

Public Interest Disclosure Act (PIDA)

1. What is the *Public Interest Disclosure Act (PIDA)*?

B.C.'s *Public Interest Disclosure Act (PIDA)* provides legal confidentiality and reprisal protections to current and former employees, including medical staff who are employees of Island Health, of B.C. public sector organizations who report serious or systemic wrongdoing within their organization. *PIDA* applies to all health authorities in B.C. effective June 1, 2023.

This legislation upholds recommendation 11 in the [In Plain Sight](#) report, for the B.C. government to, "...continue efforts to strengthen employee 'speak up' culture throughout the entire health care system, so employees can identify and disclose information relating to Indigenous-specific racism or any other matter."

2. What is considered "wrongdoing" under *PIDA*?

"Wrongdoing" is defined specifically under *PIDA* to mean:

- A serious act or omission that, if proven, would constitute an offence under the laws of B.C. or Canada;
- 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;
- Gross or systemic mismanagement; or
- Knowingly directing or counselling a person to commit any of the wrongdoing described above.

3. What specific confidentiality and reprisal legal protections does *PIDA* provide?

PIDA requires the identity of an employee who reports wrongdoing or seeks advice about *PIDA* to be kept confidential. *PIDA* prohibits reprisal against an employee who reports wrongdoing, asks for advice about reporting wrongdoing or making a reprisal complaint, or cooperates with an investigation. Contractors who cooperate with a *PIDA* investigation are also protected from reprisal.

4. Who can report wrongdoing under *PIDA*?

Current and former employees (including medical staff) of Island Health can report wrongdoing under *PIDA*, regardless of whether they are (or were) permanent, temporary, casual, part-time or full-time. Former employees can only report wrongdoing that they discovered, or that occurred, while they were employed by Island Health.

FREQUENTLY ASKED QUESTIONS

5. Who can provide advice to employees under *PIDA*?

An employee who is considering reporting wrongdoing or making a reprisal complaint may request and receive advice from:

- Their leader/supervisor;
- Their health authority Designated Officer(s);
- The B.C. Ombudsperson;
- Their union or employee association representative; or
- Their own lawyer (at their own expense).

Note that leaders/supervisors do not give an opinion on whether an employee’s concerns constitute wrongdoing under *PIDA*, but do provide information to the employee on how wrongdoing is defined.

6. What are some examples in Island Health that are likely wrongdoing and ones that are not likely wrongdoing under *PIDA*?

| LIKELY WRONGDOING UNDER <i>PIDA</i> | <u>NOT</u> LIKELY WRONGDOING UNDER <i>PIDA</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Sizable theft of health authority assets or property • Financial or other fraud • Ongoing use of faulty medical equipment • Ongoing mistreatment of patients or clients • Awarding contracts for personal financial gain • Practices causing ongoing health and safety violations • Approval of dangerous medicines or procedures in exchange for funding | <ul style="list-style-type: none"> • A medical error • A single discriminatory comment • An isolated incident of an employee stealing an asset that is worth an insignificant amount from the health authority • Concerns about the quality of patient care provided to an individual • A single act of rude or abrasive behavior |

A more extensive list of examples that are or are not likely wrongdoing under *PIDA* are included in Island Health’s [PIDA Procedures](#).

7. How does an employee report wrongdoing in Island Health under *PIDA*?

All reports of wrongdoing must be in writing and may be submitted by employees to:

- Their immediate leader/supervisor; or
- Island Health’s Designated Officer via PIDA@islandhealth.ca; or
- The [B.C. Ombudsperson](#).

If a report cannot be made in writing, contact the above noted persons for further assistance.

FREQUENTLY ASKED QUESTIONS

8. How does an employee report wrongdoing in Island Health that doesn't fit under *PIDA*?

Not all wrongdoing is considered wrongdoing under *PIDA*. *PIDA* is one of many complaint processes available to Island Health employees, and does not replace other reporting mechanisms.

Employees have several pathways to report concerns in their workplace, including:

| ISSUE | CONTACT |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Health and safety concerns | <ul style="list-style-type: none"> • Provincial Workplace Health Contact Centre |
| Workplace safety | <ul style="list-style-type: none"> • Health, Wellness, Safety & Ability Management (internal) |
| Workplace abuse | <ul style="list-style-type: none"> • Respectful Workplace (internal) • Safe Reporting (internal) • Provincial Workplace Health Contact Centre |
| Privacy breaches | <ul style="list-style-type: none"> • Information Stewardship, Access & Privacy (internal) |
| Public health concerns | <ul style="list-style-type: none"> • Contact your local Medical Health Officer |
| Patient quality concerns | <ul style="list-style-type: none"> • Patient Care Quality Office |

9. Can wrongdoing under *PIDA* be reported anonymously?

Yes, wrongdoing can be reported anonymously. However, an anonymous disclosure cannot be considered if the Designated Officer cannot determine whether the discloser is an employee or former employee of Island Health.

Employees reporting anonymously 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 to be investigated.

Anonymous disclosers must use the *Public Interest Disclosure Act: Wrongdoing Disclosure Form* to ensure they provide the Designated Officer with sufficient information to assess whether the allegations warrant investigation under *PIDA*. Anonymous disclosers should consider providing contact information so the Designated Officer can follow up to obtain more information about the disclosure as needed.

10. What responsibilities do leaders/supervisors have under *PIDA*?

Leaders/supervisors are responsible for:

- Reviewing Island Health's [PIDA Policy](#) and [Procedures](#);
- Providing and documenting advice to employees about reporting wrongdoing or making a complaint about a reprisal;
- Receiving reports of wrongdoing; and
- Providing reports of wrongdoing to the Island Health Designated Officer as soon as they are received.

Leaders/supervisors must also maintain confidentiality by protecting the identity of employees who report wrongdoing or seek advice and must only share personal (identifiable) information in the limited circumstances set out in Island Health's [PIDA Policy](#) and [Procedures](#).

11. What happens after a wrongdoing is reported?

Island Health's Designated Officer will assess:

- the report of wrongdoing to determine whether it is eligible for investigation under *PIDA*, and, if so, whether an investigation should proceed; and
- the reprisal risk against the employee and action taken to protect the employee.

In cases where the employee has not made a disclosure anonymously, the employee will be notified of whether or not the reported wrongdoing will be investigated, and may be contacted to provide further details to ensure that sufficient information is available for the investigation.

At the conclusion of any investigation the employee will be notified of the outcome.

12. In urgent situations, how can employees disclose wrongdoing under *PIDA*?

Under *PIDA*, where there is an *imminent* risk of a substantial and specific danger to the life, health or safety of persons, or to the environment, an employee may make a public report (e.g., to the media) if they have **first** obtained the consent of (depending on the nature of the wrongdoing) the Provincial Health Officer, Emergency Management B.C. or the police.

After making such a public report, the employee must also report the wrongdoing through the regular process (i.e. to their leader/supervisor, Island Health Designated Officer or the B.C. Ombudsperson).

13. What do you do if you feel you are being treated differently after seeking advice, reporting a wrongdoing or cooperating with an investigation under *PIDA*?

Reprisal is when you experience retaliation or repercussions for seeking advice about making a report, reporting wrongdoing or cooperating with an investigation under *PIDA*.

Reprisal complaints related to *PIDA* can only be made through [the B.C. Ombudsperson](#). All reprisal complaints are handled independently by the B.C. Ombudsperson.

How does *PIDA* relate to other reporting mechanisms in Island Health?

PIDA is one of many mechanisms for reporting wrongdoing at Island Health, and does not replace any other established processes for reporting as outlined in the answer to question 8 above.

PIDA is an additional, optional pathway for employees to report serious or systemic wrongdoing within their organization that is in the public interest. Of note, *PIDA* expressly imposes *legal* requirements to protect the identity of employees, as well as prohibit any reprisal consequences.

14. What other education or training is available on *PIDA*?

The B.C. Ombudsperson offers a range of education and training resources on its website relating to *PIDA* ([PIDA Resources](#)) including tip sheets, checklists, toolkits and the training set out below:

- For employees: the [Speaking up Safely](#) online course;
- For leaders/supervisors: the [PIDA: Supervisor Responsibilities](#) webinar.