

Terminology from the Public Interest Disclosure (Whistleblower Protection) Act

Current as of: March 2024

The following definitions are applied by the Public Interest Commissioner for the purpose of administering the *Public Interest Disclosure (Whistleblower Protection) Act*. Organizations are not required to adopt these definitions. These definitions may also change from time to time and without notice based on a variety of factors including changes to legislation, case law, or other factors impacting the interpretation of terminology from within the Act.

Terminology	Applicable Sections	Definition
<i>“Bullying”</i>	3(1)(c)(iii)	Acts or verbal comments that could psychologically or 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression. ¹
<i>“Conflict of interest”</i>	3(3) <i>Regulation</i>	A situation in which an employee has an actual or potential interest in a matter that may influence or appear to influence the conduct of their official duties.
<i>“Culture of an organization”</i>	3(1)(c)(iii)	The shared assumptions, belief and values regarding the extent to which an organization supports and values the integration of employees. ²
<i>“Good faith”</i>	1(f), 19(1)(d), 24	An honest belief absent of malice or intent to seek an adjust advantage.

¹ Canadian Centre for Occupational Health and Safety, “Bullying in the Workplace”, online: *Government of Canada* <<https://www.ccohs.ca/oshanswers/psychosocial/bullying.html>>

² Dr Chris Higgins, Dr. Linda Duxbury & Sean Lyons, “Reducing Work-Life Conflict: What Works? What Doesn’t?” (January 2008), online: *Government of Canada* <<https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/reducing-work-life-conflict-what-works-what-doesn.html>>

“Gross mismanagement”	3(1)(c)	An act or omission that is deliberate and that shows a reckless or wilful disregard for proper management.
“Harassment”	3(1)(c)(iii)	<p>Any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker’s health and safety, and includes:</p> <ul style="list-style-type: none"> A. conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and B. a sexual solicitation or advance <p>but excludes any reasonable conduct of an employer or supervisor in respect of management of workers or a worksite.³</p>
“Imminent risk”	5(2)(c), 10(2)	An impending danger that is likely to occur.
“Intimidation”	3(1)(c)(iii)	Is generally defined as forcing someone into or deterring someone from an action by inducing fear.
“Public Funds”	3(1)(c)(i)	All revenue held by a public body regardless of source
“Public Service”	3(1)(c)(ii)	Means any service provide to the public by a department, office or public entity to which the Act applies.

³ Occupational Health and Safety Act, SA 2020, c O-2.2, s 1(n).