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Annual Report on the *Public Servants Disclosure Protection Act* 2014–15



Canada

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Introduction

Section 38.1 of the *Public Servants Disclosure Protection Act*ⁱ (PSDPA) requires that the Chief Human Resources Officer prepare an annual report for the President of the Treasury Board to table in Parliament. The report must provide information on activities related to the disclosures made in public sector organizations that are subject to the Act. This report, the eighth annual report under the PSDPA,ⁱⁱ covers the reporting requirements for the period of April 1, 2014, to March 31, 2015.

The PSDPA establishes procedures for handling allegations of wrongdoing and complaints of reprisal, and provides concrete support for grounding public sector culture firmly in values and ethics. For an overview of the Act and definitions of key terms used in this report, please refer to Parts E and F of the Appendix.

This report includes information on disclosures made according to internal procedures established under the Act, as reported to the Office of the Chief Human Resources Officer (OCHRO) by the senior officers for disclosure or the chief executives of public sector organizations. It does not include disclosures or reprisal complaints made to the Office of the Public Sector Integrity Commissioner of Canada, which are reported separately by the Commissioner to Parliament.

Reported Disclosure Activity

There are 146 active organizations in the federal public sector that are currently subject to the Act.¹ Of these organizations, 123 have informed OCHRO of their senior officer for disclosure appointments made under the Act. Pursuant to subsection 10(4) of the Act,ⁱⁱⁱ 23 organizations have declared that they would not establish internal disclosure procedures or appoint a senior officer for disclosure because the size of the organization made it impractical to do so.

Subsection 38.1(1) of the Act^{iv} requires chief executives to prepare a report on the activities related to disclosures made in their organizations and to submit it to the Chief Human Resources Officer within 60 days after the end of every fiscal year. The following is a summary of these reports. Statistics from previous years are included for comparison.

1. This figure does not include the three organizations excluded from the definition of “public sector” in the Act (the Canadian Armed Forces, the Canadian Security Intelligence Service, and Communications Security Establishment Canada) or the organization that requires an order-in-council to become subject to the Act (the Canada Pension Plan Investment Board).

Disclosure Activity 2009–15

Disclosure Activity	2014–15	2013–14	2012–13	2011–12	2010–11	2009–10
Number of active organizations	146	147	149	155	154	155
Number of general inquiries related to the Act	229	206	198	225	277	281
Number of organizations that reported inquiries	36	31	37	32	33	29
Number of disclosures received under the Act	200	194*	207	197	291	213
Number of organizations that reported disclosures	28	28	30	28	33	32
Number of referrals resulting from a disclosure made in another public sector organization	1	0	9	4	3	4
Number of cases carried over on the basis of disclosures made the previous year	98	93	100	118	75	31
Total number of disclosures handled (new disclosures + referrals + cases carried over)	299	287*	316	319	369	248
Number of disclosures received that were acted upon	123	123*	130	186	350	218
Number of disclosures received that were not acted upon	85	73	91	47	19	30
Number of investigations commenced as a result of disclosures received	78	39	74	78	111	75
Number of disclosures received that led to a finding of wrongdoing	13	17	18	24	9	7
Number of organizations that reported findings of wrongdoing	4	5	6	10	7	4
Number of disclosures received that led to corrective measures	17	29	40	74	31	36
Number of organizations that reported corrective measures	8	9	13	15	16	14
Number of organizations that reported finding systemic problems that gave rise to wrongdoing	0	3	2	1	2	4
Number of organizations that did not disclose information about findings of wrongdoing within 60 days	2	2	5	3	7	N/A

* These figures have been amended to reflect that a file received in 2013–14 by the Royal Canadian Mounted Police (RCMP), initially identified as including 1 disclosure, was further determined to include 13 disclosures. As a result of this determination, amendments have been made to the 2013–14 figures corresponding to “Number of disclosures received under the Act,” “Total number of disclosures handled” and “Number of disclosures received that were acted upon.” The numbers that appear in the column for 2014–15 have been adjusted to reflect this information.

In accordance with [paragraph 11\(1\)\(c\) of the Act](#),^v it is the responsibility of organizations to provide public access to information describing findings of wrongdoing and any follow-up action taken. Consequently, OCHRO does not collect or report on the specifics of findings of wrongdoing by organizations.

Statistics on reports of organizational activities related to disclosures made under the Act are available in Part A of the Appendix. These statistics provide a useful snapshot of activity under the PSDPA. The following points should be noted:

- 4 It is difficult to compare statistics across organizations because their cultures vary. Issues may be dealt with through different mechanisms in different organizations.
- 4 Sometimes a disclosure will contain several allegations of wrongdoing. When filling out their annual report under the PSDPA, organizations are asked to count each allegation as a separate disclosure and report it as such in their submission to OCHRO. As a result, the report captures the number of potential incidents of wrongdoing to be investigated, which is a higher number than that of public servants making disclosures.
- 4 Cases identified through disclosure may be followed up on through another process, such as a grievance procedure.
- 4 The following are the most common reasons provided by organizations for not acting upon disclosures:
 - The individual making the disclosure was referred to another, more appropriate, recourse mechanism because of the nature of the allegation(s); and
 - The disclosure did not meet the [definition of wrongdoing under section 8 of the Act](#).^{vi}
- 4 Disclosures can be made to a supervisor, a senior officer for disclosure or the Public Sector Integrity Commissioner. The choice of a particular channel for disclosure cannot be construed as a reflection of a lack of trust in other channels.
- 4 Given that an anonymous disclosure does not meet the definition of a “disclosure made under the Act,” this report does not include situations where information about a possible wrongdoing is provided anonymously.²
- 4 Although the Canadian Armed Forces (CAF), the Canadian Security Intelligence Service (CSIS) and the Communications Security Establishment Canada (CSEC) are excluded from the PSDPA, under [section 52](#)^{vii} they are required to establish procedures applicable to their organization for the disclosure of wrongdoing, including the protection of persons who disclose wrongdoing. These procedures must, in the opinion of the Treasury Board, be similar to those set out in the PSDPA. CSIS procedures were approved in December 2009, CSEC’s procedures were approved in June 2011, and the CAF’s procedures were approved in April 2012.

2. To trigger the protections of the Act, a public servant must be identifiable as the source of the disclosure or be involved in a disclosure investigation.

Appendix: Summary of Organizational Activity Related to Disclosures Under the Act

A. Organizations reporting activity under the Act in 2014–15

Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from 2013–14	Acted upon	Not acted upon	Carried over into 2015–16		A finding of wrong-doing	Corrective measures
Agriculture and Agri-Food Canada	1	1	0	0	1	0	0	1	0	0
Atomic Energy of Canada Limited	5	6	0	0	6	0	0	6	0	3
Bank of Canada	1	0	0	0	0	0	0	0	0	0
Canada Border Services Agency	38	43	0	36	4	50	25	4	0	0
Canada Revenue Agency	6	7	0	1	5	0	3	3	0	0
Canada School of Public Service	5	0	0	0	0	0	0	0	0	0
Canadian Air Transport Security Authority	0	5	0	0	0	1	4	1	0	0
Canadian Food Inspection Agency	34	11	0	9	20	0	0	0	0	2
Canadian Grain Commission	2	0	0	0	0	0	0	0	0	0
Canadian Heritage	1	0	0	0	0	0	0	0	0	0
Canadian Nuclear Safety Commission	2	0	0	0	0	0	0	0	0	0
Canadian Radio-television and Telecommunications Commission	1	0	0	0	0	0	0	0	0	0
Canadian Space Agency	1	1	0	0	0	1	0	0	0	0
Citizenship and Immigration Canada	0	1	0	1	1	0	1	0	0	1

Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from 2013-14	Acted upon	Not acted upon	Carried over into 2015-16		A finding of wrong-doing	Corrective measures
Correctional Service Canada	1	11	0	5	8	5	3	2	3	4
Department of Finance Canada	3	0	0	0	0	0	0	0	0	0
Department of Justice Canada	2	1	0	0	0	1	0	0	0	0
Enterprise Cape Breton Corporation*	0	0	0	1	1	0	0	0	1	1
Environment Canada	12	11	0	2	11	1	1	2	0	3
Fisheries and Oceans Canada	6	1	0	2	3	0	0	0	0	0
Foreign Affairs, Trade and Development Canada	1	0	0	1	0	0	1	0	0	0
Health Canada	10	1	0	2	1	0	2	0	0	0
Employment and Social Development Canada	2	3	0	1	3	0	1	2	0	0
Indian Oil and Gas Canada	1	0	0	0	0	0	0	0	0	0
Industry Canada	0	1	0	0	0	1	0	0	0	0
Infrastructure Canada	1	0	0	0	0	0	0	0	0	0
National Capital Commission	4	10	0	0	2	7	1	2	0	0
National Defence	13	21	1	10	12	9	11	9	0	0
Natural Resources Canada	7	5	0	0	2	0	3	3	0	1
Office of the Auditor General of Canada	0	2	0	0	0	2	0	0	0	0
Parole Board of Canada	1	0	0	0	0	0	0	0	0	0
Parks Canada	4	3	0	0	3	0	0	1	2	2

Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from 2013–14	Acted upon	Not acted upon	Carried over into 2015–16		A finding of wrong-doing	Corrective measures
Privy Council Office	2	0	0	0	0	0	0	0	0	0
Public Health Agency of Canada	2	3	0	0	0	0	3	0	0	0
Public Works and Government Services Canada	6	28	0	8	11	2	23	25	7	0
Royal Canadian Mounted Police	11	0	0	17**	15**	0	2	1	0	0
Shared Services Canada	5	1	0	2	1	0	2	1	0	0
Staff of the Non-Public Funds, Canadian Forces	0	1	0	0	1	0	0	1	0	0
Statistics Canada	0	2	0	0	0	2	0	0	0	0
Transport Canada	3	17	0	0	9	3	5	14	0	0
Treasury Board of Canada Secretariat	2	1	0	0	1	0	0	0	0	0
Veterans Affairs Canada	2	0	0	0	0	0	0	0	0	0
Via Rail Canada Inc.	31	2	0	0	2	0	0	0	0	0
Totals	229	200	1	98	123	85	91	78	13	17

* On June 19, 2014, the operation of the Enterprise Cape Breton Corporation (ECBC) was transferred to both the Atlantic Canada Opportunities Agency and Public Works and Government Services Canada. As a result, the report for ECBC covers the period of April 1 to June 18, 2014.

** Upon assessment of a file opened in 2013–14 initially identified as including 1 disclosure, it was further determined to include 13 disclosures.

B. Organizations that reported no activities related to disclosure in the reporting period

- 4 Aboriginal Affairs and Northern Development Canada
- 4 Administrative Tribunals Support Service of Canada³
- 4 Atlantic Canada Opportunities Agency
- 4 Atlantic Pilotage Authority Canada
- 4 Business Development Bank of Canada
- 4 Canada Council for the Arts
- 4 Canada Deposit Insurance Corporation
- 4 Canada Development Investment Corporation
- 4 Canada Economic Development for Quebec Regions
- 4 Canada Employment Insurance Commission
- 4 Canada Industrial Relations Board⁴
- 4 Canada Mortgage and Housing Corporation
- 4 Canada Post
- 4 Canada Science and Technology Museums Corporation
- 4 Canadian Broadcasting Corporation
- 4 Canadian Centre for Occupational Health and Safety
- 4 Canadian Commercial Corporation
- 4 Canadian Environmental Assessment Agency
- 4 Canadian Institutes of Health Research
- 4 Canadian International Trade Tribunal⁵
- 4 Canadian Museum of History and Canadian War Museum
- 4 Canadian Museum for Human Rights
- 4 Canadian Museum of Nature

3. The Administrative Tribunals Support Service of Canada (ATSSC) was created on November 1, 2014, and is responsible for providing support services to 11 federal administrative tribunals by way of a single, integrated organization. This report covers the period of November 1, 2014, to March 31, 2015.

4. As of November 1, 2014, the Canada Industrial Relations Board (CIRB) is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the CIRB will be reporting through the ATSSC.

5. As of November 1, 2014, the Canadian International Trade Tribunal (CITT) is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the CITT will be reporting through the ATSSC.

- 4 Canadian Northern Economic Development Agency
- 4 Canadian Polar Commission
- 4 Canadian Tourism Commission
- 4 Canadian Transportation Agency
- 4 Civilian Review and Complaints Commission for the Royal Canadian Mounted Police⁶
- 4 The Correctional Investigator Canada
- 4 Courts Administration Service
- 4 Defence Construction Canada
- 4 Energy Supplies Allocation Board
- 4 Export Development Canada
- 4 Farm Credit Canada
- 4 Farm Products Council of Canada
- 4 Federal Bridge Corporation
- 4 Federal Economic Development Agency for Southern Ontario
- 4 Financial Transactions and Reports Analysis Centre of Canada
- 4 Great Lakes Pilotage Authority Canada
- 4 Human Rights Tribunal of Canada⁷
- 4 Immigration and Refugee Board of Canada
- 4 International Development Research Centre
- 4 Laurentian Pilotage Authority Canada
- 4 Library and Archives Canada
- 4 Marine Atlantic Inc.
- 4 Military Police Complaints Commission of Canada
- 4 National Arts Centre
- 4 The National Battlefields Commission
- 4 National Energy Board

6. As a result of amendments to the *RCMP Act* that took effect November 28, 2014, the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police assumed all the powers, duties and functions of the former Commission for Public Complaints Against the RCMP.

7. As of November 1, 2014, the Human Rights Tribunal of Canada is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the Human Rights Tribunal of Canada will be reporting through the ATSSC.

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- 4 National Film Board
 - 4 National Gallery of Canada
 - 4 National Research Council Canada
 - 4 Northern Pipeline Agency Canada
 - 4 Office of the Chief Electoral Officer
 - 4 Office of the Commissioner for Federal Judicial Affairs Canada
 - 4 Office of the Information Commissioner of Canada
 - 4 Office of the Public Sector Integrity Commissioner of Canada
 - 4 Office of the Secretary to the Governor General
 - 4 Office of the Superintendent of Bankruptcy Canada
 - 4 Office of the Superintendent of Financial Institutions Canada
 - 4 Pacific Pilotage Authority Canada
 - 4 Patented Medicine Prices Review Board Canada
 - 4 PPP Canada
 - 4 Public Prosecution Service of Canada
 - 4 Public Safety Canada
 - 4 Public Sector Pension Investment Board
 - 4 Public Service Commission of Canada
 - 4 Public Service Labour Relations Board⁸
 - 4 RCMP External Review Committee
 - 4 Registry of the Specific Claims Tribunal of Canada⁹
 - 4 Registrar of the Supreme Court of Canada
 - 4 Ridley Terminals Inc.
 - 4 Royal Canadian Mint
 - 4 Science and Engineering Research Canada

8. On November 1, 2014, the Public Service Labour Relations Board and the Public Service Staffing Tribunal were merged to create the Public Service Labour Relations and Employment Board (PSLREB), which is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the PSLREB will be reporting through the ATSSC.

9. As of November 1, 2014, the Registry of the Specific Claims Tribunal of Canada is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the Registry of the Specific Claims Tribunal of Canada will be reporting through the ATSSC.

- 4 Social Sciences and Humanities Research Council of Canada
- 4 Statistical Survey Operations
- 4 Status of Women Canada
- 4 Transportation Safety Board of Canada
- 4 Veterans Review and Appeal Board
- 4 Western Economic Diversification Canada

C. Organizations that do not have a senior officer for disclosure or internal disclosure procedures as of the end of the reporting period, pursuant to subsection 10(4) of the Act

- 4 Blue Water Bridge Canada¹⁰
- 4 Canada Lands Company Limited
- 4 Canadian Dairy Commission
- 4 Canadian Human Rights Commission
- 4 Canadian Intergovernmental Conference Secretariat
- 4 Canadian Museum of Immigration at Pier 21
- 4 Canadian Race Relations Foundation
- 4 Copyright Board Canada
- 4 Financial Consumer Agency of Canada
- 4 Freshwater Fish Marketing Corporation
- 4 Indian Residential Schools Truth and Reconciliation Commission
- 4 International Joint Commission¹¹
- 4 Military Grievances External Review Committee
- 4 Office of the Commissioner of Lobbying of Canada
- 4 Office of the Commissioner of Official Languages
- 4 Office of the Privacy Commissioner of Canada
- 4 Public Servants Disclosure Protection Tribunal Canada¹²

10. On February 1, 2015, Blue Water Bridge Canada was amalgamated with the Federal Bridge Corporation Limited (FBCL). Due to this merger, the period covered by this report is from April 1, 2014, to January 31, 2015. As of February 1, 2015, Blue Water Bridge Canada will no longer report as an independent organization; its data will be included in the report submitted by FBCL.

11. In 2014–15, the International Joint Commission (Canadian Section) developed internal procedures for the disclosure of wrongdoing that came into force on July 1, 2014, when a Senior Officer for Internal Disclosure was appointed. As of this date, the International Joint Commission (Canadian Section) no longer declares an exception in accordance with section 10(4) of the PSDPA.

12. As of November 1, 2014, the Public Servants Disclosure Protection Tribunal Canada (PSDPT) is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the PSDPT will be reporting through the ATSSC.

- 4 Public Service Staffing Tribunal¹³
- 4 Registry of the Competition Tribunal¹⁴
- 4 Security Intelligence Review Committee
- 4 Standards Council of Canada
- 4 Telefilm Canada
- 4 Transportation Appeal Tribunal of Canada¹⁵

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13. On November 1, 2014, the Public Service Labour Relations Board and the Public Service Staffing Tribunal (PSST) were merged to create the Public Service Labour Relations and Employment Board (PSLREB), which is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the PSST will be reporting through the ATSSC.
14. As of November 1, 2014, the Registry of the Competition Tribunal is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the Competition Tribunal will be reporting through the ATSSC.
15. As of November 1, 2014, the Transportation Appeal Tribunal of Canada is supported by the Administrative Tribunals Support Service of Canada (ATSSC) for PSDPA reporting purposes. As a result, the period covered by this report is from April 1 to October 31, 2014. In future reports, the Transportation Appeal Tribunal of Canada will be reporting through the ATSSC.

D. Inactive organizations that are subject to the Act

- 4 Assisted Human Reproduction Canada
- 4 Canada Emission Reduction Incentives Agency
- 4 Canada Employment Insurance Financing Board
- 4 Canada Investment and Savings
- 4 Canadian Artists and Producers Professional Relations Tribunal
- 4 Cape Breton Development Corporation (amalgamated with, and reporting through, the Enterprise Cape Breton Corporation)
- 4 Corporation for the Mitigation of Mackenzie Gas Project Impacts
- 4 Director of Soldier Settlement
- 4 The Director, The Veterans' Land Act
- 4 First Nations Statistical Institute
- 4 NAFTA Secretariat – Canadian Section
- 4 National Round Table on the Environment and the Economy
- 4 Public Appointments Commission Secretariat

E. Overview of the *Public Servants Disclosure Protection Act*

Introduction

Section 38.1 of the *Public Servants Disclosure Protection Act*^{viii} (PSDPA) requires that the President of the Treasury Board annually table the following information in Parliament for the activities respecting disclosures made in public sector organizations that are subject to the Act:

- 4 Number of general inquiries relating to the Act;
- 4 Number of disclosures received under the Act, and whether they were acted upon;
- 4 Number of investigations commenced;
- 4 Whether any systemic problems were found that led to wrongdoing; and
- 4 Any other matter that the Chief Human Resources Officer deems necessary.

Outline of the Act

The PSDPA encourages employees in the public sector to come forward if they have reason to believe that serious wrongdoing has taken place, and it provides protections for employees against reprisal when they do so.

The Act allows any person to provide the Public Sector Integrity Commissioner with information about possible wrongdoing in the public sector. It also allows employees to make disclosures to their supervisors or to the senior officer for disclosure designated for their organization. The Act created the Public Servants Disclosure Protection Tribunal to address alleged cases of reprisal.

Through these provisions, the PSDPA enhances the ability of organizations to identify and resolve incidents of wrongdoing, while supporting employees who disclose wrongdoing and protecting them from reprisal.

The PSDPA requires allegations of wrongdoing to be treated with an appropriate degree of confidentiality. Organizations must protect any information they collect about disclosures, including the identities of those making disclosures and of others involved, subject to other Acts of Parliament and the principles of natural justice and procedural fairness. In this way, the PSDPA provides a fair and objective process for those against whom allegations are made.

The PSDPA amended the *Access to Information Act* and the *Privacy Act* to ensure that information created for the purpose of making a disclosure, or in the course of an investigation into a disclosure or reprisal complaint, cannot be released in response to requests for information under either of those Acts. To balance these provisions with the need for transparency for public sector wrongdoings, the PSDPA requires that chief executives and the Public Sector Integrity Commissioner provide prompt public access to information that describes incidents of wrongdoing found as a result of disclosures made under the Act, and any corrective action taken as a result.

The establishment of procedures for handling alleged wrongdoing and complaints of reprisal are only one feature of the PSDPA. More broadly, the Act supports a positive public sector culture that is grounded in values and ethics. It requires that the Government of Canada establish a code of conduct applicable to the entire federal public sector, and that each public sector organization establish a code of conduct consistent with the public sector code.

The PSDPA also requires that the President of the Treasury Board promote ethical practices and a positive environment for disclosing wrongdoing in the public sector. Ultimately, the Act will help to sustain and support an ethical culture, thereby reinforcing the integrity of the federal public sector.

F. Key terms

For the purposes of the *Public Servants Disclosure Protection Act*^{ix} (PSDPA), and of this report, “public servant” denotes every person employed in the public sector. This includes the deputy heads and chief executives of public sector organizations, but it does not include other Governor in Council appointees (e.g., judges and boards of Crown corporations) or parliamentarians and their staff.

The PSDPA defines “wrongdoing” as any of the following actions in, or relating to, the public sector:

- 4 Violation of a federal or provincial law or regulation;
- 4 Misuse of public funds or assets;
- 4 Gross mismanagement in the public sector;
- 4 Serious breach of a code of conduct established under the Act;
- 4 Act or omission that creates a substantial and specific danger to the life, health and safety of Canadians or the environment; and
- 4 Knowingly directing or counselling a person to commit a wrongdoing.

A “protected disclosure” is a disclosure that is made in good faith by a public servant under the following conditions:

- 4 In accordance with the Act, to the public servant’s immediate supervisor, senior officer for disclosure or the Public Sector Integrity Commissioner;
- 4 In the course of a parliamentary proceeding;
- 4 In the course of a procedure established under any other Act of Parliament; or
- 4 When lawfully required to do so.

Furthermore, any person can provide information about public sector wrongdoing to the Public Sector Integrity Commissioner.

The PSDPA defines “reprisal” as any of the following measures taken against a public servant who has made a protected disclosure or who has, in good faith, cooperated in an investigation into a disclosure:

- 4 Any disciplinary measure;
- 4 Demotion of the public servant;
- 4 Termination of the employment of the public servant;
- 4 Any measure that adversely affects the employment or working conditions of the public servant; or
- 4 A threat to do any of those things or to direct a person to do them.

Each organization subject to the PSDPA is required to establish “internal procedures” to manage disclosures made in the organization. Organizations that are too small to establish their own internal procedures can request an exception under [section 10\(4\) of the Act](#).^x In this case, disclosures related to the Act would be handled directly by the Public Sector Integrity Commissioner.

A “senior officer for disclosure” is the person appointed within each organization to receive and deal with disclosures made under the Act. Senior officers for disclosure have the following key leadership roles for implementing the Act in their organizations:

- 4 Providing information, advice and guidance to public servants regarding the organization’s internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors;
- 4 Receiving and recording disclosures and reviewing them to establish whether there are sufficient grounds for further action under the PSDPA;
- 4 Managing investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation;
- 4 Coordinating handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization;
- 4 Notifying the person(s) who made a disclosure in writing of the outcome of any review or investigation into the disclosure and on the status of actions taken on the disclosure, as appropriate; and
- 4 Reporting the findings of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to his or her chief executive, with recommendations for corrective action, if any.

Other Definitions

Acting upon a disclosure: Refers to taking any action to determine whether wrongdoing has occurred, including preliminary analysis, fact-finding and investigation. It also means that the determination of whether or not the wrongdoing has occurred was made during the reporting period.

Allegation of wrongdoing: Refers to the communication of a potential incident of wrongdoing through a disclosure as defined in section 8 of the PSDPA. The person must make the allegation in good faith and must have reasonable grounds to believe that the allegation is true.

Disclosure: Refers to the provision of information by a public servant to his or her immediate supervisor or to a senior officer for disclosure that includes one or more allegations of possible wrongdoing in the public sector, in accordance with section 12 of the PSDPA.

General inquiries: Refers to inquiries about procedures established under the PSDPA or about possible wrongdoings, not including actual disclosures.

Investigation: Refers to a formal investigation triggered by a disclosure.

Not acted upon: Refers to any immediate rejection of the disclosure once it is received, including an immediate referral of the employee making the disclosure to another more appropriate recourse mechanism.

Endnotes

- i. Section 38.1 of the *Public Servants Disclosure Protection Act*, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-22.html#docCont>
- ii. PSDPA, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/index.html>
- iii. Subsection 10(4) of the Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-3.html#h-7>
- iv. Subsection 38.1(1) of the Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-22.html#docCont>
- v. Paragraph 11(1)(c) of the Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-4.html#docCont>
- vi. Definition of wrongdoing under section 8 of the Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-3.html#h-6>
- vii. Section 52, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-29.html#h-34>
- viii. Section 38.1 of the *Public Servants Disclosure Protection Act*, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-22.html#docCont>
- ix. *Public Servants Disclosure Protection Act*, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/index.html>
- x. Section 10(4) of the Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-3.html#h-7>