



College of
Physicians and Surgeons
of Saskatchewan



HUS 9-29
Tabled by Chair
Date May 10, 2021

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REGISTRAR
KAREN SHAW, M.D.

24 March, 2021

The Honourable Paul Merriman
Minister of Health
Room 204 Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3

Ms. Vicki Mowat
Health Critic, NDP Caucus
Unit 16 – 15 Worobetz Place
Saskatoon, SK S7T 0E1

Sent via email: he.minister@gov.sk.ca; vmowat@ndpcaucus.sk.ca

Dear Mr. Merriman and Ms. Mowat,

**RE: BILL 20 – THE PUBLICLY-FUNDED HEALTH ENTITY PUBLIC
INTEREST DISCLOSURE ACT**

At its meeting on March 19 the Council of the College of Physicians and Surgeons reviewed Bill 20.

The Council of the College supports this legislation and encourages the legislature to adopt it.

The Council concluded that the legislation would benefit from an expanded definition of “wrongdoing”. An individual who reports concerns related to the operation of a health entity is only protected if that report relates to “wrongdoing”.

The bill defines it as follows:

Wrongdoings to which this Act applies

3 This Act applies to the following wrongdoings in or relating to publicly-funded health entities:

- (a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
- (b) an act or omission that creates:
 - (i) a substantial and specific danger to the life, health or safety of persons other than a danger that is inherent in the performance of the duties or functions of an employee; or

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*To serve the public by regulating the practice of medicine and guiding the profession
to achieve the highest standards of care.*

- (ii) a substantial and specific danger to the environment;
- (c) gross mismanagement of public funds or a public asset;
- (d) knowingly directing or counselling a person to commit a wrongdoing mentioned in clauses (a) to (c).

The Council noted that Alberta legislation relating to the public service contains two additional circumstances that may constitute “wrongdoing” – harassment or abuse of employees or conduct that is defined as “wrongdoing” in regulation.

The Council thinks that the Bill would benefit from an expanded definition of “wrongdoing” consistent with the Alberta legislation.

The Alberta legislation states:

- 3(1) This Act applies in respect of the following wrongdoings in or relating to departments, public entities, offices or prescribed service providers or relating to employees:
- (a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
 - (b) an act or omission that creates
 - (i) a substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
 - (ii) a substantial and specific danger to the environment;
 - (c) gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of
 - (i) public funds or a public asset,
 - (ii) the delivery of a public service, including the management or performance of
 - (A) a contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - (B) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or
 - (iii) employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
- (c.1) a wrongdoing prescribed in the regulations;

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- (d) knowingly directing or counselling an individual to commit a wrongdoing mentioned in clauses (a) to (c.1).

The Council thinks that the Bill would benefit if a definition such as the following of "wrongdoing" was adopted:

Wrongdoings to which this Act applies

3 This Act applies to the following wrongdoings in or relating to publicly-funded health entities:

- (a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
- (b) an act or omission that creates:
 - (i) a substantial and specific danger to the life, health or safety of persons other than a danger that is inherent in the performance of the duties or functions of an employee; or
 - (ii) a substantial and specific danger to the environment;
- (c) gross mismanagement of public funds or a public asset;
- (d) an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
- (e) a wrongdoing prescribed in the regulations;
- (f) knowingly directing or counselling a person to commit a wrongdoing mentioned in clauses (a) to (c).

Sincerely,



Olawale Franklin Igbekoyi, MD
President

