



Purpose:

Island Health is a public health body with obligations under the *Public Interest Disclosure Act (PIDA)*. The purpose of this procedure is to outline processes involved in:

- Seeking advice regarding *PIDA*;
- Reporting wrongdoing under *PIDA*; and
- Organizational requirements to report on wrongdoing investigations.

Context:

Island Health offers programs and services on the unceded and traditional territories of the Coast Salish, Nuu-chah-nulth, and Kwakwaka’wakw Peoples.

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.

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.

Scope:

- Audience:
 - All current and former Island Health employees
 - Health Professionals; and
 - Members of the Board of Directors.

Note: for the purposes of this procedure, the term “employee” refers to all of the above.
- Environment:
 - 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 *PIDA*, see Alternate Reporting Processes in the *Public Interest Disclosure Act Policy*.

Outcomes:

- Ensuring a clear, safe and legally protected way for employees to report serious or systemic issues of wrongdoing.
- Fulfillment of obligations regarding investigations and reporting, in accordance with legislation.

1.0 Procedure

1.1 Employees Seeking Advice or Reporting Wrongdoing

1.1.1. Request for Advice

- An employee who is considering making a disclosure under *PIDA* may seek advice about the following:
 - The meaning of wrongdoing under *PIDA*;
 - What other mechanisms might be appropriate for addressing their concerns;

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- 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.
 - An Island Health Designated Officer:

By confidential email marked: **Island Health Designated Officer/Private and Confidential**
to: PIDA@islandhealth.ca

or

By letter marked: **Island Health Designated Officer/Private and Confidential, Attention: Designated Officer/Director/Internal Audit Services**
at: 1952 Bay Street, Victoria, BC V8R 1J8

- 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](#) (refer also to [Appendix A: Examples of Wrongdoing](#)), employees can report allegations of wrongdoing under *PIDA* to:
 - Their supervisor;
 - An Island Health 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 at PIDA@islandhealth.ca 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.

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- Disclosures must be submitted by employees in writing using the Island Health *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 Island Health.
- 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

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- 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 Island Health Designated Officers have 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.

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1.3.2. Island Health

Island Health 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.

Island Health will publish the reports on its external website.

2.0 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 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*.
- **Public Interest Immunity** means the legal doctrine that applies to information that should not 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.

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- 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.

3.0 Related Island Health Policy Documents

- [Conflict of Interest](#)
- [Safe Reporting](#)
- [Theft, Fraud and Corruption](#)

4.0 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>.
- Ombudsperson British Columbia. (November 2022). Designated Officer Toolkit for Public Interest Disclosure Act Investigations. Retrieved May 19, 2023 from: https://bcombudsperson.ca/assets/media/PIDA_DO-Toolkit_113022-web.pdf.

5.0 Resources

- [Contact Us](#) (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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Public Interest Disclosure Act Procedure

5.4.2PR

PROCEDURE

Procedures are a series of required steps to complete a task, activity or action



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Appendix A: Examples of Wrongdoing

Likely Wrongdoing	Not Likely Wrongdoing
<ul style="list-style-type: none"> • Taking bribes from someone • Unresolved workplace violence or threats of violence • Hiring only family members • An ongoing culture of sexism • Widespread bullying and harassment • Ongoing inaction regarding the abuse of vulnerable people • Recurring theft • Ongoing use of faulty equipment in hospitals • Ongoing mistreatment of patients • Authorization of resource extraction when contrary to statute • Knowingly contaminating drinking water or other natural resource • Practices allowing ongoing health and safety violations • Organized fraud conducted by one or more people • Awarding contracts for political or personal financial gain • Using public funds for personal vacations over a sustained period of time • Using government resources for personal businesses over a sustained period of time • Covering up of illegal evictions • Culture of overspending on corporate meals and travel • Systematically blocking patients, people in custody or clients from accessing complaint mechanisms • Limiting access to healthcare for people in custody • Negligence causing serious harm • Practices that lead to ongoing harm to animals • Approval of dangerous medicines or procedures in exchange for funding • Significant destruction of government property • Use of a work vehicle to operate a private business • Withholding permits, services or payments as a coercive act 	<ul style="list-style-type: none"> • Mistakes with paystubs • A single act of bullying behaviour • A single discriminatory comment • A single sexist comment made at work • A badly matched foster care placement • An isolated violent incident • Errors in submitting travel expenses • A medical error • Hiring a teacher without an education degree to fill a short-term vacancy • Environmental damage that is addressed in a timely manner • Understaffing at medical facilities where there is no direct link to harm • A workplace injury • An isolated incident of an employee stealing an asset that is worth an insignificant amount from the organization • Using government computers to send personal emails • Expensing a costly dinner while on a work trip • Disciplining a person in custody in accordance with prison policies • Granting a permit to a logging company with a bad record for a time-limited project • Mistakes in issuing hunting permits where there is no significant harm to the environment • A difference of opinion about a policy or practice • An isolated incident of misuse of government property of small value • Using a work vehicle to do errands on an occasional basis

Adapted from: Ombudsperson British Columbia. (November 2022). Designated Officer Toolkit for Public Interest Disclosure Act Investigations - Assessing a Disclosure (p. 30). Retrieved May 19, 2023 from: https://bcombudsperson.ca/assets/media/PIDA_DO-Toolkit_113022-web.pdf

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