



**Public Interest
Commissioner**
of Alberta

The Role of a Designated Officer

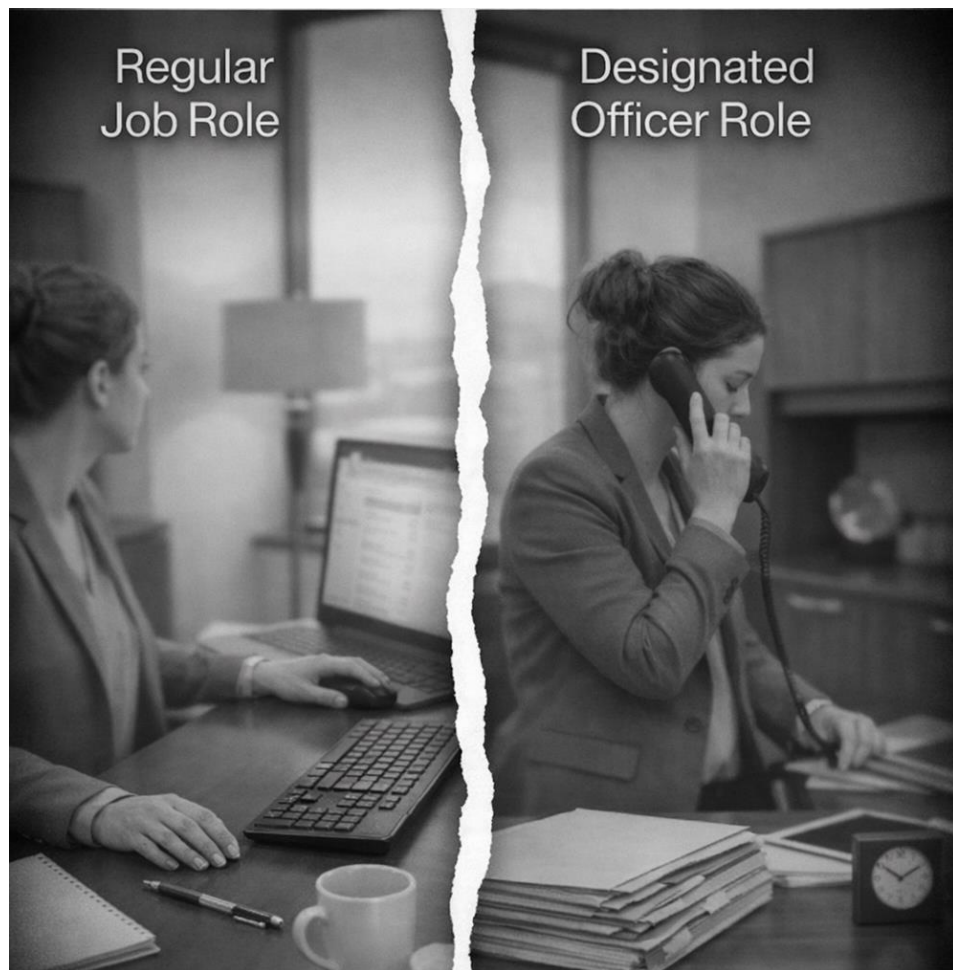


The Designated Officer

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* (the Act).



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The Designated Officer

Core Responsibilities:

1. Provide advice to employees who are considering making a disclosure
2. Receive disclosures of wrongdoing made by employees
3. Decide whether an investigation is required and inform the discloser
4. Investigate disclosures of wrongdoing
5. Decide whether, on a balance of probabilities, wrongdoing has occurred
6. Report the outcome of the investigation directly to the Chief Officer, with recommendations for corrective measures



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 Office of the Public Interest Commissioner (OPIC).



Clarify if the employee is seeking advice under the Act.



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Managing a Disclosure of Wrongdoing

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?
(e.g., alleged contraventions of privacy legislation are more appropriately addressed by the Information and Privacy Commissioner)
- › Is there a more appropriate **internal mechanism** for addressing the matter?
(e.g., addressing individual incidents of bullying and harassment 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 OPIC.

If the answer is 'no' to these considerations, the disclosure should be investigated.

Options for Managing a Disclosure

01 Decide if an investigation is not required. Inform the discloser and provide adequate reasons

02 Refer the discloser to an alternate internal mechanism

03 Refer the discloser to a more appropriate authority

04 Investigate in accordance with your public interest disclosure procedures



Complaints of reprisal under section 24 of the Act must be referred to the OPIC.

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 public interest disclosure procedures. 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.

Investigation Principles



Investigations must be conducted in accordance with the principles of procedural fairness and natural justice.

1. **Act impartially and without bias** — decisions must be made objectively, without pre-judging allegations or being influenced by organizational interests or prior knowledge.
2. **Ensure decisions are informed and evidence-based** — findings must be grounded in relevant, reliable information gathered through a fair and reasonable process.
3. **Provide affected parties an opportunity to respond** — individuals whose interests may be affected must be given a meaningful chance to be heard before adverse findings are made.
4. **Give clear, intelligible reasons** — decisions to investigate, dismiss, or conclude a disclosure must be explainable and capable of withstanding review.
5. **Protect confidentiality throughout the process** — identities and information must be limited to what is necessary and authorized by the Act to preserve fairness and trust.

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 investigation, the process for the 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 discloser receive the investigation report.



Reporting to the Discloser

1

Inform Discloser

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

2

Advise of Right to Make Complaint to the Commissioner

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



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Requesting Advice

The Commissioner's office may provide support and advice on public interest matters, including:

- › Whether allegations in a disclosure apply under the Act
- › Whether an investigation under the Act may be required or whether another mechanism is more appropriate
- › Planning the investigation, advice on investigative steps, and reviewing outcomes
- › Interpreting the Act and its Regulation
- › Navigating conflicts and internal challenges



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Frequently Asked Questions

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- › **Am I protected from reprisal?** Yes, designated officers are protected for doing anything in accordance with the Act.
- › **Can I investigate allegations against the Chief Officer?** Disclosures relating to the Chief Officer, or anyone who is in a superior role to the designated officer, should be forwarded to the Public Interest Commissioner.
- › **Can I hire an external investigator or request someone in my organization help with the investigation?** Yes, however the investigation must be conducted under the Act and the person assisting must be familiar with your public interest disclosure procedures. You must retain oversight of the matter and remain the decision-maker.

Frequently Asked Questions

- › **What do I do if the matter involves a third party that is not cooperating?** Contact the Public Interest Commissioner for advice.
- › **Can I be held legally liable for decisions I make as a designated officer?** Section 51(1) of the Act provides that no action may be taken against a designated officer or anyone acting on their behalf for acts or omissions done while exercising, or intending to exercise, any power or duty under the Act.
- › **Could my investigation be reviewed externally?** Yes, if an employee is dissatisfied with the outcome of an investigation, they may bring the matter to the Public Interest Commissioner. Involved parties may also seek judicial review of a designated officer's decision if they believe it was administratively unfair, unreasonable or outside the designated officer's authority.

Dos and Don'ts



DOS

- Follow your established internal whistleblower procedures.
- Review and understand the Act and Regulation.
- Document your decisions.
- Consult with the Commissioner's office for advice.
- Refer any complaints of reprisal directly to the Public Interest Commissioner's office.



DON'TS

- Mix whistleblower policies with other internal policies and procedures.
- Delegate decision-making.
- Forward a disclosure to another internal or external process.
- Use whistleblower policy for matters that aren't considered wrongdoing under the Act.
- Take direction from others on the management of the Act.

How to Request Advice

Email info@pic.alberta.ca

Call 780-641-8659, or

Submit the online [Request for Advice form](#)



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