



Office of the Citizens' Representative

8. Does the Citizens' Representative investigate all disclosures?

Each disclosure will be carefully analyzed for possible investigation.

The Citizens' Representative has the right to refuse to investigate a matter that is considered frivolous, vexatious, made in bad faith, or for another valid reason.

If the matter is not considered a disclosure or the Citizens' Representative refuses to investigate, you will be notified of the reasons why.

Where a disclosure involves criminal behaviour, it will be referred to the appropriate law enforcement agency.

9. Who do I contact?

Contact the Office of the Citizens' Representative at (709) 729-7647 or toll free at 1-800-559-0079 and advise you wish to make a public interest disclosure. You will be transferred immediately to the Citizens' Representative or the Assistant Citizens' Representative.

Office of the Citizens' Representative

4th Floor, Beothuck Building
20 Crosbie Place
P.O. Box 8400
St. John's, NL A1B 3N7

Phone: (709) 729-7647
Toll Free: 1-800-559-0079
Fax: (709) 729-7696

Email: citrep@gov.nl.ca
www.citizensrep.nl.ca

Have *you*
noticed
anything
in *your*
workplace
that *you* feel
is wrong?



Public Interest Disclosure
(Whistleblowing)

Frequently Asked
Questions



Seeking fairness...
finding solutions

The Citizens' Representative is the delegated investigator under Part VI of the House of Assembly Accountability, Integrity and Administration Act ("the Act"). NOTE: Public interest disclosures only relate to the House of Assembly at this time.

Members and employees of the House of Assembly and the Statutory Offices of the House of Assembly have the option of making a public interest disclosure to:

- In the case of employees, to his or her supervisor;
- in the case of Members or employees, the Clerk of the House of Assembly;
- a member of the Audit Committee, all of whom shall then refer the matter to the Citizens' Representative for investigation; or
- directly to the Citizens' Representative.

It can be daunting to come forward with information about a public interest disclosure for fear of reprisals or the belief that nothing will be done to resolve the matter. In the event the disclosure is investigated, this Office will work with Members and employees of the House of Assembly to uncover evidence of past or anticipated serious wrongdoing in a highly confidential manner.

For this reason, we provide the following FAQs on public interest disclosure:

1. What is a public interest disclosure?

A term commonly associated with public interest disclosure is "whistleblowing".

Pursuant to Part VI of the Act, a public interest disclosure alleges "wrongdoing".

Wrongdoing is defined as:

- Acts or omissions that constitute offences under the Act;
- Gross mismanagement, including of public money under the stewardship of the House of Assembly Management Commission;
- Gross mismanagement in violation or suspected violation of a code of conduct;
- Failure to disclose information required to be disclosed under the Act; or
- Knowingly directing or counseling a person to commit a wrongdoing.

2. Why is it important to make a complaint?

To serve the public interest. Those who are aware that a wrongdoing - as defined in the previous question - has taken place are in a unique position to preserve public health and safety, ensure respect for our public and democratic institutions and protect scarce public funds.

3. What should I consider before making a complaint?

- Consider if you have reasonable grounds for the disclosure and whether you are making the disclosure in both good faith and in the public interest.
- Consider if you have sufficient evidence to substantiate the disclosure.
- Consider to whom you wish to make the disclosure to from the list of possible recipients for a public interest disclosure.

4. Can I make a complaint anonymously?

You will have to disclose your identity to the Citizens' Representative or his or her designated Investigator(s).

Section 56 of the Act states "the identity of a person making a disclosure shall be kept confidential to the extent permitted by law and consistent with the need to conduct a proper investigation".

5. What information should I disclose?

Disclosures can be made orally or in writing, but by law, have to contain a description of the wrongdoing, names, dates and whether the disclosure has been previously made and what the response to the disclosure was.

If you are writing, provide a clear and factual account and attach copies of applicable documents, records or correspondence in support of the disclosure. Please mark all envelopes "private and confidential".

6. What protection is available if you make a complaint?

Reprisals are unlawful and include disciplinary measures, demotion, termination of employment, measures that adversely affect working conditions and employment or threats to carry out such measures. Reprisals will be considered by the Labour Relations Board.

Investigators are sworn to secrecy and work in a pre-existing confidential environment. Only staff assigned to the disclosure are permitted to discuss the disclosure.

7. Will I be kept informed on the progress and outcome?

Yes. We will notify you within five days that the disclosure has been received. You will be notified when an investigation starts and may be contacted at any point during or following the investigation. The investigation will be conducted as informally and expeditiously as possible.

We will carefully consider every aspect of shielding your identity and all information communicated to you will be provided in a secure and private fashion.