



Purpose:	Island Health is a public health body with obligations under the <i>Public Interest Disclosure Act (PIDA)</i> . The purpose of this policy is to outline the options available to employees and other eligible staff who would like to report wrongdoing as per <i>PIDA</i> .
Context:	<p>Island Health offers programs and services on the unceded and traditional territories of the Coast Salish, Nuu-chah-nulth, and Kwakwaka'wakw Peoples.</p> <p>As a signatory to the 2015 Declaration of Commitment to Cultural Safety and Cultural Humility, Island Health is committed to addressing the ongoing impacts of colonialism and Indigenous-specific racism in order to provide a culturally safe, inclusive, healthy and respectful environment.</p> <p>The organization is committed to strengthening diversity, equity and inclusion to enable excellence in health and care for everyone, everywhere, every time. Through these commitments, Island Health strives to deliver the highest possible standard of care and to promote safe workplaces.</p>
Scope:	<ul style="list-style-type: none"> • Audience: <ul style="list-style-type: none"> ○ All current and former Island Health employees ○ Health Professionals; and ○ Members of the Board of Directors. <p style="text-align: center;">Note: for the purposes of this policy, the term “employee” refers to all of the above.</p> • Environment: <ul style="list-style-type: none"> ○ Island Health-wide. ○ All Island Health programs, units and departments. ○ All wrongdoing occurring in relation to Island Health programs delivered through contracted service providers where there is a substantial connection between the wrongdoing and Island Health. • Exceptions: Individual employment disputes; for matters that do not fall under <i>PIDA</i>, see Alternate Reporting Processes.

1.0 Policy

1.1 *Public Interest Disclosure Act*

- Island Health takes all reports of wrongdoing seriously and appreciates the courage of those who come forward to identify serious circumstances that compromise the integrity of Island Health and the safety of employees and clients.
- Through *PIDA*, current and former employees are able to:
 - Report serious wrongdoing occurring within Island Health, either identifying themselves or anonymously, to Island Health or to make reports to the Ombudsperson directly;
 - Request advice about reporting wrongdoing; and
 - Report retaliation (called a reprisal) against them for reporting a wrongdoing, requesting advice, or participating in a *PIDA* investigation.

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1.2 Reporting Wrongdoing via the *Public Interest Disclosure Act*

- Employees have the right to request advice about options under *PIDA*, and make disclosures of wrongdoing. *PIDA* defines wrongdoing as any of the following (also included as a [definition in this policy](#)):
 - A serious act or omission that, if proven, would constitute an offence or a crime under any BC or Canadian law.
 - An act or omission that creates a substantial and specific danger to the life, health or safety of one or more people, 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.
 - Knowingly directing or counselling a person to commit any of the above, whether or not the person commits the act or omission.
- Note: not all misconduct is wrongdoing. For more information on the meaning of wrongdoing, see the [Designated Officer Toolkit](#) by the Ombudsperson British Columbia.
- Seeking advice and reporting under *PIDA* can be done in accordance with the *Public Interest Disclosure Act* Procedure.
- An employee may report under *PIDA* and another process at the same time, if appropriate. To avoid duplication, employees may be asked when they report under *PIDA* if they have reported under another reporting mechanism (see [Alternate Reporting Processes](#)).

1.3 Alternate Reporting Processes

- Reporting wrongdoing under *PIDA* is optional; matters that do not fall under *PIDA* may be dealt with through other established processes, such as:
 - Collective agreement violations, which follow the grievance process;
 - Safety hazards and unsafe working conditions covered by BC's *Workers Compensation Act* and the Occupational Health and Safety Regulation;
 - Discrimination and harassment complaints under the BC Human Rights Code;
 - Misconduct covered by the Island Health Respectful Workplace and other Human Resources policies;
 - Breaches of privacy and unauthorized access to, collection, use, and disclosure of personal information that may be handled by the Island Health's Information Stewardship, Access and Privacy Office;
 - Patient safety or quality of care issues covered by Island Health's Patient Care Quality Office or the Ministry of Health's Patient Care Quality Review Board; or
 - Reports of wrongdoing by members of the public, and conduct that does not meet the definition of wrongdoing set out in *PIDA*. These actions and situations may be covered by Island Health's [Safe Reporting](#) or [Theft, Fraud and Corruption](#) policies.

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1.4 Protection from Reprisal

- Employees are protected from reprisal when they:
 - Seek advice about making a disclosure;
 - Report wrongdoing; and
 - Cooperate with a *PIDA* investigation.
- No person can take a reprisal against an employee; this includes supervisors, co-workers, senior executive or alleged wrongdoers.
- Contractors and medical staff are protected from reprisal under *PIDA* as it prohibits persons from cancelling contracts, withholding payment, or refusing to enter into future contracts because a contractor or their employees cooperated with a *PIDA* investigation.
- Neither *PIDA* nor this policy protects employees from the consequences of their own wrongdoing.
- An employee may complain about a reprisal to the Ombudsperson, who is responsible for investigating complaints of reprisal under *PIDA*. More information can be found on the [For Employees - How to Report Reprisal](#) website.

1.5 Anonymity and Confidentiality

- In preparing annual reports, Island Health must delete or exclude any material that would reveal the identity of any employee who reports wrongdoing.
- A supervisor, Designated Officer, or anyone investigating a report or a reprisal must not disclose any personal information about the Employee who reported wrongdoing to anyone if it is likely to reveal their identity unless:
 - They are fulfilling their responsibilities under this policy;
 - They are addressing a recommendation of the Ombudsperson;
 - They are fulfilling another lawful purpose;
 - The Employee has consented in writing; or
 - The information has already been legally published.
- If a number of employees report the same wrongdoing, their identities will not be disclosed to each other unless one of the above circumstances applies.

1.6 Investigations and Reporting by Island Health under the *Public Interest Disclosure Act*

- Where Island Health Designated Officers have conducted an investigation, reporting will be provided to the Chief Executive Officer (CEO) and employee who reported the wrongdoing, in accordance with *PIDA*.
- Wrongdoing reports made to the Ombudsperson will be investigated as per their own processes set out in legislation. More information can be found on the [What to Expect if you Report Wrongdoing](#) website by the Ombudsperson.
- Island Health will file and publish annual reports summarizing all reports of wrongdoing.

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1.7 Roles and Responsibilities

1.7.1. Island Health

Under *PIDA*, Island Health's obligations under the *Public Disclosure Act* are as follows:

Education	<ul style="list-style-type: none"> Ensuring employees, other eligible staff, supervisors, and Designated Officers understand their rights and responsibilities under <i>PIDA</i>.
Investigations	<ul style="list-style-type: none"> Appointing at least one Designated Officer to respond to requests for advice and accept reports of wrongdoing and complaints about reprisals. Conducting timely and fair investigations of reports of wrongdoing. Taking reasonable steps to avoid reprisals against employees who report wrongdoing in good faith. Note employees must report reprisals to the Ombudsperson.
Confidentiality and Privacy	<ul style="list-style-type: none"> Keeping confidential the identity of employees who report a wrongdoing, complaint about a reprisal, or request advice about a report of wrongdoing <i>unless</i> the employee provides permission to disclose their identity. Complying with the <i>Freedom of Information and Protection of Privacy Act</i> when storing material related to a <i>PIDA</i> investigation.
Information and Documentation	<ul style="list-style-type: none"> Establishing <i>PIDA</i> procedures, including procedures for expeditiously handling reports about urgent matters. Documenting all requests for advice and responses by its Supervisors and Designated Officers. Reporting on the outcome of each investigation, including the findings and recommendations. Publishing annual, anonymized reports of wrongdoing and investigations under <i>PIDA</i>.

1.7.2. Designated Officers

As per *PIDA*, Designated Officers must follow Island Health's *Public Interest Disclosure Act: Standard Operating Procedure for Designated Officers*, including:

- Responding to and documenting requests for advice, and taking action to address wrongdoing;
- Appropriately addressing reports of wrongdoing, including investigating reports of wrongdoing and taking actions to prevent harm, as necessary
- Reporting on decisions stemming from investigations; and
- Assessing risks of and taking steps to minimize reprisals on an ongoing basis.

1.7.3. Supervisors

Supervisors are expected to support employees with their understanding of *PIDA*, in accordance with the *Public Interest Disclosure Act Procedure*.

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1.7.4. Employees

Employees are required to:

- Speak the truth. Anyone who makes a false statement or misleads or attempts to mislead anyone who is fulfilling their responsibilities under *PIDA* commits an offence for which an employee can be fined;
- Keep the wrongdoing report, investigation and the identity of any employee who reports wrongdoing confidential;
- Respond to inquiries by Designated Officers and the Ombudsperson; and
- Not participate in any reprisals against employees who report wrongdoing or participate in investigations. Anyone committing a reprisal can be fined.

1.7.5. Chief Executive Officer

The CEO will:

- Publish annual reports on island Health's activities under *PIDA* that include the information listed in this policy; and
- Respond within 30 days to requests by the Ombudsperson for information regarding steps Island Health has taken to address recommendations related to a finding of wrongdoing made by the Ombudsperson.

2.0 Monitoring and Evaluation

- The policy will be reviewed annually in consultation with other health authorities.
- The monitoring and evaluation of the policy will be a responsibility shared between Legal Services and the Vice President, People.
- Failure to comply with this policy may result in disciplinary action, up to and including termination of employment, services, or privileges, and/or legal consequences. Conduct that is an offense under *PIDA* could result in a fine up to \$100,000. Obstructing a *PIDA* investigator is an offence.

3.0 Definitions

- **Designated Officer** means a senior employee designated by the Island Health Board of Directors to receive requests for advice and receive and investigate reports of wrongdoing under *PIDA*.
- **Discloser** means an employee or former employee of Island Health who makes a disclosure of wrongdoing or seeks advice about making a disclosure under the *PIDA*.
- **Disclosure** means a disclosure of wrongdoing made by a discloser in accordance with *PIDA*.
- **Employee** means all current and former unionized and non-contract employees (including employed health professionals, management and leadership) and Island Health Directors and Officers.
- **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 Island Health; or (b) provide services at or on behalf of Island Health.
- **Ombudsperson** means the Ombudsperson appointed under the *Ombudsperson Act*.

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- **Public Interest Immunity** means the legal doctrine that applies to information that should not be disclosed because it would be detrimental to the public interest or the government's ability to perform its responsibilities.
- **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.
- **Respondent** means a person alleged or found to have committed wrongdoing.
- **Service Provider** means an individual, society, or corporation who has contracted with Island Health to deliver services.
- **Solicitor-Client Privilege** means confidential communication between a lawyer and their client for the purpose of seeking legal advice.
- **Staff Physician** means salaried physicians employed by Island Health.
- **Supervisor** means an individual who instructs, directs, and controls employees and Medical Staff in the performance of their duties. This term includes team leaders and coordinators.
- **Wrongdoing**, in the context of *PIDA*, means any of the following:
 - A serious act or omission that, if proven, would constitute an offence or a crime under any BC or Canadian law.
 - An act or omission that creates a substantial and specific danger to the life, health or safety of one or more people, 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:
 - Gross mismanagement: management of Island Health funding, services, or people in a way that is highly inappropriate, irresponsible, or reckless.
 - Systemic mismanagement: mismanagement that is broad, longstanding, recurrent, or inherent to Island Health culture and practices.
 - Knowingly directing or counselling a person to commit any of the above, whether or not the person commits the act or omission.

4.0 Related Island Health Policy Documents

- [Abuse, Neglect and Self-Neglect of Vulnerable Adults - Reporting and Responding](#)
- [Conflict of Interest](#)
- [Safe Reporting](#) policy
- [Safe Reporting](#) procedure
- [Privacy and Information Security Breaches: Risk Assessment and Ranking by Supervisory and Leadership Staff](#)
- [Public Interest Disclosure Act Procedure](#)
- [Public Interest Disclosure Act: Standard Operating Procedure for Designated Officers](#)
- [Reporting Child Maltreatment](#)
- [Theft, Fraud and Corruption](#) policy
- [Theft, Fraud and Corruption](#) procedure

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5.0 References

- Government of BC. *Freedom of Information and Protection of Privacy Act*. (2023). Retrieved April 13, 2023 from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00.
- Government of BC. *Ombudsperson Act*. (2023). Retrieved April 13, 2023 from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96340_01.
- Government of BC. *Public Interest Disclosure Act*. (2023). Retrieved April 13, 2023 from: <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022>.

6.0 Resources

- [Designated Officer Toolkit](#) (Ombudsperson British Columbia)
- [FAQs - Public Disclosure Act: Disclosures and Reprisal Complaints to the Ombudsperson](#) (Ombudsperson British Columbia)
- [For Employees - How to Report Reprisal](#) (Ombudsperson British Columbia)
- *Public Interest Disclosure Act Wrongdoing Disclosure Form* (Island Health)
- [What to Expect if you Report Wrongdoing](#) (Ombudsperson British Columbia)

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