

Public Interest Disclosure Act (PIDA)

Frequently Asked Questions

May 2023

What is PIDA?

The [Public Interest Disclosure Act \(PIDA\)](#) is B.C.'s whistleblower protection legislation for current and former employees (including medical staff) of public sector organizations. Effective June 1, 2023, PIDA will apply to all health authorities in B.C.

PIDA provides mechanisms for investigating allegations of serious or systemic wrongdoing and for addressing any wrongdoing that may be found. PIDA also provides legal requirements to protect the identity of employees and prohibits any reprisal consequences.

What is wrongdoing?

Wrongdoing is defined under PIDA to mean:

- 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 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.
- **Gross or systemic** mismanagement (i.e., mismanagement of funding, services or people in a way that is highly inappropriate, irresponsible or reckless, or mismanagement that is broad, longstanding, recurrent or inherent to a public sector organization's culture and practices).
- Knowingly directing or counselling a person to commit any of the wrongdoing described above, whether or not the person commits the act or omission.

What if my allegation doesn't meet the criteria for wrongdoing under PIDA?

- We encourage all concerns of wrongdoing to be reported.
- Our Whistleblower policy is a separate, less stringent policy that allows for any type of wrongdoing to be reported (please see question on "other reporting options" below).

What confidentiality and reprisal legal protections does PIDA provide?

- It requires the identity of an employee who reports wrongdoing or seeks advice about PIDA to be kept confidential.



- It prohibits reprisal against an employee who reports wrongdoing, asks for advice about reporting wrongdoing or making a reprisal complaint, or cooperates with an investigation.
- Contractors who cooperate with an investigation are also protected from reprisal.

Who can report wrongdoing?

- Current and former employees, regardless of whether they are (or were) permanent, temporary, casual, part-time or full-time.
- Medical staff (e.g., physicians, nurse practitioners, dentists, midwives) including resident physicians.
- Former employees and medical staff can only report wrongdoing that they discovered, or that occurred, while they were employed by Vancouver Coastal Health (VCH).

Who can provide advice to employees?

An employee who is considering reporting wrongdoing or making a reprisal complaint may request advice from:

- Their manager/supervisor (this option does not apply to physicians and resident physicians because they do not have a VCH Supervisor)
- VCH’s Designated Officer
- VCH’s Director – Corporate Governance
- The B.C. Ombudsperson
- Their union or employee association representative
- Their own lawyer (at their own expense)

What are some examples that likely constitute wrongdoing at VCH?

- Sizable theft of VCH assets or property
- Financial or other fraud
- Ongoing use of faulty medical equipment
- Ongoing mistreatment of patients or clients
- Awarding contracts for personal financial gain
- Practices causing ongoing health and safety violations
- Approval of dangerous medicines or procedures in exchange for funding

Where does my report go and what happens when I submit one?

- Under PIDA, a designated officer (“DO”) will review the allegation in confidence.
- Once deemed appropriate to investigate under PIDA, the DO will determine an appropriate course of action.
- Any progress on the disclosure, including the decision to investigate, will be communicated to the complainant (if known).



- The complainant (if known), will be contacted for any further information needed to carry out the investigation

What are some examples that likely do not constitute wrongdoing at VCH?

- A medical error
- A single discriminatory comment
- An isolated incident of an employee stealing an asset that is worth an insignificant amount
- Concerns about the quality of patient care provided to an individual
- A single act of rude or abrasive behaviour

Note: There are other established processes to address these issues (please see question on “other reporting options” below). We encourage you to explore these other options and/or speak with your manager if your concern does not constitute wrongdoing under PIDA.

You can (and should) report wrongdoing even if you are not sure that it meets the definition of wrongdoing under PIDA. There is no penalty if a report does not qualify as wrongdoing.

How can reports of wrongdoing be made?

Eligible employees can make a disclosure by:

- **Reporting online** from any computer or mobile device (reporting available on <https://one.vch.ca/pida>).

If you are not sure whether your complaint falls under PIDA or any other reporting channel:

- **Report online** through the generic disclosure form (reporting available on <https://one.vch.ca/pida>).

If you want to talk to someone and request advice, reach out to:

- Designated Officers (see the [PIDA oneVCH page](#) for the Designated Officers and contact details)
- Director – Corporate Governance at PIDA@vch.ca

Reports of wrongdoing may also be submitted in writing by employees to any of the following:

- Their manager/supervisor
- VCH’s Designated Officer
- The B.C. Ombudsperson
- Director – Corporate Governance



Physicians and resident physicians must report Wrongdoing to a VCH Designated Officer, Director – Corporate Governance, or the Ombudsperson (because they do not have a VCH Supervisor).

If a report cannot be made in writing, contact the above noted persons for further assistance.

Read more about making a report in the VCH PIDA Policy (available on <https://one.vch.ca/pida>).

Can wrongdoing be reported anonymously?

- Yes, wrongdoing can be reported anonymously. However, the anonymous reporter may be asked to provide certain information to determine if they are an employee or former employee.
- People who submit anonymous reports may not receive information about the conduct of any investigation into the wrongdoing, including notice of the investigation and results.

What responsibilities do managers/supervisors have?

Managers/supervisors are responsible for:

- Reviewing VCH’s PIDA policy and procedures.
- Providing and documenting advice to employees about reporting wrongdoing or making a complaint about a reprisal.
- Receiving reports of wrongdoing.
- Providing reports of wrongdoing to the Designated Officer or Director – Corporate Governance as soon as they are received.
- Maintaining confidentiality by protecting the identity of employees who report wrongdoing or seek advice. They must only share personal (identifiable) information in the limited circumstances set out in VCH’s PIDA policy and procedures.

What happens after a wrongdoing is reported?

- VCH’s Designated Officer will assess:
 - the report of wrongdoing to determine whether it is eligible for investigation under PIDA, and, if so, whether an investigation should proceed.
 - the reprisal risk against the employee and action taken to protect the employee.
- The employee will be notified of whether the reported wrongdoing will be investigated and may be contacted to provide further details to ensure that sufficient information is available for the investigation.
- At the conclusion of any investigation, the employee will be notified of the outcome.
- People who submit anonymous reports may not receive information about the conduct of any investigation into the wrongdoing, including notice of the investigation and results.

In urgent situations, how can employees disclose wrongdoing?



Under PIDA, in exceptional circumstances an employee may make a public report if the situation meets all of the following criteria:

- The wrongdoing meets the definition under PIDA;
- The wrongdoing poses an imminent risk of a **substantial and specific danger** to the life, health, or safety of persons, or to the environment;
- They get **prior approval** from (depending on the nature of the wrongdoing) the Provincial Health Officer, Emergency Management B.C. or the police; **and**
- They notify their supervisor or a Designated Officer and report the Wrongdoing **immediately** after making a public disclosure.

What do you do if you feel you are being treated differently after seeking advice, reporting a wrongdoing or cooperating with an investigation?

- Reprisal is when you experience retaliation or repercussions for seeking advice about making a report, reporting wrongdoing or cooperating with an investigation. Reprisal can include demotion, disciplinary measures, termination of employment or any measure that adversely affects your employment or working conditions.
- Reprisal complaints can only be made through the B.C. Ombudsperson. Visit the [How to report reprisal webpage](#) for more information. Alternatively, contact the B.C. Ombudsperson at report@bcombudsperson.ca or 1-800-567-3247.

How does PIDA relate to other reporting options?

- PIDA supplements the Whistleblower/Safe Reporting, Respectful Workplace and other existing reporting options and associated policies at VCH. It will provide an additional, optional channel through which reports relating to serious or systemic wrongdoing can be made. Of note, PIDA expressly imposes legal requirements to protect the identity of employees, as well as prohibit any reprisal consequences.
- An individual workplace complaint may not qualify as wrongdoing under PIDA. Harassment, bullying, discrimination, racism, and other forms of disrespectful behaviour are covered by the [VCH Respectful Workplace & Human Right Policy](#). We encourage you to speak with your manager or supervisor if you have a workplace concern. You can also report a workplace complaint [here](#).
- You can find our other reporting options below:
 - Breaches of privacy and unauthorized access to, collection, use, and disclosure of personal information that may be handled by the [VCH Privacy Office](#);
 - Reports of Wrongdoing by members of the public, and conduct that does not meet the definition of Wrongdoing set out in PIDA, may be covered by [VCH's Whistleblower policy](#);



- Patient safety or quality of care issues are covered by [VCH's Patient Care Quality Office](#) or the Ministry of Health's Patient Care Quality Review Board;
- Safety hazards and unsafe working conditions are covered by BC's Workers Compensation Act, the Occupational Health and Safety Regulation, and the [Occupational Health and Safety Policy](#);
- Collective agreement violations follow the grievance process; and Discrimination and harassment complaints fall under the BC Human Rights Code.

What other education or training is available?

The B.C. Ombudsperson offers [education and training resources](#) on its website, including tip sheets, checklists, toolkits and these training opportunities:

- For employees: [Speaking up Safely](#) online course
- For managers/supervisors: [PIDA: Supervisor Responsibilities](#) webinar

