

Public Interest Disclosure Act Procedure

Site Applicability:
All Providence Health Care (PHC) sites and/or leased premises.
Scope:
<p>All current and former PHC Employees.</p> <p>Providence Health Care is a public health body with obligations under the <i>Public Interest Disclosure Act (PIDA)</i>. The purpose of this procedure is to outline processes involved in:</p> <ul style="list-style-type: none"> • Seeking advice regarding <i>PIDA</i>; • Reporting wrongdoing under <i>PIDA</i>; and • Organizational requirements to report on wrongdoing investigations. <p><i>PIDA</i> applies exclusively to requests for advice and reports by Employees about Wrongdoing. <i>PIDA</i> does not provide an avenue for Employees to address their individual employment disputes.</p>
Requirements:
<p>Employees can make disclosures, in good faith, about Wrongdoings that they reasonably believe have occurred or are about to occur. Employees can make disclosures about Wrongdoings that occurred before <i>PIDA</i> was in force, as long as the wrongdoing occurred or the Employee learned of the wrongdoing during their employment.</p> <p>If an Employee makes a disclosure to their Supervisor, the Supervisor must forward it to a Designated Officer as soon as possible. If a Designated Officer is the subject of the allegations, the Supervisor will forward the disclosure to the other Designated Officer, if there is one. If an alternative Designated Officer is not available, the Supervisor may suggest the disclosure be submitted to the Ombudsperson.</p>
Procedures:
<p>1.1. Employees Seeking Advice or Reporting Wrongdoing</p> <p>1.1.1. Request for Advice</p> <ul style="list-style-type: none"> • An Employee who is considering making a disclosure under <i>PIDA</i> may seek advice about the following: <ul style="list-style-type: none"> ○ The meaning of wrongdoing under <i>PIDA</i>; ○ What other mechanisms might be appropriate for addressing their concerns;

- How their identity can be protected under the *PIDA* process;
 - How to make a wrongdoing complaint;
 - How the *PIDA* process works; or
 - Whether to direct their complaint to the Ombudsperson.
- Employees may request advice from:
 - Their union or employee association representative;
 - A lawyer (at their own expense);
 - Their supervisor;
 - A PHC Designated Officer by confidential email to:
 - PHCSafeReport@vch.ca or by leaving a voicemail at 604 806 9809;
 - by contacting The Neutral Zone by email, phone or mail:
PHCReporting@theneutralzone.ca ; or
(888) 999-1689; or
The Neutral Zone
252-2055 Commercial Drive
Vancouver, BC V5N 0C7
 - The Ombudsperson via their [Contact Us](#) website.
- Employees who seek advice from those indicated above are protected from reprisal under *PIDA*. No person can adversely affect a person's employment or working conditions because the employee sought advice about making a disclosure.
- An Employee may request advice anonymously (see [Anonymous Disclosures](#)); however, if the request is anonymous, the Employee may not receive any updates on the matter and the Supervisor's or Designated Officer's ability to provide advice may be limited.
- Depending on the circumstances, the Supervisor, Designated Officer, or Ombudsperson may require the Employee to make the request for advice in writing.

1.1.2. Reporting Wrongdoing

- Based on the [definition of wrongdoing](#), employees can report allegations of wrongdoing under *PIDA* to:
 - Their supervisor;
 - A PHC Designated Officer - see contact info above; or
 - The BC Ombudsperson.
- If an Employee makes a disclosure to their supervisor, the supervisor must forward it to the Designated Officer by email as soon as possible. If the Designated Officer is the subject of the allegations, the supervisor may suggest the disclosure be submitted to the Ombudsperson.
- Disclosures must be submitted by Employees in writing using the *Public Interest Disclosure Act: Wrongdoing Disclosure Form*. Disclosures must include the following information, if known:
 - A description of the wrongdoing;

- The name(s) of the person alleged to have committed the wrongdoing, or to be about to commit the wrongdoing;
 - The date(s) of the wrongdoing;
 - Whether the wrongdoing relates to an offence or a crime, and if so, which one;
 - Whether the wrongdoing has already been reported under *PIDA* or another process - and if so, the name of the person who received the report and any response they provided, if applicable.
- Employees can make a disclosure to the Designated Officer by email or mail; see [Designated Officer contact info](#) above.
- Employees are encouraged to note they are making a public interest disclosure and to ensure their disclosure includes the required information.

1.1.3. Anonymous Disclosures

- Employees who wish to make a disclosure may do so anonymously. However, an anonymous disclosure cannot be considered if the Designated Officer cannot determine whether the discloser is an employee or former employee of PHC.
- Employees reporting anonymously must provide the Designated Officer, supervisor or Ombudsperson with:
 - Information that enables them to determine whether the person making the report is a current or former Employee; and
 - Adequate details about the alleged wrongdoing or reprisal to be investigated.
- Anonymous disclosers must use the *Public Interest Disclosure Act: Wrongdoing Disclosure Form* to ensure they provide the Designated Officer with sufficient information to assess whether the allegations warrant investigation under *PIDA*. Anonymous disclosers should consider providing contact information so the Designated Officer can follow up to obtain more information about the disclosure as needed.

1.1.4. Public Disclosures

- An Employee may disclose the wrongdoing to the public, for example, to the media, before going through a *PIDA* investigation if they believe the wrongdoing poses an imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment.
- Before making a public disclosure, the Employee must take the following steps:
 - Consult the relevant protection official, as follows:
 - The Provincial Health Officer, with respect to health matters;
 - Emergency Management BC, regarding environmental factors; or
 - An appropriate law enforcement agency, for any other matter.
 - Receive direction from the protection official about whether to make the disclosure, and if so, on what conditions; and
 - Where the protection official approves the disclosure, follow their instructions. *PIDA* protections may not apply to employees who do not follow the protection official's instructions.

- When making a public disclosure, employees must not share information that is:
 - Confidential according to any BC or Canadian law;
 - Protected by solicitor-client privilege;
 - Protected by any common law rule of privilege; or
 - Subject to public interest immunity (unless the Attorney General provides consent).
- Immediately after making a public disclosure, the employee must:
 - Notify their supervisor or Designated Officer; and
 - Report the wrongdoing as per this procedure - see section on [Reporting Wrongdoing](#).

1.2. Supervisors

Supervisors will:

- Provide Employees with information about *PIDA* and this procedure. Supervisors must not provide advice on whether a discloser's concern constitutes a Wrongdoing under *PIDA*;
- Provide Employees with information about the different avenues for reporting Wrongdoing and how to make a reprisal complaint;
- Document requests for advice, a record of the advice provided and all interactions with employees;
- Provide the Designated Officer with any employee reports of wrongdoing given to the supervisor
- Keep confidential the identity of Employees who request advice or complain about a reprisal; and
- Use and discloser personal information only in the following circumstances:
 - If the individual providing the information consented in writing;
 - For the purposes of *PIDA*;
 - For another lawful purpose (i.e. to prevent serious risk of harm); or
 - If the personal information has previously been lawfully published.

1.3. Reporting of Investigations

1.3.1. Designated Officers

Where a PHC Designated Officer has conducted an investigation, they will provide:

- A preliminary investigation report to the Chief Executive Officer (CEO) if there are findings of wrongdoing;
- A final investigation report to the CEO and the Chair of the Board of Directors; and
- An outcome summary report to the employee who reported the wrongdoing and any person alleged to be responsible for wrongdoing, if practicable.

As per *PIDA*, under certain circumstances, Designated Officers may be prohibited, required to refuse or may exercise their discretion to refuse to investigate a disclosure. Disclosers will be notified of this decision, should this be the case.

1.3.2 PHC

PHC is required to file annual reports summarizing all reports of wrongdoing and must include:

- The number of reports of wrongdoing received;
- The number of reports acted on and not acted on; and
- For investigations that result in a finding of wrongdoing:
 - A description of the wrongdoing;
 - Recommendations made; and
 - Corrective action taken to address the wrongdoing or reasons why no action was taken.

PHC will publish the reports on its external website.

Related Documents:

Related Policies

- [Public Interest Disclosure Act Policy](#)

Guidelines/Procedures/Forms

- [Report of Wrongdoing Form](#)

References: (if applicable)

Public Interest Disclosure Act, [SBC 2018, c. 22](#)

[Ombudsperson DO Toolkit](#)

Definitions:

“Designated Officer” means a senior Employee designated by the PHC CEO to receive requests for advice and receive and investigate reports of Wrongdoing under *PIDA*.

“Employee” means all current and former employees, and for the purposes of this Policy also includes Members of the Board of Directors and Health Professionals.

“Health Professionals” means members of a regulated profession under the *Health Professions Act* (RSBC 1996, c. 183) and either: (a) receive training at or through PHC; or (b) provide services at or on behalf of PHC.

“Reprisal” means a single negative consequence, or a series of negative consequences, such as a termination, demotion, or loss of privileges, or abuse, harassment, or exclusion by Supervisors or other Employees. A Reprisal includes a threat about a negative consequence.

“Supervisor” means an individual who instructs, directs, and controls Employees and Medical Staff in the performance of their duties. This term includes Patient Care Managers, Managers, Directors, Professional Practice Leads and Union Supervisors.

“Wrongdoing” means, in the context of the *Public Interest Disclosure Act*, any of the following:

- A serious act or omission that, if proven, would constitute an offence under any BC or Canadian law;
- An act or omission that creates a 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;
- A gross or systemic mismanagement; and
- Knowingly directing or counselling a person to commit any of the above.

APPROVALS			
<i>Executive Director</i>	<i>Patient Safety, Quality Improvement & In-House Legal Counsel</i>		<i>June 6 2023</i>
<i>(e.g. Manager)</i>	<i>Name</i>		<i>Date (month/day/year)</i>
<i>(e.g. Practice)</i>	<i>Name</i>		<i>Date (month/day/year)</i>
<i>(e.g. other)</i>	<i>Name</i>		<i>Date (month/day/year)</i>
DEVELOPERS/OWNER			
<i>Executive Director</i>			<i>June 6, 2023</i>
REVISION HISTORY			
Revision#	Description of Changes	Prepared by	Effective Date
<i>00</i>	<i>Initial Release</i>		<i>June 7, 2023</i>