary of the results, or notice that a Disclosure has been referred to the Ombudsperson.

Multiple Disclosures/Disclosers

If multiple Disclosures are made around the same time regarding the same alleged Wrongdoing, a Designated Officer may assess and investigate the Disclosures together as a single matter.

If multiple Disclosers wish to make a Disclosure together (as a group), they may do so by each submitting their own independent Disclosure and referencing each other.

A Designated Officer must not reach out to an individual based on another individual's statement that they wish to be a Discloser for confidentiality reasons. Each Discloser in a group must contact the Designated Officer directly so their desire to make a Disclosure together can be verified.

A Designated Officer must not reference or share with Disclosers the fact that multiple Disclosures about the same alleged Wrongdoing have been made, except if the Designated Officer is able to verify first that:

- each Discloser is aware of the others who have made a Disclosure, and
- each Discloser wishes to be included in making the Disclosure together.

Each Discloser will have protection from Reprisal under PIDA and will be interviewed separately.

²² PIDA, s. 14(2)

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Matters Involving Imminent Risk of Danger (Public Disclosures)

PIDA affords protection to Disclosers who may wish to make a public Disclosure where they “reasonably believe that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons, or the environment”.²³ Before making a public Disclosure, the Discloser must consult with and receive direction from a prescribed Protections Official²⁴.

Disclosers must not make a public Disclosure if a Protection Official directs them not to make the Disclosure public. The protections for Disclosers under PIDA may not apply to Disclosers who do not follow the Protection Official’s Advice.

There are several limits on the kind of information a Discloser can share when making a public Disclosure. Disclosers must not share information²⁵:

- subject to a restriction under an enactment of BC or Canada, including but not limited to information that a Discloser is prohibited from sharing under a statutory oath or any statute or other regulation;
- protected by solicitor-client privilege;
- protected by any common law rule of privilege;
- subject to public interest immunity, including cabinet privilege; or
- that is personal information unless sharing it is necessary to making a public Disclosure and otherwise complies with Applicable Law.

Immediately after making a public Disclosure, a Discloser must:

- advise their supervisor or a Designated Officer about the public Disclosure; and then
- make a Disclosure in accordance with this Procedure.

²³ PIDA, s. 16(2)

²⁴ PIDA, s. 16(1)

²⁵ PIDA, s. 5(2)

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RECEIVING A DISCLOSURE

Designated Officers are responsible for receiving Disclosures.

A Designated Officer must confirm receipt of a Disclosure to a Discloser and advise them that:

- the information related to the Disclosure, including their identity, will be kept confidential unless disclosure is required by Applicable Law; and
- the Discloser has a responsibility to keep confidential the information related to the Disclosure, including the identity of Respondents and individuals involved in the Disclosure process.

A Designated Officer must confirm receipt and advise the Discloser within the timeframe prescribed in this Procedure (see [Timeframes for Managing a Disclosure](#)).

A Designated Officer must notify the CEO that a Disclosure was received unless there are extenuating circumstances that would warrant withholding or delaying notification. For example, notification to the CEO may be delayed if there is a potential or actual conflict of interest involving the CEO.

Supervisors receiving a Disclosure

Supervisors who receive a Disclosure must forward it as soon as possible to a Designated Officer. This includes all recorded information (e.g., emails, instant messaging, texts, formal correspondence, audio recordings, etc.) obtained as a result of receiving a Disclosure.

Disclosures must not be forwarded to a Designated Officer that is the subject of an allegation. In this case, a Disclosure should be sent to the other Designated Officer. If both Designated Officers are the subject of the allegations or are unavailable, then the Supervisor may suggest to the Discloser that their Disclosure be submitted to the Ombudsperson.

ASSESSING A DISCLOSURE

Initial Assessment

A Designated Officer must assess whether:

- a Disclosure was made by a Board member or an employee, and
- the allegations, if proven, would meet the threshold for Wrongdoing.

This initial assessment must be conducted prior to determining whether an investigation is warranted and within the timeframes prescribed in this Procedure (see [Timeframes for Managing a Disclosure](#)).

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An initial assessment includes completing those steps addressed below under the headings: Initial Interview, Risk Assessments, Gathering Information, and Assessing the Disclosure.

Initial Interview

A Designated Officer must 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.

The purpose of an initial 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 a Designated 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

A Designated Officer must conduct two types of risk assessments:

- an urgency risk assessment, and
- a Reprisal risk assessment.

Both assessments should be conducted as soon as practicable and regardless of the outcome of the initial assessment. These assessments should then be conducted throughout the life of a file, but in particular, 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 Risk Assessment

A Designated Officer must 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. This includes Disclosures made following an urgent public Disclosure unless information indicates that any serious risk has already been addressed. 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; or
- there is a high risk of Reprisal for the Discloser.

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Where a matter poses a risk of significant harm to the environment, the health and safety of persons, or is clearly in the public interest, a Designated Officer will consider whether the public interest disclosure provision in [section 25 of FIPPA](#) may be applicable. Where a Designated Officer believes section 25(1)(a) and (b) may apply, the Designated Officer will consult the CEO.

A Designated Officer may report information received under PIDA to the relevant Protection Official where the Designated Officer reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons, or the environment.²⁶

Reprisal Risk Assessment

A Designated Officer must identify what risks of Reprisal, if any, there are and must manage those risks to the extent possible.

Gathering Information

A Designated Officer is responsible for reviewing the Disclosure form or other written submission to ensure it meets the content requirements in section 15 of PIDA. If the content requirements are not met, the Designated Officer will identify the information that is outstanding and ask the Discloser to provide that additional information, if known.

A Designated Officer may seek additional sources of information to assist in determining whether or not an investigation is appropriate.

Assessing the Disclosure

A Designated Officer must assess the Disclosure to confirm the following:

- the Discloser is an individual entitled to Disclose (see [Individuals Entitled to Disclose](#));
- the alleged Wrongdoing occurred in or relating to a public body;
- the allegations meet the threshold of Wrongdoing for at least one of sections 7(1)(a) to (e); and
- the Disclosure is in writing and contents of the Disclosure meet the requirements of section 15.

If a Designated Officer determines that the allegations, if proven, would meet the threshold of Wrongdoing, the Designated Officer will also consider whether there is a reasonable basis to support an investigation. To clarify, this means the Designated 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.

²⁶ PIDA, s. 16(5)

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Deciding to Investigate

A Designated Officer must determine whether or not to investigate once the initial assessment of a Disclosure is complete. This decision must be made within the timeframe prescribed in this Procedure (see [Timeframes for Managing a Disclosure](#)).

No Investigation under PIDA

There are several circumstances under PIDA where a Disclosure would be ineligible for investigation or where BCLC will refuse, stop, or discontinue an investigation of a Disclosure, which are outlined in this section.

Prohibited Investigations

A Designated Officer must consider whether they are prohibited from investigating a Disclosure under PIDA. A Designated Officer must refuse to investigate or stop investigating a Disclosure if the Disclosure relates primarily to²⁷:

- a dispute is between an employee and BCLC respecting the employee's employment;
- a matter relating to law enforcement that is being addressed by members of a police force or relating to the conduct of members of a police force;
- a matter relating to the prosecution of an offence; or
- the exercise of an adjudicative function of a court, tribunal, or another 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 another statutory decision-maker.

Discretionary Investigations

If a Designated Officer determines they are not prohibited from investigating, they must consider whether they should exercise their discretion to refuse to investigate or stop investigating a Disclosure²⁸ due to any of the following circumstances applying:

- the Disclosure:
 - is frivolous or vexatious;
 - was not made by an individual entitled to Disclose under PIDA;
 - the Disclosure was not made in good faith; or
 - does not deal with or meet the threshold for Wrongdoing under section 7;

²⁷ PIDA, s. 9(2)(g) (or refer directly to PIDA, s. 22(2)(a) to (b))

²⁸ PIDA, s. 22(2)(a) to (g)

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- the allegations do not relate to a public body;
- the Disclosure does not include sufficient details or particulars about the Wrongdoing; or
- the Disclosure relates solely to a public policy decision;
- the Disclosure has been referred to another appropriate authority for investigation;
- it is impracticable for the Disclosure to be investigated because it is an anonymous Disclosure and sufficient details have not been disclosed to act further;
- an investigation of the Disclosure would serve no useful purpose or could not be reasonably conducted because the length of time that has passed between the date of when the matter of the Disclosure arose and the date of the Disclosure;
- the Disclosure is being, or has already been, appropriately investigated, including by a Designated Officer;
- an investigation of the Disclosure would serve no useful purpose because the matter(s) is being, or has already been, appropriately dealt with;
- there is no reasonable basis to support an investigation; or
- another reason prescribed under PIDA applies.

Referral of Investigation to the Ombudsperson

If a Designated Officer determines the Disclosure is eligible for investigation, they must consider whether the Disclosure, in whole or in part, would be more appropriately investigated by the Ombudsperson. A Designated Officer should consider the following factors when deciding whether to refer a Disclosure:

- the level and position of Respondent(s);
- actual, perceived, or potential conflicts of interest;
- 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;
- the complexity of the matters addressed in the Disclosure;
- the availability of resources and expertise required to conduct a fair and effective Investigation; and
- whether the Disclosure pertains to an individual(s) that supersedes the hierarchal position of the Designated Officers.

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A Designated Officer must consult the CEO prior to referring a Disclosure to the Ombudsperson and will only make a referral at the direction of the CEO, unless the Disclosure implicates the CEO in Wrongdoing.

A Designated Officer must always refer to the Ombudsperson any Disclosures that implicate a current or former CEO or a Board member(s) in Wrongdoing.

A Designated Officer will notify the Discloser in writing of a referral to another authority.

Investigations under other policies or law

A Designated Officer must consider whether there are other mechanisms available for addressing a matter where a Disclosure is not investigated under PIDA but requires attention. The Designated Officer is responsible for taking appropriate action to ensure matters requiring attention are addressed. This responsibility may arise under another policy, such as the [Whistleblower Policy](#), or law.

Postponing or Suspending Investigations

A Designated Officer may postpone or suspend an investigation if they:

- become aware that an offence may have been committed and reports the alleged offence to a law enforcement agency or GPEB prior to, or during an investigation;
- believe that their investigation may compromise another investigation; or
- become aware that the alleged Wrongdoing they are investigating is also being investigated in the prosecution of an offence.

A Designated Officer must consult the CEO prior to postponing or suspending an investigation, unless the CEO is implicated in the Wrongdoing.

Reporting to Law Enforcement

A Designated Officer may report to a law enforcement agency or GPEB an alleged offence (under any legislation) relating to a request for Advice, a Disclosure, or a Reprisal complaint under PIDA if they have 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 Designated Officer decides to investigate the allegations.

A Designated Officer must consider the seriousness of the allegations and whether the alleged offence may be a criminal offence or an offence under the GCA when assessing whether to make a report.

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A Designated Officer must consult the victim of any alleged offence prior to a report being made, unless the consultation poses health and/or safety concerns. A Designated Officer may also wish to consider concerns about reporting to a law enforcement agency in cases where persons involved belong to communities or groups that have historically been overpoliced.

A Designated Officer must consult the CEO prior to a report being made, unless the CEO is implicated in the alleged offence.

No more information may be provided to law enforcement than is necessary to make a report.

INVESTIGATING A DISCLOSURE

A Designated Officer, or their delegate, must investigate a Disclosure in accordance with the procedures below and in accordance with the principles of procedural fairness and natural justice where it is decided a Disclosure warrants an investigation under PIDA. For example, Respondents have the right to know the nature of the Disclosure, receive the relevant information and be given the opportunity to respond to the Disclosure. Further, a Designated Officer must ensure the confidentiality of the information collected and protect the identity of the persons involved (see [Maintaining Confidentiality](#)).

Managing Investigations

Investigations must be managed by a Designated Officer, with appropriate assistance and consultation, depending on the nature of the Disclosure. This includes working with third party organizations and other internal Organizational Units that perform investigations, including but not limited to:

- People and Culture,
- Investigations,
- Cyber Security,
- Finance, or
- Privacy.

A Designated Officer may request Advice from the Ombudsperson with respect to the management and investigation of a Disclosure.

Obtaining Documentary and Written Evidence

A Designated Officer may seek to obtain information in the order, format, and fashion that they determine is most appropriate and effective. They may contact whoever is most appropriate to obtain records related to the allegations.

Employees who are asked to provide evidence must respond to these requests within the specified period, if any.

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Conducting Interviews

Interviews of Disclosers, Respondents and witnesses must 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.

Interviewees must be provided notice of an interview date, time, and place along with information on the general nature of the interview. Interviews may be held outside the workplace as necessary to maintain confidentiality and the integrity of the investigation.

In some cases, it may be necessary for a Designated 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 accommodate the interviewee's needs.

A Designated Officer must remind each interviewee of their obligations to maintain confidentiality²⁹ (see [Maintaining Confidentiality](#)) and explain the prohibitions against Reprisal³⁰ (see [Prohibiting Reprisal](#)).

Procedural Fairness During Respondent Interviews

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

If, during an interview of a witness, the Designated Officer receives information that raises concerns that the witness may be implicated in a Wrongdoing, they must stop the interview and inform the person of this concern (see [Notices to Respondents](#)). The person will then be treated as a Respondent and provided the same level of procedural fairness provided to all Respondents. The interview must be rescheduled to allow sufficient time for the person to prepare for the interview and seek advice should they choose. If the information implicating the witness in Wrongdoing is related to a separate, unrelated matter not being investigated, the interview may be paused temporarily instead of stopping and rescheduling. The Designated Officer should consider seeking legal counsel before resuming a paused interview.

Presence of Third Parties

Interviewees are permitted to have another person present during the interview for support, such as a family member, friend, or an external lawyer retained by the employee at their expense.

²⁹ PIDA, s. 6(3)

³⁰ PIDA, s. 31(1)

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Interviewees must obtain permission from the Designated Officer for any third party to attend. Permission must be obtained at least 5 business days before the scheduled interview. Third parties may not be permitted in an interview in the following circumstances:

- 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; or
- their presence would present a conflict of interest or jeopardize the integrity of the investigation.

The Designated Officer must make certain reasonable security measures are in place to protect confidential information where it is disclosed to third parties during interviews such as signing a confidentiality agreement.

Investigating Other Wrongdoings

If, during an investigation, a Designated Officer has reason to believe that another Wrongdoing has been committed or may be committed, the Designated Officer may investigate the Wrongdoing whether or not a Disclosure has been made in accordance with this Procedure³¹.

Requiring Another Body to Suspend or Postpone an Investigation

PIDA does not limit the authority of a public body to undertake other investigations while a Designated Officer investigates a Disclosure of Wrongdoing. However, a Designated Officer may require a public body to suspend or postpone its investigation where section 18 [Other Investigations] of PIDA applies.

A Designated Officer must not suspend or postpone another investigation without first consulting BCLC's CEO, except in circumstances where the CEO is implicated in the Wrongdoing.

Discontinuing an Investigation

A Designated Officer may discontinue an investigation at any time after it has begun where circumstances as set out in this Procedure apply (see [No Investigation under PIDA](#)).

Concluding an Investigation

An investigation is considered concluded upon a Designated Officer accepting a final investigation report and the Discloser receiving a summary of the same report. All required tasks, including administrative matters, must be addressed before the investigation is concluded.

³¹ PIDA, s. 9(2)(h)

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REPORTING INVESTIGATION RESULTS

A Designated Officer must prepare a report, which must include:

- the allegations;
- Applicable Laws and BCLC policies;
- evidence;
- analysis;
- findings;
- the reasons to support the findings³²; and
- any recommendations to address findings of Wrongdoing, as applicable³³.

Developing Recommendations

A Designated Officer may, at their discretion, develop recommendations in consultation with the CEO.

Draft Report to Person(s) Adversely Affected

In accordance with the principles of procedural fairness, a Designated Officer must provide all those who may be adversely affected by any findings or recommendations in an investigation report with the opportunity to make representations, either orally or in writing, before the report is finalized. Those adversely affected may include the CEO, Respondents, and other individuals. The Designated Officer may provide a copy of the draft report, excerpts of the report, or a summary of evidence and findings as the context requires.

The Designated Officer must review and consider all representations received before finalizing the investigation report.

Summary of Final Report to Disclosers and Respondents

A Designated Officer must provide the Discloser with an appropriate summary of the outcome of the investigation, unless the Disclosure was made anonymously and the Discloser did not provide contact information.

A Designated Officer should provide a summary of the report to any individual alleged of or found responsible for Wrongdoing, where practicable.

³² PIDA, s. 9(2)(i)

³³ PIDA, s. 9(2)(i)

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The kind of information and level of detail contained in the summary will be decided by the Designated Officer in consultation with the CEO, on a case-by-case basis.

Final Report to CEO

The final investigation report must be provided to the CEO, unless the CEO is implicated in founded Wrongdoing. If the CEO is implicated in founded Wrongdoing, the Ombudsperson's report will be provided to the Chair of the Board of Directors and the Minister responsible for BCLC³⁴.

The CEO, or the Chair of the Board of Directors if applicable, must consider the findings and recommendations, implement corrective measures to remedy the Wrongdoing and other deficiencies identified in the report as appropriate, and take appropriate disciplinary action up to and including termination. Where the CEO declines to take corrective measures, they will set out the reasons for declining to do so in the annual report³⁵.

ANNUAL PUBLIC REPORTING

A Designated Officer must make certain that there is a mechanism to track any Disclosures, received either by a supervisor or the Designated Officer, and the outcomes of the Disclosures. This includes tracking those Disclosures initially made to the public under section 16 of PIDA (see [Matters Involving Imminent Risk of Danger](#)).

A Designated Officer, as delegated by the CEO, must report annually on all Disclosures of Wrongdoing received and investigated with respect to BCLC, including Disclosures made to the Ombudsperson that BCLC has been notified about.³⁶ This report must include the following information:

- the number of disclosures received, including referrals of Disclosures, and the number acted on and not acted on;
- the number of investigations commenced as a result of a Disclosure;
- in the case of an investigation that results in a finding of Wrongdoing,
 - a description of the Wrongdoing,
 - any recommendations, including those made by the Ombudsperson, and
 - any corrective action taken in relation to the Wrongdoing or the reasons why no corrective action was taken;
- any other information prescribed by regulation.

³⁴ PIDA, s. 27(4)(b)(i)

³⁵ PIDA, s. 38(2)(c)(iii)

³⁶ PIDA, s. 38(1)

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This annual report may be embedded into another broader public report. It must be made publicly available on BCLC.com³⁷.

The annual report must not publicly identify anyone who has participated in the Disclosure process, including individuals who have requested Advice but not made an official Disclosure. The CEO must make certain any material is deleted or excluded that would unreasonably invade a person's privacy; reveal the identity of a Discloser; or reveal the identity of an individual who was the subject of an investigation³⁸. The CEO (or their designate) may consult Legal Services or the Information Management team for assistance.

Roles and Responsibilities

The **CEO** is responsible for:

- making certain all Board members and employees are made aware of PIDA and this Procedure;
- promoting a work environment that encourages individuals to report Wrongdoing;
- designating Designated Officers; and
- addressing breaches of this Procedure in a timely manner and taking the appropriate action based upon the facts and circumstances.

Designated Officers are responsible for:

- making certain confidentiality is maintained and that all Personal Information received by BCLC related to a PIDA process is appropriately protected; and
- managing communications with the Discloser, Respondents, and witnesses;

Current and former **Board of Directors** and **employees** are responsible for:

- seeking Advice from an appropriate individual if a Discloser is uncertain about whether to make a Disclosure or whether a matter involves an imminent risk warranting public Disclosure;
- making any Disclosures in good faith and on the basis of a reasonable belief that Wrongdoing has or is expected to occur;
- refraining from engaging in Reprisal and reporting Reprisal in accordance with this Procedure;
- maintaining the confidentiality of information, including Personal Information, received in connection to a PIDA process; and

³⁷ PIDA, s. 39(1)

³⁸ PIDA, s. 38(4)

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- providing their reasonable cooperation with investigations conducted by a Designated Officer or the Ombudsperson.

Context

LEGAL AND POLICY FRAMEWORK

This Procedure is governed by PIDA, which provides a clear process for voluntarily disclosing concerns about Wrongdoing occurring or about to occur at a public body and it provides legal protection from Reprisal. This Procedure is intended to fulfil the chief executive's responsibilities listed under section 9 of PIDA.

This Procedure does not supersede other mechanisms set out by BCLC for addressing and enforcing workplace misconduct, disputes, or complaints, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters. Other [BCLC policies and procedures](#) continue to apply, including but not limited to the Standards of Ethical Business Conduct, Whistleblower Policy, Respectful Workplace Policy, and Redress Program Policy.

Reporting a Wrongdoing under PIDA does not satisfy other legally mandated reporting requirements that may apply. PIDA does not affect other protections found in other B.C. laws, such as FIPPA.

In the event of difficulty interpreting the provisions of this Procedure and other mechanisms set out by BCLC, such as BCLC's [Whistleblower Policy](#) and [Whistleblower Procedure](#), Board members and employees are highly encouraged to seek Advice in accordance with the provisions of this Procedure to obtain the best protection possible.

POLICY OBJECTIVES

BCLC is committed to enhancing accountability and transparency by supporting an ethical culture within the organization that encourages Board members and employees to Disclose Wrongdoing, including by receiving, investigating and responding to Disclosures and by providing information and training about PIDA and this Procedure.

The procedures herein reflect the guiding principle³⁹ in PIDA that Disclosures must be managed in an expeditious, fair and proportionate manner.

³⁹ PIDA, s. 17

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Compliance

Failure to comply with this Procedure could result in BCLC not meeting its obligations under PIDA and, consequently, the Ombudsperson may conduct a full investigation or inquiry and/or impose remedial orders.

Board members and employees may be personally subject to fines up to \$25,00 for a first offence and up to \$100,000 for any subsequent offences⁴⁰ pursuant to section 41 of PIDA where they willfully:

- make a false statement, mislead, attempt to mislead, or obstruct a person, including the Ombudsperson, from performing their duties, powers or functions under PIDA⁴¹;
- disclose personal information that is likely to enable a person to identify the Discloser⁴²;
- took measures of Reprisal against a Discloser⁴³; or
- retaliate against a person under contract or agreement with BCLC who, in good faith, cooperated with an investigation⁴⁴.

Any Board member or employee who engages in Reprisal or retaliation shall be subject to disciplinary action, which may include termination. Retaliation against a person under contract or agreement with BCLC may include terminating a contract or agreement, withholding a payment that is due and payable under an agreement and/or refusing to enter into a subsequent agreement⁴⁵.

Definitions

Defined (capitalized) terms or acronyms used but not defined in this Procedure have the meaning attributed to them in the [Policy Glossary](#).

Advice	Means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Procedure or PIDA.
Applicable Law	Means a domestic or foreign enactment as defined under section 32(1) [<i>References to enactments</i>] of the Interpretation Act, an order of a court, or an order made by a public officer or administrative tribunal.

⁴⁰ PIDA, s. 41(4)

⁴¹ PIDA, s. 41(1)

⁴² PIDA, s. 6(3)

⁴³ PIDA, s. 31

⁴⁴ PIDA, s. 32

⁴⁵ PIDA, s. 32

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Designated Officer	Has the meaning ascribed to it in section 1 of PIDA and, as at the date of this Procedure means a senior official designated under section 10 [<i>designated officer</i>] to receive requests for advice and receive and investigate disclosures under PIDA.
Discloser	<p>Has the meaning ascribed to it in section 1 of PIDA and, as at the date of this Procedure means an employee who requests advice or makes a Disclosure or a complaint about a Reprisal under PIDA.</p> <p>For the purposes of PIDA, “employee” has the meaning ascribed to it in section 1 of PIDA and means:</p> <ul style="list-style-type: none"> a) an employee of a ministry, government body or office, and includes a person appointed under section 15 [<i>appointment by Lieutenant Governor in Council</i>] of the Public Service Act, or b) a member of a class of persons prescribed by regulation. <p>This includes those individuals prescribed in section 2(a) of PIDA:</p> <ul style="list-style-type: none"> (i) a director or an officer, in respect of a government body, and (ii) a former employee, if a Wrongdoing occurred or was discovered when the employee was employed by the ministry, government body or office, as applicable.
Disclosure	Has the meaning ascribed to it in section 1 of PIDA and, as at the date of this Procedure, means a disclosure of Wrongdoing made by a discloser in accordance with PIDA.
Ombudsperson	means the Ombudsperson of British Columbia.
Protection Official	<p>Has the meaning ascribed to it in section 16(1) of PIDA and, as at the date of this Procedure means:</p> <ul style="list-style-type: none"> a) in respect of a health-related matter, the provincial health officer, b) in respect of an environmental matter, the agency responsible for the Emergency Program Act, or c) in any other case, an appropriate police force.
Reprisal	<p>Has the meaning ascribed to it in section 31(1)(a) to (e) of PIDA and, as at the date of this Procedure, includes the following measures:</p> <ul style="list-style-type: none"> a) a disciplinary measure; b) a demotion; c) a termination of employment;

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- d) any measure that adversely affects the employee's employment or working conditions;
- e) a threat to take any of the measures referred to in paragraphs a) to d).

Respondent	Means a person against whom allegations of Wrongdoing or a complaint of Reprisal is made or a person who is found to have committed wrongdoing.
Wrongdoing	Has the meaning prescribed to it under section 7(1) of PIDA and, as at the date of this Procedure, means: <ul style="list-style-type: none"> 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 the performance of an employee's duties or functions; c) a serious misuse of public funds or public assets; d) gross or systemic mismanagement; or e) knowingly directing or counselling a person to commit a wrongdoing described in paragraphs a) to d).

Procedure Ownership

Policy Owner	Chief People Officer
Approving Body	Chief Executive Officer

Revision History

Version	Effective	Approved by	Amendment
1.0	Dec 1, 2022	Chief Executive Officer	Inaugural issue.