

Correction Act Regulation

Pocket Reference for Correctional Officers



Ministry of
Public Safety and Solicitor General
BC Corrections

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BC Corrections
Adult Custody Division

**MISSION STATEMENT AND
CORE BELIEFS**

As dedicated corrections professionals, we provide safe and secure custody of inmates and deliver programs that promote public safety. This mission statement is supported by the following core beliefs:

- Our business is public safety.
- Our culture is based on fairness, dignity and respect.
- Our foundation is effective communication.
- Our practices are rooted in due process.
- Our programs and services support positive change.

NOTE TO CORRECTIONAL OFFICERS

The mission of BC Corrections is to provide safe and secure custody of inmates and deliver programs that promote public safety. As peace officers in this mission, you have the legislative authority of the *Correction Act* to provide safe, secure and humane control of inmates in the provincial correctional centres of British Columbia.

In April 2005, British Columbia proclaimed a new *Correction Act* and issued a new *Correction Act* Regulation, which replaced the Correctional Centre Rules and Regulations.

Amendments to the Correction Act Regulation were approved in June 2007, December 2015, October 2017, November 2018, and June 2020. This booklet contains the complete text of the amended Regulation, which directs you in your responsibilities for supervising the treatment, conduct and discipline of inmates. It is your duty to review the *Correction Act* and its Regulation. You are encouraged to keep the booklet with you at work as a handy reference.

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PART 1

Definitions

Definitions

- 1** In this regulation:
- “**Act**” means the *Correction Act*;
 - “**assistant deputy minister**” means the assistant deputy minister of the Corrections Branch of the government;
 - “**health care professional**” means a person employed by the Provincial Health Services Authority who is:
 - (a) a registrant as defined in the *Health Professions Act*, or;
 - (b) a person designated by the Provincial Health Services Authority to provide health care services in a correctional centre;
 - “**Provincial Health Services Authority**” means the Provincial Health Services Authority, a society under the *Societies Act*;
 - “**intoxicant**” means a substance that, if taken into the body, has the potential to impair or alter judgment, behaviour or the capacity to recognize reality or to meet the ordinary demands of life, but does not include caffeine, nicotine or any authorized medication used in accordance with the directions given by a staff member or health care professional;

“**Ombudsperson**” means the Ombudsperson appointed under the *Ombudsperson Act* or a person to whom the Ombudsperson has delegated any of his or her powers or duties under section 30 of that Act;

“**person in charge**” means the person in charge of a correctional centre;

“**provincial director**” means the director of correctional centres for British Columbia;

“**segregation unit**” means an area designated by the person in charge to segregate inmates.

PART 2

Powers and Duties of Persons Employed in Correctional Centres

Standards of confinement

- 2** (1) Subject to subsection (2), the person in charge must ensure that an inmate is given
- (a) regular meals of the type ordinarily served to inmates,
 - (b) the opportunity for at least 2.5 hours per day out of the inmate's cell, including the opportunity for a daily exercise period of at least one hour that is in the open air if weather and security considerations allow,

- (c) clothing, a mattress and bedding,
 - (d) access to reading materials,
 - (e) reasonable access to mail and to the telephone,
 - (f) Postage for
 - (i) all privileged communication made by mail, and
 - (ii) up to 7 letters a week for other communication made by an inmate by mail,
 - (g) access to personal visits,
 - (h) access to health care,
 - (i) access to personal washing or shower facilities at least once a day, and
 - (j) access to toilet articles that are necessary for the inmate's health and cleanliness.
- (2) Subsection (1) does not apply if
- (a) the person in charge believes on reasonable grounds that one or more of the privileges referred to in subsection (1) cannot be given to the inmate because it may endanger the inmate or another person, or
 - (b) the inmate is confined separately from other inmates under section 17, 18 or 19 or confined in a cell in the segregation unit under section 24 or 27 (1) (d) and one or more of the privileges cannot reasonably be given to the inmate, having regard to the limitations of the area in which the inmate is confined and the necessity for the safe and effective operation of that area.
- (3) The person in charge may pay an inmate for work done in a work program.

Inmates who are not sentenced

- 3** The person in charge must ensure that an inmate who is not sentenced to imprisonment as a result of a conviction for an offence under the *Criminal Code* or another federal enactment or an offence under a provincial enactment, or who is detained under the *Immigration Act* (Canada) or the *Immigration and Refugee and Protection Act* (Canada),
- (a) is, where circumstances allow, housed separately from inmates who are sentenced to imprisonment as a result of a conviction for an offence under the *Criminal Code* or another federal enactment or an offence under a provincial enactment, and
 - (b) gives his or her consent before being assigned to a work program.

Inmate concerns

- 4** A staff member must, if circumstances allow, make reasonable attempts to address a concern raised by an inmate.

Information to be provided to inmate

- 5** (1) The person in charge must give an inmate reasonable access to the following:
- (a) the Act;
 - (b) this regulation;
 - (c) information about the daily routine of the correctional centre;
 - (d) information about
 - (i) the rules governing conduct of inmates and breaches of the rules,

- (ii) how to file a complaint with the person in charge and the director and how to ask for a review of a disciplinary hearing decision,
 - (ii.1) how to make submissions about why separate confinement under section 18 should not continue or should be for a shorter period of time, and
 - (iii) how to apply for temporary absence and parole.
- (2) The person in charge must make reasonable efforts to ensure that an inmate who is unable to adequately understand the material referred to in subsection (1) receives assistance to understand the material.

Identification of staff member

- 6** A staff member must wear a name tag that identifies the staff member.

Travel warrant on discharge

- 7** On discharge of an inmate, the person in charge must provide a travel warrant to enable the inmate to return to the place in the province where the inmate was convicted or to another place in the province that the person in charge considers reasonable in the circumstances.

PART 3

Custody of Inmates

Division 1 – Security Measures

Identification of inmate

- 8** (1) In this section, “personal identification device” includes a wrist band and magnetic access card.
- (2) On admission to a correctional centre, and at any other time on the direction of a staff member, an inmate must
- (a) submit to an identification process that may include a photograph, a digital or video image, or another form of identification approved by the assistant deputy minister, and
 - (b) provide the following information about himself or herself as follows:
 - (i) name;
 - (ii) date and place of birth;
 - (iii) height and weight;
 - (iv) distinguishing marks, including birthmarks, scars and tattoos;
 - (v) correctional service number.
- (3) An inmate must retain and wear a personal identification device as directed by the person in charge and produce it when directed to do so by a staff member.

Use of physical restraint devices

- 9** (1) An authorized person may use a type of physical restraint device that is approved by the provincial director if circumstances require use of the physical restraint device in order to
- (a) prevent injury or death to a person,
 - (b) prevent property damage,
 - (c) prevent an inmate from escaping, or
 - (d) maintain custody and control of an inmate.
- (2) A physical restraint device must not be used to restrain an inmate for more than 4 continuous hours unless
- (a) authorized by the person in charge under subsection (3), or
 - (b) the inmate is on an escorted absence from the correctional centre.
- (3) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 4 continuous hours but, unless subsection (4) applies, for no more than 16 continuous hours, if
- (a) the person in charge believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person, and
 - (b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.
- (4) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 16 continuous hours with approval from the provincial director.

- (5) A person in charge who authorizes the use of a physical restraint device under subsection (4) must review the condition of the inmate with the provincial director every 12 hours following the approval of the provincial director while the physical restraint device is being used.
- (6) The provincial director may at any time revoke his or her approval under subsection (4).

Searches

- 10** (1) In this section:
- “**frisk search**” means a hand search or a search by use of a hand-held screening device, conducted by an authorized person,
 - (a) of a clothed person, from head to foot, down the front and rear of the body, around the legs, and inside clothing folds, pockets and footwear, and
 - (b) of any personal possessions, including clothing, that the person may be carrying or wearing;
 - “**screening search**” means a search by an authorized person of a clothed person and any personal possessions, including clothing, that the person may be carrying or wearing, that is conducted visually or with the use of a screening device, including a drug detection dog, ion spectrometry device, CO2 detector, walk-through or hand-held metal detector or other screening device that is approved by the person in charge.
- (2) A search conducted in accordance with section 13 (1) to (3), 14 (1) or (4) (a), or 15 (1) (a) or (3) (a) of the Act may be conducted by a frisk search or a screening search.

Strip searches – general

- 11** (1) In the Act and in this section and section 12, “strip search” means a visual inspection by an authorized person of a nude person that includes
- (a) a visual inspection of the following:
 - (i) the person undressing completely;
 - (ii) the open mouth, hands or arms of the person;
 - (iii) the soles of the feet and the insides of the ears of the person;
 - (iv) the person running his or her fingers through his or her hair;
 - (v) the person bending over, and
 - (b) the person otherwise enabling the authorized person to perform the visual inspection.
- (2) If the circumstances allow, an authorized person must, before conducting a strip search,
- (a) inform the person to be strip searched of the reasons for the strip search, and
 - (b) explain how a strip search is conducted.
- (3) A strip search that is conducted by an authorized person must be
- (a) observed by one other authorized person,
 - (b) carried out in as private an area as the circumstances allow, and
 - (c) carried out as quickly as the circumstances allow.
- (4) The authorized person referred to in subsection (3)
- (a) must be the same gender as the person who is the subject of a strip search unless the person in charge believes on reasonable grounds that the delay that would be necessary in order to comply with this requirement would result in danger to human life or safety.

Strip searches under certain circumstances

- 12** (1) This section does not apply if a strip search is conducted in the following circumstances:
- (a) on admission, entry, transfer or return of an inmate to the correctional centre;
 - (b) on entry to or return from a cell in the segregation unit by an inmate;
 - (c) on return of an inmate from a visit, work or program area in the correctional centre if the inmate could have had access to an item that is contraband and that may be hidden on or in the inmate's body.
- (2) In order for an authorized person to conduct a strip search in circumstances other than those listed in subsection (1), the authorized person must
- (a) believe on reasonable grounds that the inmate may be in possession of contraband or evidence relating to an offence under section 17 of the Act,
 - (b) believe on reasonable grounds that a strip search is necessary in the circumstances, and
 - (c) obtain the authorization of the person in charge, unless the authorized person believes on reasonable grounds that the delay that would be necessary in order to comply with this requirement would result in danger to human life or safety or in loss or destruction of evidence.
- (3) The person in charge must, before giving the authorization referred to in subsection (2) (c), be satisfied that a strip search is necessary in the circumstances.
- (4) An authorized person who conducts a strip search under this section must complete a written report of the strip search and submit the report to the person in charge as soon as practicable.

Privileged communication

- 13** Communication between an inmate and the following is a privileged communication:
- (a) the assistant deputy minister;
 - (b) the provincial director;
 - (c) the person in charge;
 - (d) the director;
 - (e) a member of Parliament or of the Legislative Assembly;
 - (f) the Ombudsperson;
 - (g) if the inmate is detained or subject to a warrant for arrest and detention under the *Immigration Act* (Canada), an immigration officer as defined in that Act, or, if the inmate is detained or subject to a warrant for arrest and detention under the *Immigration and Refugee Protection Act* (Canada), a person designated as an officer under that Act;
 - (h) the inmate's lawyer, or a lawyer from a jurisdiction other than British Columbia who is able to satisfy the person in charge that he or she is qualified to practise law in that jurisdiction and is a lawyer representing the inmate in respect of a legal matter in that jurisdiction.
 - (i) the B.C. Human Rights Clinic.

Inmate communication

- 14** (1) In the Act and this section, “monitor” means to
- (a) listen to an inmate communication that is made by electronic means or to an inmate communication that was made by electronic means and recorded, or
 - (b) read inmate communication delivered to the correctional centre or sent from within the correctional centre.
- (2) Inmate communication by telephone or other electronic means may be recorded.
- (3) Inmate communication may be monitored or recorded by an authorized person if the authorized person has reasonable grounds to believe that
- (a) the inmate is
 - (i) involved in illegal activities,
 - (ii) harassing or causing harm to others, or
 - (iii) participating in an activity that may jeopardize the management, operation or security of the correctional centre, or
 - (b) the monitoring is necessary to maintain or repair the recording system and the monitoring is performed only for the length of time and to the extent that is necessary to effect the maintenance or repair.
- (4) Inmate communication by mail may be intercepted and examined by an authorized person to determine if the mail contains contraband.
- (5) Repealed. [B.C. Reg. 191/2007, s. 1 (b).]

Circumstances and manners of disclosure

- 14.1** An authorized person may do one or both of the following:
- (a) attach the name and address of the correctional centre to inmate communication or privileged communication, if the recipient is outside of the correctional centre;
 - (b) at the beginning of an inmate communication or of a privileged communication by telephone to a place outside of the correctional centre, play a recorded announcement that the telephone call comes from the correctional centre.

Retention of inmate communication

- 15** (1) A recording of an inmate communication made under section 14 (2) or (3) may be retained for a period not longer than 30 days, unless there are reasonable grounds to believe that the inmate is
- (a) involved in illegal activities,
 - (b) harassing or causing harm to others, or
 - (c) participating in an activity that may jeopardize the management, operation or security of the correctional centre.
- (2) A recording of an inmate communication under section 14 (2) or (3) must not, without lawful authority, be released or disclosed by a person employed in or about a correctional centre.

Urinalysis demand

- 16** (1) If an authorized person demands that an inmate submit to urinalysis, the authorized person must ensure that the following procedures are followed in taking the urine sample:
- (a) the authorized person must be the same gender as the inmate;
 - (b) the inmate must wash his or her hands before providing a sample;
 - (c) the authorized person must provide the inmate with a container for the sample and must be present as the inmate provides the sample;
 - (d) the authorized person must give the inmate up to 2 hours from the time of a demand to provide a sample;
 - (e) the authorized person must ensure that the inmate is kept separate from other people except the authorized person, and is not left alone during the period referred to in paragraph (d);
 - (f) once the sample has been provided, the authorized person must, in the presence of the inmate,
 - (i) seal the container,
 - (ii) affix a label to the container identifying the sample in a manner that does not disclose the identity of the inmate to the laboratory, and
 - (iii) certify on the label that the container contains the sample provided by the inmate;
 - (g) the authorized person must keep a written record that indicates the number on the container that corresponds to the name of the inmate.

- (2) If the demand to submit to urinalysis is made under section 20 (1) (a) of the Act, the authorized person must obtain the authorization of the person in charge before making the demand.
- (3) If an inmate fails to provide a urine sample and the requirements of subsection (1) have otherwise been met, the inmate is considered to have failed to comply with the demand to submit to urinalysis.

Separate confinement – short term

- 17** (1) The person in charge may order that an inmate be confined separately from other inmates if
- (a) the person in charge believes on reasonable grounds that the inmate
 - (i) is endangering himself or herself or is likely to endanger himself or herself,
 - (ii) is endangering another person or is likely to endanger another person,
 - (iii) is jeopardizing the management, operation or security of the correctional centre or is likely to jeopardize the management, operation or security of the correctional centre,
 - (iv) would be at risk of serious harm or is likely to be at risk of serious harm if not confined separately, or
 - (v) must be confined separately for a medical reason or other reason, or
 - (vi) Repealed. [B.C. Reg. 243/2015, Sch. 1, s. 3 (a).]
 - (b) Repealed. [B.C. Reg. 243/2015, Sch. 1, s. 3 (b).]
 - (c) the person in charge has reasonable grounds to believe that the inmate has contraband hidden in the inmate's body.

- (2) Subject to section 18 (1), the person in charge must release an inmate who is confined separately under subsection (1) from separate confinement within 72 hours of the commencement of the confinement.
- (3) Repealed. [B.C. Reg. 243/2015, Sch. 1, s. 3 (b).]
- (4) The person in charge must, within 24 hours of making an order under subsection (1) to confine an inmate separately from other inmates, give the inmate the reason for the confinement under subsection (1) in writing.

Separate confinement – longer term

- 18** (1) If an inmate is ordered to be confined separately under section 17 (1) (a), the person in charge may decide to extend the order for one or more periods of not longer than 15 days each, provided that the person in charge
- (a) reviews the circumstances of the separate confinement before
 - (i) the inmate must be released under section 17 (2), or
 - (ii) the expiry of an extension made under this subsection,
 - (b) determines that the circumstances that justified the order under section 17 (1) (a) still exist, and
 - (c) determines that the separate confinement should continue.
- (2) An extension under subsection (1) begins on the day after the person in charge makes the decision to extend.
- (3) The person in charge must, within 24 hours of making a decision to extend an order to confine an inmate separately from other inmates,
- (a) give the inmate, in writing,

- (i) the reason for the confinement under subsection (1),
 - (ii) the period of time during which the inmate will be in separate confinement, and
 - (iii) the reason for the length of time of separate confinement, and
- (b) give the inmate a reasonable opportunity to make submissions about why the separate confinement should not continue or why the separate confinement should be for a shorter period of time.
- (4) After considering the submissions made by the inmate under subsection (3) (b), the person in charge may within a reasonable period of time,
 - (a) confirm his or her decision,
 - (b) vary his or her decision, or
 - (c) rescind his or her decision.
- (5) If the person in charge confirms, varies or rescinds his or her decision under subsection (4), the person in charge must notify the inmate and give written reasons to the inmate.

Voluntary separate confinement

- 19** (1) If the person in charge and an inmate agree that the inmate would be at risk of serious harm or is likely to be at risk of serious harm if not confined separately, the person in charge and the inmate may agree that the inmate be confined separately from other inmates.
- (2) The person in charge must confirm the agreement under subsection (1) to the inmate in writing.
- (3) If the person in charge and an inmate are in agreement in accordance with subsection (1), the inmate may be confined separately from other inmates and may at any time request in writing that the person in charge review the separate confinement.

Termination of separate confinement by person in charge

- 20** Despite anything in section 17 [separate confinement – short term], 18 [separate confinement – longer term] or 19 [voluntary separate confinement], the person in charge may at any time terminate the separate confinement of an inmate.

PART 3 – CUSTODY OF INMATES

Division 2 – Discipline

Rules governing conduct of inmates

- 21** (1) An inmate must not
- (a) disobey a direction of a staff member or of the person in charge,
 - (b) enter an area of the correctional centre in which an inmate is not authorized to be without the permission of a staff member,
 - (c) enter a cell or living unit that is not assigned to the inmate without the permission of a staff member,
 - (d) willfully or recklessly damage or destroy property that is not property of the inmate,
 - (e) steal or possess stolen property,
 - (f) possess property or food that is not the property or food of the inmate without the permission of a staff member,
 - (g) unless unreasonably provoked by that person, behave in an insulting or abusive manner toward a person,
 - (h) behave in manner toward a person that shows hatred or contempt for the person based on the person's race, colour, ancestry, place of origin,

- religion, marital status, family status, physical or mental disability, sex, sexual orientation or age,
- (i) engage in an indecent act,
 - (j) engage in horseplay or roughhousing,
 - (k) physically fight with another person,
 - (l) take an intoxicant into his or her body,
 - (m) tattoo or pierce his or her body,
 - (n) fail to comply with a demand to submit to urinalysis,
 - (o) obstruct a staff member in the execution of his or her duties,
 - (p) provide a false or misleading statement to a staff member,
 - (q) offer, give or accept a bribe,
 - (r) gamble,
 - (s) give to or accept from another inmate money or other property or food without the permission of a staff member,
 - (t) refuse to attend work or a program or leave work or a program without the permission of a staff member or a reasonable excuse,
 - (u) conceal his or her face in order to conceal his or her identity,
 - (v) use a tobacco or vapour product within the meaning of the *Tobacco and Vapour Products Control Act* without the permission of a staff member,
 - (w) assault or threaten another person,
 - (x) be unlawfully at large or escape custody,
 - (y) attempt to obtain, or possess contraband,
 - (z) give or sell contraband to another inmate,
 - (z.1) create or participate in a disturbance, or
 - (z.2) engage in an activity that jeopardizes or is likely to jeopardize
 - (i) the safety of a person, or

- (ii) the management, operation or security of the correctional centre.
- (2) An inmate must not assist or attempt to assist another inmate to do anything referred to in subsection (1).
- (3) An inmate who breaches a rule referred to in subsection (1) or (2) may be disciplined for the breach in accordance with this Division.

Breach of rule

- 22** (1) If a staff member believes on reasonable grounds that an inmate has breached or is breaching a rule referred to in section 21 (1) or (2), the staff member must, if the circumstances allow,
- (a) stop the breach from occurring, or
 - (b) give the inmate an opportunity to stop the breach from occurring or give the inmate an opportunity to correct the breach if the person aggrieved by the breach consents, and inform the inmate
 - (c) of the rule under section 21 (1) or (2) that was breached, and
 - (d) what the breach consists of.
- (2) If, in the opinion of the staff member referred to in subsection (1), the breach has not been or cannot be satisfactorily resolved by the actions described in that subsection, the staff member must, as soon as practicable, file a written report with the person in charge, setting out
- (a) the rule that is alleged to have been breached,
 - (b) the circumstances surrounding the alleged breach, and
 - (c) the action taken, if any, under subsection (1) (b).

- (3) On receipt of the report referred to in subsection (2), the person in charge must determine whether to order that a disciplinary hearing be convened.

Notice of alleged breach

- 23** The person in charge must, as soon as practicable, give written notice to an inmate who is the subject of a determination under section 22 (3) to convene a disciplinary hearing, setting out the
- (a) rule the inmate is alleged to have breached,
 - (b) circumstances surrounding the alleged breach,
 - (c) proposed date and time of the hearing, and
 - (d) reason under section 24 (1) for any order made under that section.

Segregation pending disciplinary hearing

- 24** (1) The person in charge may order that an inmate be confined in a cell in the segregation unit pending the conclusion of a disciplinary hearing if the person in charge believes on reasonable grounds that
- (a) the inmate is likely to endanger himself or herself or another person if housed in a cell outside of the segregation unit,
 - (b) the inmate is likely to jeopardize the management, operation or security of the correctional centre if housed in a cell outside of the segregation unit, or
 - (c) it is necessary to preserve evidence for the disciplinary hearing.

- (2) An order made under subsection (1) must be reviewed by the person in charge within 24 hours of being made and at least every 24 hours until the inmate is released from confinement.
- (3) If, on a review under subsection (2), the person in charge determines that the circumstances referred to in subsection (1) no longer exist, the person in charge must release the inmate from confinement in a cell in the segregation unit.

Disciplinary hearing

- 25** (1) A disciplinary hearing must be presided over by a person appointed by the assistant deputy minister.
- (2) Repealed. [B.C. Reg. 124/2020, Sch. 1, s. 5 (b).]
 - (3) A person appointed under subsection (1) who is not an employee under the *Public Service Act* may be paid the amount set by Treasury Board Directive 3/04 for a Tribunal Group 1 member.

Conduct of hearing

- 26** (1) A disciplinary hearing must be commenced as soon as practicable and no later than 72 hours from the time of the order to convene a disciplinary hearing under section 22 (3).
- (2) A disciplinary hearing may be commenced under subsection (1) without the inmate present
 - (a) if the inmate is absent from the correctional centre because the inmate
 - (i) is in court,
 - (ii) is absent for a medical reason,
 - (iii) is authorized or required by an enactment of

- Canada or the Province to be somewhere else,
 - (iv) has escaped from custody, or
 - (v) is unlawfully at large, or
 - (b) the inmate refuses or chooses not to attend the hearing, or
 - (c) if, in the opinion of person in charge, acting reasonably, the inmate's behaviour prior to the hearing is so disruptive that the inmate cannot safely be escorted to the hearing.
- (3) A disciplinary hearing must be adjourned if the inmate is not present, unless
 - (a) the inmate refuses or chooses not to attend the hearing, or
 - (b) if, in the opinion of the person presiding over the hearing, acting reasonably,
 - (i) the presence of the inmate at the hearing would jeopardize the safety of a person at the hearing, or
 - (ii) the inmate is causing serious disruption to the hearing.
- (4) A disciplinary hearing must be recorded.
- (5) The person presiding over the disciplinary hearing may conduct the hearing in person or by way of telephone, video conference or other communication medium.

Penalties for breach of rule

- 27** (1) If an inmate is found to have breached a rule referred to in section 21 (1) or (2) [rules governing conduct of inmates], the person presiding over the disciplinary hearing may impose one or more of the following penalties:
- (a) a warning or reprimand;
 - (b) a temporary or permanent restriction on activities or programs, other than a visit program, unless the breach is directly related to a visit program;
 - (c) intermittent confinement in a cell, other than a cell in the segregation unit, for a period not longer than 192 hours;
 - (d) subject to subsection (3), confinement in a cell in the segregation unit for a period not longer than 15 days;
 - (e) assignment of extra duties for a period not longer than 12 hours;
 - (f) forfeiture of earned remission, credited to the date of the breach, of not more than 60 days.
- (2) Repealed. [B.C. Reg. 124/2020, Sch. 1, s. 7 (b).]
- (3) If an inmate is ordered to be confined in a cell in the segregation unit under subsection (1) (d),
- (a) while the inmate is confined to a cell in the segregation unit under subsection (1) (d) for one or more previous breaches, the penalties must be served concurrently with confinement ending on the latest end date of those penalties, or
 - (b) while the inmate is confined to a cell in the segregation unit under section 24, the number of days served by the inmate in the cell in the segregation unit under section 24 must be

subtracted from the number of days the inmate is ordered to be confined in a cell in the segregation unit under subsection (1) (d).

- (4) On application or on his or her own motion, the person who presided over a disciplinary hearing may reduce or suspend all or part of a penalty imposed under subsection (1), with or without conditions, for a period not longer than 90 days.
- (5) If an inmate applies to the person who presided over a disciplinary hearing for a reduction or suspension of the penalty imposed, the person who presided over the disciplinary hearing or, if that person is not available, an employee under the *Public Service Act* who is either designated by the assistant deputy minister or in a class of persons designated by the assistant deputy minister, must make a decision within 5 days of receipt of the application and advise the inmate of the decision, the reasons and any conditions in writing.
- (6) If an inmate does not comply with a condition imposed under subsection (4) or (5),
 - (a) the person in charge may order that a disciplinary hearing about the failure to comply with the condition be convened, and
 - (b) if the person presiding over the disciplinary hearing referred to in paragraph (a) determines at the conclusion of the hearing that the inmate did not comply with a condition, the person presiding over the hearing must reimpose the previously reduced or suspended penalty.

Written reasons for decision

- 28** As soon as practicable after conclusion of the hearing, a person who presides over a disciplinary hearing must provide written reasons to the inmate for the decision and the penalty imposed.

Review of decision

- 29** (1) An inmate may, within 7 days of a decision being made under section 27, request in writing that the director review the decision and the penalty imposed.
- (2) On receipt of a request for a review under subsection (1), the person in charge must immediately provide the director with a record of the disciplinary hearing and information used in the hearing.
- (3) The director may suspend a penalty imposed under section 27 pending completion of the review.
- (4) The director may
- (a) confirm the decision made and the penalty imposed under section 27,
 - (b) confirm the decision made and substitute another penalty under section 27, or
 - (c) rescind the decision made and the penalty imposed under section 27, and
 - (i) direct that the person in charge change the inmate's record to reflect the rescission, or
 - (ii) direct that a new disciplinary hearing be convened.

- (5) If a new disciplinary hearing is directed to be convened under subsection (4) (c) (ii),
 - (a) the assistant deputy minister, or an employee under the *Public Service Act* who is either designated by the assistant deputy minister or in a class of persons designated by the assistant deputy minister, must, as soon as practicable, appoint a person, who has had no previous involvement with the allegation against the inmate, to rehear the allegation,
 - (b) the person appointed under paragraph (a) must rehear the allegation as soon as practicable, and
 - (c) sections 26, [conduct of hearing], 27 [penalties for breach of rules] and 28 [written reasons for decision] apply to the new disciplinary hearing.

PART 3 – CUSTODY OF INMATES

Division 3 – Visitors

Visitors – personal

- 30** (1) A visitor must not enter a correctional centre unless authorized by the person in charge.
- (2) If, in the opinion of the person in charge, acting reasonably, it is necessary for the management, operation or security of the correctional centre, the person in charge may do one or more of the following:
- (a) order the removal of a visitor from the correctional centre or from a part of the correctional centre;
 - (b) prohibit or restrict a person from visiting with an inmate;
 - (c) order that a visit with an inmate be supervised;
 - (d) place restrictions on or make allowances for the nature, timing, frequency, length or location of a visit with an inmate.
- (3) If, in the opinion of a staff member, acting reasonably, the conduct of a visitor or of an inmate who is being visited is jeopardizing the management, operation or security of the correctional centre, the staff member

- (a) may terminate the visit by the visitor with the inmate and must report the termination of the visit to the person in charge, and
- (b) may order the removal of a visitor from the correctional centre or from a part of the correctional centre.

Visitors – official

- 31** (1) Subject to subsections (3) and (4), the following may, while on official business, visit an inmate at any reasonable time:
- (a) the assistant deputy minister;
 - (b) the provincial director;
 - (c) a peace officer on duty;
 - (d) the inmate's lawyer in respect of
 - (i) a charge against the inmate under the *Criminal Code* or another federal enactment or under a provincial enactment,
 - (ii) a matter for which the inmate is detained or subject to detention under the *Immigration Act* (Canada) or the *Immigration and Refugee Protection Act* (Canada), or
 - (iii) a breach of a rule governing the conduct of inmates;
 - (e) a lawyer from a jurisdiction other than British Columbia who is able to satisfy the person in charge that he or she is qualified to practise law and is a lawyer representing the inmate in respect of a criminal charge against the inmate;

- (f) a member of Parliament or of the Legislative Assembly;
- (g) the Ombudsperson.
- (2) A person in charge must ensure that a visit by a visitor referred to in subsection (1) can be held in private.
- (3) Section 30 does not apply to a visitor referred to in subsection (1) except as follows:
 - (a) section 30 (2) (a) and (c) applies to a visitor referred to in subsection (1);
 - (b) section 30 (2) (d) applies to a visitor referred to in subsection (1) (c), (d), (e) and (f).
- (4) The person in charge may authorize the refusal, suspension or termination of a visit by a visitor referred to in subsection (1), but only if the person in charge believes on reasonable grounds that
 - (a) the visit is jeopardizing or would jeopardize the management, operation or security of the correctional centre or the safety of a person, and
 - (b) in the case of a visitor referred to in subsection (1) (c), (d), (e) or (f), restrictions on the nature, timing, length and location of the visit would not be adequate to address the risk referred to in paragraph (a).

PART 3 – CUSTODY OF INMATES

Division 4 – Performance Appraisal and Earned Remission

Performance appraisal

- 32** (1) A staff member must appraise the performance of each sentenced inmate.
- (2) An appraisal must include the evaluation of the inmate's
- (a) compliance with the rules governing the conduct of inmates, and
 - (b) level of participation in programs established under section 38 [programs for inmates] that are not religious programs.

Remission awards assessor

- 33** (1) The person in charge must appoint one or more staff members to be remission awards assessors for the correctional centre.
- (2) A remission awards assessor or panel of remission awards assessors must determine the amount of earned remission to be credited to each inmate and must, in relation to each inmate,

- (a) review the running record and appraisals of an inmate's performance since his or her last earned remission credit, and
- (b) determine the number of days of earned remission to be credited to the inmate in accordance with this Division.

Calculation of remission award

- 34** (1) A remission awards assessor or panel of remission awards assessors must credit earned remission
- (a) for each inmate, within 5 days of the end of the previous month, or
 - (b) for an inmate about to be discharged, at the time of discharge for the days served since his or her last earned remission credit, whichever is applicable.
- (2) An earned remission credit for a portion of month must
- (a) be made on the basis of one day's earned remission credit for each full two days that are served,
 - (b) be based on an assessment of the matters referred to in section 32 (2) (a) and (b), and
 - (c) result in a monthly earned remission credit as follows:
 - (i) good performance, 15 days;
 - (ii) fair performance, 8 to 14 days;
 - (iii) poor performance, 0 to 7 days.
- (3) A disciplinary hearing that is ordered to be convened under section 22 (3) but is not yet concluded must not be considered in evaluating an inmate's compliance with the rules governing the conduct of inmates.

Review of remission awards assessor decision

- 35** (1) If full earned remission is not credited, the remission awards assessor must notify the inmate and the person in charge and give the reason in writing.
- (2) An inmate who is not satisfied with his or her earned remission credit may, within 7 days of receipt of notification of the credit, apply in writing to the person in charge for a review of the decision of the remission awards assessor or panel of remission awards assessors.
- (3) Within 7 days of receiving the inmate's request for a review, the person in charge must review the assessor's or panel's decision and
- (a) confirm the earned remission credit,
 - (b) increase the number of earned remission days credited, or
 - (c) reduce the number of earned remission days credited.
- (4) The person in charge must notify the inmate and the remission awards assessor of his or her decision under subsection (3) as soon as practicable and give the reason in writing.

PART 3 – CUSTODY OF INMATES

Division 5 – Property

Forfeiture of unclaimed property

- 36** Unclaimed property abandoned by an inmate at a correctional centre on his or her release, transfer or escape from the correctional centre and not claimed by the inmate within 30 days from the date of the release, transfer or escape is forfeited to the government.

PART 3 – CUSTODY OF INMATES

Division 6 – Inmate Complaints

Complaint to person in charge

- 37** (1) An inmate may make a written complaint to a staff member who must forward it, as soon as practicable, to the person in charge.
- (2) The person in charge must, within 7 days of the receipt of the complaint, investigate the complaint and advise the inmate, in writing, of the results of the investigation as soon as practicable.
- (3) The person in charge must keep a record of
- (a) written complaints,
 - (b) the manner in which the complaints are resolved, and
 - (c) the written advice given to an inmate under subsection (2) as a result of the investigation of a complaint.

PART 3 – CUSTODY OF INMATES

Division 7 – Programs and Services for Inmates

Programs for inmates

- 38** (1) The person in charge must establish programs for inmates, including religious and recreation programs.
- (2) As far as practicable, the person in charge must establish programs designed to assist inmates to
- (a) improve their education or training, and
 - (b) reduce the risk they present to the community.
- (3) An inmate must participate in programs as directed by the person in charge unless
- (a) the inmate is excused in writing by a health care professional,
 - (b) the program is a religious program and the inmate does not choose to participate in it,
 - (c) the program conflicts with a recognized day of religious observance of the religious faith that the inmate practises, or
 - (d) the program is a work program and the inmate has not given his or her consent under section 3 (b).

Medical services

- 39** (1) For the purposes of this regulation, the person in charge must review the following information any time it is provided by a health care professional:
- (a) information relating to an inmate's state of health;
 - (b) information relating to an inmate's suitability for a program established under section 38.
- (2) An inmate may be transferred to another correctional centre only if
- (a) the person in charge first consults a health care professional about the inmates's medical fitness for transfer, and
 - (b) the health care professional advises the person in charge that the inmate is medically fit for transfer.
- (3) When an inmate is to be released from custody, the person in charge must consult a health care professional about the inmate's state of health.
- (4) If the health care professional consulted under subsection (3) advises the Person in charge that the inmate suffers from an acute or dangerous illness, the person in charge must take reasonable steps to facilitate the inmate's access to treatment, if any, available in the community at the time of release.

[Provisions relevant to the enactment of this regulation:
Correction Act, S.B.C. 2004, c. 46, section 33]

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Standards of Conduct

for BC Corrections Employees



Ministry of
Public Safety and Solicitor General
BC Corrections

Standards of Conduct for BC Corrections Employees

This booklet outlines standards of conduct for employees of BC Corrections, Ministry of Public Safety & Solicitor General. These standards satisfy the expectations of employees and management for a code of professional behaviour that is common to all BC Corrections employees. For BC Corrections to provide safe, reliable and consistent service, it is important that BC Corrections employees understand and uphold these standards.

The BC Public Service *"Standards of Conduct"* are incorporated throughout this booklet. BC Corrections employees serve as officers of the court and/or peace officers, and are entrusted with confidential information related to clients and matters before the courts. To comply with these responsibilities, BC Corrections employees adhere to special standards of on and off-duty conduct beyond those expected of regular government employees. These special standards are set out in blue text.

In addition to the standards in this booklet, BC Corrections employees are expected to be familiar with information relevant to their responsibilities as documented in the: *"Adult Custody Policy"*; *"Community Corrections Policy Manual"*; *"Management Services Policy Manual"*; *"Correction Act Regulation"*; *"Collective Agreement"*; and *"Component Agreements."*

General Standards of Conduct

BC Corrections Standards

Our standing as employees within the criminal justice system requires that we maintain principled and honest relationships in our dealings with colleagues in corrections, the courts, police, judiciary, and other agencies, as well as with clients and former clients of BC Corrections.

We conduct our responsibilities according to relevant legislation, directives from the assistant deputy minister, local directives, or directives related to our official responsibilities.

We recognize our obligation as BC Corrections employees to immediately report to the local manager any breach of rules and guidelines established to ensure the safety of clients, employees and the public.

We understand that unprofessional behaviour not specified in the Standards of Conduct for BC Corrections employees does not mean immunity from discipline.

Public Service Standards

This policy statement applies to all persons and organizations covered by the *"Public Service Act."* The policy statement supports the core policy objective that "public service employees exhibit the highest standards of conduct."

Employees will exhibit the highest standards of conduct. Their conduct must instill confidence and trust and not bring the BC Public Service into disrepute. The honesty and integrity of the BC Public Service demands the impartiality of employees in the conduct of their duties.

The requirement to comply with these standards of conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal.

Loyalty

Public Service Standards

Public service employees have a duty of loyalty to the government as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests. The duty committed to in the "*Oath of Employment*" requires BC Public Service employees to serve the government of the day to the best of their ability.

Confidentiality

BC Corrections Standards

We recognize our responsibility to protect the privacy of clients and former clients of BC Corrections by:

- Accessing, using or disclosing information we collect only for intended and authorized purposes;
- Informing them of the reasons for collecting personal information;
- Allowing them to correct, within reason, material they believe to be incorrect or incomplete;
- Using a secure method during the disposal of information about clients.

Public Service Standards

Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Employees with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. (See the "*Conflicts of Interest*" section of this policy statement for details.)

Public Comments

Public Service Standards

BC Public Service employees may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so).

Standards of Conduct for BC Corrections Employees

Employees must not jeopardize the perception of impartiality in the performance of their duties through making public comments or entering into public debate regarding ministry policies. BC Public Service employees must not use their position in government to lend weight to the public expression of their personal opinions.

Political Activity

Public Service Standards

BC Public Service employees may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment.

If engaging in political activities, employees must remain impartial and retain the perception of impartiality in relation to their duties and responsibilities. Employees must not engage in political activities during working hours or use government facilities, equipment, or resources in support of these activities.

Partisan politics are not to be introduced into the workplace; however, informal private discussions among co-workers are acceptable.

Service to the Public

Public Service Standards

BC Public Service employees must provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Employees must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties.

Workplace Behaviour

BC Corrections Standards

Our behaviour, on and off duty, should reflect positively on BC Corrections and the public service. At work, we conduct ourselves in a manner that promotes a professional image through our words and actions. Our dress and appearance while on duty comply with provincial and local policies, and are consistent with employee health and safety.

We do not report for duty while under the influence of, or impaired by, any substance including alcohol or cannabis, nor with the odour of any substance present. We understand that the misuse of alcohol, cannabis, prescription drugs, or use of illegal substances during off-duty hours may compromise our professional credibility and the reputation of BC Corrections.

It is understood that supervisors will take prompt action when they become aware of discrimination, harassment or disrespectful treatment of a staff member by other employees.

Standards of Conduct for BC Corrections Employees

We do not use government radios and cellular telephones for unauthorized or personal calls, and do not use abusive or profane language during transmission. We use government electronic mail and office equipment according to ministry policy or as authorized by management.

Public Service Standards

Employees are to treat each other with respect and dignity and must not engage in discriminatory conduct prohibited by the *"Human Rights Code."* The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, political belief or conviction of a criminal or summary offence unrelated to the individual's employment.

Further, the conduct of BC Public Service employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. Bullying or any other inappropriate conduct compromising the integrity of the BC Public Service will not be tolerated.

All employees may expect and have the responsibility to contribute to a safe workplace. Violence in the workplace is unacceptable. Violence is any use of physical force on an individual that causes or could cause injury and includes an attempt or threatened use of force.

Employees must report any incident of violence. Any employee who becomes aware of a threat must report that threat if there is reasonable cause to believe that the threat poses a risk of injury. Any incident or threat of violence in the workplace must be addressed immediately.

Employees must report a safety hazard or unsafe condition or act in accordance with the provisions of the WorkSafeBC *"Occupational Health and Safety Regulations."*

Employees must conduct themselves professionally, be fit for duty, and be free from impairment (for example: from alcohol or drugs).

Conflicts of Interest / Professional Conduct with Clients or Former Clients

BC Corrections Standards

We use authority to promote honesty, fairness and trust.

We do not allow off-duty activities and conduct to interfere with our work obligations as employees of BC Corrections.

We immediately advise the Personnel Security Screening Office (PSSO) by telephone **(1-855-587-0185 and select menu option 4)** or email (sgspdra@gov.bc.ca) if we are arrested or charged with a *"Criminal Code"* or other federal or provincial statutory offence, with the exception of personal minor motor vehicle violations.

If employed in a capacity that requires us to maintain a valid driver's licence, we immediately advise our supervisors if our driving privileges are suspended.

Standards of Conduct for BC Corrections Employees

To protect the branch and ourselves, we will be cautious about relationships or associations with clients and former clients.

NOTE:

1. We understand that any past and current association with clients and former clients of a correctional centre or community corrections office in Canada must be reported and disclosed in writing to BC Corrections. Failure to report these associations to the branch will result in discipline, up to and including termination of employment.

Following disclosure, the branch determines the extent to which the following definitions of conflicts of interest apply:

- A “*client*” is an accused person or a person subject to an active court order, including bail, probation, conditional sentence, recognizance, conditional release or custody;
 - A “*former client*” includes, but is not limited to, an individual who:
 - a) Has been previously subject to a court order, including bail, probation, conditional sentence, conditional release or custody in any correctional facility in Canada within the last seven years;
 - b) Has ever been in custody in any correctional facility in Canada; or
 - c) Is considered by the employer to be currently involved in a criminal lifestyle. This includes, but is not limited to, individuals engaging in criminal activity, or associating with individuals who the employer determines to be involved in a criminal lifestyle. Such associations include, but are not limited to, known gangs, individuals known to the police, and members of the criminal/drug subculture and other similar circumstances.
2. To safeguard our families and ourselves, we avoid circumstances where our relationships with clients or former clients might result in the possibility or perception of becoming:
 - Subject to a conflict of interest;
 - Subject to blackmail or bribery;
 - Vulnerable to exploitation;
 - Implicated in the commission of an offence.
 3. To safeguard BC Corrections, we do not engage in personal relationships with clients or former clients that might compromise:
 - Our integrity or effectiveness as BC Corrections employees;
 - The safety and security of co-workers and BC Corrections employees;
 - The reputation of BC Corrections.

4. We understand that certain relationships or association with clients or former clients may be appropriate or inevitable for employees of BC Corrections. Examples include but are not limited to the following circumstances:
 - Incidental or unplanned contacts;
 - While engaged in volunteer work, church groups or school functions;
 - As part of our regular job responsibilities or as authorized by management;
 - With members of our family who were previously involved in a criminal lifestyle.
5. We understand that certain relationships or associations with clients or former clients are inappropriate for employees of BC Corrections. We also understand that our on and off-duty conduct will be subject to disciplinary review by BC Corrections if we engage in certain activities with a client or former client. These activities include, but are not limited to:
 - Financial agreements, personal or business transactions;
 - Sharing accommodations;
 - Sexual or close personal relations;
 - Using a client's services or contacts for personal gain;
 - Concealing or failing to report a client's illegal activities;
 - Receiving or giving gifts, gratuities, benefits or favours.
6. When we require clarification or direction to protect BC Corrections and ourselves from relationships or associations with clients and former clients, we will discuss the matter in person with our supervisor.
7. Supervisors and managers are required to advise their warden, regional director, provincial director, or assistant deputy minister if they believe an unprofessional relationship exists or appears to be developing between a BC Corrections employee and a client, former client or people who may have an association with these clients.

Public Service Standards

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise:
 - the public's confidence in the employee's ability to discharge work responsibilities; or
 - the trust that the public places in the BC Public Service.

While the government recognizes the right of BC Public Service employees to be involved in activities as citizens of the community, conflict must not exist between employees' private interests and the discharge of their BC Public Service duties. Upon appointment to the BC Public Service, employees must

Standards of Conduct for BC Corrections Employees

arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising.

Employees who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their supervisor, manager, or ethics advisor. Examples of conflicts of interest include, but are not limited to, the following:

An employee uses government property or equipment or the employee's position, office, or government affiliation to pursue personal interests or the interests of another organization;

- An employee is in a situation where the employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;
- An employee, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (for example, investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- An employee accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of employment in the BC Public Service, other than:
 - the exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol;
 - the normal presentation of gifts to persons participating in public functions; or
 - the normal exchange of gifts between friends; or
- An employee accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

The following four criteria, when taken together, are intended to guide the judgment of employees who are considering the acceptance of a gift:

- The benefit is of nominal value;
- The exchange creates no obligation;
- Reciprocation is easy; and
- It occurs infrequently.

Employees will not solicit a gift, benefit, or service on behalf of themselves or other employees.

Conflict of Interest Guidelines

To assist employees, managers, ethics advisors and deputy ministers in establishing conflict of interest issues, the BC Public Service has established guidelines, tools and other resources. Please see the MyHR section of the BC Government website for more information.

Allegations of Wrongdoing

Public Service Standards

Employees have a duty to report any situation relevant to the BC Public Service that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example, the *“Freedom of Information and Protection of Privacy Act”*). Employees will not be subject to discipline or reprisal for bringing forward to a Deputy Minister, in good faith, allegations of wrongdoing in accordance with this policy statement.

Employees must report their allegations or concerns as follows:

- Members of the BCGEU must report in accordance with Article 32.13;
- PEA members must report in accordance with Article 36.12; or
- Other employees must report in writing to their Deputy Minister or other executive member of the ministry, who will acknowledge receipt of the submission and have the matter reviewed and responded to in writing within 30 days of receiving the employee’s submission. Where an allegation involves a Deputy Minister, the employee must forward the allegation to the Deputy Minister to the Premier.

These reporting requirements are in addition to an employee’s obligation to report to the Comptroller General as outlined in Section 33.2 of the *“Financial Administration Act”*.

Where an employee believes that the matter requires a resolution and it has not been reasonably resolved by the ministry, the employee may then refer the allegation to the appropriate authority.

If the employee decides to pursue the matter further then:

- Allegations of criminal activity are to be referred to the police in accordance with the Procedure for Reporting Employee Misconduct in Non-Emergency Situations to the Police (please see the [MyHR](#) section of the BC Government website for more information);
- Allegations of a misuse of public funds are to be referred to the Auditor General;
- Allegations of a danger to public health must be brought to the attention of health authorities; and
- Allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Environment.

Standards of Conduct for BC Corrections Employees

Employees may also report wrongdoing under the *Public Interest Disclosure Act* to their supervisor, ministry designated officer, Public Service Agency designated officer or the Ombudsperson. Employees can find information about what types of wrongdoing may be reported under the *Act* and the process for reporting in the HR Policy on Public Interest Disclosure and the Procedures for Managing Disclosures. Please see the [MyHR](#) section of the BC Government website for more information.

Employees who are unsure about whether their concerns could be considered under the *Public Interest Disclosure Act* can seek advice from a supervisor, a designated officer or the Ombudsperson.

An employee reporting a wrongdoing under the *Public Interest Disclosure Act* to the Ombudsperson is not required to report the same wrongdoing to their employer unless the Ombudsperson does not investigate or does not refer their disclosure. Reporting a wrongdoing to the Ombudsperson does not affect an employee's obligations to co-operate in any investigation into the subject matter of the wrongdoing.

Legal Proceedings

BC Corrections Standards

We do not provide legal advice to our clients or members of the public, but suggest they discuss problems with the lawyer of their choice.

Public Service Standards

Employees must not sign affidavits relating to facts that have come to their knowledge in the course of their duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General.

In the case of affidavits required for use in arbitrations or other proceedings related to employee relations, the Labour Relations Branch of the BC Public Service Agency will obtain any necessary approvals. Employees are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.

A written opinion prepared on behalf of government by any legal counsel is privileged and is, therefore, not to be released without prior approval of the Legal Services Branch.

Working Relationships

Public Service Standards

Employees involved in a personal relationship outside work which compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another.

For example, employees who are direct relatives or who permanently reside together may not be employed in situations where:

Standards of Conduct for BC Corrections Employees

- A reporting relationship exists where one employee has influence, input, or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the Employer's interest.

The above restriction on working relationships may be waived provided that the Deputy Minister is satisfied that sufficient safeguards are in place to ensure that the Employer's interests are not compromised.

Human Resource Decisions

Public Service Standards

Employees are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

For example, employees are not to participate in staffing actions involving direct relatives or persons living in the same household.

Outside Remunerative and Volunteer Work

Public Service Standards

Employees may hold jobs outside government, carry on a business, receive remuneration from public funds for activities outside their position, or engage in volunteer activities provided it does not:

- interfere with the performance of their duties as a BC Public Service employee;
- bring the government into disrepute;
- represent a conflict of interest or create the reasonable perception of a conflict of interest;
- appear to be an official act or to represent government opinion or policy;
- involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- gain an advantage that is derived from their employment with the BC Public Service.

Employees who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Use of Reasonable Force

BC Corrections Standards

Employees designated as peace officers, and employed as correctional officers or supervisors, are authorized and limited by the "Criminal Code of Canada" and BC Corrections policy in using reasonable

Standards of Conduct for BC Corrections Employees

force while on duty to:

- a) Prevent the commission or continuation of an offence;
- b) Maintain or restore order;
- c) Apprehend an offender;
- d) Prevent an offender from an act of self-harm; or
- e) Assist another officer in the case of a, b, c, or d.

Use of Government Resources and Employee Benefits

BC Corrections Standards

We exercise care when responsible for government resources and property, and only use them when conducting duties that are authorized by management.

We do not use government vehicles without management approval for purposes other than direct government business, and we operate them according to the rules of the road.

We acknowledge that involvement in stealing government property will result in an immediate discharge from our duties and privileges. We also understand that the fraudulent use of an employee benefit will lead to disciplinary action up to and including dismissal.

Responsibilities

Public Service Standards

Agency Head

- Provide timely advice to managers, ethics advisors and deputy ministers respecting the application of this policy statement including guidance on an appropriate employer response to transgressions of the policy statement;
- Coordinate the development of awareness, training, and communication programs in support of this policy statement; and
- Establish procedures for managing investigations of serious wrongdoing under the *Public Interest Disclosure Act* and reporting annually.

Deputy Ministers

- Advise employees of the required standards of conduct and the consequences of non-compliance;
- Designate a senior staff member in their organization as ethics advisor for matters related to standards of conduct;
- Promote a work environment that is free of discrimination;
- Deal with breaches of this policy statement in a timely manner, taking the appropriate action based upon the facts and circumstances;
- Seek out guidance and advice from the Agency Head on issues that are complex and/or cannot be easily resolved;
- Waive the provision on working relationships under the circumstances indicated;
- Delegate authority and responsibility, where applicable, to apply this policy statement within their organization; and
- Designate a ministry designated officer for the purposes of providing advice to employees and receiving disclosures from employees under the *Public Interest Disclosure Act*. The designated officer may be the ministry ethics advisor or another senior official.

Standards of Conduct for BC Corrections Employees

Ethics Advisors

- Provide advice on standards of conduct issues to employees and managers in their organization, including in regards to assessing and addressing possible conflicts of interest;
- Seek out guidance and advice from the BC Public Service Agency on issues that are complex and/or cannot be easily resolved;
- Determine whether an issue requires consideration and/or decision by the deputy minister and provide briefings to the deputy as necessary;
- Document any advice provided and/or decisions made; and
- Participate as ministry representative in working with the Corporate Ethics Lead to ensure a consistent and coordinated approach to ethics management across the public service.

Ministry Designated Officers

- Receive disclosures and provide advice to employees under the *Public Interest Disclosure Act*; and
- Transfer disclosures to the Public Service Agency Designated Officer in a timely manner.

Line Managers

- Provide comprehensive orientation to new employees related to the Standards of Conduct;
- Advise staff on standards of conduct issues, including assessing and addressing possible conflicts of interest;
- Respond to reports of bullying, breaches of the Standards of Conduct, and wrongdoing, or refer them to the next level of excluded manager not involved in the matter;
- Engage the ministry-designated ethics advisor and seek advice from the BC Public Service Agency as may be appropriate in the circumstances;
- Document any advice provided and/or decisions made;
- Contribute to a work environment that is free of discrimination;
- Provide advice to and receive disclosures from employees under the *Public Interest Disclosure Act*; and
- Transfer disclosures to the Public Service Agency Designated Officer in a timely manner.

Employees

- Objectively and loyally fulfill their assigned duties and responsibilities, regardless of the party or persons in power and regardless of their personal opinions;
- Disclose and cooperate with the employer to resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behavior;
- Report incidents of bullying, breaches of the Standards of Conduct and wrongdoing;
- Avoid engaging in discriminatory conduct or comment; and
- Check with their supervisor or manager when they are uncertain about any aspect of this policy statement.

Standards of Conduct for BC Corrections Employees

Legislative Authorities

BC Corrections

Criminal Code

Correction Act

Public Service Act

Human Rights Code

Freedom of Information and Protection of Privacy Act

Workers' Compensation Act

Youth Criminal Justice Act

Other Authorities and References

BC Corrections

Adult Custody Policy

Community Corrections Policy Manual

Management Services Policy Manual

ADM Directives

Correction Act Regulation

Occupational Health and Safety Regulations

Public Service

B.C. Government and Service Employees' Union Collective and Component Agreements

Terms of Employment for Excluded Managers

Personnel Management Policy, Human Rights in the Workplace – Discrimination and Harassment

December 2019

Standards of Conduct for BC Corrections Employees