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November 26, 2020

Legislative Assembly of Alberta
Standing Committee on Resource Stewardship
c/o Committee Clerk
3rd Floor, 9820 - 107 Street
Edmonton, AB T5K 1E7

Via Email to
RSCommittee.Admin@assembly.ab.ca

Dear Sirs:

Re: Review of the *Public Interest Disclosure (Whistleblower Protection) Act*

Thank you for your email of October 26, 2020 and for the opportunity to provide input into the comprehensive review of the *Public Interest Disclosure (Whistleblower Protection) Act* ("PIDA") that is currently being undertaken.

Since the implementation of PIDA, MacEwan University has established robust and detailed reporting and investigation processes to respond to complaints of wrongdoing and reprisal at the University. Upon receipt of the invitation to participate in the review of PIDA, the University's Designated Officer, Michelle Plouffe, Vice-President and General Counsel, considered those processes in the context of their relationship to and interactions with the requirements of PIDA. Based on that review and any ensuing discussions and feedback received from various stakeholders, MacEwan University makes the following submissions with respect to the comprehensive review of PIDA:

1. The addition of bullying and harassment to the definition of "Wrongdoing" as a part of the amendments to PIDA made during 2018 has created a lack of clarity in terms of which legislation and regulatory body would respond to those types of complaints, as these areas are also covered within the *Occupational Health and Safety Act* and the *Conflicts of Interest Act*. It is now unclear how institutions should respond to such complaints and potentially opens the door to multiple agencies (Occupational Health and Safety, the Office of the Public Interest Commissioner, and the Office of the Ethics Commissioner) investigating the University for this type of complaint. As a part of the current review, consideration could be given to adding clarification within PIDA on how PIDA interacts with other legislation which also require reporting of complaints of harassment and bullying.

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2. PIDA currently requires that all complaints of reprisal be sent directly to the Public Interest Commissioner. Because employee complaints can often be complex and multi-faceted and sometimes come with counter-complaints or concerns of reprisal, it is difficult to separate out such issues and it is not ideal to treat them separately. It is MacEwan University's position that the ideal approach would be for response to complaints of reprisal remain within the authority of institutions to directly oversee. If this change were made, PIDA could also be amended to provide employees with the ability to appeal to the Public Interest Commissioner if they feel complaints have not been adequately resolved.

Again, thank you for the opportunity to participate in this review. The above is respectfully submitted for consideration. If you have any questions with respect to this submission, please do not hesitate to contact me.

Sincerely,

A black rectangular box redacting the signature of Dr. Annette Trimbee.

Dr. Annette Trimbee
President and Vice-Chancellor