

PIDA: SUPERVISOR RESPONSIBILITIES

Supervisors in eligible public bodies have new responsibilities under the *Public Interest Disclosure Act* (PIDA). Under PIDA, your employees can come to you to report wrongdoing (also called making a disclosure) or request advice. These activities are protected under PIDA. It is an offence to commit reprisal against an employee who reports wrongdoing, makes a reprisal complaint, participates in a PIDA investigation or seeks advice under PIDA.

The guidelines below outline what to do when an employee seeks assistance from you under PIDA. Your organization may have issued its own guidelines. Seek support about your role from the Designated Officer in your organization.

Handling PIDA interactions

- Keep the identity of employees who come to you under PIDA confidential.
- Only share the identity of employees who report wrongdoing with your Designated Officer when providing them with the disclosure. Do not share this information with anyone else.
- Hold conversations about PIDA matters in a private area.
- Provide employees with information about the different avenues for reporting wrongdoing.
- Keep files related to PIDA in a secure place.
- Provide employees with information about how to make a reprisal complaint to the Ombudsperson.

- Remind employees about the protections under PIDA. If they make a disclosure, their identity is protected to the extent possible and they can file a complaint with the Ombudsperson if they experience reprisal.
- Assure the employee that their concerns will be taken seriously but do not promise that they will be investigated. Disclosures are assessed against PIDA's criteria to determine whether they will be investigated.
- Do not give your opinion about whether or not an employee's allegations are eligible for investigation under PIDA, but do provide the employee with information about how wrongdoing is defined.
- If you are unsure about what to do, contact your Designated Officer or the Ombudsperson.

Procedures for managing reports of wrongdoing from employees

- Immediately after receiving a report of wrongdoing from an employee, provide it to the Designated Officer.
- Even if a report is incomplete, provide it to the Designated Officer. The Designated Officer can contact the employee for more information.
- PIDA allows for anonymous disclosures. Even if you are unsure whether an anonymous report is from an employee, provide it to the Designated Officer.

Important: Submit the disclosure to the Designated Officer regardless of whether you think it qualifies as wrongdoing.

Responding to requests for advice

- Document requests for advice from employees and maintain a record of your response. Keep these records separate from all employee personnel files.
- Keep the identity of an employee who requests advice confidential, including from the Designated Officer.
- Employees may seek advice anonymously.

If employees are considering making a disclosure to the media, advise them to familiarize themselves with PIDA's requirements for urgent public disclosures. Employees who go to the media without following appropriate protocols may not be protected by PIDA.

- Where relevant, provide information about what constitutes wrongdoing but do not provide the employee with an analysis about whether or not their allegations may be eligible for investigation under PIDA.
- When responding to requests for advice about reprisal complaints, remember only the Ombudsperson can investigate these. Your organization is not able to respond to PIDA reprisal complaints.

Confidentiality

PIDA contains protections for the identity of employees who report wrongdoing or seek advice under PIDA. Supervisors should:

- Keep the identity of the employee confidential to the extent possible. Take steps to ensure that you do not inadvertently enable the identification of an employee who reported wrongdoing or sought advice.
- The identity of the discloser or person seeking advice can generally only be shared with the employee's express written consent, or for the purposes of the Act or another lawful purpose.

Supervisors may share the identity of an employee who has made a disclosure with the Designated Officer for the purposes of the Act. However, supervisors generally must not share the identity of employees who ask for advice.

- If you are unsure about whether you can share information that you received from an employee under PIDA, contact your Designated Officer for guidance.