



PUBLIC INTEREST  
COMMISSIONER

# YOUR VOICE PROTECTED

ANNUAL REPORT 2015-16



# CONTENTS

<b>1</b>	Message from the Public Interest Commissioner
<b>3</b>	How We Work
<b>7</b>	Complaint Analysis and Advice
<b>8</b>	2015-16 Strategic Plan Update
<b>13</b>	Public Entity Profile
<b>15</b>	Wrong vs. Wrongdoing
<b>17</b>	2015-16 Case Examples
<b>23</b>	An Insider's Story
<b>25</b>	Privacy vs. Public Interest
<b>27</b>	2015-16 Annual Report Statistics
<b>29</b>	Financial Statements



# MESSAGE FROM THE PUBLIC INTEREST COMMISSIONER

Welcome to the 2015-16 edition of our annual report. The past 12 months have seen public interest disclosure continue to grow and develop in its third year in Alberta. Our focus remains on encouraging a culture that celebrates and embraces the reporting of wrongdoing throughout government and the other public entities under our jurisdiction.

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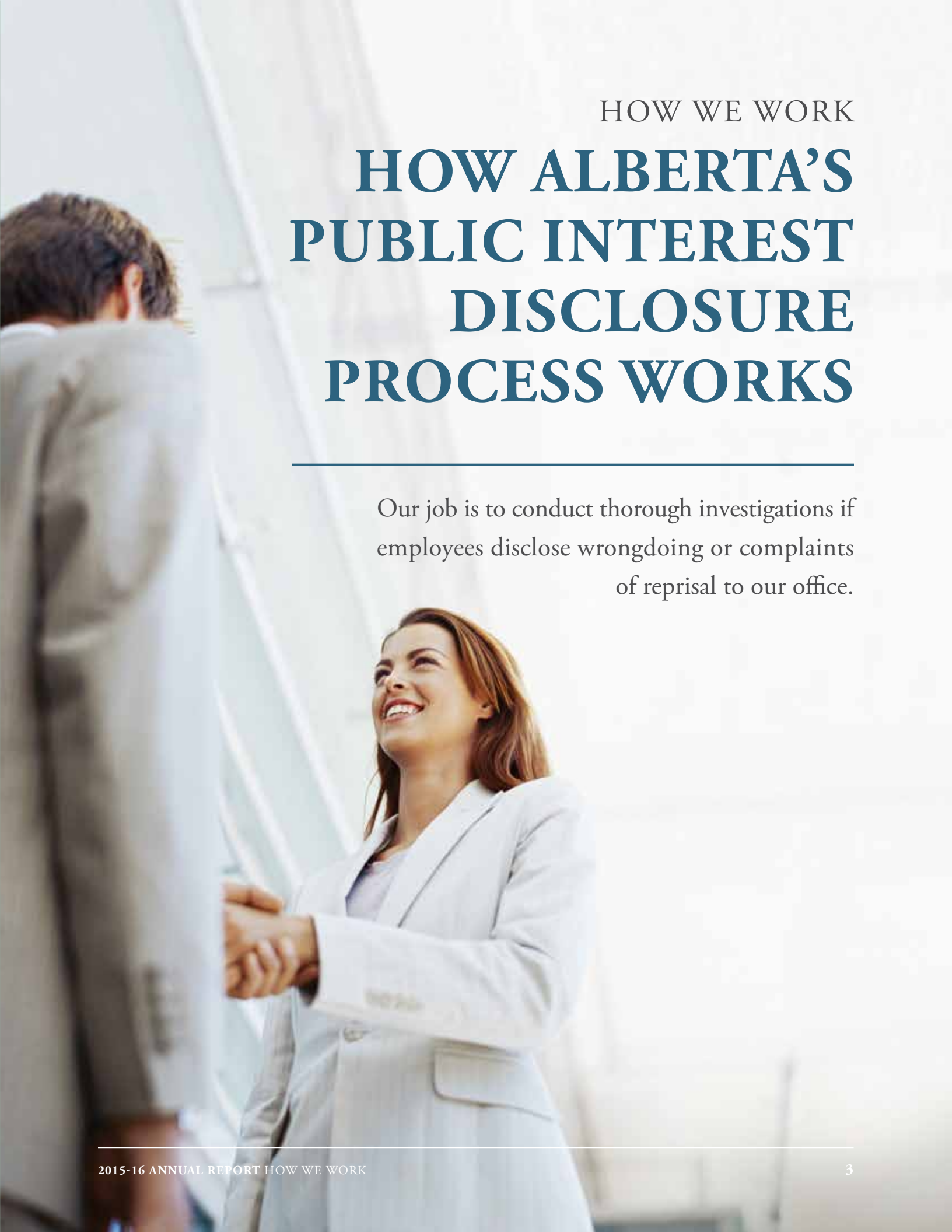
We have consistently taken the long view in approaching this goal, recognizing a culture change will not happen overnight or even over the course of a few years. By having a sound disclosure system in place and proactively educating and raising awareness about the Act and how safe disclosure works in Alberta, our office has made strides enhancing the understanding of whistleblowing. There are a multitude of examples we have encountered in recent years that are very encouraging.

As this report illustrates, our relationship with many departments and agencies continues to evolve and in many cases has improved markedly. In the early days, many Chief Officers were uncertain about the roles and responsibilities both they and our office have under the *Public Interest Disclosure (Whistleblower Protection) Act* (PIDA). Through ongoing engagement and via the normal

course of business and investigations over the past three years, we have made significant progress establishing protocols and procedures between our office and many of the entities under our jurisdiction. This results in improved information sharing and trust when we reach out to other departments, agencies, boards and commissions. At the end of the day, these improved relationships result in a stronger safe disclosure process for employees – and improved governance.

Of course there is always room for improvement. This is why one of our priorities remains continuing our education and awareness with employees and managers throughout the public sector. Since 2013, we have visited several ministries and other entities, meeting with everyone from front-line employees to managers, directors, Deputy Ministers and CEOs. In the early days of PIDA,





HOW WE WORK

# HOW ALBERTA'S PUBLIC INTEREST DISCLOSURE PROCESS WORKS

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Our job is to conduct thorough investigations if employees disclose wrongdoing or complaints of reprisal to our office.

## ABOUT THE PUBLIC INTEREST COMMISSIONER'S OFFICE

An effective public service depends on the commitment of everyone who works in it to maintain the highest possible standards of honesty, openness and accountability. The *Public Interest Disclosure (Whistleblower Protection) Act* creates a safe avenue for public servants to speak out about wrongdoings or report a reprisal.

### How our office works

The office of the Public Interest Commissioner is an independent office of the Alberta Legislative Assembly. We provide advice and investigate disclosures of wrongdoing and complaints of reprisal made by employees of jurisdictional entities, including provincial government ministries, agencies, boards and commissions.

We share some administrative and corporate services with the Alberta Ombudsman, who ensures fairness in how Alberta government departments, agencies, boards or commissions, professional organizations, and the patient concerns resolution process of Alberta Health Services operate.

Our job is to conduct thorough investigations if employees disclose wrongdoing or complaints of reprisal to our office. Our larger aim is to promote a culture within the public service that encourages employees and management to report wrongdoings in their workplace.

## ROLE OF THE COMMISSIONER

The Commissioner provides oversight of disclosures and investigations, and investigates complaints of reprisal in the public sector covered by the *Public Interest Disclosure (Whistleblower Protection) Act*, which came into force June 1, 2013.

The legislation applies to the Alberta government, provincial agencies, boards and commissions, as well as academic institutions, school authorities (including school boards, charter schools, and accredited private schools that receive grants), and public sector health organizations

(including Alberta Health Services, Carewest, Covenant Health, and the Lamont Health Care Centre). Health care professionals appointed to the medical or professional staff of a public entity, or who hold privileges with one, are also protected under the Act.

The Act also requires public entities to establish an internal process to manage and investigate reports of wrongdoing. The Act identifies a Chief Officer for every department and entity. This individual may designate a senior official to be the Designated Officer. Chief Officers are the Deputy Ministers of departments and CEO's for agencies, boards or commissions, or superintendents in the case of school boards. Designated Officers investigate and resolve: complaints by employees who report violations of provincial or federal law; acts or omissions that create a danger to the life, health or safety of individuals or environment; and gross mismanagement of public funds.

If no designation is made, the responsibility falls to the Chief Officer. Employees not satisfied with the outcome of internal investigations or who believe they were a victim of reprisal can bring their complaint to the office of the Public Interest Commissioner. Employees can also report simultaneously to the Chief Officer and the Public Interest Commissioner.

## THE PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER PROTECTION) ACT

### The purposes of the Act are to:

- Facilitate the disclosure and investigation of significant and serious matters an employee believes may be unlawful, dangerous or injurious to the public interest
- Protect employees who make a disclosure
- Manage, investigate and make recommendations respecting disclosures or wrongdoings and reprisals
- Promote public confidence in the administration of the departments, legislative offices and public entities

The regulations were approved by Cabinet on May 15, 2013.

## TIMELINES

**The regulations of the *Public Interest Disclosure (Whistleblower Protection) Act* establish the following timelines for managing disclosures:**

- Time to acknowledge receipt of disclosure:  
Five business days from date disclosure received
- Time to decide whether investigation will be conducted:  
10 business days from date disclosure is received
- Time to conduct investigation and reporting of findings:  
110 business days from date disclosure is received

## FINES

**The Act establishes strict penalties of up to \$25,000 for the first offence, and up to \$100,000 for each subsequent offence. Offences include the following:**

- Committing a reprisal (section 24 of the Act)
- Withholding information, making a false or misleading statement, or counselling or directing another person to do so (section 46 of the Act)
- Obstructing, counselling or directing another person to obstruct, any individual acting in an official capacity under this Act (section 47 of the Act)
- Destroying, mutilating, altering, falsifying, or concealing any document or thing that may be relevant to an investigation; or directing or counselling another person to do so (section 48 of the Act)

## WHAT IS A WRONGDOING?

**Wrongdoing is defined as:**

- A contravention of an act, a regulation made pursuant to an act, an act of the Parliament of Canada, or a regulation made pursuant to an act of the Parliament of Canada
- An act or omission that creates an imminent risk to the health and safety of individuals, or a specific threat to the environment
- Gross mismanagement of public funds or a public asset
- Knowingly counselling an individual to commit a wrongdoing mentioned above

While wrongdoings can focus on one issue, they are generally more complex and can involve multiple issues.

## WHAT IS A REPRISAL?

**Reprisals can take many forms, and may include:**

- A dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of work location, reduction in wages, changes in hours of work or a reprimand
- Any measure that adversely affects the employee
- A threat to make any of the previously mentioned actions

Employees are protected from reprisal under the *Public Interest Disclosure (Whistleblower Protection) Act* when they make a disclosure of wrongdoing, participate in the investigation of a disclosure, or who refuse to participate in a wrongdoing. The Act also protects employees who seek advice from the Public Interest Commissioner, or their workplace's Designated Officer.

If you feel you have been the subject of a reprisal and wish to make a complaint, you may contact the Public Interest Commissioner's office or submit a complaint of reprisal form. The Act is not intended to deal with routine operational or human resources matters. Employees should follow their organization's existing procedures to deal with those concerns.

## SEEKING ADVICE

Employees can generally recognize when something is wrong. Deciding what to do next is sometimes challenging. As a first step, we encourage you to speak confidentially with one of our investigators.

## HOW DO EMPLOYEES REPORT A WRONGDOING?

Employees can report a wrongdoing either through their Designated Officer or through the Public Interest Commissioner.

## INTERNAL

Employees are encouraged to follow their organization's internal procedures for reporting a wrongdoing. Each public entity is responsible for establishing these procedures. A Chief Officer is responsible for a public entity's compliance under the Act. The Chief Officer is essentially the person at the top of an entity's organization chart, for example, the superintendent of a school district or the CEO of Alberta Health Services.

### **A Chief Officer is responsible for:**

- Establishing internal disclosure procedures
- Appointing a Designated Officer
- Communicating with employees about the Act, and how to make a disclosure
- Receiving and implementing recommendations resulting from investigations
- Fulfilling annual reporting obligations

### **A Designated Officer is responsible for the day-to-day operation of an organization's wrongdoing disclosure process, including:**

- Receiving disclosures of wrongdoing and assessing whether or not they can investigate
- Conducting investigations into allegations
- Ensuring appropriate protection of information and writing a summary report of their findings
- Ensuring the Chief Officer is aware of investigations

## PUBLIC INTEREST COMMISSIONER

There are circumstances when an employee may wish to report an allegation of wrongdoing directly to the Public Interest Commissioner. These are:

- If an employee is considering reporting a wrongdoing to their Designated Officer, they may seek advice or information from the Public Interest Commissioner

- If an employee has disclosed an allegation of wrongdoing to their Designated Officer, and they are unhappy with the outcome or feel the matter is unresolved, employees may report the wrongdoing to the Commissioner
- If there are no internal procedures at an employee's workplace
- If employees feel there will be a reprisal against them if they report a wrongdoing
- If the Commissioner has determined an entity's procedures do not meet the necessary criteria
- If the employee's Designated or Chief Officer is alleged to be involved in the wrongdoing
- If employees believe the matter constitutes an imminent risk

### **Chief and Designated Officers**

Many public servants choose to report wrongdoings internally to their employer or organization. Designated Officers will often be the first point of contact for an employee who wishes to speak out.

Their role is to support and provide advice to the employee considering making a disclosure, and also to assess, investigate as required, and manage reports of wrongdoings.

## DEVELOPING PROCEDURAL GUIDELINES

### **Some overall responsibilities to be considered by public entities include:**

- Identifying its Chief Officer
- Designating a senior officer (Designated Officer) to administer the internal process
- Developing an internal disclosure process that meets the minimum requirements of the Act
- Training managers and staff so they're familiar with the internal disclosure process and legislation
- Ensuring internal PIDA program criteria is tracked in accordance with the Act for inclusion in the entity's annual report



# COMPLAINT ANALYSIS AND ADVICE

## A BIG PART OF WHAT WE DO

Our work begins well before an investigation starts. Analyzing and responding to complaints requires significant time and attention and is an important function of our office. Every complaint is analyzed to determine if our office has legal jurisdiction to initiate a formal investigation, and we provide sound advice on what steps the complainant should take. Analysis of complaints generally involves four parts.

### IDENTIFYING THE ISSUES

Complaints can involve a number of diverse and complex issues and are often accompanied by substantial amounts of supporting documentation. Our initial step is to conduct a thorough analysis of the complaint and supporting documentation to determine the specific issues the complainant has. This also involves speaking with the complainant and meeting with them in person when possible.

### LEARNING THE BUSINESS

There are approximately 285 public entities which currently fall under the *Public Interest Disclosure (Whistleblower Protection) Act*, all having multiple departments, branches and business units operating within. Each public entity has policies, procedures and directives, and distinct governance models. Learning about how the business unit or individual employee functions is a significant component of our analysis. This will often involve requesting documentation from public entities and speaking with employees and executives within the organization. Issues are often resolved at this point as the complaints can be determined to stem from, for example, a general misunderstanding regarding a valid business process.

### DETERMINING JURISDICTION

For the Commissioner to have legal jurisdiction to initiate a formal investigation, certain criteria must be met. The issues

must, on a *prima facie* basis, relate a wrongdoing specifically defined in the Act; the individuals or entities subject of the complaint must be a public entity to which the Act applies; the complaint must appear to be made in good faith; the complainant must have a valid reason, as defined in the Act, to by-pass their Designated Officer and make their complaint directly to the Commissioner. Often, complaints are referred back to the public entity as the Act requires disclosures initially be made to Designated Officers. This step often involves detailed statutory analysis which may include a legal review by our internal counsel.

### GIVING ADVICE

If a complaint meets the jurisdictional elements of a disclosure of wrongdoing, the Commissioner may initiate a formal investigation; however, in cases where complaints are found to be non-jurisdictional, it is imperative to satisfactorily explain to the complainant why our office does not have jurisdiction and to provide advice on what other action, if any, the complainant may consider taking. This often involves further research to determine the most appropriate authority for the complainant to address their issues.

Our office analyzed 63 complaints during the 2015-16 fiscal year. The analysis of these complaints required a substantial time commitment and supplemented available time investigative staff had while not conducting ongoing investigations into disclosures of wrongdoing and providing awareness presentations.

2015-16

# STRATEGIC PLAN UPDATE

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We have completed our third year of operations and continue to adjust and fine-tune our strategic plan. The focus and mandates of both the Public Interest Commissioner and the Alberta Ombudsman remain aligned and continue to share the foundation of ensuring administrative and procedural fairness.

Throughout 2015-16, we continued to adapt our practices and procedures to ensure we remain focused on our strategic outcomes and have in place appropriate best practices. Although our approach and responses remain fluid in these early years, some areas of significant importance have been identified. These areas require a dedicated focus to ensure we provide an effective service and uphold the public interest.

We have maintained our efforts to educate and raise awareness of the Act and our office among the public sector entities under our jurisdiction. There remains work to be done on that front. Though we have seen some improvements, awareness building remains a priority for the Public Interest Commissioner and it is a legislated requirement for Chief Officers to widely communicate PIDA processes across their entity. It is critical that public sector employees are aware of the legislation and protections offered when they raise concerns of wrongdoing.

A review of our governing legislation, the *Public Interest Disclosure (Whistleblower Protection) Act*, is underway, and we have contributed our recommendations to the Select Special Ethics and Accountability Committee charged with reviewing the Act.

As in previous years, we continue to engage with public sector employees, accept and manage complaints and disclosures, and refine and hone policies and procedures – all with an aim to establish the office as an independent and trusted source of oversight. Our strategic planning process outlines the best ways forward to achieve this in both the short- and long-term.



**Peter Hourihan**  
Public Interest Commissioner

# STRATEGIC PRIORITIES

We identified three strategic priorities for inclusion in our Strategic Business Plan. These areas are of significant importance and require a dedicated focus to ensure we are effective and add value for Albertans:

- Enhanced awareness of the Public Interest Commissioner;
  - Provide excellent service; and
  - Facilitate the legislative review.

From our strategic priorities, we developed specific goals, performance measures and targets by which to chart our progress.



# STRATEGIC PRIORITY ONE: ENHANCED AWARENESS OF THE PUBLIC INTEREST COMMISSIONER

## GOALS

Employees understand the rights and protections afforded them by the Act.

Supervisors and management understand their responsibilities as stated in the Act.

All entities included in the Act have implemented compliant internal procedures and processes.

A public sector culture exists where employees are encouraged to disclose wrongdoings and management to effectively and appropriately address the wrongdoing.

## PERFORMANCE MEASURES AND RESULTS:

		Target 2015-16	Actual 2015-16
1.a	Percentage of tracked entities with compliant procedures	80%	48%
1.b	Track website visits and electronic disclosures received via website and assess	Establish baseline figures	Baseline figure established: 20,000 unique site visits per year
1.c	Presentations/information sessions conducted	20	22

- We continue to assist Chief and Designated Officers when called upon to help meet their requirements under the Act.
- The office continues to monitor all entities included in the Act to ensure compliant internal procedures and processes are in place. This past year, our office determined more than 90 private early childhood schools are not included under the Act. This occurred following a collaborative legal analysis/opinion by government and our own legal counsel, who determined individual early childhood school operators are registered as a society under the Early Childhood Services Regulation. Societies are not included under PIDA.
- The Act places responsibility on Chief and Designated Officers to widely communicate information about PIDA to their respective employees. Through the course of outreach efforts, our office continues to find awareness levels remain minimal.
- In 2015-16, our office embarked on several employee outreach presentations and information sessions, including visits with Covenant Health staff in Lethbridge, Castor and Medicine Hat, and Government of Alberta departmental presentations in Calgary, Lethbridge and Medicine Hat.
- When possible and appropriate, various messages specific to the Public Interest Commissioner have been disseminated through our Twitter account and our website. Ongoing review and assessment of Twitter, as well as new and emerging social media tools, continues. The Commissioner's website continues to be a platform used to share and disseminate information to employees, while new innovations (including safe and secure online complaint forms, linked to an encrypted database) are also examined and implemented where possible.

# STRATEGIC PRIORITY TWO: PROVIDE EXCELLENT SERVICE

## GOALS

Investigations are timely and demonstrate the highest level of professionalism, competence and confidentiality.

Employees of the office of the Public Interest Commissioner are skilled, engaged and able to deliver on goals.

Annual reporting to the Legislative Assembly on the exercise and performance of the Commissioner's functions and duties, in accordance with the Act, is achieved.

## PERFORMANCE MEASURES AND RESULTS:

		Target 2015-16	Actual 2015-16
2.a	Investigation timeline compliance	100%	75% *
2.b	Percentage of PIC employees with a learning plan	100%	50% **
2.c	Percentage of employees who engaged in professional development opportunities	70%	75%

\* The Act allows a 110-day investigation period prior to an extension requirement. The target is to improve the investigation timeline such that investigations are completed in the initial 110 days. This will be achieved as entities gain exposure and an understanding of our investigations leading to improved cooperation and provision of documents.

\*\* During this reporting period the office of the Public Interest Commissioner lost two employees, one to retirement and another to a change of employment. This represents 30% of the unit, and new learning plans are yet to be established for replacements.

- In cooperation with the shared services of the Alberta Ombudsman's office, the Public Interest Commissioner continues to leverage resources to ensure employees and supervisors have the tools to effectively and efficiently manage disclosures of wrongdoing and complaints of reprisal. Outstanding work remains to ensure all our employees have a learning plan in place.
- Internal managerial oversight continues to track: timelines for all investigations conducted by the Commissioner, per the Act's regulations, reporting all cases where timelines were not met or extensions were required; the number of disclosures of wrongdoing reported to the Commissioner; the number of disclosures of wrongdoing reported back to the employee's public entity; and the number of complaints of reprisal reported to the Commissioner.
- We continue to collect and analyze data, including client satisfaction concerns or complaints, to effectively allocate internal resources, support and feedback. We seek to evolve methods and tactics to better serve employees and Chief and Designated Officers.
- A new case management system, implemented in summer 2014 by both offices, is a key part of managing disclosures and reprisals on the investigative and reporting side of our operations. The system continues to be honed and refined to meet our operational needs on an ongoing basis.

# STRATEGIC PRIORITY THREE: FACILITATE THE LEGISLATIVE REVIEW

In accordance with section 37 of the *Public Interest Disclosure (Whistleblower Protection) Act*, a special committee was established by the Legislative Assembly of Alberta to initiate a comprehensive review of the Act. Within one year of the establishment of this committee, a report, including any recommended amendments, must be submitted to the Legislative Assembly. This is expected to be complete by fall 2016.

## GOALS

A legislative review of the *Public Interest Disclosure (Whistleblower Protection) Act* is conducted, recommendations are approved and clarity is achieved where necessary for public sector employees and management.

## PERFORMANCE MEASURES AND RESULTS:

		Target 2015-16	Actual 2015-16
3.a	Meet with key stakeholders and identify any legislative concerns	Ongoing	Ongoing as of April 1, 2016
3.b	Collect and document recommendations relevant to the legislative review	Complete June 2015	Completed
3.c	Provide Alberta Justice and Solicitor General with feedback ahead of the legislative review	–	Completed

- Over this reporting period, the Commissioner and staff were significantly involved in preparing for the two-year legislative review, per section 37 of the Act.
- In December 2015, the office submitted a comprehensive list of recommendations, as well as a list of potential considerations to the Select Special Ethics and Accountability Committee. Meetings with the Committee were initiated in January and continued through to the end of fiscal 2015-16 and beyond.

# PUBLIC ENTITY PROFILE

## BUILDING A HEALTHY CULTURE OF DISCLOSURE AT COVENANT HEALTH

“The more that people come forward and we can problem solve and work together, the better.”



An employee who sees something wrong on the job and raises it with their managers or discloses it to our office should be encouraged and celebrated. It’s an opportunity to improve governance, right a wrong, and ultimately improve transparency and accountability.

That’s been the philosophy employed by the office of the Public Interest Commissioner since our inception in 2013. In our early days, however, not all public entities understood or embraced that concept.

But many did. And three years of investigations, analysis and interaction between our office and one of the larger public sector organizations in the province have shown that to be the case. This year, our investigators, director and the Commissioner met with Covenant Health board members, senior management and front-line employees offering educational presentations and hosting question and answer sessions. The aim was to improve knowledge and understanding of our office and the *Public Interest Disclosure (Whistleblower Protection) Act*, while improving awareness of the disclosure process as well as rights and obligations under the Act.

Disclosure of wrongdoings is not new for Covenant Health. It had a disclosure policy in place prior to 2013 and amended it to bring it into compliance with PIDA.

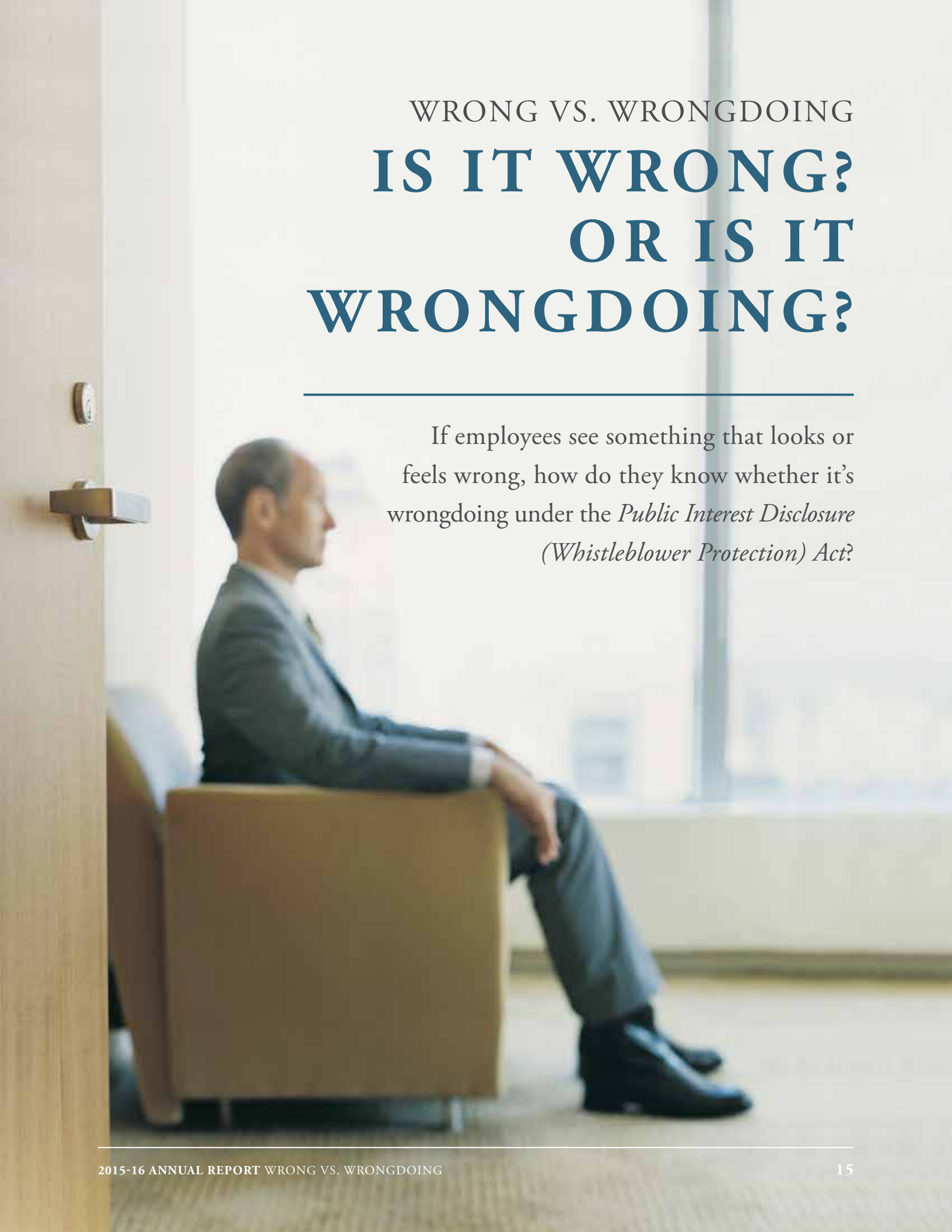
Gordon Self, the Vice President of Mission, Ethics and Spirituality at Covenant Health, agrees the relationship has evolved in a positive manner – and the face-to-face educational opportunities are the most recent example of that.

“The education helped reinforce what we also want to get across regarding safe disclosure, with the added leverage of the legislative requirements,” he said. “It’s part of our culture, but it’s also an obligation we have under legislation. So having education and exposure to our staff helped reinforce what we all desire. We have mutual goals. It helps create that desired effect.”

Covenant Health has tried to go past the minimum of compliance with the legislation, he added.





A man in a grey suit is sitting in a tan armchair, looking out a large window. The scene is brightly lit, suggesting a high-rise office environment. The man is in profile, facing right. The window shows a blurred cityscape.

# WRONG VS. WRONGDOING IS IT WRONG? OR IS IT WRONGDOING?

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If employees see something that looks or feels wrong, how do they know whether it's wrongdoing under the *Public Interest Disclosure (Whistleblower Protection) Act*?

This can be a confusing question for employees to grapple with. We know a lot of workplace issues can be handled by talking to an internal human resources officer or a supervisor. This often happens when something doesn't meet the threshold of wrongdoing, but instead is simply something that's wrong.

So, when should an employee of a public entity pick up the phone and call us?

Here's the short answer: they should call us anytime, whether they're unsure if their complaint is valid or not.

And here's the thing: most complaints are valid, whether they constitute wrongdoing or not. We can direct complainants to an appropriate authority if we do not have jurisdiction. But if we investigate and do not find wrongdoing we may provide observations to assist an entity in improving its program or process.

Our investigators can walk employees through their concerns or disclosure. If it turns out a concern should be handled by HR or another agency (perhaps a union or a professional association), we'll give you the info and direction you need.

And if it turns out your complaint or concern appears to be jurisdictional and falls under our authority, our investigative process begins and we'll start looking into your complaint.

Of course, the definition of wrongdoing is set out in the Act (see page 5 for the full definition). Put simply, the Act uses important words and phrases like "serious and substantial" or "gross mismanagement" to distinguish the type of actions or behaviour that may fall outside of what should normally occur in an organization.

This can be challenging for an employee who is debating whether or not to come forward to our office.

"We have continued to let employees know they shouldn't worry whether their complaint meets the threshold of wrongdoing under the Act," explains Peter Hourihan, the Public Interest Commissioner. "Our investigations frequently identify there was no wrongdoing but that doesn't mean everything was right. In these situations, we identify those issues to the Chief Officer with an expectation they will ensure appropriate action is taken."

If an employee is fearful of a reprisal or has received a threat of reprisal, they should report directly to our office.

"In either circumstance employees have the protection of the Act. My office is very focused and dedicated in the investigation of allegations of reprisal," says Hourihan. "Employees should be confident they will be protected."

The goal and spirit of the Act is to address and fix problems in the workplace, without reprisals being taken against an employee who has blown the whistle.

"If an organization can fix the problem, and they make every attempt to do so, then we're all delivering what people need," says Hourihan. "Employees need not worry about whether it's called a wrongdoing or not. We continue to work with organizations so they address complaints that come into our office."

Ted Miles, the Public Interest Commissioner's director, agrees.

"We are striving to shift workplace culture where employees who bring forward concerns of wrongdoing are celebrated and not frowned upon or looked at as disloyal," says Miles. "So when we observe something wrong, we often provide feedback to the entity so they can make adjustments and improve the situation. In addition, the simple act of contacting our office for advice automatically triggers protection under the Act."

In cases where an investigation does not result in a finding of wrongdoing but observations are made by the Commissioner, a failure by an entity to address those observations may result in a subsequent finding of gross mismanagement.

When the Commissioner identifies processes which are weak or where policies are being willfully circumvented and the entity takes no action to remedy these issues, a subsequent investigation could result in a finding of wrongdoing and recommendations issued by the Commissioner.

# CASE EXAMPLES

## FRAUD ALLEGATIONS INVESTIGATED AT ALBERTA HOSPITAL

A whistleblower contacted our office, concerned a manager and vendor at a provincial hospital were committing vendor fraud.

The allegation centered on an overbilling scheme involving the purchase of large quantities of cleaning chemicals. The whistleblower believed the manager and a chemical vendor had colluded in an overbilling scheme and that similar products could have been purchased at significantly lower prices.

Another allegation against the manager suggested the individual awarded another contract to the same vendor at another area hospital, despite a competitive procurement process that recommended selecting an alternate vendor. Further, the allegations claimed the vendor did not satisfy all the contract requirements.

Our investigators met with the health authority, including the Designated Officer and an auditor. Because an audit was already underway, the authority requested they finish the audit and report the findings to the Commissioner to review.

The Commissioner agreed to this proposal, and reviewed the findings of the audit report. This was beneficial, as it allowed

the audit team with the most intimate knowledge of the organization's procurement practices to efficiently review the matter and report back to us.

After this work, we found the allegations of wrongdoing were unfounded. Among our findings, we determined there was an established need for the chemicals, the vendor sold its chemicals at a consistent price, and the cost was not superficially inflated.

In addition, while similar products could have been purchased at a lower price, the selection of this particular product was a management decision based on need, performance of the product and an assessment of previous products. Finally, there was no information found indicating collusion between the hospital manager and the vendor, and procurement was compliant with the health authority's policy at the time.

Throughout our investigation, the health authority was cooperative, allowing for efficient management of this case. Just as importantly, we noted the alleged wrongdoer was also cooperative and understood the importance of this process.

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## CHOOSING THE RIGHT PATH FOR A DISCLOSURE

A concerned Alberta Health Services employee contacted our office seeking information.

After reviewing details of the allegation, our office suggested the employee contact the Designated Officer for AHS. While the health authority has an internal safe disclosure policy, our advice to this employee – and to any employee in a similar situation – is to clearly advise an internal Designated Officer their complaint is being made under the *Public Interest Disclosure (Whistleblower Protection) Act*.

This is an important distinction to make, as AHS's safe disclosure and whistleblower policy is intended to investigate complaints of improper activity, while PIDA is intended to investigate serious and significant allegations of wrongdoing and to protect employees from reprisal.

As always, our office stands ready to assist and advise employees at any stage of their disclosure – or, in this case, even prior to making a disclosure.

## MULTIPLE ALLEGATIONS INVESTIGATED AT AHS FACILITY: ONE COUNT OF WRONGDOING SUPPORTED

Alberta Health Services employees first contacted our office in late 2014 with numerous concerns regarding a program at a health facility. Many of the allegations were outside the jurisdiction of our office and were addressed through existing internal AHS complaint and grievance mechanisms.

The allegations investigated by the office of the Public Interest Commissioner included instances of improper billing, staff searches of patients, inaction by supervisors to correct previous alleged wrongdoing, and reprisal.

Following an extensive investigation, we were unable to support those allegations as wrongdoing as defined by the Act. However, we did reveal a related issue regarding the withdrawal and documentation of parental consent for adolescent mental health treatment, which we identified as wrongdoing. Recommendations and observations identified as a result of our investigation were brought to the attention of AHS's CEO to improve or make changes where required. These were accepted, and AHS developed and instituted a response plan to address the recommendations of the Commissioner.



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## TIME THEFT ALLEGATION REFERRED TO DESIGNATED OFFICER

An employee of a provincial government department contacted our office, concerned two managers were falsely reporting time and were covering for each other.

The employee was referred to their Designated Officer, though we did remind the complainant they could return the matter to our office if an investigation was not conducted, if they were dissatisfied with the outcome or if a reprisal was taken against them.

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## ANONYMOUS ALLEGATIONS PROVE TO BE NON-JURISDICTIONAL

An anonymous caller reported allegations of fraud on the part of a municipal council and public officials in a village in Alberta. The caller advised residents unsuccessfully petitioned the Minister to conduct an inquiry, and RCMP were unable to investigate the allegations without direction from the department.

Because the nature of the complaint was non-jurisdictional, our office provided alternate options to the caller to help address their concerns.

# DOCUMENT SHREDDING ALLEGATIONS LEAD TO JOINT INVESTIGATION

Shortly after the election of a new provincial government in May 2015, allegations were raised via the media that documents at the department of Environment and Sustainable Resources were being improperly disposed of at the direction of the outgoing government.

Newspaper photos (and images on social media) raised alarm bells, showing bags of shredded paper and shredding trucks parked outside the Alberta Legislative Assembly during the transition period following the May 5 election.

On May 12, our office received an anonymous disclosure of wrongdoing, and on May 13, the Public Interest Commissioner and the Office of the Information and Privacy Commissioner launched a joint investigation.

The joint investigation, the first of its kind between the two offices, resulted in key findings, including:

- The destruction of 344 boxes of executive records was in breach of the rules.
- Security arrangements were reasonable for the government's Action Request Tracking System (ARTS). Although some technical controls were in place, they were not sufficient to protect against the unauthorized destruction of master copies in ARTS.
- The lack of effective department control over active ministerial records kept at the Minister's office and managed by the former Minister's staff during the transition period. Because of this, the investigation was unable to determine whether any ministerial records were destroyed in contravention of the Records Management Regulation.
- There was no evidence records were destroyed with the intent to evade an access request.
- While there was no evidence records in ARTS were destroyed, our investigation revealed confusion due to a misunderstanding about the application of a parliamentary convention.

Ultimately, while our investigation revealed general confusion and a lack of understanding concerning the management of records in ARTS, this does not constitute wrongdoing as defined by the *Public Interest Disclosure (Whistleblower Protection) Act*. Therefore, our finding related to the allegations raised was that no wrongdoing occurred.

"The allegations of wrongdoing were unfounded under the whistleblower legislation, but there seemed to be confusion about rules during the government's transition," said Public Interest Commissioner Peter Hourihan. "Ultimately, it was the whistleblower's complaint that allowed us to initiate this investigation and provide clarity and answers on a matter of significant public interest."

**"Ultimately, it was the whistleblower's complaint that allowed us to initiate this investigation and provide clarity and answers on a matter of significant public interest."**

# WRONGDOING FOUND AFTER MANIPULATION OF PROCUREMENT PROCESS

An investigation by the Public Interest Commissioner found two managers with the Government of Alberta's department of Innovation and Advanced Education and one manager with Alberta Innovates – Technology Futures committed wrongdoing.

Between October and December 2014, the Commissioner received several disclosures of wrongdoing from a whistleblower, who alleged staff in both the department and Alberta Innovates manipulated a procurement evaluation process to ensure eight preferred individuals were top candidates for contracts with potential or real values exceeding \$100,000 each.

The investigation revealed gross mismanagement of public funds or a public asset under section 3(1)(c) of the *Public Interest Disclosure (Whistleblower Protection) Act*.

This wrongdoing occurred in seven instances when the department contracted with IT vendors, and in one instance when Alberta Innovates contracted with an IT vendor. The Commissioner's investigation also found managers with both entities knowingly directed or counselled others to commit a wrongdoing under section 3(1)(d) of the Act.

"Because a whistleblower brought concerns to our office, we were able to confirm the frequency, duration and nature of the manipulations were a clear departure from the approved process and objective of open procurement," said Peter Hourihan, the Public Interest Commissioner. "These acts undermine confidence and trust in government generally, and in procurement specifically."

"Our expectation is the department and Alberta Innovates implement appropriate changes to address these issues, including efforts to remedy a culture of acceptance surrounding these practices. Both authorities should also consider appropriate disciplinary action."

None of the employees involved acted out of personal gain, but rather to simplify the hiring process and ensure their preferred candidates were successful in the contracting process.

The Commissioner's report, released in August 2015, outlined recommendations to both entities to help ensure similar problems are not repeated, including:

- Modifying procurement policies and procedures to ensure safeguards are in place, such as:
  - Implementing detailed procedures to help employees or contracted services manage evaluation processes by validating submissions for accuracy, scoring submissions, assigning weighted values to required or desired skills and experience, and establishing minimum standards and processes once short lists are produced.
- Providing training to ensure employees understand and fulfill their responsibilities to comply with approved processes, and identifying and addressing ethical dilemmas; and
- Implementing evaluation and selection audit schedules.

The Commissioner's investigation reviewed procurement documents, trade agreements, disclosure materials, and the department and Alberta Innovates' policies and procedures. Twenty individuals were interviewed or provided information.

"We were able to confirm the frequency, duration and nature of the manipulations were a clear departure from the approved process and objective of open procurement."

## CONCERN OVER ALLEGATIONS LEADS TO EXPEDITED REVIEW

The Public Interest Commissioner received a disclosure alleging a provincial government department was failing to respond to water quality reports from treatment facilities, placing the health and safety of the public at risk.

Our office treats all allegations seriously. These allegations prompted an expedited review of the disclosure and a meeting with the whistleblower, where substantial information and supporting documentation was provided to our investigator. We determined the matter did not constitute an imminent risk to the life, health or safety of individuals. Therefore, we referred the employee to the government's Designated

Officer for review. Because the employee already spent significant time explaining the matter to our investigator, the complainant authorized the Public Interest Commissioner to forward details of the allegations in order to speed and simplify the disclosure.

Because of the nature of the allegations, we also requested the Designated Officer keep our office up to date on the status and outcome of the disclosure.

Ultimately, the matter was concluded to the satisfaction of the employee.

---

## NO WRONGDOING, BUT POOR PROCUREMENT AND IMPROPER INFLUENCE FOUND

The Public Interest Commissioner concluded an investigation into allegations against the department of Justice and Solicitor General.

It was alleged the department interfered with the Office of the Chief Medical Examiner in a manner which contravened the *Fatality Inquiries Act* and the department grossly mismanaged the procurement for services to transport deceased persons. It was also reported the former Chief Medical Examiner was reprimed against as a result of reporting wrongdoing.

Our investigation concluded the department did not commit wrongdoing as defined under the *Public Interest Disclosure (Whistleblower Protection) Act*. However, the Public Interest

Commissioner found the department's management of the procurement was poor and the process was influenced. The investigation further identified concerns with the department's management and human resources practices.

The investigation also concluded the department did not reprimand against the Chief Medical Examiner for reporting wrongdoing to the Public Interest Commissioner. In this case, the department allowed a contract of employment to expire, and there is no obligation for a department to renew a contract of employment. This case also highlighted that reporting a perceived wrongdoing internally to persons in authority is not a protected disclosure under the *Public Interest Disclosure (Whistleblower Protection) Act*.

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## COMMISSIONER UNABLE TO ACT ON ANONYMOUS DISCLOSURE

An anonymous letter was received alleging a manager within a provincial government department was improperly sole-sourcing contracts. Because limited information was provided and with no means of contacting the anonymous person, the Public Interest Commissioner was unable to take further action on the matter.

While steps are taken to ascertain and validate information, a disclosure requires adequate information that would permit a fair and effective investigation.

In cases where we receive an anonymous complaint and do not initiate an investigation, we are required to advise the Chief Officer, which we did in this case.

## WHISTLEBLOWER UNSATISFIED WITH ENTITY'S FINAL DECISION

The *Public Interest Disclosure (Whistleblower Protection) Act* allows a whistleblower to bring a disclosure of wrongdoing to the Commissioner when they are dissatisfied with the decision of an entity following an internal investigation.

In this case the allegations related to a procurement process at a public entity and a potential conflict of interest. The entity had completed an internal investigation and the finding of the Designated Officer was that no wrongdoing occurred.

Our office accepted the disclosure and conducted an additional investigation, including interviews, to confirm details and facts.

Ultimately, the finding of the Public Interest Commissioner was consistent with the decision of the entity. Our investigation revealed the whistleblower did not fully understand the rationale for the entity's decision; we were able to provide clarity for them.

This case demonstrated how a review by an independent office can assist both the whistleblower and a public entity by alleviating perceptions of bias and facilitating understanding and resolutions.

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## ALLEGATIONS SURROUNDING POST-SECONDARY EXECUTIVE DO NOT MEET THRESHOLD OF WRONGDOING



When our office receives an allegation of wrongdoing, there are occasions when that same disclosure has been brought to the attention of a public entity – and the entity is actively working to resolve the issue.

That's what occurred last year when a disclosure alleging gross mismanagement of public funds on the part of a President and CEO of a post-secondary institution was received.

That allegation was related to a construction project. Through the course of the investigation a further allegation concerning a conflict of interest surfaced.

We determined the allegation of gross mismanagement did not reach a threshold of wrongdoing and did not result from a deliberate action. As well, we were satisfied the potential conflict of interest allegation was considered by the Board of Trustees prior to the awarding of the contract and was addressed. As the institution's Board of Governors was also aware of the concerns and were dealing with potential mismanagement, the Public Interest Commissioner was confident the appropriate oversight and actions were being taken.

To alleviate employee concerns, we advised the institution to share with staff the efforts they are taking to deal with the situation.



# AN INSIDER'S STORY

# A WHISTLEBLOWER SHARES HIS EXPERIENCE

**“I can say that this office did everything in its power to protect me. That’s encouraging.”**

The whistleblower at the center of the August 27, 2015 finding of wrongdoing at the department of Innovation and Advanced Education knew he was witnessing wrongdoing.

The whistleblower reported his manager was directing the manipulation of procurement documents at the department, as well as the arms-length agency Alberta Innovates – Technology Futures. The department’s ranking system was used to rank potential vendors for contracts worth more than \$100,000 each. These assessments were entered on spreadsheets, giving each candidate an overall ranking.

“I knew it was not the right process,” said the whistleblower, whose identity is being kept anonymous as it was through the course of the Commissioner’s investigation. “It seemed like something was up. I knew it was wrong, and it was surprising to me no one had said anything about it. I know everybody wants that government contract, but you should be able to get it on merit. Not necessarily based on who you know. You want it because you can do the job, not because you know a person.”

He eventually learned about the Public Interest Commissioner’s office – thanks to one of our posters hanging on a wall in his unit’s office. The posters displayed the Commissioner’s website address. The whistleblower visited the site, learned about our office, and after consulting his local MLA, set up a meeting with our investigators.

“It was legitimately that poster that brought me to the office,” he said.

It turns out contacting the Public Interest Commissioner was the easy part. Staying with the process proved more challenging.

“It wasn’t difficult at first, but sticking with it was the most difficult part,” he said. “Just how rampant the wrongdoing was, and how often it happens, you start questioning everything, saying to yourself, ‘Am I naive? Everybody probably already knows this anyway, so what am I doing?’ But I think that happens in too many situations in life. People tend to go with the flow. There were a couple times in speaking with the investigator, and I’d get recommitted once I found out how the investigation was going. But it’s tough.”

Luckily, he points out the Commissioner's lead investigator on the case always kept him up-to-speed on new developments and informed him of options at every step. Between that and the desire to see real change come about at the end of the investigation, the whistleblower was able to get through the process.

"A lot of days were stressful," he said. "It felt pretty lonely at times, but I got some motivation from the MLA and the investigator. The investigator would never tell me what to do. He would always provide me information and explain the scenarios and the circumstances. It was up to me to figure out. I knew the longer I was there and the longer I stuck with it, the better clout the investigation would have at the end of the day. I just wanted to make a difference. I knew the investigation would end up making changes and identify what I knew. That was motivating."

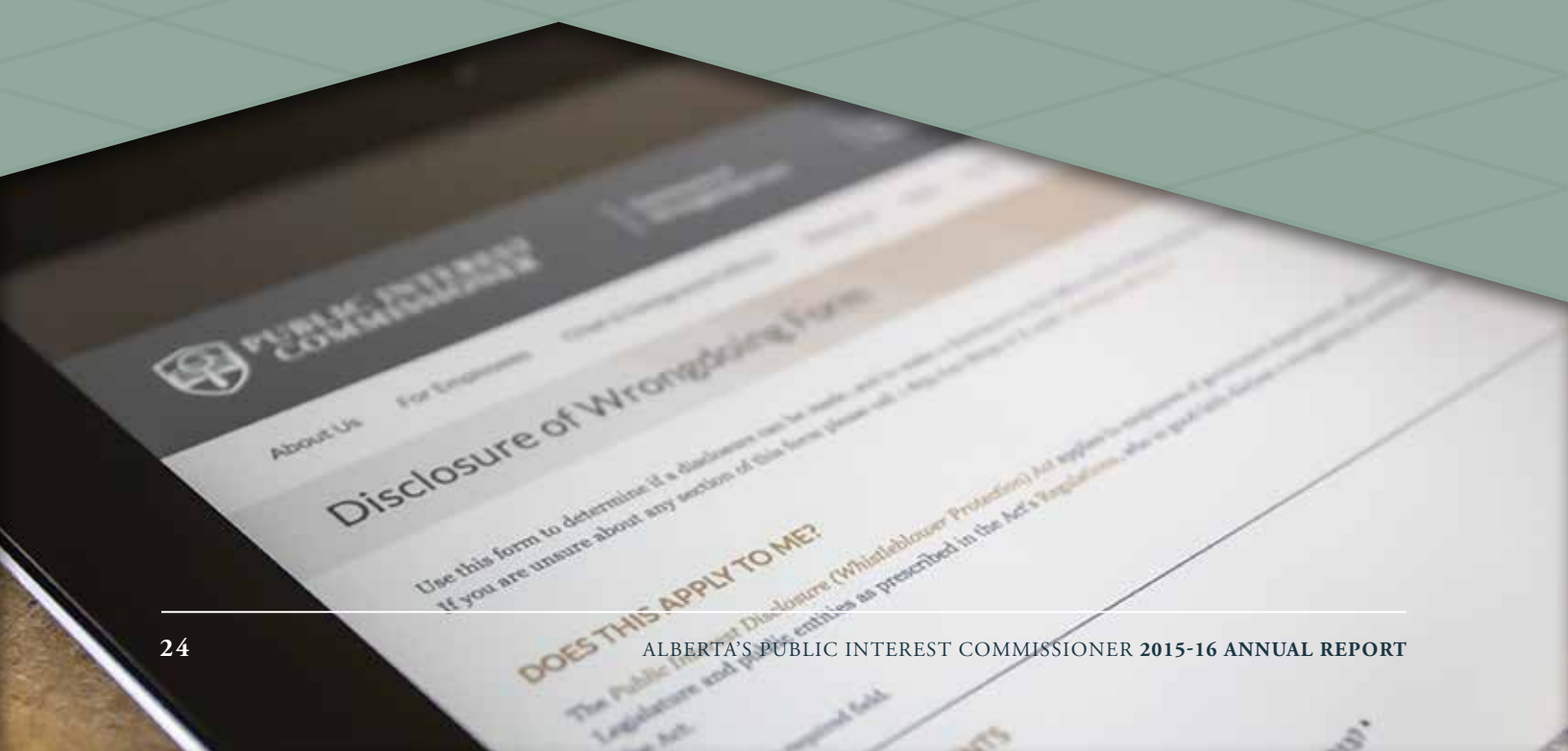
The whistleblower says working with the office proved easy, and that he felt the right mix of support and protection.

"Dealing with this office was awesome. I was assured by this office I would be protected, and that was the encouragement I needed to come forward."

His advice to someone working in government or another entity under the jurisdiction of the Public Interest Commissioner (like a post-secondary institution, Alberta Health Services or a school board)? Ultimately, he says, it's a personal choice.

"You have to wake up in the morning and look yourself in the mirror. You know what you're doing. Some people are OK with that, which is why it's so nice to have this office, because that's not how things are supposed to go. I can say this office did everything in its power to protect me. That's encouraging. And it's encouraging we never had to deal with the reprisal part of it. That's a part of the legislation I'm not familiar with and thankfully so.

"The finding of wrongdoing vindicates it and validates it. Of course, there's wrong and there's wrongdoing. Even identifying the wrong, people take it seriously and take it to the higher-ups. You can start to stimulate change. We're living in Canada – in Alberta – and you expect the best of the best, especially from your public services. So, it's good to have this option. It absolutely is."



# PRIVACY VS. PUBLIC INTEREST

## FINDING A BALANCE

**Public servants have a duty to maintain appropriate confidentiality regarding official government information.**

**Our office aims to serve the public interest – that means, at times, publicizing and releasing details to inform the public about wrongdoings or instances that require attention and action from government to correct a wrong.**

The legal protection afforded to whistleblowers under the *Public Interest Disclosure (Whistleblower Protection) Act* is significant, and helps reduce the likelihood of employer reprisals against whistleblowers. For example, the Act provides for substantial fines in the event of a reprisal. Employees can safely provide documents or information to our office that would otherwise be subject to sanction or punishment if they disclosed to an outside party, like the media.

But by going public with details of a whistleblower complaint, we can run the risk of exposing an individual's identity. It's a constant debate for us when we conduct investigations, a fine line that is always considered when we conclude an investigation and determine whether information should be shared publicly or is superseded by an individual's right to privacy.

One of our key goals is to protect the whistleblower from reprisal. Sometimes this means protecting their identity and related details from their supervisors and, if necessary, from other organizations.

“As much as we may want to make some details or cases public, there are confidentiality requirements. It's important for an employee to have their information kept confidential,” explains Peter Hourihan, the Public Interest Commissioner. “We can still change things without engaging in a large-scale public release. But we do seek ways to make things as public as we possibly can.”

This could involve releasing limited information such as outlining the scope of the complaint in broad details but not identifying the specific program or departmental branch an employee might work in. Those details could help individuals identify the employee – or unfairly tarnish or denigrate the standing of other employees or managers who had no part in the complaint or finding of wrongdoing.

There are instances where revealing details about certain branches or programs that may be the subject of an investigation can also risk identifying whistleblowers. For example, a whistleblower working in a small business unit or team may be easy to identify, depending on the nature and details of their complaint. On the other hand, anonymous tips and complaints may provide an opportunity to release more details.



“My main goal for an individual complaint is to address the issue and keep the person’s identity confidential,” says Hourihan. “In terms of a public release of the information, we would only take that step if the person’s identity is not compromised, or the person consents if they are identifiable.”

In some instances, a whistleblower may make their own concerns public, including through the media. Although a whistleblower is free to do so, the Public Interest Commissioner will continue to take steps to protect privacy and details of our investigation.

“It’s not so we can keep secrets from the public,” explains Hourihan. “Rather, it’s so we can keep things confidential for the complainant. Even if a whistleblower goes public to the media, we will still get permission from the whistleblower before releasing our report and findings to the public.”

Whether specific details about our investigations are released in full or more limited information is provided, the Public Interest Commissioner continues to report yearly in the annual report to the Alberta Legislative Assembly, as mandated by the Act.

**“We can still change things without engaging in a large-scale public release. But we do seek ways to make things as public as we possibly can.”**

2015-16

# ANNUAL REPORT STATISTICS

Mandatory reporting per section 33(1)  
of the *Public Interest Disclosure*  
(*Whistleblower Protection*)  
Act (PIDA)

The number of general inquiries made to the  
Commissioner regarding the Act

A total of 225 files were generated, the result of inquiries into the program.

The inquiries were categorized into the following sectors:

GOVERNMENT  
DEPARTMENTS



EDUCATION



HEALTH  
AUTHORITIES



POST-SECONDARY  
INSTITUTIONS



AGENCIES, BOARDS  
& COMMISSIONS



OFFICES OF THE  
LEGISLATURE



NON-JURISDICTIONAL  
INDIVIDUALS/ENTITIES



### The number of disclosures of wrongdoing received by the Commissioner:

- 17 disclosures were received
- 9 of those disclosures were made anonymously, while 8 were received by persons who identified themselves

### The number of disclosures acted on, and the number of disclosures not acted on:

- All disclosures (17) disclosures were acted on
  - 5 investigations were commenced
  - 6 disclosures were referred to Chief Officers for follow-up
  - 3 disclosures were referred to other agencies (e.g., police/human rights)
  - 2 disclosures were determined to be non-jurisdictional.
  - 1 anonymous disclosure was analyzed. However, insufficient detail was provided – no investigation per section 19(1)(f) PIDA

### The number of recommendations made by the Commissioner and whether entities complied with the recommendations:

Recommendations by the Commissioner to entities are made when a finding of wrongdoing is made. During this reporting period, a total of 8 investigations were concluded. The findings are as follows:

- 3 investigations determined no wrongdoing occurred
- 3 investigations determined the allegations did not meet the definition of wrongdoing and were therefore not jurisdictional
- 2 investigations identified instances of wrongdoing

A total of 8 recommendations were made. All 8 recommendations were accepted and complied with by the entities.

### The number of complaints of reprisal received:

- 7 complaints of reprisal were received; all were acted upon

Complaints of reprisal are received directly by the office of the Public Interest Commissioner and can only be accepted in the format as prescribed in the regulations. Chief Officers and Designated Officers do not investigate reprisals. Instead, they refer employees to the Commissioner.

- Of the 7 complaints of reprisal received by our office during this reporting period, none could be supported

- In 4 cases, it was determined the alleged reprisal was not associated to a disclosure of wrongdoing, an element required by the Act
- In one instance, the investigation revealed changes to the complainant's employment occurred because of reasonable human resource management and not the result of making a disclosure of wrongdoing
- In another case, it was determined the entity was not jurisdictional to the Act, while in another it was determined the complainant was not an employee of the entity, in accordance with the Act

### Were any systemic problems identified which may give rise to or have given rise to wrongdoings?

- None identified

### Any recommendations for improvement the Commissioner considers appropriate?

During this reporting period, the Commissioner and office staff have been significantly engaged with the Select Special Ethics and Accountability Committee. This Committee was established to conduct a review of PIDA as well as other legislation.

In late 2015, the Commissioner provided a report to the Committee making 9 recommendations for amendment and providing an additional 6 potential considerations.

The Commissioner and staff provided comment on a total of 49 issues, which surfaced as the result of stakeholder and public consultations, which the Committee received.

# FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 2016

## CONTENTS

30	Independent Auditor's Report
31	Statement of Operations
32	Statement of Financial Position
33	Statement of Change in Net Debt
34	Statement of Cash Flows
35	Notes to the Financial Statements
40	Schedule 1 – Salary and Benefits Disclosure
41	Schedule 2 – Allocated Costs

# INDEPENDENT AUDITOR'S REPORT



To the Members of the Legislative Assembly

## REPORT ON THE FINANCIAL STATEMENTS

I have audited the accompanying financial statements of the Office of the Public Interest Commissioner, which comprise the statement of financial position as at March 31, 2016, the statements of operations, change in net debt and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

## MANAGEMENT'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

## AUDITOR'S RESPONSIBILITY

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

## OPINION

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Public Interest Commissioner as at March 31, 2016, and the results of its operations, its remeasurement gains and losses, its changes in net debt and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

*[Original signed by Merwan N. Saher FCPA, FCA]*

Auditor General  
July 26, 2016  
Edmonton, Alberta



OFFICE OF THE PUBLIC INTEREST COMMISSIONER  
**STATEMENT OF OPERATIONS**

Year Ended March 31, 2016

	2016		2015
	Budget	Actual	Actual
<b>Revenues</b>	\$ -	\$ -	\$ -
<b>Expenses - Directly Incurred</b> (Note 3(b), 4 and Schedule 2)			
Salaries, Wages, and Employee Benefits	987,000	831,269	962,147
Supplies and Services	383,000	309,552	366,020
Amortization of Tangible Capital Assets	-	1,944	-
	1,370,000	1,142,765	1,328,167
Less Recovery from Support Service Arrangements with Related Parties (Note 4)	(121,000)	(89,698)	(118,565)
	1,249,000	1,053,067	1,209,602
<b>Annual Deficit</b>	\$ (1,249,000)	\$ (1,053,067)	\$ (1,209,602)

The accompanying notes and schedules are part of these financial statements.

OFFICE OF THE PUBLIC INTEREST COMMISSIONER

# STATEMENT OF FINANCIAL POSITION

As at March 31, 2016

	2016	2015
<b>Financial Assets</b>	\$ -	\$ -
<b>Liabilities</b>		
Accounts Payable and Accrued Liabilities	18,256	14,386
Accrued Vacation Pay	50,373	74,048
	68,629	88,434
<b>Net Debt</b>	(68,629)	(88,434)
<b>Non-Financial Assets</b>		
Tangible Capital Assets (Note 5)	3,889	5,833
Prepaid Expenses	-	1,101
	3,889	6,934
<b>Net Liabilities</b>	\$ (64,740)	\$ (81,500)
<b>Net Liabilities at Beginning of Year</b>	\$ (81,500)	\$ (113,440)
Annual Deficit	(1,053,067)	(1,209,602)
Net Financing Provided from General Revenues	1,069,827	1,241,542
<b>Net Liabilities at End of Year</b>	\$ (64,740)	\$ (81,500)

The accompanying notes and schedules are part of these financial statements.

OFFICE OF THE PUBLIC INTEREST COMMISSIONER

# STATEMENT OF CHANGE IN NET DEBT

Year Ended March 31, 2016

	2016		2015
	Budget	Actual	Actual
<b>Annual Deficit</b>		\$ (1,053,067)	\$ (1,209,602)
Acquisition of Tangible Capital Assets	–	–	(5,833)
Amortization of Tangible Capital Assets	–	1,944	–
Changes in Prepaid Expenses		1,101	(1,101)
Net Financing Provided from General Revenue		1,069,827	1,241,542
<b>Decrease in Net Debt</b>		\$ 19,805	\$ 25,006
<b>Net Debt at Beginning of Year</b>		(88,434)	(113,440)
<b>Net Debt at End of Year</b>		\$ (68,629)	\$ (88,434)

The accompanying notes and schedules are part of these financial statements.

OFFICE OF THE PUBLIC INTEREST COMMISSIONER

# STATEMENT OF CASH FLOWS

Year ended March 31, 2016

	2016	2015
<b>Operating Transactions</b>		
Annual Deficit	\$ (1,053,067)	\$ (1,209,602)
Non-Cash Items included in Net Operating Results:		
Amortization of Tangible Capital Assets	1,944	–
Decrease (Increase) in Prepaid Expenses	1,101	(1,011)
Decrease in Accounts Payable and Accrued Liabilities	(19,805)	(25,006)
Cash Applied to Operating Transactions	(1,069,827)	(1,235,619)
<b>Capital Transactions</b>		
Acquisition of Tangible Capital Assets	–	(5,833)
Cash Applied to Capital Transactions	–	(5,833)
<b>Financing Transactions</b>		
Net Financing Provided from General Revenues	1,069,827	1,241,452
<b>Increase (Decrease) in Cash</b>	–	–
<b>Cash at Beginning of Year</b>	–	–
<b>Cash at End of Year</b>	\$ –	\$ –

The accompanying notes and schedules are part of these financial statements.

# NOTES TO THE FINANCIAL STATEMENTS

Year ended March 31, 2016

## Note 1

### AUTHORITY

The Office of the Public Interest Commissioner (the Office) operates under the authority of the *Public Interest Disclosure (Whistleblower Protection) Act*. The net cost of the operations of the Office is borne by the General Revenue Fund of the Province of Alberta. The Office's annual operating and capital budgets are approved by the Standing Committee on Legislative Offices.

## Note 2

### PURPOSE

The Office of the Public Interest Commissioner manages, investigates and makes recommendations respecting disclosures of wrongdoings relating to department and public entities and reprisals relating to public service employees.

## Note 3

### SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES

These financial statements are prepared in accordance with Canadian public sector accounting standards, which use accrual accounting.

#### (a) Reporting Entity

The reporting entity is the Office of the Public Interest Commissioner, which is a legislative office for which the Public Interest Commissioner is responsible.

The Office operates within the General Revenue Fund (the Fund). The Fund is administered by the President of Treasury Board and Minister of Finance. All cash receipts of the Office are deposited into the Fund and all cash disbursements made by the Office are paid from the Fund.

Net financing provided from General Revenues is the difference between all cash receipts and all cash disbursements made.

# NOTES TO THE FINANCIAL STATEMENTS

Year ended March 31, 2016

## Note 3

### SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (CONT'D)

#### (b) Basis of Financial Reporting

##### EXPENSES

###### Directly Incurred

Directly incurred expenses are those costs the Office has primary responsibility and accountability for, as reflected in the Office's budget documents.

In addition to program operating expenses such as salaries, supplies, etc., directly incurred expenses also include:

- amortization of tangible capital assets,
- pension costs, which are the cost of employer contributions for current service of employees during the year, and
- valuation adjustments which represents the change in management's estimate of future payments arising from obligations relating to vacation pay.

###### Incurred by Others

Services contributed by other entities in support of the Office's operations are not recognized and are disclosed in Schedule 2.

##### VALUATION OF FINANCIAL ASSETS AND LIABILITIES

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of accounts payable and accrued liabilities are estimated to approximate their carrying values because of the short term nature of these instruments.

##### FINANCIAL ASSETS

Financial assets are assets that could be used to discharge existing liabilities or finance future operations and are not for consumption in the normal course of operations. The Office does not have any financial assets.

# NOTES TO THE FINANCIAL STATEMENTS

Year ended March 31, 2016

## Note 3

### SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (CONT'D)

#### (b) Basis of Financial Reporting (Cont'd)

##### LIABILITIES

Liabilities are present obligations of the Office to others arising from past transactions or events, the settlement of which is expected to result in the future sacrifice of economic benefits.

##### NON-FINANCIAL ASSETS

Non-Financial assets are acquired, constructed or developed assets that do not normally provide resources to discharge existing liabilities, but instead:

- (a) are normally employed to deliver the Office's services
- (b) may be consumed in the normal course of operations; and
- (c) are not for sale in the normal course of operations.

Non-Financial assets of the Office are limited to tangible capital assets and prepaid expenses.

##### Tangible Capital Assets

Tangible capital assets of the Office are recorded at historical cost and are amortized on a straight-line basis over the estimated useful lives of the assets.

The threshold for capitalizing new systems development is \$250,000 and the threshold for major system enhancements is \$100,000. The threshold for all other tangible capital assets is \$5,000.

Amortization is only charged if the tangible capital asset is put into service.

#### (c) Net Debt

Net debt indicates additional cash that will be required from General Revenues to finance the Office's cost of operations to March 31, 2016.

# NOTES TO THE FINANCIAL STATEMENTS

Year ended March 31, 2016

## Note 4

### SUPPORT SERVICES ARRANGEMENTS

The Offices of the Ombudsman and Public Interest Commissioner have a formal support services agreement for provision of shared services.

The Office of the Ombudsman provides the following services to the Office of the Public Interest Commissioner:

- Public Interest Commissioner
- Legal
- Corporate (Finance, HR, IT)
- Administration

The Office of the Public Interest Commissioner provides the following services to the Office of the Ombudsman:

- Communications
- Administrator

The costs of the shared support services are included in the voted operating estimates and statement of operations as a cost recovery for the Office providing the services and a supplies and services expense for the Office receiving the services.

For 2015-16, the Office's cost recovery from the Office of the Ombudsman was \$89,698 (2015-\$118,565) and the Office's supplies and services expense for services provided by the Office of the Ombudsman was \$239,556 (2015-\$249,663).

## Note 5

### TANGIBLE CAPITAL ASSETS

	2016		
	Cost	Accumulated Amortization	Net Book Value
Computer hardware and software	\$ 5,833	\$ 1,944	\$ 3,889
	2015		
	Cost	Accumulated Amortization	Net Book Value
Computer hardware and software	\$ 5,833	\$ –	\$ 5,833

In 2015-16, there were no tangible capital asset additions (2015 \$5,833) and no disposals (2015 \$0).



# NOTES TO THE FINANCIAL STATEMENTS

Year ended March 31, 2016

## Note 6

### CONTRACTUAL OBLIGATIONS

Contractual obligations are obligations of the Office to others that will become liabilities in the future when the terms of those contracts or agreements are met.

Estimated payment requirements for the unexpired terms of these contractual obligations are as follows:

2016-17	\$	4,455
2017-18		—
2018-19		—
	\$	4,455

## Note 7

### DEFINED BENEFIT PLANS

(IN THOUSANDS)

The Office participates in the multi-employer Management Employees Pension Plan and Public Service Pension Plan. The expense for these pension plans is equivalent to the annual contributions of \$128 for the year ended March 31, 2016 (2015-\$130).

At December 31, 2015, the Management Employees Pension Plan had a surplus of \$299,051 (2014 surplus \$75,805), the Public Service Pension Plan had a deficit of \$133,188 (2014 deficit \$803,299).

The Office also participates in the multi-employer Long Term Disability Income Continuance Plan. At March 31, 2016, the Management, Opted Out and Excluded Plan had an actuarial surplus of \$29,246 (2015 surplus \$32,343). The expense for this plan is limited to the employer's annual contributions for the year.

## Note 8

### STATEMENT OF RE-MEASUREMENT GAINS AND LOSSES

As the Office does not have any transactions involving financial instruments that are classified in the fair value category and has no foreign currency transactions, there are no re-measurement gains and losses and therefore a statement of re-measurement gains and losses has not been presented.

## Note 9

### COMPARATIVE FIGURES

Certain 2015 figures have been reclassified to conform to the 2016 presentation.

## Note 10

### APPROVAL OF FINANCIAL STATEMENTS

These financial statements were approved by the Public Interest Commissioner.

## OFFICE OF THE PUBLIC INTEREST COMMISSIONER

**SALARY AND BENEFITS DISCLOSURE**

Year ended March 31, 2016

	2016			2015
	Base Salary <sup>(1)</sup>	Other Cash Benefits <sup>(2)</sup>	Other Non-Cash Benefits <sup>(3)(4)</sup>	Total
<b>Senior Official<sup>(5)(6)</sup></b>				
Ombudsman/Commissioner	\$ 260,904	\$ 36,761	\$ 24,095	\$ 321,760
				\$ 319,105

<sup>(1)</sup>Base salary includes regular salary.

<sup>(2)</sup>Other cash benefits include pension-in-lieu payments.

<sup>(3)</sup>Other non-cash benefits include the Office's share of all employee benefits and contributions or payments made on behalf of the employee including CPP/EI premiums, extended health care, dental coverage, group life insurance, and long-term disability premiums.

<sup>(4)</sup>Automobile provided; lease, insurance and operating costs of \$15,650 (2015-\$12,799) are included in other non-cash benefits. The Ombudsman/Commissioner received a taxable benefit at December 31, 2015 of \$16,910 (2014-\$14,845).

<sup>(5)</sup>The senior official functions as the Ombudsman and the Public Interest Commissioner and does not receive additional remuneration for the role of Public Interest Commissioner. This salary and benefits disclosure schedule represents 100% of the senior official's total salary and benefits received in 2015-16 and 2014-15.

<sup>(6)</sup>Note 4 on the Notes to the Financial Statements provides information regarding allocation of shared services costs for financial statement presentation.

OFFICE OF THE PUBLIC INTEREST COMMISSIONER  
**ALLOCATED COSTS**

Year ended March 31, 2016

Program	2016				2015
	Expenses <sup>(1)</sup>	Expenses - Incurred by Others		Total Expenses	Total Expenses
		Accommodation Costs <sup>(2)</sup>	Business Costs <sup>(3)</sup>		
Operations	\$ 1,053,067	\$ 34,010	\$ 3,173	\$ 1,090,250	\$ 1,161,136

<sup>(1)</sup>Expenses - Directly Incurred as per Statement of Operations.

<sup>(2)</sup>Costs shown for accommodation are allocated by the total square meters occupied by the Office.

<sup>(3)</sup>Business costs include Service Alberta's costs for the Office's telephone lines, and Corporate Human Resources' costs for delivering training courses to the Office's staff.



**PUBLIC INTEREST  
COMMISSIONER**

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