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# BC INFRASTRUCTURE BENEFITS

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## Whistleblower Policy

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## REVISION HISTORY

<b>Date of revision</b>	<b>Reason (refer to blackline version to see revisions)</b>
<b>October 22, 2019</b>	Initial Board Approval
<b>September 21, 2020</b>	Reviewed; no changes required
<b>July 15, 2021</b>	Minor changes to bring the Policy in line with the language of the <i>Public Interest Disclosure Act</i>
<b>December 8, 2022</b>	Edits and language additions to align with recent regulation changes to FIPPA and new legislative obligations under PIDA.

## 1. PURPOSE

Our Commitment to Supporting Ethical Behavior:

BC Infrastructure Benefits Inc. (“BCIB”) expects all employees to behave ethically and in compliance with BCIB’s policies and procedures as well as all applicable legislative and other legal requirements.

To support that commitment, BCIB expects employees to report any conduct that violates those policies, procedures, or legal requirements.

## 2. APPLICATION

This Policy applies to all BCIB employees.

## 3. DEFINITIONS

**Personal Information:** means recorded information about an identifiable individual other than Contact Information.

**Contact Information:** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.

**Designated Officer:** means the senior BCIB official designated to receive requests for advice and receive and investigate disclosures under this Act.

**Lead Representative:** means the BCIB representative that is the direct point of contact supervising BCIB operations at a particular project site.

**PIDA:** means the *Public Interest Disclosure Act*, [SBC 2018] c. 22.

**Protection Official** means the protection official defined in Section 16 (1) of PIDA.

**Wrongdoing:** means serious, dangerous, unlawful or fraudulent activity, including:

- a. a serious act or omission that would constitute an offence under Provincial or Federal legislation;
- b. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, unless that danger that is inherent in an employee’s role;
- 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 (a) to (d).

## 4. WHISTLEBLOWING

### Reporting Wrongdoing

All employees who knowingly observe or encounter evidence of Wrongdoing are expected to report such Wrongdoing immediately to one of the following channels:

1. The applicable BCIB Lead Representative; or
2. BCIB's Designated Officer at:  
[whistleblower@bcib.ca](mailto:whistleblower@bcib.ca)
3. Reports of Wrongdoing can also be made to the B.C. Ombudsperson

Reports of Wrongdoing made to BCIB's Lead Representative will immediately be provided to the Designated Officer.

BCIB's Lead Representatives do not assess an employee's allegations to decide whether they meet the threshold of potential Wrongdoing and does not investigate reports. They are required to provide reports to the Designated Officer for assessment and, where appropriate, investigation.

Reports must be in writing, and should include:

- a. A description of the Wrongdoing;
- b. Identification of the person(s) alleged to have committed the Wrongdoing or be about to commit the Wrongdoing;
- c. The date of the Wrongdoing, or anticipated Wrongdoing;
- d. Whether the Wrongdoing relates to an obligation under another policy or legislation; and
- e. Whether the information in the report has been disclosed under another policy or legislation, and to whom any such disclosure has been made.

Reports may be made anonymously but must contain sufficient information to permit the Designated Officer to conduct a full and fair investigation into the alleged Wrongdoing.

Reports received from members of the public or from employees who were not engaged by BCIB at the time that Wrongdoing occurred or is alleged to have occurred are outside the scope of this Policy.

### Request for Advice

Employees considering whether to report may seek advice from a BCIB Lead Representative, BCIB's Designated Officer, Allied Infrastructure and Related Construction Council of British Columbia ("Council") or Affiliated Union representative, their legal counsel, or the B.C. Ombudsperson.

## 5. USE OF PERSONAL INFORMATION

Employees making reports under this Policy must be careful only to collect, use or disclose Personal Information as necessary for the purpose of making their report. Employees must ensure that they do not collect, use or disclose any Personal Information beyond what is reasonably necessary in order to make a report.

BCIB may collect, use and disclose Personal Information received in a report in connection with an investigation under this Policy, and as required or permitted by applicable legislation.

BCIB utilizes reasonable security standards to protect the Personal Information that is in BCIB's custody and/or control.

### Public Disclosure about Imminent Risk of Danger

PIDA requires employees to protect Personal Information and information protected by solicitor-client privilege and only report as provided under the Act. There are some limited exceptions for public disclosure if the employee reasonably believes that a matter poses an imminent risk of a substantial and specific danger to the life, health or safety of people or the environment.

Before making a public disclosure of an imminent risk of danger, the employee **must**:

- a. First consult with the relevant Protection Official (public health officer for health matters, Emergency Management BC for environmental matters, or the police in any other case);
- b. receive and follow the direction of that Protection Official, including if the Protection Official directs the employee not to make the public disclosure;
- c. refrain from disclosing, publishing or otherwise sharing Personal Information, except as necessary to address the imminent risk of danger;
- d. refrain from disclosing any information that is privileged or subject to a restriction on disclosure under PIDA or any other legislation; and
- e. seek appropriate advice if the employee is uncertain about what Personal Information, privileged or other information may be disclosed as part of public disclosure.

An employee who makes a public disclosure in relation to an imminent risk of danger is expected to provide timely notification to the Designated Officer or BCIB's Lead Representative about the public disclosure or submit a report of Wrongdoing.

If the employee decides not to make a public disclosure or is directed by a Protection Official not to do so, the employee is nevertheless expected to report imminent risks of danger without delay to BCIB's Designated Officer.

## 6. CONFIDENTIALITY

BCIB will treat all reports received under this Policy, as well as any Personal Information related to those reports, with a high degree of confidentiality. Any Personal Information received as part of a report will be used and disclosed only for the purpose(s) for which it was collected, with the

consent of the relevant individuals or as otherwise required or authorized by law.

The confidentiality of individuals making reports or participating in investigations under this Policy is extremely important to BCIB. **Employees must not disclose any information capable of identifying an individual who has made a report, asked for advice about making a report or participated in an investigation,** unless that disclosure is made in accordance with this Policy or the express consent of the individual has been obtained.

## 7. INVESTIGATION

BCIB will take all reports of Wrongdoing seriously and investigate each report appropriately. BCIB will conduct each investigation in a manner appropriate to the context of the report, and in accordance with the following procedures:

1. Once a report is delivered to the Designated Officer, the Designated Officer will review the report and create a record which will be maintained and updated as necessary.
2. The Designated Officer may decline to investigate if, after assessing the report, it is determined that there is insufficient information to permit the Designated Officer to conduct a full and fair investigation into the alleged Wrongdoing. The Designated Officer may also decline to investigation if it is determined that the alleged Wrongdoing has already been (or is being) appropriately investigated or otherwise dealt with.
3. If the Designated Officer decides to investigate, they will determine the structure of the investigation, including necessary information, participants, and resources required to conduct the investigation. Interviews will be conducted (if necessary) and evidence collected as determined by the Designated Officer. The Designated Officer will maintain a record of steps undertaken as part of the investigation.
4. The Designated Officer will seek to complete the investigation in accordance BCIB's internal protocols, but the Designated Officer may shorten or extend this time period depending on the nature and complexity of the allegations.
5. Confidentiality will be maintained throughout the investigation in accordance with this Policy and to the extent possible to permit any necessary steps in the investigation.
6. BCIB may, if deemed necessary in its sole discretion and on a confidential basis, engage the assistance of professionals external to the organization to assist with and/or conduct an investigation.
7. At the conclusion of the investigation, BCIB will determine whether the alleged Wrongdoing has been substantiated. If substantiated Wrongdoing involves a breach of legislation or otherwise engages the jurisdiction of another body, including law enforcement, BCIB may refer the matter and its determination to that body.
8. At the conclusion of the investigation, BCIB may issue a summary of the findings to the employee who made the report and other appropriate persons in accordance with applicable law.
9. Employees found to have participated in acts of Wrongdoing may be subject to disciplinary action up to and including termination of employment.

## 8. PROHIBITION AGAINST REPRISAL

Any reprisal or threat of reprisal against an employee who has made a report, asked for advice about reporting, advised another employee to make a report, or participated in an investigation under this Policy in good faith is strictly prohibited. Reprisal includes any action that negatively affects employment or working conditions, including suspension, discipline, demotion, termination, harassment, or a threat to engage in any of the foregoing.

Any employee experiencing reprisal of any kind should report it immediately to the Designated Officer in writing, including the following:

- a. A description of the reprisal;
- b. The name of the person responsible;
- c. The date of the reprisal; and
- d. Whether the reprisal has already been reported under PIDA, or other legislation, and if so, to whom such a report has been made.

Any employee experiencing reprisal may also report it to the [B.C. Ombudsperson](#).

Any employee found to have engaged in an act of reprisal under this Policy will be subject to disciplinary action up to and including termination of employment.

This Policy is intended to encourage and facilitate disclosure by employees in the public interest, and misuse or abuse of this Policy will not be tolerated. Any employee who knowingly makes a false, bad faith or malicious report under this Policy will be subject to discipline up to and including termination of employment.

## 9. REFERENCES AND RELATED POLICIES

- BCIB Privacy Statement
- BCIB Employee Privacy Policy

## 10. QUESTIONS REGARDING THIS POLICY

If you have any questions regarding this Policy or PIDA, please contact BCIB's Designated Officer at:

Designated Officer  
BC Infrastructure Benefits Inc.  
Suite 1050 – 89 West Georgia Street  
Vancouver, BC V6B 0N8

Alternatively, an email can be sent to: [whistleblower@bcib.ca](mailto:whistleblower@bcib.ca)

If you have any questions about PIDA, you may also contact the [B.C. Ombudsperson](#).

## 11. POLICY AMENDMENTS

BCIB reserves the right to amend this Policy at any time and will publish revisions as promptly as possible.