

The Public Interest Disclosure (Whistleblower Protection) Act: Disclosure of Wrongdoing

**Do you believe that a
serious wrongdoing
has been committed
in the provincial government?**



**Manitoba
Ombudsman**
Independent, Impartial, Fair

What can a disclosure under *The Public Interest Disclosure (Whistleblower Protection) Act* be about?

According to *The Public Interest Disclosure (Whistleblower Protection) Act* (PIDA), a disclosure can be made about a “wrongdoing”. A wrongdoing is a very serious act or omission that is:

- an act or omission that is an offence under another law
- an act or omission that creates a specific and substantial danger to the life, health or safety of persons or the environment
- gross mismanagement, including mismanagement of public funds or a public asset (government property)
- knowingly directing or advising someone to commit a wrongdoing as described above.

A wrongdoing under PIDA does not include routine operational or human resource issues.

What organizations are covered by PIDA?

- Provincial government departments
- Crown corporations (for example: Manitoba Hydro, Manitoba Public Insurance)
- Boards (for example: Workers Compensation Board, Municipal Board, Social Services Appeal Board)
- Commissions (for example: Automobile Injury Compensation Appeal Commission, Residential Tenancies Commission, Human Rights Commission)
- Child and family services authorities and agencies
- Regional health authorities
- Personal care homes
- Hospitals

Organizations covered by PIDA, continued

- Universities
- Colleges
- Independent offices of the Legislative Assembly (Auditor General, Chief Electoral Officer, Children’s Advocate)
- Some other organizations that receive at least 50% of their operating costs from government funds.

The Public Interest Disclosure (Whistleblower Protection) Regulation, available on our website, identifies the health, education, and other public bodies to which PIDA applies.

Who can make a disclosure of wrongdoing?

Any employee or officer of any of the organizations covered by PIDA can make a disclosure of wrongdoing.

Anyone else not employed in the public service who believes that a wrongdoing has been committed or is about to be committed can also make a disclosure.

Other brochures in this series:

The Freedom of Information and Protection of Privacy Act: Access to Information and Privacy: Interested in getting access to records or concerned about the privacy of your information?

The Ombudsman Act: Fair Treatment by Government: Concerned that an action or decision of the provincial government or a municipal government has been unfair?

The Personal Health Information Act: Access to Personal Health Information and Privacy: Interested in getting access to your personal health information or concerned about the privacy of your personal health information?

Contact us

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Services disponibles en français



How do I make a disclosure if I am an employee or officer of an organization covered by PIDA?

If you are an employee or officer, a disclosure of wrongdoing can be made to one of three people:

- your supervisor
- the designated officer (each government department or other body, or office of the Legislative Assembly has one)
- the Manitoba Ombudsman

Your disclosure must include details of the wrongdoing that has been committed, or is about to be committed.

Procedures are in place to receive and manage disclosures. A disclosure will be reviewed to determine if an investigation is warranted.

The identity of a disclosing employee (the 'whistleblower') will be protected to the fullest extent possible.

How do I make a disclosure if I am NOT an employee?

If you are not an employee of one of the organizations covered by PIDA and you reasonably believe that a wrongdoing has been committed or is about to be committed, you may make a disclosure to the Manitoba Ombudsman.

Making a disclosure to the Ombudsman

The Ombudsman is an independent officer of the Legislative Assembly (the provincial politicians elected by the public). The Ombudsman is not part of any provincial government department or agency.

A disclosure to the Ombudsman must be in writing. Either write a letter to our office describing the wrongdoing or fill out the Disclosure of Wrongdoing Form available on our website or by calling our office (see "contact us").

In your disclosure, please include:

- a detailed description of the wrongdoing that you believe has occurred or is about to occur
- the name of the person or persons who committed or are about to commit the wrongdoing (identify the department or other public body, and the person's position)
- information about any other attempts to disclose the wrongdoing, including who received the disclosure and the outcome
- your full name, address and phone number where you can be contacted

If you have questions about how to make a disclosure, contact us at 204.982.9130 or toll free at 1.800.665.0531.

What happens after I make a disclosure to the Ombudsman?

We will:

- contact you to discuss your disclosure
- review your disclosure to determine if the action you are disclosing falls within the definition of wrongdoing under PIDA
- investigate your disclosure to see if a wrongdoing has occurred
- contact the department, other government body or Legislative Assembly office about your disclosure
- keep your identity confidential, to the fullest extent possible
- report our findings and any recommendations about the disclosure or wrongdoing
- provide the report to you and to the chief executive of the department, other government body, or Legislative Assembly office

The Ombudsman is not required to investigate a disclosure or may cease an investigation if:

- the subject matter could more appropriately be dealt with under another Act
- the matter could more appropriately be dealt with under an employment agreement or a collective agreement
- so much time has passed between when the wrongdoing occurred and when the disclosure was made that investigating it would not serve a useful purpose
- adequate details about the wrongdoing are not provided
- or if there is another valid reason for not investigating the disclosure

How am I protected from reprisal if I am an employee or officer of an organization covered by PIDA?

Under PIDA, employees who in good faith make a disclosure, ask for advice about disclosures, or cooperate in an investigation are protected from reprisal. Reprisal could include a disciplinary measure, a demotion, termination of employment, or any other measure that adversely affects working conditions.

If reprisal has occurred, an employee or officer can file a written complaint with the Manitoba Labour Board.

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