

DESIGNATED OFFICER RESPONSIBILITIES

Employees have a choice about seeking advice or making disclosures under PIDA - they can opt to do either with the Office of the Ombudsperson, with their employer's DO or with their supervisor. Additionally, employees can seek advice from their employee union or employee association representative, or their legal representative.

Under PIDA, the Chief Executive must appoint at least one senior official to be a DO. DOs are responsible for responding to requests for advice, receiving disclosures and investigating disclosures of wrongdoing. The Chief Executive may appoint a different person for each task.

Designated Officers

Provide information and advice to employees and supervisors

Employees may go to a DO for advice about making a disclosure or making a reprisal complaint. It is important to document these interactions. Seeking advice is protected under PIDA and employees can make a complaint to the Ombudsperson if they experience reprisal because of it.

Employees can also request advice and make disclosures to their supervisor. Supervisors should be reminded that they must provide disclosures they receive to the DO immediately upon receipt. Supervisors may need assistance handling the requests for advice they receive from employees. When seeking assistance with handling a request for advice, supervisors should not provide a DO with identifying details about the employee. A DO can provide guidance to supervisors without knowing the identity of the employee who sought advice.

Receive disclosures from employees and supervisors

A DO may receive disclosures directly from employees or supervisors may provide a Designated Officer with disclosures they have received. Some Designated Officers may also be responsible for assessing and possibly investigating disclosures of wrongdoing. PIDA requires disclosures to be in writing. If the employee has difficulty submitting a written disclosure, a DO may assist them.

Investigate

If a DO determines an alleged wrongdoing is jurisdictional and the threshold test for wrongdoing may be met, it is time to investigate. A DO should follow their organization's internal procedures established under section 9 of PIDA. Below is a sample of section 9 procedures your organization may adapt or adopt.

Mitigate reprisal risk

DOs should familiarize themselves with the confidentiality provisions set out in section 6 of PIDA.

To mitigate reprisal risk, DOs must keep the identity of the employee who made the disclosure or requested advice confidential to the maximum extent possible. DOs must also assess the risk of reprisal to the employee and take steps to minimize or address any risks. When assessing risk, consider the employee's vulnerability in the workplace and the likelihood their identity will be known or assumed.

DOs should advise employees not to take any adverse measures against another employee whom they know or suspect has made a disclosure. Remind employees who seek advice or make a disclosure that they can make a reprisal complaint to the Ombudsperson if necessary.

Maintain confidentiality

DOs must keep the identity of the person who reported the wrongdoing or sought advice confidential to the extent possible to fulfill the purpose of PIDA, taking necessary steps to ensure that they do not inadvertently enable the identification of the discloser. For example, the DO must not provide briefings about PIDA matters to the Chief Executive or other management personnel while considering whether to investigate or when investigating a disclosure.

The identity of the person who reported wrongdoing or sought advice can generally only be shared with the employee's express written consent, or for the purposes of PIDA or another lawful purpose.

If an employee must be revealed as the source of evidence to comply with the principles of natural justice, wherever possible they should not be identified as the discloser.

Best Practices for confidentiality during investigations.

- Interview witnesses discreetly.
- Give the discloser an alias (e.g., Witness C) for all documents that may be used in interviews.
- Include the discloser in the ordinary interview process if it would be expected that everyone in the workplace would be interviewed. Do so even if they have already been interviewed.
- Tell witnesses not to discuss their interview or evidence with colleagues.

(See Topic 4.3 Confidentiality)

Reporting

At the conclusion of your investigation the DO must provide a report to your Chief Executive that includes

- Findings;
- The reasons supporting the findings, in cases where wrongdoing was found; and
- Any recommendations to address the findings.

If the investigation does not find that wrongdoing took place, the DO may make recommendations to address any other issues identified during the investigation.

DOs must also provide a summary report to the discloser and other appropriate persons. This may include those who are adversely affected by the report, such as the person alleged to have committed the wrongdoing.

Helpful tools for DOs

- [Sample PIDA section 9 procedures](#)