

A banner for Whistleblower Awareness Day. The text "Whistleblower Awareness Day March 24, 2022" is written in white on a dark teal background. To the right, a silver whistle with a white cord is hanging against a light teal background.

# Whistleblower Awareness Day March 24, 2022

## **NEWS RELEASE**

FOR IMMEDIATE RELEASE

MARCH 24, 2022

### **Second annual Whistleblower Awareness Day being marked today in Canada**

#### **Yukon Public Interest Disclosure Commissioner notes issues with the Yukon's whistleblower legislation that should be considered during the legislative review**

WHITEHORSE – The Yukon Public Interest Disclosure Commissioner (PIDC), Diane McLeod-McKay, is marking the 2022 Whistleblower Awareness Day by highlighting several issues with the Yukon's whistleblower law.

Whistleblower Awareness Day was created in 2021 by offices in Canada which oversee legislation that facilitates disclosure by employees of potential wrongdoings within their organizations. In the Yukon, this legislation is the *Public Interest Disclosure of Wrongdoing Act (PIDWA)*, which has been in effect since 2015. The Act requires that it be reviewed within five years of coming into force.

"I was notified by the Public Service Commissioner in June 2020 that the review had begun, but that it would take time to complete given the impact that the COVID-19 pandemic was having on government service delivery," said McLeod-McKay. "I was informed that it would take place in phases and that I would be invited to take part in the process. In the fall of 2021, I was provided with a draft of the PIDWA review interim progress report that I was able to provide comments on. My understanding is that this report will be tabled in the Yukon Legislative Assembly during the 2022 spring sitting."

The public entities covered by PIDWA include all departments of the Yukon government and the Yukon Legislative Assembly.

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“With nearly seven years of experience working with PIDWA, I have noted several issues with the legislation, some of which were noted in my 2019 PIDC Annual Report. As this review progresses, I would be pleased to share my thoughts about amendments to PIDWA that will better ensure that its purposes are achieved.”

The purposes of PIDWA are to:

- facilitate the disclosure by employees of potential wrongdoings that may be unlawful, dangerous or injurious to the public interest;
- protect employees who make disclosures; and
- promote public confidence in the administration of public entities.

Some of the issues that are hindering the achievement of these purposes include:

- lack of clarity regarding the PIDC’s authority to obtain records and evidence in the course of an investigation, which has led to challenges by government lawyers to this authority and caused delays in completing investigations;
- disclosures by employees to supervisors, who do not recognize them as disclosures and treat them as HR matters;
- lack of procedures in public entities to effectively manage the disclosure process or to adequately protect the identity of the discloser, which puts disclosers at risk of possible reprisal; and
- lack of adequate training for employees of public entities on how to make or recognize and manage a disclosure.

“In my view, PIDWA needs to be amended in order to achieve its purposes by, amongst other things, clarifying and strengthening the authority of the PIDC to obtain access to records and information required for an investigation, requiring public entities to implement proper procedures to facilitate disclosures and protect the identity of the discloser, and requiring mandatory training on these procedures to ensure they will be adhered to,” added McLeod-McKay.

The Ombudsman, Information and Privacy Commissioner, and Public Interest Disclosure Commissioner is an independent officer of the Yukon Legislative Assembly. For more information, please go to [www.yukonombudsman.ca](http://www.yukonombudsman.ca).

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**Contact:**

Elaine Schiman, Communications Manager

Office of the Yukon Ombudsman, Information and Privacy Commissioner & Public Interest

Disclosure Commissioner

[elaine.schiman@yukonombudsman.ca](mailto:elaine.schiman@yukonombudsman.ca)

867-332-4555

[www.yukonombudsman.ca](http://www.yukonombudsman.ca)

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