J.9 – Whistleblower Policy

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Honesty, integrity and lawfulness are essential pillars in the Insurance Council's operations. It is how we interact with each other, the public, and in how we go about our daily work, and it is in the interest of the Insurance Council and the public that all concerns regarding the integrity, honesty, and lawfulness of what we do be reported so that they can be appropriately addressed.

This policy acts as a control to safeguard these pillars and those individuals who report on wrongdoings in good faith; in accordance with the *Public Interest Disclosure Act* ("PIDA"). Terms used in this policy are as per the definitions found in PIDA.

1. Scope

This policy applies to all Council members and Insurance Council employees, including the Insurance Council's management team. Everyone has a responsibility to report concerns or wrongdoings of any nature and may seek advice in respect of making a disclosure or a complaint about a reprisal under PIDA.

The main areas of reporting are:

- Financial Reporting – examples include any misuse of finances, inappropriate destruction of financial records, suppression or misrepresentation of financial information, or issues with auditor independence
- Bullying and Harassment – examples include workplace bullying, violence, or sexual harassment
- Suspected fraudulent activity – examples include theft or the giving or receiving of bribes or other favours
- Breaches in policies, laws or compliance – examples include any conflicts of interest or breaches in confidentiality or privacy
- Retaliation or retribution against a reporting party – examples include any demotion or termination of a reporting party because of their complaint or any threat or intimidation of a reporting party

2. Channels for Reporting

Reporting can be made to any of the below channels:

- Designated Officer: Manager, Human Resources;

- Council's Executive Committee;
- Chief Executive Officer;
- Director or Manager;
- Ombudsperson[1]; or
- External Office, such as Worksafe BC, Human Rights Tribunal, and/or the Minister of Finance.

3. Disclosure and Investigation

Depending on the nature and area of the request for advice or disclosure brought forward internally, an investigation of the matter will be undertaken by an appropriate person (the "investigator") as determined by Council's Chief Executive Officer or by Council's Executive Committee in the event the concern relates to the Chief Executive Officer.

The disclosure must be made in writing via one of the designated channels for reporting. The disclosure should include the following information, if known:

1. Description of the wrongdoing;
    a. The name of the person alleged to have committed the wrongdoing, or to be about to commit the wrongdoing;
2. The date of the wrongdoing;
3. Whether information or conduct that is being disclosed relates to an obligation under another enactment (other than PIDA) and, if so, a reference to the enactment;
4. Whether the wrongdoing has already been disclosed under PIDA or another enactment;
    a. If applicable, include the name of the person to whom the disclosure was made and the response, if any, that has been received.

Disclosures may be made anonymously. The disclosing party is encouraged to include detailed information as requested above for the investigator as there will not be an opportunity to follow up with the disclosing party for additional information if the disclosure was made anonymously.

The CEO or Executive Committee will review the disclosure and assess any risk of reprisal that may be taken against the discloser. An investigation will be initiated within 14 days of receipt of the disclosure.

[1] Office of the Ombudsperson Province of British Columbia

Any individual outlined in section 2. Channels for Reporting, shall ensure the confidentiality of information collected in relation to requests for advice, disclosures, and investigations by communicating only with relevant parties about the disclosure. All channels for reporting must report any disclosures to the Designated Officer, or to the CEO should the disclosure be about the Designated Officer. Personal information collected and used for investigations or disclosures shall be protected in accordance with the *Personal Information Protection Act* and in compliance with PIDA.

4. Requests for Advice

An employee considering making a disclosure may request advice from:

- Their supervisor;
- A lawyer;
- The ombudsperson; and
- The Designated Officer.

5. Non-Retaliation

A non-retaliation requirement is essential in this policy to ensure that all parties involved are free from reprisal and can report disclosures and participate in the investigation process without fear. Retaliation against any person, including the complaining party, the respondent, or a witness, is prohibited and will be considered a breach of this policy and PIDA.

6. Confidentiality

Confidentiality is critical to the review of any concern and all parties involved in the process must ensure that confidentiality is maintained. In some instances, it may be necessary to release certain information for the purposes of the review. However, the release of any information for a purpose not identified by PIDA will be considered a breach of this policy.

7. Disciplinary Action

Any breach of this policy can be subject to disciplinary action, up to and including termination of employment in the case of a Council employee or in the case of a Council member, per the procedures outlined in section G5 - Member Code of Conduct.

8. Reporting

A review into any wrongdoing reported under this policy will be documented and maintained by the Insurance Council's Manager, Human Resources or by the Insurance Council's Chief Executive Officer in the event the concern relates to the Manager, Human Resources. An annual report will be published containing the number of disclosures received and the number of disclosures investigated in the fiscal year. The report will include information as required by PIDA.

9. Penalties

It is an offense to make a false statement, obstruct or mislead an individual in the performance of their duties under PIDA. A breach of the non-retaliation and confidentiality sections indicated in this policy may also constitute an offense[2]. If convicted, fines range up to $25,000 for a first offence and $100,000 for a second or subsequent offence.

10. Review

This policy shall be reviewed every two years by the Manager, Human Resources or upon revision of the *Public Interest Disclosure Act.*

[2] *Public Interest Disclosure Act,* s. 41(3)