

## Public Interest Disclosure (Whistleblower Protection) Act (PIDA)

### Guideline

The *Public Interest Disclosure (Whistleblower Protection) Act* (PIDA) process is used when an employee of the Workers' Compensation Board believes a wrongdoing has been committed or is about to be committed by someone within WCB. It is also used if an employee believes a reprisal has been committed or is about to be committed against the employee.

PIDA only applies to wrongdoings that occurred after June 1, 2013 and are disclosed within two (2) years of occurrence.

### Definition of a Wrongdoing and a Grievance

Under PIDA, there is a very clear distinction between a **wrongdoing** and a **grievance**.

A **wrongdoing** is defined as:

- A contravention of a federal or provincial Act or regulation.
- An act or omission that creates:
  - a substantial and specific threat to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
  - a substantial and specific danger to the environment.
- Gross mismanagement of public funds or assets or the delivery of a public service.
- Gross mismanagement of employees by a systemic pattern of behaviour or conduct indicating a problem with the culture of the organization relating to bullying, harassment or intimidation.
- Knowingly directing or counselling a person to do any of these acts.

A **grievance** is a personal complaint about an employee's own employment situation (e.g., an issue relating to pay, a promotion, performance review, etc.). A grievance is usually handled through Human Resources and the PIDA does not apply.

Only a disclosure that meets the definition of wrongdoing is subject to investigation under the PIDA.

### Protection from Reprisal

One of the key purposes of the PIDA is to protect employees from reprisal. Under this Act, employees are protected from any adverse employment action—or threat of action—taken as a result of an employee taking any of the following actions in good faith:

- Asking for advice about making a disclosure of wrongdoing,
- Making a disclosure of wrongdoing,
- Participating in an investigation into a disclosure of wrongdoing, or
- Declining to participate in a wrongdoing.

#### *Disclosure of Wrongdoing or Complaint or Reprisal Process*

An employee does not need to seek the advice or approval of their supervisor, manager or Human Resources prior to submitting a disclosure or reprisal form.

If an employee has a question about the applicability of PIDA or how to proceed, the employee can review the *Public Interest Disclosure Act* site and/or contact WCB's Designated Officer, Curtis Craig, directly.

When an employee seeks advice from the Designated Officer or submits a disclosure or reprisal form, confidentiality is maintained at all stages of the process.

While WCB does have a formal process in place for handling PIDA-related disclosures and reprisals, an employee may make a disclosure or complaint of reprisal directly to the Public Interest Commissioner or seek advice from the Commissioner. An employee is not required to use WCB's PIDA process if the employee is more comfortable dealing with the Commissioner.

The disclosure or complaint of reprisal must be made in good faith (i.e., not withholding or making false, misleading statements or destroying documents/evidence). If the disclosure is not made in good faith, offences may apply under the Act.