

2021-03 April 21, 2021

By E-mail: Two Pages plus Attachment

Public Interest Disclosure Act: Policy Toolkit

Further to our previous correspondence, attached please find the BCPSEA *Public Interest Disclosure Act*: Policy Toolkit.

Background

The *Public Interest Disclosure Act* (PIDA) came into force on December 1, 2019. The intended purpose of the PIDA is to establish “whistleblower” protection for employees in the broader public sector.

At present, the PIDA applies only to ministries of the provincial government and to independent offices of the legislature. **The PIDA does not currently apply to school districts.**

The provincial government has publicly committed to expanding the coverage of the PIDA beyond the public service and offices of the legislature by 2024.

Flowing from that commitment, in September 2020, BCPSEA was contacted by the Ministry of Attorney General (AG) and asked to canvass school districts to determine the K-12 public education sector’s capacity to be brought under the PIDA by December 31, 2021, as part of the next phase of expanding coverage in the public sector.

School districts advised BCPSEA that, with assistance, they believed they would be able to develop and implement the policy, procedures, and structures required to comply with the PIDA by December 31, 2021.

Anticipated Expansion of the PIDA to the K-12 Public Education Sector

Due to the COVID-19 pandemic, the next phase of expansion of the PIDA to other sectors, including the K-12 public education sector, has been delayed. The regulations have not yet been passed to set the timeline for the PIDA to apply to the sector.

However, in order to assist school districts to be prepared to come into compliance with the PIDA as early as December 31, 2021, which is the timeline put forward by the AG, BCPSEA committed to work with legal counsel to provide school districts with template documentation that meets the requirements of the legislation.

The Policy Toolkit

Arising from our work with external legal counsel, this Toolkit includes:

- Frequently Asked Questions: What You Need to Know About the *Public Interest Disclosure Act*
- Template Policy

- Template Administrative Procedures
- Template Annual Report, which is required to be filed by the Superintendent.

On April 15, 2021, the provincial government introduced proposed amendments to the PIDA in Bill 2 – 2021, Public Interest Disclosure Amendment Act. The [provincial government news release](#) announcing introduction of the amendments states that the purpose is “... to provide greater clarity for government employees who report serious wrongdoings under the act.”

Please note that this Toolkit is inclusive of these proposed amendments to the PIDA, given that legal counsel believes it is unlikely that the amendments will change as the Bill makes it way through the legislature.

BCPSEA will update and re-distribute this Toolkit should any further legislative changes be made that impact the template policy and/or procedures.

Next Steps

The Chief Executive (in the case of school districts, the Superintendent) of every public body brought under the PIDA is required to take the following steps to prepare for implementation:

- ensure that information about the Act and the procedures for making a disclosure are communicated to their employees (PIDA section 4);
- establish procedures to manage disclosures by employees (PIDA section 9); and
- designate at least one senior official to be a designated officer to receive and investigate disclosures by employees in the organization (PIDA section 10 (1)).

This Toolkit will assist districts to meet those requirements. To further assist Superintendents in meeting the legislative requirements, in conjunction with legal counsel, **BCPSEA is developing a training webinar and supporting materials that will be available online, so that the training requirement for school district employees can be met conveniently, consistently, and comprehensively.** Information on how to access the training will be provided later this year once finalized.

Some school districts may already have whistleblower or safe disclosure policies and procedures, which may only need relatively minor amendments to comply with the PIDA. Districts will want to review any such policies and administrative procedures in the context of the template materials in the Toolkit.

Districts that do not as yet have policies and procedures in place to meet the requirements of the PIDA will want to commence the process to review the template materials and finalize the required policy and procedures to be prepared to come into compliance with the PIDA when it is extended to the K-12 public education sector. **As previously referenced, the anticipated date for readiness is December 31, 2021. We will advise districts as soon as we receive further information regarding this anticipated timeline.**

Questions

If you have any questions about this Toolkit, please contact Deborah Stewart, Executive Director, Corporate Services and Communications (604 730 4506; deborahs@bcpsea.bc.ca).

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