



This handout provides general information about investigations into complaints, or “disclosures,” made under the *Public Interest Disclosure Act* (PIDA), including information about the process for assessing and investigating disclosure, and the roles and responsibilities of involved individuals.

Overview

Investigations are fact-finding exercises to determine what occurred, by whom and why. All internal PIDA investigations must be led by the Public Service Agency (PSA) or PSA-approved investigators and follow a prescribed process. A ministry representative may be assigned to co-investigate.

An employee (or former employee) can make an internal disclosure under PIDA about a serious wrongdoing to their supervisor, Ministry Ethics Advisor or, the Agency Designated Officer (Assistant Deputy Minister of Employee Relations for the BC Public Service Agency). They must make the disclosure in writing and should use the PIDA [online disclosure form](#)¹ or email pida@gov.bc.ca. When submitting, disclosers should clearly indicate that they are making a disclosure under PIDA. For assistance with submitting a PIDA disclosure, or for advice on PIDA generally, please contact pida@gov.bc.ca. Employees can make an external disclosure by contacting the BC Ombudsperson.

A supervisor or Ministry Ethics Advisor who receives a disclosure from an employee must keep the information confidential and, without delay, forward the disclosure to the Agency Designated Officer. Under PIDA, the information related to the disclosure, including the discloser’s identity, will be kept confidential to the fullest extent possible and should not be discussed with other ministry personnel including: Human Resources, Executive Lead, Assistant/Associate Deputy Minister, or Deputy Minister. It is important to note that revealing the identity of the discloser could constitute an offence in certain circumstances.

Once received, the Agency Designated Officer assesses the disclosure and will begin taking steps to respond. Except in extenuating circumstances, this will involve the Deputy Minister of the appropriate ministry.

For more information on PIDA please see the MyHR webpage: [Making a Public Interest Disclosure](#)²

Investigative Process

For allegations made under PIDA, government follows the standard HR investigations process. However, there are additional requirements that must also be met.

For a PIDA investigation to proceed, it must meet specific criteria – for example, it must be about a matter of public interest, regarding an allegation of serious wrongdoing in or relating to a ministry. The Agency Designated Officer will assess the disclosure to confirm it meets the threshold criteria. Allegations that require investigation, but do not meet the threshold criteria under PIDA may proceed under the standard government HR investigation process as appropriate, and the discloser will be informed of this.

¹ URL: <https://forms.gov.bc.ca/careers-myhr/public-interest-disclosure-form/>

² URL: <https://www2.gov.bc.ca/gov/content/careers-myhr/about-the-bc-public-service/ethics-standards-of-conduct/making-a-public-interest-disclosure>

Investigations must be fair to all individuals involved in the process and must be conducted in an objective and open-minded manner.

An investigation typically involves one-on-one interviews with individuals as well as a review of potentially relevant documents, such as e-mails, records, policies, and procedures. During an investigation, the respondent is given sufficient information about the allegations against them in order to respond to the complaint. The specifics of the information provided to participants will be determined on a case-by-case basis.

Individuals must treat the allegations, investigation, and interviews as strictly confidential. Information obtained during, or commentary about, an investigation, including the outcome, must not be shared with the exception of one's union representative, or support person for a non-union employee. In all cases, breaches of confidentiality will be fully investigated and addressed.

The employer has no tolerance for retaliation as a result of a workplace investigation. It is an offence under PIDA to engage in a reprisal against a discloser or witness for their involvement in a PIDA investigation.

The BC Ombudsperson is responsible for investigating all complaints of reprisal under PIDA. Employees are encouraged to contact the BC Ombudsperson if they feel that they have suffered a reprisal because they participated in an investigation or sought advice about PIDA. It is important to note that should a PIDA disclosure not meet the threshold of serious wrongdoing, the reprisal protections under the Act still apply.

Where an employee has been found to have engaged in a reprisal or other retaliatory act, they could be subject to discipline up to and including termination. Under PIDA, people who are found to have committed a reprisal can face a fine of up to \$25,000 for the first offence and up to \$100,000 for every subsequent offence.

The employer is responsible for completing investigations without undue delay. Timelines may vary based on the nature and complexity of the issue, availability of parties, and other factors. Disclosures should be, wherever practicable, assessed within 20 business days and investigated within 120 business days.

After the interviews are completed

Once the interviews of individuals and review of documents has been completed, the investigators analyze the information obtained and determine what happened; often called the "findings of fact." These findings are measured against the applicable *Standards of Conduct*, other human resources policies, collective agreements, and the [*Public Interest Disclosure Act*³](#)

Once these determinations are made, the Agency Designated Officer will report the findings and make recommendations as appropriate to the ministry's deputy minister. In order to respect and preserve individual rights to privacy, information is only shared on a need-to-know basis with appropriate ministry representatives. In consultation with a PSA Employee Relations Specialist (that did not participate in the investigation), the deputy minister determines if further action is required and if so, what action is warranted. At this stage an appropriate summary of the outcome will be

³ URL: <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022>

provided to the discloser, wherever possible within 20 business days of the investigation being completed. Outcomes, including any disciplinary outcomes, arising from the investigation will be communicated to the respondent within 20 business days of the investigation being completed wherever possible. Actions implemented as a result of the investigation are communicated to the impacted individual(s) only.

Roles and Responsibilities

The following applies to PIDA investigations:

- **Discloser/Witnesses/Respondents** must participate in investigation meetings when directed to do so and have a responsibility to cooperate and be honest and forthright.
- **Assigned Investigators** are responsible for conducting the investigation in a procedurally fair manner and ensuring all parties are treated fairly and with respect. Investigators will gather evidence, interview relevant parties about the disclosure, and are responsible for making findings in relation to the allegations.
- **Union Representatives and Non-Union Support Persons** provide a supportive role for the person who requests their assistance in an investigation meeting. Union representatives and non-union support persons observe the interview. During the interview, if the discloser, witness or respondent requires assistance from their union representative or non-union support person, they will be granted a break or caucus.

A current employee who is a union member has the right to representation during an interview that the employee believes might result in disciplinary action. Unionized employees can also request union representation regardless of the role they play. Non-union employees and individuals who are not employees may bring an uninvolved individual as support. Respondents are strongly encouraged to secure such representation, as disciplinary consequences may result from an investigation.

Additional Support for Employees

Employees who are members of the BCGEU may seek support by calling the union at 1-800-663-1674. Employees who are members of another union or association are encouraged to seek support from that organization.

Counselling support is available for employees during an investigation, post-investigation or at any time. Contact LifeWorks (formerly Morneau Shepell) at 1-800-655-5004 or www.workhealthlife.com.

Contact

Should you have any concerns regarding the investigative process that are not appropriate to raise with the investigators, please contact Ken McLean, Executive Director of Employee Relations at the BC Public Service Agency (t: 778-698-5856, e: Ken.McLean@gov.bc.ca).
