

**Regulations Respecting Public Interest Disclosure of Wrongdoing
made under Section 36 of Chapter 42 of the Acts of 2010, the *Public Interest
Disclosure of Wrongdoing Act***

Citation

1 These regulations may be cited as the *Public Interest Disclosure of Wrongdoing Regulations*.

Definitions for Act and regulations

2 (1) In these regulations, “Act” means the *Public Interest Disclosure of Wrongdoing Act*.

(2) In the Act and these regulations,
“gross mismanagement” means an act or omission that is

(i) deliberate, and

(ii) shows a reckless or wilful disregard for the efficient management of significant government resources;

“senior official” means an employee who is employed at or above the classification level of director or its equivalent.

Prescribed medical officer

3 The Office of the Chief Medical Officer of Health is prescribed as the medical officer for the purpose of clause 8 (1)(a) of the Act.

Supervisor to forward disclosure to designated officer

4 A supervisor who receives a disclosure under clause 6(a) of the Act must forward the disclosure immediately to the designated officer for the supervisor's government body.

Assessment of disclosure by designated officer

5 (1) No later than the 20th working day after a disclosure is received, a designated officer who receives a disclosure from an employee under clause 6(b) of the Act or from a supervisor under Section 4 must assess the disclosure and take the appropriate required action in accordance with this Section.

(2) A designated officer must first determine whether a disclosure pertains to the government body of the employee who made the disclosure, and if the designated officer determines that the disclosure relates to another government body, the designated officer must refer the matter to the designated officer of the government body.

(3) A designated officer must determine whether responding to a disclosure

would create a conflict of interest for the designated officer or their deputy head, and if the designated officer determines that a conflict of interest exists, the designated officer must refer the disclosure to the Ombudsman.

(4) If a designated officer does not refer a disclosure to another government body or the Ombudsman under subsections (2) or (3), then the designated officer must assess the disclosure to determine whether both of the following apply:

(a) the matter disclosed meets the definition of wrongdoing;

(b) the disclosure was made in good faith.

Investigation of disclosure by designated officer

6 (1) If a designated officer determines that clauses 5(4)(a) and (b) apply to a disclosure, the designated officer must proceed with an investigation into the disclosure.

(2) A designated officer must manage an investigation using any resources that are required based on the nature of the disclosure.

(3) A designated officer who is not a deputy head must inform their deputy head that an investigation is to take place.

(4) An investigation must be completed no later than the 60th working day after the investigation began, unless both the employee who made the disclosure and the designated officer agree to extend the deadline.

Report on investigation by designated officer

7 (1) No later than the 30th working day after the date an investigation is completed, the designated officer or, if the investigator is someone other than the designated officer, the investigator, must

(a) prepare a report of the investigation; and

(b) if the investigator is not a deputy head, send the report to the deputy head of the government body that the disclosure pertains to.

(2) If an investigation into a disclosure results in a finding of wrongdoing, the report prepared under subsection (1) must include 1 of the following:

(a) recommendations for corrective actions to be taken in relation to the wrongdoing;

(b) reasons why no corrective actions are required.

(3) If recommendations for corrective actions are given under clause (2)(a), the designated officer may request that their deputy head notify them of any steps taken in response to the recommendations.

Information to be provided to employee and alleged wrongdoer

8 A designated officer must provide all of the following information related to the outcome of an investigation as follows:

- (a) any information respecting the report that the designated officer considers appropriate, to the disclosing employee;
- (b) the outcome of the investigation, to any alleged wrongdoer named in the disclosure.

Ombudsman's notice of investigation of disclosure made by employee

9 The Ombudsman must notify all of the following in writing before conducting an investigation of a disclosure under the Act:

- (a) the deputy head of the government body that the disclosure pertains to;
- (b) if the alleged wrongdoer is a deputy head, the deputy minister to the Premier
- (c) the employee who made the disclosure;
- (d) the alleged wrongdoer.

Statement of outcome from Ombudsman

10 For the purposes of subsection 26(3) of the Act, a statement of the outcome of the investigation provided to an employee must include a summary of investigative findings and any recommended corrective actions to be taken.

Identities kept confidential

11 Except as is required to administer the Act and these regulations, a person must not reveal information related to any of the following:

- (a) the identity of a person making a disclosure;
- (b) the identity of a person alleged to have committed a wrongdoing;
- (c) the identity of a person who provides information related to a disclosure.