



# **ESDC**

**Employment Social Development Canada** 

Report on disclosure of wrongdoing and misconduct

**Fiscal year 2024 to 2025** 

# ESDC's internal report regarding disclosure of wrongdoing and misconduct - 2024-2025

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# Message from the deputy ministers

In response to the Clerk of the Privy Council's renewed focus on values and ethics, we are pleased to share Employment and Social Development Canada's report on addressing wrongdoing and misconduct for fiscal year 2024/2025.

Employees at all levels have a responsibility to foster a healthy and respectful workplace. The *Employment and Social Development Canada Code of Conduct* and the *Values and Ethics Code for the Public Sector* encourage everyone to report wrongdoing or misconduct. These Codes also reassure everyone that they will be protected if they report something. When wrongdoing or misconduct happens, we are committed to responding appropriately.

One of the goals of this report is to increase confidence in our systems of accountability by increasing transparency and visibility. This report shows what happens when wrongdoing or misconduct is reported and also shows how the Department deals with founded cases of wrongdoing or misconduct. We hope that this annual report, along with the actions we have taken and will take, demonstrates our commitment to maintaining trust and ensuring that necessary corrective measures are taken when allegations are determined to be founded. This includes administrative and disciplinary actions up to and including suspensions and termination of employment where justified.

### Our key priorities are:

- 1. Reminding ourselves of the fundamentally important responsibilities, we have as public servants to uphold the values of respect for democracy, respect for people, integrity, stewardship and excellence.
- Preventing misconduct by addressing inappropriate behaviour early.
- 3. Equipping employees with the training and support they need.

We also strive to cultivate a positive workplace environment where every individual feels valued, respected, and empowered to contribute their best. We are committed to promoting inclusivity, encouraging collaboration, and ensuring that all interactions are conducted with professionalism and mutual respect.

### Cliff Groen

Associate Deputy Minister of Employment and Social Development and Chief Operating Officer for Service Canada

### Sandra Hassan

Deputy Minister of Labour and Associate Deputy Minister of Employment and Social Development

Tina Namiesniowski Senior Associate Deputy Minister of Employment and Social Development

John Ostrander Chief Operating Officer, Benefits Delivery Modernization and Information Technology, Employment and Social Development Canada

Paul Thompson Deputy Minister of Employment and Social Development

# Introduction

All Employment and Social Development Canada (ESDC) employees, regardless of their position, are responsible for maintaining a workplace that is healthy, respectful, safe, and free from harassment and discrimination. Adhering to the <u>Values and Ethics Code for the Public Sector</u> and the <u>ESDC Code of Conduct</u> is the cornerstone of the employee/employer relationship. Employees who experience or witness wrongdoing or misconduct, either directly or indirectly, are encouraged to report these incidents without fear of reprisal. In most cases, an employee's first point of contact for reporting concerns should be their manager. If the manager is directly involved, then other confidential resources are available to employees, as described in Annex 1.

# Departmental context

ESDC is the largest department within the core public administration, with over 43,000 employees in the fiscal year 2024/25, more than 65% of whom work outside of the National Capital Region. ESDC employees touch the lives of Canadians across the country in very tangible ways.

The <u>mission of ESDC</u>, including the Labour Program and Service Canada, is to build a stronger and more inclusive Canada, to help Canadians live productive and rewarding lives, and to improve their quality of life. ESDC delivers programs and services to all Canadians throughout their lives. ESDC fulfills its mission by:

- developing policies that empower participation in learning, work and community life;
- delivering programs that support life transitions—school to work, job changes, unemployment, and retirement;
- providing income support to seniors, families and people facing job loss, illness or caregiving duties;
- assisting groups with distinct needs, including Indigenous Peoples, persons with disabilities, newcomers and travellers;
- promoting stable labour relations through mediation services;
- ensuring fair, safe and equitable workplaces;
- delivering services on behalf of other government departments; and,
- supporting digital access to government programs and services.

# Objective

In response to a call from the Clerk of the Privy Council, this report outlines how wrongdoing and misconduct are handled at ESDC, provides data and trends, and discusses the outcomes of cases. It highlights key statistics about the prevalence of wrongdoing and misconduct. It aims to increase transparency.

This report also highlights key initiatives that strengthen ethical behaviour and recommends further actions to uphold departmental values and promote a culture of integrity in the workplace.

# **Definitions**

Definitions are included in **Annex II**.

# **Processes**

ESDC follows the Government of Canada's <u>Policy on People Management</u> and <u>Guidelines for Discipline</u> to address suspected wrongdoing and misconduct. As an employer, ESDC is responsible for taking appropriate action when wrongdoing or misconduct is alleged. This includes conducting fair, objective and timely investigations and fact-finding exercises while ensuring confidentiality, privacy and procedural fairness.

If there is not enough information in the initial allegation to immediately determine that it is unfounded, then ESDC launches either a fact-finding exercise or a formal investigation. Either process can be used to gather information, but they differ in scope, purpose and methodology. Management determines whether allegations of wrongdoing or misconduct are founded based on the available facts. Both fact-finding exercises and investigations can lead to a determination of misconduct and can result in administrative or disciplinary measures.

The major differences between the two processes:

### Fact-finding:

- The goal of fact-finding is to gather and verify information about a specific issue or event.
- Fact-finding usually has a narrow scope and is focused on specific details.
- Fact-finding is generally conducted by a manager. Although it is not a formal
  investigative process, it follows the same key principles as investigations
  (procedural fairness, confidentiality, timeliness and neutrality). It involves collecting
  data, documents and statements to establish the basic facts. It may include
  interviews, but they are generally less formal.
- The outcome of a fact-finding exercise is a clear and concise summary of the facts, detailed enough for management to make an informed decision on next steps, such as whether to initiate a disciplinary process.

### Investigation:

- Investigations are aimed at uncovering the truth about broader or more complex issues.
- Investigations are typically more comprehensive and can cover multiple aspects of a situation or issue. Investigations involve a systematic and formal process, including detailed interviews, evidence collection and analysis.
- Investigations lead to findings, conclusions and recommendations.
- Investigations into wrongdoing may be carried out by internal investigators or through a contract with professional external investigators

# Internally governed processes

When an employee discloses alleged wrongdoing or misconduct to an ESDC manager or the Senior Disclosure Officer, ESDC is responsible for taking appropriate action. Management or other authorized stakeholders within ESDC may launch fact-finding exercises or formal investigations into internal workplace matters. In some instances, ESDC uses internal resources to investigate, while in other cases, ESDC uses external investigators.

### Office of the Senior Disclosure Officer

The Department's Office of the Senior Disclosure Officer provides a confidential mechanism for employees to report allegations of wrongdoing under the <u>Public Servants Disclosure Protection Act</u> (PSDPA), while also protecting those employees against reprisal.

The Office of the Senior Disclosure Officer reviews disclosures to determine if there is enough evidence to launch an investigation under the *Public Servants Disclosure Protection Act*. Where appropriate, the Senior Disclosure Officer will authorize an investigation by a neutral and professional investigator, either internal or external. If there is not enough evidence to proceed under the Act, the Office of the Senior Disclosure Officer will not take any further action. In such cases, the Office will inform the disclosing employee of this and will also advise the employee if the situation should be handled through a different recourse mechanism.

The Office of the Senior Disclosure Officer will refer cases involving criminal activity to the appropriate law enforcement authority.

# Employee-initiated administrative investigations into harassment and violence

To help ensure a safe and respectful work environment, ESDC has established clear procedures for addressing workplace harassment and violence. When employees report incidents to the Harassment and Violence Centre of Expertise, the Centre coordinates a professional, expert-led response to ensure that each situation is handled with care, consistency, and in accordance with established policies.

Under the <u>Work Place Harassment and Violence Prevention Regulations</u> (which were implemented on January 1, 2021), the Harassment and Violence Centre of Expertise is responsible for receiving and responding to all notices of occurrence of workplace harassment and violence as prescribed in the <u>Canada Labour Code</u>, Part II.

The Centre of Expertise helps managers, employees and human resources partners by providing communication tools and resources, awareness sessions, and impartial guidance. It also implements departmental policies, monitors trends, and oversees the resolution process in accordance with ESDC's prevention policies and regulations.

An employee can request an investigation under the *Canada Labour Code* process. However, because the aim of the legislation is prevention, such an investigation would not lead to disciplinary action or any monetary compensation.

## Management-initiated administrative investigations

When managers become aware of behaviours that warrant further investigation, they may consult with the Internal Integrity Program (IIP), a division within Service Canada's Integrity Services Branch. The IIP has a mandate to ensure that the behaviours of all ESDC employees reflect the core values and ethics of the <u>Values and Ethics Code for the Public Sector</u> and the ESDC Code of Conduct.

The IIP may initiate an administrative investigation. Investigators are responsible for gathering facts in cases that may lead to administrative or disciplinary action. These cases often involve:

- violations of organizational policy
- unauthorized or inappropriate access to information
- allegations of misconduct
- suspected criminal activity
- security incidents
- workplace violence.

In addition, the Investigation Bureau, a distinct team that reports to Labour Relations, but which previously reported to the Director of the Harassment and Violence Centre of Expertise in 2024/2025, may carry out administrative investigations on behalf of management on allegations of harassment and violence, as well as allegations of misconduct within the context of interpersonal relationships (e.g., gossip, social exclusion, abuse of power, manipulation, etc.) at ESDC, which falls outside the scope of the *Canada Labour Code*.

In some cases, management may contract external investigators to undertake these investigations.

# Externally governed processes

In some cases, an independent external body has the authority to investigate workplace matters at ESDC.

# Public Sector Integrity Commissioner

The Office of the Public Sector Integrity Commissioner of Canada is an independent organization that handles disclosures of wrongdoing and reprisals within the federal public sector, under the <u>Public Servants Disclosure Protection Act</u>. Employees have three ways to disclose wrongdoing: through a manager, through the Senior Disclosure Officer or directly to the Public Sector Integrity Commissioner.

When an employee discloses directly to the Commissioner, the Commissioner will analyze the information and determine whether an investigation will be launched. The Office of the Public Sector Integrity Commissioner of Canada does not share the number of ESDC employees who disclose; however, they do inform ESDC when they decide to launch an investigation.

The Public Sector Integrity Commissioner did not launch any investigations related to an ESDC employee's disclosure in fiscal year 2024/2025.

## Canadian Human Rights Commission

The Canadian Human Rights Commission (CHRC) exists to help ensure that everyone in Canada is treated fairly, no matter who they are. The Commission is independent from the government and has the authority to research, raise awareness and speak out on any matter related to human rights in Canada. The Commission administers the <u>Canadian Human Rights Act</u>, which protects employees from discrimination based on the prohibited grounds of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

The CHRC reviews discrimination complaints and, if necessary, gathers information from the parties to decide on the next steps, such as whether the complaint will be submitted to the Canadian Human Rights Tribunal to decide if there has been discrimination.

When an ESDC employee files a human rights complaint with the CHRC, ESDC's Labour Relations review the complaint and coordinates the departmental response to the CHRC. Of note, a CHRC complaint can only be pursued after the employee has exhausted the mechanisms set out in their collective agreement.

# Data and trends

The 2024/2025 fiscal year has been a period of significant activity and transformation for ESDC. This section of the report discusses the statistical data that allows the Department to create and implement strategies and initiatives to ensure a safe, healthy and productive workplace.

ESDC has many ways to detect breaches of the *ESDC Code of Conduct* and the *Values and Ethics Code for the Public Sector*. When a breach is detected, management acts.

### Values and ethics breaches

The following section presents a statistical overview of values and ethics related cases and breaches. It highlights the nature and frequency of these incidents and offers insight into the areas where breaches are most common.

There is an important distinction between "cases" and "breaches." A breach is a specific behaviour that breaches one of the values identified in the Codes. A case can involve either a single breach or multiple related breaches. For example, a case leading to termination of employment may be attributed to a breach of Integrity (preferential treatment) as well as a breach of Stewardship (unauthorized or inappropriate access to information).

In fiscal year 2024/2025, ESDC managed 680 cases where administrative or disciplinary action was taken. This is a decrease of about 6% from the 726 cases managed during the previous fiscal year.

Those 680 cases included a total of 916 breaches, a decrease of approximately 11% from the 1,026 breaches of the previous fiscal year.

The cases involved 629 employees (approximately 1.5% of ESDC's employees), and 47 of these employees were involved in more than one case. Breaches do not always result in disciplinary action.

In fiscal year 2024/2025, administrative measures such as letters of expectations or additional training were applied in 463 of the 680 cases (68%), while disciplinary actions including a written reprimand or a suspension were applied in 217 of the 680 cases (32%).

In 2024/2025 as well as in 2023/2024, the most common values to be breached were Excellence and Respect for People. In 2021/2022 and 2022/2023, Integrity and Stewardship were the values breached most frequently.

In 2024/2025, there were 276 breaches of the Excellence value, representing 30% of all breaches. Lateness, absenteeism, non-adherence to schedules, and leave issues accounted for 178 (or 64%) of the breaches of Excellence.



Figure 1: Number of breaches by value - 2023 to 2024 and 2024 to 2025

Breaches of the Codes can lead to disciplinary measures. The following chart shows the number of breaches grouped by disciplinary measure and by the value breached. In 2024/2025, 362 (40%) of all breaches resulted in disciplinary action, compared to 307 (30%) of all breaches in 2023/2024. This reflects a 10% increase in the proportion of breaches leading to disciplinary measures year over year. Note that a disciplinary case may have more than one breach.

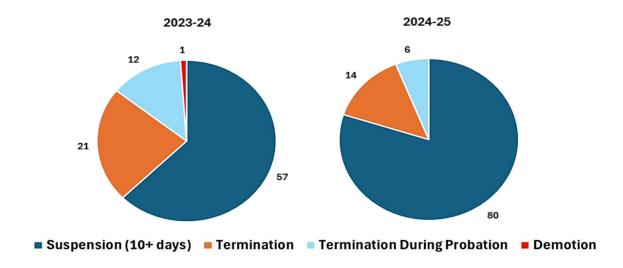




ESDC tracks and analyzes serious breaches of conduct that result in high-impact disciplinary measures, which are defined as suspensions of 10 days or more, demotions, and terminations. Although termination during probation is an administrative measure and not a disciplinary measure, it is still considered as a high-impact measure and is included in the data below. Understanding the nature and frequency of serious breaches helps inform policy development, training priorities and risk mitigation strategies.

In 2024/2025, there were 100 cases that resulted in a high-impact measure, which is an increase of nine cases from the 2023/2024 numbers. The two charts below provide a breakdown of the cases involving high-impact measures in 2023/2024 and 2024/2025.

Figure 3: Cases that led to high-impact measures



The following table provides details about the values that were breached in the 100 cases in 2024/2025. These 100 cases involved 191 breaches.

Table 1: Breaches that led to a high-impact measure, by behaviour, fiscal year 2024 to 2025

Breaches / High impact measure	Breaches leading to a termination during probation	Breaches leading to a suspension of 10 days or more	Breaches leading to termination
Excellence			
Lateness, tardiness, absenteeism, non-adherence to schedule, leave issues	1	8	1
Mismanagement	1	2	0
Unprofessional behaviours in client service	2	3	0
Other (e.g., excessive use of personal phone during work hours, disrespectful attitude)	0	5	0
Respect for people			
Harassment (grievance/complaint upheld)	0	2	0
Violence in the workplace	0	1	0
Inappropriate/disrespectful behaviour	1	4	2
Integrity			
Breach of trust	2	12	6
Conflict of Interest	0	7	1
Preferential treatment	0	33	4
Other (e.g., dishonesty, theft, fraudulent behaviour)	0	15	4
Stewardship			
Misuse and unauthorized disclosure of information	0	1	0
Misuse of Government of Canada assets/funds	0	7	3
Unauthorized/inappropriate access to information	3	47	4
Other	1	1	1
Respect for democracy		·	
Insubordination	0	3	0
Other (e.g., not being impartial, not behaving in a non-partisan way, failure to observe duty of loyalty)	0	0	З
Total	to 6 terminations during probation	151 breaches leading to 80 suspensions of 10 days or more	29 breaches leading to 14 terminations

There were 14 terminations in 2024/2025, involving 29 breaches. The most common breach leading to termination was breach of trust. Trust is fundamental to the employment relationship. A serious breach such as fraudulently claiming benefits to which an employee is not entitled can result in termination of employment even if it is an employee's first breach. When an employee's credibility and integrity are called into question because of their behaviour, the employer may decide that the employment relationship is irreparably damaged. This makes breach of trust one of the most serious and consequential violations of the Codes.

Specific behaviours and actions that led to termination included: unauthorized or inappropriate access to information, fabricating fraudulent medical notes, inappropriate workplace behaviour, posting inappropriate content on social media, avoiding work while falsifying transactions to appear productive, and applying for and receiving benefits they were not entitled to.

The disciplinary data also reveals important details regarding the 151 serious breaches that resulted in suspensions of 10 days or more.

The most frequent breach leading to suspension of 10 days or more was unauthorized or inappropriate access to information, accounting for 47 breaches. This underscores the critical importance of safeguarding sensitive data and maintaining strict access protocols. Preferential treatment was the second most common breach leading to suspensions of 10 days or more, with 33 breaches. This suggests that ESDC faces ongoing challenges in ensuring fairness and impartiality.

There were 15 breaches categorized as "Other" under the Integrity value (behaviours such as dishonesty, theft and fraudulent behaviour). This accounted for the third-highest number of breaches leading to suspensions of 10 days or more.

The numbers were relatively low for categories such as mismanagement, unprofessional behaviour in client service, violence in the workplace and misuse of information. However, these are still key areas that require continued attention and oversight. Although Respect for Democracy was the least frequently breached value, it was still implicated in a termination of employment. This underscores ESDC's strong commitment to upholding democratic principles and its expectation that employees live up to the duty of loyalty.

## Harassment and violence investigations

In 2024, the Investigation Bureau handled nine administrative investigations related to harassment and violence. Of those, one was completed internally and eight were completed by external investigators. Two of those eight external investigations began as internal investigations. At the end of 2024, three of these investigations had been closed: two were partially founded and one was unfounded. Findings of harassment typically fall under the Respect for People value of the Codes.

# Investigations into misconduct

In situations of suspected misconduct, the Internal Integrity Program (IIP) may be called upon to investigate.

Most of IIPs investigations are related to:

- unauthorized or inappropriate access to information of the databases for Employment Insurance, Social Insurance Number, the Canada Pension Plan and Old Age Security;
- employee claims for benefits to which they are not entitled (such as the Canada Emergency Response Benefit (CERB)); and,
- taking departmental equipment without authorization on international travel.

During the 2024/2025 fiscal year, the IIP completed a total of 128 investigations. 127 cases (99.2%) were deemed founded by the IIP. This includes investigations that may have been started in a previous year. Of these, 108 cases were resolved from the point of view of Labour Relations, meaning that a disciplinary decision was rendered and implemented.

#### Of the resolved cases:

- 75 (69%) were related to unauthorized or inappropriate access to information;
- 18 (17%) involved international travel;
- 8 (7%) situations classified as "other" (such as cheating on unsupervised tests or receiving benefits while not entitled); and
- 7 (6%) were related to call or work avoidance situations.

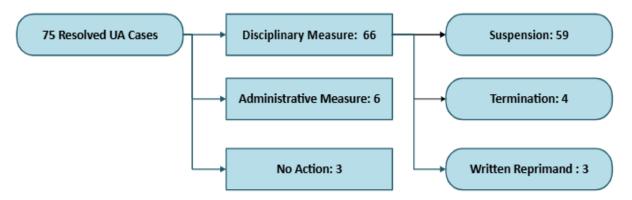
Table 2 : Actions taken in cases where there was resolution from a Labour Relations perspective

Type of investigation	Total cases	Disciplinary action	Administrative action	No Action
Unauthorized or inappropriate access to information	75	<ul><li>66 including:</li><li>59 suspensions</li><li>4 terminations</li><li>3 written reprimands</li></ul>	6 including: 3 resignations 2 terminations on probation 1 term non- renewal	3
International Travel	18	<ul><li>13 including:</li><li>10 suspensions</li><li>1 termination</li><li>2 written reprimands</li></ul>	<ul> <li>4 including:</li> <li>1 resignation</li> <li>1 term non-renewal</li> <li>1 discussion with an employee</li> <li>1 reminder of expectations</li> </ul>	1
Other	8	4 including:  • 3 suspensions  • 1 written reprimand	<ul> <li>3 including:</li> <li>1 resignation</li> <li>1 termination on probation</li> <li>1 letter of expectations</li> </ul>	1
Call or Work Avoidance	7	5 including:  • 3 suspensions  • 2 terminations	<ul><li>2 including:</li><li>1 resignation</li><li>1 term non- renewal</li></ul>	N/ A
Total	108	88	15	5

The majority of IIP's investigations have some element of unauthorized access (UA) related to database monitoring of statutory programs (Employment Insurance, Social Insurance Number, Canada Pension Plan and Old Age Security), employee claims for benefits to which they are not entitled (e.g., CERB) and taking departmental equipment without authorization on international travel.

Unauthorized or inappropriate access to information investigations typically involve employees with misplaced curiosity and/or with a desire to help a family member or friend. ESDC has had no investigations which found fraud or identify theft. Recently, there has been a decrease in unauthorized accesses due to ongoing awareness, training and word of mouth, all of which act as deterrents.

Figure 4: Actions taken in resolved unauthorized or inappropriate access to information cases



As shown, in terms of the 66 disciplinary actions taken in the resolved unauthorized or inappropriate access to information cases:

- 59 suspensions without pay were levied;
  - o 43 related to UA in Passport including:
    - 27 suspensions of 10 days or more and
    - 16 suspensions of less than 10 days.
  - 16 in other programs including:
    - 15 suspensions of 10 days or more and
    - 1 suspension of less than 10 days.
- 4 resulted in termination of employment.
- 3 written reprimands were issued.

Administrative action was taken in six cases, including three resignations, two probationary rejections, and one non-renewal of a term appointment. In three cases involving unauthorized or inappropriate access to information, no formal disciplinary or administrative actions were taken. Specifically:

- In two of these cases, a thorough review concluded that the allegations were unfounded, and no breach had occurred.
- In the third case, the individual's casual employment contract ended before the disciplinary process could begin. This person is no longer employed by the department, and there are no plans to rehire.

In 2024/2025, there were only four terminations involving unauthorized or inappropriate access to information. In previous years, the number of terminations in this category ranged from a high of 18 in 2019/2020 to 7 in 2018/2019. This decline suggests that the Department's efforts—such as improved monitoring, training and policy enforcement—are effectively reducing unauthorized system access incidents and strengthening internal compliance.

Even with this downward trend, ESDC continues to treat unauthorized or inappropriate access to information with the utmost seriousness and vigilance to protect sensitive information and maintain the public trust.

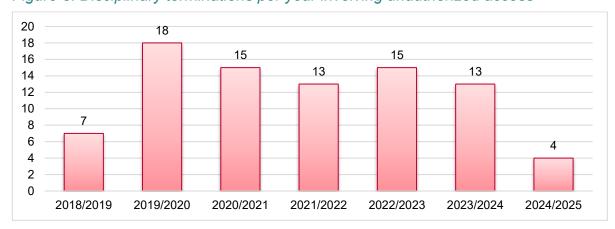


Figure 5: Disciplinary terminations per year involving unauthorized access

Maintaining the integrity of benefit programs and workplace agreements is essential to upholding public trust and ensuring fairness across ESDC. Aside from investigations into unauthorized or inappropriate access to information, the remaining IIP investigations were related to issues such as fraudulent benefit claims and international travel. Investigations into fraudulent benefit claims typically show that the employee was facing financial difficulties and that this was their main motivation for applying for benefits to which they were not entitled (such as the CERB). Investigations related to international travel typically involve employees who have misinterpreted what it means to work remotely and believe that they can work abroad or from another location outside of their established telework agreement (for example, combining work with personal travel rather than using leave).

Some investigations result in revocation of security, which ultimately ends employment (since holding a valid security clearance is a condition of employment). The following graph shows the downward trend in revocations since 2021/2022. Revocation is classified as an administrative action (not a disciplinary action).

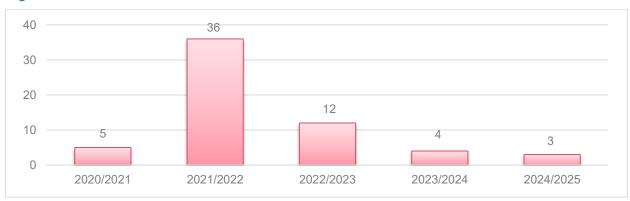


Figure 6: Revocations, 2020/2021 to 2024/2025

The typical number of revocations is between three and five per year, but the graph shows a noticeable spike during fiscal year 2021/2022, continuing into 2022/2023. Most of these revocations were the result of some employees fraudulently applying for and receiving the CERB, which was a situation unique to that period. Despite this anomaly, the overall trend suggests a relatively stable pattern in most years, with the 2021/2022 surge standing out as an exception rather than a new norm.

# Areas of interest

The following section covers disclosures of wrongdoing under the *Public Servants Disclosure Protection Act*, harassment and violence complaints under the *Canada Labour Code*, and human rights complaints.

# Disclosures of wrongdoing under the Public Servants Disclosure Protection Act

Each individual disclosure of wrongdoing can contain multiple allegations. These allegations are categorized according to the types of wrongdoing defined in section 8 of the *Public Servants Disclosure Protection Act*. These categories are:

- contravention of an Act;
- misuse of public funds or a public asset;
- gross mismanagement;
- danger to life, health or safety;
- serious breach of a code of conduct; and
- directing or counselling someone to commit wrongdoing.

The Office of the Senior Disclosure Officer received nine disclosures in 2024/2025. One investigation was launched, using an external investigator, and is still ongoing, along with another investigation that was launched last fiscal year. The remaining eight disclosures are still in preliminary analysis to determine whether an investigation is necessary.

Founded wrongdoing can involve any of the values under the *Values and Ethics Code* for the *Public Sector* and the *ESDC Code of Conduct*. No disclosures of wrongdoing were founded in fiscal year 2024/2025.

In addition to the nine disclosures, the Office of the Senior Disclosure Officer received 64 inquiries regarding the *Public Servants Disclosure Protection Act*. These inquiries did not meet the threshold of wrongdoing and were closed. The Office of the Senior Disclosure Officer provided the individuals with guidance or referrals toward more appropriate recourse mechanisms.

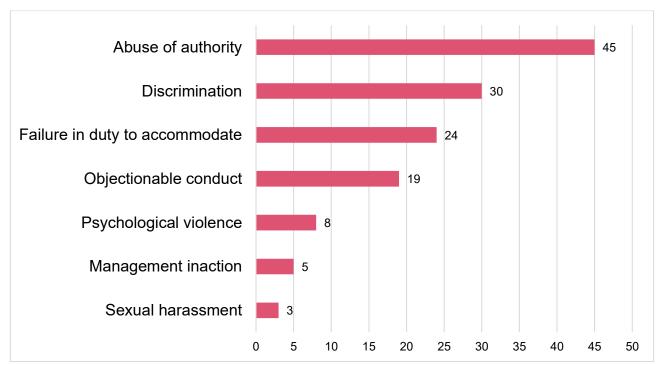
## Harassment and violence complaints under the Canada Labour Code

The Harassment and Violence Centre of Expertise gathers statistics on a calendar year basis. In 2024, they received 554 consultation requests (up from 415 in 2023, 395 in 2022 and 370 in 2021). They also received 77 notices of occurrence filed by 43 principal parties, an increase of 67% from 2023.

Some notices of occurrence involve more than one type of harassment or violence. In 2024, the most frequently alleged types of harassment and violence were:

- abuse of authority (in 45 of the cases, or 58%);
- discrimination (in 30 of the cases, or 39%); and,
- failure in the duty to accommodate (in 24 of the cases, or 31%).

Figure 7: Types of harassment and violence alleged in the 77 notices of occurrence submitted in 2024



### Of those 77 notices of occurrence:

- 11 occurrences involved employees as the principal party and another employee as the responding party;
- 65 occurrences involved employees as the principal party and a supervisor or manager as the responding party; and,
- 1 occurrence involved a supervisor or manager as the principal party and a third party (client/contractor/public) as the responding party.

In 2024, 46 notices of occurrence were closed, compared to 82 in 2023. The next chart provides a breakdown of how the notices of occurrence were resolved. Files closed in 2023 or 2024 may include files that were received in previous years.

Table 3: Notices of occurrence closed in 2023 and 2024

Reason the occurrence was considered closed	2023	2024
Resolved through a negotiated resolution.	16	27
Resolved through conciliation.	0	0
The investigation report was submitted, and the employer implemented the recommendations.	55	17
The principal party ended the resolution process, or the review or update of the workplace assessment was completed.	7	1
The responding party was not an employee or the employer, and the review or update of the workplace assessment was completed.	1	0
A joint determination was made that the incident did not meet the definition of harassment and violence	3	1
Total	82	46

Of the 55 notices resolved through investigation in 2023, 11 met the definition of harassment and violence. In 2024, of the 17 notices that were resolved through investigation, one met the definition of harassment and violence, and the other 16 did not.

Between 2021 and 2024, the Harassment and Violence Centre of Expertise closed a total of 83 investigations:

- 2021 to 2022: 9 investigations closed.
- 2023: 57 investigations closed.
- 2024: 17 investigations closed.

Of these,16 (19%) met the definition of harassment and violence, while 67 (81%) did not meet the definition.

# Human rights complaints

A complaint under the <u>Canadian Human Rights Act</u> (CHRA) can be about any action or decision that an individual feels leads to unfair or negative treatment based on any of the prohibited grounds of discrimination: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Should a complaint be deemed founded, disciplinary or administrative action may be taken by management, typically classified under the Respect for People value.

In fiscal year 2023/2024, the Canadian Human Rights Commission (CHRC) received 23 complaints related to ESDC. Of those, five were accepted by the CHRC for further analysis and the other 18 were "kicked back" (when a complaint is kicked back, the CHRC informs the complainant that the complaint should be pursued through internal mechanisms, and that CHRC will not take any action at that time). In comparison, in fiscal year 2024/2025, the CHRC received 40 complaints related to ESDC, an increase of 74%. Thirty-six were kicked back to the complainant and four were held at the CHRC for further analysis.

Despite the increase in complaints in 2024/2025, the percentage of complaints accepted by the CHRC decreased. In 2023/2024, 22% of complaints were accepted, dropping to 10% of complaints in 2024/2025.

The CHRC refers to kicked back complaints as inquiries and advises the individual to follow the departmental grievance procedure. The CHRC also advises them that if they are unsatisfied with the outcome of that departmental procedure, they may return and file a CHRC complaint again. ESDC does not automatically dismiss kicked back complaints as insignificant, recognizing that the complainant may later file a grievance.

Below is the current status of the four complaints accepted in 2024/2025:

- 1 is resolved (complaint may have been withdrawn by the complainant, settled through the grievance procedure, dismissed by the CHRC or settled at the CHRC through conciliation).
- 1 is engaged in conciliation, an informal process where a neutral third party helps to resolve the complaint.
- 2 are pending, awaiting decision or guidance on next steps from the CHRC.

The fiscal year with the most complaints was 2022/2023, with 51 complaints received: 48 were kicked back and three were accepted (approximately 6%).

There are several factors that might have contributed to the higher number of complaints in 2022/2023:

- The Department increased in size due to the addition of programs and resources necessary to issue payments to Canadians (such as the CERB) and to address backlogs in issuing passports.
- During the COVID-19 pandemic, the federal government implemented a vaccination policy. Some employees opposed this policy and felt that they were discriminated against if they refused the vaccine.
- As the threat of COVID-19 diminished, the federal government required employees to adhere to the prescribed presence in the workplace direction. Some employees requested accommodations to continue full-time telework, which were subsequently denied.

The following table captures data related to the grounds upon which the complaints were lodged. Since complainants can allege discrimination on more than one protected ground, the number displayed per protected ground is greater than the actual number of complaints received.

Table 4: Protected grounds raised across complaints per fiscal year and the total

Total count of protected grounds raised across complaints	Fiscal year 2023/2024	Fiscal year 2024/2025	Total
Disability	3	2	5
Family status	0	2	2
Gender	0	1	1
Marital status	1	0	1
National or ethnic origin	3	0	3
Race	3	1	4
Religion	1	0	1
Sexual orientation	1	0	1
Total	12	6	18

In fiscal year 2023/2024, disability, national or ethnic origin, and race were the protected grounds most raised in complaints (accounting for 75% of the grounds). In fiscal year 2024/2025, disability and family status were the most raised (accounting for 66%).

# Initiatives aimed at enhancing ethical behaviour at ESDC

ESDC has a robust internal network of resources available to employees to disclose or report issues they may experience in the workplace.

The Office of Values and Ethics is responsible for promoting the core values and expected behaviours of the public service and fostering a workplace environment that upholds the highest ethical standards. The *Values and Ethics Code for the Public Sector* and the *ESDC Code of Conduct* guide their actions and decisions in everything that they do. Their commitment to these values and principles helps to maintain a positive and inclusive workplace, where everyone can feel respected, valued and heard.

The Office of Values and Ethics is responsible for messaging to employees to help them understand their rights and obligations under the Codes.

Every year, the Office sends out a message from the Senior Disclosure Officer regarding the annual report on the *Public Servants Disclosure Protection Act*.

The Office also sends out semi-annual reminders about:

- the Public Servants Disclosure Protection Act;
- social media use;
- political activities;
- conflicts of interest: and
- lobbying activities (for executives).

The Office of Values and Ethics launched a SharePoint site entitled "Values and Ethics Dialogue Hub for Leaders." This site includes a roadmap to prepare managers to have meaningful conversations about values and ethics in the workplace. Through discussions, managers can create opportunities to clarify expectations, learn from each other and build trust, all of which are part of an ethical workplace.

The Office of Values and Ethics also published an article on the ESDC intranet on April 24, 2024, entitled "Unauthorized access: With great power, there must also come great responsibility." This article aims to educate employees who handle private information, and it also makes the link to the values set out in the *ESDC Code of Conduct*.

Other partners within the Department also provide valuable information and initiatives to educate employees. For example:

- ESDC's Human Resources Services Branch offers essential training for employees on topics such as workplace harassment, violence prevention, values and ethics, and the ESDC Code of Conduct.
- Employees are required to annually attest that they have read, understood and will adhere to the ESDC's Guidelines on the Stewardship of Information.
- At the beginning of each performance management cycle, employees must attest to having read and understood their obligations to comply with the Values and Ethics Code for the Public Sector, the ESDC Code of Conduct, and the Directive on Conflict of Interest.
- Newly appointed and incoming executives receive tailored onboarding materials and participate in welcome discussions that highlight key leadership responsibilities, including obligations related to the values and ethics and conflict of interest.
- In March 2025, the Treasury Board of Canada released its Guidance for Public Servants on their Personal Use of Social Media, which was distributed to employees through their respective management chains. It reinforces the Values and Ethics Code and provides a reminder on disclosing wrongdoing.
- The Public Affairs and Stakeholder Relations Branch (which provides professional communication services to ministers, deputy ministers and programs across all ESDC portfolios) published an article on June 14, 2024, entitled "Preventing unauthorized access and preferential treatment."
- The Integrity Services Branch within Service Canada published an article on June 19, 2024, entitled "Access denied: Five quick tips to prevent unauthorized access and preferential treatment." The mission of the Integrity Services Branch is to ensure that error, fraud and abuse are prevented, detected and addressed.
- In 2024, the Harassment and Violence Centre of Expertise delivered 44 workplace awareness workshops focused on harassment and violence prevention. Continuing this initiative in future years is strongly recommended to maintain and enhance awareness and foster a respectful work environment.

# Conclusion

This report has provided a comprehensive statistical overview of wrongdoing, misconduct and breaches of the *ESDC Code of Conduct*. The data highlights several key trends and insights:

- Prevalence of ethical behaviour: There are 43,000 ESDC employees, and there
  were 680 cases. This shows that most employees adhere to ethical standards
  and are committed to the Department's values and ethics.
- Repeat offenders: Between April 1, 2022, and July 18, 2025, 1,876 misconduct cases led to administrative or disciplinary action involving 1,586 employees, with 0.5% of the 43,000 active workforce being repeat offenders. Within that timeframe, among repeat offenders, none reoffended for unauthorized or inappropriate access to information, most repeated behaviours were linked to lateness/absenteeism and inappropriate behaviour. Considering the low incidence of repeat offenders and the consistent correction of behaviours following intervention, there is a strong indication that the measures implemented have been effective in both addressing and deterring misconduct. This outcome suggests that the current disciplinary framework is appropriately structured to support compliance and uphold the expected standards in the Code of Conduct.
- Incidence of misconduct: Despite the overall ethical behaviour, there were still
  cases of misconduct. This underscores the need for ongoing vigilance and
  corrective measures.
- Incidence of values: There is a correlation between strong organizational values and ethical behavior. Promoting these values can significantly reduce misconduct.

This report underscores the importance of continuous education and reinforcement of the *Values and Ethics Code for the Public Sector* and the *ESDC Code of Conduct*. The initiatives mentioned in this report are not standalone efforts but part of a broader strategy to cultivate an ethical workplace culture. By creating an environment that actively supports and models behaviour aligned with the Codes, the Department can effectively mitigate wrongdoing and misconduct and foster a sustainable culture of integrity.

# Annex I - Confidential resources

Figure 8: Representation of confidential resources to support ESDC employees.



#### **ESDC's Ombuds Office**

The Ombuds Office is an independent organization reporting directly to the Deputy Ministers at ESDC. The Ombuds Office offers an additional avenue to seek advice and assistance on workplace-related issues in a safe space based on four principles, confidentiality, impartiality, informality, and independence. The Ombuds shares systemic concerns and trends with the Deputies and make recommendations for change.

Its mission is to provide all ESDC employees (current, retired, or past executives, managers, supervisors, and students) with access to a confidential, impartial, independent, and informal resource to raise various issues related to their well-being and/or work environment and seek information and assistance if needed. It also identifies trends and challenges, provide upward feedback, insight and bring forward recommendations on systemic issues in a proactive manner.

In cases of alleged misconduct or wrongdoing, the Ombuds Office will provide information on the possible course(s) of action and unit(s) to contact within the department to address the issue.

### Centre for Informal Resolution and Coaching (CIRC)

The Centre for Informal Resolution and Coaching (CIRC) helps employees by acting as a neutral third party and offering them ways to prevent, manage and resolve workplace conflicts.

#### Office of Values and Ethics

The Office of Values and Ethics is responsible for promoting the core values and expected behaviours of the public service and fostering a workplace environment that upholds the highest ethical standards. The <u>Values and Ethics Code for the Public Sector</u> and <u>ESDC Code of Conduct</u> guide our actions and decisions in everything that we do. Our shared commitment to exemplifying these values and principles helps to maintain a positive and inclusive workplace, where everyone can feel respected, valued, and heard.

### Centre of Expertise for optimizing Employee Potential (Accommodation)

The Centre of Expertise for optimizing Employee Potential (Accommodation) provide the necessary steps to addressing accommodation needs within the ESDC workplace. It provides guidance, tools and training that supports managers and employees to work together to find workplace solutions and strategies to keep employees at work.

### **Harassment and Violence Centre of Expertise**

Through its various services, the Harassment and Violence Centre of Expertise raises awareness and helps prevent and resolve situations of harassment and violence in the workplace. Its services are impartial and confidential. They are offered to employees and members of management within ESDC.

#### Senior Disclosure Officer

The <u>Public Servants Disclosure Protection Act</u> (PSDPA) gives federal public service employees and others a secure and confidential process for disclosing wrongdoing in the workplace as well as protection from acts of reprisal. It is part of the Government of Canada's ongoing commitment to promoting ethical practices in the public sector. Employees may make a protected disclosure to the internal Senior Disclosure Officer, their/manager/supervisor or the Public Sector Integrity Commissioner.

The Senior Disclosure Officer's mandate as it relates to the PSDPA is as follows:

- Provide public servants with information, advice and guidance on the Department's internal disclosure procedures, including how to make a disclosure, how investigations are conducted and how disclosures made to supervisors are handled.
- Receive, record and review disclosures to establish whether there are sufficient grounds for further action under the PSDPA.
- Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate or cease an investigation.
- Coordinate disclosure handling with the senior officer of another federal public sector organization if a disclosure or investigation involves that organization.
- Notify the person(s) who made a disclosure in writing of the review and/or investigation and the status of actions taken, as appropriate.
- Report investigation findings and any systemic issues that could lead to wrongdoing directly to the chief executive, including recommendations for corrective action, if any.

### **Workplace Mental Health**

The Workplace Mental Health team provides confidential support to employees and managers, offering access to information, programs and tools that promote individual mental health and a culture of wellness in the workplace and at home, including resources that can help when mental health might be impaired.

# Annex II - Definitions

This section defines key concepts central to this report.

### Administrative measure:

An administrative measure is a non-disciplinary action taken to address a situation, ensure compliance or improve processes. Administrative measures are typically used to influence appropriate behaviour, mitigate risks, or enhance efficiency without imposing formal penalties. Examples include training, placing an employee on leave without pay if they were absent without authorization, noting deficiencies and areas for improvement in performance appraisals, and temporarily removing human resources and/or financial delegation. If an employee is incapable of meeting a particular performance expectation, or of attaining the expected quality of work because they lack the skill, ability or training, then administrative measures (and **not** disciplinary measures) should be used to improve performance.

#### Breach:

A breach of the ESDC Code of Conduct can cover a wide range of conduct that contravenes the values and ethics that employees must adhere to and uphold. Examples include misrepresenting or providing false personal information, threatening or intimidating a coworker or not disclosing a conflict of interest.

#### Conflict of interest:

A conflict of interest is any situation, whether real, apparent or potential, in which the person employed has private interests that could influence the performance of their official duties and responsibilities or in which the person employed uses their office for personal gain. An apparent conflict of interest happens when a reasonable observer could perceive a conflict of interest, whether it is the case or not. A potential conflict of interest happens when a conflict of interest could reasonably be foreseen in the future.

### Disciplinary case:

A disciplinary case occurs when at least one value identified in the Code is breached. A disciplinary case can have more than one breach under the same or different values.

### Disciplinary measures:

Disciplinary measures are formal actions taken in response to an individual's misconduct or rule violation. Disciplinary measures are intended to be corrective in nature and to hold individuals accountable. They include verbal and written reprimands, suspension, demotion, financial penalties, or termination of employment. Measures are determined by taking into consideration any aggravating or extenuating circumstances. Only culpable misconduct is considered for disciplinary measures.

### Fiscal Year:

ESDC's fiscal year runs from April 1 to March 31 of each year. Therefore, when it is indicated for the period 2024-2025, it means April 1, 2024, to March 31, 2025.

#### Harassment and violence:

Harassment and violence as defined in the <u>Canada Labour Code</u> as any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

### **High-impact disciplinary measures:**

High-impact disciplinary measures are those measures that include a suspension without pay of more than 10 days, demotions, and terminations.

### **Kicked back:**

A kicked back complaint refers to a complaint that is received by the Canadian Human Rights Commission but that the Commission does not accept because the complainant has other resolution methods available to them (e.g., grievance procedure). When a complaint is kicked back, the Commission informs the individual that they will not take any action on the complaint, and that the individual needs to pursue internal mechanisms prior to submitting a CHR complaint. The Commission also informs Labour Relations at ESDC.

### Misconduct:

Misconduct is when an employee breaches the obligations that they agreed to uphold as a public servant. Specifically, misconduct refers to any action whereby an individual willfully contravenes an act, a regulation, a rule, a departmental or Treasury Board policy instrument, an approved procedure, the *ESDC Code of Conduct*, and/or the *Values and Ethics Code for the Public Sector*. It occurs when an employee breaches the obligations they agree to uphold as a public servant. Examples of misconduct may include such things as insubordination, tardiness, breach of trust etc.

#### Negotiated settlement

A negotiated settlement is an agreement by the parties involved. Common elements include: a confidentiality clause, statements indicating resolution of the claim, an agreement by the parties to waive any future claims related to the dispute, and a statement indicating that the settlement does not imply any admission of wrongdoing by either party. A negotiated settlement sometimes also includes an agreed-upon sum of money to be paid by one party to the other.

### Notice of occurrence:

A notice of occurrence is a formal notification of an alleged situation of harassment and violence at work.

### Principal party:

The principal party is the person who has experienced the alleged harassment and violence.

# Responding party:

The responding party is the person who is alleged to have been responsible for the harassment and violence.

### Workplace assessment:

A workplace assessment is the identification of risks (both internal and external to the workplace) that contribute to harassment and violence. A workplace assessment also helps in the development and implementation of preventive measures against those risks.

### Wrongdoing:

Wrongdoing is defined in section 8 of the *Public Servants Disclosure Protection Act* as:

- a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act:
- a misuse of public funds or a public asset;
- a gross mismanagement in the public sector;
- an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
- a serious breach of a code of conduct established under section 5 or 6; and
- knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).