



Public Interest Disclosure Act Policy

1 Introduction

1.1. Purpose

PHC is a public health body with obligations under the *Public Interest Disclosure Act (PIDA)*. *PIDA* allows current and former [Employees](#) to:

- Report serious [Wrongdoing](#) occurring within PHC;
- Report retaliation against them for reporting a Wrongdoing, requesting advice, or participating in a *PIDA* investigation (called a [Reprisal](#)), and
- Request advice about reporting Wrongdoing or a Reprisal.

The *PIDA* process allows for Employees to make anonymous reports and ensures protections for Employees who disclose their identity. Employees may also make reports to the [Ombudsperson](#) directly, [here](#).

This policy explains:

- PHC's obligations under *PIDA*;
- The meaning of Wrongdoing under *PIDA*;
- The options available to Employees who would like to report Wrongdoing;
- The roles and responsibilities of PHC Employees in supporting Employees to safely speak up about Wrongdoing that maybe occurring within PHC; and
- Key steps in PHC's *PIDA* process. More detail on the process can be found in PHC's [Public Interest Disclosure Act procedure](#).

1.2. Scope

This policy applies to:

- All current and former PHC [Employees](#). For this policy, Employee is defined to include members of the Board of Directors, Officers, and HealthCare Professionals.
- All PHC programs, units, and departments; and
- All Wrongdoing occurring in relation to PHC programs delivered through contracted [Service Providers](#) where there is a substantial connection between the Wrongdoing and PHC.

PIDA establishes a separate reporting procedure for Employees to disclose serious Wrongdoing and does not affect an Employee's ability to report under other mechanisms.

1.3. Exceptions

This policy applies exclusively to reports and requests for advice by Employees about Wrongdoing as defined below in Section 2.1. Matters that do not fall under *PIDA* will be dealt with through other established processes, such as:

- Collective agreement violations, which follow the grievance process;



- Safety hazards and unsafe working conditions covered by BC's Workers Compensation Act and the Occupational Health and Safety Regulation;
- Discrimination or harassment complaints based on prohibited grounds identified in the BC *Human Rights Code*;
- Harassment, bullying, discrimination, racism and other forms of disrespectful behaviour covered by the PHC [Respect at Work Policy](#);
- Breaches of privacy and unauthorized access to, collection, use, and disclosure of personal information that may be handled by the PHC Privacy Office;
- Patient safety or quality of care issues covered by PHC's Patient Care Quality Office or the Ministry of Health's Patient Care Quality Review Board; or
- Reports of Wrongdoing by members of the public, and conduct that does not meet the definition of Wrongdoing set out in *PIDA*. These actions and situations may be covered by PHC's [Safe Reporting Policy](#).

2 Policy

PHC takes seriously all reports of Wrongdoing and appreciates the courage of Employees who come forward to identify serious circumstances that compromise the integrity of PHC and the safety of Employees and clients.

Reporting Wrongdoing under *PIDA* is optional, however in some circumstances an Employee may be required to report the Wrongdoing under a different policy or law. For example, Employees are required to take action under PHC's policies on [Theft, Fraud, Corruption, and Extortion](#), [Conflict of Interest](#) and the [Adult Protection](#) Guideline.

An Employee may report under *PIDA* and another process at the same time, if appropriate. To avoid duplication, Employees may be asked when they report under *PIDA* if they have reported under another reporting mechanism.

2.1. The Meaning of Wrongdoing under the *Public Interest Disclosure Act*

Not all misconduct is Wrongdoing under this Act. *PIDA* defines Wrongdoing as any of the following:

- A serious act or omission that, if proven, would constitute an offence or a crime under any BC or Canadian law;
- An act or omission that creates a substantial and specific danger to the life, health or safety of one or more people, or to the environment, other than a danger that is inherent in the performance of an Employee's duties or functions;
- A serious misuse of public funds or public assets;
- A gross or systemic mismanagement; and
- Knowingly directing or counselling a person to commit any of the above, whether or not the person commits the act or omission.

Gross mismanagement means management of PHC funding, services, or people in a way that is highly inappropriate, irresponsible, or reckless. Systemic mismanagement means mismanagement that is broad, longstanding, recurrent, or inherent to PHC culture and practices. For more



information on the meaning of Wrongdoing, see the [Ombudsperson DO Toolkit](#) (pp 29-30).

2.2. PHC's Obligations under the Public Interest Disclosure Act

PHC must:

Develop Resources and Raise Awareness

- Ensure Employees, [Supervisors](#), and [Designated Officers](#) understand their rights and responsibilities under *PIDA*.
- Develop *PIDA* procedures, including procedures for expeditiously handling reports about urgent matters.

Conduct Investigations

- Appoint at least one Designated Officer to respond to requests for advice and accept reports of Wrongdoing and Complaints about Reprisals;
- Conduct timely and fair investigations of reports of Wrongdoing;
- Take reasonable steps to avoid and address Reprisals against Employees who report Wrongdoing in good faith.

Respect and Protect Confidentiality and Privacy

- Keep confidential the identity of Employees who report a Wrongdoing, complain about a Reprisal, or request advice about a report of Wrongdoing—unless the Employee provides permission to disclose their identity;
- Comply with the Freedom of Information and Protection of Privacy Act when storing material related to a *PIDA* investigation.

Document Appropriately

- Document all requests for advice and responses by its Designated Officers;
- Report on the outcome of each investigation, including the findings and recommendations; and
- Publish annual, anonymized reports of Wrongdoing and investigations under *PIDA*. The annual report will be made publicly available on PHC's external website.

2.3. Requesting Advice about options under Public Interest Disclosure Act

An Employee has a right to advice about:

- Reporting a Wrongdoing; or
- Making a complaint about a Reprisal.

An Employee may request advice anonymously; however, if the request is anonymous, the Employee may not receive any updates on the matter and the ability to investigate may be limited.

2.3.1 How to Request Advice

An Employee may request advice from:

- their union or employee association representative;
- a lawyer (at their own expense);



- their Supervisor;
- a PHC Designated Officer; or
- the BC Ombudsperson.

Employees may contact their Supervisor by email or telephone or approach them in person. Employees may contact a Designated Officer for advice by email or telephone.

Depending on the circumstances, the Supervisor, Designated Officer, or Ombudsperson may require the Employee to make the request for advice in writing.

23.2 Why Request Advice?

Advice may help the Employee to decide how to address their concern. An Employee might request advice about the following:

- the meaning of Wrongdoing under *PIDA*;
- what other mechanisms might be appropriate for addressing their concerns;
- how their identity can be protected under the *PIDA* process;
- how to make a Wrongdoing complaint;
- how the *PIDA* process works; or
- whether to direct their complaint to the Ombudsperson.

2.4. Making a Report about Wrongdoing

24.1 Who Receives the Report?

An Employee may report Wrongdoing to:

- Their Supervisor (current Employees only);
- A PHC Designated Officer; or
- The BC [Ombudsperson](#).

The PHC Designated Officers are listed in [Appendix A](#).

Employees have the right to decide where to make their report. However, if an Employee makes their report to the Ombudsperson, the Ombudsperson may investigate or refer the matter back to the PHC Designated Officer.

24.2 When to Make a Report?

An Employee may report:

- Wrongdoing that happened in the past;
- Current or ongoing Wrongdoing; or
- Wrongdoing that may happen in the future.

There are no time limits for making a report under this policy.



243 How to Make a Report?

An Employee must make their report in writing using the PHC [Public Interest Disclosure Act Report Form](#) must include the following information, if known:

- Details about the Wrongdoing;
- Names of the individuals who have committed, or are about to commit, the Wrongdoing;
- The date of the Wrongdoing;
- Whether the Wrongdoing relates to an offence or a crime, and if so, which one;
- Whether the Wrongdoing has already been reported under *PIDA* or another process or law; and
- If the Wrongdoing has already been reported, the name of the person who received the report and any response they provided.

An Employee may report anonymously. However, the Employee must provide the Designated Officer, Supervisor, or Ombudsperson with:

- Information that enables them to determine whether the person making the report is a current or former Employee; and
- Adequate details about the alleged Wrongdoing or Reprisal such that it can be investigated.

2.5. Public Disclosure about Wrongdoing involving Imminent Risk of Danger

An Employee may make a public disclosure of Wrongdoing (for example to the media) before going through a *PIDA* investigation where they reasonably believe the Wrongdoing poses an imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment.

Before making a public disclosure, the Employee must consult with the relevant protection official or agency below and follow their instructions:

- The Provincial Health Officer, with respect to health matters;
- Emergency Management BC, regarding environmental factors; or
- An appropriate law enforcement agency, for any other matter.

An Employee making a public disclosure must not share information that is:

- Confidential according to any BC or Canadian law;
- Protected by [Solicitor-Client Privilege](#);
- Protected by any common law Rule of Privilege; or
- Subject to [Public Interest Immunity](#) (unless the Attorney General provides consent).

If the protection official directs the Employee NOT to make the disclosure public, the Employee must not make it public.

Immediately after making a public disclosure the Employee must:



- Notify their Supervisor or a Designated Officer; and
- Report the Wrongdoing as per Section 2.4 of this policy.

2.6. Protection of the Employee who Reports Wrongdoing

2.6.1 Anonymity and Confidentiality

A Supervisor, a Designated Officer, or anyone investigating a Report or a Reprisal must not disclose any personal information about the Employee who reported Wrongdoing to anyone if it is likely to reveal their identity unless:

- They are fulfilling their responsibilities under this policy;
- They are addressing a recommendation of the Ombudsperson;
- They are fulfilling another lawful purpose;
- The Employee has consented in writing; or
- The information has already been legally published.

If a number of Employees report the same Wrongdoing, their identities will not be disclosed to each other unless one of the above circumstances apply.

In preparing annual reports under Section 2.6.2 of this policy, PHC must delete or exclude any material that would reveal the identity of the Employee who reports Wrongdoing.

2.6.2 Reprisals

Reprisals are negative consequences that result from reporting Wrongdoing. Employees are protected from reprisal under *PIDA* for making a disclosure, requesting advice about making a disclosure or cooperating with a *PIDA* investigation. Employees will be protected against Reprisals such as:

- Discipline;
- Demotion;
- Termination of employment;
- Any measure that negatively impacts their employment or working conditions; or
- A threat to do any of the above.

The Designated Officer will conduct a reprisal risk assessment when they receive a disclosure to ensure any risks of reprisal are identified and managed to the greatest extent possible.

Neither *PIDA* nor this policy protects Employees from the consequences of their own Wrongdoing.

An Employee may complain about a Reprisal to the Ombudsperson. More information can be found on their [website](#).

2.7. Investigating Wrongdoing under *PIDA*

Investigations by Designated Officers must follow PHC's [Public Interest Disclosure Act Procedure](#). With respect to PHC Wrongdoing reports made to the Ombudsperson, they follow their own



process set out in legislation. More information can be found on the Ombudsperson's [website](#).

2.8 Reporting by PHC on Public Interest Disclosure Act

2.8.1 Investigation Reports

The Designated Officer must provide:

- A preliminary investigation report to the Chief Executive Officer (CEO) if there are findings of Wrongdoing;
- A final investigation report to the CEO; and
- An outcome summary report to the Employee who reported the Wrongdoing and any other appropriate individuals, including witnesses, and people found to have committed Wrongdoing.

2.8.2 Annual Reports

PHC must file annual reports summarizing all reports of Wrongdoing under this policy.

The report must include the following information:

- The number of reports of Wrongdoing received;
- The number of reports acted on and not acted on; and
- For investigations that result in a finding of Wrongdoing:
 - A description of the Wrongdoing;
 - Recommendations made; and
 - Corrective action taken to address the Wrongdoing or reasons why no action was taken.

PHC will publish the reports on the external website.

2.8.3 Reports to Police or Other Authorities

The Designated Officer may report to law enforcement if they have reason to believe that an offence or crime has been committed in relation to any request for advice, report of Wrongdoing, or complaint of Reprisal under this policy.

3 Responsibilities

3.1 Chief Executive Officer

The CEO must:

- Ensure all employees are made aware of *PIDA*;
- Assign the role of Designated Officer under *PIDA*;
- Promote an organisational environment that encourages Employees to report Wrongdoing;
- Ensure breaches of this Policy are dealt with in a timely manner, and take appropriate action based upon the facts and circumstances;
- Ensure annual reports on activities under *PIDA* (that include the information listed in Section 2.7.2 of this policy) are published; and
- Respond within 30 days to requests by the Ombudsperson for information regarding



steps PHC has taken to address recommendations related to a finding of Wrongdoing made by the Ombudsperson.

3.2. Designated Officers

The Designated Officers must:

Requests for Advice

- Respond to requests for advice regarding Wrongdoing and help Employees to understand the pathways available to them for dealing with concerns;
- Document requests for advice confidentially;
- Provide Employees with information about *PIDA* and the *PIDA* Procedure;
- Take action to address the Wrongdoing whether or not the Employee proceeds with a report of Wrongdoing—if the matter falls within their area of responsibility.

Wrongdoing Reports

- Receive reports of Wrongdoing from Employees and Supervisors;
- Refer the matter to another Designated Officer or to the Ombudsperson or to another reporting mechanism as deemed appropriate and with the consent of the Employee who reported Wrongdoing;
- Assist Employees to document their report of Wrongdoing if they require assistance;
- Assess whether a report meets the definition of Wrongdoing under *PIDA* such that an investigation is warranted;
- Keep confidential the fact that a report has been made;
- Keep the identity of an Employee who makes a report or requests advice confidential to the maximum extent possible;
- Provide guidance to Supervisors regarding reports of Wrongdoing.

Investigations

- Refer all reports involving allegations about the CEO to the Ombudsperson;
- If they decide to investigate, notify the Employee who reported the Wrongdoing, the CEO, and any individuals accused of Wrongdoing;
- Act immediately to prevent harm if the report indicates an urgent risk of serious risk harm;
- Request and review documents as part of the investigation;
- Investigate reports of Wrongdoing following the *PIDA* Procedure. A Designated Officer may delegate the investigation to an external consultant or agency or to the Ombudsperson;
- Investigate other Wrongdoings that are uncovered;
- Advise Employees that they must not cause any negative consequences for anyone involved in a *PIDA* report or investigation.

Decisions

- Following the investigation, write a report for the CEO that includes any findings of Wrongdoing, reasons to support any such findings, and any recommendations that may address issues with policy, practice and systems;



- Provide a summary report to the Employee who reported Wrongdoing, and other appropriate individuals following the *PIDA* Procedure.

Reprisals

- Assess the risk of Reprisal against Employees on an ongoing basis and take steps to address or minimize risk; and
- Refer Reprisal complaints to the Ombudsperson promptly.

3.3. Supervisors

Supervisors must:

- Provide Employees with information about *PIDA* and the [PIDA Procedure](#). Supervisors must not attempt to determine whether a report constitutes a Wrongdoing under *PIDA*;
- Promote a work environment that encourages Employees to report Wrongdoing;
- Provide Employees with information about the different avenues for reporting Wrongdoing and how to make a Reprisal complaint to the Ombudsperson;
- Respond to requests for advice about how to report a Wrongdoing or make a complaint about a Reprisal;
- Document requests for advice and all interactions with Employees confidentially;
- Forward any disclosures to the Designated Officer immediately after receiving a report of Wrongdoing and disclose all information to them. If the Employee seeks advice only, immediately contact the Designated Officer but do not disclose the Employee's name;
- Share information received beyond the Designated Officer only in the following circumstances:
 - if the individual providing the information consents in writing;
 - for the purposes of *PIDA*;
 - for another lawful purpose (i.e., to prevent serious risk of harm); or
 - if the personal Information has previously been lawfully published;
- Keep confidential the identity of Employees who request advice or complain about a Reprisal.

3.4. Employees

Employees must:

- Make public interest disclosures in good faith and in accordance with established procedures. Anyone who makes a false statement or misleads or attempts to mislead anyone who is fulfilling their responsibilities under *PIDA* commits an offence for which an Employee can be fined;
- Check with their Supervisor or Designated Officer when they are uncertain about any aspect of this policy;
- Help keep the Wrongdoing report and investigation confidential. In particular, do not disclose the identity of any fellow Employee who reports Wrongdoing;
- Cooperate with their Supervisor, the Designated Officer or the Ombudsperson in the



- handling of a disclosure or information under the Act; and
- Not participate in any Reprisals against Employees who report Wrongdoing or participate in investigations. Anyone committing a Reprisal can be fined.

4 Compliance

Failure to comply with the terms of this policy may result in disciplinary action, up to and including termination of employment, services, or privileges, and/or legal consequences. Conduct that is an offense under *PIDA* could result in a fine up to \$100,000. Obstructing a *PIDA* investigator is an offence.

5 Supporting Documents

5.1. Related Policies

[Conflict of Interest Policy #B-00-11-10109](#)

[Indigenous Cultural Safety Policy #B-00-11-10254](#)

[Respect at Work Policy #B-00-11-10162](#)

[Safe Reporting Policy #B-00-11-10119](#)

[Theft, Fraud, Corruption and Extortion Policy #B-00-11-10199](#)

5.2. Guidelines/Procedures/Forms

Will need to add *PIDA* form and procedure

6 Definitions

“Designated Officer” means a senior Employee designated by the PHC CEO to receive requests for advice and receive and investigate reports of Wrongdoing under *PIDA*.

“Employee” means all current and former employees, and for the purposes of this Policy also includes Members of the Board of Directors and Health Professionals.

“Health Professionals” means members of a regulated profession under the *Health Professions Act* (RSBC 1996, c. 183) and either: (a) receive training at or through PHC; or (b) provide services at or on behalf of PHC.

“Ombudsperson” means the Ombudsperson appointed under the *Ombudsperson Act*.

“Public Interest Immunity” means the legal doctrine that applies to information that should not be disclosed because it would be detrimental to the public interest or the government’s ability to perform its responsibilities.

“Reprisal” means a single negative consequence, or a series of negative consequences, such as a termination, demotion, or loss of privileges, or abuse, harassment, or exclusion by Supervisors or other Employees. A Reprisal includes a threat about a negative consequence.

“Service Provider” means an individual, society, or corporation who has contracted with PHC to deliver services.



“**Solicitor-Client Privilege**” means confidential communication between a lawyer and their client for the purpose of seeking legal advice.

“**Supervisor**” means an individual who instructs, directs, and controls Employees in the performance of their duties. This term includes Patient Care Managers, Managers, Directors, Professional Practice Leads and Union Supervisors.

“**Wrongdoing**” means, in the context of the *Public Interest Disclosure Act*, any of the following:

- A serious act or omission that, if proven, would constitute an offence under any BC or Canadian law;
- An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an Employee's duties or functions;
- A serious misuse of public funds or public assets;
- A gross or systemic mismanagement; and
- Knowingly directing or counselling a person to commit any of the above.

7. References

[Ombudsperson DO Toolkit](#)

Legislation

- *Freedom of Information and Protection of Privacy Act*, RSBC1996, c 165, online: <https://canlii.ca/t/8421>
- *Public Interest Disclosure Act*, SBC2018, c 22, online: <https://canlii.ca/t/90mw>
- *Government Body Designation (Public Interest Disclosure) Regulation*, BCReg 58/2022, online: <https://canlii.ca/t/bg39>

8 Appendices

Appendix A – Designated Officers



Appendix A – Designated Officers

Jennifer Chan
General Counsel
Jen.Chan@providencehealth.bc.ca

Effective Date:	31-May-2023			
First Released:	31-May-2023			
Last Revised:	31-May-2023			
Last Reviewed:	31-May-2023			
Approved By:	PHC Senior Leadership Team			
Owners:	Executive Director, Patient Safety & Quality Improvement and In-House Counsel			
Revision History:	Version	Date	Description/ Key Changes	Revised By
	1	May 31, 2023	New Policy	
	2	19-July-2023	Updated Designated Officer Contact Information	Mark Greenfield