

# PIDA INVESTIGATIONS: INFORMATION FOR CHIEF EXECUTIVES

## The Ombudsperson's role under PIDA

The Office of the Ombudsperson is an independent office of the legislature mandated under the *Public Interest Disclosure Act* (PIDA) to investigate allegations of wrongdoing from public sector employees. Public sector employees have the choice of reporting wrongdoing to the Ombudsperson or to their supervisor or the Designated Officer within their organization.

Employees can also make a complaint to the Ombudsperson if they have been reprimanded against for reporting wrongdoing, seeking advice or co-operating with an investigation. The Ombudsperson is the only avenue for receiving and investigating complaints of reprisal under PIDA.

The Ombudsperson conducts fair and impartial investigations and makes effective recommendations for corrective measures when necessary.

## The Chief Executive's role during a PIDA investigation by the Ombudsperson

You will be notified if the Ombudsperson starts an investigation in relation to the public body for which you are the Chief Executive. You are responsible for adhering to PIDA's confidentiality and reprisal protection provisions during the course of our investigation.

In addition, you are required to comply with the Ombudsperson's requests and allow our office to complete a thorough investigation. The Ombudsperson has the authority to gather information and speak to witnesses under section 15 of the *Ombudsperson Act*.

Remember that PIDA has very specific requirements and protocols. Your usual organizational procedures may not be appropriate during a PIDA investigation, for example, if they are inconsistent with PIDA.

## What to expect from a PIDA investigation by the Ombudsperson

A PIDA investigation by the Ombudsperson will typically follow these steps

- 1. Notice of the investigation is provided.** If the Ombudsperson decides to investigate an alleged wrongdoing or reprisal, the Ombudsperson will notify the Chief Executive of the decision to investigate and the focus of investigation. The identity of the discloser will not be provided.
- 2. Ombudsperson investigators conduct the investigation.** Investigators will request documents and other evidence about the alleged wrongdoing or reprisal. They may also interview the discloser, respondents and witnesses. Supervisors may need to provide employees with time during work hours and access to files so they can fully participate in the investigation.
- 3. Ombudsperson investigators analyze the evidence.** Investigators will review the information obtained during the investigation and engage external expertise if necessary.
- 4. The Ombudsperson concludes the investigation, reports on any findings and makes recommendations.** The Ombudsperson will determine whether there are findings of wrongdoing or reprisal. The Ombudsperson can make recommendations regardless of whether wrongdoing is found. A summary report is provided to the discloser and any respondents. A full report is given to the Chief Executive. The Ombudsperson may issue a public report and/or comment publicly if it is in the public interest. The identity of the discloser and any alleged wrongdoer, regardless of whether wrongdoing is found, is not included in public reports.

**“Dos and Don’ts” for Chief Executives**

DO	DON'T
<b>Facilitating the Ombudsperson’s investigation</b>	
Do accommodate the requests of Ombudsperson investigators	Don’t create barriers for Ombudsperson investigators
Do allow employees to attend interviews and assemble evidence during work time	Don’t penalize employees for participating in an investigation
Do address any urgent matters related to the allegations as lawfully required	Don’t start an investigation that will interfere with the Ombudsperson’s work
<b>Maintaining confidentiality during an Ombudsperson investigation</b>	
Do only share information as allowed by PIDA	Don’t share information according to your typical organizational practices (for example, consulting with senior leadership or talking about it with your colleagues)
Do keep the identity of the discloser confidential if you know or suspect it	Don’t share the identity of the suspected discloser with anyone else in your organization, including other senior leadership
Do respect PIDA’s provisions regardless of the anticipated outcome of the investigation	Don’t disregard PIDA’s reprisal and confidentiality provisions because you do not believe the allegations are founded
<b>Reprisal protections</b>	
Do cultivate a culture where employees are encouraged to raise concerns	Don’t facilitate an organizational culture where employees are discouraged from speaking up
Do be aware that reprisal can occur from peers as well as superiors	Don’t assume only managers could commit reprisal
Do ensure all staff members are aware of PIDA’s reprisal and confidentiality protections	Don’t neglect to educate staff about reprisal and confidentiality
Do continue to provide performance-based feedback to your employees per your normal practise	Don’t treat anyone differently because of their involvement in a PIDA investigation

**Useful resources**[\*Public Interest Disclosure Act\*](#)[Ombudsperson Designated Officer Responsibility Fact sheet](#)[BC Ombudsperson website](#)[Tips on Confidentiality](#)