

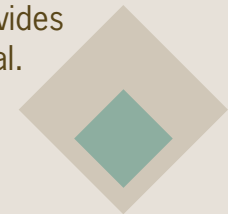


The Public Interest Disclosure (Whistleblower Protection) Act

Maintaining High Standards of Public Service Values and Ethics

The Manitoba government is committed to maintaining high standards of professional values and ethics in responding to the public service needs of Manitobans. Elected officials, senior management and employees share a common interest in ensuring the public sector operates within an environment of integrity, accountability and trust.

To build on protections already in place under other Manitoba laws, as well as existing provincial practices and processes, *The Public Interest Disclosure (Whistleblower Protection) Act* was passed into law on April 2, 2007. This law gives employees and others a clear process for disclosing concerns about significant and serious wrongdoing in the Manitoba public service and provides protection from reprisal.



What is “wrongdoing” under the law?

The following are wrongdoings under the law:

- ◆ an act or omission that is an offence under an Act or regulation (breaking the law);
- ◆ an act or omission that creates a substantial and specific danger to the life, health or safety of persons or the environment;
- ◆ gross mismanagement, including mismanaging public funds or a public asset (government property); and
- ◆ knowingly directing or advising someone to commit any wrongdoing described above.

The law provides that employees can make a disclosure if, in good faith, they reasonably believe they have information that could show a wrongdoing has been committed or is about to be committed. To be protected, a disclosure must follow the requirements of the law.

The law is not intended to deal with routine operational or human resource issues. There are existing procedures in place for employees to follow if they have concerns about such matters.

Who does the law apply to?

The law applies to employees and officers at all levels of provincial departments, Offices of the Legislative Assembly and government bodies. These bodies include government agencies, such as Manitoba Hydro, the Manitoba Liquor Control Commission, the Workers Compensation Board and others. Also included are regional health authorities, child and family services authorities and agencies, and any other government body that has been included by a regulation under the law.

The law also provides protection for private sector employees and contractors who disclose wrongdoings in the Manitoba public service to the Manitoba Ombudsman.

How do I make a disclosure?

Every provincial department, Office of the Legislative Assembly or government body under the law must designate a senior official (“designated officer”) to deal with disclosures. An employee can make a disclosure of wrongdoing to:

- ◆ the employee’s supervisor;
- ◆ the designated officer for the department, Office of the Legislative Assembly or government body; or
- ◆ the Manitoba Ombudsman.

An employee may ask the designated officer or the Manitoba Ombudsman for advice on making a disclosure.

A disclosure must be in writing and include specific details about the wrongdoing that has been, or is about to be, committed.

What happens after I make a disclosure?

Every provincial department, Office of the Legislative Assembly and government body must have procedures in place to receive and manage disclosures. The identity of a disclosing employee and others involved in the disclosure process, as well as the confidentiality of any information collected, will be protected to the fullest extent possible.

Every disclosure will be reviewed by the designated officer for the department, Office of

the Legislative Assembly or government body. The designated officer will determine whether an investigation will be conducted. Any investigation of a disclosure of wrongdoing under the law must ensure the principles of procedural fairness and natural justice are observed.

Provincial departments, Offices of the Legislative Assembly, government bodies and the Manitoba Ombudsman must report annually on the number and nature of disclosures of wrongdoing made to them.

What is “reprisal” under the law?

The law provides protection to employees from reprisal, which refers to taking action against an employee because that person, in good faith, asked for advice about making a disclosure, made a disclosure or co-operated in an investigation under the law. Reprisal means any of the following measures taken against an employee: a disciplinary measure, a demotion, termination of employment (being fired), any measure that adversely affects employment or working conditions, or a threat to take any of the above measures.

An employee or officer in the Manitoba public service who believes a reprisal has been taken may file a written complaint with the Manitoba Labour Board.

For more information

For more information about *The Public Interest Disclosure (Whistleblower Protection) Act*, visit the Civil Service Commission’s website at www.manitoba.ca/csc.