

# SAMPLE LETTERS: INVESTIGATION NOTICES

## SAMPLE NOTICE OF INVESTIGATION LETTER TO CHIEF EXECUTIVE OFFICER

Date

Via email: insert email address

Name of recipient

Title, Organization

Address

Dear First Name Last Name,

I am writing pursuant to section 21(2) of the *Public Interest Disclosure Act* (PIDA) to notify you that I am investigating a disclosure of wrongdoing concerning our organization. Under PIDA, the Designated Officer is tasked with investigating disclosures of wrongdoing from eligible public sector employees.

The discloser alleges (insert short summary of allegations). My investigation will determine whether (insert type of wrongdoing) occurred in or relating to our organization.

Under PIDA, the identity of the discloser is protected to the extent possible and information is only shared as permitted by statute. If you suspect the identity of the discloser, please keep that information confidential and only share information about our investigation with colleagues as permitted by PIDA. Should you be contacted by anyone in relation to our investigation, please take the opportunity to remind them of PIDA's important confidentiality protections.

The first step in my process is to collect relevant information. I will contact the individuals I deem appropriate for that purpose, as well as individuals who will be interviewed as part of the investigation. These individuals are protected from reprisal and should be allowed to collect evidence and/or participate in interview(s) during work hours as needed.

As you are aware, PIDA has strict confidentiality requirements and prohibits reprisals against employees who seek advice, make a disclosure or cooperate in an investigation under PIDA. Should you be contacted by anyone in relation to my investigation, please take the opportunity to remind them of these important protections under PIDA.

Please find enclosed an information sheet "Information for Investigation Participants" for more information about what to expect during the course of our investigation.

I will contact you again if I require any information or support for my investigation. Otherwise, I will be in touch once my investigation is complete. At that time, I will provide you with a report of my findings and any recommendations, if applicable.

If you have further questions regarding this investigation please contact me.

Yours sincerely,

Name

Designated Officer

## SAMPLE NOTICE OF INVESTIGATION LETTER TO DISCLOSER

Date

Via email: insert email address

Name of recipient

Title, Organization

Address

Dear First Name Last Name,

Thank you for coming forward with your concerns under the *Public Interest Disclosure Act (PIDA)*.

I am writing to let you know that I have completed the assessment of your allegations concerning (insert short summary of allegations) and have decided to investigate your concerns. This letter will outline what you can expect during the investigation and once it has been concluded.

*(Optional, I have attached a Fact Sheet for you: Information for Investigation Participants.)*

### Investigation Process

As the Designated Officer for PIDA, I am required to conduct investigations fairly and impartially. I will gather evidence to determine whether, on a balance of probabilities, wrongdoing occurred. This could include gathering documents and other records and interviewing witnesses.

Under PIDA, your identity will be protected to the extent possible. For example, if I need to share information that would identify you, I will only do so where it is essential to carry out a function under PIDA or it is otherwise required by law. Please let me know if you have any specific concerns about your identity becoming known.

Investigations vary in length depending on the complexity, the cooperation of witnesses and the availability of information. I will be in touch if there are key developments in the investigation that you should be aware of or when I need to consult with you about any elevated risk of reprisal. Otherwise, you may not receive correspondence from me until the investigation is concluded. If you would like an update on the investigation, you are welcome to contact me.

In some circumstances, I may refer, suspend or stop an investigation. In these situations, I will let you know the action taken and the reasons for that action. PIDA outlines several circumstances where it is not appropriate to continue the investigation.

### Investigation Conclusions

Once the investigation is complete, I will decide if wrongdoing, as defined under section 7 of PIDA, has taken place. Wrongdoing has a very specific definition under PIDA and the allegations must meet a high threshold. A plain language definition of wrongdoing is available on the Office of the Ombudsperson website.

At the conclusion of the investigation I will send a report to our Chief Executive Officer outlining any findings and recommendations. I will also send you a summary of the report.

### Reprisal and Confidentiality Provisions

It is an offence for anyone to reprise (retaliate) against you because you made a report of wrongdoing under PIDA. Reprisal includes any action taken by anyone that adversely affects your employment or working conditions. Reprisal can include ostracism, harassment, demotion, disciplinary measures or termination. If you believe you are experiencing reprisal, please alert me immediately. Alternatively, you can make a complaint about reprisal to the Office of the Ombudsperson.

PIDA also has strict confidentiality requirements and information is only shared in specific circumstances. To protect yourself from potential reprisal and to protect the integrity of the investigation, I ask that you not discuss your disclosure of wrongdoing or this investigation with anyone other than a support person (such as your lawyer, union representative or counsellor) if needed. Please do not discuss the investigation with anyone in your workplace.

Thank you for coming forward with your concerns. If you have any questions about this letter, PIDA, or my investigation, please contact me at (phone number) or by email at (email address).

Yours sincerely,

Name

Designated Officer