



Yukon
Public Interest
Disclosure
Commissioner

Your ability to
disclose the wrong.
Protected.



Protecting Disclosures made in the Public Interest

As an employee of a public entity you are responsible to maintain the highest possible standards of honesty, integrity and accountability. To build on the protections already in place in Yukon to uphold this standard, the *Public Interest Disclosure of Wrongdoing Act* (PIDWA) was proclaimed on June 15, 2015.

What is the purpose of the PIDWA?

The PIDWA enables employees in public entities to disclose wrongdoings or potential wrongdoings in their workplace and ensures their protection against reprisal. All persons employed by or are under a contract of employment with a public entity or who have been reprised against and terminated by a public entity are considered “employees” under the PIDWA.

Public entities include:

- Yukon government departments;
- Legislative Assembly Office;
- Offices of the Chief Electoral Officer and Child and Youth Advocate;
- Workers’ Compensation Health and Safety Board;
- Yukon College;
- Yukon Development, Energy, Hospital, Housing, and Liquor Corporations.

What is a wrongdoing?

The PIDWA defines a wrongdoing as:

- a contravention of a Yukon or federal law;
- an act or omission that creates a substantial and specific danger to the life, health or safety of individuals or to the environment;
- gross mismanagement of public funds or a public asset; or
- knowingly directing or counselling an individual to commit a wrongdoing.

What protection does the PIDWA provide?

The PIDWA protects employees from reprisal in public entities who disclose wrongdoings in the public interest. The identity of the person making a disclosure is protected to the fullest extent possible.

What is a reprisal?

A reprisal is discipline, demotion, termination, adversely affecting employment or working conditions, or threats to do these things to an employee who *in good faith* made a disclosure, sought advice about making a disclosure, cooperated in an investigation under the PIDWA, or declined to participate in a wrongdoing.

A person found guilty of committing a reprisal is subject to a fine up to \$10,000.

How do I make a disclosure?

You can make a disclosure to a supervisor, the Public Interest Disclosure Commissioner or to your designated officer. See www.yukonpidc.ca/officers for public entities with designated officers.

The Public Interest Disclosure Commissioner can investigate a disclosure if:

- the public entity does not have a designated officer;
- you made a disclosure to the designated officer, the final decision was issued and you are unsatisfied with the decision made or action taken, or an unreasonable amount of time has passed and the investigation is incomplete;
- the disclosure involves the public entity’s chief executive or designated officer; or
- it would be inappropriate in the circumstances to require that you make the disclosure to the designated officer.

You can seek advice from the Public Interest Disclosure Commissioner prior to making a disclosure.

When can I make a reprisal complaint?

You can make a reprisal complaint to the Public Interest Disclosure Commissioner unless you have made the same complaint under a Yukon or federal law procedure, collective agreement, employment agreement, or public entity policy.



What can the Public Interest Disclosure Commissioner do?

The Public Interest Disclosure Commissioner is an independent officer of the Legislative Assembly who has authority to:

- investigate disclosures of wrongdoing and reprisal complaints;
- make findings about whether a wrongdoing or reprisal occurred;
- make recommendations to remedy a wrongdoing or reprisal;
- issue a report to the public entity setting out the findings and recommendations;
- for wrongdoing investigations
 - make recommendations including timelines for their implementation; and
 - notify a Minister and Board Chair if the recommendations are not implemented;
- for a reprisal investigation, if the recommendations are not accepted, refer the complaint to an arbitrator who has authority to issue binding orders.

Under the PIDWA, the Public Interest Disclosure Commissioner also has authority to review and comment on procedures established by public entities to manage disclosures and can provide employees with advice about making a wrongdoing disclosure.

To learn more about the PIDWA, visit our website at www.yukonpidc.ca where you will find more detailed information in our PIDWA FAQs. Additional PIDWA resources are also available on our website.

For information about making a disclosure or a reprisal complaint, contact us at:

Office of the Public Interest Disclosure Commissioner

Suite 201, 211 Hawkins Street

Whitehorse, Yukon Y1A 1X3

Phone: 867-667-8468 or

Toll free at 1-800-661-0408 ext. 8468



Multiple mandates:

In Yukon, the Public Interest Disclosure Commissioner is also the Ombudsman and the Information and Privacy Commissioner.