



**PUBLIC INTEREST  
COMMISSIONER**  
of Alberta

**2022-23  
ANNUAL  
REPORT**



**PUBLIC INTEREST  
COMMISSIONER**  
of Alberta



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COMMISSIONER**  
of Alberta

To the Honourable Speaker  
of the Legislative Assembly

The Public Interest Commissioner's office is pleased to present its 10<sup>th</sup> Annual Report to you and through you, to the Legislative Assembly.


The Report has been prepared in accordance with section 33(1) of the *Public Interest Disclosure (Whistleblower Protection) Act* and covers the activities of the Public Interest Commissioner's office for the period April 1, 2022 through March 31, 2023.

Respectfully,

Kevin Brezinski  
Public Interest Commissioner

November, 2023  
Edmonton, Alberta



The background of the page is a dark blue-tinted aerial photograph of a landscape. A prominent, dark, winding river or path cuts through the terrain. To the right, there is a vertical rectangular inset that shows a more vibrant, natural-color aerial view of a similar landscape, featuring a river, green fields, and some buildings.

The mandate for the Public Interest Commissioner extends across the province and our work takes place on traditional Indigenous lands. We respectfully acknowledge the traditional and ancestral territory of the many First Peoples that call this land home. We also acknowledge the many Métis, Inuit and First Nations who have traveled, lived on, and cared for these lands for generations. We are committed to listening and learning as we journey together towards meaningful reconciliation.



PUBLIC INTEREST  
COMMISSIONER



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# Message from the Public Interest Commissioner

Welcome to our 2022-23 annual report. I was honoured to have been selected as Alberta's third Public Interest Commissioner. I would like to extend my appreciation to Marianne Ryan who spent the last five years as the Public Interest Commissioner—notably, her dedication to public service and significant contributions to this office laid a strong foundation on which to build. I would also like to recognize Peter Sherstan, who was Acting Public Interest Commissioner between Marianne's departure and my appointment, for his dedicated leadership through the transition.

In my first year as the Public Interest Commissioner, I have seen the value of the courageous people that reach out to our office to report wrongdoings in the public sector. I want to emphasize that our goal is to provide an avenue for public sector employees to safely and confidently report wrongdoings that may cause harm to the public interest.

As an independent office of the Alberta Legislative Assembly, we successfully carried out our core duty of investigating complaints of wrongdoing and reprisal in accordance with the *Public Interest Disclosure (Whistleblower Protection) Act* across 2022-23.

As Commissioner, I am responsible for conducting fair and impartial investigations, and making strong and effective recommendations for corrective measures when wrongdoing is found. Whistleblower protection is crucial in that it promotes honesty, transparency, and accountability within organizations. It also provides legal safeguards against reprisal for individuals who report wrongdoing and helps to ensure organizations act in the best interest of their employees.

The overall number of complaints has remained consistent, with 145 total cases received during 2022-23. What is encouraging is that we have seen an increase in the number of jurisdictional disclosures of wrongdoing over the previous year, meaning that we are receiving more relevant disclosures that can be acted upon.





Of the total cases received, 63 alleged serious wrongdoing had occurred in the workplace. While these cases included various concerns spanning a wide range of issues, a significant number referenced perceived maltreatment and possibly gross mismanagement of employees. For this reason, in this report, we have included an article discussing what is meant by gross mismanagement of employees as well as several considerations potential whistleblowers may wish to take when submitting a complaint.

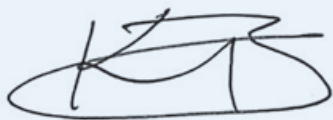
Inappropriate workplace behavior such as bullying, harassment and intimidation adversely affects the wellbeing of individuals, and can have detrimental effects on overall employee morale and productivity. The Act was amended so that as of March 1, 2018, the definition of wrongdoing now includes the gross mismanagement of employees through bullying, harassment, or intimidation. Under the Act, gross mismanagement occurs when an act or omission is deliberate and shows a reckless or wilful disregard for proper management. The gross mismanagement of employees occurs when an organization experiences ongoing mistreatment of employees that is systemic, negatively affecting the overall culture of the organization. Matters that are considered individual grievances are often referred to the authority to manage.

Our office recognizes and understands that strong emotions are a common occurrence among those participating in many of our cases. While investigators can effectively manage these challenges with a methodical and unbiased approach, it is essential to recognize the considerable complexity inherent in each case.

Whistleblowers often have the best vantage point for understanding what is truly going on and by casting the situation into the light, they perform a public service at the highest level. Wrongdoing can result in the misuse of public funds, risk or harm to an organization's reputation and disrupt harmony in the workplace. Our office is available to Alberta's public sector employees who wish to disclose wrongdoing or to simply seek advice about the Act.

Employees working in the public sector deserve to know and understand the mechanisms and protections available to them for reporting wrongdoing or reprisal. We need to continue efforts to educate the public sector about the significance and value of whistleblowing.

This has been an exceptional year, and I would like to conclude by expressing my gratitude to the staff for their incredible dedication and commitment to serving Albertans to the best of our abilities.

A handwritten signature in black ink, appearing to read 'KB', enclosed within a large, loopy oval shape.

Kevin Brezinski  
Public Interest Commissioner

# Vision

A public sector wherein wrongdoings are confidently reported without fear of reprisal, and effective and appropriate management responses are undertaken.

# Mission

The Public Interest Commissioner fosters a culture that:

- Encourages the reporting of wrongdoings
- Provides fair, independent and impartial investigations
- Protects employees from reprisals

# Values

- Integrity
- Respect
- Accountability
- Independence





# Promoting Confidence in Alberta's Public Administration

Since our doors opened in 2013, the Office of the Public Interest Commissioner has provided an avenue for public sector employees to safely report wrongdoings that may be unlawful, dangerous or cause harm to the public interest.

## At the Public Interest Commissioner's office, we:

- Listen to and investigate complaints made by Alberta public sector employees working in government departments, offices of the legislature, provincial corporations, health authorities, and the education sector including public school divisions, charter schools, and post-secondary academic institutions.
- Conduct independent, impartial, and procedurally fair investigations into complaints of wrongdoing and reprisal.
- Make recommendations for corrective measures when an investigation determines wrongdoing or reprisal occurred.
- Provide information, resources, referrals, and advice to callers inquiring with our office.
- Explain the benefits of effective whistleblower policies to chief and designated officers seeking our advice.
- Promote a culture of collaboration and shared responsibility in maintaining accountability within the public sector.
- Encourage designated officers and public sector employees to work collaboratively with us through public interest investigations.

# Protecting Employees When the Stakes Are High

The *Public Interest Disclosure (Whistleblower Protection) Act* (the Act) provides public sector employees with a clear process for disclosing concerns about wrongdoing and extends protection from reprisal. A whistleblower may be an employee who witnesses fraud, public health and safety violations, danger to the environment, systemic harassment, or other types of serious and significant wrongdoing. Without adequate protection, whistleblowers may face retaliation such as dismissal, demotion, reprimand, or other form of punishment for speaking out.

## Who qualifies for protection under the Act?

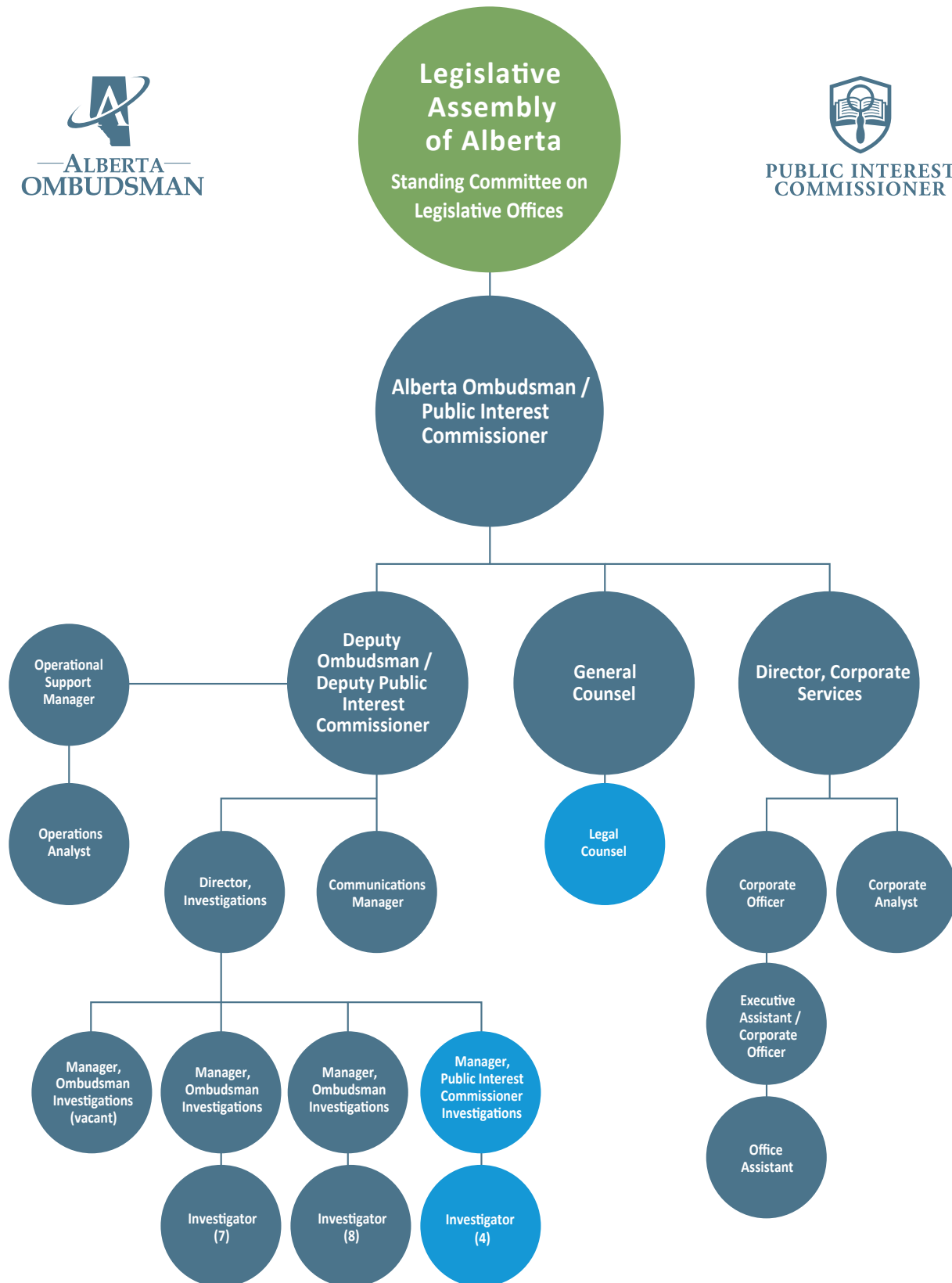
Alberta's whistleblower protection legislation defines "employee" as an individual employed by, or who has suffered a reprisal and is no longer employed by, a public sector organization subject to the Act. This includes employees working for:

- Government departments or Offices of the Legislature.
- Provincial agencies, boards, and commissions.
- School boards, post-secondary academic institutions, and publicly funded private schools.
- The health sector such as in hospitals, regional health authorities and subsidiary health corporations.
- Offices of Members of the Legislative Assembly (MLAs), Ministers and the Premier.
- Prescribed service providers.

An effective public service depends on the commitment of everyone working within it to maintain standards of integrity, honesty, openness, and transparency. Employees who believe wrongdoing is occurring in an Alberta public sector organization are welcome to contact the Public Interest Commissioner's office at any time.

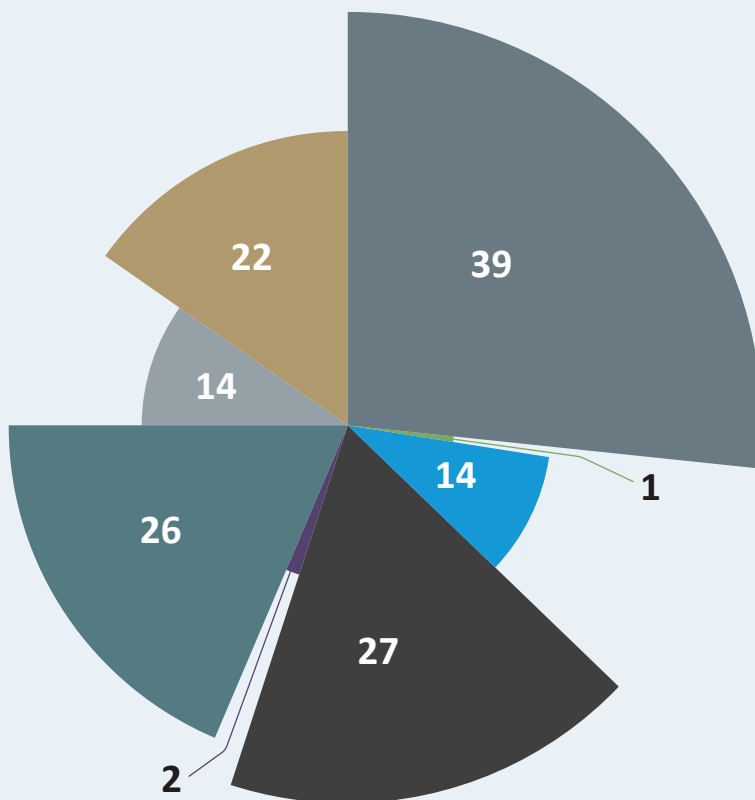
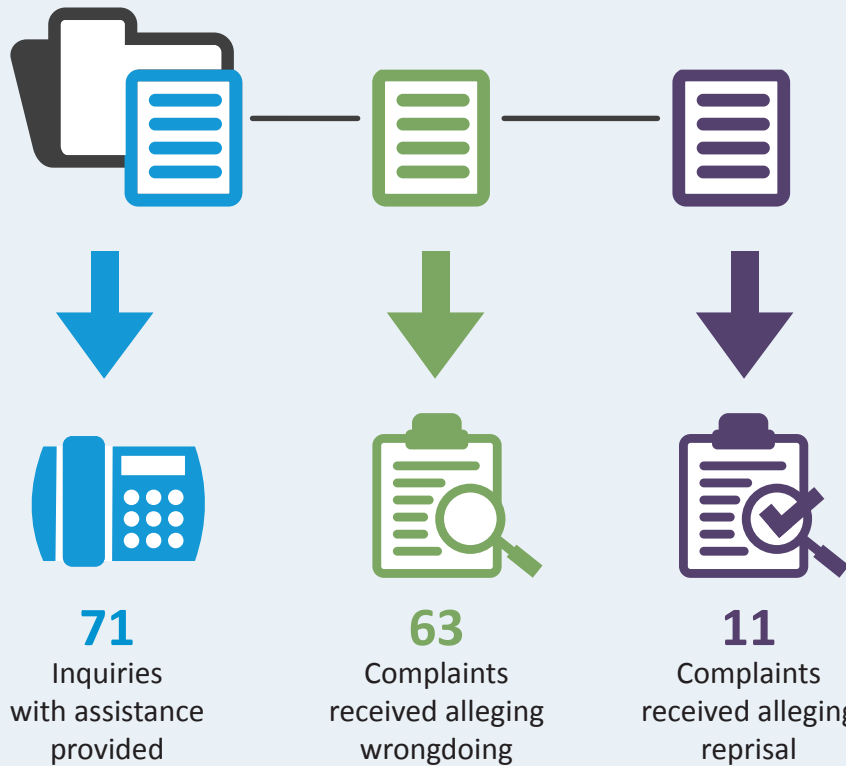


# Organizational Chart



# 2022-23 By the Numbers

**145**  
Total Cases  
Received



## Cases Received by Sector

- 39 – Non-jurisdictional
- 27 – Education Sector
- 26 – Health Sector
- 22 – Government Ministries
- 14 – Post-secondary Institutions
- 14 – Agencies, Boards and Commissions
- 2 – Members of the Legislative Assembly
- 1 – Offices of the Legislature



# 2022-23 By the Numbers

The following information meets the mandatory reporting requirement for 2022-23 as per the *Public Interest Disclosure (Whistleblower Protection) Act* (the Act).

| Exemption, section 31(3)   |   |
|--|---|
| The Commissioner must provide reasons for giving an exemption under this section and must ensure the exemption, including any terms or conditions imposed, and the reasons for the exemption are made publicly available.  | No exemption requests received  |
| Commissioner's annual report, section 33(1)  |   |
| The Commissioner must report annually to the Legislative Assembly on the exercise and performance of the Commissioner's functions and duties under this Act, setting out   |   |
| (a) the number of general inquiries made to the Commissioner relating to this Act,   | 71  |
| (b) the number of disclosures received by the Commissioner under this Act,<br>the number of disclosures acted on and<br>the number of disclosures not acted on by the Commissioner,  | 63*<br>23<br>24   |
| (b.1) the number of disclosures referred by the Commissioner to a designated officer for investigation in accordance with Part 2 and<br>the number of investigation outcomes,<br>enforcement activities or<br>other follow-up reported concerning those disclosures, | 0<br>0<br>0   |
| (c) the number of investigations commenced by the Commissioner under the Act,  | 3   |
| (d) in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations made,   | Please refer to the articles on page 19 and 22**  |
| (d.1) the number of recommendations the Commissioner has made, and   | 5   |
| (i) whether the departments, public entities, offices or prescribed service providers to which the recommendations relate have fully implemented the recommendations or taken any corrective measures, and   | Ongoing   |
| (ii) if the departments, public entities, offices or prescribed service providers to which the recommendations relate have not fully implemented the recommendations or taken any corrective measures, the reasons provided,   | AHS is taking steps to fully implement recommendations for corrective measures and the Commissioner's office continues to monitor progress. The remaining case has been referred to the Alberta Labour Relations Board and the Board's processes are ongoing. |

\*At the conclusion of the fiscal year, 16 disclosures remained under analysis. These cases will be reported on in a forthcoming annual report.

\*\*Additionally, in December 2022, the Acting Commissioner found that a senior executive in the education sector committed a wrongdoing contrary to section 3(1)(c)(iii) of the Act by grossly mismanaging employees through a pattern of behaviour or conduct of a systemic nature that resulted in a problem in the culture of the organization with bullying, harassment, and intimidation. As the senior executive was no longer employed with the organization in question, the Acting Commissioner made no recommendations for corrective measures.

|  |   |
|--|---|
| (e) the number of complaints of reprisals received by the Commissioner under this Act,<br>the number of reprisals the Commissioner finds to have been taken, directed or counselled contrary to section 24 and a description of the reprisals,   | 11<br>5<br>Please refer to the article on page 22 |
| (e.1) the number of complaints of reprisals with respect to which the Commissioner finds that no reprisal was taken, directed or counselled,   | 12  |
| (e.2) the number of reprisals in or respecting the office of a member of the Legislative Assembly that the Commissioner finds to have been taken, directed or counselled contrary to section 24, a description of the reprisals and any recommendations provided to the Speaker of the Legislative Assembly and the resulting corrective measures taken, if any, | 0   |
| (e.3) the number of remedial orders made by the Board, a description of each remedy awarded, the number of referrals for which no remedy was awarded and the reasons why no remedy was awarded,  | 0   |
| (e.4) in the case of a prosecution under this Act, a description of the offence and any penalty imposed in relation to the offence,  | Not applicable                                    |
| (f) whether, in the opinion of the Commissioner, there are any systemic problems that may give rise to or have given rise to wrongdoings, and  | None  |
| (g) any recommendations for improvement that the Commissioner considers appropriate.   | None  |



# 2022-23

## Active Investigations

Investigations initiated by the Commissioner may extend into subsequent reporting years depending on the nature and complexity of the matter. At the end of the 2022-23 fiscal year, the Commissioner's office had nine ongoing investigations.

### These investigations seek to determine:

- Whether reprisal was taken against an employee for making a disclosure of wrongdoing to the Public Interest Commissioner.
- Whether a professional association counseled a former administrator to take reprisals against employees.
- Whether a contract or arrangement between a public entity and a former employee constitutes a gross mismanagement of public funds, or a contravention of the *Salary Restraint Regulation*, in effect at the time.
- Whether a termination of employment was a reprisal for the employee's participation in an investigation by the Public Interest Commissioner.
- Whether reprisals were taken against an employee as the result of seeking advice or making an internal disclosure of wrongdoing.
- Whether employees of a public entity within the education sector have been grossly mismanaged.
- Whether an employee was counselled to contravene the *Legal Profession Act*, and whether reprisal was taken against the employee for declining to participate in wrongdoing.
- Whether the acts or omissions of employees created a danger to the life, health, or safety of individuals.
- Whether the acts or omissions of a public entity resulted in a substantial and significant danger to the environment or the gross mismanagement of the delivery of a public service.

The conclusion of these investigations, and any concluded investigations commenced in 2023-24, will be reported on in subsequent annual reports.

# 2022-23 Business Plan Results

The Public Interest Commissioner's business plan is not just a document, it serves as a blueprint for success, ensuring resources are used wisely and goals are met. Staff are engaged through the planning process which fosters a unified approach towards achieving the organization's strategic goals and overall results. This article details the year's achievements as it relates to the 2022-23 business plan.

## Outcome 1

**All public sector employees recognize the Office of the Public Interest Commissioner as an avenue for reporting wrongdoing in the public service and are aware of the protections afforded to them under the Act.**

Like any workplace, public sector employees receive information from their employer through various channels. Alberta's whistleblower protection legislation is specific requiring the chief officer—the deputy minister, department head or prescribed individual in a public entity—to communicate information about the Act. This means the chief officer must ensure that information about the Act and the organization's procedures are widely communicated.

We were pleased to be asked by representatives from Covenant Health and Alberta Investment Management Corporation (AIMCO) to deliver virtual information sessions to their employees. These initiatives were great examples of how public sector organizations can work with the Commissioner's office to help meet their statutory obligation to inform employees about the Act and their internal whistleblower procedures. AIMCO promoted the initiative in support of advancing a "speak-up culture", and all employees were required to attend.

Additionally, we continued to invest in promotional activities to reach public sector employees including Whistleblower Awareness Day.

We saw continuing support from public entities including the distribution of our promotional materials through the Alberta Public Service Connector Now newsletter.

Our website is key to providing resources, and guidance about our work in the public sector and we continue to make regular updates, upload relevant publications and post about our news and events.





## Outcome 2

**Designated officers within departments, offices and public entities are aware of how to assess and investigate disclosures of wrongdoing under the Act.**

As one of the busiest public interest disclosure offices in Canada, we take seriously our commitment to act as a resource to the Alberta Public Service.

On March 30, 2023, our office hosted the second annual Public Interest Disclosure Conference. We had the pleasure of connecting with over 60 designated officers from across the province. Our staff shared insights into the statutory role and responsibilities of designated officers as well as strategies to mitigate bias during a public interest



disclosure investigation. This year's conference materials and other training resources are available on the Commissioner's website and are aimed at providing assistance and education to designated officers and public entities under the Act. We look forward to next year's conference for more engaging discussion.

Additionally, in 2022-23, we welcomed a delegation from Nigeria for meetings and several presentations about our work. This open exchange of information focused on investigative processes, public engagement strategies and the importance of effective whistleblower legislation. We were grateful for this opportunity and will continue to prioritize collaboration and building relationships with our national and international counterparts in the future.



## Outcome 3

**Departments, offices, and public entities are positively motivated to work collaboratively with the Office of the Public Interest Commissioner to investigate and remedy wrongdoing within their organizations, in order to advance public confidence in the administration of the department, office or public entity.**

The Commissioner's office is pleased to act as a resource and work with public entities to foster workplaces where management and employees share a common goal of detecting and remedying wrongdoing. The Commissioner's investigation team engages with designated officers on all investigations, unless the circumstances of the matter make it inappropriate to do so.

The Commissioner's office was also invited to present at the Whistleblowers and Public Integrity Conference, hosted by the Vancouver Anti-Corruption Institute and the BC Ombudsperson. The international conference, chaired by the Right Honourable Kim Campbell, brought together public sector leaders, experts in transparency and anti-corruption, ombuds, and journalists specializing in government integrity. Our Manager of Investigations presented a session on promoting the benefits of whistleblower protection policy and was invited as a panelist to discuss the future of whistleblower law.



## Outcome 4

**The Public Interest Commissioner will apply any forthcoming amendments of the Act and assist departments, offices, public entities, and prescribed service providers as they prepare for and implement pending amendments.**

In June 2021, the second scheduled review of the Act was concluded. A committee, assigned responsibility to review the Act, submitted a report containing its final recommendations to the Legislative Assembly. We continue to prepare strategies and plans to ensure our office and public entities are positioned to implement amendments to the Act. It is our hope that the Ministry responsible for leading the changes will work with our office in a timely fashion to implement the desired changes. Improving Alberta's whistleblower protection legislation continues to be key for enhancing the scope of the Act, strengthening protections for whistleblowers and witnesses, and improving the functionality of the Act.

# Investigations into Disclosures Related to Gross Mismanagement of Employees

Since March 1, 2018, the Public Interest Commissioner's jurisdiction under the Act expanded to include investigations into a new form of wrongdoing—gross mismanagement of employees where the culture of an organization has a problem with bullying, harassment, or intimidation.

This expanded definition of wrongdoing is not intended to address personal disputes, or individual complaints of bullying, harassment, or intimidation. Rather, it is intended to remedy serious institutional wrongdoing that affects the broader public interest. As a result, section 19(1.1) of the Act requires that before investigating disclosures alleging gross mismanagement of employees, the Commissioner must be satisfied that all other avenues for addressing the alleged wrongdoing have been **used or considered**. This means the Commissioner will assess the disclosure and determine whether there were other mechanisms available to the individual and if there were, decide if an investigation by his office is necessary.

When thinking about making a disclosure under the Act relating to gross mismanagement of employees, a potential whistleblower may wish to consider the following mechanisms:

- Internal human resources policies and procedures;
- Processes under collective agreements;
- Investigations or inspections under the *Occupational Health and Safety Act*;
- Professional regulatory colleges such as the health profession colleges or the Alberta Teaching Profession Commission; or
- The Alberta Human Rights Commission.

When other mechanisms will not suffice or have failed to resolve issues with bullying, harassment, or intimidation in an organization's culture, the Commissioner has the jurisdiction to investigate. If the Commissioner decides to investigate, the investigation will seek to answer three questions.

First, does the evidence support the existence of acts or omissions that constitute gross mismanagement? Under the Act, gross mismanagement occurs when an act or omission is deliberate and shows a reckless and wilful disregard for proper management.

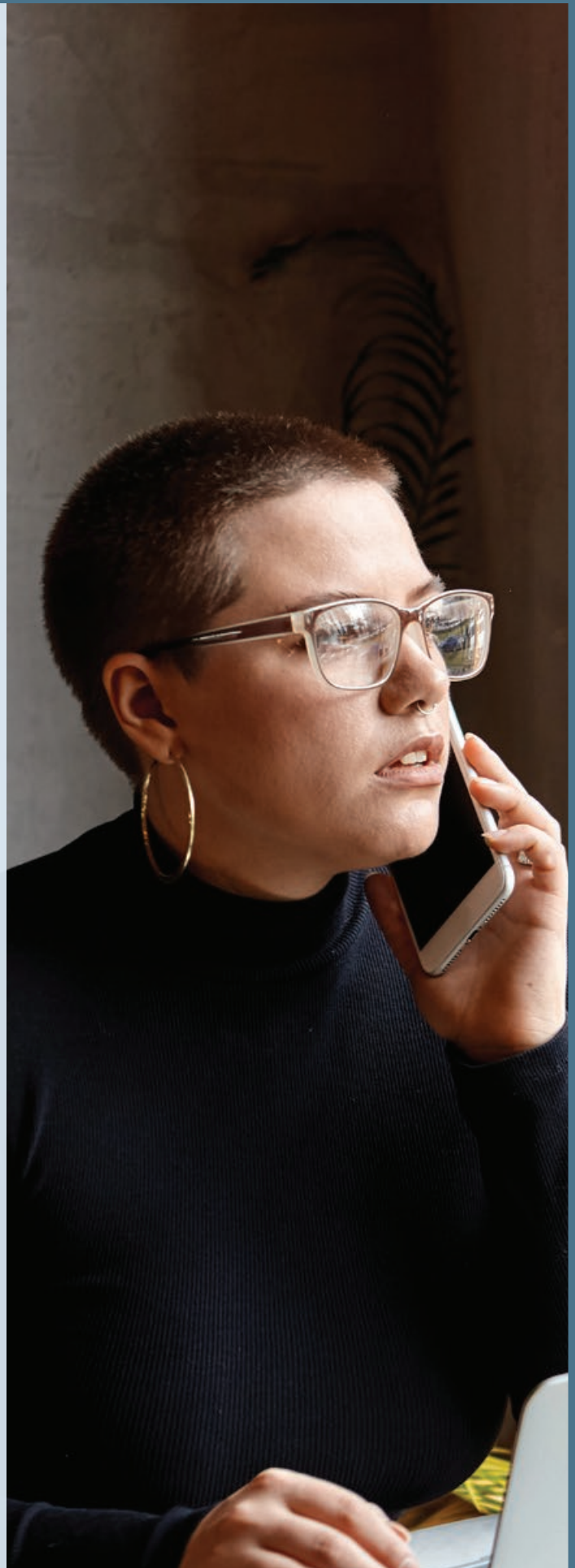


Second, if there are acts or omissions constituting gross mismanagement, do they form a pattern of behaviour and/or constitute systemic conduct?

A pattern of behaviour refers to ongoing or recurring actions that are perpetrated by one or multiple persons within an organization. Conduct of systemic nature includes gaps or absences in the policies, procedures, or structures within an organization that address workplace bullying, harassment, or intimidation.

Third and finally, if the first two questions are answered in the affirmative, does the pattern of behaviour or conduct of systemic nature indicate there is a problem within the culture of the organization with bullying, harassment, or intimidation?

Investigations into allegations of gross mismanagement of employees are among the most complex undertaken by the Commissioner's office. The process often includes interviews with dozens of witnesses to evaluate the full impact on the culture of an organization of any alleged acts or omissions. However, such investigations into disclosures relating to the gross mismanagement of employees are vital to maintaining healthy workplaces in Alberta's public service.



# Commissioner Recommends Higher Standards of Medical Care for Patients in Correctional Centres

When Albertans experience a medical crisis, they expect health services will be delivered in a way that cares for their needs and protects their health. The healthcare profession shoulders a significant responsibility to provide patient-focused medical care at the highest possible industry standards.

In October 2023, the Commissioner issued a public report<sup>1</sup> outlining serious lapses in medical standards of care for individuals incarcerated at the Edmonton Remand Centre. Although the operation of provincial correctional centres is the responsibility of the Correctional Services Division of Alberta Justice, the treatment of patients is the responsibility of Alberta Health Services (AHS).

AHS is the largest province wide integrated healthcare system, responsible for delivering services to over 4.7 million people living in Alberta.

A whistleblower came to our office concerned for the health and safety of persons incarcerated at the centre. They identified five patients who had severe medical outcomes. Later, the whistleblower contacted our office to identify two additional patients. After preliminary inquiries, the Commissioner opened an investigation to determine whether medical staff at the correctional centre created a substantial and specific danger to the life, health, or safety of individuals—a wrongdoing as described in the Act.

The ensuing investigation was substantial and examined health care protocols, patient records, and

the treatment history of the seven identified individuals. Also, an expert nursing consultant was retained to review medical records of the five patients initially identified and provide an opinion whether the standard of care was met. In several examples, evidence showed pain management and drug withdrawal protocols were not followed; gaps existed in the documentation of key patient vital signs records; and standards of care were not met.

The Commissioner concluded the investigation and shared his findings with AHS in February 2023.



<sup>1</sup> <https://yourvoiceprotected.ca/wp-content/uploads/2023/10/2023-Public-Interest-Commissioners-Report-AHS-Correctional-Health.pdf>

Given the lack of clarity surrounding institutional protocols, the Commissioner did not view the wrongdoing as being the sole responsibility of any particular individual. Rather, he found systemic lapses in the medical care of incarcerated individuals at the correctional centre stemmed from the lack of clarity surrounding treatment standards when a patient shows abnormal or abnormally trending vital signs.

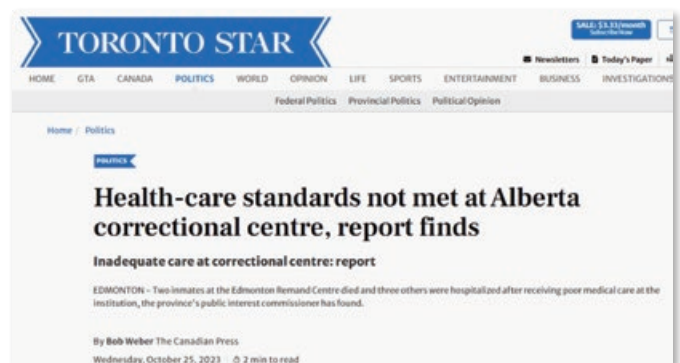
Through the investigation, AHS reported that they were already aware of some of the issues the Commissioner was investigating and was in the process of taking corrective steps. These measures, supplemented by the Commissioner's recommendations, focused on the need for improvements within the medical corrections field, which would elevate the care given to incarcerated individuals to a standard consistent with that in all other Alberta medical settings.

In July 2023, Alberta Health Services reported back to the Commissioner that it had implemented corrective measures to address all recommendations and observations made by the Commissioner, in addition to implementing ongoing corrective measures already underway. AHS was fully cooperative during the investigation.

The Commissioner's investigation was released publicly and reported on nationally. In a media report, a spokesperson for Alberta Health Services stated that AHS has taken action to directly address each of the recommendations included in the report; "It is imperative that all individuals in our corrections system are provided with the same consistent, high-quality



"Medical staff did not reassess or conducted insufficient or infrequent reassessments of emerging symptoms for four patients relating to pain, shortness of breath, abnormal vital signs, or high temperature."





care as every Albertan. Our actions will continue to ensure this.”<sup>2</sup> In another article, the mother of an inmate who died in custody (not related to this investigation) said the release of the Commissioner’s report was “enraging and validating”.<sup>3</sup>

AHS’ approach to this investigation and response to the Commissioner’s findings is a model for what Alberta’s whistleblower protection legislation is intended to achieve. A whistleblower safely and confidentially brought forward concerns and AHS took substantial and meaningful steps to remedy the wrongdoing. It was evident that there was a desire to understand what had transpired and to ensure that the proper standard of patient care was being provided in correctional centres.

The identity of the whistleblower remains confidential and continues to be protected under the Act.

## The Commissioner’s Recommendations

As a result of the investigation, and findings of wrongdoing, the Commissioner recommended:

- AHS continue implementing corrective measures already underway to support staff in providing a high standard of patient care.
- AHS examine the circumstances of the specific cases reviewed by the Commissioner’s office and determine whether it is appropriate to refer the matters to the regulatory and disciplinary bodies regarding the conduct of specific medical staff.
- AHS Corrections review and formalize the Adult Vital Signs Monitoring Guide into protocols or policies, as appropriate, to ensure clarity in the standard of care expected when incarcerated individuals require emergent care. Any policy or protocol implemented should include an audit component.
- AHS undertake a review to ensure that practices relied on by health care professionals in the correctional environment are consistent with AHS practices and protocol where appropriate.



2 <https://edmontonjournal.com/news/crime/public-interest-commissioner-finds-systemic-lapses-in-medical-care-for-edmonton-remand-centre-inmates-including-two-who-died>

3 <https://edmonton.citynews.ca/2023/10/27/mother-of-inmate-who-died-in-custody-at-edmonton-remand-centre-reacts-to-public-report/>

# Professional Conduct Complaints Against Participants in a Wrongdoing Investigation Result in a Finding of Reprisal

In November 2022, the Acting Commissioner made findings of reprisal in five related cases. These were the first findings of reprisal made under Alberta's whistleblower protection legislation.

Reprisal protections are a critical component of strong whistleblower legislation; the effectiveness of the Act hinges on the confidence public service employees have in using it. Thus, safeguarding the rights of whistleblowers and employees involved in investigations under the Act is imperative to shield those individuals from retaliatory action. Section 24 of the Act protects employees not just when they make a disclosure, but when they do anything in accordance with the Act including seeking advice about making a disclosure, cooperating with an investigation, or declining to participate in a wrongdoing.

In 2021, the previous Commissioner received a disclosure of wrongdoing alleging that a senior administrative official in the education sector was grossly mismanaging employees. Following the investigation, the former Commissioner concluded the evidence **did not** support a finding of wrongdoing (the 2021 Investigation). The involvement of this office in the matter could have ended there but it did not.

In early 2022, the senior administrative official who was the subject of the 2021 Investigation filed complaints of unprofessional conduct against five individuals involved in the Investigation with their professional regulator. The senior administrative official complained that by making a disclosure to the Public Interest Commissioner and participating in the 2021 Investigation, the five individuals violated a section of their professional code of conduct.

Those five individuals subsequently filed complaints of reprisal with the Commissioner's office.

Under the Act, a reprisal is any action, or threat of action, that adversely affects an employee's working conditions or employment. In this case, the professional regulator took no disciplinary action against the five complainants and closed the investigations into their conduct due to insufficient evidence. Nevertheless, by filing the complaints, the senior administrative official adversely affected the working conditions of the five individuals by subjecting them to the scrutiny and investigation of their professional regulator, with all the emotional and reputational toll such a process entails. One complainant reported they felt "knocked down" by the regulator's professional conduct investigation. Another stated they felt "absolutely hysterical" over being investigated for unprofessional conduct simply because they participated in an interview as part of the 2021 Investigation.

The Acting Commissioner found that by filing the complaints of unprofessional conduct, because they believed the five individuals assisted in the 2021 Investigation, the senior administrative official committed a reprisal against all five complainants.

Under section 27.1 of the Act, the Commissioner's office must report findings of reprisal to the Alberta Labour Relations Board (the ALRB). The Act empowers the ALRB to determine the appropriate remedy, if any, for the individuals who experienced a reprisal. In addition to any remedies ordered by the ALRB, the Acting Commissioner made the following recommendation and observation to address the systemic issues within the organization that led to these five reprisals.

## Recommendation

I recommend the Division take the opportunity to educate and inform its employees about its public interest disclosure procedure and reinforce its continued support for employees who choose to come forward either to the Division's designated officer or to the Public Interest Commissioner to report potential wrongdoing.

## Observation

During this investigation and the 2021 Investigation, the Division demonstrated a collaborative approach with my office and support for its employees. Such conduct fosters a positive culture where the Division and its employees work together and share a common goal of detecting and remedying wrongdoing. The Division is commended in this regard. I encourage the designated officer to continue a collaborative relationship with my office and to seek advice on public interest disclosure matters as they arise.

The Acting Commissioner referred this matter to the ALRB in November 2022, and at the time of this report, the Board's processes are ongoing.



## Cease and Desist Letter Prompts an Investigation

Public sector employees are protected from any reprisal action that adversely affects their employment or working conditions when they do anything in accordance with the Act. Reprisals have a serious consequence to the perpetrator, including potential prosecution under the Act, substantial penalties, liability for financial remedies, and potentially losing their career. The Act places significant importance on the protection of whistleblowers and witnesses involved in investigations.

A complaint of reprisal received by the Commissioner's office was preceded by an investigation into wrongdoing committed by an organizational leader. The leader, no longer employed by the organization, learned that an employee disclosed to colleagues that they were the whistleblower, and was discussing the outcome of the Commissioner's investigation. The former leader contacted a current senior executive, which prompted them to question the whistleblower. The former leader then instructed their legal counsel to send a cease and desist letter to the whistleblower warning of potential civil action if they discussed the matter further. The letter was copied to the new organizational leader and the chair of the board of governors. The whistleblower viewed this as a retaliatory action intended to harm their reputation with their employer. Further aggravating the matter was a pre-existing professional relationship between the former leader and the current executive.

When the Commissioner's office received the complaint of reprisal, an investigation promptly began. Investigators interviewed the executives involved, seized mobile devices for forensic examination, searched email communications, and questioned the former leader.

Through the examination of text and email communications, and oral evidence provided by the parties, it was determined that the former leader acted as the result of distorted information which passed through several employees about comments the whistleblower had made to colleagues. The evidence showed the former leader believed the whistleblower intended to widely broadcast information about the Commissioner's previous investigation. This investigation was confidential, and its results were not publicly disclosed. The former leader appropriately sought legal advice and determined that a cease and desist letter was the appropriate course of action. They viewed the potential wide-scale disclosure of information about the matter as a risk to the organization and explained that this was why the letter was copied to the current organizational leader and board chair.

No disciplinary action was taken against the whistleblower. Interviews and forensic examination of electronic communications found no evidence of collusion, disparaging remarks against the whistleblower, or indications of ill intent. The whistleblower asked to withdraw their complaint but the Commissioner believed it prudent to review the matter to conclusion. Ultimately, the

Commissioner did not find that reprisal occurred; however, the whistleblower still did the right thing by contacting the Commissioner's office.

The whistleblower in this case elected to self-disclose their role in the Commissioner's investigation to colleagues. The nature of the discussions the whistleblower had with colleagues altered as communications filtered through several employees, and ultimately the version received by the former leader was inflammatory. Had these discussions not transpired, the incident and subsequent investigation may not have occurred.





# Commissioner Discontinues Investigation of a Public School Division

The Act empowers the Commissioner with the authority to discontinue an investigation and lists several reasons why an investigation is not required. Per section 19(1) of the Act, an investigation may cease if, in the opinion of the Commissioner,

- Concerns could more appropriately be dealt with under a collective agreement or employment agreement, or according to a procedure under another Act or Regulation;
- There are inadequate particulars to conduct a fair and effective investigation;
- The matter is already being investigated under the Act by the affected entity;
- The disclosure relates to an operational or public policy decision or decision-making process that is balanced and informed;
- The disclosure is determined to be frivolous, vexatious, not made in good faith, or does not deal with a wrongdoing; or
- There is another valid reason for not investigating the disclosure.

In June 2022, the Commissioner received two disclosures of wrongdoing by teachers alleging that a principal and vice principal were grossly mismanaging employees through a pattern of bullying, harassment, and intimidation. An investigation was launched and the school authority informed. Concerned for teachers at the school, the school authority elected to place the alleged wrongdoers on administrative leave pending the outcome of the investigation. When investigators conducted a series of interviews a theme began to emerge—the alleged wrongdoers’ conduct did not meet the definition of a wrongdoing under the Act. Rather, animosity between certain staff and the principal and vice principal prompted the complaint. Other staff interviewed generally reported a positive culture at the school.

After careful consideration, the Acting Commissioner discontinued the investigation. The emerging evidence did not support that wrongdoing was occurring, and a continuation of the investigation would serve no meaningful purpose and only prolong the administrative leave of the principal and vice principal.

The circumstances of each case are weighed carefully when considering a course of action. This decision expedited the outcome for all affected parties, while still allowing for the Acting Commissioner to flag issues to the school division that, if left untreated, may evolve into something more serious.



# A Collaborative Approach to Investigating Serious Wrongdoing

The Commissioner's office aims to promote a culture within the public sector that encourages employees to report wrongdoings in their workplace. In this way, the affected organization is made aware of potential wrongdoings so that issues may be addressed, and corrective action can be taken. In some cases, organizations may already be aware of the issues brought to the attention of the Commissioner's office. When this happens, the investigative team may support the organization to continue with its investigation. If the Commissioner is satisfied with the outcome, it is possible that no further action is required as it relates to a disclosure.

In October 2022, we received a complaint of wrongdoing relating to a public sector organization and governing body. The disclosure alleged multiple wrongdoings, including unfair delivery of a public service, substantial overreach of the organization's authority, and an allegation that a senior employee may be extorting clients and accepting bribes. Each of the allegations was assessed on its individual merit, and it was determined that the disclosure, in part, required further inquiry. Specifically, the Commissioner's office sought additional information about the alleged incidents of bribery and extortion, a contravention of the *Criminal Code* of Canada.

The Commissioner's office engaged with the organization and discovered that an internal investigation was already underway. The designated officer at the organization was motivated to collaborate with the Public Interest Commissioner and took appropriate action to address the complaint. They were cooperative and transparent with the Commissioner's office throughout their internal investigations process, including sharing their investigative findings and outcomes as they related to the disclosure.

Through its internal investigation, the organization uncovered inappropriate employee conduct and implemented significant corrective measures to address the issues. Once it was determined the organization had appropriately addressed the matter, no further investigation by the Commissioner's office was necessary.

This case underscores why it is important for public sector employees to use whistleblower mechanisms to raise concerns within their workplace. Effectively addressing these concerns boosts public trust in the organization. Further, this case illustrates that when an employee makes a disclosure under the Act, they qualify for specific protections, regardless of whether the organization they work for employs an alternative process to resolve issues.

# Office of the Public Interest Commissioner

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## Financial Statements

March 31, 2023



# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Financial Statements

**Year Ended March 31, 2023**

Independent Auditor's Report

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Schedule 2—Allocated Costs



# Independent Auditor's Report



To the Members of the Legislative Assembly

## Report on the Financial Statements

### Opinion

I have audited the financial statements of the Office of the Public Interest Commissioner, which comprise the statement of financial position as at March 31, 2023, and the statements of operations, change in net debt, and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In my opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Office of the Public Interest Commissioner as at March 31, 2023, and the results of its operations, its changes in net debt, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for opinion

I conducted my audit in accordance with Canadian generally accepted auditing standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Office of the Public Interest Commissioner in accordance with the ethical requirements that are relevant to my audit of the financial statements in Canada, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Other information

Management is responsible for the other information. The other information comprises the information included in the *Annual Report*, but does not include the financial statements and my auditor's report thereon. The *Annual Report* is expected to be made available to me after the date of this auditor's report.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information identified above and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I will perform on this other information, I conclude that there is a material misstatement of this other information, I am required to communicate the matter to those charged with governance.



### **Responsibilities of management and those charged with governance for the financial statements**

Management is responsible for the preparation and fair presentation of the 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 the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Office of the Public Interest Commissioner's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless an intention exists to liquidate or to cease operations, or there is no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Office of the Public Interest Commissioner's financial reporting process.

### **Auditor's responsibilities for the audit of the financial statements**

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, I exercise professional judgment and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Office of the Public Interest Commissioner's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office of the Public Interest Commissioner's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Office of the Public Interest Commissioner to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

[Original signed by W. Doug Wylie FCPA, FCMA, ICD.D]  
Auditor General

July 10, 2023  
Edmonton, Alberta



# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Statement of Operations

Year ended March 31, 2023

|   | 2023                  |                       | 2022                |
|---|-----------------------|-----------------------|---------------------|
|   | Budget                | Actual                | Actual              |
| <b>Expenses - directly incurred</b><br><b>(Note 2(b), 3 and schedule 2)</b> |                       |                       |                     |
| Personnel   | \$ 738,000            | \$ 674,333            | \$ 510,311          |
| Supplies and services   | 485,000               | 442,277               | 463,130             |
| Program - operations  | 1,223,000             | 1,116,610             | 973,441             |
| <b>Cost of operations</b>   | <b>\$ (1,223,000)</b> | <b>\$ (1,116,610)</b> | <b>\$ (973,441)</b> |

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, 2023

|  | 2023        | 2022        |
|--|-------------|-------------|
| <b>Financial assets</b>                        |             |             |
| Accounts receivable                            | \$ -        | \$ 3,345    |
|  | -           | 3,345       |
| <b>Liabilities</b>                             |             |             |
| Accounts payable and other accrued liabilities | 9,132       | 29,226      |
| Accrued vacation pay                           | 60,179      | 45,322      |
|  | 69,311      | 74,548      |
| <b>Net debt</b>                                | (69,311)    | (71,203)    |
| <b>Non-financial assets</b>                    |             |             |
| Prepaid expenses                               | 20,089      | 530         |
|  | 20,089      | 530         |
| <b>Net liabilities</b>                         | \$ (49,222) | \$ (70,673) |
| <b>Net liabilities at beginning of year</b>    | \$ (70,673) | \$ (57,882) |
| Cost of operations                             | (1,116,610) | (973,441)   |
| Net financing provided from General Revenues   | 1,138,061   | 960,650     |
| <b>Net liabilities at end of year</b>          | \$ (49,222) | \$ (70,673) |

Contractual obligations (Note 6)

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, 2023

|  | <b>2023</b>    |                    | <b>2022</b>        |
|--|----------------|--------------------|--------------------|
|  | <b>Budget</b>  | <b>Actual</b>      | <b>Actual</b>      |
| <b>Cost of operations</b>                | \$ (1,223,000) | \$ (1,116,610)     | \$ (973,441)       |
| Increase in prepaid expenses             |                | (19,559)           | (530)              |
| Financing provided from General Revenues |                | 1,138,061          | 960,650            |
| <b>Decrease/(increase) in net debt</b>   |                | \$ 1,892           | \$ (13,321)        |
| <b>Net debt at beginning of year</b>     |                | (71,203)           | (57,882)           |
| <b>Net debt at end of year</b>           |                | <u>\$ (69,311)</u> | <u>\$ (71,203)</u> |

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, 2023

|   | <u>2023</u>        | <u>2022</u>      |
|---|--------------------|------------------|
| <b>Operating Transactions</b>                                   |                    |                  |
| Cost of operations  | \$ (1,116,610)     | \$ (973,441)     |
| Non-cash items included in net operating results:               |                    |                  |
| Valuation adjustment-increase                                   |                    |                  |
| in vacation accrual   | 14,857             | 12,444           |
| Decrease/(increase) in accounts receivable                      | 3,345              | (3,345)          |
| Increase in prepaid expenses                                    | (19,559)           | (530)            |
| (Decrease)/increase in accounts payable and accrued liabilities | (20,094)           | 4,222            |
| Cash applied to operating transactions                          | <u>(1,138,061)</u> | <u>(960,650)</u> |
| <b>Financing Transactions</b>                                   |                    |                  |
| Financing provided from General Revenues                        | <u>1,138,061</u>   | <u>960,650</u>   |
| <b>Change in cash</b>   | -                  | -                |
| <b>Cash at beginning of year</b>                                | -                  | -                |
| <b>Cash at end of year</b>                                      | <u>\$ -</u>        | <u>\$ -</u>      |

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



# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Notes to the Financial Statements

### NOTE 1 AUTHORITY AND PURPOSE

The Office of the Public Interest Commissioner (the Office) operates under the authority of the *Public Interest Disclosure (Whistleblower Protection) Act*.

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

### NOTE 2 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.

As the Office does not have any transactions involving financial instruments that are classified in the fair value category, there is no statement of re-measurement gains and losses.

#### (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's annual operating budget is approved by the Standing Committee on Legislative Offices.

The cost of the operations of the Office is borne by the General Revenue Fund (the Fund) of the Province of Alberta, which is administrated by the President of Treasury Board, Minister of Finance. All cash disbursements made by the Office are paid from the Fund.

# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Notes to the Financial Statements (Cont'd)

### NOTE 2 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:

- pension costs, which comprise the cost of employer contributions for current service of employees during the year; and
- a valuation adjustment 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 related entities in support of the Office's operations are not recognized but disclosed in Schedule 2.

##### 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.

Financial assets are financial claims such as advances to and receivables from other organizations, employees, and other individuals.



# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Notes to the Financial Statements (Cont'd)

### NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (Cont'd)

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

##### **Accounts Receivable**

Accounts receivable are recognized at lower of cost or net recoverable value. A valuation allowance is recognized when recovery is uncertain.

##### **Valuation of Liabilities**

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable and 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.

##### **Liabilities**

Liabilities are present obligations of the Office to external organizations and individuals arising from past transactions or events, the settlement of which is expected to result in the future sacrifice of economic benefits. They are recognized when there is an appropriate basis of measurement and management can reasonably estimate the amounts.

##### **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 prepaid expenses.

# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Notes to the Financial Statements (Cont'd)

### NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES AND REPORTING PRACTICES (Cont'd)

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

##### Non-Financial Assets (Cont'd)

##### Prepaid Expenses

Prepaid expenses are recognized at cost and amortized based on the terms of the agreement.

#### (c) Net Debt

Net debt indicates additional cash required from the Fund to finance the Office's cost of operations to March 31, 2023.

### NOTE 3 SUPPORT SERVICES ARRANGEMENTS

*The Public Interest Disclosure (Whistleblower Protection) Act* appoints the Ombudsman to also be the Public Interest Commissioner. The Office of the Public Interest Commissioner is a separate Legislative Office physically located with the Office of the Ombudsman.

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

The Office of the Ombudsman's employees provide general counsel, communications, and corporate (finance, human resources, information technology, administration) services to the Office of the Public Interest Commissioner. The salaries and benefits costs of these Ombudsman employees are allocated to the Office of the Public Interest Commissioner based on the percentage of time spent providing the shared services.



# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Notes to the Financial Statements (Cont'd)

Year ended March 31, 2023

### NOTE 3 SUPPORT SERVICES ARRANGEMENTS (Cont'd)

The agreement authorizes allocation of other office services (i.e., photocopier fees, etc.) paid by the Office of the Ombudsman to be allocated, on a usage basis, to the Office of the Public Interest Commissioner.

The shared services allocation is included in the voted operating estimates and statement of operations as a cost recovery for the Office of the Ombudsman and as a supplies and services expense for the Office of the Public Interest Commissioner.

For 2022-23, the Office's supplies and services expense for services provided by the Office of the Ombudsman was \$375,492 (2021-22 \$401,047).

### NOTE 4 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 \$59 for the year ended March 31, 2023 (2022 \$49).

At December 31, 2022, the Management Employees Pension Plan had a surplus of \$924,735 (2021 surplus \$1,348,160), the Public Service Pension Plan had a surplus of \$4,258,721 (2021 surplus \$4,588,479).

The Office also participates in the multi-employer Long Term Disability Income Continuance Plan. At March 31, 2023, the Management, Opted Out and Excluded Plan reported a deficit of \$1,962 (2022 surplus \$7,494 restated). The expense for this plan is limited to the employer's annual contributions for the year.

# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Notes to the Financial Statements (Cont'd)

Year ended March 31, 2023

### NOTE 5 BUDGET

The budget shown on the statement of operations is based on the budgeted expenses that the all-party Standing Committee on Legislative Offices approved on January 27, 2022. The following table compares the office's actual expenditures, excluding non-voted amounts such as amortization, to the approved budgets:

|                        | <u>Voted budget</u> | <u>Actual</u>       | <u>Unexpended</u> |
|------------------------|---------------------|---------------------|-------------------|
| Operating expenditures | \$ 1,223,000        | \$ 1,116,610        | \$ 106,390        |
| Capital investment     | -                   | -                   | -                 |
|                        | <u>\$ 1,223,000</u> | <u>\$ 1,116,610</u> | <u>\$ 106,390</u> |

### 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.

|   |                         |
|---|-------------------------|
| Obligations under operating leases,<br>contracts and programs | <u>2023</u><br>\$17,763 |
|---|-------------------------|

Estimated payment requirements over the next four years are as follows:

#### Obligations under operating leases, contracts and programs

|         |              |
|---------|--------------|
| 2023-24 | \$ 4,441     |
| 2024-25 | 5,921        |
| 2025-26 | 5,921        |
| 2026-27 | <u>1,480</u> |
|         | \$17,763     |

### NOTE 7 APPROVAL OF FINANCIAL STATEMENTS

These financial statements were approved by the Senior Financial Officer and the Public Interest Commissioner.



# OFFICE OF THE PUBLIC INTEREST COMMISSIONER

## Schedule 1—Salary and Benefits Disclosure

Year Ended March 31, 2023

|   | 2023              |                              |                                  | 2022              |                   |
|---|-------------------|------------------------------|----------------------------------|-------------------|-------------------|
|   | Base Salary       | Cash Benefits <sup>(1)</sup> | Non-Cash Benefits <sup>(2)</sup> | Total             | Total             |
| Senior Official <sup>(3) (4) (5)</sup><br>Ombudsman /<br>Public Interest Commissioner     | \$ 124,713        | \$ 12,370                    | \$ 20,893                        | \$ 157,976        | \$ 293,269        |
| Executive <sup>(3) (5)</sup><br>Deputy Ombudsman / Deputy<br>Public Interest Commissioner | \$ 183,370        | \$ -                         | \$ 39,725                        | \$ 223,095        | \$ 192,891        |
|   | <u>\$ 308,083</u> | <u>\$ 12,370</u>             | <u>\$ 60,618</u>                 | <u>\$ 381,071</u> | <u>\$ 486,160</u> |

- (1) Cash benefits are pension-in-lieu payments, vehicle allowances and a vacation payout of \$1,327 (2022 \$0). There were no bonuses paid in 2023 (2022 \$0).
- (2) Non-cash benefits include the Office's share of all employee benefits and contributions or payments made on behalf of employees including pension plans, CPP/EI, extended medical and dental plans, group life insurance, long-term disability, health spending account, parking and WCB.
- (3) The former Ombudsman/Public Interest Commissioner retired on June 30, 2022. From July 1-December 29, 2022, the Executive was appointed acting Ombudsman/Public Interest Commissioner. The current Ombudsman/Public Interest Commissioner was appointed for a five-year term effective December 30, 2022.
- (4) The current Ombudsman/Public Interest Commissioner was provided with an automobile effective January 11, 2023. For 2022-23, the Office paid automobile operating costs of \$523 (2022 \$0). The former Ombudsman/Public Interest Commissioner was not provided with an automobile.
- (5) The Senior Official is both the Ombudsman and the Public Interest Commissioner, and the Executive is both the Deputy Ombudsman and the Deputy Public Interest Commissioner. These positions do not receive additional remuneration for their Public Interest Commissioner roles. This schedule represents 100% of total salary and benefits for the Senior Official and the Executive for fiscal years 2022-23 and 2021-22.
- (6) Note 3 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

## Schedule 2—Allocated Costs

Year Ended March 31, 2023

| Program    | 2023                          |                              |                                  | 2022           |                |
|------------|-------------------------------|------------------------------|----------------------------------|----------------|----------------|
|            | Expenses - Incurred by Others |                              |                                  |                |                |
|            | Expenses <sup>(1)</sup>       | Accommodation <sup>(2)</sup> | Business Services <sup>(3)</sup> | Total Expenses | Total Expenses |
| Operations | \$ 1,116,610                  | \$ 27,365                    | \$ 9,000                         | \$ 1,152,975   | \$ 1,061,023   |

<sup>(1)</sup> Expenses – directly incurred per the Statement of Operations.

<sup>(2)</sup> Accommodation - expenses allocated by the total square meters occupied by the Office.

<sup>(3)</sup> Business Services - costs include charges allocated by Service Alberta for finance services (accounts payable, pay and benefits), IT support, and 1GX - the financial and human resources system and GOA Learning Center training fees.





**PUBLIC INTEREST  
COMMISSIONER**  
**of Alberta**

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