

Advice for managing complaints under the *Public Interest Disclosure (Whistleblower Protection) Act (PIDA)* relating to the COVID-19 public health emergency

A public health emergency was declared on March 17, 2020, as a result of pandemic COVID-19.

Designated officers may receive complaints relating to the public health emergency which may fit into a category of “wrongdoing” under PIDA; however, the complaint reporting and investigation process under PIDA was not intended to be a mechanism for reporting incidents relating to a public health emergency. These types of incidents require an expeditious response not suitable to administrative investigations.

The Minister of Health and Chief Medical Officer of Health (CMOH) have authority under the Public Health Act during a public health emergency. The Minister and CMOH have issued orders putting restrictions in place to help prevent the spread of COVID-19. Non-compliance with these restrictions are a risk to the health and safety of the public and may be contraventions of the Public Health Act. The Ministry of Health has directed persons who see organizations not following these restrictions, to notify public health inspectors through an online complaint form: <https://ephisahs.microsoftcrmpartals.com/create-case/>. Designated officers receiving complaints relating to the current public health emergency ought to document the receipt of the complaint, then refer the complainant to the online complaint form. Although the complaint may not be investigated under PIDA, designated officers are not restricted from taking immediate steps to address the matter within their organizations.

The Ministry of Health is the appropriate authority to address complaints relating to the current public health emergency; however, section 30 of PIDA does address circumstances of imminent risk. If a chief officer or designated officer has a reasonable belief the subject matter of a disclosure relating to the current public health emergency could constitute an imminent risk of a substantial and specific danger to the life, health or safety of individuals, they must report the matter to the CMOH.

The office of the Public Interest Commissioner is available to provide advice and support to designated officers on this, or any other matter.

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