

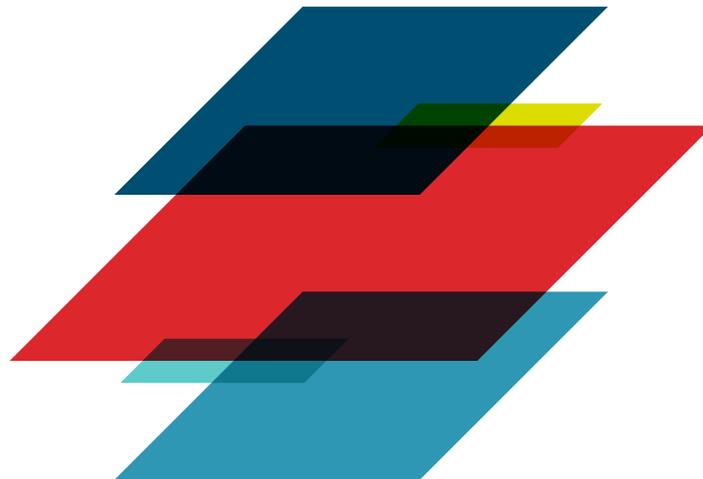


Treasury Board of Canada
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Canada

2018 to 2019 Annual Report on the Public Servants Disclosure Protection Act



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Message from the Chief Human Resources Officer

Since the 2007 to 2008 fiscal year, the annual report on the *Public Servants Disclosure Protection Act* has provided insight into the degree to which we are achieving an ethical workplace culture.

The data contained in the 2018 to 2019 report indicates that in recent years we have seen a rise in the number of disclosures and, at the same time, a fall in the percentage of disclosures that have led to a finding of wrongdoing.

Work has continued from last year to pursue government commitments to improve the internal disclosure process made in response to recommendations in the Standing Committee on Government Operations and Estimates' 2017 report, *Strengthening the Protection of the Public Interest within the Public Servants Disclosure Protection Act*. Specific areas for improvement included providing more guidance and awareness activities for public servants, as well as enhancing reporting capacity to the public on findings of wrongdoing and internal disclosure activities.

New information was requested from organizations in 2018 to 2019 to gain a greater understanding of the types of allegations of wrongdoing being made and whether disclosures were rejected or referred to another process. This information can be used by federal organizations to focus their education and awareness activities. In support of their efforts, Treasury Board Secretariat continues to improve guidance to public servants and their organizations on the internal disclosure process while supporting those who disclose wrongdoing and protecting them from reprisal.

Work will continue to inform public servants about the disclosure process and, specifically, about how they are protected from acts of reprisal when coming forward. We will also take steps to foster an ethical workplace culture that is respectful, healthy, diverse and inclusive. These efforts, together, contribute to the creation of an environment where public servants feel safe and protected to come forward.

Original signed by

Nancy Chahwan
Chief Human Resources Officer
Treasury Board of Canada Secretariat



Introduction

Under [section 38.1 of the *Public Servants Disclosure Protection Act*](#),ⁱ the Chief Human Resources Officer (CHRO) must prepare and submit to the President of the Treasury Board, for tabling in Parliament, an annual report that provides an overview of the activities respecting disclosures made in the federal public sector organizations that are subject to the act.

The *Public Servants Disclosure Protection Act* applies to individuals employed in the federal public sector, which includes departments, agencies, Crown corporations and the Royal Canadian Mounted Police as defined in [section 2 of the act](#).ⁱⁱ

This 12th annual report under the act, covering the period from April 1, 2018, to March 31, 2019, sets out:

- the number of general enquiries relating to the act
- the number of disclosures received under the act and whether they were acted on
- the number of new investigations started
- whether any systemic problems led to wrongdoing
- any other matter that the CHRO deems necessary

This report contains 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 designated senior officers for internal disclosure, deputy heads or chief executive officers of any portion of the public sector, or the person who occupies any other similar position. It does not contain information on disclosures or reprisal complaints made to the Office of the Public Sector Integrity Commissioner of Canada (PSIC), which the Commissioner reports separately to Parliament.

In addition, this report outlines some of the activities undertaken by the OCHRO to foster an ethical workplace culture in which public servants feel safe to report wrongdoing and are protected from acts of reprisal.

Reported disclosure activity

A total of 134 organizations in the federal public sector are subject to the act.¹ Of these organizations, 115 provided the OCHRO with the name of a person who, under [subsection 10\(2\) of the act](#),ⁱⁱⁱ was designated as their senior officer for internal disclosure. Under [subsection 10\(4\)](#)

1. This figure does not include the three organizations that are 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 Canada Pension Plan Investment Board, which requires an order-in-council to become subject to the act.



of the act,^{iv} 19 organizations have declared to the OCHRO that they had not established internal disclosure procedures or appointed a senior officer for disclosure because, for example, the size of the organization or the geographic distribution of employees make it impractical to do so. Employees in these organizations report cases of wrongdoing directly to the PSIC.

As shown in the following table, despite year-to-year inconsistencies, there is an overall upward trend in disclosures of wrongdoing and in the number of general enquiries related to the act since the 2014 to 2015 fiscal year. These upward trends in disclosures and enquiries are positive signs of the effect of our continued communications, training, and the fostering of a workplace where public servants feel they can disclose wrongdoing without fear of reprisal.

Disclosure activity ²	2018 to 2019	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015
Number of disclosures received under the act	269	291	209	281	200
Number of general enquiries related to the act	323	293	212	198	229

For the first time, federal organizations were asked to provide detailed information on the type of allegations made under [section 8 of the act](#).^v This new information will enable federal organizations to more effectively tailor education and awareness activities to help public servants better understand the definition of wrongdoing. The following chart is a breakdown of the 269 disclosures received in the 2018 to 2019 fiscal year, by the nature of allegation made based on the six types of serious wrongdoing defined in section 8 of the act.

2. Since 2015, the population of the federal public sector has increased 3.5% whereas the number of disclosures have increased 34.5% and enquiries by 41%.



Type of allegations made under section 8 of the act

-  (a) 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
-  (b) a misuse of public funds or a public asset
-  (c) a gross mismanagement in the public sector
-  (d) 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
-  (e) a serious breach of a code of conduct established under section 5 or 6
-  (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e)

In the 2018 to 2019 fiscal year, there were 173 disclosures carried over from the 2017 to 2018 fiscal year and three disclosures referred from one organization to another. These, added to the 269 new disclosures noted above, comprise a total of 445 disclosures handled by public sector organizations during the current reporting period.

This year, federal organizations reporting to OCHRO on disclosure activity were also asked to identify whether disclosures were rejected or referred to another process. Of the 445 disclosures, federal organizations identified 129 disclosures for which the designated senior officer for internal disclosure determined the definition of wrongdoing under the act was not met. These were either referred to other processes or required no further action.



Disclosures rejected or referred to another process



did not meet the definition of wrongdoing and were not referred to another process



were referred to other recourse mechanisms (human rights complaint, staffing complaint, access to information, language rights, *Canada Labour Code*)



were referred to the harassment complaint process



were referred to the grievance process



indicated “other” (for example may have been resolved)

The large number of disclosures of wrongdoing that did not meet the definition of wrongdoing and that were referred to other recourse mechanisms may indicate a need for continued communications and education aimed at public servants regarding the definition of wrongdoing.

Of the 445 disclosures handled by federal organizations in the 2018 to 2019 fiscal year, seven disclosures led to a finding of wrongdoing and 173 were not resolved and will be carried over into the next fiscal year. As well, of the 59 investigations started, 37 were completed and the remaining 22 will also be carried over into next year. Some of the issues identified by organizations in completing investigations were a lack of internal capacity, as well as difficulty finding available investigators.

Activities supporting an ethical workplace culture

The OCHRO has undertaken a number of activities to foster an environment where public servants feel safe and protected to come forward. Those activities include:

- conducting outreach and education activities to inform public servants about the disclosure of wrongdoing process and protection against acts of reprisal
- monitoring deputy head accountability via the Management Accountability Framework as it relates to people management
- monitoring public servant sentiment via the annual Public Service Employee Survey
- establishing a Centre of Expertise on Mental Health in the Workplace
- operating a Centre for Wellness, Inclusion and Diversity
- taking steps to address harassment and violence in the workplace



-
- completing the first phase of Policy Suite Reset for the *Policy on People Management* and the *Policy on the Management of Executives*

Activities supporting the internal disclosure process

In the 2018 to 2019 fiscal year, the OCHRO has undertaken a number of outreach and education activities to inform public servants about the disclosure of wrongdoing process and protection against acts of reprisal, including:

- consulting and collaborating with key stakeholders, such as the PSIC, on government initiatives
- hosting learning events for Senior Officers for Internal Disclosure, such as resilience training and orientation for newly designated senior officers
- collaborating with the Federal Youth Network and the Canada School of Public Service on a learning event related to career development, which included key messages with respect to the disclosure process and reprisal protections
- leading communities of practice, such as the government-wide Interdepartmental Network on Values and Ethics, and supporting the government-wide Internal Disclosure Working Group

OCHRO also participates in international organizations, such as the United Nations, the Organization of American States, and the Organisation for Economic Co-operation and Development, which informs the OCHRO on activities, research, and best practices internationally in the areas of integrity, anti-corruption and disclosure regimes.

Management Accountability Framework and Public Service Employee Survey

The Management Accountability Framework^{vi} (MAF) is one of the key oversight tools for assessing federal departments in terms of their:

- achievement of management excellence
- compliance with the requirements of the Treasury Board policy suite
- progress toward expected results

The OCHRO uses the MAF to monitor how federal departments are performing, including in the area of people management, which encompasses performance with respect to public sector values. The 2017 to 2018 MAF report found that 97% of large departments and agencies assessed had incorporated diversity and inclusion in strategic human resources and recruitment plans. The report encouraged organizations to focus greater efforts on public servant wellness, to support a more productive, engaged and high-performing workforce.



The OCHRO leads the annual [Public Service Employee Survey](#).^{vii} The survey allows the public service to identify what it is doing well and what it could be doing better to ensure the continual improvement of people management practices in government.

The 2018 Public Service Employee Survey^{viii} was conducted from August 20 to October 5, 2018. The survey measured public servants' opinions about issues, such as their engagement, leadership, workforce, workplace, workplace well-being, and compensation. In the 2018 survey:

- 71% of public servants indicated that they would know where to go for help in resolving the situation if they were faced with an ethical dilemma or a conflict between values in the workplace (down from 74% in 2017)
- 48% of public servants indicated that they feel that they can initiate a formal recourse process (for example, a grievance, complaint, or appeal) without fear of reprisal (unchanged from 2017)

Results from the Public Service Employee Survey help shape corporate management priorities and generate concrete actions in support of an ethical, high-performing and engaged public service.

Centre of Expertise on Mental Health in the Workplace

The [Centre of Expertise on Mental Health in the Workplace](#)^{ix} was established in 2017 as a joint collaboration between the Treasury Board of Canada Secretariat (TBS) and bargaining agents. It is designed to support federal organizations in aligning with the National Standard for Psychological Health and Safety in the Workplace and advance the Federal Public Service Workplace Mental Health Strategy.

The Centre of Expertise on Mental Health in the Workplace works to change the culture throughout the federal public service by raising awareness and reducing stigma associated with mental illness. It also seeks to build capacity, providing tools and resources for public servants and managers at all levels, and to strengthen data related to mental health in order to allow organizations to better identify and understand their organizational needs and make continual improvements.

Since its inauguration, the Centre has:

- developed and implemented a virtual platform to support departments
- established a Regional Ambassador Network to support regional organizations to learn from each other and implement promising practices to improve mental health
- established an Office of Primary Interest Network to train and support departments to make coherent system-wide changes



In addition, the Centre has and will continue to provide guidance and support to federal organizations to assist them in successfully implementing measures to improve mental health and well-being in the workplace.

Centre for Wellness, Inclusion and Diversity

In June 2019, the OCHRO established the Centre for Wellness, Inclusion and Diversity (CWInD) made possible through investments proposed in [Budget 2018](#).^x

CWInD is mandated to support departments and agencies in creating safe, healthy, inclusive and diverse workplaces by:

- designing and operating an online platform and related services that make the wellness, inclusion and diversity agenda clearer and more purposeful for public servants
- undertaking innovative people-focused research activities (called Smart Dives) intended to test how equipped the public service is to address its commitments to wellness, inclusion and diversity, and to provide clear roadmaps to support change at all levels

CWInD also helps advance initiatives in support of wellness, inclusion and diversity in the public service, in particular those resulting from reports such as:

- *Building a Diverse and Inclusive Public Service: Final Report of the Joint Union/Management Task Force on Diversity and Inclusion*^{xi}
- *Many Voices, One Mind: A Pathway to Reconciliation*^{xii}
- *Safe Workspaces: Starting a Dialogue and Taking Action on Harassment in the Public Service*^{xiii}

The implementation of these initiatives is anticipated to contribute to a culture shift within the public service, where wellness, inclusion and diversity considerations are reflected in policies, programs and people management decisions, which in turn will support better outcomes for Canadians.

Preventing and resolving harassment and violence in the workplace

Organizations of the core public administration are subject to the *Policy on Harassment Prevention and Resolution*^{xiv} and the *Directive on the Harassment Complaint Process*.^{xv} The policy and directive are aimed at preventing and resolving all forms of harassment, including personal harassment, sexual harassment and abuse of authority.

The OCHRO brings together departmental advisors responsible for harassment prevention, values and ethics, labour relations, and occupational health and safety, as well as informal



conflict management practitioners, to exchange experiences on the prevention of harassment and violence. The aim is to increase interdepartmental collaboration by sharing best practices and to build departmental capacity and skills.

Part XX of the *Canada Occupational Health and Safety Regulations*,^{xvi} under the *Canada Labour Code*,^{xvii} outlines the requirements for violence prevention in the workplace. Under the regulations, each deputy head is responsible for developing a policy on violence prevention for their respective organization.

The Government of Canada has internet and intranet pages dedicated to supporting public servants in understanding and interpreting the Treasury Board *Policy on Harassment Prevention and Resolution* and the *Directive on the Harassment Complaint Process*. The resources available include:

- *Is it Harassment? A Tool to Guide Employees*^{xviii} that aims to help public servants better understand what constitutes harassment
- a course on *people to people communication*^{xix}
- a practitioner's *Guide on Applying the Harassment Resolution Process*^{xx}
- two guides for managers:
 - *Preventing and Resolving Harassment in the Workplace: A Guide for Managers*^{xxi}
 - *Restoring the Workplace Following a Harassment Complaint: A Manager's Guide*^{xxii}

These resources will be updated once the *Canada Labour Code Regulations* related to Bill C-65, *An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.*, are published.

Policy suite reset: people management

In June 2014, the TBS launched Policy Suite Reset, an initiative to review and modernize all Treasury Board policy instruments that apply to federal departments and agencies. This process helped align and clarify Treasury Board policy requirements to make them easier to understand and use, and in turn, make it easier for public servants to do their jobs.

The OCHRO completed significant work on the reset of the *Policy on People Management* and the *Policy on the Management of Executives* in 2018 to 2019. These policies will provide greater authority to the President of the Treasury Board, the Secretary of the Treasury Board, and the CHRO, which set the foundation for the ongoing adaptation of policies to better support an



ethical workplace culture in which public servants feel safe to come forward without fear of reprisal.

Disclosure activity from 2014 to 2019

Subsection 38.1(1) of the *Public Servants Disclosure Protection Act* requires chief executives to prepare a report on the activities related to disclosures made in their organizations and to submit it to the CHRO within 60 days after the end of each fiscal year. The statistics in this report are based on those reports. In the sections that follow, statistics from the four previous years are included for comparison purposes.

General enquiries	2018 to 2019	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015
Number of general enquiries related to the act	323	293	212	198	229

Disclosure activity	2018 to 2019	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015
Number of disclosures received under the act	269	291	209	281	200
Number of referrals resulting from a disclosure made in another public sector organization	3	5	1	5	1
Number of cases carried over on the basis of disclosures made the previous year	173	128	122	99	98
Total number of disclosures handled (disclosures received, referred, carried over)	445	424	332	385	299
Number of admissible disclosures ^a	114	139	98	132	123
Number of inadmissible disclosures ^b	129	91	97	122	85
Number of investigations commenced as a result of disclosures received	59	71	61	56	78
Number of disclosures that led to a finding of wrongdoing	7	16	10	7	13
Number of disclosures that led to corrective measures	20	28	17	31	17
<p>a. Disclosures where action, including preliminary analysis, fact-finding and investigation, was taken to determine whether wrongdoing occurred and when that determination was made during the reporting period. Does not include disclosures from previous years that were carried over into the 2019 to 2020 fiscal year.</p> <p>b. Disclosures received for which the designated senior officer for internal disclosure determined that the definition of wrongdoing under the act was not met. These were either referred to another process or required no further action.</p>					



Organizations reporting	2018 to 2019	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015
Number of active organizations	134	134	133	134	146
Number of organizations that reported enquiries	35	36	36	29	36
Number of organizations that reported disclosures	29	35	22	31	28
Number of organizations that reported findings of wrongdoing	3	4	4	4	4
Number of organizations that reported corrective measures	8	8	7	7	8
Number of organizations that reported finding systemic problems that gave rise to wrongdoing	3	2	0	2	0
Number of organizations that did not disclose information about findings of wrongdoing within 60 days	1	2	1	2	2

These statistics provide a snapshot of internal disclosure activities under the act. It is difficult to draw conclusions because of the differences between organizations. Issues, for example, may be dealt with through different mechanisms in different organizations.

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. Anonymous disclosures are therefore not considered disclosures made under the act and are not covered in this report.

Although the Canadian Security Intelligence Service (CSIS), Communications Security Establishment Canada (CSEC) and Canadian Armed Forces (CAF) are excluded from the act by virtue of [section 52 of the act](#),^{xxiii} they are required to establish their own procedures for the disclosure of wrongdoing, including for protecting persons who disclose wrongdoing. These procedures must be approved by the Treasury Board as being similar to those set out in the act. CSIS's procedures were approved in December 2009, CSEC's procedures were approved in June 2011, and the CAF's procedures were approved in April 2012.



Appendix A: Summary of organizational activity related to disclosures under the *Public Servants Disclosure Protection Act*

A.1 Organizations reporting activity under the act in the 2018 to 2019 fiscal year

Organization	General enquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2017 to 2018 fiscal year	Acted upon	Not acted upon	Carried over into the 2019 to 2020 fiscal year		Finding of wrongdoing	Corrective measures
Business Development Bank of Canada	0	1	0	0	1	0	0	1	0	0
Canada Border Services Agency	22	49	0	51	0	48	52	4	0	0
Canada Development Investment Corporation	1	0	0	0	0	0	0	0	0	0
Canada Mortgage and Housing Corporation	0	0	0	1	0	1	0	0	0	0
Canada Revenue Agency	25	7	0	2	2	7	0	1	1	1
Canada School of Public Service	3	3	0	0	0	1	2	1	0	0
Canadian Broadcasting Corporation	0	1	0	0	0	1	0	0	0	0
Canadian Food Inspection Agency	40	12	0	15	12	0	15	2	0	0
Canadian Heritage	1	0	0	0	0	0	0	0	0	0
Canadian Nuclear Safety Commission	0	0	0	1	0	1	0	0	0	0



Organization	General enquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2017 to 2018 fiscal year	Acted upon	Not acted upon	Carried over into the 2019 to 2020 fiscal year		Finding of wrongdoing	Corrective measures
Canadian Transportation Agency	1	0	0	0	0	0	0	0	0	0
Civilian Review and Complaints Commission for the RCMP	0	0	0	2	0	1	1	0	0	0
Correctional Service Canada	7	13	0	4	2	11	4	1	0	0
Crown-Indigenous Relations and Northern Affairs Canada	1	0	0	4	4	0	0	0	0	0
Department of Justice Canada	2	0	0	0	0	0	0	0	0	0
Employment and Social Development Canada	22	11	0	4	4	2	9	1	0	3
Environment and Climate Change Canada	8	8	0	4	7	3	2	0	0	0
Export Development Canada	6	9	0	4	13	0	0	7	0	4
Farm Credit Canada	13	13	0	0	0	13	0	0	0	0
Fisheries and Oceans Canada	10	4	0	1	3	1	1	3	0	1
Global Affairs Canada	4	41	0	18	13	5	41	5	5	2
Health Canada	11	8	3	0	0	8	3	0	0	0
Immigration, Refugees and Citizenship Canada	3	1	0	0	0	1	0	0	0	0



Organization	General enquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2017 to 2018 fiscal year	Acted upon	Not acted upon	Carried over into the 2019 to 2020 fiscal year		Finding of wrongdoing	Corrective measures
Indigenous Services Canada	3	6	0	0	6	0	0	0	0	0
Infrastructure Canada	1	0	0	4	3	1	0	1	1	2
Innovation, Science and Economic Development Canada and Office of the Superintendent of Bankruptcy Canada	1	7	0	1	0	4	4	1	0	0
International Development Research Centre	2	0	0	6	6	0	0	1	0	6
Marine Atlantic Inc.	0	1	0	0	1	0	0	1	0	0
National Capital Commission	12	8	0	6	0	6	8	3	0	0
National Defence	16	19	0	28	5	4	38	9	0	0
National Research Council Canada	1	1	0	0	1	0	0	1	0	0
Natural Resources Canada	2	1	0	0	0	1	0	0	0	0
Parks Canada	78	0	0	0	0	0	0	0	0	0
Public Health Agency of Canada	4	4	0	0	4	0	0	0	0	0
Public Safety Canada	0	0	0	3	1	0	2	0	0	0
Public Services and Procurement Canada	2	23	0	4	12	5	10	9	0	0



Organization	General enquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2017 to 2018 fiscal year	Acted upon	Not acted upon	Carried over into the 2019 to 2020 fiscal year		Finding of wrongdoing	Corrective measures
Royal Canadian Mint	0	9	0	0	7	2	0	2	0	1
Royal Canadian Mounted Police	13	3	0	7	3	0	7	2	0	0
Shared Services Canada	3	2	0	0	2	0	0	2	0	0
Staff of the Non-Public Funds, Canadian Forces	1	2	0	0	2	0	0	1	0	0
Statistics Canada	1	2	0	0	0	2	0	0	0	0
Transport Canada	0	0	0	3	0	0	3	0	0	0
Treasury Board of Canada Secretariat	2	0	0	0	0	0	0	0	0	0
Veterans Affairs Canada	1	0	0	0	0	0	0	0	0	0
Total	323	269	3	173^a	114	129	202	59	7	20

a. Upon assessment of the files carried over from the 2017 to 2018 fiscal year, it was determined that some files included either additional or fewer disclosures than initially identified.



A.2 Organizations that reported a finding of wrongdoing under the act in the 2018 to 2019 fiscal year

Organization	Finding of wrongdoing	Corrective measures
Canada Revenue Agency (CRA)	<ul style="list-style-type: none"> • Serious breach of a code of conduct (paragraph 8(e) of the act) <p>Case report: Acts of Founded Wrongdoing^{xxiv}</p>	<ul style="list-style-type: none"> • An investigation by the Internal Affairs and Fraud Control Division of the Security and Internal Affairs Directorate, Finance and Administrative Branch of the CRA, showed that the public servant failed to comply with CRA's <i>Code of Integrity and Professional Conduct</i> and the <i>Directive on Conflict of Interest, Gifts and Hospitality, and Post-Employment</i>. • Recommendations with respect to corrective actions included the following: <ul style="list-style-type: none"> ○ to initiate the appropriate disciplinary measures against the employee in question for the failure to comply with the code and the directive ○ to ensure that all CRA staff are reminded of their responsibilities concerning real or perceived conflicts of interest • The recommendations were accepted by the Commissioner of the CRA, and appropriate disciplinary measures were taken. In addition, a message was sent to all public servants at the CRA to remind them of their responsibilities concerning real or perceived conflicts of interest.
Infrastructure Canada	<ul style="list-style-type: none"> • A misuse of public funds or a public asset (paragraph 8(b) of the act) <p>Case report: Acts of Founded Wrongdoing^{xxv}</p>	<ul style="list-style-type: none"> • The investigation under the <i>Public Servants Disclosure Protection Act</i> was to ascertain whether wrongdoing had occurred with respect to contracts for specific services and to determine the circumstances surrounding the alleged wrongdoings. Allegations were related to activities performed by consultants, as well as activities related to contract award and management.



Organization	Finding of wrongdoing	Corrective measures
		<ul style="list-style-type: none"> The Senior Officer for Disclosure presented recommendations, including undertaking a review of controls in areas where gaps had been found, and recommended that further work be done to determine whether an administrative investigation should be undertaken. These recommendations have been approved by the deputy head and are in the process of being implemented.
Global Affairs Canada	<ul style="list-style-type: none"> Serious breach of a code of conduct (paragraph 8(e) of the act) 	<ul style="list-style-type: none"> In October 2017, the Office of Values and Ethics and Workplace Wellbeing received a disclosure of wrongdoing against an executive alleging inappropriate language and behaviour. As a result of an investigation, most allegations of inappropriate behaviour were deemed to be founded, whereas it was determined allegations concerning inappropriate comments were not founded. Administrative and disciplinary measures were taken against the executive. Actions were also taken by Global Affairs Canada to restore the work environment within the unit.
Global Affairs Canada	<ul style="list-style-type: none"> Gross mismanagement in the public sector (paragraph 8(c) of the act) Serious breach of a code of conduct (paragraph 8(e) of the act) 	<ul style="list-style-type: none"> On October 5, 2016, the Senior Officer for Internal Disclosure received a complaint against a director and deputy director alleging nepotism, staffing irregularities, preferential treatment in hiring, time theft, excessive overtime, and mismanagement of office supplies. As a result of the investigation, allegations regarding nepotism, staffing, and hiring were determined to be founded, whereas there was not sufficient evidence to make a determination of wrongdoing for the remaining allegations. The director retired during the investigation and administrative measures were taken against the deputy director. Steps were taken to restore the work environment following the investigation.



Organization	Finding of wrongdoing	Corrective measures
Global Affairs Canada	<ul style="list-style-type: none"> • Gross mismanagement in the public sector (paragraph 8(c) of the act) • Serious breach of a code of conduct (paragraph 8(e) of the act) 	<ul style="list-style-type: none"> • On April 9, 2018, the Senior Officer for Internal Disclosure received a disclosure of wrongdoing against an executive relating to managerial style and conduct, exercise of authorities, and conflicts of interest. • The investigation supported findings of wrongdoing in accordance with paragraphs 8(c) and 8(e) of the act and identified systemic factors, cultural differences, changing departmental practices and misunderstanding of the ethical standards expected of an executive. • The deputy head has accepted the recommendations and the executive resigned before the investigation was concluded.



A.3 Organizations that reported no activities related to disclosure in the reporting period

1. Agriculture and Agri-Food Canada
2. Atlantic Canada Opportunities Agency
3. Atlantic Pilotage Authority Canada
4. Atomic Energy of Canada Limited
5. Bank of Canada
6. Canada Council for the Arts
7. Canada Deposit Insurance Corporation
8. Canada Economic Development for Quebec Regions
9. Canada Infrastructure Bank
10. Canada Post
11. Canada Science and Technology Museums Corporation
12. Canadian Air Transport Security Authority
13. Canadian Centre for Occupational Health and Safety
14. Canadian Commercial Corporation
15. Canadian Environmental Assessment Agency
16. Canadian Grain Commission
17. Canadian Institutes of Health Research
18. Canadian Museum for Human Rights
19. Canadian Museum of History
20. Canadian War Museum
21. Canadian Museum of Nature
22. Canadian Northern Economic Development Agency
23. Canadian Radio-television and Telecommunications Commission
24. Canadian Space Agency
25. Courts Administration Service
26. The Correctional Investigator Canada
27. Destination Canada
28. Defence Construction Canada
29. Department of Finance Canada



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30. Department for Women and Gender Equality
 31. Energy Supplies Allocation Board
 32. Farm Products Council of Canada
 33. Federal Bridge Corporation
 34. Federal Economic Development Agency for Southern Ontario
 35. Financial Transactions and Reports Analysis Centre of Canada
 36. Freshwater Fish Marketing Corporation
 37. Great Lakes Pilotage Authority Canada
 38. Immigration and Refugee Board of Canada
 39. Indian Oil and Gas Canada
 40. International Joint Commission (Canadian Section)
 41. Library and Archives Canada
 42. Military Police Complaints Commission of Canada
 43. National Arts Centre
 44. The National Battlefields Commission
 45. National Energy Board
 46. National Gallery of Canada
 47. Natural Sciences and Engineering Research Council of Canada
 48. Northern Pipeline Agency Canada
 49. Office of the Auditor General of Canada
 50. Office of the Chief Electoral Officer
 51. Office of the Commissioner for Federal Judicial Affairs Canada
 52. Office of the Information Commissioner of Canada
 53. Office of the Public Sector Integrity Commissioner of Canada
 54. Office of the Registrar of the Supreme Court of Canada
 55. Office of the Secretary to the Governor General
 56. Office of the Superintendent of Financial Institutions Canada
 57. Pacific Pilotage Authority Canada
 58. Parole Board of Canada
 59. Patented Medicine Prices Review Board Canada
 60. Privy Council Office



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61. Public Prosecution Service of Canada
 62. Public Sector Pension Investment Board
 63. Public Service Commission of Canada
 64. RCMP External Review Committee
 65. Ridley Terminals Inc.
 66. Social Sciences and Humanities Research Council of Canada
 67. Statistical Survey Operations
 68. Transportation Safety Board of Canada
 69. Veterans Review and Appeal Board
 70. Western Economic Diversification Canada
 71. VIA Rail Canada Inc.



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

1. Administrative Tribunals Support Service of Canada
2. Canada Lands Company Limited
3. Canadian Dairy Commission
4. Canadian Human Rights Commission
5. Canadian Intergovernmental Conference Secretariat
6. Canadian Museum of Immigration at Pier 21
7. Canadian Race Relations Foundation
8. Copyright Board Canada
9. Financial Consumer Agency of Canada
10. Laurentian Pilotage Authority Canada
11. Military Grievances External Review Committee
12. National Film Board
13. Office of the Commissioner of Lobbying of Canada
14. Office of the Commissioner of Official Languages
15. Office of the Privacy Commissioner of Canada
16. Polar Knowledge Canada
17. Security Intelligence Review Committee
18. Standards Council of Canada
19. Telefilm Canada



A.5 Inactive organizations for the purposes of reporting

1. Canada Emission Reduction Incentives Agency
2. Canada Employment Insurance Commission
3. Canada Investment and Savings
4. Communication Canada
5. The Jacques-Cartier and Champlain Bridges Inc.
6. Law Commission of Canada
7. Soldier Settlement, Director
8. Truth and Reconciliation Commission
9. Veterans' Land Act, Director
10. Windsor-Detroit Bridge Authority



Appendix B: Key terms

For the purposes of the *Public Servants Disclosure Protection Act*^{xxvi} and this report, **public servant** means 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 (for example, judges or board members of Crown corporations) or parliamentarians and their staff.

The act defines **wrongdoing** as any of the following actions in, or relating to, the public sector:

- violation of a federal or provincial law or regulation
- misuse of public funds or assets
- gross mismanagement in the public sector
- a serious breach of a code of conduct established under the act
- an act or omission that creates a substantial and specific danger to the life, health or safety of Canadians or to the environment
- 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 any of the following conditions:

- in accordance with the act, to the public servant's immediate supervisor or senior officer for disclosure, or to the Public Sector Integrity Commissioner (PSIC)
- in the course of a parliamentary proceeding
- in the course of a procedure established under any other act of Parliament
- when lawfully required to do so

Furthermore, anyone can provide information about wrongdoing in the public sector to the PSIC.

The act 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:

- a disciplinary measure
- demotion of the public servant
- termination of the employment of the public servant
- a measure that adversely affects the employment or working conditions of the public servant
- a threat to do any of those things or to direct a person to do them



Every organization subject to the act 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 declare an exception under [subsection 10\(4\) of the act](#).^{xxvii} In organizations that have declared an exception, disclosures related to the act are handled directly by the PSIC.

The **senior officer for disclosure** is the person appointed in 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:

- 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
- receiving and recording disclosures and reviewing them to establish whether there are sufficient grounds for further action under the act
- managing investigations into disclosures, including determining whether to deal with a disclosure under the act, initiate an investigation or cease an investigation
- coordinating the 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
- notifying, in writing, the person(s) who made a disclosure of the outcome of any review or investigation into the disclosure and of the status of actions taken on the disclosure, as appropriate
- 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 relevant terms

allegation of wrongdoing

The communication of a potential instance of wrongdoing through a disclosure as defined in [section 8 of the act](#).^{xxviii} The allegation must be made in good faith, and the person making it must have reasonable grounds to believe that it is true.

disclosure

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 act](#).^{xxix}



disclosure that was acted upon (admissible disclosure)

A disclosure where action, including preliminary analysis, fact-finding and investigation, was taken to determine whether wrongdoing occurred and where that determination was made during the reporting period.

disclosure that was not acted upon (inadmissible disclosure)

A disclosure received for which the designated senior officer for internal disclosure determined that the definition of wrongdoing under the act was not met. The disclosure was either referred to another process or required no further action.

general enquiry

An enquiry about procedures established under the act or about possible wrongdoings, not including actual disclosures.

investigation

A formal investigation triggered by a disclosure.



Endnotes

- i. *Public Servants Disclosure Protection Act*, section 38.1, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-9.html>
- ii. *Public Servants Disclosure Protection Act*, section 2, <https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-402914>
- iii. *Public Servants Disclosure Protection Act*, subsection 10(2), <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>
- iv. *Public Servants Disclosure Protection Act*, subsection 10(4), <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>
- v. *Public Servants Disclosure Protection Act*, section 8, <https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-402983>
- vi. Management Accountability Framework, <https://www.canada.ca/en/treasury-board-secretariat/services/management-accountability-framework.html>
- vii. Public Service Employee Survey, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/public-service-employee-survey.html>
- viii. 2018 Public Service Employee Survey, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/public-service-employee-survey/2018.html>
- ix. Centre of Expertise on Mental Health in the Workplace, <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/health-wellness-public-servants/mental-health-workplace.html>
- x. Budget 2018, <https://www.budget.gc.ca/2018/home-accueil-en.html>
- xi. *Building a Diverse and Inclusive Public Service: Final Report of the Joint Union/Management Task Force on Diversity and Inclusion*, <https://www.canada.ca/en/treasury-board-secretariat/corporate/reports/building-diverse-inclusive-public-service-final-report-joint-union-management-task-force-diversity-inclusion.html>
- xii. *Many Voices, One Mind: a Pathway to Reconciliation*, <https://www.canada.ca/en/privy-council/corporate/clerk/publications/many-voices.html>
- xiii. *Safe Workspaces: Starting a Dialogue and Taking Action on Harassment in the Public Service*, <https://www.canada.ca/en/privy-council/corporate/clerk/publications/safe-workspaces.html>
- xiv. *Policy on Harassment Prevention and Resolution*, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041>
- xv. *Directive on the Harassment Complaint Process*, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26040>
- xvi. *Canada Occupational Health and Safety Regulations*, <https://laws-lois.justice.gc.ca/eng/regulations/sor-86-304/index.html>
- xvii. *Canada Labour Code*, <https://laws-lois.justice.gc.ca/eng/acts/l-2/>
- xviii. *Is it Harassment? A Tool to Guide Employees*, <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-conflict-resolution/harassment-tool-employees.html>
- xix. People to people communication, <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-conflict-resolution/people-to-people-communication-preventing-resolving-harassment-healthy-work-environment.html>
- xx. *Guide on Applying the Harassment Resolution Process*, <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-conflict-resolution/guide-applying-harassment-resolution-process.html>
- xxi. *Preventing and Resolving Harassment in the Workplace: A Guide for Managers*, <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-conflict-resolution/preventing-resolving-harassment-workplace-guide-managers.html>
- xxii. *Restoring the Workplace Following a Harassment Complaint: A Manager's Guide*, <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-conflict-resolution/restoring-workplace-following-harassment-complaint-managers-guide.html>
- xxiii. *Public Servants Disclosure Protection Act*, section 52, <https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-11.html#h-403782>



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- xxiv. Canada Revenue Agency, Acts of Founded Wrongdoing, <https://open.canada.ca/en/search/wrongdoing/reference/bfb4958296cc4aebc4da7b7e940e2145>
- xxv. Infrastructure Canada, Acts of Founded Wrongdoing, <https://open.canada.ca/en/search/wrongdoing/reference/470292625ddf91961fcafb8063989624>
- xxvi. *Public Servants Disclosure Protection Act*, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/index.html>
- xxvii. *Public Servants Disclosure Protection Act*, subsection 10(4), <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>
- xxviii. *Public Servants Disclosure Protection Act*, section 8, <https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-402983>
- xxix. *Public Servants Disclosure Protection Act*, section 12, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>

