

10 things to know about the Public Interest Disclosure (Whistleblower Protection) Act (PIDA)

1

A disclosure can be made about a “wrongdoing” in the public service. A wrongdoing is a very serious act or omission that is defined by PIDA as:

- 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)

PIDA also includes “knowingly directing or counselling a person to commit a wrongdoing” as a wrongdoing.

2

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

- your supervisor
- the designated officer for your organization (each public body covered by PIDA has a designated officer)
- Manitoba Ombudsman

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Designated officers and supervisors have access to procedures and sample templates to assist them with the development of their own internal procedures to appropriately deal with disclosures of wrongdoing. The establishment of such procedures is a requirement of PIDA. Useful templates and information in this regard can be found on the Civil Service Commission’s website at: www.gov.mb.ca/csc/whistle/index.html

4

In addition to public servants, any non-public servant who believes that a wrongdoing has been committed or is about to be committed in the public service can make a disclosure to Manitoba Ombudsman.

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PIDA requires that disclosures be made in writing. However, if you would like to discuss your disclosure prior to putting it in writing, you may choose to initially seek advice and discuss it with your designated officer or with staff at Manitoba Ombudsman.

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If you contact Manitoba Ombudsman to inquire about submitting a disclosure or to request additional information about PIDA, you will not be required to disclose your name. However, we recommend that you include your name and contact information when submitting a written disclosure of wrongdoing. If you do not submit your name and contact information, we may be unable to clarify details of your allegations and consequently may be unable to properly investigate your complaint.

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A written disclosure must include:

- a description of the wrongdoing
- the name of the person or persons alleged to have committed the wrongdoing, or be about to commit the wrongdoing
- the date of the wrongdoing
- whether the wrongdoing has already been disclosed and a response received

To make a disclosure to Manitoba Ombudsman, visit our website and use our secure online form or a fillable/printable PDF form. Print forms are also available by contacting our office.

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It is an offence for any person to take a reprisal against an employee, or direct that one be taken against an employee, because the employee has, in good faith:

- sought advice about making a disclosure
- made a disclosure, or
- cooperated in an investigation under PIDA

If you believe that a reprisal has been taken against you, you may make a complaint to Manitoba Ombudsman by using our secure online form or a fillable/printable PDF form.

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What is a reprisal? “Reprisal” refers to any of the following measures that could be taken against the person coming forward with a disclosure:

- a disciplinary measure
- a demotion
- termination of employment (being fired)
- any measure that adversely affects employment or working conditions
- a threat to take any of the above measures

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We recognize that stepping forward to speak about a wrongdoing requires quite a bit of courage and can be daunting for some. If you have questions about PIDA, PIDA investigation procedures, or if you want more information about how to come forward with a disclosure of wrongdoing or a complaint of reprisal, you may contact Manitoba Ombudsman at 1-800-665-0531 or ombudsman@ombudsman.mb.ca. Your name will be kept confidential.