



Quick Facts: BC's *Public Interest Disclosure Act*

- In May 2018, the Legislative Assembly passed whistleblower protection legislation, the *Public Interest Disclosure Act* (PIDA). BC was the last province in Canada to adopt a whistleblower protection law and is the second to last to bring that law into force.
- PIDA will initially apply to current and former employees of government ministries and the independent offices of the legislature. Its application will expand over the next five years to include the broader provincial and local public sector.
- PIDA provides that employees can disclose wrongdoing either internally to their employer through an official known as a designated officer or externally to the Ombudsperson. Anonymous disclosures are permitted.
- Wrongdoing is defined in section 7(1) of the Act:

7(1) This Act applies to the following wrongdoings in or relating to a ministry, government body or office, including wrongdoings that occurred before the coming into force of this Act:

- (a) a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
 - (b) 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;
 - (c) a serious misuse of public funds or public assets;
 - (d) gross or systemic mismanagement;
 - (e) knowingly directing or counselling a person to commit a wrongdoing described in paragraphs (a) to (d).
- PIDA is retroactive in that it includes wrongdoing that occurred before the law came into force.
 - PIDA is not intended to address disagreements solely about public policy or human resources disputes involving purely personal interests.
 - PIDA protects public sector employees who report serious wrongdoing within their organization. Under PIDA, it is an offence to take adverse steps against an employee, such as a termination or demotion, because an employee seeks advice about reporting wrongdoing, reports wrongdoing or cooperates with an investigation.
 - The Ombudsperson recommended the introduction of public interest disclosure legislation in his report *Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters*.