

PIDA IMPLEMENTATION: TIMELINE FOR CHIEF EXECUTIVES

The tasks below outline recommended preparations and ongoing activities for public bodies in British Columbia who will be covered by the *Public Interest Disclosure Act* (PIDA). Items that are required by the Act include a footnote with the relevant section. Timelines and implementation activities are intended as general guidance and may vary by organization. Public bodies can contact the Office of the Ombudsperson for further information.

1 YEAR

Before implementation

- Learn about the *Public Interest Disclosure Act* and encourage your senior leadership to do so as well.
- Review existing internal policies on how employees can raise concerns about wrongdoing and identify any areas that will need to be updated with the implementation of PIDA.
- Identify who will be responsible in your organization for overseeing the implementation of PIDA and any other key players who might be involved.
- Start creating or improve your organization's "speak up" culture by:
 - letting employees know that they are welcome to share their concerns and will not be penalized for doing so
 - letting supervisors, managers and executives know that they are expected to welcome and listen to concerns of their staff

6 MONTHS

Before implementation

- Select one or more senior officials to be a Designated Officer for your organization.¹ Some organizations designate ethics advisors, risk control managers, human resource directors, deputies or vice presidents to be Designated Officers under PIDA. Designated Officers have various responsibilities including providing advice, receiving disclosures and investigating disclosures of wrongdoing.²
- Draft procedures for your organization that contain all of the requirements listed in section 9 of PIDA and amend any existing policies or practices as necessary.³ For example, your procedures must include guidance on how to:
 - assess the risk of reprisal to disclosers
 - receive and review disclosures
 - ensure confidentiality

¹ PIDA s.10(1)

² PIDA s.10(4)

³ PIDA s.9

- protect the identity of employees who seek advice or make a disclosure
 - refer a disclosure to another authority for investigation
 - investigate disclosures
 - report outcomes of investigations
 - report outcomes to the discloser and other appropriate persons
- The Ombudsperson can provide sample PIDA procedures for your organization, which you may choose to adopt as is or adapt to your organization's particular needs.

For small organizations

- Consult with the Ombudsperson if you believe that appointing a Designated Officer or establishing your own procedures would be impractical due to the size of your organization.⁴
- If, following consultation with the Ombudsperson, your organization elects not to designate a senior official as a Designated Officer, the Chief Executive will be considered the Designated Officer by default.⁵
- Designated Officers of organizations without PIDA procedures must consult with the Ombudsperson in the investigation of disclosures.⁶

3 MONTHS

Before implementation

- Finalize your PIDA procedures.
- Address any practical matters related to PIDA, for example, ensuring your electronic file storage is secure, there are confidential spaces available for PIDA conversations, and disclosure forms are available.
- Establish a system to keep track of PIDA activities for your annual reports.
- Ensure that supervisors and Designated Officers receive training and resources on their upcoming responsibilities under PIDA. The Ombudsperson has an eLearning course, educational webinars and tip sheets on PIDA that you are encouraged to use.
- Update your onboarding materials and welcome orientations to include information about PIDA.

⁴ PIDA s.10(2)

⁵ PIDA s.10(3)

⁶ PIDA s.19(2)b

2 MONTHS

Before implementation

- Educate your employees about PIDA. To the extent possible, educate former employees as well. This includes providing basic information about:
 - what is considered wrongdoing under the Act
 - how to ask for advice
 - how to make a disclosure
 - what to expect from a PIDA investigation
 - how to make a reprisal complaint to the Ombudsperson
 - reprisal and confidentiality protections
- Provide employees with access to the Ombudsperson's online course, *Speaking up Safely*, which was developed to help employees and former employees understand PIDA and how it applies to them.
- Ensure employees know who their Designated Officers are and how to access your organization's PIDA procedures. You may wish to post PIDA resources on your intranet, have posters in common areas and/or distribute hand-outs to your staff.

AFTER

Implementation/ongoing activities

- Prepare annual reports on your organization's PIDA activities and publish them on your website. If your organization does not have a website, contact the Ombudsperson and they will post your annual report on www.bcombudsperson.ca.⁷ These annual reports must include:⁸
 - the number of investigations started
 - the number of disclosures made about the organization internally and the number of disclosures received by the Ombudsperson about the organization, to the extent known
 - in cases where wrongdoing was found, a description of the wrongdoing, any recommendations made, and any corrective action taken or reasons why no action was taken

Note: Annual reports cannot include the identity of the discloser, alleged wrongdoer or any information that unreasonably invades someone's privacy.⁹

⁷ PIDA s.38,39

⁸ PIDA s.38(2)

⁹ PIDA s.38(4)

1 YEAR

After implementation

- Review your organization's section 9 procedures and make any necessary changes. Arrange for ongoing training for your supervisors and Designated Officers.
- Continue to educate employees about PIDA.
- Ensure files are stored securely, particularly in times of staff turnover.
- Continue to cultivate a culture where speaking up is encouraged by emphasizing how seriously the organization takes disclosures of wrongdoing and setting the tone that reprisal will not be tolerated.

RESOURCES

- BC Laws: *Public Interest Disclosure Act*: www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022
- Ombudsperson free virtual courses for employees and supervisors: <https://learn.bcombudsperson.ca/>
- Ombudsperson Fact Sheets: <https://bcombudsperson.ca/public-interest-disclosure/resources-for-public-bodies/>
- Sample section 9 procedures (email requests to report@bcombudsperson.ca)
- Ombudsperson website: www.bcombudsperson.ca