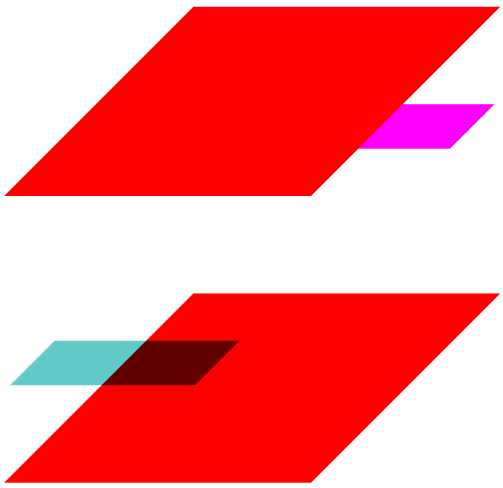
Treasury Board of Canada Secretariat
Secrétariat du Conseil du Trésor du Canada
Canada

2021 to 2022 Annual Report on the Public Servants Disclosure Protection Act



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Message from the Chief Human Resources Officer

It is my pleasure to present the 15th annual report on the *Public Servants Disclosure Protection Act* to the President of the Treasury Board of Canada for tabling in Parliament.

The act fosters a workplace environment where public servants feel they can come forward with enquiries or allegations about possible wrongdoing, without fear of reprisal. Providing public servants with this protection promotes the integrity of the public service and strengthens Canadians' confidence in our public institutions. This report provides information on activities related to such disclosures in federal public sector organizations and includes details on the actions taken by organizations in response to allegations of wrongdoing.

In the 2021–22 fiscal year, federal government organizations received more enquiries and allegations than in any of the previous five years, and most of the allegations concerned a single serious breach of conduct. In parallel, we also saw the highest number of formal investigations launched. While these results may indicate public servants' growing awareness of the act, we know that more work is needed to strengthen the disclosure system to ensure employees have the confidence to come forward with cases of potential wrongdoing without fear of reprisal.

My office is committed to continuing its work to make meaningful improvements to the federal disclosure process and to promote a positive and respectful public sector culture grounded in values and ethics. We will support the President of the Treasury Board in carrying out her mandate of improving government whistleblower protections and supports, including a review to identify possible amendments to the Act. We will also continue our work to support federal organizations in creating and sustaining an ethical workplace where employees feel comfortable coming forward with disclosures of wrongdoing.

Our ongoing activities will include supporting and advising departments on policies within the people management portfolio, promoting mental health and safety and the prevention of harassment and violence in the workplace, and ensuring that diversity, equity and inclusiveness are reflected in our workplace culture.

The integrity of Canada's public sector is crucial to trust in government, and my office will continue its work to promote and strengthen this fundamental pillar of public sector ethics in the years ahead.

Original signed by

Christine Donoghue
Chief Human Resources Officer
Treasury board of Canada Secretariat

About this report

This annual report on the *Public Servants Disclosure Protection Act* (the Act) covers the period from April 1, 2021, to March 31, 2022. The report contains information on disclosure activities in the federal public sector, which includes departments, agencies and Crown corporations, as defined in section 2 of the Act. The report also contains information on the activities the Office of the Chief Human Resources Officer (OCHRO) has undertaken over the same period to foster an ethical workplace culture.

Every organization subject to the Act is required to designate a senior officer for internal disclosure who is responsible for both addressing disclosures made under the Act and establishing internal procedures to manage disclosures. Alternatively, organizations that are too small to designate a senior officer or establish their own internal procedures can have disclosures handled directly by the Public Sector Integrity Commissioner of Canada (PSIC). This report does not contain information on disclosures or reprisal complaints made to the PSIC, or on other recourse mechanisms or anonymous disclosures.

Organizational enquiries and disclosures

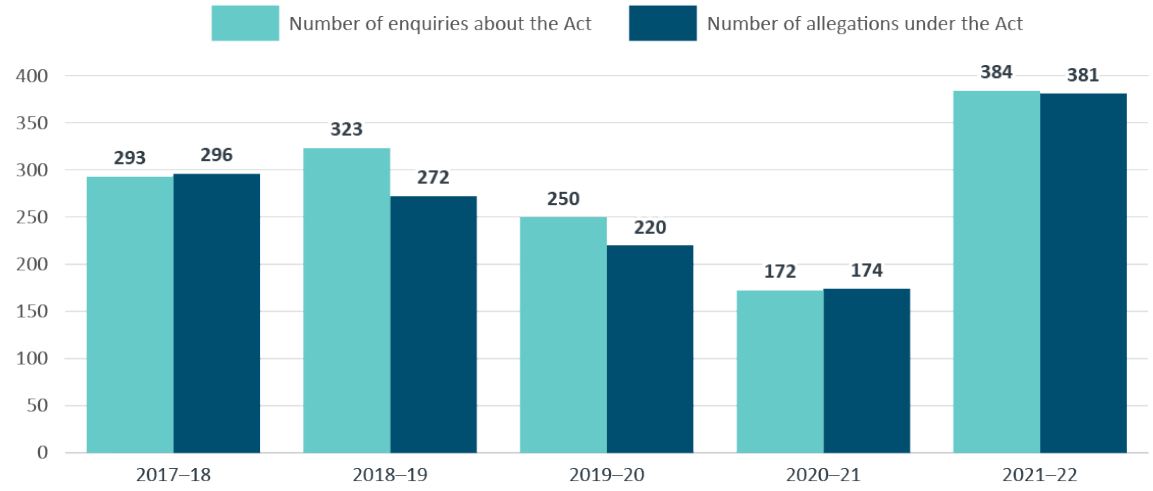
Enquiries

Public servants may make enquires about the disclosure process without making a formal disclosure or allegation. In 2021-2022 the number of enquiries under the Act increased substantially to 384, the highest number in the past five years. As shown in Figure 1, the number of enquiries and allegations show a similar trend line, which suggests that raising awareness and providing information about the Act to public servants is essential to the disclosure process.

Disclosures

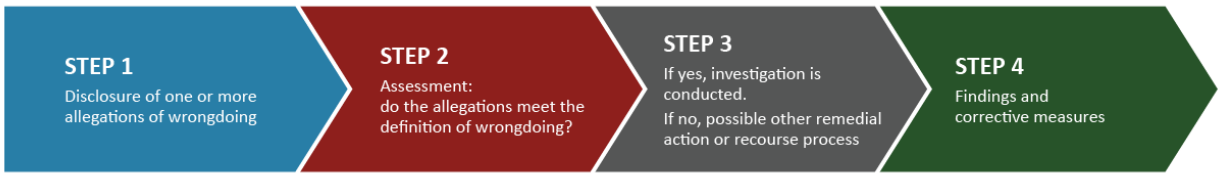
OCHRO asked organizations to report on the number of allegations of wrongdoing received through each disclosure brought by public servants to their supervisor or the senior disclosure officer in 2021-22. This is because a single disclosure may include more than one allegation of wrongdoing, as outlined in section 8 of the Act. Appendix C contains a glossary of the key terms used in this report.

Figure 1: trend in enquiries received about the Act and allegations received under the Act



After two years of gradual decline in the number of enquiries received and the number of allegations of wrongdoing received, the numbers rebounded in 2021–22 to the point of exceeding all results for any of the past five years. While the data does not permit a conclusion on this point, the movement could reflect an impact of the COVID-19 pandemic, with fewer enquiries and allegations made during remote work and a resurgence as people return to the office. The trend may also be influenced by other factors.

Figure 2: steps in the process of disclosing wrongdoing[1]

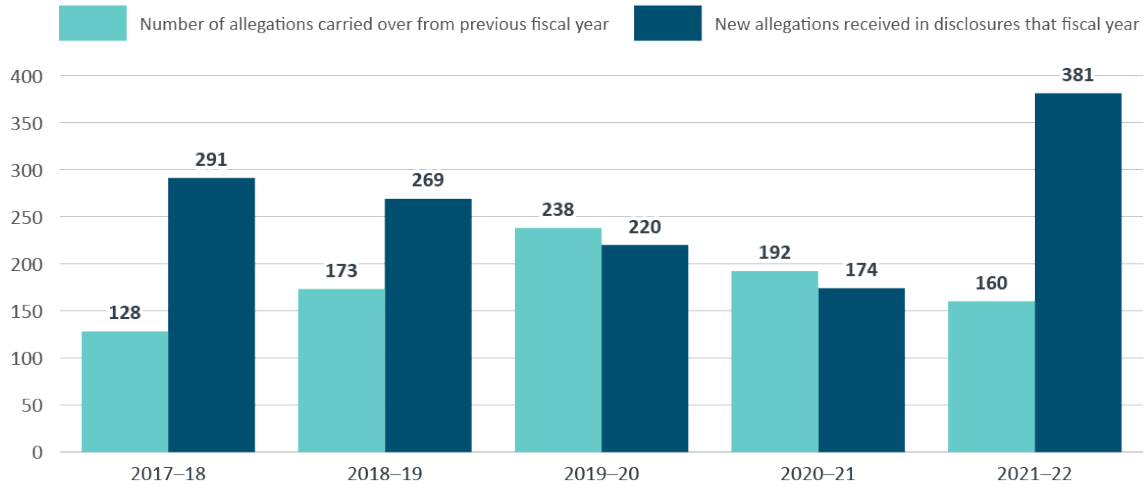


Step 1: disclosures and allegations

In 2021–22, 194 public servants made 178 disclosures containing 381 allegations, trending up to the highest number of allegations in the last five years (Figure 3).

[1] Details of the process from disclosure to findings and corrective measures based on the Act are contained in Appendix B.

Figure 3: new allegations and allegations carried over from previous years



Due to various factors, including the complexity of some investigations and the volume of new allegations received, some allegations are carried over into future years before they are resolved. There was a decrease in the number of allegations that were carried over from the previous fiscal year, from 192 allegations in 2020–21 to 160 in 2021–22. Of the 160 allegations carried over from 2020–21 to 2021–22, 78 (49%) were originally received in 2020–21 and 82 (51%) were originally received in 2019–20 or before.

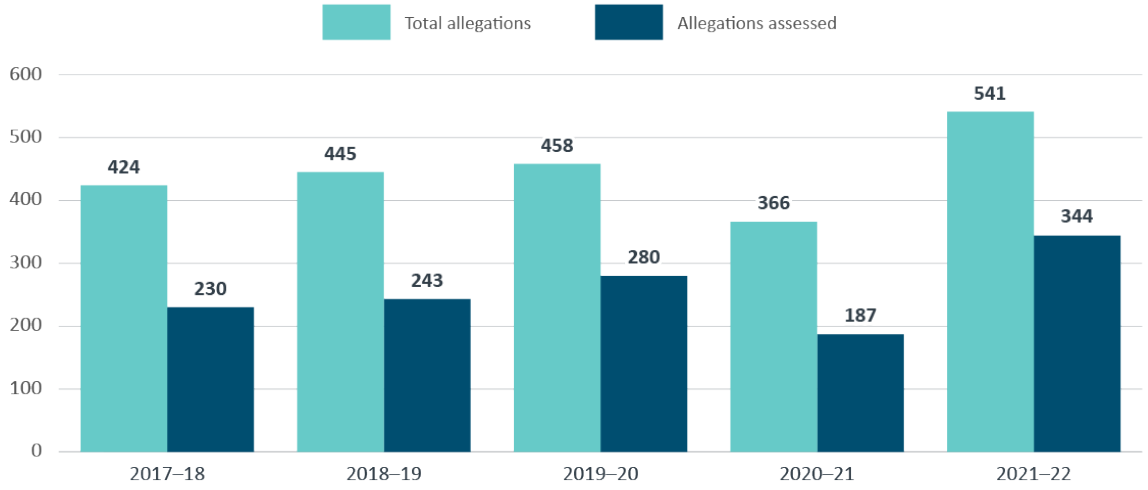
Federal public sector organizations have indicated that one barrier to being able to resolve disclosures quickly stems from of a lack of internal investigative capacity. To mitigate this challenge, a National Master Standing Offer (NMSO) for investigative services has been made available to organizations since 2018. New investigative resources are continually assessed and added to the list of available service providers on the NMSO. Nine organizations used the NMSO in the reporting period. Some of the positive responses related to the benefit of securing qualified investigative services easily and quickly, and access to these important services for organizations that do not have internal investigation capacity.

Step 2: assessment of the allegations

Each allegation is assessed by the organization's senior officer for internal disclosure to determine whether it falls within the Act's definition of wrongdoing and warrants further action, or if it should be referred to another recourse mechanism. Those allegations not assessed are carried over to the following year.

In 2021–22, there was an increase in the percentage of total allegations assessed.[2] Around 63% (344 of 541) of allegations handled were assessed in 2021–22. In the previous year, the rate of assessment of allegations was 51% (Figure 4). Of the 344 allegations assessed in 2021–22, 120 (35%) were carried over from previous years.

Figure 4: total allegations and allegations assessed in the past five years



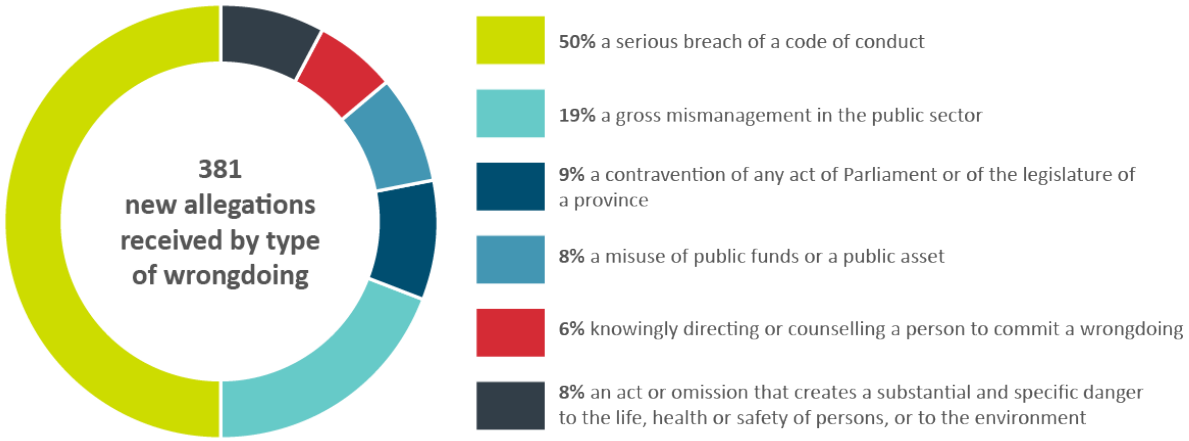
New allegations received in 2021–22

In 2021–22, there were 381 allegations received, compared to 174 allegations received last year, reflecting a significant increase in activity. Of the allegations received, 192 dealt with a serious breach of a code of conduct, an increase from 63 in the previous year.

Serious breaches of a code of conduct continue to be the most prevalent allegations of wrongdoing, rising to 50% of new allegations this year, up from 36% last year. This is possibly because codes of conduct include explicit standards for expected behaviours, which may make it easier for public servants to identify serious breaches. There was a decrease in the percentage of allegations that dealt with the misuse of public funds or assets, contraventions of any act of Parliament or of the legislature of a province, and gross mismanagement in the public sector (Figure 5).

[2] Total allegations include allegations received, those referred from other public sector organizations, as well those carried over from previous years. Allegations assessed include allegations acted upon (treated under the Act) and allegations not acted upon (not treated under the Act) by March 31, 2022.

Figure 5: breakdown of new allegations by type of wrongdoing, 2021–22



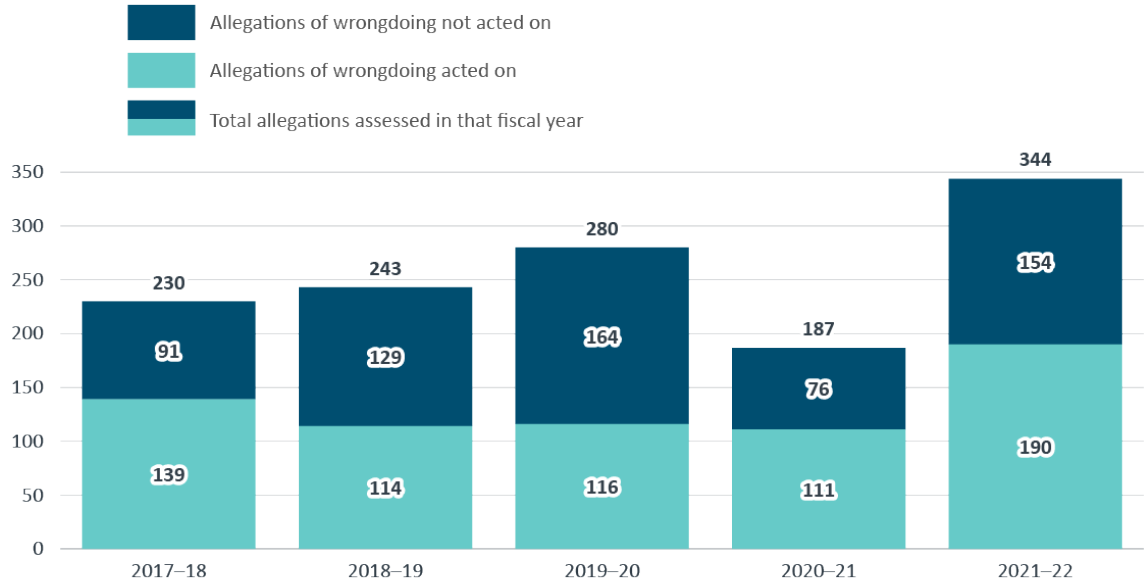
Allegations meeting the definition of wrongdoing in 2021–22

In 2021–22, of the 344 allegations assessed, 190 were found to have met the definition of wrongdoing under the Act. Of these 190 allegations, 85 of them were received in 2021–22, 47 were received in 2020–21, and 58 were received in 2019–20 or before.

In addition to this, 154 of the 344 allegations assessed did not meet the definition of wrongdoing. These 154 allegations included 139 allegations received in 2021–22, and 15 received in 2020–21.

As shown in Figure 6, the volume of allegations that met the definition of wrongdoing compared to those that did not has fluctuated annually throughout the previous four years. We saw a high of 60% of allegations of wrongdoing acted on in 2017–18 (139 of 230) down to a low of 41% in 2019–20 (116 of 280). In 2020–21, 59% of allegations were acted on (111 of 187). In 2021–22, 55% of allegations were acted on (190 of 344).

Figure 6: total allegations assessed that were acted on or not acted on

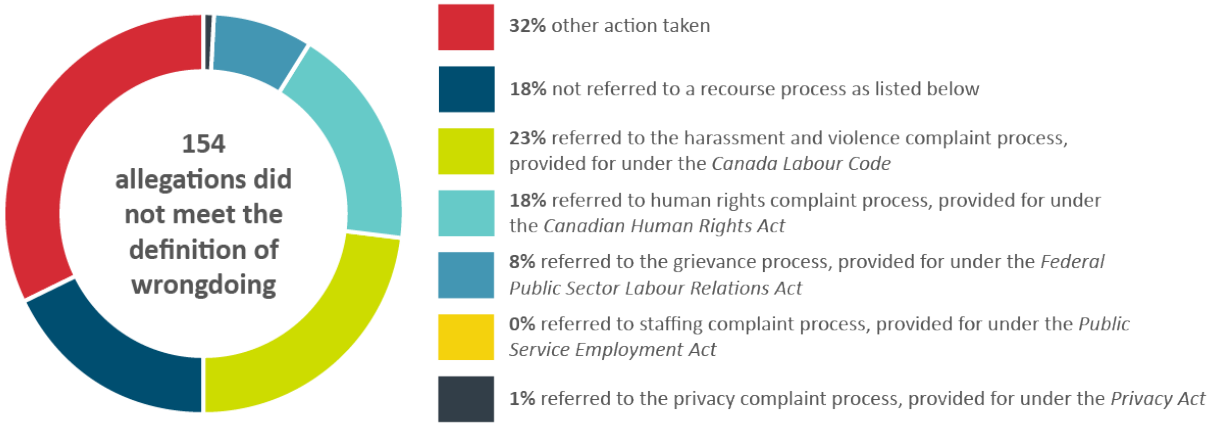


In 2021–22, there were 154 allegations that did not meet the definition of wrongdoing.[7] Figure 7 illustrates the actions taken in those cases.

Forty-nine percent were referred to other recourse processes, an increase from 41% in the previous year, whereas 18% of these allegations were not referred to another recourse process and required no further action.

Thirty-two percent led to other actions (for example, resolved informally, referred to senior management or resolved through internal processes), representing a small increase from 30% in the previous year.

Figure 7: breakdown of allegations that did not meet the definition of wrongdoing in 2021–22



- This suggests that ongoing efforts to steer public servants toward the right recourse process to address their concerns or issues persist. Some organizations have found success by creating a single window portal where all types of complaints/concerns are triaged and referred accordingly, while still being treated as protected disclosures under the Act.

Investigations, findings and corrective measures

Step 3: investigations

In 2021–22, 85 formal investigations[3] were launched, the highest number in the past four years. Most of these investigations examined between one and five allegations, whereas one examined 19. Of the 85 investigations, 56 were based on allegations made in 2021–22, 18 were based on allegations made in 2020–21, and 11 were based on allegations made in 2019–20 or earlier.

By March 31, 2022, 50 investigations were closed. Of these, 33 examined 46 allegations made in 2021–22, 12 examined 20 allegations made in 2020–21, and 6 examined 34 allegations made in 2019–20 or earlier.

Finally, there were 34 investigations still ongoing at the end of the reporting period and these will be carried over to the next fiscal year. Of these, 22 are examining allegations made in 2021–22, 9 are examining allegations made in 2020–21, and 5 are examining allegations made in 2019–20 or earlier.

Step 4: findings of wrongdoing and corrective measures

In 2021–22, the 50 investigations that were closed by March 31, 2022, examined 100 allegations and resulted in 5 allegations that led to a finding of wrongdoing and 26 allegations that led to corrective measures.[4] For 22 of the allegations that led to corrective measures, no wrongdoing was found (Figure 8). Only 4 allegations of wrongdoing led to both a finding of wrongdoing and corrective measures.

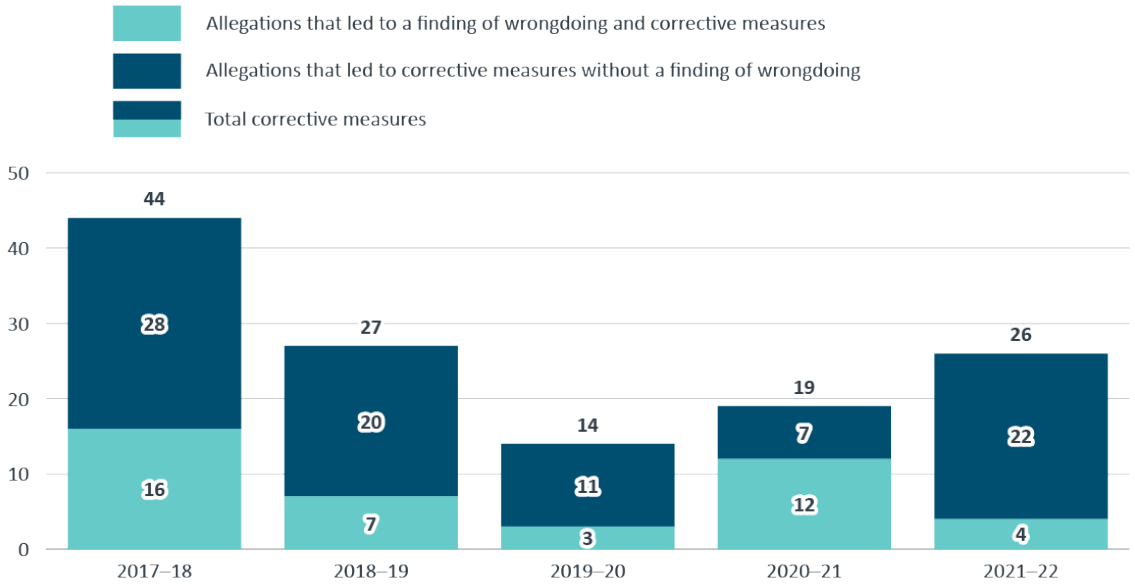
A few trends were observed, as follows:

- There was a decrease in the number of allegations that led to both a finding of wrongdoing and corrective measures compared to the previous year
- There was an increase in the number of allegations that led to corrective measures only, compared to previous years

[3] A formal investigation refers to a review of all relevant evidence, witness testimonials, and the drawing of conclusions as to whether a disclosure is founded. An investigation may look into one or more allegations. A preliminary analysis or fact-finding that does not lead to a formal investigation is not counted as an investigation; however, it can still lead to corrective measures.

[4] Corrective measures (for example, discipline, improved procedures, enhanced transparency and communication or mandatory training) can be applied, even when there is no finding of wrongdoing.

Figure 8: outcomes of investigations into allegations



Office of the Chief Human Resources Officer: activities to support ethical workplaces

The Office of the Chief Human Resources Officer (OCHRO) acts as the focal point for driving people management excellence across the federal public service. As part of this mandate, it develops and disseminates policies, guidelines, initiatives, and guidance in the areas of integrity and ethics in order to promote an ethical and healthy workplace. As it pertains to this report, the policies, programs, and initiatives of OCHRO that are described below all contribute to fostering a workplace environment where public servants are aware of the resources available for addressing workplace issues and feel comfortable coming forward with enquiries or allegations of possible wrongdoing.

Senior officers and communities of practice

To properly support senior officers for disclosure of wrongdoing and in order for managers to support public servants in their organizations, the Office of the Chief Human Resources Officer (OCHRO) continued to facilitate a government-wide community of practice to share promising strategies and discussions of recent developments in the fields of values and ethics, disclosure of wrongdoing, reprisal protections, and conflict of interest resolution. This included hosting meetings of the Interdepartmental Network on Values and Ethics practitioners and supporting meetings of the Internal Disclosure Working Group.

Policy on People Management and Directive on Conflict of Interest

The *Policy on People Management*[i] and the accompanying *Directive on Conflict of Interest*[ii] are meant to support deputy heads in their obligations to prevent and resolve conflicts of interest and

conflicts of duties. The OCHRO led virtual interdepartmental meetings throughout the year with values and ethics advisors from various departments to discuss and collaborate on best practices related to conflicts of interest, ethics in the virtual world, managing a healthy workplace culture and coping during the pandemic, ethical implications of volunteering in the war on Ukraine, ethical leadership, ethical risk and promoting integrity within the public sector.

Preventing and resolving harassment and violence in the workplace

A workplace free of harassment and violence is an essential part of an environment where employees feel safe to come forward with disclosures of wrongdoing. Since the coming into force of the *Work Place Harassment and Violence Prevention Regulations* (WPHVP Regulations) on January 1, 2021, the National Joint Council (NJC) Service Wide Occupational Health and Safety Committee (SWOHS) has developed and widely distributed tools for use by departments and agencies to effectively implement the new regulations and the Treasury Board (TB) *Directive on the Prevention and Resolution of Workplace Harassment and Violence*[iii] published in December 2020.

Unresolved occurrences of workplace harassment and violence require an investigation by a qualified investigator. In collaboration with Public Services and Procurement Canada (PSPC), efforts are underway to refresh and expand the standing offer for investigative resources. The Occupational Health and Safety (OHS) Team at OCHRO supports the implementation of the Regulations by actively engaging with the OHS Community of Practice (CoP), responding to hundreds of questions from across the public service, providing advice and guidance on the application of the Directive and the Work Place Harassment and Violence Prevention Regulations, organizing knowledge transfer discussions with the CoP, participating in public service–wide learning events held by the Canada School of Public Service (CSPS) and leading the development of related training and tools. OCHRO organized a second CoP for designated recipients, that is, the departmental officials responsible for managing the prevention and resolution of harassment program within each organization. The interdepartmental network will increase the level of expertise by providing advice and guidance, sharing experiences and supporting tools across departments and agencies.

Diversity and inclusion in the workplace

A public service that is diverse, equitable and inclusive is crucial to a workplace culture where all public servants, including from equity-seeking groups, feel comfortable in disclosing wrongdoing. Since the establishment of the Centre on Diversity and Inclusion (CDI)[iv], the CDI has collaborated with employment equity networks, equity-seeking groups, as well as other stakeholders and rights holders to lead new and innovative initiatives on diversity and inclusion. This included co-developing solutions for recruitment and talent management with representative networks across the Federal Public Service.

CDI provided support for the development and adoption of diversity and inclusion-related amendments to the *Public Service Employment Act*. Of note, the amendments, which received Royal Assent in June 2021, in part empower the Public Service Commission (PSC) and Deputy Heads to investigate errors, omissions or improper conduct resulting from biases or barriers in staffing that disadvantage individuals from equity-seeking groups. In January 2022, CDI collaborated with the PSC to facilitate engagement sessions with the DSOEEDI Community of Practice, and equity-seeking employee networks, to present the upcoming changes to the Act and gather feedback in order to ensure an inclusive implementation of these new investigative authorities.

Mental health in the workplace

Having the right workplace conditions to support mental health and wellness generates higher levels of employee engagement and adds to public servants' confidence in coming forward with concerns about wrongdoing. OCHRO's Centre of Expertise on Mental Health in the Workplace[v] supports federal organizations in aligning with the National Standard of Canada: Psychological Health and Safety in the Workplace and advancing the Federal Public Service Workplace Mental Health Strategy.

The results of the most recent Public Service Employee Survey (PSES), conducted in 2020, showed overall improvements in mental health awareness, satisfaction with actions taken by managers to support employees' mental health, and incidents of harassment and violence. At the same time, the 2020 PSES results show that the COVID-19 pandemic has exacerbated key workplace stress factors, such as heavy workload, unreasonable deadlines, not enough employees to do the work, overtime or long work hours, and balancing work and personal life.

This is particularly true for EXs, who reported that these factors cause them stress at work in percentages roughly two to three times higher than for non-EXs. These findings were supported by the more recent 2021 APEX Executive Work and Health Study, the findings of which notably raise concern around burnout, with 75% of EXs reporting severe exhaustion, compared to 54% in 2017.

In 2021, the Centre of Expertise continued to curate a suite of mental health resources for public servants, adding to the tools developed in 2020 to help employees who face challenges while working remotely. Tools developed in 2021 focused on preventing and recovering from burnout as well as addressing anxieties and other challenges related to the return to the workplace.

International engagement

OCHRO continues to collaborate with international organizations on global integrity and anti-corruption efforts. These international engagements help OCHRO to stay up to date on global activities, research, and best practices in the areas of integrity, anti-corruption, and disclosure

regimes, and allow us to continue to share and promote Canada's successful strategies. Some examples of our international engagement included:

- representing Canada on the Organisation of Economic Cooperation and Development's (OECD) Working Party of Senior Public Integrity Officials (SPIO), which involved contributing to the development of the Public Integrity Indicators by themes in line with the Public Integrity Maturity Model and Public Integrity Handbook. This year's theme was accountability (conflict of interest, lobbying, and financing of political parties). In addition, OCHRO contributed to revisions to the OECD Recommendation on Principles for Transparency and Integrity in Lobbying[vi] and participated in meetings of the SPIO
- supporting Global Affairs Canada on resolutions for the ninth session of the United Nations Convention Against Corruption (UNCAC) Conference in December 2021, and in their *Modernizing the Peruvian Public Service* project.

Education and awareness activities

Enterprise-wide

Complementary to OCHRO's activities to promote ethical practices and a positive environment for disclosing wrongdoing across the public service, the CSPS provides enterprise-wide training to promote values and ethics in the workplace, including *Values and Ethics Foundations for Employee*s, which is mandatory for all new public servants, and *Values and Ethics Foundations for Managers.*

Federal public sector organizations

As in previous years, federal public sector organizations acted to raise awareness among public servants, provided education about the disclosure process, and supported those public servants who wished to make a disclosure. The most common examples included:

- raising awareness of the disclosure process through intranet sites
- organizing reviews of the organizations' codes of conduct and disclosure processes
- promoting the organizational code of conduct and its alignment with the disclosure process through staff meetings
- providing values and ethics training, awareness sessions, and other self-paced online training products
- sharing bulletins and newsletters with staff on topics related to the PSDPA, code of conduct and/or conflict of interest policy
- providing education and orientation on the PSDPA, code of conduct and/or conflict of interest policy and disclosure process to new employees.

Other activities included promoting departmental champions for disclosure of wrongdoing and values and ethics; providing advice and guidance to staff and management; increasing awareness of the policy through fraud prevention initiatives; requiring staff to review and sign an annual attestation related to the code of conduct, conflict of interest and the PSDPA; and senior officers' participation in the Internal Disclosure Interdepartmental Working Group.

While some organizations that carried out awareness activities saw a greater increase in general enquiries and disclosures by public servants than organizations that did not, data does not show a direct correlation between awareness activities and an increase in enquires and/or disclosures by public servants. Federal public sector organizations also reported that the pandemic has had an impact on their ability to provide regular values and ethics training to employees.

Public Service Employee Survey: ethics in the workplace

There was no PSES in 2021. The last survey was conducted in 2020 and the next survey is scheduled to launch later in 2022.

The PSES allows the public service to gauge what it is doing well and what it could be doing better to ensure the continual improvement of people management practices in government.[5] It includes information related to public servants' perception of an ethical environment in their workplaces, as well as insights into how public servants are being equipped to address issues such as values and ethics dilemmas. It also looks at disaggregated information on public servants' differing views based on demographics, region or organization and allows for comparisons with other groups and the public service as a whole.

Results for the public service as a whole

Even though the PSES did not take place this fiscal year, some important results from the last survey are worth mentioning:

- There was an increase in public servants who indicated that their department or agency did a good job of promoting values and ethics in the workplace
- There was an increase in public servants who felt that senior managers in their department or agency lead by example in ethical behaviour
- There was a slight increase in public servants who felt they could initiate a formal recourse process (for example, grievance, complaint, appeal) without fear of reprisal

[5] The scope of respondents for the PSES is limited to the core public administration as defined in subsection 11(1) of the *Financial Administration Act*.

- Rates of harassment and discrimination reported among employment equity groups remained high. Gender-diverse persons, persons with disabilities, and Indigenous people reported nearly double the rates of harassment and violence, and double to almost triple the rates of discrimination, as well as a heightened fear of reprisal, compared to the public service as a whole. Persons belonging to a visible minority reported double the rates of discrimination compared to other groups
- Public servants in organizations with a security or military mandate continued to have lower perceptions of an ethical environment in their workplaces

Some of the results demonstrated a positive step forward; however, the reports on harassment and discrimination indicated a need for further attention. These insights have also informed OCHRO and chief executives of where efforts should be targeted to further strengthen the environment that promotes ethical practices and create a positive environment for disclosing wrongdoing in the public sector.

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

Subsection 38.1(1) of the *Public Servants Disclosure Protection Act* (the Act) requires chief executives to prepare a report on the activities related to disclosures made in their organizations and to submit it to the Chief Human Resources Officer within 60 days of the end of each fiscal year. The statistics in this report are based on those reports. In the sections that follow, statistics from the previous four years are also provided to allow for comparison. While these statistics provide a snapshot of internal disclosure activities under the Act, it is difficult to draw conclusions because of the differences between organizations. For example, employee concerns or issues may be addressed through different recourse mechanisms and processes in different organizations.

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, they are required to establish their own procedures for the disclosure of wrongdoing, including for protecting persons who disclose wrongdoing. The Treasury Board must approve these procedures 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.

A.1 Disclosure activity from fiscal years 2017–18 to 2021–22

General enquiries	2021–22	2020–21	2019–20	2018–19	2017–18
Number of general enquiries related to the Act	384	172	250	323	293

Disclosure activity	2021–22	2020–21	2019–20	2018–19	2017–18
Number of public servants who made disclosures	194	123			
Number of allegations received in disclosures under the Act	**378**	**169**	**216**	**269**	**291**
Number of referrals resulting from allegations received in disclosures made in another public sector organization	3	5	4	3	5
Number of cases carried over based on allegations made in previous years	**160**	**192**	**238**	**173**	**128**
Total number of allegations handled (allegations received, referred, carried over)	541	366	458	445	424
Number of allegations that met the definition of wrongdoing[vii]	**190**	**111**	**116**	**114**	**139**
Number of allegations that did not meet the definition of wrongdoing	154	76	164	129	91

Disclosure activity	2021–22	2020–21	2019–20	2018–19	2017–18
Number of investigations commenced as a result of disclosures received	**85**	**63**	**38**	**59**	**71**
Number of allegations that led to a finding of wrongdoing	5	12	3	7	16
Number of allegations that led to corrective measures	**26**	**19**	**11**	**20**	**28**

a. Disclosures that met the definition of wrongdoing are those for which 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.

b. Disclosures that did not meet the definition of wrongdoing are those for which the designated senior officer for disclosure of wrongdoing determined that the definition of wrongdoing under the Act was not met. These were either referred to another process or required no further action.

Organizations reporting	2021–22	2020–21	2019–20	2018–19	2017–18
Number of active organizations	136	137	133	134	134
Number of organizations that reported enquiries	**35**	**30**	**33**	**35**	**36**
Number of organizations that reported allegations received in disclosures	29	27	24	29	35
Number of organizations that reported findings of wrongdoing	**4**	**3**	**3**	**3**	**4**
Number of organizations that reported corrective measures	6	6	4	8	8
Number of organizations that reported finding systemic problems that gave rise to wrongdoing	**3**	**2**	**0**	**3**	**2**
Number of organizations that did not disclose information about findings of wrongdoing within 60 days	3	2	1	1	2

A.2 Organizations reporting activity under the Act in the 2021–22 fiscal year

		Allegations received in disclosures							Allegations received in disclosures that led to	
	General enquiries	Received	Referred	Carried over from the 2020–21 fiscal year	Acted upon	Not acted upon	Carried over into the 2022–23 fiscal year	Investigations commenced	Finding of wrongdoing	Corrective measures
Atlantic Canada Opportunities Agency	0	4	0	0	0	4	0	0	0	0
Atomic Energy of Canada Limited	0	1	1	0	2	0	0	2	0	0
Canada Border Services Agency	16	90	0	64	41	1	112	7	0	0
Canada Deposit Insurance Corporation	0	2	0	0	0	2	0	0	0	0
Canada Energy Regulator	0	0	0	1	1	0	0	1	0	1
Canada Post Corporation	0	55	0	0	0	55	0	0	0	0
Canada Revenue Agency	8	1	0	0	0	1	0	0	0	0
Canadian Broadcasting Corporation	0	1	0	0	0	1	0	0	0	0
Canadian Food Inspection Agency	1	4	0	0	0	4	0	0	0	0
Canadian Heritage	1	0	0	0	0	0	0	0	0	0
Canadian Radio-television and Telecommunications Commission	2	6	0	0	0	3	3	2	0	0
Correctional Service Canada	35	3	0	1	1	3	0	1	0	0
Crown-Indigenous Relations and Northern Affairs Canada	0	1	0	0	1	0	1	1	0	0
Department of Finance	3	0	0	0	0	0	0	0	0	0
Department of Fisheries and Oceans	15	6	1	1	2	4	0	2	0	0

	General enquiries	Allegations received in disclosures							Allegations received in disclosures that led to	
		Received	Referred	Carried over from the 2020–21 fiscal year	Acted upon	Not acted upon	Carried over into the 2022–23 fiscal year	Investigations commenced	Finding of wrongdoing	Corrective measures
Department of Justice Canada	1	1	0	0	0	1	0	0	0	0
Department of National Defence	17	7	0	21	18	5	5	1	2	2
Department of Natural Resources, Energy Supplies Allocation Board, Northern Pipeline Agency	2	0	1	0	0	1	0	0	0	0
Department of Transport	0	1	0	3	0	1	3	1	0	0
Department of Veterans Affairs and Veterans Review and Appeal Board	3	0	0	0	0	0	0	0	0	0
Employment and Social Development Canada	30	25	0	0	11	6	8	10	0	0
Environment and Climate Change Canada	1	1	0	9	6	4	4	1	0	0
Export Development Canada	38	6	0	0	3	3	0	1	0	1
Farm Credit Canada	15	15	0	1	15	1	0	13	1	16
Global Affairs Canada	24	87	0	29	26	32	58	18	1	1
Health Canada	5	4	0	2	0	6	0	0	0	0
Immigration and Refugee Board of Canada	1	0	0	0	0	0	0	0	0	0
Immigration, Refugees and Citizenship Canada	8	3	0	2	2	3	0	2	0	0
Indian Oil and Gas Canada	1	0	0	0	0	0	0	0	0	0
Indigenous Services Canada	0	1	0	2	3	0	2	1	0	0

	General enquiries	Allegations received in disclosures							Allegations received in disclosures that led to	
		Received	Referred	Carried over from the 2020–21 fiscal year	Acted upon	Not acted upon	Carried over into the 2022–23 fiscal year	Investigations commenced	Finding of wrongdoing	Corrective measures
Innovation, Science and Economic Development, and Office of the Superintendent of Bankruptcy	2	3	0	0	3	0	0	1	0	0
International Development Research Centre	0	0	0	2	0	0	2	1	0	0
Marine Atlantic Inc.	1	6	0	0	6	0	0	6	0	0
National Capital Commission	2	0	0	0	0	0	0	0	0	0
National Research Council Canada	4	5	0	0	1	1	4	1	0	0
Parks Canada Agency	11	0	0	0	0	0	0	0	0	0
Privy Council Office	1	1	0	0	0	1	0	0	0	0
Public Health Agency of Canada	2	5	0	1	0	6	0	0	0	0
Public Services and Procurement Canada	60	22	0	21	43	0	42	12	1	3
Royal Canadian Mint	2	4	0	0	0	4	0	0	0	0
Royal Canadian Mounted Police	9	2	0	0	2	0	0	0	0	0
Shared Services Canada	1	3	0	0	2	0	1	0	0	0
Staff of the Non-Public Funds, Canadian Forces	1	0	0	0	0	0	0	0	0	0
Statistics Canada	2	0	0	0	0	0	0	0	0	0
VIA Rail Canada Inc.	59	0	0	0	0	0	0	0	0	0
Windsor-Detroit Bridge Authority	0	2	0	0	1	1	0	0	0	0
Total	**384**	**378**	**3**	**160**	**190**	**154**	**245**	**85**	**5**	**26**

A.3 Organizations that reported a finding of wrongdoing under the Act in the 2021–22 fiscal year

Organization	Finding of wrongdoing	Corrective measures
Department of National Defense	A gross mismanagement, and a serious breach of the DND and CF Code of Values and Ethics Founded Disclosures of Wrongdoing - Canada.ca	An investigation determined that several senior CAF officers breached Defence Administrative Orders and Directives (DAOD) by failing to file a Confidential Report declaring their post-employment and by placing themselves in a personal conflict of interest (COI) and the unit in an organizational COI. It also found that several senior CAF officers and DND employees involved in staffing processes breached DAOD, and that several senior DND employees breached the PS Code of Values and Ethics during the staffing processes. The Department has committed to investigate the appointments and processes and recommend any corrective action deemed appropriate; to move towards agile monitoring of the staffing regime across the Department; to review training course content on staffing, values and ethics, and conflict of interest; to take steps to restore workplace relations; and to confirm that current procedures comply with DAOD.
Farm Credit Canada	A gross mismanagement and a serious breach of a code of conduct Public Servants Disclosure Protection Act | FCC (fcc-fac.ca)	An investigation determined that an employee repeatedly violated policies and procedures related to the approval of lending activities. The employee resigned while disciplinary actions were being taken against this employee.
Global Affairs Canada	A serious breach of a code of conduct established under section 5 or 6 (paragraph 8(e) of the Act) Case report: Acts of Founded Wrongdoing[viii]	An investigation determined that a trade commissioner misrepresented a leave request and was granted special leave for family and medical reasons. It was determined that the employee provided misleading information about her family situation and the medical appointment for which she was requesting leave. The investigation also determined that this employee had accepted a position as director on the board of a company active in a field similar to the one for which she had the duty to represent the interests of Canadian companies as a trade commissioner for Global Affairs Canada. By doing so, the employee put herself in a COI situation, and she did not disclose it to her employer as required by her terms of employment. The employee resigned following the conclusion of the investigation.

Organization	Finding of wrongdoing	Corrective measures
Public Services and Procurement Canada	A serious breach of a code of conduct established under section 5 or 6 (paragraph 8(e) of the Act) Case report: Acts of Founded Wrongdoing | Open Government, Government of Canada[ix]	An investigation into a disclosure was conducted and an employee and an individual who was hired were found to have committed wrongdoing relating to a conflict of interest situation regarding the hiring and supervision of an "associate" as defined under the PSPC Code of Conduct. The investigation found that an employee of PSPC: a) met and developed a personal relationship with an individual; b) recommended hiring this individual to their manager, who has delegations for staffing actions; c) influenced and was directly and indirectly involved in the process leading to hiring this individual as a casual worker and, subsequently, as a term employee; d) assigned work, approved training, approved leave and supervised this individual; e) failed to declare, and concealed the conflict of interest. This employee and the individual who was hired both failed in their obligations to avoid, declare, and recuse themselves from the COI situation. As a result of the employees' failures, the term employee was terminated while on probation while the other employee was subject to a period of suspension without pay.

A.4 Organizations that reported no disclosure activities in 2021–22

1. Accessibility Standards Canada
2. Agriculture and Agri-Food Canada
3. Atlantic Pilotage Authority
4. Bank of Canada
5. Business Development Bank of Canada
6. Canada Council for the Arts
7. Canada Development Investment Corporation
8. Canada Infrastructure Bank
9. Canada Mortgage and Housing Corporation
10. Canada School of Public Service
11. Canadian Air Transport Security Authority
12. Canadian Centre for Occupational Health and Safety
13. Canadian Commercial Corporation
14. Canadian Grain Commission
15. Canadian Heritage (Department of Canadian Heritage)
16. Canadian Human Rights Commission
17. Canadian Institutes of Health Research
18. Canadian Museum for Human Rights
19. Canadian Museum of History and Canadian War Museum
20. Canadian Museum of Nature
21. Canadian Northern Economic Development Agency
22. Canadian Nuclear Safety Commission

23. Canadian Space Agency
24. Canadian Tourism Commission (Destination Canada)
25. Canadian Transportation Agency
26. Civilian Review and Complaints Commission for the Royal Canadian Mounted Police
27. Defence Construction Canada
28. Department of Women and Gender Equality
29. Economic Development Agency of Canada for the Regions of Quebec
30. Farm Products Council of Canada
31. Federal Bridge Corporation Limited, The
32. Federal Economic Development Agency for Southern Ontario
33. Financial Consumer Agency of Canada
34. Financial Transactions and Reports Analysis Centre of Canada
35. Great Lakes Pilotage Authority
36. Impact Assessment Agency of Canada
37. International Joint Commission (Canadian Section)
38. Invest in Canada Hub
39. Laurentian Pilotage Authority
40. Library and Archives Canada
41. Military Police Complaints Commission
42. National Arts Centre Corporation
43. National Battlefields Commission, The
44. National Capital Commission
45. National Gallery of Canada
46. National Museum of Science and Technology (Ingenium)
47. National Security Intelligence Review Agency
48. Natural Sciences and Engineering Research Council of Canada
49. Office of Infrastructure of Canada
50. Office of the Auditor General of Canada
51. Office of the Chief Electoral Officer
52. Office of the Commissioner for Federal Judicial Affairs Canada
53. Office of the Correctional Investigator
54. Office of the Director of Public Prosecutions
55. Office of the Secretary of the Governor General
56. Office of the Information Commissioner of Canada
57. Office of the Public Sector Integrity Commissioner of Canada
58. Office of the Superintendent of Financial Institutions
59. Pacific Economic Development Canada[6]
60. Pacific Pilotage Authority
61. Parole Board of Canada
62. Patented Medicine Prices Review Board Canada
63. Prairies Economic Development Canada[4]
64. Public Safety and Emergency Preparedness Canada
65. Public Sector Pension Investment Board
66. Public Service Commission

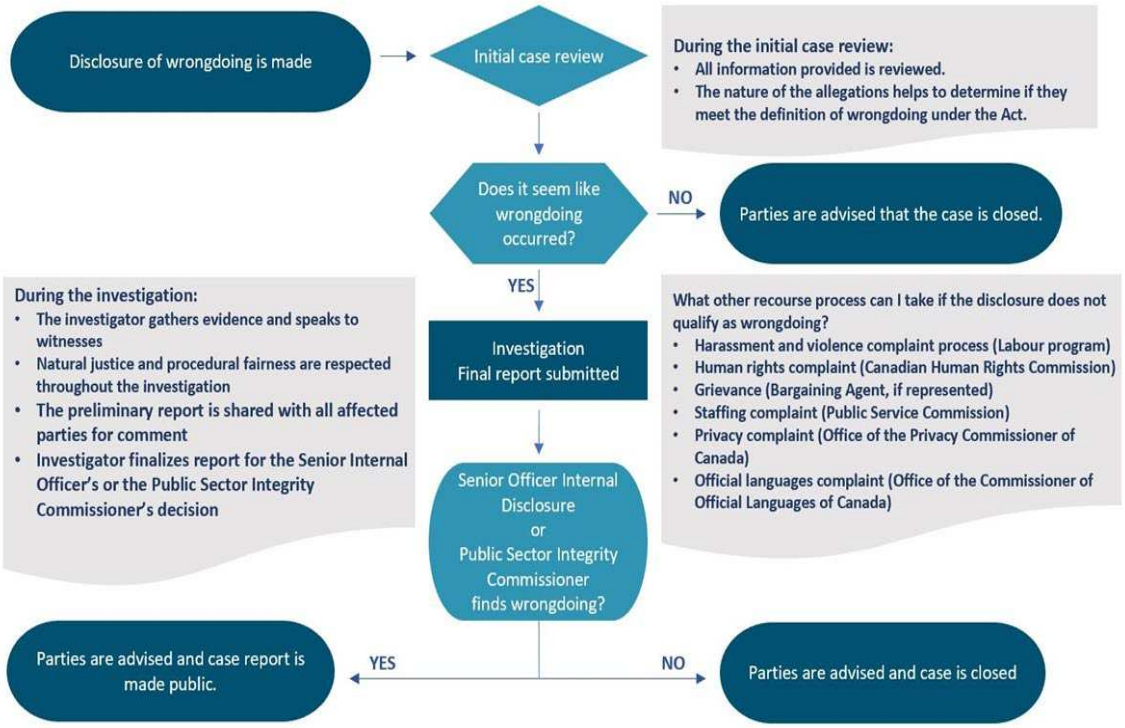
[6] Prairies Economic Development Canada and Pacific Economic Development Canada were formerly known together as Western Economic Diversification Canada.

67. Social Sciences and Humanities Research Council of Canada
68. Standards Council of Canada
69. Statistical Survey Operations
70. Supreme Court of Canada
71. Treasury Board of Canada Secretariat

A.5 Organizations that do not have a senior officer for disclosure of wrongdoing that declared an exception under s. 10.4 of the Act

1. Administrative Tribunal Support Services of Canada
2. Canada Lands Company Limited
3. Canadian Dairy Commission
4. Canadian Intergovernmental Conference Secretariat
5. Canadian Museum of Immigration at Pier 21
6. Canadian Race Relations Foundation
7. Copyright Board of Canada
8. Freshwater Fish Marketing Corporation
9. Military Grievances External Review Committee
10. National Film Board of Canada
11. Office of the Commissioner of Lobbying of Canada
12. Office of the Commissioner of Official Languages
13. Office of the Privacy Commissioner of Canada
14. Polar Knowledge Canada
15. Royal Canadian Mounted Police External Review Committee
16. Telefilm Canada
17. Transportation Safety Board of Canada

Appendix B: disclosure process under the Act



Appendix C: key terms

For the purposes of the *Public Servants Disclosure Protection Act*[x] (the Act) 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:

- a violation of a federal or provincial law or regulation
- a misuse of public funds or assets
- a 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 persons, 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 officers for disclosure of wrongdoing, or to the Public Sector Integrity Commissioner of Canada
- 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

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 the above 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.[xi]

In organizations that have declared an exception, disclosures under the Act may be made to the Public Sector Integrity Commissioner of Canada.

The **senior officer for disclosure of wrongdoing** is the person designated in each organization to receive and address disclosures made under the Act. Senior officers 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 or persons 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 their chief executive with any recommendations for corrective action

Other relevant terms

allegation of wrongdoing

The communication of a potential instance of wrongdoing as defined in section 8 of the Act.[xii] 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 their immediate supervisor or to a senior officer for disclosure of wrongdoing that includes one or more allegations of possible wrongdoing in the public sector, in accordance with section 12 of the Act under Disclosures of Wrongdoing.[xiii]

disclosure that was acted upon (admissible disclosure)

An allegation received in 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)

An allegation received in a disclosure for which the designated senior officer for disclosure of wrongdoing determined that the definition of wrongdoing under the Act was not met. The allegation in 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. An investigation may look into one or more allegations that result from a disclosure of possible wrongdoing.

Endnotes

[i] *Policy on People Management*,
https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32621
[ii] *Directive on Conflict of Interest*,
https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32627
[iii] Directive on the Prevention and Resolution of Workplace Harassment and Violence,
https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32671
[iv] Centre on Diversity and Inclusion,
https://www.canada.ca/en/treasury-board-secretariat/corporate/organization/centre-diversity-inclusion.html
[v] 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
[vi] OECD Principles for Transparency and Integrity in Lobbying,
https://www.oecd.org/gov/ethics/oecdprinciplesfortransparencyandintegrityinlobbying.htm
[vii] *Public Servants Disclosure Protection Act,* section 8
https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-402983
[viii] Acts of Founded Wrongdoing,
https://open.canada.ca/en/search/wrongdoing/reference/f7c3fbee736fff2b408956f0469b73d3
[ix] Acts of Founded Wrongdoing,
https://open.canada.ca/en/search/wrongdoing/reference/ee19ccf8318a11feeb9c733a85e832ac
[x] *Public Servants Disclosure Protection Act,*
http://laws-lois.justice.gc.ca/eng/acts/P-31.9/
[xi] *Public Servants Disclosure Protection Act*, subsection 10(4),
https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7
[xii] *Public Servants Disclosure Protection Act,* section 8,
https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-402983
[xiii] *Public Servants Disclosure Protection Act*, section 12 under Disclosures of Wrongdoing,
https://laws-lois.justice.gc.ca/eng/acts/P-31.9/FullText.html#h-402997