



FPCC Public Interest Disclosure Policy

Date: November 30, 2022

1. Purpose

FPCC is committed to maintaining high ethical standards and legitimate business practices and wishes to encourage the identification and prevention of any wrongdoing that may affect this commitment.

The purpose of this policy is:

- a) to provide employees with a process whereby employees may disclose any knowledge of actual or intended wrongdoing which may be unethical, illegal or fraudulent; and

if required, refuse to carry out any order or direction which is illegal or unethical and which is given by an individual who has direct or indirect control over the employee's employment and;
- b) to advise employees who provide such disclosures, and are acting in good faith, and on the basis or reasonable belief, with protection from any form of retaliation or threat of retaliation when they do provide such disclosure; and
- c) to meet FPCCs' responsibilities under the *Public Interest Disclosure Act of British Columbia (PIDA)*

2. Scope

This policy applies to all employees and former employees of FPCC.

This policy does not apply to complaints or issues related to employment, respect in the workplace or safety issues. Such issues should be handled through the employee's Manager, People and Culture Manager or Joint Occupational Health & Safety (JOHS) Committee and be dealt with under other policies.

3. Definitions

"Act" or "PIDA" the *Public Interest Disclosure Act*

"Wrongdoing" wrongdoing as defined in section 7(1) of the Act

“Designated Officer” means the Director of Finance and the People and Culture Manager

“CEO” the most Chief Operating Officer an employee as set out in FPCC organizational chart.

“Employee” any current or former employee of FPCC.

“Discloser” an employee or former employee of the **FPCC** who makes a disclosure of wrongdoing or seeks advice about making a disclosure under the Act

“Disclosure” a disclosure made by a discloser in accordance with the Act

“Public Body” a ministry, office or government body as defined in the Act

“Reprisal” reprisal as defined in section 31(1) of the Act

“Respondent” a person alleged or found to have committed wrongdoing

“Lawful authority” any policy or law enforcement agency with respect to an offence within its power to investigate;

or

Any person whose duties include the enforcement of provincial or federal law within their power to investigate.

“Manager” for each employee the person to whom they report on the FPCC organizational chart.

4. Responsibilities

4.1 Employee

- An employee, acting in good faith and on the basis of reasonable belief, has a duty to report actual, suspected or potential incidents of wrongdoing and to co-operate with any investigation by the Designated Officer, their Manager, the CEO, or lawful authorities into such allegations.
- To protect the reputation of colleagues with respect to unproven allegations an employee is responsible for maintaining confidentiality while the Designated Officer or Ombudsperson addresses their disclosure except where required by law, or where an employee’s safety or public safety is imminently threatened.

- The employee is not expected to prove the truth of an allegation; however, the employee should be able to demonstrate to the Designated Officer that the report is being made in good faith.

4.2 Managers

- Receiving any disclosures of wrongdoing from employees or clients in confidence, and for immediately forwarding such reports to the Designated Officer.
- Co-operating with an investigation into misconduct; and fostering a work environment which encourages open communication, ethical behaviour, adherence to laws and adherence to FPCC policy.

4.3 Designated Officer

Providing guidance

- Providing advice about the *PIDA* and this policy
- Directing employees to additional resources and options for making a disclosure.

Receiving disclosures and mitigating risk of reprisal

- Receiving disclosures of wrongdoing, alleged wrongdoing or anticipated wrongdoing in confidence.
- Reviewing the disclosure form or providing assistance with completing the form where a barrier exists to the employee in doing so independently
- Mitigating reprisal risk by protecting the identity of the employee who made the disclosure.

Acting on Disclosures and Communicating Outcomes

- Following the procedures in this policy and as outlined in *PIDA*
- Communicating outcomes as prescribed in the *PIDA*

4.4 CEO

The CEO is responsible for:

- Ensuring Information about PIDA is available to employees, and procedures clearly outline how to request advice or make a disclosure or a complaint about reprisal under *PIDA*
- Notifying the Board of findings of wrongdoing and subsequent recommendations.
- Notifying appropriate lawful authorities as required.

5. Procedures

5.1 Requests for Advice

5.1.1 An employee who is considering making a disclosure under PIDA may seek advice about doing so from:

- (a) a lawyer;
- (b) their manager;
- (c) a Designated Officer; or
- (d) the Ombudsperson.

5.1.2 The Manager or Designated Officer may require the employee to make the request for advice in writing.

5.1.3 Managers and Designated Officers will document all requests for advice received under PIDA, and maintain a written record of the advice provided.

5.1.4 Managers and Designated Officers are to clarify that a request for advice is being made under PIDA in cases where there is ambiguity.

5.1.5 Employees may wish to specify that they are requesting advice under PIDA.

5.1.6 Employees who seek advice from the people set out above are protected from reprisal under PIDA. No person can adversely affect

a person's employment or working conditions because the employee sought advice about making a disclosure.

- 5.1.7 This protection applies whether or not the employee decides to make a disclosure.

5.2 Making a Disclosure

- 5.2.1 Employees can report allegations of wrongdoing under PIDA by making a disclosure to their Manager, Designated Officer or the Ombudsperson. Allegations made to other persons are not covered by PIDA.

- 5.2.2 Employees can make disclosures of wrongdoing as defined in section 7(1) of PIDA:

This Act applies to the following wrongdoings in or relating to FPCC, including wrongdoings that occurred before the coming into force of this Act:

- (a) a **serious act or omission** that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
 - (b) an act or omission that creates a **substantial and specific danger** to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;
 - (c) a **serious misuse** of public funds or public assets;
 - (d) **gross or systemic mismanagement**;
 - (e) knowingly **directing or counselling a person to commit a wrongdoing**.
- 5.2.3 Employees can make disclosures, in good faith, about wrongdoings that they reasonably believe have occurred or are about to occur. Employees can make disclosures about wrongdoings that occurred before PIDA was in force, as long as the wrongdoing occurred or the employee learned of the wrongdoing during their employment.
- 5.2.4 If an employee makes a disclosure to their manager, the manager must forward it to a Designated Officer as soon as possible. If a Designated Officer is the subject of the allegations, the manager will

forward the disclosure to the other Designated Officer. If an alternative Designated Officer is not available, the manager may suggest the disclosure be submitted to the Ombudsperson.

5.2.5 Employees who wish to make a disclosure must do so in writing by completing the **Disclosure Form**. Disclosures must include the following information, if known:

- (a) A description of the wrongdoing;
- (b) The name(s) of the person alleged
 - (i) to have committed the wrongdoing, or
 - (ii) to be about to commit the wrongdoing;
- (c) the date(s) of the wrongdoing;
- (d) whether the information or conduct that is being disclosed relates to an obligation under another enactment and, if so, a reference to the enactment;
- (e) whether the wrongdoing has already been disclosed under PIDA or another enactment;
- (f) if paragraph (e) applies, the name of the person to whom the disclosure was made and the response, if any, that has been received.

5.2.6 Employees can also make disclosures to their Manager or a Designated Officer by email or mail. Employees are encouraged to note that they are making a public interest disclosure and to ensure that their disclosure includes the required information.

5.2.7 If an initial disclosure is not made in writing, the Designated Officer will assist the employee to document their disclosure using the **Disclosure Form**.

5.3 Anonymous Disclosures

5.3.1 Employees who wish to make a disclosure may do so anonymously. However, an anonymous disclosure cannot be considered if the Designated Officer cannot determine whether the discloser is an employee or former employee of **FPCC**.

- 5.3.2 A Designated Officer will consider anonymous disclosures only where there is a reasonable basis to believe the discloser is an employee or former employee.
- 5.3.3 Anonymous disclosers should ensure that they have provided adequate particulars about the allegations to allow the Designated Officer to assess whether the allegations warrant investigation under PIDA. Anonymous disclosers should consider providing contact information so that the Designated Officer can follow up to obtain more information about the disclosure as needed.
- 5.3.4 Employees are encouraged to bring forward their disclosures and to identify themselves in doing so. Designated Officers will provide anonymous disclosers with the following information:
- They will only share the discloser's identity with their express permission or for a lawful purpose
 - Making an anonymous disclosure does not mean that their employer or colleagues will not suspect who made the disclosure
 - PIDA provides protection from reprisal for disclosers, and the **CEO** does not tolerate retaliation against disclosers
 - Without knowing the identity of the discloser, the Designated Officer cannot conduct a reprisal risk assessment or take measures to mitigate any risk of reprisal to the employee
 - If the anonymous discloser does not provide their contact information, the Designated Officer may not have sufficient information to assess their disclosure
 - Anonymous disclosers may not receive information about the conduct of any investigation into the disclosure, including notice of the investigation and a summary of the results
- 5.3.5 If the Designated Officer is unable to establish that an employee made the disclosure, the Designated Officer will close the file.

5.4 Multiple Disclosers

- 5.4.1 If multiple disclosers come forward at the same time regarding the same alleged wrongdoing, the Designated Officer may assess and investigate the disclosures together as a single matter.

- 5.4.2 The fact that multiple disclosers have come forward about the same alleged wrongdoing will not be shared with the other disclosers. Each discloser will have protections from reprisal under PIDA and will be interviewed separately.

5.5 Public Disclosures

- 5.5.1 Section 16 of PIDA provides that an employee may make a public disclosure where they “reasonably believe that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons, or to the environment.” An employee must take the following steps prior to making an urgent public disclosure:
- (a) Consult the relevant protection official, as follows:
 - In respect of a health-related matter, the Provincial Health Officer
 - In respect of an environmental matter, Emergency Management BC
 - In any other case, the appropriate police force;
 - (b) Receive direction from the protection official about whether to make the disclosure, and if so, on what conditions; and
 - (c) Where the protection official approves the disclosure, make the disclosure in accordance with any conditions the protection official imposes.
- 5.5.2 There are a number of limits on the kind of information that an employee can share when making a public disclosure. Employees must not share information that is subject to a restriction under an enactment of BC or Canada. This means employees must not share information that they are prohibited from sharing under a statutory oath or any statute or other regulation.
- 5.5.3 In addition, PIDA does not authorize the release of information in a public disclosure that is:
- Protected by solicitor-client privilege
 - Protected by any common law rule of privilege, or
 - Subject to public interest immunity, including cabinet privilege

- 5.5.4 If the protection official directs the employee not to make the disclosure public, the employee must not make it public. The protections for employees in PIDA may not apply to employees who do not follow the protection official's advice.
- 5.5.5 Immediately after making the disclosure public, the employee must advise their Manager or Designated Officer about the public disclosure and then make the disclosure to their manager, Designated Officer or the Ombudsperson.
- 5.5.6 If the Designated Officer investigates a disclosure following a public disclosure, they will contact the protection official to gather information regarding the steps that the protection official has taken in response to the subject matter of the disclosure. The Designated Officer will consider the information obtained when assessing whether further investigation is warranted.

5.6 Reprisal

- 5.6.1 Reprisal is prohibited under PIDA. Reprisal is defined in section 31(1) of PIDA as follows:

31 (1) A person must not take any of the following measures of reprisal against an employee, or counsel or direct that any of the following measures of reprisal be taken against an employee, by reason that the employee has, in good faith, sought advice about making a disclosure, made a disclosure or cooperated with an investigation under this Act:

- (a) a disciplinary measure;
- (b) a demotion;
- (c) a termination of employment;
- (d) any measure that adversely affects the employee's employment or working conditions;
- (e) a threat to take any of the measures referred to in paragraphs (a) to (d).

- 5.6.2 Employees are protected from reprisal when they do any of the following acts:

- (a) Seek advice about making a disclosure
- (b) Make a disclosure
- (c) Cooperate with a PIDA investigation (collectively, "Protected Acts")

- 5.6.3 Employees are protected from any person taking an adverse measure against them which impacts their employment because they did a Protected Act under PIDA. An adverse measure can include termination, suspension and demotion, as well as subtler measures like bullying, ostracizing or a workplace transfer.
- 5.6.4 No person can take a reprisal against an employee, including managers, co-workers, senior executive or alleged wrongdoers.
- 5.6.5 The Ombudsperson is responsible for investigating complaints of reprisal from public bodies under PIDA's jurisdiction. If an employee believes that a reprisal has been taken against them, they may contact the Ombudsperson's office to make a complaint.

5.7 Assessment Procedures

- 5.7.1 The Designated Officer is responsible for receiving disclosures and assessing whether they are made by an employee and meet the threshold for wrongdoing.
- 5.7.2 The Designated Officer will conduct this initial assessment prior to determining whether an investigation is warranted.

Initial Interview

- 5.7.3 The Designated Officer will confirm receipt of a disclosure to an employee within 2 business days of receipt. The Designated Officer will conduct an initial interview with a discloser as soon as possible after receipt of a disclosure. The interview, and any subsequent interviews, will be conducted in a manner and place that maintains the confidentiality of the identity of the discloser.
- 5.7.4 The purpose of the interview is to gather more information about the nature of the disclosure and to assess whether it meets the threshold for wrongdoing. The interview is also intended to inform the Designated Officer's assessment of the urgency of the matter, as well as an initial consideration of any risk of reprisal to the discloser.

Risk Assessments

- 5.7.5 The Designated Officer is responsible for conducting two types of risk assessments: an urgency assessment and a reprisal risk assessment. Both assessments will be conducted as soon as practicable. The assessments are then conducted throughout the life of a file, but in particular, as new information is received indicating the presence of a risk or when the file moves to a new phase (from assessment, to investigation, to reporting).

Urgency Assessment

- 5.7.6 The Designated Officer will assess whether the disclosure raises a matter which requires an urgent response. Urgent responses may be required where the subject matter of the disclosure indicates a serious risk to life, public health or safety, or the environment. This includes disclosures made following an urgent public disclosure unless information indicates that any serious risk has already been addressed. An urgent response may also be required where:

- The alleged wrongdoing has not occurred and there is an opportunity to intervene before it occurs
- There is a high risk that evidence will be lost or destroyed
- There is an imminent risk of significant financial harm
- There is a high risk of reprisal for the discloser

- 5.7.7 Where a matter poses a risk of significant harm to the environment or the health or safety of persons, the Designated Officer will consider whether the public interest reporting provision in section 25 of the *Freedom of Information and Protection of Privacy Act* may be applicable. Where the Designated Officer believes section 25 may apply, the Designated Officer will consult the **CEO**.

Reprisal Risk Assessment

- 5.7.8 Employees are protected from reprisal under PIDA for making a disclosure, requesting advice about making a disclosure or cooperating with a PIDA investigation.
- 5.7.9 The Designated Officer must conduct a reprisal risk assessment when they receive a disclosure. The reprisal risk assessment is intended to ensure any risks of reprisal are identified and managed to the extent possible.
- 5.7.10 The Designated Officer will use the **currently available tools from the ombudsperson** for more information about when and how to assess the risk of reprisal and how to manage that risk.

Gathering Information

- 5.7.11 The Designated Officer is responsible for reviewing the employee's disclosure form or other written submission to ensure it meets the content requirements in section 15 of PIDA.
- 5.7.12 If the content requirements are not met, the Designated Officer will identify the information that is outstanding and ask the discloser to provide that additional information, if known.
- 5.7.13 If the employee makes their disclosure verbally, the Designated Officer will require the employee to follow-up with a written disclosure, as described in paragraph 15, above.

Assessing the Disclosure

- 5.7.14 The Designated Officer will assess the disclosure to confirm the following:
 - a. the discloser is an employee or former employee of the **FPCC**;
 - b. the alleged wrongdoing occurred in or relating to a public body;
 - c. the allegations meet the threshold of wrongdoing for at least one of sections 7(1)(a) to (e); and
 - d. the disclosure is in writing and contents of the disclosure meet the requirements of section 15.

- 5.7.15 In determining whether the allegations meet the threshold for wrongdoing, the Designated Officer should consult **Practice Directive: Interpreting Wrongdoing**, which sets out the test and considerations for each type of wrongdoing.
- 5.7.16 If the Designated Officer determines that the allegations, if proven, would meet the threshold of wrongdoing, the Designated Officer will also consider whether there is a reasonable basis to support an investigation. The Designated Officer will assess whether the discloser has provided some evidence that could support a conclusion that the alleged wrongdoing occurred. Mere speculation on the part of the discloser without any evidentiary support does not suffice.

Deciding Whether to Investigate

- 5.7.17 Once the assessment of a disclosure is complete, the Designated Officer must determine whether or not to investigate. The Designated Officer will decide whether to investigate within 30 days of receipt of the disclosure.
- 5.7.18 If the Designated Officer concludes that the assessment will require more than 30 days, they will notify the CEO of the delay, reasons for the delay, and the expected date on which the assessment will be complete and a decision made.

No Investigation

- 5.7.19 If the disclosure is not made by an employee or former employee, or if the wrongdoing alleged does not relate to a public body, the Designated Officer must refuse to investigate under PIDA.
- 5.7.20 If the disclosure does not meet the threshold for wrongdoing under section 7, or there is no reasonable basis to support an investigation, the Designated Officer must refuse to investigate under PIDA.

- 5.7.21 Where the disclosure meets the assessment criteria, the Designated Officer must consider whether they are prohibited from investigating under PIDA.
- 5.7.22 The Designated Officer is prohibited from investigating if the disclosure relates primarily to:
- (a) a dispute between an employee and the **FPCC** respecting their employment;
 - (b) a matter relating to law enforcement;
 - (c) a matter relating to the prosecution of an offence; or
 - (d) an adjudicative function of a court, tribunal or other statutory decision maker, including a decision, or the processes or deliberations that have led to or may lead to a decision, by the court, tribunal or other statutory decision maker.

If any of the above circumstances apply, the Designated Officer must not investigate the disclosure.

- 5.7.23 If the Designated Officer determines they are not prohibited from investigating, they will consider whether they should exercise their discretion to refuse to investigate applying the following discretionary considerations:
- (a) The disclosure does not provide sufficient details or particulars about the wrongdoing;
 - (b) The disclosure is frivolous or vexatious;
 - (c) The disclosure was not made in good faith;
 - (d) The investigation of the disclosure would serve no useful purpose or could not be reasonably conducted because the length of time that has passed between the date of when the subject matter of the disclosure arose and the date of the disclosure.
 - (e) The disclosure relates solely to a public policy decision;
 - (f) The disclosure has been referred to another appropriate authority for investigation; or
 - (g) The disclosure has already been or is being appropriately investigated.

- 5.7.24 The Designated Officer may seek additional sources of information to assist in determining whether or not an investigation is appropriate.
- 5.7.25 The Designated Officer will notify the discloser of a decision not to investigate the disclosure, and will provide reasons for their decision in writing.
- 5.7.26 Where the Designated Officer decides not to investigate, the Designated Officer will consider whether there are other mechanisms available for addressing the discloser's concerns, and provide that information to the discloser as appropriate.

Referral to the Ombudsperson

- 5.7.27 Where the Designated Officer determines that the disclosure is eligible for investigation under PIDA, the Designated Officer will consider whether the disclosure, in whole or in part, would be more appropriately investigated by the Ombudsperson. In assessing whether to refer a disclosure to the Ombudsperson, the Designated Officer will consider:
- the level and position of the alleged wrongdoer(s)
 - potential conflicts of interest or perceptions of conflict
 - the likelihood of voluntary compliance of witnesses
 - whether the disclosure involves sensitive political or social issues
 - implications to the public interest
 - the risk of reprisal to the discloser
 - any other relevant factors that arise on the facts of the case
- 5.7.28 The Designated Officer will consult with the **CEO** prior to referring a disclosure to the Ombudsperson, and make the referral at the direction of the CEO, unless the disclosure is about the CEO.
- 5.7.29 The Designated Officer will always refer disclosures involving the CEO to the Ombudsperson.
- 5.7.30 The Designated Officer will inform the discloser in writing of a referral to the Ombudsperson.

Report to Law Enforcement

- 5.7.31 The Designated Officer may report an alleged offence relating to a request for advice, a disclosure or a reprisal complaint under the Act to a law enforcement agency if they have reason to believe an offence may have been committed. The offence may be reported regardless of whether the disclosure is determined to meet the threshold for wrongdoing or whether the Designated Officer decides to investigate the allegations. In assessing whether to make a report, the Designated Officer will consider the seriousness of the allegations and whether the alleged offence may be a criminal offence.
- 5.7.32 The victim of any alleged offence will be consulted prior to a report being made, unless consultation poses health and/or safety concerns. Designated Officers may also wish to consider concerns about reporting to law enforcement in cases where persons involved belong to communities or groups that have historically been overpoliced.
- 5.7.33 The Designated Officer will not report an offence without first consulting the **CEO**, unless the **CEO** is implicated in the alleged offence.
- 5.7.34 The Designated Officer will provide no more information to law enforcement than is necessary to make the report.

Postponing or Suspending an Investigation

- 5.7.35 The Designated Officer may postpone or suspend an investigation if they:
- (a) report an alleged offence to law enforcement prior to, or during an investigation;
 - (b) consider that investigation may compromise another investigation; or
 - (c) become aware that the alleged wrongdoing being investigated is also being investigated in the prosecution of an offence.

- 5.7.36 The Designated Officer must consult with the **CEO** prior to postponing or suspending an investigation, unless the **CEO** is implicated in the wrongdoing.
- 5.7.37 The discloser must be notified of the decision to postpone or suspend an investigation, unless the Designated Officer considers that the notification would compromise another investigation.

5.8 Investigation Procedures

- 5.8.1 If the Designated Officer decides a disclosure warrants investigation under PIDA, the Designated Officer must investigate in accordance with these procedures, and in accordance with the principles of procedural fairness and natural justice.

Notifying Parties

5.8.2 Notice to Discloser

The Designated Officer must notify the discloser of the decision to investigate. The notification may be brief and may be provided orally or in writing. The notification will include the scope of the investigation. If only part of the disclosure will be investigated, the Designated Officer will provide the discloser reasons for their decision not to investigate the remaining portions of the disclosure.

5.8.3 Notice to CEO

Generally, the Designated Officer will provide notice to the **CEO** of the decision to investigate. Notice may be delayed until an appropriate time if the Designated Officer considers that notification may compromise the investigation or expose the discloser to reprisal.

If the **CEO** is alleged to be responsible for the wrongdoing, the Designated Officer will notify the chair of the board of directors, or an executive officer or a person occupying a comparable position with respect to **FPCC**, and the minister responsible, if applicable.

5.8.4 Notice to Respondents

The Designated Officer will notify any respondents that their conduct is the subject of an investigation at an appropriate time, taking into account the need to protect the integrity of the

investigation and the respondents' rights to procedural fairness. Respondents will in all cases receive notice of the allegations prior to being interviewed.

Requiring Another Body to Suspend or Postpone an Investigation

- 5.8.5 PIDA does not limit the authority of a public body to undertake other investigations while a Designated Officer investigates a disclosure of wrongdoing. However, where there is *prima facie* evidence that a public body undertook an investigation in order to compromise an investigation of a disclosure under PIDA, the Designated Officer may require the public body to suspend or postpone its investigation.
- 5.8.6 The Designated Officer will not suspend or postpone another investigation without first consulting the CEO, except in circumstances where the CEO is implicated in the wrongdoing.

Maintaining Confidentiality

- 5.8.7 Designated Officers and managers may collect, use and disclose personal information for the purpose of PIDA where the personal information is included in a disclosure or is for the purpose of an investigation or report.
- 5.8.8 Information about the identity of the discloser is confidential. No person may share personal information about a discloser that could enable the identification of the discloser as the person who made the disclosure, unless
- a) The provision or use of the information is for the purposes of the Act, including as necessary to effectively manage the disclosure in accordance with PIDA and the principles of natural justice and procedural fairness;
 - b) The provision or use of the information is in connection with another lawful purpose;
 - c) The discloser has given express consent, in writing, to the release or use of the personal information; or
 - d) The personal information has previously been lawfully published.

- 5.8.9 Where necessary to effectively carry out an investigation, a Designated Officer may share that the employee who made the disclosure was a witness and a source of evidence. Wherever possible, the Designated Officer will not share or confirm that the employee made the disclosure.
- 5.8.10 The Designated Officer will explain the confidentiality provisions in the Act to the discloser.
- 5.8.11 Information and documents obtained in the disclosure process will be stored in a safe and secure manner and must be protected from unauthorized access, use and disclosure.

Obtaining Documentary and Written Evidence

- 5.8.12 The Designated Officer will seek to obtain information in the order, format and fashion that they determine is most appropriate and effective. They may contact whomever is most appropriate to obtain records related to the allegations.

Conducting Interviews

General

- 5.8.13 Interviews of disclosers, respondents and witnesses will be conducted in the order and format (i.e. in-person, telephone or video) appropriate for the circumstances. Efforts should be made to accommodate the individual's preferences and accessibility needs.
- 5.8.14 Interviewees will be provided notice of an interview date, time and place along with the general nature of the interview. Interviews may be held outside the workplace as necessary to maintain confidentiality and the integrity of the investigation.
- 5.8.15 In some cases, it may be necessary for the Designated Officer to provide the interviewee with copies of documents in advance of the interview, including where doing so will enhance the effectiveness of the interview and/or to accommodate the interviewee's needs.
- 5.8.16 The Designated Officer will remind each witness of the prohibition in section 6(3) of PIDA and explain the prohibition against reprisal in section 31(1) of PIDA.

Respondent Interviews

5.8.17 Respondents are afforded a high level of procedural fairness. They must be provided notice that they are under investigation and the opportunity to respond to the allegations against them. If documents will be discussed in an interview with a respondent, the Designated Officer will consider providing advance opportunity for the respondent to review the documents unless they have reason to believe that doing so could compromise the investigation.

5.8.18 If, during an interview of a witness, the Designated Officer receives information that raises concerns that the witness may be implicated in a wrongdoing, they must stop the interview and inform the person of this concern. The person will then be treated as a respondent and provided the same level of procedural fairness provided to all respondents. The interview will be rescheduled to allow sufficient time for the person to prepare for the interview and seek advice should they choose.

Investigating Other Wrongdoings

5.8.19 If, during an investigation, the Designated Officer reasonably believes that another wrongdoing has been committed, the Designated Officer may investigate that wrongdoing. The same policies and procedures that apply to disclosures, with necessary modifications, will apply to other potential wrongdoings identified during the course of an investigation.

Discontinuing an Investigation

5.8.20 At any time after an investigation has commenced, the Designated Officer may discontinue an investigation for the reasons set out in paragraphs 55-56 above. If the Designated Officer decides not to complete an investigation after it has begun, the discloser must be notified of the decision to discontinue the investigation. Notice will be provided in writing, setting out the reasons for discontinuing the investigation.

Timelines

5.8.21 Investigations will be completed and a draft report prepared within four months from the decision to investigate. If the Designated Officer concludes that the investigation will require more than four months to complete, they must notify the CEO of the delay, reasons for the delay, and the expected date on which the investigation will be completed.

5.9 Reporting Procedures

Draft Investigation Report

- 5.9.1 Upon conclusion of gathering, reviewing and analyzing evidence, the Designated Officer will prepare a draft investigation report. The report will include the allegations, applicable laws and policies, evidence, analysis, findings and any recommendations to address findings of wrongdoing, as applicable.
- 5.9.2 Recommendations may be developed through a consultative process between the Designated Officer and the **CEO**.

Draft Report to Person(s) Adversely Affected

- 5.9.3 In accordance with the principles of procedural fairness, the Designated Officer will provide all those who may be adversely affected by any findings or recommendations in the investigation report with the opportunity to make representations before it is finalized. Representations may be provided orally or in writing.
- 5.9.4 Generally, the CEO, any respondents and other individuals who may be adversely impacted by the investigation report will be provided the opportunity to make representations. The Designated Officer may provide a copy of the draft report, excerpts of the report, or a summary of evidence and findings as the context requires.
- 5.9.5 The Designated Officer will review and consider all representations received before finalizing the investigation report.

Final Reports

- 5.9.6 The final investigation report will be provided to the **CEO**, unless the **CEO** is implicated in founded wrongdoing. If the **CEO** is implicated in founded wrongdoing, the report will be provided to the chair of the board of directors, an executive officer or a person occupying a comparable position with respect to **FPCC**.
- 5.9.7 The final investigation report must include
- (a) the findings;
 - (b) the reasons to support the findings; and
 - (c) any recommendations.

- 5.9.8 The **CEO** will consider the findings and recommendations and take corrective measures to remedy the wrongdoing and any other deficiencies identified in the report. Where the **CEO** declines to take corrective measures, they will set out the reasons for declining to do so in the annual report.
- 5.9.9 The Designated Officer will provide a summary of the investigation report to the discloser. Where practicable, the Designated Officer will also provide a summary of the report to any person alleged or found to be responsible for wrongdoing. The kind of information and level of detail contained in the summary will be decided by the Designated Officer in consultation with the **CEO**, on a case-by-case basis.

Annual Reporting

- 5.9.10 The CEO, or delegate, will report annually on all disclosures of wrongdoing received and investigated with respect to **FPCC**. The annual report must include
- (a) the number of disclosures received, including referrals of disclosures, and the number acted on and not acted on;
 - (b) the number of investigations commenced as a result of a disclosure;
 - (c) in the case of an investigation that results in a finding of wrongdoing,
 - (i) a description of the wrongdoing,
 - (ii) any recommendations, including those made by the Ombudsperson, and
 - (iii) any corrective action taken in relation to the wrongdoing or the reasons why no corrective action was taken;
 - (d) any other information prescribed by regulation.
- 5.9.11 The annual report must not include any information that would
- (a) identify the discloser;
 - (b) identify a respondent; or
 - (c) unreasonably invade a person's privacy.
- 5.9.12 The annual report will be made publicly available on the **FPCC's** website.

Appendices

A. Disclosure of Wrongdoing Form