

Public Interest Disclosure Commissioner

Annual Report
2023



**Public Interest
Disclosure
Commissioner**

Speak out. Safely.

April 2024

The Honourable Randy Weekes
Speaker of the Legislative Assembly
Province of Saskatchewan
Room 129, Legislative Building
2405 Legislative Drive
Regina SK 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 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Syp', written in a cursive style.

Sharon Pratchler, K.C.
Public Interest Disclosure Commissioner

Commissioner's Message

The purpose of *The Public Interest Disclosure Act* is to provide a confidential process for public servants to make disclosures about suspected wrongdoings in government and to protect the public servant from reprisal if they make a disclosure. The first step in that process often involves a public servant contacting our office to obtain information in order to decide if they want to make a disclosure.

In order to proceed under the legislation, we have to identify two key elements. First, the person making the disclosure must be a public servant as defined in the Act. Second, the subject matter of the disclosure must fall within the definition of wrongdoing set out in the Act, which includes:

- 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.

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.

At times, we receive anonymous disclosures but are not able to proceed with them as we have to first determine that the individual making the disclosure meets the definition of public servant set out in the Act.

We understand the emotional toll that witnessing a wrongdoing in the workplace can take on an individual and have over the past year received training in trauma-informed practices. Confidentiality is a key aspect of our processes.

Provincial public sector employees who want to seek advice about making a disclosure can contact our office to discuss the process. If you are unsure about whether the legislation applies to you, you can reach out to us and we will review your circumstances to make that determination.

OUR WORK IN 2023

Inquiries Under the Act in 2023

We received 11 inquiries under the Act in 2023. In some instances, the individual making the inquiry wanted information before deciding whether they should make a disclosure. In the majority of the cases, it was determined the inquiry did not fall within the mandate of our legislation, because of the subject matter of the inquiry, the individual making the report was not a public servant, or the inquiry did not involve matters covered by our legislation. Three of the inquiries were made anonymously, which meant we were unable to make an assessment of whether or not our legislation applied.

Two files remained open at the end of the year and were carried into 2024.

Investigation

We concluded one investigation in 2023 which involved a disclosure by a public servant that his manager was asking him to do work he was not authorized to do. He claimed that performing the work would constitute an unauthorized professional practice. The public servant also believed he was suffering a reprisal.

After investigation of the circumstances, we concluded the disclosures were not substantiated, as the work assigned did not require unauthorized professional practice. We also concluded the supervisor's response to the refusal of work did not constitute a reprisal under the Act.

Referral to Provincial Auditor

Our legislation authorizes us to refer matters to the Provincial Auditor. A referral can be made when the Commissioner believes a disclosure would be dealt with more appropriately by the Provincial Auditor. When such a referral is made, the public servant who made the disclosure continues to have the protection from reprisals which is set out in *The Public Interest Disclosure Act*.

We referred one file to the Provincial Auditor, based on the financial nature of the information provided.

OMBUDSMAN SASKATCHEWAN

PUBLIC INTEREST DISCLOSURE COMMISSIONER

Regina Office

500 - 2103 11th Avenue
Regina SK S4P 3Z8

Saskatoon Office

500 - 350 3rd Avenue North
Saskatoon SK S7K 6G7

Contact us at:

Phone (306) 787-6211
Toll-Free 1-800-667-9787
Fax (306) 787-9090
Email ombreg@ombudsman.sk.ca
ombsktn@ombudsman.sk.ca

ombudsman.sk.ca



Be Curious
Not Judgmental