

# PROPOSED AMENDMENTS:

Lessons from the first five years of  
the *Public Interest Disclosure Act*



**OMBUDSPERSON**  
BRITISH COLUMBIA

PIDA Special Report No. 5  
August 2025


As an independent officer of the Legislature, the Ombudsperson investigates complaints of unfair or unreasonable treatment by provincial and local public authorities and provides general oversight of the administrative fairness of government processes under the *Ombudsperson Act*. The Ombudsperson conducts three types of investigations: investigations into individual complaints; investigations that are commenced on the Ombudsperson's own initiative; and investigations referred to the Ombudsperson by the Legislative Assembly or one of its committees.

Under the *Public Interest Disclosure Act* (PIDA) the Ombudsperson investigates allegations from current and former public sector employees of wrongdoing in or relating to a public body covered by the Act as well as complaints of reprisal.

The Ombudsperson has a broad mandate to investigate allegations of wrongdoing or complaints of reprisal involving provincial ministries; provincial boards and commissions; Crown corporations; health authorities; schools and school boards; and colleges and universities. A full list of the public bodies covered by PIDA can be found on our office's website. The Office of the Ombudsperson also provides advice to those public bodies and their employees about the Act and the conduct of wrongdoing investigations.

We offer educational webinars, workshops and individual consultation with public bodies to support fairness and continuous improvement across the broader provincial and local public sector.

For more information about the Office of the Ombudsperson and for copies of published reports, visit [bcombudsperson.ca](http://bcombudsperson.ca).



Our office is located on the traditional lands of the Lək'wəŋən (Lekwungen) People and ancestors and our work extends across the homelands of the First Nations Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.



**OMBUDSPERSON**  
BRITISH COLUMBIA

August 2025

The Honourable Raj Chouhan  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my honour to present PIDA Special Report No. 5, *Proposed amendments: Lessons from the first five years of the Public Interest Disclosure Act*.

The report is presented pursuant to section 40 of the *Public Interest Disclosure Act*.

Yours sincerely,

Jay Chalke  
Ombudsperson  
Province of British Columbia



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# MESSAGE FROM THE OMBUDSPERSON

This report is one of a series of four reports that my office has produced to assist the Special Committee to Review the *Public Interest Disclosure Act* with its statutory review of the Act.

The *Public Interest Disclosure Act* (PIDA) is the statutory mechanism for public sector employees to disclose wrongdoing they learn of during their employment in order to protect the public interest. It facilitates disclosures by providing a legal means for employees to share otherwise confidential information, by establishing processes for the thorough assessment, investigation and reporting of disclosures, and protections for those who access the processes set out in the Act.

PIDA came into force on December 1, 2019. Since that time, my office has received requests for advice about disclosing wrongdoing, disclosures of wrongdoing, and complaints of reprisal. As a result, we have conducted investigations of disclosures of wrongdoing and complaints of reprisal. The management of this work has provided my office with particular insight into improvements that should be made to the Act to ensure that it continues to operate in the public interest.

This report contains our recommendations for those amendments.

Yours sincerely,



Jay Chalke  
Ombudsperson  
Province of British Columbia



# INTRODUCTION

The recommendations for amendment in this document are to support the most effective operation of PIDA. They are intended to better facilitate disclosures of wrongdoing, the management of those disclosures, and to promote ongoing integrity in the public sector.

In making these recommendations, we have focused on key matters that we believe present the most important areas for change:

- expanding who can access the protections of the Act
- more effective protections for disclosers
- improvements to the appropriate management of disclosures and resulting investigations

# RECOMMENDED AMENDMENTS TO PIDA

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# I. IMPROVING WHO CAN ACCESS THE PROTECTIONS OF THE ACT

## 1.1 Expand who can make a disclosure

### Current provision

Section 1: “employee” means

- (a) an employee of a ministry, government body or office, and includes a person appointed under section 15 [*appointment by Lieutenant Governor in Council*] of the *Public Service Act*
- (b) a member of a class of persons prescribed by regulation

PIDA protects current and former employees of public sector bodies covered under the Act. However, we regularly receive disclosures from people who are not employees but who nonetheless have inside knowledge of the programs and operations of the public body they are raising concerns about. This primarily includes people who are providing contracted, or volunteer, services to a public body. These individuals, while not employees, are often under a contractual or other legal obligation that restricts their ability to legally share that information.

The Act is intended to provide a legally permissible way for those with special knowledge of a public body to raise concerns of wrongdoing in the public interest. Thus, there is no clear policy reason to distinguish between employees and contractors, particularly in circumstances where they have similar roles and functions within a public body.

We recommend that the Act be amended to also protect these individuals who have inside knowledge but do not have another legally protected way to raise those concerns. This amendment would meet the intent of the Act and the public interest it seeks to uphold.

### Proposed change

Expand who can disclose wrongdoing to include non-employees who are under any obligation of confidentiality – contract, common law or statutory – respecting their engagement with the public body that precludes them from reporting wrongdoing.

For example, this group would include contractors and volunteers depending on the terms of their contract or appointment.

### Example

Section 1: “employee” means

...

- (c) **Any person who performs work or provides services directly or indirectly on behalf of the ministry, office or government body and is under an obligation of confidentiality, whether contractual, common law, or by statute to the ministry, office or government body, including a contractor or a volunteer.**

## 1.2 Align public sector coverage with the *Ombudsperson Act*

The Schedule to the *Government Body Designation (Public Interest Disclosure) Regulation* sets out the list of public bodies covered by PIDA.<sup>1</sup> We propose expanding the Schedule to mirror the public sector coverage of the *Ombudsperson Act* and to include police and civilian employees of municipal police departments.

Currently, the range of public bodies covered under PIDA is more limited than those covered by the *Ombudsperson Act*. The most notable differences are that the entire local government sector and professional self-regulating bodies are covered by the *Ombudsperson Act* but not by PIDA.

There is no principled reason for PIDA to have a narrower jurisdiction than the *Ombudsperson Act*. The purpose of PIDA is to provide a safe, legally protected way for current and former employees of public bodies to report serious or systemic issues of wrongdoing in the public sector. All public bodies are served by this purpose, particularly sizable sectors like the local government sector.

For example, the Ombudsperson already receives a significant number of complaints from local government employees under the *Ombudsperson Act* that would more appropriately fall under PIDA. These complaints engage issues such as conflicts of interest, mismanagement, and misuse of public funds or assets.

While we are proposing that public bodies covered under PIDA mirror those covered under the *Ombudsperson Act* in principle, doing so in practice is unfortunately not as straightforward as incorporating the Schedule to the *Ombudsperson*

*Act* under PIDA. This is because the Schedule to the *Ombudsperson Act* includes categories of jurisdictional organizations, in contrast to the *Government Body Designation (Public Interest Disclosure) Regulation*, which is a closed list of public bodies. For example, the Schedule to the *Ombudsperson Act* includes any “corporation the ownership of which or a majority of the shares of which is vested in the government.”

Because the Schedule to the *Ombudsperson Act* does not use a closed list, at times a jurisdictional organization under the *Ombudsperson Act* is only identified after a complaint is made to our office. This poses a problem under PIDA given the positive obligations imposed by the Act on public bodies and chief executives (e.g., section 9 procedures and section 38 reporting).

To facilitate this alignment between the two Acts, we have identified a list of jurisdictional public bodies under the *Ombudsperson Act* that are not included under the current *Government Body Designation (Public Interest Disclosure) Regulation* (see Appendix B).

With respect to the proposed inclusion of Indigenous Child and Family Service Agencies delegated by the Ministry of Children and Family Development, consultation with Indigenous governing bodies should take place in advance of consideration of agencies’ coverage under PIDA.

### Proposed change

Expand the coverage of PIDA to include all of the public bodies currently covered under the *Ombudsperson Act*.

<sup>1</sup> *Government Body Designation (Public Interest Disclosure) Regulation, B.C. Reg. 58/2022, Schedule.*

### 1.3 Expand coverage to municipal police departments

At present, municipal police services are not covered by the *Ombudsperson Act*. We recommend including them under PIDA, as their employees currently have few options to safely share concerns about potential wrongdoing with an external, independent agency.

Police officers in municipal police services are subject to external oversight in relation to allegations of misconduct by the Office of the Police Complaint Commissioner through the *Police Act*. However, the *Police Act* does not allow for the investigation of wrongdoing as defined in PIDA, nor any allegations about civilian employees of police services who are not constables, special municipal constables, deputy chief constables, or chief constables. For example, the *Police Act* would not authorize a disclosure if an accounts payable clerk was alleged to have misused the funds of a police service. If PIDA were expanded to cover police services, our office would be able to investigate such matters.

PIDA allows our office to investigate a broad range of alleged wrongdoings, such as gross or systemic mismanagement, misuse of assets, or danger to life, health or safety of persons or the environment. The *Police Act*, on the other hand, allows only for the investigation of police misconduct or the services or policies of a municipal police department.<sup>2</sup> Therefore, expanding PIDA to apply

to municipal police services would bring the types of issues which could be addressed into the same range as all public bodies under PIDA.

The *Police Act* specifically prevents all employees of municipal police departments from sharing confidential information they learn in their employment if that information may compromise an ongoing *Police Act* investigation, or if they are ordered to maintain confidentiality by an investigating officer. While the intent of this provision is to protect the integrity of *Police Act* investigations, it may also have the effect of preventing employees from raising serious concerns in the workplace.

It should be the goal of PIDA to provide an appropriate, effective avenue for all public sector employees to bring concerning matters forward so they can be addressed in the public interest.

To that end we are proposing that employees of municipal police departments also be protected under PIDA (see Appendix C for more information). Consultation with the Police Complaints Commissioner to avoid overlap with the role of that office should take place before this amendment is introduced.

#### Proposed change

All employees of municipal police departments be included under PIDA.

<sup>2</sup> Section 177.01 of the *Police Act* is a new power of the OPCC to self initiate systemic investigations: The OPCC will be able to examine and review systemic concerns about policing.

## 1.4 Expand coverage to administrative staff of the Legislative Assembly

In February 2019, following allegations of misconduct against senior officials of the Legislative Assembly, the Ombudsperson called for PIDA to be applied to the administration of the Legislative Assembly.<sup>3</sup>

In response, the Government House Leader committed to implementing these changes.<sup>4</sup> However, this has not yet occurred. Since that time, the Legislative Assembly has created an internal safe reporting policy.<sup>5</sup> That, however, is

not a sufficient reason not to apply PIDA to it. Many public authorities covered by PIDA have such policies but applying PIDA allows employees to disclose to an independent organization and ensures a fully independent investigation.

### Proposed change

Extend the protection of PIDA to the administrative staff of the Legislative Assembly.

## 2. CLARIFYING THE PROTECTIONS OF THE ACT

### 2.1 Clarify what information an employee can collect and disclose

#### Current provision

Section 6(1): For the purposes of requesting advice or making a disclosure or a complaint about a reprisal, a discloser

- (a) may collect, use and disclose personal information, and
- (b) must take reasonable precautions to ensure that no more information is collected, used or disclosed than is reasonably necessary to request advice or make the disclosure or the complaint about a reprisal.

PIDA permits disclosers to collect personal information relevant to the alleged wrongdoing and to include it with their disclosure. This is an important protection for disclosers, as they are otherwise bound by the *Freedom of Information*

and *Protection of Privacy Act's* strict prohibition on disclosing personal information. At the same time, there is no provision that expressly authorizes an employee to collect, use or disclose to the Ombudsperson confidential information that is not personal information. It would give certainty to employees to be able to rely on a specific provision authorizing them to share otherwise confidential information with the Ombudsperson.

As currently drafted, the Act is also ambiguous about whether the relevant personal information can be collected and disclosed if the employee would not normally be able to access it. Our office dissuades disclosers from potentially putting themselves at risk by taking steps to collect information they cannot normally access. Clarifying the bounds of "may collect" would be prudent.

<sup>3</sup> On February 4, 2019, a [letter](#) was sent to the Chair and Members of the Legislative Assembly Management Committee and the Ombudsperson distributed a [news release](#) following allegations of misconduct against senior officials of the Legislative Assembly, calling for PIDA to be applied to the administration of the Legislative Assembly. The letter, which was co-signed by the Merit Commissioner and the Information and Privacy Commissioner, also called for the application of the *Freedom of Information and Protection of Privacy Act* and the *Public Service Act* to Legislative Assembly staff.

<sup>4</sup> Katie DeRosa, "[FOI, whistleblower protection should apply to legislature staff, watchdogs say](#)," *Times Colonist*, February 5, 2019.

<sup>5</sup> Legislative Assembly of British Columbia, Caucus and Members' Policies, "[Policy 6520 – Reporting Suspected Wrongdoing](#)."

**Proposed change**

Explicitly allow for the collection, use and disclosure of other confidential information, not just personal information.

**Example**

Section 6(1): For the purposes of requesting advice or making a disclosure or a complaint about a reprisal, a discloser

(a) may collect, use and disclose personal information,

**(b) may collect, use and disclose information that is considered confidential under a provision of another enactment, contract, or oath of employment, and**

(c) must take reasonable precautions to ensure that no more information is collected, used or disclosed than is reasonably necessary to request advice or make the disclosure or the complaint about a reprisal.

## 2.2 Clarify requirements for anonymous disclosers

**Current provision**

Section 14(1): A request for advice or a disclosure may be made anonymously.

Under PIDA, a person can choose to make a disclosure anonymously.<sup>6</sup> However, in those cases, our office or the designated officer must be able to confirm that the person meets the requirements to make a disclosure – in other words, that they are a current or former employee of a public body covered by the Act.

We have received several anonymous disclosures where it has been difficult to ascertain whether the discloser is a current or former employee or simply a member of the public making a disclosure based on conjecture or publicly available information. It is essential to be able to establish that a discloser, even if anonymous, is a current or former employee. If they are not, neither we nor designated officers have jurisdiction to investigate those disclosures.

In the case of some anonymous disclosures, we are provided with contact information (e.g., a non-identifying email address) which we can use to request further information including the discloser's employment status. However, where we receive anonymous disclosures with no contact information and insufficient information about their legal right to disclose, the disclosure may not be investigated.

Clarifying this in the Act would make it known to disclosers in advance so they can take the necessary steps to confirm their current or past employment with a public body under the Act. This may include, for example, supplying a redacted pay stub or other record of employment, or evidence that the information being provided with the disclosure is likely only available to a person who is a current or former employee.

**Proposed change**

Amend the provision on anonymous disclosures to require that a discloser provide information, satisfactory to the Ombudsperson, to establish that they have standing to make a disclosure.

<sup>6</sup> PIDA section 14.

## 2.3 Ensure employees are protected even if no investigation occurs

### Current provision

Section 42(1): Subject to section 8 *[consequences of wrongdoing not limited]*, no action lies against a person because the person, voluntarily or otherwise, gives information, produces a document or answers a question if

- (a) the person does so for the purposes of an investigation under this Act, and
- (b) the information, document or answer is relevant to the investigation

An effective and comprehensive public interest disclosure framework must ensure employees who make a disclosure, and who participate in investigations, are not legally liable in respect of that disclosure. This protection must be available even if an allegation is not investigated.

In Alberta, the court required the Public Interest Commissioner to disclose documents, as part of the official record, that revealed the identities of the whistleblower and witnesses to a respondent in a disclosure investigation.<sup>7</sup> As a result, other disclosers and witnesses have expressed fear that wrongdoers could take civil action against them. Employees contacting us for advice about PIDA have also expressed concern that they may face civil action for making a disclosure or participating in an investigation. The possibility of facing civil

action negatively impacts the willingness of employees to make disclosures, witnesses to participate in interviews, and others who may be called upon to cooperate with investigations by providing records.

It is essential to strengthen BC's legislation to ensure the function and intent of the Act's protections are not similarly compromised. We propose amending the Act to clarify that the protection from liability applies not only to conduct that takes place during an investigation, but also to employees seeking advice and/or making a disclosure, even if the disclosure allegation is not investigated.

### Proposed change

Amend section 42(1) of the Act by removing "an investigation under" to clarify that the protection from liability does not only apply during an investigation.

### Example

Section 42(1): Subject to section 8 *[consequences of wrongdoing not limited]*, no action lies against a person because the person, voluntarily or otherwise, gives information, produces a document or answers a question if

- (a) the person does so for the purposes of this Act...**

<sup>7</sup> *Campbell v Alberta* (Public Interest Commissioner), 2024 ABKB 269

## 3. ENHANCING TOOLS FOR INVESTIGATIVE DECISION MAKING

### 3.1 Refusal to investigate if no reasonable basis

#### Current provision

Section 22(2): The Ombudsperson may refuse to investigate or may stop investigating a disclosure if the Ombudsperson believes that

- (a) the disclosure does not provide adequate particulars about the wrongdoing

Sometimes, disclosers may fail to provide information that establishes a reasonable or credible basis on which our office could investigate. However, there is no provision in PIDA that expressly allows us to refuse to investigate on this basis. Currently, the Act allows us to refuse to investigate if a discloser has provided inadequate particulars about a wrongdoing. However, in some cases a discloser provides detailed particulars, but those

details do not disclose a reasonable or credible basis to investigate. This is a gap in the legislation that, if remedied, will allow for more consistent and reasoned decision making.

#### Proposed change

Broaden this discretionary closing section to include “or a reasonable basis for investigation.”

#### Example

Section 22(2): The Ombudsperson may refuse to investigate or may stop investigating a disclosure if the Ombudsperson believes

- (a) the disclosure does not provide adequate particulars about the wrongdoing **or a reasonable basis for investigation**

### 3.2 Length of time that has elapsed

#### Current provision

Section 22(2): The Ombudsperson may refuse to investigate or may stop investigating a disclosure if the Ombudsperson believes that

...

- (c) the investigation of the disclosure would serve no useful purpose or could not reasonably be conducted because of the length of time that has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made

be refused for investigation either because an investigation would serve no useful purpose or because of the time elapsed since the matter of concern.

We have interpreted “because of the length of time that has elapsed” as attaching to both “useful purpose” and “could not reasonably be conducted.” However, the current language leaves this open to interpretation.

#### Proposed change

Clarify the language in section 22(2)(c) to clearly state whether it is focused on “the length of time that has elapsed” or whether “no useful purpose” is intended to stand alone as a basis for declining to investigate.

The intent of this section in the Act is ambiguous. It is unclear if the current provision is saying that we can decline to investigate because the matter occurred a long time ago or that a disclosure may

### 3.3 Postponing investigations

#### Current provision

Section 23(1): Subject to section 22(1), the Ombudsperson may postpone or suspend an investigation if the Ombudsperson

- (a) reports, under section 7(2) [*wrongdoings and reporting of offences*], an alleged offence identified during the investigation,
- (b) considers that the investigation may compromise another investigation, or
- (c) becomes aware that the alleged wrongdoing that is being investigated in respect of the disclosure is also being investigated for the prosecution of an offence.

In our PIDA investigations, we may identify other internal or external reviews that overlap with our investigation of alleged wrongdoing. Currently, our office may postpone or suspend our investigation if it may compromise another investigation.<sup>8</sup>

After beginning an investigation, we may learn of other processes underway, such as a union grievance or other dispute resolution process, which would be compromised if our investigation continued. We recommend that the Act be amended to allow our office to postpone or suspend an investigation to determine whether another process may appropriately deal with the alleged wrongdoing.

In such circumstances, the Ombudsperson would notify relevant individuals of the decision to postpone or suspend and would be required to continue to assess the outcome of that alternative process to determine whether the alleged wrongdoing is appropriately dealt with. This provides those individuals, including the chief executive, with transparency about what is taking place.

#### Proposed change

Add an additional discretionary basis to postpone or suspend an investigation that aligns with section 22 of the Act and is consistent with the reason to refuse to investigate currently in the *Public Interest Disclosure Regulation* section 3(1).

#### Example

Section 23(1): Subject to section 22(1), the Ombudsperson may postpone or suspend an investigation if the Ombudsperson

...

- (d) becomes aware that the alleged wrongdoing that is to be or is being investigated in respect of the disclosure is being appropriately dealt with**

### 3.4 Improve the transparency of decisions not to investigate

The Act provides discretionary reasons to refuse to investigate or to stop investigating a disclosure. The list of discretionary reasons, under section 22(2) of the Act, is easily accessible and helps a discloser or potential discloser to understand decisions that may be made regarding their allegations. One of the discretionary reasons

includes “a prescribed reason to not investigate or to stop investigating the disclosure applies”. Prescribed reasons are included in the *Public Interest Disclosure Regulation*.

We recognize the functionality of including the opportunity to readily prescribe additional reasons by regulation. However, to improve the transparency of

<sup>8</sup> PIDA section 23(1)(b).

decisions regarding disclosures, we believe that the discretionary reasons to not investigate currently included in sections 3(1) and 3(2) of the *Public Interest Disclosure Regulation* should be moved directly under section 22(2) of the Act.

### Proposed change

Move the existing reasons not to investigate or to stop investigating a disclosure from sections 3(1) and 3(2) of the *Public Interest Disclosure Regulation* directly into section 22(2) of the Act.

## 4. ADDRESSING INCONSISTENCIES AND ALIGNING WITH OTHER LEGISLATION, LEGAL PRINCIPLES AND BEST PRACTICES

### 4.1 Streamline processes before an investigation commences

#### Current provision

Section 3(3): The following sections of the *Ombudsperson Act* apply, with necessary modifications, to the conduct of an investigation by the Ombudsperson under this Act

Under PIDA, our office:

- provides advice about the Act
- receives, reviews and investigates disclosures and reprisal complaints
- makes referrals of disclosures
- monitors the implementation of recommendations

When conducting investigations, we are able to rely on section 3(3) of PIDA which incorporates certain provisions of the *Ombudsperson Act*. Those provisions ensure the confidentiality of our investigations, allow us to require production of documents and examine witnesses under oath, and ensure individuals adversely affected have an opportunity to make representations on a report or recommendations. However, it is less clear that these provisions apply to our other functions under PIDA. This is a gap that must be addressed.

The consequences of this gap mean, for example, that we cannot gather information outside an investigation from a public body or from a person to inform a decision whether to investigate.<sup>9</sup>

The inability to obtain information without investigating unnecessarily complicates the disclosure assessment process and makes it more difficult for our office to respond in a timely way to disclosures, as required by section 17 of the Act. This may result in our office declining to investigate for lack of information or, conversely, investigating a disclosure solely to confirm whether the matter has already been appropriately dealt with or investigated by the public body.

### Proposed change

Broaden the application of section 3(3) to all functions of the Ombudsperson under PIDA. Ensure the Ombudsperson's powers under the *Ombudsperson Act* apply to all the Ombudsperson's activities under PIDA (assessment, investigation, monitoring), not just investigations.

#### Example

Section 3(3): The following sections of the *Ombudsperson Act* apply, with necessary modifications, to the **performance of functions** by the Ombudsperson under this Act.

<sup>9</sup> *Ombudsperson Act*, R.S.B.C. 1996, c. 340, section 15.

## 4.2 Remove the “in good faith” requirement

### Current provision

Section 12(1): If a discloser reasonably believes that the discloser has information that could show that a wrongdoing has been committed or is about to be committed, the discloser, in good faith, may make a disclosure[...]

PIDA only protects people who have made a disclosure “in good faith.”<sup>10</sup> We have seen this test of good faith overly emphasized in public body PIDA training materials and heard from employees that it was a deterrent to their disclosure. This test also has the potential to be used to deny disclosures based on the discloser’s perceived motivation and to punish disclosers for being mistaken in their allegations of wrongdoing.

The good faith test turns the focus of a disclosure assessment towards the discloser rather than keeping it on the substance of the allegation – in other words, it focuses on the messenger instead of the message. A discloser’s motivation should not affect the assessment of whether their allegation could amount to wrongdoing if proven. A discloser can have mixed or unclear motivations *and* be correct about serious matters that could constitute wrongdoing and require investigation.

Our office, which has received the majority of disclosures since PIDA came into force, has not had a reason to question whether a discloser was making the disclosure in good faith.

At the same time, some public bodies have strongly emphasized the good faith test in their policies and the information they provide to employees about PIDA. We have heard from employees that this emphasis on good faith is a deterrent to making a disclosure; they are afraid of speaking up about what they see as wrongdoing in case they are accused of having improper

motivation or simply being incorrect.

The good faith requirement does not align with international best practice, which recommends that the body receiving the disclosure consider whether the discloser reasonably believes that the information is true.<sup>11</sup> This focus on honest or reasonable belief instead of good faith is important because, whether or not the discloser has ill-feelings towards the alleged wrongdoer, the alleged wrongdoer may have committed some form of serious misconduct which is in the public interest to investigate. These circumstances are not mutually exclusive.

Further, if allegations were baseless or improperly motivated, a good investigation should exonerate the alleged wrongdoer. The good faith test creates a risk that those assessing the disclosure restrict legitimate disclosures prior to investigations or turn the focus of scrutiny onto disclosers rather than the alleged concerns. An honest or reasonable belief test avoids these pitfalls.

The public interest disclosure legislation in New South Wales, Australia, requires the body receiving a disclosure to assess whether the discloser has an honest belief that the disclosure is true, and it creates a presumption that the belief is honestly held absent evidence to the contrary.<sup>12</sup>

Of course, this proposal does not apply to the different good faith test found in section 43 of the Act, and which applies not to disclosers but to individuals carrying out functions under the Act. We do not recommend that section be changed.

### Proposed change

Strike “in good faith” throughout PIDA (except section 43), as it relates to someone making a disclosure, reprisal complaint or cooperating with an investigation.

<sup>10</sup> The good faith requirement appears in PIDA sections 12(1), 22(2)(b)(ii), 31(1), 31(3)(b), 32(1), 32(2)(b).

<sup>11</sup> Transparency International, [A Best Practice Guide for Whistleblowing Legislation](#), 2018, 14.

<sup>12</sup> *Public Interest Disclosures Act 2022* No 14 [NSW] section 26(5).

## 4.3 Support person-centred and trauma-informed reporting

### Current provision

Section 27(5): The Ombudsperson must provide, in a form that the Ombudsperson considers appropriate, a summary of the report

- (a) to the discloser, and
- (b) to any person alleged or found to be responsible for wrongdoing, if practicable

In many investigations, we interview witnesses who provide evidence about their personal experiences relevant to a disclosure. Our approach to those witnesses is person-centred and trauma-informed. For example, we provide clear information up front about our process, tell the person the kinds of information we are seeking so that they can appropriately prepare, allow a support person to attend, and to the extent possible, accommodate the person's preferences as to where and when the interview happens. These measures are important because they demonstrate that our office respects the individuals involved and their experiences, and we are mindful of the stress and other negative impacts that participation in an investigation can have.

However, the Act is a barrier to us fully implementing a person-centred and trauma-informed approach.

Specifically, PIDA does not currently allow us to share any information about the outcome of our investigation with witnesses or other affected parties (other than the discloser). For example, for witnesses who were asked to provide

evidence of sensitive issues or unjust treatment they experienced, it is trauma-informed and procedurally fair to provide some information about the outcome of the investigation. Many witnesses have raised this concern – they provide evidence at great personal cost, but are not informed of what happened with their information. Witnesses have reprisal protections under the Act. But if they have no information about the status of an investigation, it is difficult for them to determine whether they may have experienced reprisal.

For these reasons, we propose that PIDA be amended to allow the Ombudsperson, in their discretion, to report some information about the outcome of investigations to witnesses, and to those who provided documentary evidence or who otherwise assisted with the investigation.

Being able to share information back with witnesses is particularly important in cases where the allegations are about potential wrongdoing in relation to Indigenous public sector employees. In investigating those allegations, our office has asked Indigenous witnesses to share sensitive information. There is a long history of government bodies collecting information from Indigenous individuals without providing anything meaningful in return.<sup>13</sup> The proposed amendment would help promote confidence in the investigative process under the Act among all participants, by allowing us to provide some information about the outcome of an investigation.

In addition, the proposed amendment would help to align the Act with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>14</sup> and support the province's Declaration Act Action Plan Goals under Themes 3 and 4. It would

<sup>13</sup> See, for example, Indigenous Corporate Training Inc., "[A Brief Look at Indian Hospitals in Canada](#)," June 3, 2017; Gladys Rowe, "[Reflecting on Indigenous Evaluation Frameworks](#)," Department of Justice Canada, 2020, 47; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Zed Books, 2021, 1, 24; Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations, and Contexts, Second Edition*, University of Toronto Press, 2009; University of Winnipeg, "[Guidance For Research With Indigenous Communities And Participants](#)," 2; Julie Bull, "[Nothing about us without us: An Inuk reply to exploitive research](#)," Impact Ethics, June 13, 2019.

<sup>14</sup> UN General Assembly, *Declaration on the Rights of Indigenous Peoples*, 13 September 2007, resolution 61/295, Article 3.

specifically support Action 3.2, as a measure to improve retention of Indigenous people across the public sector.

Further, this proposed amendment would provide the Ombudsperson with powers that are analogous to those already possessed by public bodies when they conduct an internal investigation under PIDA. Public bodies can, after investigating a disclosure, provide summaries of their reports to “other appropriate persons.”<sup>15</sup> There is no policy reason the Ombudsperson should not have similar powers.<sup>16</sup>

There is an inherent risk that information received by these parties may be shared further. However, we believe this can be effectively managed through policy and practice by, for example, ensuring such reports contain no more information than is necessary to inform the person of matters related to their participation in the investigation.

The Ombudsperson regularly considers how to appropriately balance confidentiality with their reporting obligations in other contexts, such as following an investigation under the *Ombudsperson Act*; this amendment would be no different.

### Proposed change

Add a subsection to allow the Ombudsperson discretion to provide report summaries to other persons where circumstances warrant.

### Example

**Section 27(6): The Ombudsperson may also provide, in a form the Ombudsperson considers appropriate, a summary of the report to a person who cooperated with the investigation or other appropriate persons.**

## 4.4 Broaden the role of the Merit Commissioner to include non-bargaining unit appointments

The Merit Commissioner is an independent officer of the Legislature who oversees hiring processes for entities covered by the *Public Service Act*. The Merit Commissioner is only authorized to respond to employee staffing review requests and decisions related to bargaining unit positions.<sup>17</sup> Therefore, there is no independent oversight of competitions for non-bargaining unit appointments other than random audits.

Our office receives requests for advice and disclosures from employees concerned about public service hiring processes. Many of the employees who have contacted us under PIDA do not have standing to raise their concerns with

the Merit Commissioner given the limited nature of that office’s mandate. The Merit Commissioner is the expert respecting merit-based hiring. However, unlike with matters that fall under the jurisdiction of other independent officers of the Legislature, we are unable to refer most disclosures we receive to the Merit Commissioner for investigation given that office’s limited jurisdiction. If we determine these disclosures are not appropriate for investigation under PIDA, we are required to close our file. There is often no other mechanism available to these disclosers to potentially address their concerns.

<sup>15</sup> PIDA section 9(1)(j).

<sup>16</sup> This proposal is consistent with the Representative for Children and Youth’s submission to the Select Standing Committee on Children and Youth in 2022, which recommended that the Representative be given the discretion to “disclose limited summary information of the results of the Representative’s reviews of critical injuries and deaths to [parents]..., subject to enumerated criteria and to constraints on the subsequent disclosure or use of that information (in their legislative review).”

<sup>17</sup> The Merit Commissioner also randomly audits appointments (but these audits are not initiated on complaint) and reviews the process used in just-cause dismissals. These are not at issue in this recommended amendment.

Given the province already has an independent body with oversight of merit-based hiring, such matters should be referred to the Merit Commissioner and the Merit Commissioner should review these additional staffing decisions rather than trying to fit them into another process (or having no available oversight). The broadening of the Merit Commissioner's role to allow for that office to receive referrals from the Ombudsperson under PIDA would address the current legislative gap.

The Merit Commissioner should also have the explicit ability to undertake monitoring work arising from an Ombudsperson recommendation. The Merit Commissioner is best positioned to determine whether appropriate merit-based hiring practices are taking place within organizations covered by it. If a problem with a hiring practice is identified by an Ombudsperson's investigation, amending the Merit Commissioner's statutory

authority to explicitly allow for that office to undertake this monitoring work would address the current gap.

This was recently highlighted in the Ombudsperson's public report, [\*Hire Power: The appointment of ineligible candidates to temporary assignments in the public service\*](#). In that case, the Public Service Agency agreed to provide the information to the Merit Commissioner. Express statutory authority to require the provision of such information would be an improvement.

### Proposed change

Broaden the role of the Merit Commissioner so (a) staffing decisions for all *Public Service Act* hiring can be reviewed by them and (b) the Merit Commissioner can undertake monitoring and oversight work as a result of an Ombudsperson recommendation.

## 5. MAINTAINING PUBLIC CONFIDENCE IN THE INTEGRITY OF THE PROCESS

### 5.1 Support thorough and confidential investigations

A key goal of the Act is to encourage disclosures in the public interest by ensuring investigations are thorough and confidential, and by protecting the identity of disclosers. We believe this goal can be strengthened by clarifying the confidentiality protections available to disclosers and witnesses, extending those protections to others who cooperate in investigations, and by ensuring access to relevant information during investigations.

#### 5.1.1 Ensure fairness and confidentiality

##### Current provision

Section 17: Every person involved in receiving, reviewing and investigating disclosures must carry out those functions in an expeditious, fair and proportionate manner as appropriate in the circumstances.

PIDA requires anyone who is involved in receiving, reviewing and investigating a disclosure to carry out their work expeditiously, fairly and proportionately, as appropriate in the circumstances.<sup>18</sup>

<sup>18</sup> PIDA, section 17.

Our office operationalizes this statutory direction by taking steps to ensure that those accused of wrongdoing are afforded a process that is procedurally fair. For example, we:

- inform them of the allegations against them
- disclose specific documents that are necessary to assist their response
- provide them with an opportunity to be interviewed and to provide us with documentary evidence
- provide them with an opportunity to respond to our draft investigation report before it is finalized

At the same time, alleged wrongdoers sometimes assert that procedural fairness requires we provide them with full document disclosure, witness transcripts, and the identities of all witnesses who provided evidence in the investigation. Recent case law in Alberta supports some of these positions.<sup>19</sup>

However, we are concerned that if this approach were adopted in BC, it would irreparably undermine the public policy principles underlying the Act. The confidentiality provisions in PIDA that protect both the identities of disclosers and witnesses are fundamental and make it possible for disclosers to come forward safely. If our office was required, in the interests of procedural fairness, to identify disclosers and witnesses, disclosers could no longer be confident that the Act would limit the possibility they would face reprisal.

Without this change, we expect increased litigation, and legal costs from individuals found to have committed wrongdoing or those who may be adversely affected by the outcome of an investigation.

This proposal seeks to support the balance between fairness and confidentiality from a policy perspective. We further propose expressly protecting the identity of disclosers and witnesses in the context of a judicial review (see 5.2.2 below).

### Proposed change

Amend section 17 to require every person who is involved in receiving, reviewing and investigating disclosures to do so in a manner that is procedurally fair to respondents while taking all reasonable steps to maintain the confidentiality of the discloser and other witnesses.

### 5.1.2 Improve access to privileged information

#### Current provision

Section 3(3): The following sections of the *Ombudsperson Act* apply, with necessary modifications, to the conduct of an investigation by the Ombudsperson under this Act:

...

(g) section 20 [*privileged information*]

Currently, our office has no right of access to solicitor-client privileged information held by public bodies we are investigating. This significantly impacts our ability to make findings about wrongdoing or reprisal.

We only begin investigations under the Act if the alleged wrongdoing is serious and significant. As a result, these investigations frequently require consideration of systemic matters and/or conduct and decision making by executives and public sector leaders. Regularly, public bodies inform us that information relevant to an investigation cannot be provided because it is protected by solicitor-client privilege. Without a right to review this information, the Ombudsperson is often significantly constrained in the ability to determine whether wrongdoing or reprisal occurred.

<sup>19</sup> *Campbell v Alberta (Public Interest Commissioner)*, [2024 ABKB 269](#).

This is especially true in the context of reprisal investigations which, by their nature, are expected to review demotion or termination processes that have likely involved recommendations by the public bodies' legal counsel.

It is detrimental to public confidence in independent oversight – as well as to public body involved, the public interest, and those accused of wrongdoing or reprisal – for the Ombudsperson to be unable to complete a thorough investigation that would allow a conclusive finding on whether wrongdoing has occurred.

Of course, our office recognizes the fundamental importance of solicitor-client privilege and the importance of public bodies not waiving that privilege with respect to any third-parties during an investigation. The proposed amendment would allow us to access that information only in the context of an investigation under the Act and would not constitute a waiver of that privilege more generally.

Since 1991, the Ombudsperson has had a protocol with the Ministry of Attorney General for the sharing of solicitor-client privileged information for the purpose of investigations under the *Ombudsperson Act*. Hundreds of investigations a year are conducted under the *Ombudsperson Act* and this protocol is regularly used to obtain information which speaks to the appropriateness of government conduct. Under the protocol, access to this information is not considered a waiver of privilege. For 35 years, the Ombudsperson's office has appropriately managed the privileged information received under this protocol.

### Proposed change

Require the provision of solicitor-client privileged information by public bodies to the Ombudsperson during the course of a PIDA investigation but specify that the provision of that information is not to be considered a waiver of solicitor-client privilege.

### 5.1.3 Remove the disclosure limitations of the *Evidence Act*

#### Current provision

*Public Interest Disclosure Regulation* section 2: For the purposes of section 3(1)(b) [*relationship of Act to other Acts*] of the Act, the following provisions of the following enactments prevail:

(a) section 51 of the *Evidence Act*

Section 51 of the *Evidence Act* limits the disclosure of records used by committees under that Act.<sup>20</sup> The *Evidence Act* applies to certain health care-related disclosure investigations.

Health authorities under PIDA use a Patient Safety Learning System (PSLS) to receive concerns from staff in the form of reports. The reports that flow through this system can relate to everything from minor quality of care concerns to serious or systemic concerns regarding health care. The health authorities state that committees, operating in accordance with section 51, receive and review concerns that flow through the PSLS system. As a result, health authorities refuse our requests for information regarding all concerns raised under the PSLS.

Often disclosers in the health care field have either raised their concerns through PSLS before coming to our office or they are aware of others who have raised the concerns through that system.

<sup>20</sup> *Evidence Act*, R.S.B.C. 1996, c. 124, section 51.

By placing all PSLS reports under the umbrella of section 51 of the *Evidence Act*, we are prevented from determining:

- what concerns have been raised
- what steps, if any, have been taken to review concerns
- what steps, if any, have been taken to follow-up on or address the concerns raised

This is a large body of information that we are prevented from accessing during investigations.

Further, the 2020 *In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care* report found that the application of section 51 to patient harm reviews respecting Indigenous patients reinforces perceptions of secrecy and non-transparency within the health care system.<sup>21</sup>

The application of section 51 to all records within the PSLS frustrates PIDA's intent to be a proportionate mechanism to uncover and address wrongdoing in the public interest.

We are aware the Ministry of Health is currently reviewing the operation of section 51 of the *Evidence Act* in the health care system.

### Proposed change

Repeal section 2(a) of the *Public Interest Disclosure Regulation*.

## 5.1.4 Require compliance with Ombudsperson's instructions during an investigation

### Current provision

Section 29: If the Ombudsperson believes that the ministry, government body or office has not appropriately followed up on the Ombudsperson's recommendations, or did not appropriately cooperate with the

Ombudsperson's investigation under this Act, the Ombudsperson may make a report on the matter and provide the report,

- (a) in the case of a ministry, to the minister responsible,
- (b) in the case of a government body,
  - (i) to the chief executive, and
  - (ii) to the minister responsible, if applicable, or
- (c) in the case of an office, to the Speaker of the Legislative Assembly.

When notifying a public body of an investigation, our office asks the recipient of the notice to abide by the confidentiality requirements of PIDA:

- to limit discussions with others about the investigation
- to not discuss the presumed identity of the discloser

Such instructions are fundamental to protecting the integrity and confidentiality of an investigation.

Unfortunately, public bodies have sometimes failed to follow our instructions and have, for example, shared confidential information requests with implicated parties, or collaborated with others to respond to information requests when our office has specifically requested they not do so.

Failing to follow our instructions during an investigation can amount to non-cooperation, and PIDA does allow the Ombudsperson to report publicly on instances of non-cooperation with an investigation. However, the ability to report at the end of a process is insufficient to avoid the harms that can be caused by a public body's failure to observe these instructions from the outset. For this reason, we recommend the Act be amended

<sup>21</sup> *In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care*, November 2020, 187.

to establish that public bodies have an obligation to comply with any instructions issued by the Ombudsperson during an investigation.

Such an amendment could reduce the likelihood of public body employees not giving due attention to the Ombudsperson's instructions and potentially compromising the integrity of an investigation. Further, it would allow the Ombudsperson to better ensure the integrity of the process and protect the identity of the discloser.

### Proposed change

Add provisions requiring a person contacted by the Ombudsperson during an investigation to comply with the Ombudsperson's instructions, and provide that failure to comply with the Ombudsperson's instructions constitutes non-cooperation for the purposes of section 29 of the Act.

### Example

**A person must comply with the Ombudsperson's written instructions upon receipt of notice that the Ombudsperson is investigating a matter under this Act.**

## 5.2 Protect the identities of disclosers

As described above, a foundational principle in PIDA is that all reasonable measures must be taken to protect the identities of people who make a disclosure. These protections support a culture where people feel comfortable coming forward with concerns about potential wrongdoing.

### 5.2.1 Protect the discloser's identity when conveying information

#### Current provision

Section 6(4): Subsection (3) does not apply if one or more of the following applies:

- (a) the provision or use of the personal information is for the purposes of this Act.
- ...
- (c) the provision or use of the personal information is in connection with another lawful purpose

The current wording of section 6(4)(a) allows any person responsible for receiving a request for advice – including a union or employee association representative, lawyer, supervisor, or designated officer – to share the identity of a

discloser when managing a request for advice or a disclosure. Therefore, they are permitted to share the discloser's identity with others for the purpose of providing advice, with witnesses or the respondent when doing interviews, or with those who are asked to obtain records in support of an investigation. However, there is no need for a person with a responsibility under PIDA to share the discloser's identity to fulfill their responsibility.

The confidentiality of the identities of employees who seek advice or make a disclosure is the primary proactive protection offered by PIDA. For this reason, PIDA allows employees to remain anonymous when doing these acts. Sharing the identity of an employee who comes forward under PIDA can have negative impacts on the employee and the integrity of the framework.

There is no inherent need for those with a function under PIDA to identify an employee who sought advice or made a disclosure as the person who did these acts. Their identity may be shared, but there is no reason to link them to those acts.

Based on our experience under PIDA, the only exception to maintaining a discloser's confidentiality is when it is necessary to share limited information with the appropriate

investigating party so they can follow up directly with the discloser. This is a very limited circumstance, and the amendment we propose is intended to clarify that this exception is both narrow and necessary to support effective investigations.

The most common circumstances referenced for this provision are:

- to allow a public body to follow up on concerning matters raised in an advice conversation or a disclosure under another framework
- to accurately present allegations to a respondent during an investigation interview

However, an organization can follow up on matters outside of PIDA without linking the origins of that information to a particular employee's act of seeking advice or making a disclosure under PIDA. The employee can simply be referred to as "the complainant" or "the employee who raised concerns." The process under which they came forward is not required.

During a PIDA investigation interview, the employee may be referred to as "a witness" but their identity specifically as a discloser is of no substantive value to the person being interviewed.

### Proposed change

The references in section 6(4) under (a) "for the purposes of this Act" and (c) "in connection with another lawful purpose" are overly broad. They should be limited to:

- the discussion and conveying of a disclosure for the purpose of investigation between a supervisor, designated officer, or chief executive, and
- a report to law enforcement, in accordance with section 7(2) or assistance and referral in accordance with section 19(3).

### Example

Section 6(4) and subsection (3) do not apply if one or more of the following applies:

- (a) the provision or use of the personal information is **by a supervisor, or designated officer, and is for the purpose of discussing or referring a disclosure to the appropriate investigating party including in accordance with section 19(3)**

...

- c) the provision or use of the personal information is **for the purpose of a report to a law enforcement agency under section 7(2)**

### 5.2.2 Protect the discloser's identity in a judicial review

In *Campbell v Alberta (Public Interest Commissioner)*,<sup>22</sup> the court noted that Alberta's legislation did not guarantee a discloser's confidentiality. As a result, the court required that records be disclosed during judicial review that publicly revealed the identity of the discloser and witnesses. We have heard from some BC employees aware of the Alberta case, that this decision has had a chilling effect on employees' willingness to make a disclosure.

The confidentiality provisions of PIDA are a fundamental aspect of the safeguards the Act provides to disclosers. It is essential that we be able to tell disclosers that their identity will not be made public, and only shared with the public body in specific, limited circumstances. If these protections can be set aside during a judicial review, it would harm disclosers' beliefs that the Act will meaningfully protect them and limit the risks of reprisal against them. For this reason, the Act should explicitly protect the identity of the discloser in the context of a judicial review.

<sup>22</sup> *Campbell v Alberta (Public Interest Commissioner)*, [2024 ABKB 269](#).

Consideration should also be given to a similar protection being extended to anyone who cooperates with an Ombudsperson investigation.

### Proposed change

Create a provision to explicitly protect the identity of disclosers in the context of a judicial review.

### Example

**Section 6(5): Personal information that is likely to enable the identification of the discloser as a person who has requested advice or made a disclosure is not to be disclosed during a judicial review or other proceeding.**

## 5.3 Ensure a disclosure goes to the right place

PIDA operates on a choice model: people with the right to make a disclosure under the Act may pursue the process available to them in the public body they work for, or they may make a disclosure to the Ombudsperson. This model works well for a majority of disclosures. There are, however, some cases where either the nature of the disclosure, or the public body against which the disclosure is made, requires that other processes be available to meaningfully and efficiently respond to the disclosure. The following proposed amendments address those cases in which the current Act does not provide the options to ensure that the disclosure can be handled by the body able to most effectively respond.

### 5.3.1 Cases where a chief executive is alleged to be responsible for wrongdoing

#### 5.3.1.1 Referral to Ombudsperson

#### Current provision

Section 19: (1) A designated officer of a ministry, government body or office is responsible for investigating disclosures that the designated officer receives[...]

...

(3) Subject to subsection (4), a designated officer may

- (a) request assistance from the Ombudsperson for an investigation, or part of an investigation, or
- (b) refer a disclosure, in whole or in part, to the Ombudsperson.

Currently, designated officers in public bodies are expected to handle all investigations of disclosures made or referred to them. However, designated officers are not able to investigate their chief executives without actual or perceived bias, which may cast doubt on the integrity of the investigation.

To avoid such situations, we recommend amending PIDA to require a designated officer to refer any disclosures where the chief executive is the alleged wrongdoer to the Ombudsperson. The designated officer should also be required to make this referral if they learn, at any point in an investigation, that the chief executive may be implicated in the alleged wrongdoing. Similar to the existing requirement in section 19(4), the designated officer must be required to notify the discloser when they make such referrals.

### Proposed change

Add a subsection to require designated officers to refer disclosures to the Ombudsperson when the chief executive is implicated in the allegations. Also amend Section 19(4) to require the designated officer to notify the discloser when matters under this new subsection are referred to the Ombudsperson.

### Example

**Section 19(5): If a disclosure implicates the chief executive in the alleged wrongdoing, the designated officer must refer the disclosure to the Ombudsperson.**

### 5.3.1.2 Notification of investigation

#### Current provision

Section 21(5): If the Ombudsperson is to notify a person under subsection (2) or (4) and, in respect of the matter being investigated, the chief executive is alleged to be responsible for wrongdoing, the Ombudsperson must not notify the chief executive and instead, subject to subsection (3), must notify the following person, as applicable:

- (a) in the case of a ministry, the minister responsible

When we receive a disclosure that implicates a deputy minister, we are required to notify the minister. However, in our experience, it is difficult to contact ministers on a confidential basis. Because of how their offices are run, our notices may inadvertently notify administrative staff, risking the confidentiality of our investigation. Moreover, ministers are not generally involved in ministry operations and the day-to-day running of the public service.

It would be more appropriate, in such cases, to provide notice of the investigation to the deputy minister to the premier. This is the person deputy ministers report to administratively and who leads government operations. We recommend that the Act be amended to reflect this change. If the deputy minister to the premier is alleged to be the wrongdoer, then the notice should go to the premier.

#### Proposed change

Replace “minister” with “deputy minister to the premier” and add “In the case of the deputy minister to the premier, the premier.”

#### Example

Section 21(5):

- (a) in the case of a ministry, **the deputy minister to the premier;**
- (b) **in the case of the deputy minister to the premier, the premier**

### 5.3.2 Disclosure to protection official

#### Current provision

Section 16(1): In this section, “protection official” means,

- (a) in respect of a health-related matter, the provincial health officer,
- (b) in respect of an environmental matter, the provincial administrator as defined in section 1 (1) of the *Emergency and Disaster Management Act*, or
- (c) in any other case, an appropriate police service.

(2) If an employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment, the employee, subject to subsection (4), may make a disclosure to the public if the employee

- (a) consults a relevant protection official before making the disclosure,
- (b) receives direction from the protection official, and
- (c) makes the disclosure to the public in accordance with the following:
  - (i) the direction received under paragraph (b);
  - (ii) sections 5 [*unauthorized release of information*] and 6 [*personal information*].

Section 16 is intended to provide a process through which a current or former employee can make a disclosure publicly if there is an imminent risk of substantial and specific danger. The rationale is that an employee should be protected for, as an example, going to the media with information about a potentially catastrophic public event.

However, the restrictions in this section make it almost meaningless as an avenue for public disclosure.

This section requires that, before making a disclosure publicly, an employee first contact a “protection official” or expert in that particular area: the provincial health officer, the police, or the provincial administrator under the *Emergency and Disaster Management Act*. The employee is only authorized to make a public disclosure if the protection official approves of the employee disclosing the matter publicly. Presumably a protection official would only do so if they believe the disclosure is credible but the protection official is unable or unwilling to make the matter public themselves. If an employee makes a disclosure without following this process, they cannot use any of the protections in the Act – including those against reprisal.

We understand from speaking with the protection officials that they have only been contacted once for this purpose. The matter was determined not to be an imminent risk of a substantial and specific danger. This provision is not being used and, if not amended, likely never will be given the high bar it sets.

It is disingenuous to give employees, the media, and the public the impression that there is an avenue for public disclosure when, practically, there is not. It is very unlikely that a protection official would support an employee’s disclosure to the public rather than using their own approach to making the matter public.

This section would be better framed as an alternative means of making a disclosure in circumstances of imminent risk of a substantial and specific danger. We recommend amending this section of the Act to remove the suggestion that disclosure to a protection official is merely a precondition to public disclosure. Rather, it should provide that a protection official, like with a designated officer and the Ombudsperson, has a positive obligation to assess and act on receiving a disclosure.

One of the greatest hurdles for a discloser to overcome is getting in direct contact with a listed protection official for the purpose of consulting with them. For example, it would be very difficult for a public sector staff-level employee to access the provincial administrator under the *Emergency and Disaster Management Act* in a timely manner. Given that this section is reserved for matters posing “imminent risk” of danger, any delay in this regard is not appropriate.

To support the receipt of disclosures, protection officials should be required to provide publicly accessible, direct contact information for the purpose of disclosing.

Further, as part of this revised role, a disclosure to a protection official should also be protected from reprisal under section 31 of the Act.

### Proposed change

Amend this section so that the act of contacting a protection official – in circumstances of imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment – is considered another avenue for making a disclosure, similar to contacting a designated officer or the Ombudsperson. Include positive obligations “to act on” the information received (e.g., assess, follow up) and to fulfill their function in “an expeditious manner as appropriate in the circumstances.”

Amend this section so that the act of contacting the protection official is a “protected act” and the prohibition against reprisal applies.

Include a positive obligation on protection officials to provide publicly accessible contact information so employees can reach them for the purpose of consultation or reporting an imminent risk of a substantial and specific danger.

### 5.3.3 Referring a disclosure to another body for review

#### Current provision

Section 24(2): The Ombudsperson, after consultation with and confirmation by the relevant office, may refer the disclosure if the Ombudsperson considers that the disclosure could more appropriately be investigated, in whole or in part, by an officer of the Legislature, in accordance with the relevant Act that grants authority to the relevant officer in a procedure under that Act, including, if applicable, by the Ombudsperson under the *Ombudsperson Act*.

Over the course of our work under PIDA, we have encountered situations where a disclosure made to us would be more effectively and efficiently assessed by another oversight body.

Section 24(2) allows the Ombudsperson to refer a disclosure to another body. However, as currently written, this section suggests that the Ombudsperson can only refer a disclosure if the Ombudsperson would investigate it because it could be a wrongdoing if proven. It would be beneficial if the Ombudsperson were able to refer any disclosure it receives to another body if the Ombudsperson determines that the other body would be in a better position to consider and/or investigate the disclosure under that office's statutory mandate.

This change would allow the Ombudsperson to refer matters to the attention of another office that is better able to respond, without first assessing whether the matter is a wrongdoing.

For example, if a discloser alleged that a public body had inappropriately disclosed personal information about employees, the Office of the Information and Privacy Commissioner would be in a better position to assess the allegation,

determine whether to investigate, and make recommendations even if the allegations do not amount to “wrongdoing” as defined by PIDA.

#### Proposed change

Clarify that the Ombudsperson may refer a disclosure under section 24(2) to another officer of the Legislature for review even when the disclosure may not constitute wrongdoing.

#### Example

Section 24(2): The Ombudsperson, after consultation with and confirmation by the relevant office, may refer the disclosure if the Ombudsperson considers that the disclosure could more appropriately be **dealt with**, in whole or in part, by an officer of the Legislature, in accordance with the relevant Act that grants authority to the relevant officer in a procedure under that Act, including, if applicable, by the Ombudsperson under the *Ombudsperson Act*.

### 5.3.4 Referral to professional regulatory bodies

We regularly receive disclosures about the practice of regulated professionals. For example, we have received several disclosures about the clinical practice of physicians. These disclosures raise concerns about a physician's clinical practice generally or in relation to specific incidents. Concerns about the practice of regulated professionals can be serious, and they should be subject to oversight.

In many of these cases, the disclosers are themselves registrants of a regulated health profession. As such, they could report their concerns to the regulatory body that oversees the professional in question. In some cases, they have a legal duty to do so. Regulatory bodies set

standards for education; registration and practice; support professionals in meeting standards of care; and act when these standards are not met.

However, some disclosers bring their allegations to our office instead of reporting them to the appropriate regulatory body. We believe their allegations are best addressed by the professionals' regulatory body, but once received we must assess the disclosure against the requirements of PIDA. We can only refuse to investigate based on those considerations. The statute does not allow us to refuse to investigate because we have advised the discloser to pursue another appropriate process for dealing with their allegation.

Our office may not be the optimal forum to assess regulated practice, which often involves specialized and technical knowledge. We could retain an expert to inform our assessment or investigation, but doing so is inefficient, costly and replicates regulatory bodies' existing investigative or deliberative processes. Further, assessing the conduct against the definition of "wrongdoing" may not be the appropriate approach.

Unlike our office, regulatory bodies also have the authority to *order* appropriate remedies. For example, the College of Physicians and Surgeons can require a registrant to take additional training, can issue reprimands or restrict a registrant's practice, and in extreme cases, can remove a registrant's licence to practice. By contrast, an investigation by our office may result in recommendations to a professional regulatory body or to the professional's employer (such as a health authority), but it would then be up to those bodies to act. They may be unwilling to do so without first conducting their own investigation. It would be more timely and efficient, and better serve the public, if these types of disclosures could be referred quickly to professional regulatory bodies.

### Proposed change

Create a new referral power to professional or occupational regulatory bodies for disclosures about regulated practice.

#### 5.3.5 Disclosures about independent offices of the Legislature and Legislative Assembly administration

Earlier in this report we recommended that the administrative functions of the legislative assembly be brought under PIDA (1.4 above). A bespoke process is advisable so that one of the legislative assembly's own officers – the Ombudsperson – is not investigating it.

All independent offices of the Legislature (except the office of the Conflict of Interest Commissioner) are covered by PIDA. This means that current and former employees of these offices can seek advice or make a disclosure about potential wrongdoing.<sup>23</sup> These disclosures are made to the designated officer in each public body or to our office.<sup>24</sup>

While it is important that PIDA apply to each of these public bodies, the current framework could be strengthened to alleviate the perception that the offices have too close a working relationship to conduct impartial investigations of each other. For example, four of the offices have shared corporate services (human resources, finance and IMIT)

This concern can be addressed by providing a new, more independent process in the Act for assessing and investigating disclosures about independent offices of the Legislature.

<sup>23</sup> The offices are the Auditor General, the Chief Electoral Officer, the Human Rights Commissioner, the Information and Privacy Commissioner, the Merit Commissioner, the Police Complaint Commissioner, the Registrar of Lobbyists, the Representative for Children and Youth, and the Ombudsperson.

<sup>24</sup> Or in the case of a disclosure about the Ombudsperson, to the Auditor General.

### Proposed change

Create a new process for disclosures about the independent offices of the Legislature or administrative aspects of the Legislative Assembly to be referred by the Ombudsperson<sup>25</sup> to a judge or retired judge appointed by the Associate Chief Justice. Provide that the judge/retired judge has the Ombudsperson's powers under PIDA.

Authorize the Ombudsperson to include information about such investigations in their Annual Report.

## 5.4 Improving special reports in the public interest

### 5.4.1 Authorize greater report transparency

#### Current provision

Section 40(6): In preparing a report under this section, the Ombudsperson must delete or exclude any material that would

- (a) unreasonably invade a person's privacy,
- (b) reveal the identity of a discloser, or
- (c) reveal the identity of an individual who was the subject of an investigation

The Act anticipates that there will be circumstances in which the Ombudsperson will report publicly on an investigation. The Ombudsperson can report publicly through a special report to the Legislative Assembly, or, in circumstances where there is an imminent risk of a substantial and specific danger to life, health, safety or the environment, directly to the public.<sup>26</sup>

The Ombudsperson's power to report is constrained, however, by the requirement to exclude from a report any material that would

unreasonably invade a person's privacy, reveal the identity of a discloser, or reveal the identity of a person who was the subject of an investigation.<sup>27</sup>

In practice, this provision prevents the Ombudsperson from publicly reporting on issues that may be in the public interest if doing so could reveal – or appear to reveal – the identity of a discloser or alleged wrongdoer. As a result, even if a matter involves significant concerns, such as problems with a health care unit or a regional office of a ministry, it cannot be reported publicly if it might link the concern to an identifiable person. This limits transparency and can create the impression that nothing is being done in response to disclosures, potentially discouraging people from speaking up.

For example, in its September [2023 case report on the Department of National Defence](#) (DND), the Public Sector Integrity Commissioner (PSIC) found that DND failed to make information about founded cases of wrongdoing public in a timely manner. PSIC determined this contributed to a sense of cynicism among public servants. Internal research showed many felt reporting

<sup>25</sup> Ibid.

<sup>26</sup> PIDA section 40(4).

<sup>27</sup> PIDA section 40(6).

wrongdoing was pointless because “there will be no consequences for wrongdoers and things will never change.” PSIC noted that the combination of fear and cynicism is a powerful deterrent to disclosure and undermines both the goals of the public disclosure legislation and confidence in the public service.

The Ombudsperson does not have any comparable limitations on reporting on investigations conducted under the *Ombudsperson Act*, nor do other independent officers of the Legislature have such limits under their respective legislation.

We also note that this reporting limitation is rare in Canada. Only Prince Edward Island has a similar restriction under its public interest disclosure legislation. Eight other provinces and one territory,<sup>28</sup> as well as the federal Public Sector Integrity Commissioner, do not have comparable restrictions on their ability to publicly report wrongdoing.

The language in their respective statutes typically provides that where it is in the public interest to do so, the Commissioner/Ombudsperson may publish a special report relating to any matter within the scope of the Commissioner/Ombudsperson’s responsibilities under the relevant Act, including a report referring to and commenting on any particular matter investigated by the Commissioner/Ombudsperson.

We also believe that disclosers should have the option to determine whether they are identified in public reports given the significance of their decisions to speak up regarding their concerns. Confidentiality is for their protection and they should be given the agency to determine its applicability.

We make this recommendation recognizing that the *Campbell* case<sup>29</sup> is being referenced in some matters by respondents and other parties in

support of sharing the discloser’s identity. Given the *Campbell* case, our recommendation to eliminate the restriction on disclosing the identity of a wrongdoer in a report should only be included in the event that amendments are also made to ensure that fairness does not mean the identity of the discloser needs to be revealed as we propose in section 5.1.1, above.

### Proposed change

Section 40(6) should be amended by repealing paragraphs (a) and (c) to allow for greater transparency and reporting of investigations in the public interest. It should read similarly to most other jurisdictions in Canada.

Paragraph (b) should be amended to allow the Ombudsperson discretion to reveal the identity of a discloser if the discloser confirms in writing their desire for this to happen.

### Example

Section 40(6): In preparing a report under this section, the Ombudsperson must delete or exclude any material that would

...

**(b) reveal the identity of a discloser unless the discloser provides their written consent to include the specific identifying information.**

<sup>28</sup> Yukon, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, New Brunswick, Nova Scotia.

<sup>29</sup> *Campbell v Alberta* (Public Interest Commissioner), 2024 ABKB 269.

## 6. SUPPORTING PUBLIC BODIES IN APPROPRIATELY MANAGING DISCLOSURES

As a part of PIDA's choice model, disclosers can choose to bring their concerns directly to the relevant public body to receive, assess and investigate the disclosure. We recommend

amendments to the Act that will better support public bodies to manage these disclosures fairly and consistently. This, in turn, will increase public confidence in the disclosure process.

### 6.1 Require training for supervisors and designated officers

#### Current provision

Section 4: Every chief executive must ensure that the following information is made available to the employees of the ministry, government body or office for which the chief executive is responsible:

- (a) information about this Act;
- (b) information about how to request advice or make a disclosure or a complaint about a reprisal under this Act;
- (c) any other prescribed information.

Chief executives are required to provide information about the Act to their employees. This does not currently include training those responsible, namely supervisors and designated officers, in the performance of their duties under the Act.

If an employee has questions or concerns about potential wrongdoing, they may first turn to their supervisor or the designated officer in their organization. Supervisors and designated officers across public bodies have differing levels of experience and knowledge of the Act.

To facilitate disclosures, the Act intends that supervisors and designated officers take requests for advice and disclosures seriously, give them a thorough assessment, and investigate diligently. These are complex matters that require thoughtful consideration.

Ensuring people in these positions complete training would improve their ability to better respond to employees who have questions, and to identify when the Act is an appropriate mechanism to address employee concerns. This can be addressed by amending the Act to make chief executives responsible for ensuring supervisors and designated officers receive training on how to fulfill their responsibilities under the Act.

#### Proposed change

Require the chief executive to provide training for supervisors and designated officers on how to fulfill their duties and functions under PIDA.

#### Example

**Section 4(2): Every chief executive must ensure that supervisors and designated officers receive training on how to fulfill their responsibilities under the Act**

## 6.2 Improve procedures for managing requests for advice and disclosures

### 6.2.1 Implement risk assessments

#### Current provision

Section 9(1): Subject to the regulations, every chief executive must establish procedures to manage requests for advice and disclosures by employees of the ministry, government body or office for which the chief executive is responsible.

Respect of the following:

- (a) Assessing risks that reprisals may be taken against disclosers

The obligation on supervisors and designated officers to do reprisal risk assessments is a fundamental part of protecting disclosers and ensuring that they feel safe to raise concerns. The reprisal risk assessment process can be strengthened by requiring employers to implement measures to address risk identified in the assessment. After all, risk assessments are meaningless if follow up mitigation steps are not taken.

#### Proposed change

Include an obligation that supervisors and designated officers implement steps to mitigate any risk identified in the reprisal risk assessment.

#### Example

Section 9(2): The procedures established under subsection (1) must include procedures in respect of the following:

- (a) assessing risks that reprisals may be taken against disclosers **and implementing measures to mitigate identified risks**

### 6.2.2 Retain records

Public bodies often ask our office about procedures and requirements for retaining records related to internal requests for advice, disclosures and investigations. It would be helpful, and provide consistency and clarity, if public bodies could reference a universal requirement for retaining records on these matters. The time period for records retention should be long enough to ensure that records are available if our office later investigates a reprisal complaint.

#### Proposed change

Add a new subsection requiring public bodies to retain PIDA records for a period of three years.

#### Example

**Section 9(2)(k): Every chief executive must establish procedures for the confidential retention of records related to requests for advice and disclosures for a period of three years after the matter is concluded under the Act.**

## 6.3 Define who may be a designated officer

### Current provision

Section 10(1): For the purposes of this Act, every chief executive must designate at least one senior official to be a designated officer to receive requests for advice and receive and investigate disclosures by employees in the ministry, government body or office for which the chief executive is responsible.

The Act requires that chief executives designate at least one “senior official” to be a designated officer.

The lack of clarity about who is a “senior official” has provided latitude for public bodies to consider designating external individuals to be the designated officer, including third-party lawyers, consultants or contractors. This creates problems with confidentiality, credibility, accessibility to employees, and internal reporting.

Ensuring the designated officer is a public body employee fits with PIDA’s intention to offer an option for employees to raise concerns internally. Ensuring roles and responsibilities under PIDA remain internal fosters employees’ trust in the integrity of their employer and its desire to take wrongdoing concerns seriously. It also ensures leaders within the public body become aware of problems at the earliest opportunity and have a chance to address them.

### Proposed change

Specifying that a designated officer must be a “senior official” who is an employee of the public body.

This change may be accomplished through an amendment to section 10(1) or through the inclusion of “senior official” in the definitions section of the Act.

## 6.4 Allow designated officers to obtain assistance before investigations

### Current provision

Section 19(3): Subject to subsection (4), a designated officer may

- (a) request assistance from the Ombudsperson for an investigation, or part of an investigation

The Act currently only allows the Ombudsperson to assist a designated officer with their investigation of a disclosure, not to offer support with the assessment of whether to investigate.

The task of assessing disclosures to determine whether investigation is warranted is often time consuming and difficult. Many designated officers will do this work infrequently and will not have the opportunity to develop familiarity with the legislation or assessment process. Often, they will be dealing with a disclosure for the first time.

Our office regularly receives questions from designated officers about how to assess a disclosure. Given the current wording of the Act, we must limit our responses to very generalized information.

To ensure that the Act’s requirements – that disclosures are dealt with expeditiously and investigations are proportionate – are fulfilled, the Ombudsperson is in the ideal position to assist designated officers with their work.

**Proposed change**

Amend this section so that a designated officer can seek assistance from our office for other aspects of the performance of their statutory role beyond investigation, most notably for the assessment of a received disclosure.

Explicitly allow the designated officer to share confidential information during this process.

**Example**

Section 19(3): Subject to subsection (4), a designated officer may

- (a) request assistance from the Ombudsperson **for the purpose of fulfilling their responsibilities under the Act respecting a disclosure**

**(a.1) share confidential information for the purpose of paragraph (a)**

## 6.5 Clarify annual reporting obligations

### 6.5.1 Who is required to report

**Current provision**

Section 38(1): Each year, a chief executive, or a delegate of the chief executive, must prepare a report on all disclosures of wrongdoing that have been made in that year in respect of the ministry, government body or office for which the chief executive is responsible, including disclosures made to the Ombudsperson, if a designated officer of the relevant ministry, government body or office has been notified about the disclosures or investigations.

The reference to designated officer in section 38(1) is outdated. It relates to the previous version of section 21 when PIDA required that the Ombudsperson's notice of an investigation be provided to the designated officer. Since amendments that came into force in May 2021, section 21 requires that notice be provided to the chief executive rather than the designated officer.

Section 38 should be aligned with the new notice provision.

**Proposed change**

Update the language in section 38(1) by replacing "if a designated officer of the relevant ministry" with "if the chief executive of the relevant ministry" to reflect the current notice requirement.

**Example**

Section 38(1) Each year, a chief executive, or a delegate of the chief executive, must prepare a report on all disclosures of wrongdoing that have been made in that year in respect of the ministry, government body or office for which the chief executive is responsible, including disclosures made to the Ombudsperson, if the **chief executive** of the relevant ministry, government body or office has been notified about the disclosures or investigations.

## 6.5.2 Clarify the content of annual reports

### Current provision

Section 38(1): Each year, a chief executive, or a delegate of the chief executive, must prepare a report on all disclosures of wrongdoing that have been made in that year in respect of the ministry, government body or office for which the chief executive is responsible, including disclosures made to the Ombudsperson, if a designated officer of the relevant ministry, government body or office has been notified about the disclosures or investigations.

Public bodies are required to report annually on:

- the number of disclosures received, including referrals of disclosures, and the number acted on and not acted on
- the number of investigations commenced as a result of a disclosure
- in the case of an investigation that results in a finding of wrongdoing
  - a description of the wrongdoing
  - any recommendations, including those made by the Ombudsperson
  - any corrective action taken in relation to the wrongdoing or the reasons why no corrective action was taken
- any other information prescribed by regulation<sup>30</sup>

We have identified four proposed amendments to the public annual reporting provisions that will strengthen accountability and transparency of public bodies' work under the Act.

First, we have heard from public bodies that they are unclear on the meaning of "acted on and not acted on" in section 38(2)(a).

We have interpreted this to mean taking any steps following the assessment of a disclosure outside of investigating under PIDA or closing that "file."

However, greater clarity about what is intended to be captured may better serve the important reporting function under the Act.

Second, section 38(2)(b) requires organizations to report publicly on the number of investigations commenced. They should also be required to report on the investigations discontinued that fiscal year, whether their own or investigations of the public body conducted by the Ombudsperson.

It is in the public interest, and furthers transparency, for the public to know that investigations have concluded. It is also in the organization's interest to be able to state investigations have ended rather than, as is currently the case, to appear to be under investigation for significant periods of time. Reporting should not be required only in situations where wrongdoing is found or recommendations are made.

Third, the Act requires public bodies to publicly report recommendations in cases where the Ombudsperson makes a finding of wrongdoing. However, the Ombudsperson may make recommendations without finding any wrongdoing. In those cases, our office reports on the recommendations. The reporting requirements should be consistent. Additionally, it is in the public interest to know that recommendations are being made even when wrongdoing is not found.

Fourth, we are regularly asked by public bodies about the time period for producing a report under section 38. It is important for the transparency of the Act that the report is delivered in a consistent and timely manner. Section 38(2) of the Act allows for a prescribed time period and this should be acted upon by setting a time limit.

<sup>30</sup> PIDA section 38(2).

### Proposed change

Revise wording to provide greater clarity regarding the nature of “acted on.”

Add a requirement under section 38(2)(b) that public sector organizations report on the investigations discontinued and concluded.

Add a requirement for public sector organizations to report on Ombudsperson recommendations even where wrongdoing is not found.

Prescribe a time period for producing the section 38 report – six months from the end of the annual reporting period for the public body. Provide the Ombudsperson with authority to establish the reporting period for the public body or class of public bodies.

## 6.5.3 Establish a clearinghouse for public body annual reports

### Current provision

Section 39(1): Subject to subsection (2), a report prepared under section 38 must be made publicly available on a website maintained by or on behalf of the ministry, government body or office.

(2) In the case of a ministry, government body or office that does not have a website, the ministry, government body or office must provide the Ombudsperson with the report prepared under section 38, which the Ombudsperson must make publicly available on the Ombudsperson’s website.

Section 38 annual reports should be easily accessible to current and former employees to ensure ongoing trust in the organization’s commitment to the aims of the Act. Accessibility also fosters public confidence in the ongoing integrity of the public sector. The Act intends to

account for this in section 39, but we have found there are still a significant number of public bodies that are not making their reports publicly available.<sup>31</sup>

The Ombudsperson already operates as the central external option for all employees to seek advice and make disclosures, and for public bodies to receive support with their responsibilities under the Act. The Ombudsperson is best placed to also be a centralized hub for public body annual reports to make those reports more accessible to employees and the public.

### Proposed change

Authorize the Ombudsperson to establish a publicly accessible, centralized online “library” or “clearinghouse” of all public body section 38 reports on the Ombudsperson’s website. Where this is established, require public bodies to provide the Ombudsperson with the information required to populate the clearinghouse.

### Example

Section 39(2): **A ministry, government body or office must provide to the Ombudsperson the report prepared under section 38 in the manner and within the time specified by the Ombudsperson, which the Ombudsperson must make publicly available on the Ombudsperson’s website.**

**(3) The Ombudsperson may report on cooperation with this section by a ministry, government body or office in the same manner as a report on cooperation with an investigation under section 29.**

<sup>31</sup> PIDA section 38 reports were available on public body websites at the following rates: fiscal year 2022/2023, 54% (53 of 99); fiscal year 2023/2024, 41% (70 of 170). These statistics are available in the statistical section contained in Part 2 of our Operational Review report.

## 6.6 Support compliance and good practice

Public bodies do not all have the same resources and capacities to fulfill their responsibilities under PIDA. At the same time, it is essential that they meet their obligations under the Act reliably and consistently. This supports the proper operation of the “choice” model: employees can choose to disclose to the public body or to our office. If they decide to disclose to a public body, they should be able to expect a robust and appropriate response.

Our office is uniquely positioned to assess and provide oversight to the public bodies administering the Act. Through the support that we provided to authorities as PIDA was being rolled out, we have seen how public bodies in different sectors are implementing the Act and as such, are qualified to identify and support the development of wise practices. We recommend that the Act be amended to allow our office to audit a public body’s implementation of and compliance with the Act; this would support effective implementation not just when public bodies first become subject to the Act, but over the long term.

A similar power exists in the Yukon’s *Access to Information and Protection of Privacy Act*, which allows the Commissioner to “conduct ... a privacy compliance audit of a public body for the purpose of assessing the public body’s exercise of a power, or performance of a duty, under [the Act].”<sup>32</sup>

### Proposed change

Provide the Ombudsperson with the authority to conduct, on the Ombudsperson’s own initiative, a compliance audit of a public body for the purpose of assessing the public body’s exercise of a power or performance of a duty under PIDA.

Provide also that the Ombudsperson must report with respect to the audit in the same manner as an investigation report under Division 3 [Investigations and Reports by Ombudsperson] of Part 4 [Investigations] and Part 6 [Reporting and Public Comments].

<sup>32</sup> *Access to Information and Protection of Privacy Act*, SY 2018, c. 9 section 111(1)(b).

## 7. ENSURING APPROPRIATE CONSIDERATION OF PUBLIC REPORTS

The Ombudsperson is required each year to provide the Speaker of the Legislative Assembly with a report on the exercise and performance of the Ombudsperson's functions and duties under the Act.<sup>33</sup> The Ombudsperson also has the discretion to produce special public reports on investigations, cooperation, and follow-up on the recommendations for improvement made to public bodies, as well as to make public comment on the general exercise of the Ombudsperson's functions under the Act and on urgent matters related to substantial and specific dangers to life, health or safety of persons or the environment.<sup>34</sup>

These reports highlight significant matters of public integrity, accountability and potential risk to the public interest. It is necessary for the good operation of the Act to ensure that members of the Legislative Assembly have a formalized opportunity to consider these important matters of interest to the public.

Currently, Ombudsperson reports under section 40 are simply tabled in the Legislative Assembly. In light of the volume and frequency of reports tabled to members of the Legislative Assembly, we believe it is appropriate for a committee of members to have the opportunity to focus on these reports. A provision requiring that such reports be automatically referred to a Legislative committee is warranted. The precedent for this proposal is found in the automatic referral to a select standing committee of all reports to the Speaker made by the Auditor General<sup>35</sup> and the Representative for Children and Youth.<sup>36</sup>

### Proposed change

Provide that all reports of the Ombudsperson made under Section 40 of PIDA are automatically referred to a legislative committee.

### Example

**Section 40(7): Any report of the Ombudsperson produced under this section will be referred to a standing committee of the Legislative Assembly following its deposit with the Speaker.**

<sup>33</sup> PIDA section 40(1).

<sup>34</sup> PIDA sections 40(4)(a) and 40(4)(b).

<sup>35</sup> *Legislative Assembly of British Columbia, Select Standing Committee on Public Accounts, 43rd Parliament, 1st Session, Terms of Reference.*

<sup>36</sup> *Legislative Assembly of British Columbia, Select Standing Committee on Children and Youth, 43rd Parliament, 1st Session, Terms of Reference.*

# APPENDICES

**Appendix A: Summary of proposed amendments**

**Appendix B: Public bodies included in the  
*Ombudsperson Act* but not included under the  
*Public Interest Disclosure Act***

**Appendix C: Police departments**

# APPENDIX A: SUMMARY OF PROPOSED AMENDMENTS

## 1. Improving who can access the protections of the Act

<b>1.1</b>	Expand who can make a disclosure
	Expand the definition of “employee” to include non-employees who are under any legal obligation of confidentiality – contract, common law or statutory – respecting their engagement with the public body that precludes them from reporting wrongdoing (PIDA proposed new section 1[c]).
<b>1.2</b>	Align public sector coverage with the <i>Ombudsperson Act</i>
	Expand the coverage of PIDA to apply to all existing public bodies covered by the <i>Ombudsperson Act (Government Body Designation [Public Interest Disclosure] Regulation, Schedule)</i> .
<b>1.3</b>	Expand coverage to municipal police departments
	Expand the coverage of PIDA to apply to all employees of municipal police departments ( <i>Government Body Designation [Public Interest Disclosure] Regulation, Schedule</i> ).
<b>1.4</b>	Expand coverage to administrative staff of the Legislative Assembly
	Extend the protection of PIDA to the administrative staff of the Legislative Assembly.

## 2. Clarifying the protections of the Act

<b>2.1</b>	Clarify what information an employee can collect and disclose
	Explicitly allow for the collection, use and disclosure of other confidential information, not just personal information, in a request for advice, a disclosure, or a complaint of reprisal (PIDA section 6[1]).
<b>2.2</b>	Clarify requirements for anonymous disclosers
	Amend the provision on anonymous disclosures to require that a discloser provide information, satisfactory to the Ombudsperson, to establish that they are a jurisdictional employee under PIDA (PIDA sections 14 and 15).
<b>2.3</b>	Ensure employees are protected even if no investigation occurs
	Amend section 42(1) of the Act to clarify that employees’ protection from liability does not only apply during an investigation (PIDA section 42[1]).

### 3. Enhancing tools for investigative decision making

#### 3.1 Refusal to investigate if no reasonable basis

Allow the Ombudsperson to decline to investigate or stop investigating because the disclosure does not provide “a reasonable basis for investigation” (PIDA sections 22).

#### 3.2 Length of time that has elapsed

Clarify the language in section 22(2)(c) to clearly state whether “no useful purpose” on its own is a discretionary reason to decline to investigate a disclosure or whether it must be connected to the length of time that has elapsed (PIDA section 22[2][c]).

#### 3.3 Postponing investigations

Add an additional discretionary basis to postpone or suspend an investigation if the alleged wrongdoing is being appropriately dealt with (PIDA proposed new section 23[1][d]).

#### 3.4 Improve the transparency of decisions not to investigate

Move the existing prescribed reasons to refuse to investigate or to stop investigating from section 3(1) and 3(2) of the *Public Interest Disclosure Regulation* to section 22(2) of PIDA (PIDA section 22[2]).

### 4. Addressing inconsistencies and aligning with other legislation, legal principles and best practices

#### 4.1 Streamline processes before an investigation commences

Ensure the Ombudsperson’s powers under the *Ombudsperson Act* apply to all the Ombudsperson’s activities under PIDA (assessment, investigation, monitoring), not just investigations (PIDA section 3[3]).

#### 4.2 Remove the “in good faith” requirement

Strike “in good faith” throughout PIDA, except under section 43, as it relates to someone making a disclosure, reprisal complaint or cooperating with an investigation (PIDA sections 12, 22, 31, and 32).

#### 4.3 Support person-centred and trauma-informed reporting

Allow the Ombudsperson discretion to provide report summaries to other persons where circumstances warrant (PIDA proposed new section 27[6]).

#### 4.4 Broaden the role of the Merit Commissioner to include non-bargaining unit appointments

Broaden the role of the Merit Commissioner so (a) staffing decisions for all *Public Service Act* hiring can be reviewed by them and (b) the Merit Commissioner can explicitly undertake monitoring work as a result of an Ombudsperson recommendation.

## 5. Maintaining public confidence in the integrity of the process

### 5.1 Support thorough and confidential investigations

- 5.1.1** Amend section 17 to require every person who is involved in receiving, reviewing and investigating disclosures to do so in a manner that is procedurally fair to respondents while taking all reasonable steps to maintain the confidentiality of the discloser and other witnesses (PIDA section 17).
- 5.1.2** Require the provision of solicitor-client privileged information to the Ombudsperson during the course of a PIDA investigation.
- 5.1.3** Repeal section 2(a) of the Regulation to allow the Ombudsperson to access evidence that may be withheld under section 51 of the *Evidence Act* (*Public Interest Disclosure Regulation* section 2[a]).
- 5.1.4** Add provisions requiring a person contacted by the Ombudsperson during an investigation to comply with Ombudsperson's instructions and provide that failure to comply constitutes non-cooperation for the purpose of section 29 of the Act.

### 5.2 Protect the identities of disclosers

- 5.2.1** Limit the sharing of a discloser's identity to the discussion and conveying of a disclosure for the purpose of investigation between a supervisor, designated officer, or chief executive and in the situation of a report to law enforcement or for assistance and referral to the Ombudsperson (PIDA section 6[4]).
- 5.2.2** Create a provision to explicitly protect the identity of disclosers in the context of a judicial review (PIDA proposed new section 6[5]).

### 5.3 Ensure a disclosure goes to the right place

- 5.3.1** Cases where a chief executive is alleged to be responsible for wrongdoing.
  - 5.3.1.1 Where a chief executive is alleged to be responsible for wrongdoing, require designated officers to refer disclosures to the Ombudsperson and amend section 19(4) to require the designated officer to notify the discloser of this referral (PIDA proposed new section 19[5]).
  - 5.3.1.2 In sections 21(5)(a) and (b) replace "minister" with "deputy minister to the premier" and add "in the case of the deputy minister to the premier, the premier" (PIDA section 21[5]).
- 5.3.2** Amend section 16 so that the act of contacting a protection official is considered another avenue for making a disclosure, including positive obligations to assess and follow-up under their normal authority to address any imminent risk, and is an act protected from reprisal. Include also a requirement on protection officials to provide publicly accessible contact information (PIDA section 16).
- 5.3.3** Clarify that the Ombudsperson may refer a disclosure under section 24(2) to another officer of the Legislature for review even when the disclosure may not constitute wrongdoing (PIDA section 24[2]).

<b>5.3.4</b>	Create a new referral power allowing for referrals to professional or occupational regulatory bodies for disclosures made about regulated practice (PIDA section 24).
<b>5.3.5</b>	Create a new provision for disclosures made about the independent offices of the Legislature and administrative aspects of the Legislative Assembly to be referred by the Ombudsperson (or in the case of a disclosure about the Ombudsperson, by the Auditor General) to a judge or retired judge appointed by the Associate Chief Justice and to provide the judge/retired judge has the Ombudsperson's powers under PIDA. Authorize the Ombudsperson to include information about such investigations in their Annual Report.
<b>5.4</b>	Improving special reports in the public interest
<b>5.4.1</b>	Amend section 40(6) by repealing subsections (a) and (c) to authorize greater transparency and reporting of investigations in the public interest, and amend (b) to allow the Ombudsperson discretion to reveal the identity of a discloser if the discloser confirms in writing their desire for this to happen (PIDA section 40[6]).
<b>6. Supporting public bodies in appropriately managing disclosures</b>	
<b>6.1</b>	Require training for supervisors and designated officers
	Require chief executives to provide training to supervisors and designated officers on how to fulfill their duties and functions under PIDA (PIDA proposed new section 4[2]).
<b>6.2</b>	Improve procedures for managing requests for advice and disclosures
<b>6.2.1</b>	Include an obligation that supervisors and designated officers implement steps to mitigate any risk identified in a reprisal risk assessment (PIDA section 9[2]).
<b>6.2.2</b>	Add a subsection requiring public bodies to retain records for a period of three years (PIDA proposed new section 9[2][k]).
<b>6.3</b>	Define who may be a designated officer
	Specify that a designated officer must be a "senior official" who is an employee of the organization (PIDA section 10).
<b>6.4</b>	Allow designated officers to obtain assistance before investigations
	Amend section 19(3) so that designated officers can seek assistance from the Ombudsperson for other aspects of the performance of their statutory role beyond investigation, most notably for the assessment of a disclosure prior to investigation (PIDA section 19[3]).

<b>6.5</b>	Clarify annual reporting obligations
<b>6.5.1</b>	Update the annual report section 38(1) by changing “designated officer” to “chief executive” (PIDA sections 38[1]).
<b>6.5.2</b>	Revise wording in section 38(2)(a) to provide clarity regarding “acted on,” add a requirement under subsection (b) that public sector organizations report on the investigations discontinued, add a requirement public sector organizations report on Ombudsperson recommendations even where wrongdoing is not found, prescribe a time period for producing section 38 reports of six months from the end of the annual reporting period for the public body, and provide the Ombudsperson with the authority to establish the reporting period for the public body or class of public bodies (PIDA section 38).
<b>6.5.3</b>	Authorize the Ombudsperson to establish a publicly accessible, centralized online “library” or “clearinghouse” of all public body section 38 reports on the Ombudsperson’s website. Where this is established, require public bodies to provide the Ombudsperson with the information required to populate the clearinghouse (PIDA sections 38, 39, and 40).
<b>6.6</b>	Support compliance and good practice
	Provide the Ombudsperson with the authority to conduct, on the Ombudsperson's own initiative, a compliance audit of a public body for the purpose of assessing the public body's exercise of a power or performance of a duty under the PIDA and report on the audit in the same manner as an investigation report.
<b>7. Ensuring appropriate consideration of public reports</b>	
	Create a provision requiring any report of the Ombudsperson produced under section 40 to be referred to a standing committee of the Legislature following the report’s deposit with the Speaker.

## APPENDIX B: PUBLIC BODIES

### included under the *Ombudsperson Act* but not included under the *Public Interest Disclosure Act*

The public bodies included below have been drawn from the list of authorities in the Schedule to the *Ombudsperson Act* and are not currently scheduled to be covered under PIDA. This may not be an exhaustive list of all public bodies that should be covered under PIDA and consideration will need to be given to further additions.

#### Public sector organizations

##### Agencies, boards, commissions and tribunals

Auditor Certification Board

BC Arts Council

BC Society for the Prevention of Cruelty to Animals

British Columbia Unclaimed Property Society

College Pension Board of Trustees

Consumer Protection BC

E-Comm Emergency Communications for British Columbia Incorporated (E-Comm 9-1-1)

Emergency Medical Assistants Licensing Board

Financial Services Tribunal

Land Title and Survey Authority of British Columbia

Managed Forest Council

Motor Dealer Customer Compensation Fund Board

Municipal Pension Board of Trustees

Okanagan-Kootenay Sterile Insect Release Board

BC Pension Corporation

Public Service Pension Board of Trustees

Surveyor General

Teachers' Pension Board of Trustees

##### Agriculture Commodity Boards

B.C.'s Agriculture Commodity Boards

BC Broiler Hatching Egg Commission

BC Chicken Marketing Board

BC Egg Marketing Board

BC Milk Marketing Board

BC Turkey Marketing Board

BC Cranberry Marketing Commission

BC Hog Marketing Commission

BC Vegetable Marketing Commission

##### Employer associations

Community Social Services Employers' Association of BC

Health Employers Association of BC

BC Public School Employers' Association

Crown Corporation Employers Association

University Public Sector Employers' Association

Post-Secondary Employers' Association

##### Post-secondary

BCcampus\*

BC Council on Admissions & Transfer

University foundations

##### Health care

Fraser Patient Care Quality Review Board

Interior Patient Care Quality Review Board

Northern Patient Care Quality Review Board

Provincial Health Services Patient Care Quality Review Board

Vancouver Coastal Patient Care Quality Review Board

Vancouver Island Patient Care Quality Review Board

Assisted Living Registrar

Data Stewardship Committee

Drug Benefit Council

Health Care Practitioners Special Committee for Audit Hearings

Medical Services Commission

Medical Services Commission – special committees

Michael Smith Health Research BC

### Indigenous Child and Family Service Agencies<sup>37</sup>

Ayás Méhmen Child and Family Services

Carrier Sekani Family Services

Denisiqi Services Society

Fraser Valley Aboriginal Children and Family Services Society (Xyólheméylh)

Gitxsan and Family Services Society

Haida Child and Family Services Society

Heiltsuk Káxlá Society

Island Métis Family and Community Services Society

Knucwentwecw Society

Ktunaxa Kinbasket Child and Family Service Society

K'wak'walat'si ('Namgis) Child and Family Services

Kw'umut Lelum

Lalum'utul' Smun'eem Child and Family Services

Lii Michif Otipemisiwak Family and Community Services

Métis Family Services (Also known as La Societe de les Enfants Michif)

Nezul Be Hunuyeh Child and Family Services Society

NIŁ TU,O Child and Family Services Society

Nisga'a Child and Family Services

Niha'7Kapmx Child and Family Services Society

Northwest Inter-Nation Family and Community Services Society

Scw'exmx Child and Family Services Society

Secwépemc Child and Family Services Agency

Surrounded by Cedar Child and Family Services

Usma Nuu-chah-nulth Family and Child Services (Also known as Nuu-chah-nulth)

Vancouver Aboriginal Child and Family Services (VACFSS)

### Local Governments

#### *Municipalities*

Bowen Island Municipality

City of Abbotsford

City of Armstrong

City of Burnaby

City of Campbell River

City of Castlegar

City of Chilliwack

City of Colwood

City of Coquitlam

City of Courtenay

City of Cranbrook

City of Dawson Creek

City of Delta

City of Duncan

City of Enderby

City of Fernie

City of Fort St. John

City of Grand Forks

City of Greenwood

City of Kamloops

City of Kelowna

City of Kimberley

City of Langford

City of Langley

City of Maple Ridge

City of Merritt

City of Mission

City of Nanaimo

City of Nelson

City of New Westminster

City of North Vancouver

City of Parksville

City of Penticton

City of Pitt Meadows

City of Port Alberni

<sup>37</sup> Consultation required as described in Part 1.2 (see page 6).

## Appendix B

City of Port Coquitlam	District of Kitimat	Sun Peaks Mountain Resort Municipality
City of Port Moody	District of Lake Country	Town of Comox
City of Powell River	District of Lantzville	Town of Creston
City of Prince George	District of Lillooet	Town of Gibsons
City of Prince Rupert	District of Logan Lake	Town of Golden
City of Quesnel	District of Mackenzie	Town of Ladysmith
City of Revelstoke	District of Metchosin	Town of Lake Cowichan
City of Richmond	District of New Hazelton	Town of Oliver
City of Rossland	District of North Saanich	Town of Osoyoos
City of Salmon Arm	District of North Vancouver	Town of Port McNeill
City of Surrey	District of Oak Bay	Town of Princeton
City of Terrace	District of Peachland	Town of Qualicum Beach
City of Trail	District of Port Edward	Town of Sidney
City of Vancouver	District of Port Hardy	Town of Smithers
City of Vernon	District of Saanich	Town of View Royal
City of Victoria	District of Sechelt	Township of Esquimalt
City of West Kelowna	District of Sicamous	Township of Langley
City of White Rock	District of Sooke	Township of Spallumcheen
City of Williams Lake	District of Sparwood	Village of Alert Bay
District of 100 Mile House	District of Squamish	Village of Anmore
District of Barriere	District of Stewart	Village of Ashcroft
District of Central Saanich	District of Summerland	Village of Belcarra
District of Chetwynd	District of Taylor	Village of Burns Lake
District of Clearwater	District of Tofino	Village of Cache Creek
District of Coldstream	District of Tumbler Ridge	Village of Canal Flats
District of Elkford	District of Ucluelet	Village of Chase
District of Fort St. James	District of Vanderhoof	Village of Clinton
District of Highlands	District of Wells	Village of Cumberland
District of Hope	District of West Vancouver	Village of Daajing Giids
District of Houston	Municipality of North Cowichan	Village of Fraser Lake
District of Hudson's Hope	Resort Municipality of Whistler	Village of Fruitvale
District of Invermere	shíshálh Nation Government District	Village of Gold River
District of Kent		

Village of Granisle  
 Village of Harrison Hot Springs  
 Village of Hazelton  
 Village of Kaslo  
 Village of Keremeos  
 Village of Lions Bay  
 Village of Lumby  
 Village of Lytton  
 Village of Masset  
 Village of McBride  
 Village of Midway  
 Village of Montrose  
 Village of Nakusp  
 Village of New Denver  
 Village of Pemberton  
 Village of Port Alice  
 Village of Port Clements  
 Village of Pouce Coupe  
 Village of Radium Hot Springs  
 Village of Salmo  
 Village of Sayward  
 Village of Silverton  
 Village of Slocan  
 Village of Tahsis  
 Village of Telkwa  
 Village of Valemount  
 Village of Warfield  
 Village of Zeballos

### **Municipal affiliates**

City of Vancouver Board of Variance  
 Greater Vancouver Sewerage and Drainage District  
 Greater Vancouver Water District West Shore Parks and Recreation Society  
 Whistler Resort Association (Tourism Whistler)

### **Housing corporations**

Capital Region Housing Corporation  
 Metro Vancouver Housing Corporation

### **Transportation Authority**

TransLink (South Coast BC Transportation Authority)

### **Regional Districts**

Alberni-Clayoquot Regional District  
 Capital Regional District  
 Cariboo Regional District  
 Central Coast Regional District  
 Columbia-Shuswap Regional District  
 Comox Valley Regional District  
 Cowichan Valley Regional District  
 Fraser Valley Regional District  
 Metro Vancouver Regional District  
 North Coast Regional District

Northern Rockies Regional Municipality  
 Peace River Regional District  
 Regional District Okanagan-Similkameen  
  
 Regional District of Bulkley-Nechako  
 Regional District of Central Kootenay  
 Regional District of Central Okanagan  
 Regional District of East Kootenay  
 Regional District of Fraser-Fort George  
 Regional District of Kitimat-Stikine  
 Regional District of Kootenay Boundary  
 Regional District of Mount Waddington  
 Regional District of Nanaimo  
 Regional District of North Okanagan  
 Squamish-Lillooet Regional District  
 Strathcona Regional District  
 Sunshine Coast Regional District  
 Thompson-Nicola Regional District  
 qathet Regional District  
 Islands Trust, local trust committees, Trust Council, Islands Trust Conservancy

## Regional Park Boards

Cultus Lake Park Board  
Vancouver Board of Parks and Recreation

## Improvement Districts

Albion Dyking District  
Allison Lake Improvement District  
Arbutus Bay Improvement District  
Armstrong Bay Improvement District  
Atlin Community Improvement District  
Avola Improvement District  
Barrowtown Waterworks District  
Basque Improvement District  
Beaver Falls Waterworks District  
Bennett Bay Waterworks District  
Black Mountain Irrigation District  
Blue River Improvement District  
Bonnington Improvement District  
Boundary Line Irrigation District  
Bourke Creek Improvement District  
Bowser Waterworks District  
Braithwaite Estates Improvement District  
Brandon Waterworks District  
Brew Bay Improvement District  
Bridestville Waterworks District  
Brilliant Waterworks District  
Buckhorn Improvement District  
Campbell-Bennett Bay Improvement District

Canyon Alpine Improvement District  
Canyon Waterworks District  
Casino Waterworks District  
Cawston Irrigation District  
Chase Irrigation District  
Cherry Creek Waterworks District  
Clayton Creek Improvement District  
Clearbrook Waterworks District  
Cobble Hill Improvement District  
Comox Fire Protection District  
Courtenay Fire Protection District  
Covert Irrigation District  
Cowichan Bay Improvement District  
Cowichan Bay Waterworks District  
Cranberry Fire Protection District  
Creston Dyking District  
Darfield Irrigation District  
Deadman's Creek Improvement District  
Deep Bay Improvement District  
Deep Creek Improvement District  
Dewdney Area Improvement District  
Diamond Improvement District  
Dodge Cove Improvement District  
Duck Lake Dyking District  
El Camino Improvement District  
Fairview Heights Irrigation District  
Fanny Bay Waterworks District  
Fletcher Creek Improvement District

Gabriola Fire Protection District  
Galiano Estates Improvement District  
Genelle Improvement District  
Georgina Improvement District  
Gillies Bay Improvement District  
Glade Irrigation District  
Glen Valley Dyking District  
Glenmore-Ellison Improvement District  
Gossip Island Improvement District  
Grand Forks Irrigation District  
Grandview Waterworks District  
Greystoke Improvement District  
Harbour View Improvement District  
Harrison Bay Improvement District  
Hedley Improvement District  
Heffley Creek Waterworks District  
Heffley Irrigation District  
Hopkins Landing Waterworks District  
Independent Waterworks District  
Kaleden Irrigation District  
Kemp Lake Waterworks District  
Keremeos Irrigation District  
Kitchener Improvement District  
Krestova Improvement District  
Laird Improvement District  
Leecrest Improvement District  
Lighthouse Point Waterworks District  
Little Qualicum Waterworks District

Logging Ditch Improvement District	Oasis Waterworks District	Rolling Hills Waterworks District
Lower Nicola Waterworks District	Ocean Falls Improvement District	Rutland Waterworks District
Lower Nipit Improvement District	Oceanview Improvement District	Rykert Irrigation District
Lund Waterworks District	Oliver Fire Protection District	Salt Spring Island Fire Protection District
Maple Ridge Road Thirteen Dyking District	Ootischenia Improvement District	Saturna Shores Improvement District
Mayne Island Improvement District	Orde Creek Improvement District	Savary Shores Improvement District
Meadow Valley Irrigation District	Osoyoos Irrigation District	Savona Improvement District
Meadowbrook Waterworks District	Osoyoos Rural Fire Protection District	Schmidt Improvement District
Meredith Road Improvement District	Otter Lake Waterworks District	Scott Point Waterworks District
Mill Bay Fire Protection District	Pemberton Valley Dyking District	Sechelt Fire Protection District
Mill Bay Waterworks District	Pender Harbour Fire Protection District	Secret Island Waterworks District
Montague Improvement District	Philimore Point Improvement District	Shawnigan Improvement District
Mount Belcher Improvement District	Piers Island Improvement District	Ships Point Improvement District
Mount Parke Estates Improvement District	Pine Tree Place Improvement District	Shuswap River Fire Protection District
Mountain Fire Protection District	Pineview Improvement District	Similkameen Improvement District
Mountain View Waterworks District	Playmor Junction Improvement District	Sion Improvement District
Mud Bay Dyking District	Poupore Improvement District	Sitkum Creek Improvement District
Nasookin Improvement District	Pritchard Waterworks District	Skaha Estates Improvement District
Nicks Island Dyking District	Procter Creek Improvement District	Slocan Park Improvement District
Nicomen Island Improvement District	Ptarmigan Flats Drainage District	Sointula Waterworks District
Noosatsum Waterworks District	Qualicum Bay-Horne Lake Waterworks District	South Canyon Improvement District
North Canyon Improvement District	Rayleigh Waterworks District	South Lake Erroch Improvement District
North Cedar Improvement District	Razor Point Improvement District	South Quadra Fire Protection District
North Nicomen Dyking District	Reclamation Dyking District	South West Extension Waterworks District
North Salt Spring Waterworks District	Ridgewood Improvement District	
	Robson-Raspberry Improvement District	
	Rockyview Improvement District	

Spanish Hills Improvement District  
Spences Bridge Improvement District  
St. Mary's Prairie Irrigation District  
Steele Springs Waterworks District  
Stepney Waterworks District  
Stillwater Waterworks District  
Sunset Improvement District  
Sutherland Creek Waterworks District  
Sylvania Improvement District  
Taghum Improvement District  
Thetis Island Improvement District  
Traders Cove Waterworks District  
Trethewey-Edge Dyking District  
Trincomali Improvement District  
Trout Lake Improvement District  
Tsawwassen Waterworks District  
Van Anda Improvement District  
Vaseux Lake Improvement District  
Vaucroft Improvement District  
Vermilion Irrigation District  
Village Point Improvement District  
Vinsulla Irrigation District  
Voykin Improvement District  
Wace Creek Improvement District  
Wasa Lake Land Improvement District  
Whaling Station Bay Improvement District

Whiskey Point Improvement District  
Whitehead Waterworks District  
Williams Springs Waterworks District  
Wilmer Waterworks District  
Wise Island Improvement District  
Wolfe Waterworks District  
Woodlynn Improvement District  
Wynndel Irrigation District  
Yarrow Waterworks District

### Library Boards

Alert Bay Public Library  
Beaver Valley Public Library  
Bowen Island Public Library  
Burnaby Public Library  
Burns Lake Public Library  
Cariboo Regional District Library  
Castlegar & District Public Library  
Chetwynd Public Library  
Coquitlam Public Library  
Cranbrook Public Library  
Creston Valley Public Library  
Dawson Creek Municipal Library  
Elkford Public Library  
Fernie Heritage Library  
Fort Nelson Public Library  
Fort St. James Public Library  
Fort St. John Public Library  
Fraser Lake Public Library  
Fraser Valley Regional Library

Gibsons & District Public Library  
Grand Forks Public Library  
Granisle Public Library  
Greater Victoria Public Library  
Greenwood Public Library  
Hazelton District Public Library  
Houston Public Library  
Hudson's Hope Public Library  
Invermere Public Library  
Kaslo & District Public Library  
Kimberley Public Library  
Kitimat Public Library  
Lillooet Area Public Library  
Mackenzie Public Library  
McBride & District Public Library  
Midway Public Library  
Nakusp Public Library  
Nelson Municipal Library  
New Westminster Public Library  
North Vancouver City Public Library  
North Vancouver District Public Library  
Okanagan Regional Library  
Pemberton & District Public Library  
Pender Island Public Library  
Penticton Public Library  
Port Moody Public Library  
Pouce Coupe Public Library  
Powell River District Public Library  
Prince George Public Library

Prince Rupert Public Library	Association of BC Land Surveyors
Public Library Interlink	
Radium Hot Springs Public Library	BC Association for Crane Safety
Richmond Public Library	BC College of Nurses and Midwives
Rossland Public Library	BC College of Oral Health Professionals
Salmo Public Library	BC Institute of Agrologists
Salt Spring Island Public Library	BC Registered Music Teachers Association
Sechelt Public Library	
Smithers Public Library	BC Society of Landscape Architects
Sparwood Public Library	BC College of Social Workers
Squamish Public Library	Building Officials' Association of BC
Stewart Public Library	
Surrey Public Library	Chartered Professional Accountants of BC
Taylor Public Library	
Terrace Public Library	College of Applied Biologists
Thompson Nicola Regional Library	College of Complementary Health Professionals of BC
Trail & District Public Library	College of Health and Care Professionals of BC
Tumbler Ridge Public Library	
Valemount Public Library	College of Pharmacists of BC
Vancouver Island Regional Library	College of Physicians and Surgeons of BC
Vancouver Public Library	College of Veterinarians of BC
Vanderhoof Public Library	Engineers and Geoscientists BC
West Vancouver Memorial Library	Forest Professionals British Columbia (Association of BC Forest Professionals)
Whistler Public Library	Law Society of BC
<b>Professional or occupational associations</b>	Society of Notaries Public of BC
Applied Science Technologists & Technicians of BC	Well Driller and Well Pump Installer Registry
Architectural Institute of BC	

## APPENDIX C: POLICE DEPARTMENTS

There are currently 15 BC police departments and agencies, not including the RCMP. We propose PIDA apply to them.

- Abbotsford Police Department
- Central Saanich Police Service
- CFSEU-BC (Organized Crime Agency of BC)
- Delta Police Department
- Metro Vancouver Transit Police
- Nelson Police Department
- New Westminster Police Department
- Oak Bay Police Department
- Port Moody Police Department
- Saanich Police Department
- Stl'atl'imx Tribal Police Service
- Surrey Police Service
- Vancouver Police Department
- Victoria Police Department
- West Vancouver Police Department



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