# FINAL REPORT

# Perceptions Related to the Disclosure of Wrongdoing in the Federal Public Sector

**Prepared for**
**The Office of the Public Sector Integrity Commissioner of Canada**

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**Ce rapport est aussi disponible en français sur demande.**

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## EXECUTIVE SUMMARY

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) commissioned Phoenix SPI to conduct research to explore issues related to the disclosure of wrongdoing in the federal public sector. The research findings will support outreach and communications activities and inform PSIC's in preparation for the five-year review of the *Public Servants Disclosure Protection Act (the Act)*, which is administered by PSIC. .

A set of 10 focus groups was conducted November 7-10, 2011 with federal government employees, with two groups in each of Vancouver, Toronto, Ottawa, Montreal and Halifax. One group in each location was conducted with non-management employees and the other with executives and managers (EX and EX minus 1). Participants were drawn from a mix of federal departments and agencies, and represented a mix of job functions.

**This research was qualitative in nature, not quantitative. As such, the results provide an indication of participants' views about the issues explored, but cannot be generalized to the full population of federal public servants.**

### Background/Contextual Information

Nearly all participants said they discuss the disclosure of wrongdoing with other public servants. Such discussions are usually informal and triggered by a specific case or incident involving the disclosure of wrongdoing. Discussions focus on the specifics of the case, the fall-out or potential consequences for those involved, and the possibility of such things happening in participants' own departments or agencies. Managers also discuss such issues from a 'lessons learned' perspective, with a focus on what might have been done to manage the situation better so as to avoid the fall-out that typically accompanies such incidents.

Virtually all participants said they have followed stories in the media about the disclosure of wrongdoing in the federal public sector. They tend to think about the following things when they read or hear such stories: issues related to the causes of incidents involving the disclosure of wrongdoing, what is not being disclosed in the media, potential consequences or fall-out that accompanies the actual wrongdoing, and lessons learned in the wake of these types of incidents.

### Understanding and Use of Expressions

The expression 'whistleblowing' brings a wide range of things to participants' minds. However, the common element underlying the various meanings is the notion of an 'extreme' or extraordinary situation. This expressed itself in the following ways: an event or incident that stands out by receiving intense media attention, an act or incident extreme in its severity or gravity, a situation forcing someone to go outside of ordinary or established channels of disclosure, and someone standing out or standing alone. The expression 'whistleblowing' also carries negative connotations for most participants (e.g. carrying a grudge, seeking vengeance, snitching, not being a team player, and seeking attention). On the other hand, some participants think that 'whistleblowing' has positive connotations and refers to principled persons willing to jeopardize their careers in order to do what is right. These participants described such people as courageous, brave, or altruistic.

There was a widespread impression that the expressions 'whistleblowing' and 'disclosure of wrongdoing' do not mean the same thing and generally differ from one another in that they represent extreme ends of a scale when it comes to disclosing wrongdoing. In essence, whistleblowing tends to be understood as a sign of the breakdown, failure, or non-existence of a disclosure mechanism (i.e. as a mechanism of last resort). At the very least, for most participants it represents going outside of established reporting procedures for whatever reason.

Issues Related to Disclosure of Wrongdoing

When asked to identify what would constitute wrongdoing, participants tended to have similar views about types of activities that would constitute wrongdoing in the federal public sector. General examples that were routinely offered include breaking rules or not following established procedures or processes, fraud, misappropriation or misuse of public funds, conflict of interest, breach of trust, discrimination, favouritism, patronage, and abuse of power. Examples included falsifying expense claims, taking bribes, rigging offers for tender, sexual harassment, stealing office material, using office equipment inappropriately, using a departmental credit card for personal expenses, and manipulating or altering tax returns. Two things were noteworthy about participants' perceptions of wrongdoing. First, a number of participants also regard labour or human resources issues as common examples of wrongdoing. Second, participants' perceptions of wrongdoing were quite broad and varied, and included numerous examples of what could be regarded as wrong behaviour or the breaking of rules, but which may not be examples of wrongdoing as defined in the *Act*.

There was a consensus that, in principle, federal employees have a responsibility to disclose a wrongdoing they know about. At the same time, participants emphasized the importance of context. They routinely identified the following factors as things they would consider when deciding whether or not to disclose a wrongdoing: certainty or proof, the gravity of the wrongdoing, the frequency or consistency of wrongdoing, the effectiveness of other avenues to resolve the situation, and the possible negative impact on the work environment. Managers were unanimous that they have responsibilities when it comes to the disclosure of wrongdoing. This includes exemplifying rectitude, professionalism, and ethical conduct when it comes to such issues, discussing these issues with employees or at the very least making it clear that they are open to such discussions, and taking claims of wrongdoing brought to their attention seriously.

Participants had no difficulty identifying things that would encourage or motivate them to disclose wrongdoing. The considerations identified most often (identified in every group) include the following: the capacity to remain anonymous, support, encouragement, and structures in place for disclosing wrongdoing, knowledge of the process for disclosing, confidence in the process, confidence in outcomes, and the perceived severity of wrongdoing. Managers most often identified trust as the main factor that would determine whether an employee would disclose wrongdoing to them (i.e. an employee's confidence that the disclosure would be taken seriously, would be acted upon, and that the employee would be treated fairly and not suffer for having taken action). Other factors identified relatively frequently include a sense that the manager is accessible and would want or encourage employees to come to them about such issues, and that the employee's anonymity could be guaranteed.

In a similar way, participants had no difficulty identifying concerns they would have about disclosing a wrongdoing. Concerns identified most often were fear of reprisals, being stigmatized or ostracized by a work culture that frowns on disclosure, and lack of

anonymity. While these three concerns were identified by employees and managers alike, they were more likely to be emphasized by employees. The following concerns also tended to be top-of-mind among most participants: lack of confidence in outcomes, results and consequences, the potential complexity of the process, including the time and effort required, and the emotional and psychological strain and stress involved. A perceived lack of support was the concern identified most often that managers think employees might have about disclosing a wrongdoing to them or bringing it to their attention.

Most employees see reprisals for disclosing wrongdoing as a real possibility, primarily because of the subtle form they can take. For example, most employees did not express fear or concern about losing their job for having disclosed a wrongdoing. This was typically seen as a form of retaliation too blatant and obvious to be able to pass unnoticed and unaddressed. What concerns them are forms of retaliation and reprisals that are more subtle, such as lack of advancement, being side-lined (e.g. no longer invited to meetings), being left off distribution lists, getting poor performance evaluations, and being ostracized.

Fostering confidence in outcomes and guaranteeing anonymity were seen as the best ways to lessen concerns about reprisals and make public servants feel they will be protected from reprisals if they disclose a wrongdoing. Other ways to lessen concerns identified relatively frequently include building awareness of processes for disclosing wrongdoing, ensuring that the process for disclosing wrongdoing is clear and understandable, fostering confidence that the process for disclosing wrongdoing is independent and transparent, and getting strong buy-in from ministers or very senior public servants regarding the disclosure of wrongdoing mechanisms, with the clear message that this is valued behaviour. When all is said and done, however, many think that, short of complete anonymity, reprisals for disclosing a wrongdoing are too subtle to be effectively dealt with.

There is little awareness among participants of mechanisms or procedures in place to disclose a wrongdoing in the federal public service and that provide protection for the disclosers. In fact, most participants were unable to identify any mechanisms or procedures beyond asserting that they assume such processes exist. Despite this, there was a widespread impression that such mechanisms could be found if and when needed. Underscoring the general lack of awareness regarding mechanisms in place to disclose a wrongdoing was widespread uncertainty about how to proceed to disclose a wrongdoing. Those who were able to identify something specific typically pointed to a starting point as opposed to an actual process, with some adding that context would be crucial in terms of deciding how to proceed.

### Awareness of PSIC

Most participants, a majority in almost every group, said that they had heard of the Office of the Public Sector Integrity Commissioner of Canada prior to being contacted for this research. The exception was Vancouver, where the majority of participants said they were not aware of the Office. That being said, awareness of the Office was due almost exclusively to the controversy surrounding the former commissioner. Given the limited awareness of the Office, it is not surprising that most participants have no real impression of it. To the extent that participants have an impression of the Office, it is mainly based on the controversy surrounding the former commissioner. Impressions here differed. Some indicated that the controversy has left them with a critical or negative impression of the Office. This was based on the impression that things are bad when the very office tasked with investigating wrongdoing has been criticized for not doing this. On the other hand, in the minds of some participants the actions of the former commissioner can be dissociated

from the Office itself. While they do not necessarily have a positive impression of the Office, neither do they have a negative one because of the actions of the former commissioner.

Reaction to PSIC Information

Reaction to the information about the Office of the Public Sector Integrity Commissioner of Canada tended to be mixed. On the one hand, participants tended to react positively to information about the office and its mandate, primarily because this was new information to them. On the other hand, participants raised questions or had apprehensions about the Office's ability to effectively carry out its mandate, particularly its ability to protect disclosers of wrongdoing from reprisals.

Making public servants aware of PSIC and its mandate were the most frequently-identified strengths of the document. Although participants recognized that a short document could only provide a certain amount of information, there was a widespread desire for more details regarding processes and outcomes related to the disclosure of wrongdoing. The only other perceived weakness that was identified frequently was the vagueness of certain terms and expressions (mostly located under the heading *What is wrongdoing?*). The fact that the Office only has 35 employees to deal with the disclosure of wrongdoing by over 400,000 public servants contributed, along with the lack of information about successful outcomes, to the impression among many participants that the Office could not be very effective in dealing with this issue given its small size and apparent lack of successes.

Brochure as Communications Document

From a communications perspective, the document was seen as doing a relatively good job introducing PSIC and its mandate. However, many participants wanted more information, particularly related to processes and outcomes regarding the disclosure of wrongdoing. Reactions to the two potential opening statements for the brochure were mixed with no clear preference for either version. In addition, many participants were divided in their own preference, liking some aspects of each version and not liking others. Many felt that the strengths of each could be combined in a complementary way.

The suggestions offered most often for improving the brochure included the following:

- Provide basic statistics related to outcomes (e.g. number of cases processed, proportion of successful cases).
- Specify that the *Public Servants Disclosure Protection Tribunal* is not part of PSIC.
- Clarify that one can disclose a wrongdoing directly to the Office or internally.
- Include concrete examples of wrongdoing.
- Provide testimonials from disclosers of wrongdoing (while preserving their anonymity).
- Remove/replace the reference to 'whistle-blowing'.
- Remove the reference to being a micro-organization of 35 employees serving over 400,000 public servants.
- *Avoid/remove vague terms/references that raise questions instead of answering them (e.g. 'gross' mismanagement, 'significant' danger, 'serious' breach).

Related Issues

The top suggestion for how the Office could build trust and confidence among federal public servants so that they would be more likely to disclose a wrongdoing or reprisal was to provide information or statistics showing positive outcomes and that disclosing wrongdoing makes a positive difference. In addition, participants frequently identified two other ways of building trust. One was to increase the Office's visibility through outreach activities so that public servants have a palpable sense of it as an entity that is in the mainstream of the public service. The other was to work to present the disclosure of wrongdoing as valued behaviour.

Participants identified various ways in which the Office could reach out to federal public servants. These included the following:

- Outreach activities (e.g. DVDs, webinars, newsletters)
- Offer a course or workshop through Canada School of Public Service
- Attend the annual conference of the National Management Committee
- Help foster buy-in from above (e.g. through endorsements from the Clerk of the Privy Council and Deputy Ministers)
- Provide information about the Office through public sector unions
- Publish the track record in terms of outcomes
- Try to establish some kind of presence in the regions.

Conclusions and Implications

A key finding to emerge from this study is the absence of a common understanding of what constitutes wrongdoing in the federal public sector that links to PSIC's mandate. Participants' perceptions of wrongdoing were broad and varied, and included many examples of what could be regarded as wrong behaviour, but which may not be examples of wrongdoing as defined in the Act. In fact, wrongdoing, as defined in the Act tend to correspond to what participants understand by the expression 'whistleblowing' - that is, more extreme examples of wrongdoing. As a result, 'whistleblowing' does seem to be a better expression than 'disclosure of wrongdoing' for describing PSIC's mandate to federal public servants - despite the fact that the term was seen by many to have negative connotations.

This is a tricky branding and communications issue for PSIC. On the one hand, the Office will want to ensure a clarity of focus in terms of its mandate among public servants (best captured by the term 'whistleblowing'), while at the same time trying to appear as part of the federal 'system' that should be used when needed, and not as the breakdown of that 'system' which the term 'whistleblowing' evokes.

The short document that provided information about PSIC did not encourage participants to disclose wrongdoing or assuage their concerns about it. The document did address the top motivator to disclose wrongdoing (i.e. anonymity) and the main concern about it (i.e. reprisals). In this sense, it hit the mark in terms of what is most important to participants when considering disclosing wrongdoing. However, the document did not convince them that their anonymity would be preserved nor that they would be protected from reprisal. In fact, for the latter - fear of reprisals - concerns tended to be heightened rather than diminished by the document.

That being said, participants were clear about what would be effective in this regard, as well as how PSIC could build trust and confidence among federal public servants so that they would be more likely to disclose a wrongdoing or submit a reprisal complaint: provide

information or statistics showing positive outcomes and that disclosing wrongdoing makes a positive difference. In the words of one participant: ‘show me that these stories have happy endings. Show me the discloser who got a promotion and the wrongdoer who lost his job’.

There was a widespread perception that PSIC should increase its visibility through outreach activities so that public servants have a palpable sense of it as an entity that is in the mainstream of the public service. This is significant given the widespread impression articulated near the beginning of the sessions that the disclosure of wrongdoing, as defined in the Act and, is on the fringe of their world as public servants. By reaching out in this way, PSIC could help foster that shared understanding of wrongdoing that is now absent.

# INTRODUCTION

Phoenix Strategic Perspectives Inc. was commissioned by the Office of the Public Sector Integrity Commissioner of Canada (PSIC) to conduct research to explore issues related to the disclosure of wrongdoing in the federal public sector.

## Background and Objectives

PSIC is an independent Agent of Parliament responsible for administering the *Public Servants Disclosure Protection Act (*the *Act).* Its mandate is to establish a safe, confidential and independent mechanism for public servants or members of the public to disclose potential wrongdoing in the federal public sector. It also protects public servants from reprisal for making such disclosures or participating in investigations. The Minister of the Treasury Board Secretariat will be launching an independent five-year review of the Act in 2012.

The goal of this research was to explore federal public sector employees' instincts, reactions, terminology and decision-making thought processes when faced with wrongdoing in the public sector. This includes both management and non-management employees. The research findings will inform the PSIC in preparation for the five-year review, as well as support outreach and communications activities.

## Research Design

To address the research objectives, a set of 10 focus groups were conducted with federal government employees, with two groups in each of Vancouver, Toronto, Ottawa, Montreal and Halifax. With the exception of Montreal, all focus groups were conducted in English. The two Montreal groups were conducted in French.

- One group in each location was conducted with non-management employees and the other with executives and managers (EX and EX minus 1).
- There was a mix of participants by functional area (e.g. administration, finance, HR, policy), and job responsibilities (e.g. analyst, administrator, scientist), with an approximate gender split.
- There was a mix of participants by department/agency, with the following additional specifications:
  - Each group with non-management employees included a maximum of two participants from larger departments/agencies[1] and a maximum of one from any other departments/agencies.
  - Each group with executives and managers included a maximum of one participant from any department/agencies.
  - No participants to be recruited from the Canadian Security Establishment (CSE), the Canadian Security Intelligence Service (CSIS), and the Canadian Forces (CF).
- For groups with non-management employees, a total of 10 participants were recruited for 7-8 to show per group; participants were paid an honorarium of $75.
- For groups with executives and managers, a total of 8 participants were recruited for 5-6 to show per group; participants were paid an honorarium of $100.

[1] Larger departments/agencies include HRSDC, CRA, PWGSC, CBS, AAFC, CFIA, Environment Canada, DFO, Health Canada, and Statistics Canada.

- Turnout was good with between five and eight participants in each group.
- The following table presents the distribution of the focus groups:

| | **Ottawa** | **Toronto** | **Halifax** | **Montreal** | **Vancouver** |
|---|---|---|---|---|---|
| | English | English | English | French | English |
| Date | November 7 | November 8 | November 9 | November 10 | November 10 |
| | | | | | |
| 6:00 pm | Non-Management Employees | Executives and Managers | Non-Management Employees | Executives and Managers | Non-Management Employees |
| 8:00 pm | Executives and Managers | Non-Management Employees | Executives and Managers | Non-Management Employees | Executives and Managers |

- Recruitment was undertaken by Research House, under sub-contract to Phoenix. Sponsorship of the study was revealed (i.e. PSIC).
- In terms of the sample frame, the list used to recruit participants was pulled together by Phoenix using the Government Electronic Directory Services (GEDS). The sample was generated to support the recruitment of a good cross-section of employees and executives for the focus groups. A separate note on the sample development was created by Phoenix and is appended to this report.
- On an as-needed basis, a validation letter, signed by an appropriate PSIC official on Agency letterhead, was provided to potential participants. This letter was designed to reassure people who had questions or concerns about participating in the research. It also identified a contact person at PSIC who could answer questions about the research and confirm its legitimacy (see below).

Enquiries About Research

Undoubtedly because of the sensitive nature of the subject matter, PSIC received almost 30 calls over the course of the recruitment phase of this study. Public sector employees were looking to confirm the validity of the study and were predominantly looking for clarification on the acceptability to accept compensation for participating at one of these sessions.

The response included an explanation of the purpose of the study, why they were being approached, and the challenges in contacting only public sector employees, which helped explain why they were being recruited during regular work hours. It was explained that the compensation being offered was an industry standard, made available to cover any incidental expenses associated with their participation. It was also clarified that it was not a required function of the employee to participate, rather an option to participate after regular work hours to provide feedback to PSIC as a public sector employee.

A number of the callers were senior level staff responsible for either values and ethics, staff relations or another related field who had been approached by staff who had been recruited that were looking for confirmation on the acceptability to participate and accept compensation. It is therefore difficult to report the precise number of recruited individuals who sought confirmation.

**This research was qualitative in nature, not quantitative. As such, the results provide an indication of participants' views about the issues explored, but cannot be generalized to the full population of federal public servants.**

The investigators for this study were Stephen Kiar, Philippe Azzie, and Alethea Woods. Stephen moderated the focus groups in Ottawa. Philippe moderated the focus groups in Toronto, Halifax, and Montreal. Alethea moderated the groups in Vancouver. All three contributed to the final report.

Appended to this report are the following:

- The recruitment screener
- The moderator's guides
- The sample development note
- The document that was testing (which includes two version of the opening segment).

## CONTEXTUAL INFORMATION

This section provides contextual information related to participants' careers in the federal public sector.

### Service in the Federal Public Sector

The number of years served in the federal public sector by participants in this research varied considerably, ranging from less than one year to over 30 years. However, most have served at least 10 years in the federal public sector, and approximately half have served 20 years or more. Perhaps not surprisingly, the length of time working in the federal public sector by managers tended to be longer than the tenure identified by employees. The number of years served in management positions ranged from one year to approximately 20 years.

In the course of their careers in the federal public sector, most participants have worked for more than one department or agency, but relatively few have worked for more than three departments/agencies. As well, most participants have spent their entire professional life within the federal public sector. Those who had careers prior to joining the federal government were involved in teaching, working in the private sector, or in the provincial public sector.

### Most Discuss Disclosure of Wrongdoing, Typically in Response to Incidents/Cases

The disclosure of wrongdoing in the federal public sector is not a taboo subject among participants. Nearly all of them said that they discuss or have discussed this issue with other public servants, typically their work colleagues. That being said, this is clearly not a regular topic of conversation. For the most part, such discussions are informal and triggered by a specific case or incident involving the disclosure of wrongdoing (e.g. the sponsorship scandal). Discussions focus on a variety of issues, including the specifics of the case as they are known or emerge, the fall-out or potential consequences for those involved, the potential effects on their workplace and procedures, and the possibility of such things happening in participants' own departments or agencies.

Managers also discuss such issues from a 'lessons learned' perspective, with a focus on what might have been done to manage the situation better internally so as to avoid the fall-out that typically accompanies such incidents. Some managers observed that it is important to talk to employees in the wake of such events so that employees have some idea about what their manager thinks about such situations.

Beyond this, discussions of wrongdoing tend to take place in the context of professional training and development, typically by exploring the issue as a topic in values and ethics courses, attended by relatively few participants, and mostly managers. It was observed that these courses tend to focus more on substantive issues, such as the nature of wrongdoing, than on procedures and policies for dealing with the disclosure of wrongdoing.

### Widespread Attention to Media Reporting of Disclosure of Wrongdoing

Virtually all participants said they have followed stories in the media about the disclosure of wrongdoing in the federal public sector. As noted above, these stories usually provide the context for their own discussions about and reflections on this issue. Managers were

more likely to say that they follow such stories closely, while recent arrivals in the federal public service (i.e. those with only a few years service) were most likely to emphasize that they have not followed such stories.

### Stories About Disclosure of Wrongdoing Elicit Range of Reactions & Reflections

Participants tend to be struck by a variety of things when they read or hear stories in the media about the disclosure of wrongdoing. However, their reflections and reactions tend to be similar or variations on common themes. The reactions and reflections identified below were identified by at least a few participants in every group. In order to facilitate their review, they have been placed in general thematic categories.

- *Origins and causes*: Participants routinely reflect on issues related to the origins or causes of incidents involving the disclosure of wrongdoing they hear or read about in the media. Such reflections included the following:
    - How did things get that far?
    - How bad must it have been for this to happen?
    - Why didn't someone do something before it got to this point?
    - Where were the control mechanisms to address this?
    - How could someone think they could get away with this?
- *The big picture, full story*: Participants regularly said that such stories lead them to speculate or think about what is <u>not</u> being reported in the media but is significant in terms of fully understanding such incidents. This often went hand in hand with a belief that the media typically focuses on the most sensational elements of such incidents. Reflections in this area included the following:
    - Who else knew about this, beyond the discloser of wrongdoing?
    - Who else is involved in wrongdoing/how far up the ladder does this go?
    - What won't we know or learn about this?
    - What is the real motivation behind disclosing this?
    - What is the history of the discloser of wrongdoing in this department or agency? (e.g. is he/she a disgruntled employee?)
- *Consequences or fall-out*: Participants routinely reflect on the potential consequences or fall-out that accompanies the actual wrongdoing as fall-out. This includes reflections about the following:
    - What reprisals will the discloser of wrongdoing face?
    - It's scary to see what can happen if someone decides to disclose a wrongdoing.
    - Will there be any consequences for the individual(s) accused of wrongdoing?
    - What, if anything, will be done to address this or make sure it does not happen again?
    - How incidents like this tarnish the image of public servants and the public service in general.
    - What effect will this have on the climate in the workplace?
    - How public servants feel paranoid in the aftermath of such events, like they are under a microscope.
    - How reactions to such incidents tend to be over-reactions that do nothing to address the problem (e.g. no longer providing coffee at staff meetings so as not to appear wasteful/extravagant).
- *Lessons learned*: Finally, participants often reflect on lessons learned in the wake of such incidents or treat them as cautionary tales. These include the following:

- Don't stick your neck out.
- Disclosing a wrongdoing is a career-limiting move.
- There is no real protection for disclosers of wrongdoing.
- It's typically the disclosure of wrongdoing that gets punished, not the perpetrator(s).
- These types of stories never end well.

A few employees in Montreal said they feel good when they hear or read about such incidents because they think it is important that such incidents be exposed.

## UNDERSTANDING AND USE OF EXPRESSIONS

This section reports on participants' understanding of the expression 'whistleblowing', the commonly-used expression to refer to the disclosure of wrongdoing. The corresponding French expression is 'dénonciation'.

### 'Whistleblowing' Means Many Things, But Typically Suggests Extreme Situation

The expression 'whistleblowing' brings a wide range of things to participants' minds. However, there is a common element underlying the various meanings: the notion of an 'extreme' or extraordinary situation. This reference to the extreme or the extraordinary expressed itself in various ways:

- *Attention devoted to whistleblowing*: To many participants, the expression 'whistleblowing' brings to mind an event or incident that stands out by receiving intense media attention. Participants often used expressions like 'dramatic', 'sensationalized', 'shrill', and 'in your face' to describe the intensity of the attention devoted to such incidents. Indeed, for some the phenomenon of whistleblowing is inextricably linked to media attention. Some, for example, pointed to the expression itself, explaining that blowing a whistle is designed to draw attention. A few others described whistleblowers as people who want attention.
- *Severity of incidents*: The expression 'whistleblowing' also routinely brought to mind the idea of an act or incident extreme in its severity or gravity. This included references to such things as 'major revelations', 'repeated abuses', 'major wrongdoings', and 'blatant abuse'. In short, whistleblowing tends to involve big or significant issues as opposed to smaller or insignificant ones.
- *Last resort mechanism*: At least a few participants in every group indicated that the expression brings to mind the idea of a situation forcing someone to go outside of ordinary or established channels of disclose. Participants used expressions such as 'a mechanism of last resort', 'being pushed to the limit', and 'having no other option' to describe the type of situation in which whistleblowers find themselves. To many, whistleblowing is not one mechanism among others for the disclosure of wrongdoing. Rather, it is indicative of the failure or non-existence of adequate disclosure mechanisms. Focusing on the need to go outside normal channels, several people characterized whistleblowing as going outside the regular chain of command because of efforts to keep the wrongdoing from being exposed.
- *Standing-out or standing alone*: The expression brought to mind various impressions about 'whistleblowers' themselves, but the underlying theme was of someone standing out or standing alone. Regardless of whether they shed a positive or negative light, expressions used to describe whistleblowers all conveyed this same sense. Such expressions included the following: hero, Robin Hood, courageous, black sheep, outcast, snitch, victim, traitor, and trouble maker.

### 'Whistleblowing' Has Negative Connotations for Most

In addition to bringing to mind the idea of an extreme situation, the expression 'whistleblowing' also carries negative connotations for most participants. This is not to say that participants themselves think negatively of whistleblowers. Rather, they think the expression itself has negative connotation. This includes such connotations as complaining, carrying a grudge, seeking vengeance, snitching, not being a team player, and seeking attention.

On the other hand, some participants think that whistleblowing has positive connotations and refers to principled persons willing to jeopardise their careers in order to do what is right.

### ‘Whistleblowing’ & ‘Disclosure of Wrongdoing’ Not Synonymous for Most

The impression that ‘whistleblowing’ represents an extreme or extraordinary situation was underscored when participants were asked if the expression means the same thing as the expression ‘disclosure of wrongdoing’. There was a widespread impression that they do not mean the same thing and generally differ from one another in that they represent extreme ends of a scale when it comes to disclosing wrongdoing. In essence, whistleblowing tends to be understood as a sign of the breakdown, failure, or non-existence of disclosure mechanisms (i.e. as a mechanism of last resort). At the very least, for most participants it represents going outside of established disclosing procedures for whatever reason.

On the other hand, some participants think that the expressions tend to be synonymous, but that whistleblowing has negative connotations, while the disclosure of wrongdoing has positive or at the very least an objective or neutral connotation.

## ISSUES RELATED TO DISCLOSING OF WRONGDOING

This section presents feedback on issues related to the disclosure of wrongdoing. This includes participants' perceptions of what constitutes wrongdoing in the federal public sector, perceived responsibility to disclose wrongdoing, motivations to disclose wrongdoing and concerns about doing so, and awareness of mechanisms or procedures for disclosing wrongdoing.

### Broad Range of Actions Seen to Constitute Wrongdoing in Federal Public Sector

Participants tend to have similar views about the types of activities that constitute wrongdoing in the federal public sector. General examples routinely included:

- breaking rules or not following established procedures or processes
- fraud
- misappropriation or misuse of public funds
- conflict of interest
- breach of trust
- discrimination
- favouritism
- patronage
- abuse of power.

Specific examples routinely included the following:

- falsifying expense claims
- taking bribes
- rigging offers for tender
- sexual harassment
- bullying
- stealing office material
- using office equipment inappropriately (e.g. surfing inappropriate sites on the Internet)
- using a departmental credit card for personal expenses
- manipulating or altering tax returns.

It is noteworthy that a number of participants also regard labour or human resources issues as common examples of wrongdoing. In fact, such issues were often the first ones participants provided as examples of wrongdoing. This includes denying someone a promotion, giving them responsibilities not related to their job description, job-related discrimination (e.g. for reasons related to race or gender), and tailoring a job position for a specific candidate. While employees were most likely to cite such examples, some managers did as well.

It is also noteworthy that participants' perceptions of wrongdoing were quite broad and varied, and included numerous examples of what could be regarded as wrong behaviour or the breaking of rules, but which are <u>not</u> examples of the more serious types of wrongdoing that are described in the *Act*. That is to say, there appeared to be an inability or reluctance to differentiate between more serious examples of wrongdoing and more commonplace examples of wrongdoing.

### Most Employees Think Wrongdoing is Under-Disclosed

Most employees think wrongdoing in the federal public sector is under-disclosed. The main reason given to explain why is the perception that most examples of wrongdoing are not serious enough to disclose. This includes such things as taking office equipment home (e.g. paper, pens, staplers), surfing websites that have nothing to do with work (e.g. YouTube), and using part of one's work time to complete personal business (e.g. writing a thesis or term paper).

Other reasons given to explain why wrongdoing is under-disclosed include the sense that it could be a career-limiting move in the case of something that is worth disclosing, that doing so involves too much time, effort, and stress, that the burden of proof rests with the discloser of wrongdoing (i.e. what if you're wrong?), and lack of knowledge about the process or procedure for disclosing wrongdoing.

### Context is Crucial in Terms of Perceived Responsibility to Disclose Wrongdoing

There was a consensus that, in principle, federal employees have a responsibility to disclose a wrongdoing they know about. At the same time, and without wanting to diminish this responsibility, participants emphasized the importance of context when it comes to the disclosure of wrongdoing. They routinely identified the following factors as things they would consider or take into account when deciding whether or not to disclose a wrongdoing:

- *Certainty or proof*: Do they have the facts? Are they certain that something constitutes wrongdoing and that they can prove wrongdoing?

- *Gravity of wrongdoing*: How serious is the offense? (e.g. stealing public funds is worth disclosing, while many of the less serious examples of wrongdoing are not).

- *Frequency or consistency of wrongdoing*: Is the wrongdoing in question part of a consistent or repeated pattern of behaviour? Is someone continuing to commit a wrongdoing after having been warned about it?

- *Effectiveness of other avenues*: Depending on such factors as the gravity and/or frequency of the act(s) in question, many participants indicated that they would prefer to speak with the individual in question informally to see if this might not resolve the situation. If not, they might then consider disclosing the behaviour.

- *Impact on work environment*: Some employees said they would weigh the benefits of disclosing wrongdoing against the possible negative impact on the work environment. This type of consideration also tended to take into account the perceived gravity of the wrongdoing.

- *Credibility/reputation*: Some managers specified that it is important to consider the impact on one's credibility as a manager when deciding what to disclose. It was suggested that a manager who disclosed each and every wrongdoing would be perceived as someone who cannot manage properly because he/she cannot distinguish between what should be disclosed and what should be handled in other ways (e.g. a warning or a talk).

- *Division of responsibilities*: Some managers also noted that while they have a responsibility to disclose wrongdoing, they are reluctant to interfere in areas that are the responsibility of other managers. Therefore, they would consider whether

or not the responsibility to disclose a wrongdoing belongs to them or to another manager.

A few people noted the degree of effort required to disclose wrongdoing. For them, this would be a key factor influencing their decision.

It is important to note that when participants discussed the issue of their responsibility to disclose wrongdoing, the focus was not so much on whether to disclose wrongdoing as opposed to doing nothing about it. Rather it was about disclosing wrongdoing as opposed to finding some other avenue or approach to deal with the situation.

### Managers Unanimous That They Have Role to Play in Disclosing of Wrongdoing

Managers were unanimous that they have a role or responsibilities when it comes to the disclosure of wrongdoing. The following responsibilities were identified:

- *Setting an example/being a model*: Managers routinely observed that they have a responsibility to exemplify rectitude, professionalism, and ethical conduct when it comes to issues related to the disclosure of wrongdoing. By this, they meant two things: first, conveying to employees the impression that they themselves (i.e. managers) are principled and ethical, and therefore would not engage in wrongdoing; second, conveying the impression that they can be approached by employees regarding such issues.
- *Openness to discussion*: Most managers said they have a responsibility to discuss these issues with employees or at the very least make it clear that they are open to such discussions. Such discussions are seen as ways of ensuring that employees understand what is expected of them and what they can expect from their manager should such a situation present itself. It was observed that managers cannot simply assume that employees will know what to do when it comes to the disclosure of wrongdoing.
- *Taking claims seriously*: Most managers also think they have the responsibility to take claims of wrongdoing brought to their attention seriously. This includes getting all the facts and deciding what type of action is warranted. Depending on the situation, the latter could include moving the issue further up the ladder (i.e. involving their superior) or dealing with the issue and trying to resolve it at their level
- *Act on what they know*: As mentioned above, managers feel they are responsible for taking claims seriously, and this includes acting on what they know, otherwise they would be, in a way, complicit in the wrongdoing.

### Motivators to Disclose Wrongdoing Both Procedural & Substantive

Participants had no difficulty identifying things that would encourage or motivate them to disclose a wrongdoing, and most identified more than one. These typically included a mix of substantive and procedural considerations. The most frequently identified considerations included the following, each of which was identified in every group:

- The capacity to remain anonymous if and when disclosing a wrongdoing. While employees were more likely to emphasize this as a motivating factor, managers identified it as well. Regarding anonymity, one or two managers raised concerns about not being able to face their accuser.

- Support, encouragement, and structures in place for disclosing wrongdoing. This includes having a palpable sense that disclosing wrongdoing is behaviour that is valued and encouraged, as well as supported by structures and processes designed specifically for this purpose.
- Knowledge of the process for disclosing wrongdoing, including knowing who to contact.
- Confidence in the process. This includes confidence that the process of investigation is independent, impartial, and transparent.
- Confidence in outcomes. This includes a sense that appropriate action will be taken to address the situation, that those disclosing wrongdoing will not suffer reprisals, and that those found guilty of committing wrongdoing will be punished.
- The perceived severity of wrongdoing. The more severe or grave the wrongdoing, the greater the motivation to disclose it.

The following considerations were identified less often, but were nonetheless identified in most groups:

- Certainty or proof of wrongdoing
- Frequency or consistency of wrongdoing. The more frequent, consistent, or repeated the behaviour, the greater the motivation to disclose it.
- Pride as public servant and a desire to maintain the integrity of the public service.
- A sense that one would be complicit in an act of wrongdoing if one did not disclose it.
- A sense of outrage or indignation at acts of wrongdoing and the attitudes that sustain such behaviour (e.g. a sense of immunity, a sense that one can do what one wants and get away with it).

**Trust – Main Factor That Determines Whether Employee Discloses Wrongdoing to their Manager**

Managers most often identified trust as the main factor that would determine whether an employee would disclose a wrongdoing to them. By trust they meant an employee's confidence that the disclosure would be taken seriously, would be acted upon, and that the employee would be treated fairly and not suffer for having taken action. The following factors were also identified relatively frequently:

- Openness, accessibility: This includes a sense that the manager is accessible (i.e. makes time for employees), as well as a sense that the manager would want or encourage employees to come to them about such issues. In other words, employees are not likely to approach a manager who gives the impression that they have no time for employees and their concerns, and do not want to have to deal with such problems.
- Anonymity: A number of managers felt that employees would be more likely to approach them to disclose a wrongdoing if their anonymity could be guaranteed.

Some managers felt that employees would be motivated to approach them about a wrongdoing in the hope that enlisting the support of a manager would increase the credibility of their case. Finally, a few managers felt that some employees might be

encouraged to approach their manager in the hope that they could pass off or delegate responsibility for dealing with such an issue to a superior.

**Potential Reprisals, Stigma – Main Concerns About Disclosure of Wrongdoing**

As was the case with motivating factors, participants had no difficulty identifying concerns they would have about disclosing a wrongdoing. The two concerns identified most often were fear of reprisals and being stigmatized or ostracized by a work culture that frowns on disclosure. Lack of anonymity was also routinely identified as a concern, though it tended to be linked to the previously identified concerns as cause and effect. In other words, the inability to remain anonymous would open one up to the possibility of reprisals and to being stigmatized or ostracized in the workplace. While these three concerns were identified by employees and managers alike, they were more likely to be emphasized by employees (i.e. employees not only identified them more often but also tended to identify them first).

The following concerns also tended to be top-of-mind among most participants and were identified in every group:

- Lack of confidence in outcomes, results, consequences. What this meant concretely in the minds of many participants was that the discloser of wrongdoing would end up being the one punished, not the perpetrator(s).
- The potential complexity of the process, including the time and effort required.
- The emotional and psychological strain and stress involved.

The following concerns were identified less often, but were still mentioned by at least a few participants in most groups:

- Fear about being wrong or not having all the facts.
- Lack of knowledge or uncertainty about the disclosure process or how to proceed.
- The potentially negative impact of the disclosure on the climate in workplace.
- The fear that it would all be for nothing because nothing would change
- Concern about a possible over-reaction.
- Concern about harming a colleague even if they have done something wrong.

Two concerns about the disclosure of wrongdoing were identified specifically by managers:

- Impact on one's reputation or credibility: Some managers said they would be concerned that the disclosure of a wrongdoing might have a negative impact on their own reputation or credibility as a manager. They explained that by disclosing wrongdoing they would necessarily be involving their superiors in the process and that the latter might think that the whole thing should have been handled by the manager at his or her level. In short, there was concern about being perceived as an ineffective manager who cannot handle issues and therefore kicks them up to the next level so as to avoid dealing with them.
- Fear of something being lost in translation: One manager expressed concern about things being 'lost in translation' as they move along in the disclosure process. The specific concern here is that slight changes, adjustments, or alterations in what gets passed along could potentially result in the facts appearing to be quite different at one stage than they were when they were first disclosed.

### Lack of Support – Main Concern About the Disclosure of Wrongdoing to Manager

A perceived lack of support was the most frequently identified concern or apprehension managers think an employee might have about disclosing a wrongdoing to them or bringing it to their attention. Other concerns identified less often include concern about lack of anonymity, possible concern about a manager's involvement in the wrongdoing in question, and the investment in terms of time and effort that might be required.

### Most Employees See Reprisals as Real Possibility

Most employees see reprisals as a result of having disclosed wrongdoing as a real possibility, primarily because of the subtle form they can take. For example, most employees did not express fear or concern about losing their job for disclosing wrongdoing. This was typically seen as a form of retaliation too blatant and obvious to be able to pass unnoticed and unaddressed. What concerns them are forms of retaliation and reprisals that are more subtle, such as lack of advancement, being side-lined (e.g. no longer invited to meetings), being left off distribution lists, getting poor performance evaluations, and being ostracized by co-workers and managers. It was pointed out by several employees in Vancouver that this is an even greater issue in regions where the federal government only has a small presence (i.e. one's reputation as a whistleblower will quickly travel through the network of public servants).

### Confidence in Outcomes, Anonymity – Best Ways to Reduce Fear of Reprisals

Fostering confidence in outcomes and guaranteeing anonymity were seen as the best ways to lessen concerns about reprisals and make public servants feel that they will be protected from reprisals if they disclose a wrongdoing. Confidence in outcomes not only meant reducing concern about suffering reprisals but also confidence in real consequences for wrongdoers.

Other ways to lessen concerns identified relatively frequently included:

- Building awareness of processes for the disclosure of wrongdoing.
- Ensuring that the process for the disclosure of wrongdoing is clear and understandable. This includes making it clear to the disclosers of wrongdoing what to expect should they choose to go down this road (i.e. the process itself cannot be a 'black box').
- Fostering confidence that the process for disclosing wrongdoing is independent and transparent.
- Getting strong buy-in from ministers or very senior public servants regarding the disclosure of wrongdoing, with the clear message that this is valued behaviour.

### Many Think Reprisals Too Subtle to be Effectively Dealt With

Although participants identified ways to lessen concerns about reprisals, many think that, short of complete anonymity (and several people were doubtful that this is even possible given the investigative process), reprisals for disclosing wrongdoing are too subtle to be effectively dealt with. As noted already, it is not fear of losing their job that concerns participants. Rather they fear things such as lack of advancement, being side-lined, getting poor performance evaluations, and being ostracized.

### Low Awareness of Mechanisms to Disclose Wrongdoing

There is little awareness among participants of any mechanisms or procedures in place to disclose wrongdoing in the federal public service and that provide protection for the disclosers of wrongdoing. In fact, most participants were unable to identify any mechanisms or procedures beyond asserting that they assume such processes exist.

The small number of participants able to identify specific mechanisms or procedures referred to the following:

- The 'whistleblower' act
- The departmental ombudsman
- Internal processes (unspecified)
- Their union
- Values and Ethics Commissioner
- The Office of the Auditor General
- Labour Relations Board

### Widespread Impression that Disclosure Mechanisms Can be Found If Needed

Although most participants were unable to identify any mechanisms or procedures in place to disclose wrongdoing in the federal public service, there was a widespread impression that such mechanisms could be found if and when needed. There was also a relatively widespread sense that awareness of such mechanisms does not need to be top-of-mind because their use tends to be exceptional. In the words of one participant, "this is not something one needs to know until one needs to use it".

### Most Unsure About How They Would Proceed to Disclose Wrongdoing

Underscoring the general lack of awareness regarding mechanisms or procedures in place to disclose wrongdoing was widespread uncertainty about how to proceed to disclose wrongdoing. Those who were able to identify something specific typically pointed to a starting point as opposed to an actual process, with some adding that context would be crucial in terms of deciding how to proceed. The following starting points were identified by at least a few participants in most groups:

- Colleagues
- Departmental ombudsman
- Union
- Human Resources
- Senior management/director
- Office of the Auditor General
- Labour Relations Board
- Supervisor/manager
- Google/the Internet in general
- Lawyer

## AWARENESS OF PSIC

This brief section reports on awareness of the Office of the Public Sector Integrity Commissioner of Canada prior to this research

### Awareness of PSIC Due Mainly to Controversy Surrounding Former Commissioner

Most participants, a majority in almost every group, said that they had heard of the Office of the Public Sector Integrity Commissioner of Canada prior to being contacted for this research. The exception was Vancouver, where the majority of participants said they were not aware of the Office. That being said, awareness of the Office was due almost exclusively to the controversy surrounding the former commissioner. In fact, some participants volunteered that they had not heard of the Office until mention was made of the controversy surrounding the former commissioner.

### Most of Those Aware of PSIC Have Little Knowledge About It

Beyond the controversy surrounding its former commissioner, there is very limited knowledge of the Office of the Public Sector Integrity Commissioner of Canada. A few participants alluded to a connection between their departmental ombudsman and the Office, while a few others recalled hearing about the Office in a Values and Ethics course, and one participant said that he contacted the office for general information.

Given the limited awareness of the Office, it is not surprising that most participants have no real impression of it. To the extent that participants have an impression of the Office, it is mainly based on the controversy surrounding the former commissioner. Impressions here differed. Some indicated that the controversy has left them with a critical or negative impression of the Office. This was based on the impression that things are bad when the very office tasked with investigating wrongdoing has been criticized for not doing this. A central part of the media coverage of the controversy focused on the relatively low number of disclosures of wrongdoing that were investigated or acted upon. Not surprisingly, this contributed to the impression that the Office was not effective in terms of dealing with wrongdoing in the public sector.

On the other hand, in the minds of some participants the actions of the former commissioner can be dissociated from the Office itself. While they do not necessarily have a positive impression of the Office, neither do they have a negative one because of the actions of the former commissioner.

One manager claimed to have a positive impression of the Office based on his interaction with it (details not provided).

### Some Confuse PSIC with Other Actors

In the course of discussion about the Office of the Public Sector Integrity Commissioner of Canada, it became clear that some participants confused it with other organizations. Specifically, when some participants referred to the Office it was apparent that they were actually referring to the Conflict of Interest and Ethics Commissioner or the Public Service Labour Relations Board. In short, some participants cannot clearly distinguish between the various actors involved in issues related to values and ethics.

## REACTION TO PSIC INFORMATION

This section reports on participant reaction to a short document that provided information about the Office of the Public Sector Integrity Commissioner of Canada. Participants were asked to read the document with a focus on its content (i.e. not its format) and circle anything that was unclear to them. They were also asked to put a 'plus sign' beside anything they reacted positively to, and a 'negative sign' beside anything they reacted negatively to, for whatever reason, or potentially caused concern.

### Mixed Overall Reaction to Information About PSIC

Reaction to the information about the Office of the Public Sector Integrity Commissioner of Canada tended to be mixed. On the one hand, participants tended to react positively to information about the Office and its mandate, primarily because this was new information to them. On the other hand, participants raised questions or had apprehensions about the Office's ability to effectively carry out its mandate, particularly its ability to protect disclosers of wrongdoing from reprisals.

The following comments are representative of positive reactions to the content of the document:

- *I now know something about them, where I didn't know anything before.*
- *It does a good job telling us who they are.*
- *We now know who they are and what they do.*
- *This is a clear overview.*
- *We now know they exist. This is a good start.*
- *This should help trigger discussions about this issue.*
- *C'est clair et précis comme document.*
- *Leur mandat est bien expliqué.*

The following comments are representative of critical reactions to, or concerns about, the content of the document:

- *This doesn't assuage my concerns about reporting wrongdoing.*
- *I'm not encouraged to report because I'm not convinced of their effectiveness.*
- *I'm uncertain about their effectiveness in investigating wrongdoing and protecting those reporting it.*
- *It doesn't seem realistic when it comes to preventing reprisals.*
- *The emphasis on reprisals heightens my fear of them.*
- *J'étais plus confortable et confiante avant de lire le document*.
- *On semble nous dire de ne pas avoir peur de représailles tout en les signalant.*

### PSIC Mandate, Definitions of Wrongdoing & Reprisals – New Information to Most

Information most likely to be identified as new by participants included the description of the Office's mandate, and the definitions of wrongdoing and reprisals. Other information routinely described as new included information about the confidentiality provisions, who is included and not included under the Office's jurisdiction, the two procedures for disclosing (i.e. internally or directly to the Office), and the fact that even individuals who are not part of the federal public can disclose wrongdoing.

### Some Lack of Clarity, Confusion Regarding Process

Generally speaking, participants found the content of the document to be clear and easy to understand. Indeed, only a few things generated confusion among participants. Nonetheless, these were seen to be important points:

- *Disclosure procedure*: At least a couple of participants in most groups were unclear about the disclosing procedure. Specifically, it was not clear to them if they could disclose a wrongdoing directly to the Office or if they first had to disclose internally (i.e. through their own department).
- *Status of the Public Servants Disclosure Protection Tribunal*: Similarly, a few participants in most groups were uncertain about the status of the Public Servants Disclosure Protection Tribunal. Specifically, it was unclear to them if the tribunal is part of the Office or a different entity.

### Raising Awareness of PSIC & its Mandate – Main Perceived Strengths

Making public servants aware of the Office of the Public Sector Integrity Commissioner of Canada and its mandate were the most frequently-identified strengths of the document. That is, simply informing people about the very existence of the Office and providing an overview of what it does.

Other strengths that were routinely identified included:

- The definitions of wrongdoing and reprisals (including the fact that a threat of reprisal constitutes a reprisal).
- Knowledge that individuals who are not part of the public service can disclose a wrongdoing.
- Specifying that the Office is an independent federal organization.
- The confidentiality provisions.

### Lack of Details Regarding Processes & Outcomes – Main Perceived Weaknesses

Although participants recognized that a short document could only provide a certain amount of information, there was widespread desire for more details regarding processes and outcomes related to the disclosure of wrongdoing. Some described these areas as too much of a 'black hole', even after reviewing the document, to instil confidence in public servants who might consider disclosing wrongdoing. The types of details participants want are identified below in the section on suggestions for improving the document.

The only other perceived weakness of the document that was identified frequently was the vagueness of certain terms and expressions. Most of these terms and expressions are located under the heading *What is wrongdoing?* The content of this section is included below with terms described as vague bolded.

> What is wrongdoing?
>
> An act or omission that creates a **significant** and specific danger to the life, health or safety of people or the environment.
> A **misuse** of public funds or a public asset
> A **gross** mismanagement in the public sector
> **Breaking any Act of Parliament or legislature of a province or territory**
> A **serious** breach of a code of conduct established under the *Act*

Knowingly guiding someone to commit a wrongdoing

In addition to these, the bolded expression in the following sentence was described by some participants as vague: Our Office has **exclusive jurisdiction** to deal with complaints of reprisal.

In the same way that participants wanted more details about processes and outcomes, they wanted greater clarity about the meaning of these expressions or examples of what they mean (e.g. what constitutes a significant danger?).

The fact that the Office only has 35 employees to deal with the disclosures of wrongdoing by over 400,000 public servants contributed, along with the lack of information about successful outcomes, to the impression among many participants that the Office could not be very effective in dealing with this issue given its small size and apparent lack of successes.

### Information About Reprisals Tends to Heighten Concerns About it

One perceived weakness of the document that warrants separate treatment concerns the issue of potential reprisals as a result of having disclosed wrongdoing. As noted, fear of reprisals was the concern identified most often with respect to disclosing wrongdoing. Moreover, many participants felt that reprisals as a result of having made a disclosure are too subtle and can take too many forms to be effectively dealt with.

Given this, it is important to note that numerous participants indicated that the treatment of reprisals in the document heightened their concerns about it instead of assuaging them. Three reasons were given to explain why.

- *Identifying it means it is a real concern*: It was observed that drawing attention to the issue of reprisals confirms that it is a real concern. If it were not a real possibility, there would be no need to address it in the document.
- *Unrealistic definition of reprisal*: The specific examples of reprisal identified in the document were described by many as unrealistic because they are too blatantly obvious to be attempted by anyone seeking retribution. The examples include disciplinary measures, demotion, and termination of employment. As noted earlier, these are not the types of reprisals feared by participants. It was observed that the document does refer to 'any other measure that could negatively affect employment or working conditions' but no examples of such measures are given.
- *Lack of confidence in process for dealing with complaints about reprisals*: Many reacted critically to the following sentence in the document relating to complaints about reprisals: *If the facts found during an investigation indicate reprisal action may have been taken against a public servant or former public servant, we will refer the case to the Public Servants Disclosure Protection Tribunal to make a determination and order remedial action as required*. This resonated negatively with many participants because it gave them the impression that the process could be long, complicated, and uncertain. Here, it is important to recall that lack of confidence in outcomes, results, and consequences was a concern that was often identified with respect to the disclosure of wrongdoing.

In short, one of the key perceived weaknesses of the document is that it confirms the real possibility of reprisals, but without a realistic understanding of their nature and without inspiring confidence that they will be effectively dealt with.

## FOCUS ON BROCHURE AS COMMUNICATIONS DOCUMENT

This section reports on the same document, but as a communications tool (i.e. as a brochure). That is to say, the focus of the questioning was no longer solely on reaction to the content or information. Rather, the focus was on the document as a whole (content and format) as a tool to communicate with federal public servants.

As part of the assessment of the document from a communications perspective, participants were asked to assess different opening segments or statements. They were asked which of two they preferred. For the purposes of this research, these were identified as Options A and B.

Option A: *Are people ignoring the rules?*
*Are the same problems occuring again and again in my workplace?*
*Does this respect taxpayers' dollars?*
*Could this hurt someone or damage the environment?*
*Tell us.*
*You are protected.*

Option B: *Whistleblowing and Protection*
*The Office of the Public Sector Integrity Commissioner investigates wrongdoing and protects whistleblowers from reprisal.*
*It's the law.*

### As Communications Document, Brochure Leaves Certain Questions Unanswered

From a communications perspective, the document was seen as doing a relatively good job introducing the Office of the Public Sector Integrity Commissioner of Canada and its mandate. However, many participants wanted more information, particularly related to processes and outcomes regarding the disclosure of wrongdoing. Some noted that such information is important in order to increase public servants' confidence in the effectiveness of the Office.

Types of information requested regarding processes and outcomes included the following:

- How to get started/first steps in the disclosure of wrongdoing (i.e. what one should do or know).
- More guidance regarding disclosure channels (e.g. reasons to disclose internally instead of disclosing to PSIC and vice-versa).
- Information on approximate timelines when embarking on this road (e.g. how long it might take to process a complaint).
- Information on what to expect when disclosing a wrongdoing or a reprisal (e.g. investment in terms of time and effort).
- Basic statistics related to outcomes (e.g. number of cases processed, proportion of successful cases).
- Types of mechanisms and procedures in place to deal with those accused and convicted of wrongdoing or reprisals (i.e. what happens after the investigation to the parties involved).

In addition to wanting more information about processes and outcomes, some participants wanted more information about the following:

- How disclosers are actually protected.
- Does the Office have any enforcement powers in addition to investigative powers? If not, who has enforcement powers regarding wrongdoing?
- Are the decisions of the tribunal binding?
- Types of punishments that wrongdoers could potentially face.
- Does the Office have jurisdiction over ministers of the Crown?
- Are all federal public servants covered and protected? For instance, indeterminate workers, term appointees, and casual workers.

### Mixed Assessment of Brochure in Terms of Equipping Managers to Deal with Issue

Managers provided mixed assessments of the extent to which the information in the document equips them as managers to deal with the issue of wrongdoing. That being said, assessments did not vary widely. Some managers said they felt better equipped, but only marginally so because they now know something they did not know before (i.e. something they can add it to their managerial tool box).

Most managers, however, did not really feel better equipped even though they felt better informed. Many re-iterated the importance of context when dealing with the disclosure of wrongdoing or advising employees about it. Some specified that knowing about the Office does not necessarily equip them better to deal with the issue but provides something additional to consider among the host of important contextual issues to take into account when deciding how to proceed regarding such issues. The perceived deficiencies of the document - information that was seen as being missing, unclear or causing concern - were also among the reasons why managers did not really feel like they were better equipped to deal with this issue with employees.

### Mixed Reaction to Opening Segments, No Clear Preference for Either Version

As noted above, participants were asked which of the two opening segments they preferred. Reactions were mixed with no clear preference for either version. In addition, many participants were divided in their own preference, liking some aspects of each opening segment and not liking others.

### Perceived Strengths & Weaknesses of Opening Segments

Below are the perceived strengths and weaknesses of each opening segment.

Option A: *Are people ignoring the rules?*

<u>Strengths</u>:

- Engaging approach (i.e. asking questions)
- Emphasis on protection
- Includes a call to action (i.e. tell us).

<u>Weaknesses</u>:

- Too long

- Unclear what the point is
- Questions are too vague/indeterminate
- Not engaging or attention grabbing.

Option B: *Whistleblowing and Protection*

Strengths:

- Attention-grabbing
- Pithy, direct
- Clear.

Weaknesses:

- Not engaging
- No call to action
- Use of the term 'whistleblower'
- Too legalistic (i.e. it's the law).

**Many Think Strengths of Each Opening Segment Can be Combined Into One**

As the list of perceived strengths shows, each opening segment was seen to have strengths that the other did not. Many participants felt that the strengths of each segment could be combined in a complementary way, and preferred a mix of elements from both. Concretely, participants are looking for an opening statement that is both attention-grabbing and engaging. For example, the expression 'whistleblowing' is seen as attention-grabbing, but not in a positive or engaging way.

Examples of how to combine the opening segments (or variations of them) included the following:

> *Tell us. You are protected.*
> *The Office of the Public Sector Integrity Commissioner investigates wrongdoing and protects those reporting it from reprisal.*
>
> *Reporting Wrongdoing*
> *The Office of the Public Sector Integrity Commissioner investigates wrongdoing and protects those reporting it from reprisal.*
> *Tell us. You are protected.*
>
> *Are people knowingly committing wrongdoing?*
> *If so, tell us.*
> *The Office of the Public Sector Integrity Commissioner investigates wrongdoing and protects those reporting it from reprisal.*

**Impression that Opening Statement Must Grab Attention in Positive Way**

Some participants felt that neither opening segment or statement provides an effective call to action because neither one presents the disclosure of wrongdoing in a positive way (e.g. one version was seen to appeal to the law, while the other appeals to protection). It was suggested that the opening statement should appeal to public servants' sense of pride in the integrity of the public service as a reason to disclose wrongdoing or present the disclosure of wrongdoing as valued behaviour.

The following was suggested as an example:

> *Do you value integrity?*
> *Are you proud of the public service?*
> *The Office of the Public Sector Integrity Commissioner investigates wrongdoing and protects those reporting it from reprisal.*
> *Tell us. You are protected.*

Several participants thought the opening of the brochure should set an appropriate tone, that it should be reassuring or empathetic.

**Suggestions for Improving Brochure**

A number of suggestions were made for improving the brochure. Most suggestions related to the brochure's content, as opposed to its format. Frequently-made suggestions are identified by an asterisk.

Content Suggestions:

Content-related suggestions included suggestions for additional information, clarifications, and deletions. These included:

- Provide more information about processes and outcomes, including the following:
  - *Basic statistics related to outcomes (e.g. number of cases processed, proportion of successful cases)
  - *Clarification that the *Public Servants Disclosure Protection Tribunal* is not part of the Office
  - *Clarification that one can disclose a wrongdoing directly to the Office or internally
  - How to get started/first steps in disclosing wrongdoing
  - Guidance regarding disclosure channels
  - Approximate timelines when disclosing a wrongdoing
  - What to expect when disclosing a wrongdoing or a reprisal (e.g. investment in terms of time and effort)
- *Include concrete examples of wrongdoing
- *Provide testimonials from disclosers of wrongdoing (while preserving their anonymity)
- *Remove/replace the reference to whistleblowing
- *Remove the reference to being a micro-organization of 35 employees serving over 400,000 public servants
- *Avoid/remove vague terms/references that raise questions instead of answering them (e.g. 'gross' mismanagement, 'significant' danger, 'serious' breach)
- Clarify who is protected (e.g. indeterminate workers, term appointees, and casual workers)
- When describing reprisals, include examples of 'other measures that could negatively affect employment or working conditions', examples that address directly the types of reprisals employees fear most – the subtle ones.
- Remove the box on confidentiality provisions
- Remove the reference to being able to contact the Office even if not part of the federal public service (i.e. the document should focus on public servants)
- Remove reference to organizations not covered by the Office, or identify who covers them

- Use plain language and avoid legalese
- Provide positive re-enforcement for disclosing (i.e. why one should disclose)
- Focus more on describing goals than processes
- Extend an invitation to visit the Office's website
- Give less prominence to the physical address (i.e. too Ottawa-centric)
- Include hours of operation (i.e. will phones be answered on eastern hours?)
- Provide an email address
- Provide a TTY number.

Some participants in Montreal suggested that the French version of the brochure be reviewed and edited because at times it gives the impression of being a transliteration from English (i.e. certain turns of phrase are not typically used in French).

Format Suggestions:

- Include people from more ethnically-diverse backgrounds in the picture
- Include people show doing diverse jobs, not a group photo as is now the case
- Do not show people in suits
- Do not include people at all in the brochure (seen to be too service-oriented)
- Remove the coloured rectangles in the background (seen to be distracting and making it harder to read the text)
- Use colors that provide more contrast between text and background in the section *How do I contact the Office of the Public Sector Integrity Commissioner?*

## RELATED ISSUES

This section reports on a number of related issues.

### Context Remains Key in Decision to Disclose Wrongdoing or Advise About It

While participants feel better informed now that they know more about the Office of the Public Sector Integrity Commissioner of Canada, most said that they are no more likely to disclose wrongdoing and/or a reprisal than before. In explaining why, many participants re-emphasized the importance of context when it comes to the disclosure of wrongdoing and re-iterated the various factors they would consider when deciding whether or not to disclose a wrongdoing.

Some explained that they are no more likely to disclose a wrongdoing and/or a reprisal because the document they read did not lessen their concerns about disclosing, in particular their concerns about potential reprisals.

### Identification of Positive Outcomes – Best Way to Increase Likelihood of Disclosing

Asked how the Office could build trust and confidence among federal public servants so that they would be more likely to disclose a wrongdoing and/or a reprisal, the suggestion offered most often was to provide information or statistics showing positive outcomes and that the disclosure of wrongdoing makes a positive difference. In the words of one participant: 'show me that these stories have happy endings. Show me the discloser wrongdoing who got a promotion and the wrongdoer who lost his job'.

In addition to pointing to positive outcomes, participants frequently identified two other ways of building trust and confidence among federal public servants. One was to increase the Office's visibility through outreach activities so that public servants have a palpable sense of it as an entity that is in the mainstream of the public service. The other was to work to present the disclosure of wrongdoing as valued behaviour. It was noted, however, that the Office could not do this on its own and that this would require buy-in from the ministers and senior public servants of the federal government. Additionally, several people pointed to privacy/anonymity – demonstrating clearly that the Office will keep the identity of disclosers confidential.

### Ways for PSIC to Reach Out to Federal Public Servants

Participants identified various ways in which the Office could reach out to federal public servants. This included:

- Outreach activities (e.g. DVDs, webinars, newsletters)
- Offer a course or workshop through Canada School of Public Service
- Include a module on the Office in harassment seminars
- Partner with the Employee Assistance Program to disseminate information
- Attend the annual conference of the National Management Committee
- Help foster buy-in from above (e.g. through endorsements from the Clerk of the Privy Council and Deputy Ministers)
- Provide information about the Office through public sector union's
- Provide bulletins to be posted in lunch rooms or common areas
- Publish the track record in terms of outcomes
- Use departmental intranets as appropriate
- Use internal champions to raise awareness

- Try to establish some kind of presence in the regions.

# APPENDIX

## VALIDATION LETTER

Office of the Public Sector Integrity Commissioner of Canada

Commissariat à l'intégrité du secteur public du Canada

Ottawa, Canada K1P 5Y7

October 2011

**Re: Research with Federal Government Employees**

Dear Colleague,

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) is an independent federal organization mandated to receive, review and investigate allegations of wrongdoing within the federal public sector. It also provides protection from reprisals for public sector employees who have made a disclosure of wrongdoing. PSIC is undertaking research with federal public sector employees to explore issues related to the reporting of wrongdoing in the public sector, including the protections afforded to public sector employees.

An independent research firm, Phoenix Strategic Perspectives, has been commissioned to conduct this study on our behalf. The research will consist of a set of focus groups being held in different regions of the country. Individuals contacted for this research have been randomly chosen from a list of employees who work in the federal public sector. If you are contacted for this research, please consider taking part. Your feedback is very important, and will enable PSIC to gain a better understanding of the effectiveness of its services.

Your participation in this study is completely voluntary but would be greatly appreciated. The information you provide will be held in the strictest confidence and used for research purposes only. All information provided will be summarized in a report and no individuals or organizations will be identified in any way.

If you have any questions or desire more information about this initiative, please feel free to contact Edith Lachapelle at the Office of the Public Sector Integrity Commissioner. She can be reached by telephone at 613-946-2138 or by email at lachapelle.edith@psic-ispc.gc.ca

Sincerely,

Mario Dion
Interim Commissioner

# Public Sector Integrity Commissioner of Canada (PSIC)
# Focus Groups
# Recruitment Screener
# Final: October 17

**Profile Characteristics:**

- A set of 10 focus groups to be conducted in five locations: the National Capital Region (Ottawa), Montreal (French), Halifax, Vancouver, and Toronto.
- Groups to be conducted with Government of Canada employees. One group in each location to be conducted with members from each of the following subgroups:
  - Executives and managers (EX and EX minus 1 levels)
  - Non-management employees
- The following specifications would apply to all groups:
  - At least half the participants to be from the core federal public service (i.e. departments/agencies with ministers).
  - There would be a mix of participants by the following:
    - Functional area (e.g. administration, finance, HR, policy)
    - Job function/responsibilities (e.g. analyst, administrator, scientist)
    - Gender, approximating a 50/50 split
  - There would also be a mix of participants by department/agency, with the following additional specifications:
    - Each group with non-management employees to include a maximum of two (2) participants from larger departments/agencies[2] and a maximum of one (1) from any other departments/agencies.
    - Each group with executives and managers to include a maximum of one (1) participant from any department/agencies.
  - No participants to be recruited from the Canadian Security Establishment (CSE), the Canadian Security Intelligence Service (CSIS), and the Canadian Forces (CF).
- For groups with non-management employees, a total of 10 participants to be recruited for 7-8 to show per group; participants to be paid an honorarium of $75.
- For groups with executives and managers, a total of 8 participants to be recruited for 5-6 to show per group; participants to be paid an honorarium of $100.
- Groups to be allocated as follows:

[2] Larger departments/agencies include HRSDC, CRA, PWGSC, CBS, AAFC, CFIA, Environment Canada, DFO, Health Canada, and Statistics Canada.

| | **Ottawa** | **Toronto** | **Halifax** | **Montreal** | **Vancouver** |
|---|---|---|---|---|---|
| | English | English | English | French | English |
| Date | November 7 | November 8 | November 9 | November 10 | November 10 |
| | | | | | |
| 6:00 pm | Non-Management Employees | Executives and Managers | Non-Management Employees | Executives and Managers | Non-Management Employees |
| 8:00 pm | Executives and Managers | Non-Management Employees | Executives and Managers | Non-Management Employees | Executives and Managers |

# Recruitment Screener

Hello, my name is _____. I'm calling on behalf of Phoenix, a public opinion research firm. We've been commissioned by the Office of the Public Sector Integrity Commissioner of Canada, an Agent of Parliament, to conduct a series of focus groups with federal public sector employees. The purpose is to explore issues related to the reporting of wrongdoing in the federal public sector, including the protections afforded to public sector employees.

The focus group will last approximately two hours. People who take part will receive a cash honorarium to thank them for their time, and light refreshments will be served. Participation in the research is completely voluntary. All information collected in the focus group will be used for research purposes only, in accordance with laws designed to protect your privacy. All responses will be kept entirely confidential – no individuals or organizations will be identified in any way.

May I ask you a few questions to see whether you qualify for the focus group?

| | | |
|---|---|---|
| Yes | 1 | CONTINUE |
| No | 2 | THANK AND DISCONTINUE |

IF RESPONDENT HESITATES, EXPRESSES CONCERN, QUESTIONS THE VALIDITY OF THE RESEARCH, OR ASKS FOR MORE INFORMATION, OFFER TO SEND THEM THE VALIDATION LETTER FROM PSIC OR INVITE HIM/HER TO CALL EDITH LACHAPELLE OF PSIC AT 613 946-2138.

IF RESPONDENT ASKS HOW THEIR CONTACT INFORMATION WAS OBTAINED, EXPLAIN THAT RANDOM CALLS TO PUBLIC SERVANTS ARE BEING MADE USING THE GOVERNMENT ELECTRONIC DIRECTORY SERVICES (GEDS).

---

1. Do you currently hold a position classified at the EX (PRONOUNCED 'E-X') or EX minus 1 level?

| | | |
|---|---|---|
| Yes, EX level | 1 | (Executive/Manager) |
| Yes, EX minus 1 level | 2 | (Executive/Manager) |
| No | 3 | (Non-Management Employee) |

ALL INDIVIDUALS SHOULD KNOW THEIR CLASSIFICATION. HOWEVER, 'EX MINUS 1' IS NOT AN OFFICIAL CLASSIFICATION, BUT RATHER DENOTES THE LEVELS IN DIFFERENT JOB CLASSIFICATIONS THAT ARE JUST BELOW THE EX (SENIOR MANAGEMENT) LEVEL. IF SOMEONE IS UNSURE WHETHER HE/SHE IS AN EX MINUS 1 LEVEL, ASK IF THEY ARE A MANAGER WITH FINANCIAL DELEGATION. IF YES, CLASSIFY THEM AS EX MINUS 1.

2. Could you please confirm which department or agency you currently work for? (GET GOOD MIX;WATCH QUOTAS PER GROUP FROM SAME DEPARTMENT)

   Department/Agency*: _____

* INFORMATION ON THE GEDS SYSTEM MAY NOT BE UP-TO-DATE.

3. Could you please tell me your current position or job title within your department or agency? For example analyst, administrator, scientist, etc. (GET GOOD MIX)

   Position/job title: _____

4. As well, please tell me the area in which you work. For example administration, finance, human resources, information technology, or policy, etc. (GET GOOD MIX)

   Functional Area: _____

5. How many years have you worked in the federal public service? Please include the time in your current position as well as any previous positions. Is it…? (READ LIST AND RECORD; NO QUOTAS, BUT WE WILL MONITOR)

| | |
|---|---|
| Less than 5 years | 1 |
| Between 5-10 years | 2 |
| 11-20 years | 3 |
| Over 20 years | 4 |

RECORD GENDER BY OBSERVATION (TRY TO OBTAIN A 50/50 SPLIT PER GROUP)

| | |
|---|---|
| Female | 1 |
| Male | 2 |

The discussion group will take place (DAY OF WEEK), (DATE), at (TIME). It will last approximately two hours. People who attend will receive a cash payment of [$75/$100] in thanks for their time, and light refreshments will be served. Would you be willing to attend?

| | | |
|---|---|---|
| Yes | 1 | |
| No | 2 | THANK AND DISCONTINUE |

Do you have a pen handy so that I can give you the address where the focus group will be held? It will be held at _____. I would like to remind you that the group is at (TIME) on (DATE). If you use glasses for reading, please bring them with you.

The group will be video-taped for research purposes and members of the research team may be observing the discussion from an adjoining room. You will be asked to sign a waiver to acknowledge that you will be video-taped during the session. All information collected will be used for research purposes only and administered in accordance with laws designed to protect your privacy.

As we are only inviting a small number of people to attend, your participation is very important to us. If for some reason you are unable to attend, please call so that we can get someone to replace you. You can reach us at ____ at our office. Please ask for ____. Someone will call you the day before to remind you about the focus group.

Could I please confirm your name and phone number?

---

RESPONDENT'S NAME: _____
BUSINESS PHONE #: _____
EMAIL _____
FOCUS GROUP TIME/LOCATION: _____

**Thank you.**

# Office of the Public Sector Integrity Commissioner of Canada Focus Group Study

## Moderator's Guide – Employees

**Final Version: November 8, 2011**

## Introduction (5 minutes)

- Introduce moderator and Phoenix
- Thank participants for attending
- Explain general purpose of session:
  - Gauge *opinions* about issues/ideas/communications
  - Not a knowledge test; no right or wrong answers (interested in opinions)
  - Okay to disagree; want people to speak up if hold different view
  - Looking for minority, as well as majority opinion, so don't hold back if you have a comment that may be different from others
- Tonight, we are conducting research on behalf of the Office of the Public Sector Integrity Commissioner of Canada to explore issues related to the reporting of wrongdoing in the federal public sector.
- Looking for candour and honesty; comments treated in confidence; reporting in aggregate form only; taping and note-taking for report writing purposes only; observers behind one-way glass. We understand that tonight's topic is a sensitive one, and therefore we will not ask about anyone's personal experience in this area.
- If you have a cell phone or other electronic device, please turn it off.
- Any questions? ACCEPT BRIEF QUESTIONS BUT DO NOT LINGER.
- Roundtable introduction: Please tell us your first name and the department or agency you work for.

---

*Questions marked with an asterisk are to be asked only if time permits.

## Context/Background (10 minutes)

All of you are federal public servants. I'd like to begin by asking you a few questions about your careers in the federal public sector.

1. How many years have you worked in the federal public service? How many of you have worked for more than one department or agency at the federal level?

2. Has anyone had a career outside the federal public service?

3. As I mentioned in my introductory remarks, tonight we will explore issues related to the reporting of wrongdoing in the federal public sector. Is this something you ever think about or discuss with other public servants? Why do you say that?

   Probe: - think about, but don't discuss (i.e. taboo subject)
   - discuss, but not with colleagues/at work

4. Over the past few years, there have been stories in the media about the reporting of wrongdoing in the federal public sector. To what extent would you say you follow this in the media? What, if anything, strikes you about what you have read or heard?

## Understanding & Use of Expressions (10 minutes)

I'd now like to get your feedback on a commonly-used expression to refer to the kinds of issues we'll be talking about tonight. Please take a moment to write down on the piece of paper in front of you what comes to mind when you hear the expression 'whistle blowing'. That is, what does it mean to you? Please do this on your own, in silence, and when everyone is done, we'll discuss as a group what people wrote down.

GIVE PARTICIPANTS TIME TO WRITE DOWN THEIR THOUGHTS, THEN CONTINUE.

5. What did people write down? Anything else?

   Probe: - negative/positive connotations and why
   - extent to which term resonates

6. In your view, does the expression 'whistle blowing' mean the same thing as the expression 'disclosure or reporting of wrongdoing'? If not, how does it differ?

   Probe: - same/different connotations?

## Issues Related to Reporting of Wrongdoing (45 minutes)

For the sake of consistency, I'll use the expression 'wrongdoing' or 'reporting of wrongdoing' for the rest of the evening to refer to the issues we'll be talking about.

7. What types of actions do you think constitute wrongdoing within the federal public sector? Can you give me examples? NOTE EXAMPLES IDENTIFIED AND ADD ANY NOT LISTED

Examples:
- Theft of public property
- Misuse of public funds/assets
- Gross mismanagement
- Acts/omissions that endanger life/health/safety
- Breaking laws/Acts of Parliament
- Breaching codes of conduct
- Knowingly guiding someone to commit wrongdoing

8. Do you think wrongdoings within the public service tend to get reported or are they under-reported?

9. In your view, what responsibility do federal employees have to report a wrongdoing they knew about?

**ROTATE ORDER OF NEXT TWO QUESTIONS FROM GROUP TO GROUP**

There are a variety of factors that someone might consider when deciding whether or not to report a wrongdoing that they know about that has been committed within the federal public service.

10. What would encourage or motivate you to report a wrongdoing? Anything else? NOTE SUBSTANTIVE VS. PROCEDURAL ISSUES

    Probe:
    - Certainty/proof of wrongdoing
    - Perceived severity of wrongdoing
    - Guaranteed anonymity/confidentiality
    - Support/encouragement/structures in place for reporting
    - Knowledge of process/who to contact
    - Confidence in process (e.g. independent/impartial investigation)
    - Confidence in outcome (e.g. consequences/appropriate action)

11. What concerns or apprehensions would you have about reporting a wrongdoing? NOTE SUBSTANTIVE VS. PROCEDURAL ISSUES

    Probe:
    - Fear of reprisal
    - Stigma/work culture that frowns on disclosure
    - Lack of knowledge/uncertainty about process/how to proceed
    - Lack of confidence in process/procedure/investigation
    - Complexity of process/time commitment

12. Are you are aware of any mechanisms or procedures in place to report a wrongdoing in the federal public service, and that provide protection for those reporting the wrongdoing? If so, what is in place? What else do you know about this?

I'd like to focus for a moment on the issue of possible reprisals for reporting wrongdoing.

13. In your opinion, how real a concern is fear of reprisal for reporting a wrongdoing? What types of reprisals do you think those reporting a wrongdoing could potentially face? What could be done to address this… to lessen concerns about reprisals and

make public servants feel that they will be protected from reprisals if they report a wrongdoing?

14. If you wanted to report a wrongdoing, how would you proceed? What steps would you take?

    Probe: - approach colleagues, supervisor, ombudsman, senior officer, Office of the Public Sector Integrity Commissioner

## Awareness of PSIC & Review of Brochures (40 minutes)

15. Prior to our contacting you for this study, had you heard of the Office of the Public Sector Integrity Commissioner of Canada? GET HAND COUNT

IF HEARD/AWARE OF PSIC:

16. What do you know about it?

    Probe: - positive/neutral/critical impressions

I'm now going to hand out a short document prepared by the Office of the Public Sector Integrity Commissioner of Canada. The document is a mock-up of a brochure that provides information about the Office. I'll give you a few minutes to read it. Please do this, on your own in silence, and we'll talk about it as a group when everyone is finished. When you are reading the document, please focus exclusively on the content, not format or design features. Please circle anything that is unclear to you, and put a 'plus sign' beside anything you react positively to, and a 'negative sign' besides anything you react negatively to, for whatever reason, or potentially caused concern. Is this clear? CLARIFY AS NEEDED.

HAND OUT DOCUMENT. BEGIN WITH OPTION A IN ONE GROUP AND OPTION B IN THE OTHER. ALLOW PARTICIPANTS ENOUGH TIME TO READ IT, THEN CONTINUE. FOR THE PURPOSES OF THIS RESEARCH, THE DOCUMENTS WILL BE DISTINGUISHED ACCORDING TO THEIR OPENING STATEMENT.

Option A: Are people ignoring the rules?

Option B: Whistleblowing and Protection

17. First, what is your overall impression of what you just read? Why? Anything else?

    Probe: - positive/neutral/critical reaction
    - focus only on content, not on format

18. What did you learn that you did not know before? Anything else?

19. What did people put 'plus signs' beside? That is, what did you react positively to? Why? Anything else?

    Probe: - would this make you (more) comfortable about approaching the Office?

20. And what did people put ‘negative signs’ beside? That is, what did you react negatively to or created concern? Why? Anything else?

    Probe: - would this make you (more) concerned about approaching the Office?

So far, we’ve been discussing the brochure’s content, and its impact and value in terms of your understanding of related issues. Now I’d like to briefly focus on the brochure as a communications tool.

21. In your view does the brochure do a good job telling you the main things you want to know about PSIC and about reporting wrongdoings and reprisals? Why/why not?

22. Is there any important information missing, something else that you want to know? If so, what?

23. What are its main strengths, if any, as a communications document?

24. And what are its main weaknesses?

I’m going to hand out another version of the brochure. The only difference between this version and the first one is the opening statement, so you do not have to look beyond the first page. I’ll give you a moment to read the statement and then reread the statement on the first brochure. Then we’ll continue our discussion.

HAND OUT DOCUMENT. ALLOW PARTICIPANTS TO REVIEW COVER PAGE AND COMPARE IT TO THE FIRST VERSION, THEN CONTINUE.

25. Which version do you prefer? HAND COUNT. Why do you say that? PROBE PERCEIVED STRENGTHS OF EACH OPENING STATEMENT

One of PSIC’s communications challenges is that the expression ‘whistleblowing’ can carry negative connotations, while at the same time being the best way to describe to federal public servants what the Office does.

26. In terms of explaining what PSIC does, do you think the advantages of using the expression ‘whistleblowing’ outweigh the disadvantages? Why do you think this?

27. How could the brochure be improved to make it more effective as a communications document?

    Probe: - content suggestions
    - format suggestions

## Related Issues (10 minutes)

28. All things considered, and based on what you now know about the Office, how likely would you be to report a wrongdoing and/or a reprisal? Why do you say this?

Probe: - more/less likely than before?
- circumstances under which they would/would not approach the Office
- more likely to report a wrongdoing or a reprisal?
- more likely to report internally than directly to PSIC?

29. How could the Office build trust and confidence among federal public servants, so that they would be more likely to report a wrongdoing and/or a reprisal?

30. What would be the best way(s) for the Office to raise awareness? In other words, how can the Office best reach out to you and other federal public servants?

## Conclusion

31. Do you have any final comments about anything we have discussed tonight?

**THANK PARTICIPANTS FOR THEIR TIME; COLLECT ALL MATERIALS.**

# Office of the Public Sector Integrity Commissioner of Canada Focus Group Study

## Moderator's Guide – Management Version

**Final Version: November 8, 2011**

## Introduction (5 minutes)

- Introduce moderator and Phoenix
- Thank participants for attending
- Explain general purpose of session:
  - Gauge *opinions* about issues/ideas/communications
  - Not a knowledge test; no right or wrong answers (interested in opinions)
  - Okay to disagree; want people to speak up if hold different view
  - Looking for minority, as well as majority opinion, so don't hold back if you have a comment that may be different from others
- Tonight, we are conducting research on behalf of the Office of the Public Sector Integrity Commissioner of Canada to explore issues related to the reporting of wrongdoing in the federal public sector.
- Looking for candour and honesty; comments treated in confidence; reporting in aggregate form only; taping and note-taking for report writing purposes only; observers behind one-way glass. We understand that tonight's topic is a sensitive one, and therefore we will not ask about anyone's personal experience in this area.
- If you have a cell phone or other electronic device, please turn it off.
- Any questions? ACCEPT BRIEF QUESTIONS BUT DO NOT LINGER.
- Roundtable introduction: Please tell us your first name and the department or agency you work for.

---

*Questions marked with an asterisk are to be asked only if time permits.

## Context/Background (10 minutes)

All of you are managers in the federal public service. I'd like to begin by asking you a few questions about your careers in the federal public sector.

1. How many years have you worked in the federal public service? How many of you have worked for more than one department or agency at the federal level?

2. How long have you been in management positions in the federal public service?

3. As I mentioned in my introductory remarks, tonight we will explore issues related to the reporting of wrongdoing in the federal public sector. Is this something you ever think about or discuss with other managers or employees in the public service? Why do you say that?

   Probe: - think about, but don't discuss (i.e. taboo subject)
   - discuss, but not with colleagues/at work
   - discuss with managers but not employees
   - discuss with managers and employees, but differently

4. Over the past few years, there have been stories in the media about the reporting of wrongdoing in the federal public sector. To what extent would you say you follow this in the media? What, if anything, strikes you about what you have read or heard?

## Understanding & Use of Expressions (10 minutes)

I'd now like to get your feedback on a commonly-used expression to refer to the kinds of issues we'll be talking about tonight.

5. What comes to mind when you hear the expression 'whistle blowing? That is, what does it mean to you?

   Probe: - negative/positive connotations and why
   - extent to which term resonates

6. In your view, does the expression 'whistle blowing' mean the same thing as the expression 'disclosure or reporting of wrongdoing'? If not, how does it differ?

   Probe: - same/different connotations?

## Issues Related to Reporting of Wrongdoing (50 minutes)

For the sake of consistency, I'll use the expression 'wrongdoing' or 'reporting of wrongdoing' for the rest of the evening to refer to the issues we'll be talking about.

7. What types of actions do you think constitute wrongdoing within the federal public sector? Can you give me examples? NOTE EXAMPLES IDENTIFIED AND ADD ANY NOT LISTED

   Examples: - Theft of public property

- Misuse of public funds/assets
- Gross mismanagement
- Acts/omissions that endanger life/health/safety
- Breaking laws/Acts of Parliament
- Breaching codes of conduct
- Knowingly guiding someone to commit wrongdoing

8. In your view, what responsibility do federal employees have to report a wrongdoing they knew about?

9. As managers, do you think you have any specific role or responsibilities in this area? If so, what are they?

10. Are you are aware of any mechanisms or procedures in place to report a wrongdoing in the federal public service, and that provide protection for those reporting the wrongdoing? If so, what is in place? What do you know about this?

11. Prior to our contacting you for this study, had you heard of the Office of the Public Sector Integrity Commissioner of Canada? GET HAND COUNT

IF AWARE OF PSIC:

12. What do you know about it?

    Probe: - positive/neutral/critical impressions

**ROTATE ORDER OF QUESTIONS 14/15 and 16/17 FROM GROUP TO GROUP**

There are a variety of factors that someone might consider when deciding whether or not to report a wrongdoing that they know about that has been committed within the federal public service.

13. What would encourage or motivate you to report a wrongdoing? Anything else? NOTE SUBSTANTIVE VS. PROCEDURAL ISSUES

    Probe:
    - Certainty/proof of wrongdoing
    - Perceived severity of wrongdoing
    - Guaranteed anonymity/confidentiality
    - Support/encouragement/structures in place for reporting
    - Knowledge of process/who to contact
    - Confidence in process (e.g. independent/impartial investigation)
    - Confidence in outcome (e.g. consequences/appropriate action)

14. *What do you think would encourage or motivate an employee to report a wrongdoing to you as a manager or bring it to your attention?

15. What concerns or apprehensions would you have about reporting a wrongdoing? NOTE SUBSTANTIVE VS. PROCEDURAL ISSUES

    Probe:
    - Fear of reprisal
    - Stigma/work culture that frowns on disclosure
    - Lack of knowledge/uncertainty about process/how to proceed

- Lack of confidence in process/procedure/investigation
- Complexity of process/time commitment

16. What concerns or apprehensions do you think an employee might have about reporting a wrongdoing to you or bringing it to your attention?

17. Is there anything that could be done to make public servants at every level feel that they will be protected from reprisals if they report a wrongdoing?

18. If you wanted to report a wrongdoing, how would you proceed? What steps would you take?

    Probe: - approach colleagues, ombudsman, senior officer, Office of the Public Sector Integrity Commissioner

19. What if an employee approached you about reporting a wrongdoing? Would you advise them to proceed in the same way? If not, why not? What role, if any, would you play in such a situation?

## Review of Brochure (35 minutes)

I'm now going to hand out a short document prepared by the Office of the Public Sector Integrity Commissioner of Canada. The document is a mock-up of a brochure that provides information about the Office. I'll give you a few minutes to read it. Please do this, on your own in silence, and we'll talk about it as a group when everyone is finished. When you are reading the document, please focus exclusively on the content, not format or design features. Please circle anything that is unclear to you, and put a 'plus sign' beside anything you react positively to, and a 'negative sign' besides anything you react negatively to, for whatever reason, or potentially caused concern. Is this clear? CLARIFY AS NEEDED.

HAND OUT DOCUMENT. BEGIN WITH OPTION A IN ONE GROUP AND OPTION B IN THE OTHER. ALLOW PARTICIPANTS ENOUGH TIME TO READ IT, THEN CONTINUE. FOR THE PURPOSES OF THIS RESEARCH, THE DOCUMENTS WILL BE DISTINGUISHED ACCORDING TO THEIR OPENING STATEMENT.

Option A: Are people ignoring the rules?

Option B: Whistleblowing and Protection

20. First, what is your overall impression of what you just read? Why? Anything else?

    Probe: - positive/neutral/critical reaction
    - focus only on content, not on format

21. What did you learn that you did not know before? Anything else?

22. What did people put 'plus signs' beside? That is, what did you react positively to? Why? Anything else?

Probe: - would this make you (more) comfortable about approaching the Office?

23. And what did people put 'negative signs' beside? That is, what did you react negatively to or created concern? Why? Anything else?

    Probe: - would this make you (more) concerned about approaching the Office?

So far, we've been discussing the brochure's content, and its impact and value in terms of your understanding of related issues. Now I'd like to briefly focus on the brochure as a communications tool.

24. In your view does the brochure do a good job telling you the main things you want to know about PSIC and about reporting wrongdoings and reprisals? Why/why not?

25. Is there any important information missing, something else that you want to know? If so, what?

26. *After reviewing this information, do you feel better equipped as a manager to deal with this issue?

I'm going to hand out another version of the brochure. The only difference between this version and the first one is the opening statement, so you do not have to look beyond the first page. I'll give you a moment to read the statement and then reread the statement on the first brochure. Then we'll continue our discussion.

HAND OUT DOCUMENT. ALLOW PARTICIPANTS TO REVIEW COVER PAGE AND COMPARE IT TO THE FIRST VERSION, THEN CONTINUE.

27. Which version do you prefer? HAND COUNT. Why do you say that? PROBE PERCEIVED STRENGTHS OF EACH OPENING STATEMENT

28. *How could the brochure be improved to make it more effective as a communications document?

    Probe: - content suggestions
    - format suggestions

## Related Issues (10 minutes)

29. All things considered, and based on what you now know about the Office, how likely would you be to report a wrongdoing and/or a reprisal? Why do you say this?

    Probe: - more/less likely than before?
    - circumstances under which they would/would not approach the Office
    - more likely to report a wrongdoing or a reprisal?
    - more likely to report internally than directly to PSIC?

30. And based on what you now know, how would you advise an employee who approached you about reporting a wrongdoing and/or a reprisal? Would you advise them differently than you would have before reading the information about PSIC?

31. How could the Office build trust and confidence among federal public servants, so that they would be more likely to report a wrongdoing and/or a reprisal?

32. What would be the best way(s) for the Office to raise awareness? In other words, how can the Office best reach out to you and other federal public servants?

## Conclusion

33. Do you have any final comments about anything we have discussed tonight?

**THANK PARTICIPANTS FOR THEIR TIME; COLLECT ALL MATERIALS.**

## BROCHURE

Whistleblowing and Protection
The Office of the Public Sector Integrity Commissioner investigates wrongdoing and protects whistleblowers from reprisal. It's the law.
Office of the Public Sector Integrity Commissioner of Canada
Commissariat à l'intégrité du secteur public du Canada

Are people ignoring the rules?
Are the same problems occuring again and again in my workplace?
Does this respect taxpayers' dollars?
Could this hurt someone or damage the environment?

Tell us.
You are protected.

Office of the Public Sector Integrity Commissioner of Canada

Commissariat à l'intégrité du secteur public du Canada

## Who we are

We are an independent federal organization created in 2007 under the *Public Servants Disclosure Protection Act* (the *Act*). We are led by an Integrity Commissioner who reports directly to Parliament. We are a micro-organization made up of about 35 employees serving over 400,000 public servants. We have jurisdiction over all federal public sector organizations, including parent Crown Corporations, except:

- Canadian Security Establishment (CSE)
- Canadian Security Intelligence Service (CSIS)
- Canadian Forces

## What we do

We receive, review and investigate allegations of wrongdoing within the federal public sector. We also provide protection from reprisals for public servants who have made a disclosure of wrongdoing.

## What is wrongdoing?

- An act or omission that creates a significant and specific danger to the life, health or safety of people or the environment
- A misuse of public funds or a public asset
- A gross mismanagement in the public sector
- Breaking any Act of Parliament or legislature of a province or territory
- A serious breach of a code of conduct established under the *Act*
- Knowingly guiding someone to commit a wrongdoing

Under the *Act*, as an employee of the federal public service, you can also disclose wrongdoing to:

- Your direct supervisor
- The Senior Officer responsible for internal disclosure in your organization (also called ombudsman, integrity officer or values and ethics officer, etc.)

***Even if you are not part of the federal public service, you can still contact our office directly with information about potential wrongdoing in the federal public sector.***

## What is reprisal?

Any action taken against a person because they made a disclosure or cooperated in an investigation. This can include:

- Disciplinary measures
- Demotion
- Termination of employment
- Any other measure that could negatively affect employment or working conditions

***Even threatening to do any of these actions is considered reprisal***

Our Office has exclusive jurisdiction to deal with complaints of reprisal. If the facts found during an investigation indicate reprisal action may have been taken against a public servant or former public servant, we will refer the case to the Public Servants Disclosure Protection Tribunal to make a determination and order remedial action as required.

## Confidentiality provisions

**If you disclose potential wrongdoing to the Office of the Public Sector Integrity Commissioner, your information is kept in strict confidence and your identity protected to the extent possible under the law. Also, any information we obtain in the course of an investigation is protected under the *Access to Information Act* and the *Privacy Act*.**

**How do I contact the Office of the Public Sector Integrity Commissioner?**

In person:
60 Queen Street, 7th Floor
Ottawa, Ontario K1P 5Y7

Through our website:
www.psic-ispc.gc.ca

By phone:
Telephone: 613-941-6400
Toll Free: 1-866-941-6400
Facsimile: 613-941-6535
or 613-946-2151
(secure transmission)