

PUBLIC INTEREST  
DISCLOSURE COMMISSIONER  
2022 ANNUAL REPORT



**Public Interest  
Disclosure  
Commissioner**

*Speak out. Safely.*

April 2023

The Honourable Randy Weekes  
Speaker of the Legislative Assembly  
Province of Saskatchewan  
Room 129, Legislative Building  
2405 Legislative Drive  
Regina, Saskatchewan S4S 0B3

Dear Mr. Speaker:

As required by subsection 23(1) of *The Public Interest Disclosure Act*, I am pleased to submit to you the annual report of the Public Interest Disclosure Commissioner for 2022.

Respectfully submitted,

A handwritten signature in grey ink, appearing to read 'S. Pratchler', positioned above the printed name.

Sharon Pratchler, K.C.  
Commissioner

## COMMISSIONER'S MESSAGE

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**Sharon Pratchler, K.C.**  
Commissioner

My focus since becoming Commissioner on November 1, 2022, has been to review the best practices for investigating complaints under the legislation. I am also reviewing the approaches and material that are used in other Canadian jurisdictions.

Our office is considering ways in which we can increase awareness of the protections provided under the legislation. We also want to ensure that there are educational events and other opportunities in which we can connect with the designated officers, who provide another route by which complaints can be made under the legislation.

Individuals in the public service are held to a high standard because the integrity with which they serve the public is connected to the integrity of government in a democratic system. Our work under the authority of *The Public Interest Disclosure Act* supports the goal of ensuring a public service that meets those high standards of integrity.

# ABOUT PUBLIC INTEREST DISCLOSURE

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The purpose of *The Public Interest Disclosure Act* (the Act) is to promote accountability and integrity within Saskatchewan's provincial public sector. It does this by:

- Establishing a system for provincial public sector employees to disclose concerns about suspected wrongdoings.
- Protecting provincial public sector employees from reprisals when they make a disclosure or seek advice under the Act.
- Ensuring that disclosures of wrongdoing are investigated in a fair and effective manner.

The Act provides two avenues for provincial public sector employees who want to seek advice or make a disclosure of wrongdoing: either the Public Interest Disclosure Commissioner or a designated officer within their institution.

It is up to the individual employee to decide whether to seek out the Commissioner or the institution's designated officer. No matter which option the employee chooses, they are equally protected from reprisals.

## Roles and Definitions

### The Role of the Public Interest Disclosure Commissioner

The Office of the Public Interest Disclosure Commissioner is established under *The Public Interest Disclosure Act*.

The Commissioner is an Officer of the Legislative Assembly and as such is independent from the provincial government and the government institutions subject to the Act. She is free to reach her own conclusions about concerns that come to her office.

Under the Act, the Commissioner has jurisdiction to investigate and take appropriate steps to help resolve matters raised by provincial public sector employees related to alleged wrongdoings in government institutions.

The Commissioner has sole jurisdiction to investigate complaints of reprisal taken against public sector employees who made disclosures or took other actions protected under the Act.

## Who is considered a public sector employee?

The Act defines a “public servant” as an employee of any provincial government institution that falls under the Act. The Act protects public sector employees, but does not apply to members of the public.

## Which government institutions does *The Public Interest Disclosure Act* apply to?

Government institutions include the office of Executive Council, any department, ministry, secretariat or other similar agency of the executive government of Saskatchewan, or any body listed in Part 1 of the Appendix to *The Freedom of Information and Protection of Privacy Regulations*. All provincial government ministries, the Saskatchewan Health Authority, the Saskatchewan Cancer Agency, and many agencies, boards, commissions, and Crown corporations are covered by the Act.

The Act does not apply to members of the Legislative Assembly, other officers of the Legislative Assembly, school divisions, universities, colleges or municipalities. It also does not apply to the federal government, other provincial governments, the courts, or private businesses.

## What is a Wrongdoing?

A wrongdoing is any of the following:

- A contravention of a provincial or federal Act or regulation.
- An act or omission that creates a substantial and specific danger to the life, health or safety of persons\* or the environment.
- Gross mismanagement of public funds or a public asset.
- Counselling to commit a wrongdoing.

\* Other than a danger that is inherent in the performance of a public sector employee's job.

Generally, wrongdoings under the Act do not include issues related to personal or private interests such as individual grievances and workplace conflicts. These issues are most often appropriately dealt with by existing workplace or public sector policies, codes of conduct and grievance procedures.

## What is a Reprisal?

Public sector employees may make a complaint to our office if they believe they have suffered a reprisal for having sought advice about, disclosed, or refused to participate in a suspected wrongdoing, or for having co-operated in an investigation under the Act.

Reprisals include:

- dismissal
- layoff
- suspension
- demotion or transfer
- discontinuation or elimination of a job
- change of a job location
- reduction in wages
- change in hours of work
- reprimand
- any other measure that adversely affects the employee's employment or working conditions
- threats to take any of these measures

## The Role of the Permanent Head

Permanent heads include:

- Deputy ministers.
- The president or other official in charge of a government institution, who is directly responsible to a minister or the Premier.
- CEOs of Crown corporations.
- The chairperson of a prescribed government institution.
- CEOs of the Saskatchewan Health Authority and the Saskatchewan Cancer Agency.

Sections 5, 6 and 8 of the Act assign specific responsibilities to permanent heads.

## **Section 5: Appoint a Designated Officer**

Section 5 requires permanent heads to appoint a senior official to be the designated officer for the purposes of the Act. If the permanent head does not designate a senior official, then the permanent head is the designated officer.

## **Section 6: Establish Procedures to Manage Disclosures**

Section 6 requires every permanent head to establish procedures to manage disclosures by public sector employees of the government institution and specifies the features the procedures must include.

## **Section 8: Communicate Widely with Public Sector Employees**

Section 8 requires permanent heads to ensure that information about the Act and the disclosure procedures of the government institution are widely communicated to the public sector employees of the government institution.

## **The Role of the Designated Officer**

Designated officers are often the first point of contact for public sector employees who want to disclose their concerns or to seek advice within their workplaces.

Designated officers must receive and deal with disclosures according to the requirements of the Act (e.g. confidentiality, procedural fairness).

## Exception Consultations

Section 7 of the Act allows the permanent head of a government institution to not appoint a designated officer and not establish procedures to manage disclosures, if the permanent head believes that it is not practical because of the size of the government institution.

Section 7 requires permanent heads to consult with the Commissioner before making this decision.

All disclosures and inquiries from employees of these institutions must be directed to the Commissioner. These government institutions are still required to comply with the rest of the Act, including section 8, by widely communicating information about the Act to their employees.

To date, the government institutions whose permanent heads have decided not to have a designated officer, or procedures to manage disclosures, are listed below and on our website.

- Athletics Commission Saskatchewan
- Law Reform Commission of Saskatchewan
- Liquor Board Superannuation Commission
- Multitype Library Board Saskatchewan
- Public Employees Pension Board
- Public Service Superannuation Board
- Saskatchewan Law Reform Commission
- Saskatchewan Pension Annuity Fund Board
- Saskatchewan Police Commission

## Inquiries Received

In 2022, our office received 19 inquiries regarding *The Public Interest Disclosure Act*. Our office reviewed each inquiry to determine whether an investigation should proceed. In the majority of the cases, it was determined that the inquiry did not fall within the mandate of our legislation, either because of the subject matter of the inquiry, the individual making the report, or the entity involved. Five files from 2022 remained open at the end of the year and were carried into 2023.



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