

# Role of a Designated Officer



**PUBLIC INTEREST  
COMMISSIONER**

# Who is the Designated Officer?

## Section 1(e)

The designated officer means the senior official designated by the organization's chief officer (organizational head) to manage and investigate disclosures made under the *Public Interest Disclosure (Whistleblower Protection) Act*.

## Section 7(1)

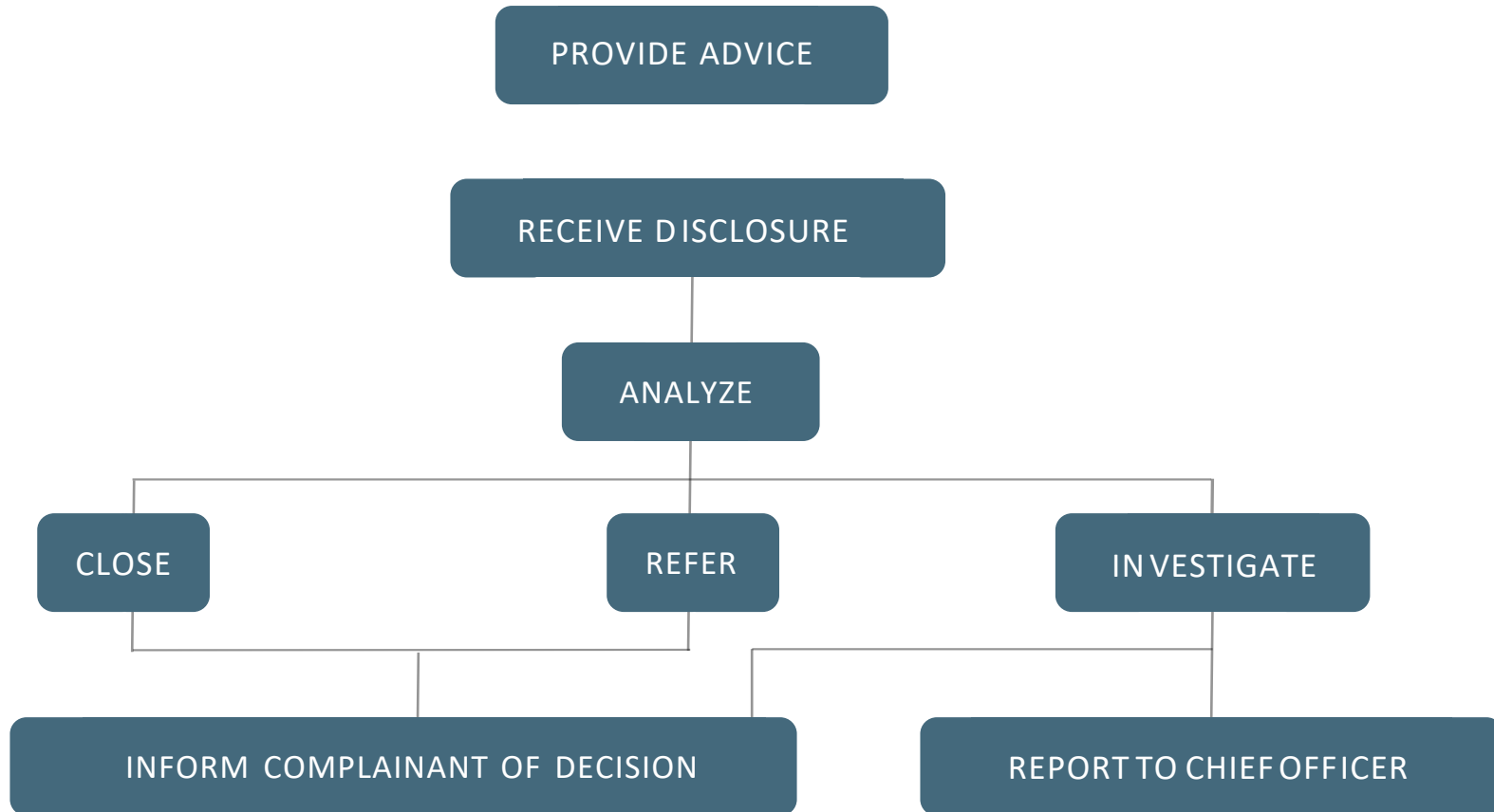
The designated officer is responsible for receiving and investigating disclosures of wrongdoing made by employees.

## Section 7(2)

The chief officer is the default designated officer unless one is appointed.



# Overview for Reviewing a Disclosure





## Provide Advice

### Section 8

An employee who is considering making a disclosure may request information or advice from their supervisor, designated officer or chief officer, or from the Commissioner's office.



Clarify if the employee is seeking advice under the Act.

## You've Received a Disclosure. Is an investigation required?

- Has the alleged incident occurred within the **last two years**?
- Does the disclosure have **sufficient details** per section 13 of the Act?
- Does the disclosure **describe a wrongdoing** defined in section 3 of the Act?

**If the answer is 'yes' to the above, the disclosure may be investigated. However, also consider...**

- Is there a more **appropriate authority** under another statute that could address the matter?  
(For example, alleged contraventions of privacy legislation are more appropriately addressed by the Information and Privacy Commissioner)
- Is there a more appropriate **internal mechanism** that can be used to address the matter?  
(For example, individual incidents of bullying and harassment are more appropriately addressed under existing respectful workplace policies)
- Is there **actual or perceived bias** should the organization investigate the disclosure?  
(If an actual or perceived bias exists, the matter should be referred to the Public Interest Commissioner)

**If the answer is 'no' to the above, the disclosure ought to be investigated.**

## Forwarding a Disclosure to the Commissioner's Office for Advice

The Commissioner's office can assist organizations with reviewing a disclosure and advise on appropriate next steps. Forwarding a disclosure to the Commissioner's office for advice will not automatically result in an investigation.

## Options for managing a disclosure:

- 01 Decide an investigation is not required. Inform the complainant and provide adequate reasons.
- 02 Refer the complainant to an alternate internal mechanism.
- 03 Refer the complainant to a more appropriate authority.
- 04 Investigate in accordance with your whistleblower procedures.



Complaints of reprisal under section 24 of the Act must be referred to the Office of the Public Interest Commissioner.

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# Investigation Stages



## Investigation Plan

An investigation plan should clearly define the scope of investigation and include strategies for addressing the issue(s). Strategies include how witnesses will be interviewed and records that will be required.



## Investigation

Follow the Investigation Plan and document the investigative work. Confidentiality is paramount when conducting investigations. This includes ensuring all files and records are securely stored and inaccessible to other persons. Investigations must be independent and free from influence.



## Decision Making

The designated officer is responsible for deciding whether wrongdoing occurred, even if they appoint an internal or external party to conduct the investigative work. The designated officer is also responsible for reporting the outcome to the chief officer and recommending corrective measures.



Regardless of who the investigator is, an investigation must be conducted under your organization's whistleblower procedures, as per the Act. A third party investigator reports the facts of the investigation and provides any related analysis to the designated officer. The designated officer is the decision maker.

# Reporting to the Chief Officer

## Report Outcomes

Complete an investigation report and provide it to the chief officer. The report should include the scope of the investigation, process for investigation, and findings of whether wrongdoing occurred based on a balance of probabilities.

## Reporting Structure

The designated officer is required to provide the investigation report to the chief officer. The chief officer determines who will be provided the report or outcomes of the investigation. It is not mandatory that the complainant receive the investigation report.



# Reporting to the Complainant

1

## INFORM COMPLAINANT

Inform the complainant of the decision and provide adequate reasons for the decision.

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2

## ADVISE OF RIGHT TO MAKE COMPLAINT TO THE COMMISSIONER

Refer the complainant to the Commissioner's office if they disagree with the designated officer's decision.

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# DO's and DON'Ts



## DO

- Follow your established internal whistleblower procedures.
- Review and understand the Act and Regulation.
- Review our website. We have a section tailored for designated and chief officers.
- Confer with our office. We are here to help.
- Document your decisions.
- Refer any complaints of reprisal directly to the Public Interest Commissioner's office.



## DON'T

- Mix whistleblower policies with other internal policies and procedures.
- Make decisions without informing the complainant.
- Disregard a disclosure or avoid making a decision.
- Use whistleblower policy to address matters that are not considered wrongdoing under the Act.

## For more information

### **Office of the Public Interest Commissioner**

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### **Whistleblower Policy Guide Template**

<https://yourvoiceprotected.ca/chief-designated-officers/establishing-procedures/>

### **Training Materials**

<https://yourvoiceprotected.ca/chief-designated-officers/training-materials/>