

Public Interest Disclosure Act (PIDA) - FAQs for NIC Employees

Introduction

At North Island College (NIC), integrity and ethics are key values that guide our operations. The **Public Interest Disclosure Act (PIDA)** is provincial legislation designed to provide a safe and confidential way for employees to report serious wrongdoing while protecting them from reprisal. NIC is committed to ensuring employees understand their rights and responsibilities under this Act and are aware of the resources available to them.

What is the Public Interest Disclosure Act (PIDA)?

PIDA is legislation enacted by the Province of British Columbia that provides a framework for employees to report specific kinds of improper activity, referred to in the Act as **Wrongdoing**, while receiving protection from reprisal. It came into effect for NIC employees in June 2024.

Who does the Act apply to?

The Act applies to all current and former employees, contractors, and Board of Governors members of North Island College. Former employees can report wrongdoing if it occurred during their employment or if they discovered the wrongdoing while still employed at NIC.

What is “wrongdoing”?

Under PIDA, "Wrongdoing" refers to specific, serious types of improper conduct. These include:

- **A criminal act or omission:** Activities that would constitute an offence under an enactment of B.C. or Canada.
- **Substantial danger to life, health, or safety:** Conduct that poses a specific danger to people or the environment, beyond what is normally inherent in job duties.

- **Serious misuse of public funds or assets:** The inappropriate use of NIC resources or finances.
- **Gross or systemic mismanagement:** Significant failures in management that could cause harm to the institution or public interest.
- **Directing or counseling others to commit wrongdoing:** Encouraging someone else to engage in any of the above types of misconduct.

If an employee believes the issue they want to report doesn't meet PIDA's definition of wrongdoing, they can still report it through other channels (e.g., HR, union, supervisor). Employees are encouraged to seek advice from their supervisor, a union representative, or the Ombudsperson if they are unsure how to proceed.

Examples of wrongdoing under PIDA include:

1. **Criminal Activity:** Fraud, embezzlement, or bribery involving NIC staff.
2. **Danger to Health or Safety:** Ignoring unsafe practices, like improper storage of hazardous materials.
3. **Environmental Damage:** Improper disposal of chemicals that harms the environment.
4. **Misuse of Public Funds or Assets:** Using NIC resources for personal gain.
5. **Gross Mismanagement:** Severe operational failures, like ignoring legal obligations related to finances or privacy.
6. **Encouraging Wrongdoing:** Instructing employees to commit illegal actions, such as falsifying data.
7. **Reprisal:** Retaliation against employees for reporting wrongdoing, which is prohibited under PIDA.

What is a “Designated Officer”?

North Island College (NIC) has appointed two **Designated Officers** to receive and investigate disclosures of wrongdoing under the Public Interest Disclosure Act (PIDA). These individuals ensure that disclosures are handled confidentially and investigated in accordance with the Act.

The Designated Officers for NIC are:

- **Ken Crewe**, Associate Vice President, People, Equity & Inclusion

- **Colin Fowler**, Vice President, Finance & College Services

A disclosure being delivered to a Designated Officer must be submitted by one of the following methods:

- **By Email:**
 - Ken Crewe – ken.crewe@nic.bc.ca
 - Colin Fowler – colin.fowler@nic.bc.ca

- **By Regular Mail:**

Address your disclosure to:

Attn: **Associate Vice President, People, Equity & Inclusion** or

Attn: **Vice President, Finance & College Services**

North Island College, Comox Valley Campus

2300 Ryan Road

Courtenay, BC, V9N 8N6

Employees may also contact the Designated Officers to seek advice regarding potential disclosures under PIDA.

Who can report wrongdoing under PIDA?

Any current or former NIC employee, contractor, or Board of Governors member who reasonably believes that wrongdoing has occurred or is about to occur can make a disclosure. Reports from former employees can be submitted if the wrongdoing occurred during their employment at NIC or was discovered while they were still employed.

Who can provide advice to employees under PIDA?

Employees may seek advice from their supervisor, union, the Designated Officers, a lawyer, or the Ombudsperson regarding PIDA, including before making a disclosure of wrongdoing or a reprisal complaint.

How can an employee make a disclosure of wrongdoing?

Employees or former employees can make a disclosure of wrongdoing through one of the following channels:

- Contacting their supervisor

- Contacting one of the Designated Officers (Ken Crewe or Colin Fowler)
- Submitting a disclosure directly to the BC Ombudsperson

Whenever possible, employees are encouraged to submit disclosures in writing using [NIC's Public Interest Disclosure \(Whistleblower\) Form](#) whenever possible.

Can disclosures be anonymous?

Yes, PIDA allows for anonymous disclosures. However, it is important to provide as much detail as possible. Without sufficient information, and if the Designated Officers cannot contact the discloser, the investigation may not proceed.

What if the situation is urgent?

In cases where an employee believes there is an imminent risk to life, health, safety, or the environment, PIDA allows for public disclosure under limited circumstances.

Employees should refer to [NIC's Public Interest Disclosure \(Whistleblower\) Procedures](#) to learn how to make an urgent public disclosure.

What protections does PIDA offer employees?

PIDA prohibits any form of reprisal against employees who:

- Ask for advice regarding a disclosure
- Make a disclosure of wrongdoing
- Participate in an investigation
- File a complaint of reprisal

Reprisal includes actions such as termination, demotion, disciplinary measures, or any other adverse treatment that impacts an employee's working conditions because of their involvement in reporting wrongdoing. Employees who experience reprisal can make a complaint to the BC Ombudsperson, who has the authority to investigate reprisal complaints.

How can an employee or contractor make a complaint about reprisal under PIDA?

If an employee or contractor believes they have faced reprisal for making a good faith disclosure, seeking advice, filing a reprisal complaint, or cooperating with an investigation under PIDA, they may submit a reprisal complaint to the BC Ombudsperson. The Ombudsperson is responsible for investigating and reporting on such complaints, treating them with the same confidentiality and thoroughness as any other disclosure. Reprisals are an offence under the Act, and any confirmed reprisal actions may result in penalties, including fines.

What responsibilities do supervisors have under PIDA?

Supervisors play a critical role in supporting employees under PIDA. Their responsibilities include:

- Providing advice to employees who are considering making a disclosure.
- Receiving disclosures of wrongdoing and passing them on to the Designated Officer while maintaining confidentiality.
- Protecting the identity of the employee who made the disclosure and limiting the sharing of information to only those necessary for the investigation.

Supervisors should seek guidance from the Designated Officer if they are uncertain about how to handle a disclosure or if they need assistance ensuring confidentiality and protection for employees involved.

Where to Find More Information

For more details, see [NIC's Public Interest Disclosure \(Whistleblower\) Policy](#). You can also contact NIC's Designated Officers, Ken Crewe or Colin Fowler, for advice or to make a disclosure of wrongdoing.