

Navigating the PIDA Policy

A GUIDE FOR SUPERVISORS

What is PIDA?

As of December 1, 2024, post-secondary institutions in British Columbia are subject to the Public Interest Disclosure Act (PIDA). PIDA provides a way for public sector employees to report serious or systemic Wrongdoing with protections from Reprisal. UBC's new PIDA Policy sets out our process for doing so.

What is Wrongdoing?

Wrongdoing is defined under PIDA as:

- A **serious** act or failure to act that, if proven, would constitute an offence under an enactment of BC or Canada,
- An act or failure to act 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, or
- Knowingly directing or counselling a person to do any of the above.

If an employee believes that Wrongdoing has been or will be committed, they can report it internally to UBC or externally to the BC Ombudsperson. This is called making a **Disclosure**.



The following examples are likely Wrongdoing:

- ☐ Substantial theft of UBC assets or property
- ☐ Dumping hazardous waste materials
- ☐ Serious financial or other fraud
- ☐ Ignoring repeated complaints about unethical or unlawful practices
- ☐ Directing employees to bypass safety protocols

The following examples are likely not Wrongdoing:

- ☐ Interpersonal disputes or conflict between employees
- ☐ Minor administrative or accounting errors
- ☐ Safety hazards that are promptly addressed when discovered

What about UBC's other policies?

PIDA does not replace UBC's other established policies for dealing with improper conduct, including the Sexual Misconduct Policy, Discrimination Policy, Scholarly Integrity Policy, and the Financial Investigations Policy. Supervisors should advise employees to report misconduct in accordance with these policies, if applicable. If the employee believes that the conduct constitutes Wrongdoing, and does not wish to report it under another policy, they may make a Disclosure under the PIDA Policy.

UBC

Investigations
Office

io.ubc.ca | 604.827.2060 | investigations.office@ubc.ca

Where can employees go for advice?

If an employee is considering making a Disclosure, they can seek confidential advice from:

- A union or employee association representative, if applicable,
- A lawyer retained by the employee,
- Their supervisor,
- The Director of Investigations, or
- The BC Ombudsperson

How can an employee make a Disclosure?

If an employee believes that Wrongdoing has been or will be committed, they can make a Disclosure in writing to:

- Their supervisor,
- The Director of Investigations, using the form at io.ubc.ca, or
- The BC Ombudsperson.

Employees may make anonymous Disclosures, but the Disclosure must contain:

- 1 Sufficient information to determine that the individual is or was a UBC employee, and
- 2 Sufficient details about the Wrongdoing to enable UBC to investigate. Think: who, what, where, and when?

What happens after a Disclosure is made?

Upon receipt of a Disclosure, the Director of Investigations will do one of the following:

- Refer the Disclosure for investigation,
- Refer the Disclosure to another appropriate UBC policy or process, or
- Provide reasons for declining to investigate the Disclosure.

How does UBC protect employees from Reprisals?

Reprisals are any adverse measures that impact an employee's working conditions, that are taken because they sought advice, made a Disclosure, cooperated with an investigation, or made a complaint about Reprisal under the PIDA Policy. Reprisals are prohibited.

Employees who are concerned about Reprisals can advise the Director of Investigations. The Director of Investigations will assess the risk of Reprisal, and may implement measures to prevent Reprisal. Examples of protective measures include:

- Removing the Discloser from the supervision of a particular individual,
- Transferring the Discloser to another department, or
- Changing the Discloser's performance evaluators.

If an employee experiences Reprisal, they can report it to the Director of Investigations, or the BC Ombudsperson. They may also wish to contact their union or employee association.

What are my responsibilities as a supervisor under the PIDA Policy?

Providing advice: If an employee requests advice about making a Disclosure, ask the employee to put their request in writing. You can provide advice directly, or ask the Director of Investigations to respond. Within 30 days, you must either:

- Forward the request to the Director of Investigations, or
- Acknowledge receipt of the request and communicate a timeline for your response. If you need more time to respond, you can communicate an updated timeline.

Forwarding Disclosures: If an employee makes a written Disclosure to you, forward the Disclosure to the Director of Investigations as soon as possible. It is important to forward the Disclosure even if you do not think the allegations constitute Wrongdoing, or if you think more information is needed. The Director of Investigations can follow up with the employee for more information.

Maintaining confidentiality: PIDA contains unique confidentiality requirements to protect the employee from Reprisal, and protect the privacy of the alleged wrongdoer. If you need to seek advice, do so while limiting the disclosure of personal information to the extent possible.

Where can I go for support?

Human Resources: Your HR representative can assist you in responding to requests for advice and Disclosures, including by providing template correspondence and connecting with the Director of Investigations.

Director of Investigations: If you forward a request for advice to the Director of Investigations, they can respond on your behalf. Remember, written Disclosures must be forwarded to the Director as soon as possible.



THE UNIVERSITY OF BRITISH COLUMBIA
Investigations Office