

# DESIGNATED OFFICER RESPONSIBILITIES UNDER PIDA

Under PIDA, the Chief Executive must appoint at least one senior official to be a Designated Officer. Designated Officers are responsible for responding to requests for advice, receiving disclosures and investigating disclosures of wrongdoing. The Chief Executive may appoint a different person for each task.

## PROVIDE INFORMATION AND ADVICE TO EMPLOYEES AND SUPERVISORS

**Employees** may come to you for advice about making a disclosure or making a reprisal complaint. It is important to document this interaction. Seeking advice is protected under PIDA and employees can make a complaint to the Ombudsperson if they experience reprisal because of it.

**Supervisors** may need assistance handling the requests for advice and disclosures they receive from employees. Supervisors should not provide you with identifying details of the employee unless a disclosure has been made. You can provide guidance to supervisors without knowing the identity of the employee who sought advice.

## RECEIVE DISCLOSURES FROM EMPLOYEES AND SUPERVISORS

You may receive disclosures directly from employees or supervisors may provide you with disclosures they have received. Some Designated Officers are also responsible for assessing and possibly investigating disclosures of wrongdoing. PIDA requires disclosures to be in writing. If the employee has difficulty submitting a written disclosure, you can assist them. Keep files related to PIDA in a secure place.

## INVESTIGATIONS

- Follow your organization's internal procedures established under section 9 of PIDA.
- Investigate in a thorough and timely manner.
- Follow the principles of natural justice and procedural fairness. For example, inform the alleged wrongdoer of the allegations against them and give them an opportunity to respond.
- Be impartial. The purpose of a PIDA investigation is to find out what happened and whether wrongdoing occurred or not, rather than to prove a theory.
- If you wish, you can refer the investigation in whole or in part to the Ombudsperson. You can also request assistance from the Ombudsperson.

## MITIGATE REPRISAL RISK

- Observe the confidentiality provisions in PIDA. Keep the identity of the employee who made the disclosure or requested advice under PIDA confidential to the maximum extent possible.
- Assess the risk of reprisal to the employee who made the disclosure or requested advice. Consider the discloser's vulnerability, their relationship with the alleged wrongdoer, the likelihood their identity will be known and whether they have previously raised concerns about the alleged wrongdoing.
- Advise employees not to take any adverse measures against another employee whom they know or suspect has made a disclosure.
- Remind employees who seek advice or make a disclosure that they can make a reprisal complaint to the Ombudsperson if necessary.

## CONFIDENTIALITY

- Keep the identity of the person who reported wrongdoing or sought advice confidential to the extent possible. Take steps to ensure that you do not inadvertently enable the identification of the discloser.
- The identity of the person who reported wrongdoing or sought advice can generally only be shared with the employee's express written consent, or for the purposes of the Act or another lawful purpose.
- If an employee must be revealed as the source of evidence to comply with the principles of natural justice, wherever possible they should not be identified as the discloser.

## BEST PRACTICES FOR CONFIDENTIALITY DURING INVESTIGATIONS

- Interview witnesses discreetly.
- Give the discloser an alias (e.g. Witness C) for all documents that may be used in interviews or in the public sphere.
- Include the discloser in the ordinary interview process, if it would be expected that everyone in the workplace would be interviewed. Do so even if they have already been interviewed.
- Tell witnesses not to discuss their interview or evidence with colleagues.





## REPORTING

At the conclusion of your investigation you must provide a report to your Chief Executive that includes:

- Any finding(s) of wrongdoing
- In cases where wrongdoing was found, the reasons supporting the finding(s)
- Any recommendations to address the finding(s)

You must also provide a summary report to the discloser and other appropriate persons. This may include those who are adversely affected by the report, such as the person alleged to have committed the wrongdoing.

