

PIDA AND OTHER COMPLAINT MECHANISMS

What can an employee do if they are concerned about a problem in their workplace?

PIDA is one of many complaint processes available to public service employees, and does not replace other mechanisms. **It is an additional, optional pathway for reporting serious wrongdoing that is in the public interest.** It is not meant as a complaint mechanism for personal employment disputes or public policy grievances.

Employees have several pathways to report concerns in their workplace. Some common pathways include:

- Health and safety concerns → WorkSafe BC
- Disputes about workplace conditions → human resources, union or employee association representatives
- Program operation concerns → Program Managers, Directors
- Offences → law enforcement

What makes PIDA unique from other complaint processes?

- Under PIDA, employees always have a choice as to where they disclose wrongdoing. They can make a disclosure internally to their supervisor or DO, or externally to the Ombudsperson.
- Unlike some other complaint mechanisms, PIDA legally protects employees from reprisal and includes strong confidentiality provisions.
- PIDA allows for anonymous disclosures.

- PIDA is only available to employees or former employees of eligible public bodies. It is not available to contractors, volunteers or members of the public.
- PIDA investigations result in findings and recommendations. Recommendations may address individual circumstances or issues with policy, practice or systems.

How does PIDA relate to other complaint processes?

- Making a disclosure under PIDA does not replace mandatory reporting obligations under other legislation or policy, unless the legislation or policy explicitly says so. Examples of a reporting obligation include a person's duty to report child abuse under section 14 of the *Child, Family and Community Service Act*, or a public service employee's duty to report mispending under section 33.2 of the *Financial Administration Act*.
- PIDA is a stand-alone process. Employees do not need to exhaust any other another complaint mechanism before making a disclosure of wrongdoing under PIDA.
- PIDA is not an appeal mechanism. But, if an employee has raised their concerns elsewhere, they can still make a disclosure under PIDA.
- The DO may decline to investigate if, after assessing a disclosure, they conclude that the alleged wrongdoing has already been (or is being) appropriately investigated or otherwise dealt with.
- PIDA investigations are not intended to compromise other investigations. The Ombudsperson or a DO may postpone or suspend their own PIDA investigation if they

believe it may compromise another investigation process or if the alleged wrongdoing is also being investigated for the prosecution of an offence.

- The Ombudsperson or DO may also require that another investigation by a public body (other than a PIDA investigation) be suspended or postponed if there is *prima facie* evidence that the investigation was undertaken with the intention of compromising an investigation under PIDA.

If the Ombudsperson or DO believes that a disclosure could be more appropriately investigated through another mechanism, they may refer it to another organization. The potential for this referral should be discussed with the discloser first. If the discloser has concerns about the referral, the basis for the concern should be considered when making the decision. The final referral decision rests with the Ombudsperson or the DO. If the disclosure, in whole or in part, has been referred, the discloser must be informed.

What is the role of a DO in helping employees decide whether to make a disclosure?

- To help employees understand the pathways available to them for dealing with their concerns, including information about what PIDA is and how to access it.
- To avoid encouraging or discouraging employees from making a disclosure. To protect employees from reprisal for making a disclosure even if:
 - the employee is mistaken about the allegation,
 - the allegation is assessed not to be wrongdoing, and/or
 - the DO determines investigation is not warranted.