

PIDA FOR EMPLOYEES OF SMALL PUBLIC SECTOR ORGANIZATIONS

RESPONSIBILITIES OF PUBLIC SECTOR ORGANIZATIONS

The Public Interest Disclosure Act (PIDA) is whistleblower protection legislation for current and former employees of eligible public sector organizations in BC¹. PIDA requires that every chief executive of a public sector organization covered by PIDA:

1. designate at least one senior official as a designated officer to respond to requests for advice and receive and investigate disclosures; and
2. establish procedures for managing disclosures of wrongdoing from their employees.

EXEMPTIONS FOR SMALL PUBLIC SECTOR ORGANIZATIONS

PIDA provides that the two requirements listed above do not apply to small organizations where the organization, in consultation with the BC Ombudsperson, determines it is not practical to apply these requirements. Small organizations include those with few employees or insufficient resources to appropriately manage disclosures of wrongdoing.

While small organizations may be “exempt” from the two requirements, these organizations must still be prepared to manage requests for advice and disclosures, and must inform their employees of their process for doing so.

PIDA PROCESSES IN EXEMPT PUBLIC SECTOR ORGANIZATIONS

Small organizations may be exempt from one or both of the two requirements listed above.

If a small organization has not appointed a designated officer, the chief executive

automatically becomes responsible for the requirements associated with this position. In this situation, employees who wish to make a disclosure within their organization can take their allegations to their supervisor – who will pass it to the chief executive – or the employee can go directly to the chief executive. The disclosure should be managed according to the organization’s PIDA procedures.

In an organization where it has been determined impractical to have PIDA procedures, employees can still choose to take their disclosure to their supervisor, the designated officer, or the chief executive. However, we suggest to those organizations without procedures that they contact the Ombudsperson immediately upon receipt of disclosures before beginning any assessment. Further, that organization’s management of PIDA investigations must be completed in consultation with, or referred to, the BC Ombudsperson.

Regardless of whether an organization has received an exemption, employees are always able to contact the Ombudsperson to request advice or make a disclosure under PIDA. Employees with concerns about their organization’s handling of a request for advice or a disclosure, can also contact the Ombudsperson with their concerns.

CONTACTING THE OMBUDSPERSON

Employees and officials who have questions about PIDA, the role of our office, or who need more information about how to make a disclosure, can speak to a member of our public interest disclosure team directly by calling our office at 1-800-567-3247, or contacting us via email at report@bcombudsperson.ca.

¹ See the Ombudsperson website for the list of organizations covered under PIDA - <https://bcombudsperson.ca/public-interest-disclosure/what-is-covered-by-pida/>