



PIDA FAQ For Employees

Introduction

Integrity and ethics have always been important to the Justice Institute of British Columbia (JIBC). The *Public Interest Disclosure Act* (PIDA) provides an additional mechanism for disclosure and reprisal protection for cases of serious wrongdoing.

What is the Public Interest Disclosure Act (PIDA)?

PIDA is British Columbia legislation that provides a framework for employees to report specific kinds of improper activity, referred to in PIDA as wrongdoing, with legislated protection from reprisal. Although PIDA first came into force in 2019, it became applicable to employees of JIBC as of June 1, 2024.

Who does the Act apply to?

PIDA applies to the employees of JIBC, including former employees if they were employed at the time the wrongdoing has occurred or was discovered.

What is “wrongdoing”?

PIDA deals with the following specific types of Wrongdoing:

- A serious act or omission that, if proven, would constitute an offence under an enactment of B.C., or Canada;
- An act or omission that creates substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee’s duties or functions;
- A serious misuse of public funds or public assets;
- Gross or systemic mismanagement; or
- Knowingly directing or counselling a person to commit wrongdoing as described above.

Not all wrongdoing is wrongdoing under PIDA. If the Wrongdoing the employee wishes to report doesn’t fit on the list, they can and should speak up through another process. Employees can ask for advice from their supervisor, Designated Officer, union, lawyer or the Ombudsperson if they aren’t sure where to report wrongdoing or other concerns and issues.

What is a “Designated Officer”?

- The Designated Officer is the person who receives and investigates disclosures and complaints under PIDA. JIBC’s Designated Officer depends on the nature of the wrongdoing being alleged:
 - for wrongdoing that is finance-related, the Designated Officer is the Vice-President, Finance & Operations;

- for wrongdoing that is non-finance related, the Designated Officer is the General Counsel;
- for wrongdoing that implicates the Vice-President, Finance & Operations; and/or the General Counsel, the Designated Officer is the President; and
- for wrongdoing that implicates the President, the Designated Officer is the Chair of JIBC's Board of Governors.

Who can report wrongdoing under PIDA?

An employee or former employee of JIBC can report wrongdoing they reasonably believe has been committed or is about to be committed. This report is called a "disclosure."

Who can provide advice to employees under PIDA?

An employee can seek advice from their supervisor, union or employee association representative, Designated Officer, a lawyer or the Ombudsperson about PIDA, including if they are considering making a disclosure or report about wrongdoing or complaint about reprisal.

Who should former employees contact for advice about making a disclosure?

Former employees can seek advice from the Designated Officer by email. They can also contact a lawyer or the Ombudsperson.

How can an employee make a disclosure of wrongdoing?

An employee or former employee can make a disclosure of wrongdoing to their supervisor, Designated Officer or the Ombudsperson. It is important to make the disclosure in writing by completing the [Report of Wrongdoing Form](#) and either emailing it to safedisclosure@jibc.ca, or delivering it in person or by mail to the VPFO or the General Counsel.

Can disclosures be anonymous?

PIDA allows employees to make anonymous disclosures. When making an anonymous disclosure it is essential to provide as much detail as possible about the alleged wrongdoing. If insufficient detail is provided, and the Designated Officer does not have a way to contact the discloser, an investigation may not be conducted.

If the situation is urgent, how does an employee disclose wrongdoing?

PIDA allows for public disclosures in limited circumstances where the employee reasonably believes that a matter constitutes an imminent risk of substantial and specific danger to the life, health or safety of persons or the environment. For more information on making an urgent public disclosure, please review JIBC's [Safe Disclosure Procedure](#).

What protections does PIDA provide for employees?

PIDA prohibits reprisals against employees who ask for advice, report wrongdoing, cooperate in an investigation or make a complaint of reprisal. Reprisal is a form of retaliation and is defined by PIDA to include discipline, demotion, termination of employment or any other measure that

adversely affects an employee's employment or working conditions, or threatens to do any of these things because of an employee's exercise of their rights under PIDA. It does not protect employees from measures necessary to manage their employment relationship for reasons unrelated to their exercise of their rights under PIDA. If an employee experiences reprisal, they can make a complaint to the Ombudsperson who has the authority to investigate reprisals.

What responsibilities do supervisors have under PIDA?

Supervisors are responsible for providing advice to employees about making a disclosure and receiving disclosures. The information received by supervisors in meeting these duties can only be shared in limited circumstances under the Act.

Supervisors are encouraged to seek advice from the Designated Officer if they are unsure about what to do. Protecting the identity of the employee and maintaining confidentiality is important because it protects the employee from reprisal and protects the privacy of the alleged wrongdoer during the investigation.

Where to Find More Information

You can learn more by reviewing JIBC's [Safe Disclosure Policy](#) and [Safe Disclosure Procedure](#), and by visiting [JIBC's Intranet](#).