

PUBLIC INTEREST DISCLOSURE ACT: CHECKLIST FOR CHIEF EXECUTIVES

As a Chief Executive of a ministry or office, the *Public Interest Disclosure Act* requires you to take key steps.

APPOINT A DESIGNATED OFFICER

- The Chief Executive must appoint at least one senior official to be a Designated Officer to receive and investigate disclosures of wrongdoing
- Under the Act, the Chief Executive is the Designated Officer if no designation is made

ESTABLISH AND MAINTAIN INTERNAL PIDA PROCEDURES

Public bodies under PIDA must have internal procedures for receiving, managing and investigating disclosures. PIDA procedures should cover how to:

- Receive and review disclosures, and set time periods for action to be taken
- Assess the risk of reprisal against disclosers
- Ensure the confidentiality of information received and collected
- Protect the identity of employees who report wrongdoing
- Appropriately collect and protect personal information
- Refer the disclosure
- Investigate other wrongdoings that may be uncovered
- Provide appropriate parties with notice of decisions and summary reports
- Report the outcomes of investigations, including any findings of wrongdoing, the reasons supporting the findings and relevant recommendations

SMALL PUBLIC BODIES

- Consult with the Ombudsperson to determine whether developing internal procedures would be impractical based on the size of the organization.
- If, following consultation with the Ombudsperson, the organization elects not to establish PIDA procedures, Chief Executives will consult with the Ombudsperson when disclosures are received.

EDUCATE EMPLOYEES

Employees must have information about PIDA and how to make a disclosure of wrongdoing. Ensure employees receive training and resources that cover:

- Basic information about PIDA and what wrongdoing is
- PIDA's protections: confidentiality and prohibitions on reprisal
- How to make a disclosure or get advice
- What they can expect from an investigation as a discloser or a witness
- How to make a reprisal complaint to the Ombudsperson

TRAIN SUPERVISORS AND DESIGNATED OFFICERS

Supervisors and Designated Officers must understand their responsibilities when responding to requests for advice from employees and receiving disclosures of wrongdoing.

Ensure they receive training and resources that cover:

- Confidentiality: PIDA has strict confidentiality provisions and the identity of the person seeking advice or making a disclosure is protected.
- Security: PIDA files and communications should be kept in a safe place.
- Documentation: Interactions with disclosers and employees seeking advice should be documented.
- PIDA processes: Supervisors and Designated Officers must understand how to provide advice to employees, manage disclosures and protect disclosers from reprisal.

Ensure **Designated Officers** receive training and resources that cover:

- Procedural fairness in investigations: Investigations should be fair, thorough, timely and impartial.
- Assessment of reprisal risk: The risk of reprisal should be thoroughly assessed and appropriate mitigation strategies applied.

PUBLISH ANNUAL REPORT

Chief Executives are required to publish annual reports on their activities under PIDA. The reports must include:

- The number of investigations started, the number of disclosures made about the organization internally and the number of disclosures received by Ombudsperson about the organization to the extent known. In cases where wrongdoing was found, include a description of the wrongdoing, any recommendations made, any corrective action taken or reasons why no action was taken.
- Reports cannot include the identity of the discloser, alleged wrongdoer or any information that unreasonably invades someone's privacy.

ENCOURAGE EMPLOYEES TO SPEAK UP

- Cultivate a culture where employees feel that it is safe to speak up by
 - emphasizing how seriously the organization takes disclosures of wrongdoing, and
 - setting the tone that reprisal will not be tolerated in the organization
- Emphasize that employees have a choice about where to report wrongdoing, either internally or externally, whichever makes them more comfortable.