

## FINAL REPORT

### Exploring the Culture of Whistleblowing 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

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The Office of the Public Sector Integrity Commissioner of Canada (PSIC) commissioned Phoenix SPI to conduct research to explore the culture of 'whistleblowing' in the federal public sector. The main objective of the research was to gain a deeper understanding of the factors that contribute to the fear of reprisal and to identify measures that could be taken to address and minimize this fear.

A set of 10 focus groups was conducted November 3-10, 2015 with federal government employees, with two groups in each of Ottawa, Winnipeg, Regina, Quebec City, and Moncton. 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.**

### Attitudes Towards Whistleblowing

Participants identified a variety of considerations that come to mind when they think about whistleblowing in the public service. Potential reprisal was the most commonly identified one, but other frequently identified considerations included the possibility of repercussions (a repercussion being a consequence which may accompany whistleblowing rather than a deliberate attempt to retaliate against a whistleblower), power relations between those involved, examples of wrongdoing, and/or examples of whistleblowers (e.g., Edward Snowden), process-related issues related to the reporting of wrongdoing (i.e., procedures and mechanisms in place and perceptions/assessments of the process itself), and the extent to which there is evidence of wrongdoing.

Most participants described their own attitude towards whistleblowing in the public service as positive, tending to focus on their perceptions of whistleblowers as courageous, on their actions as revealing integrity and professionalism, and on their behavior as exemplary. While most participants were positive, many expressed attitudes which were more nuanced, mixed, or qualified. This included the impression that while whistleblowing shows the integrity and courage of whistleblowers, it also reveals that something bad is occurring in the workplace, the impression that while whistleblowers need to be supported, the process can be abused and misused, the impression that while procedures exist to support and guide whistleblowers, there needs to be more buy-in from upper management and a clearer understanding of the process for those considering whistleblowing, and the view that while reporting of wrongdoing is a good thing in principle, there are difficulties and complications which need to be considered. The few who expressed mainly critical or negative attitudes towards whistleblowing explained that their point of view was based on pessimism, scepticism, or cynicism regarding the process of reporting wrongdoing and the likely outcome.

Most participants were of the opinion that in the course of their own careers in the federal public service things have changed concerning whistleblowing. They were most likely to suggest that there is much more awareness-raising and consciousness-building about whistleblowing in general. This is reflected in greater openness and receptivity to

discussions about whistleblowing, more information and messaging about whistleblowing, and more emphasis on values and ethics in general. Along with greater awareness and consciousness about whistleblowing, participants routinely suggested that there are more official measures/procedures in place to support and facilitate whistleblowing.

On the other hand, while some participants acknowledged these changes, they were sceptical about the extent to which things had really changed in the federal public service, suggesting that such changes amount to 'window-dressing' and that there has to be more buy-in from upper management in order for there to be any real change in terms of the acceptability of whistleblowing. These changes across the public service, in other words, generally need to trickle down to the managerial level in order to result in palpable change.

Managers were unanimous that they have a definite role to play when it comes to the disclosure of wrongdoing. These responsibilities fell into two categories: their role and responsibilities regarding an employee who has witnessed wrongdoing, and their role and responsibilities if they themselves have witnessed wrongdoing. Their role and responsibilities towards an employee were seen to include being open and receptive on issues related to whistleblowing, being aware of legislation, regulations, and procedures as well as the resources and options available for those considering reporting wrongdoing, being a sounding board for employees when and if they do come forward, and understanding how to move things forward when and if a report of wrongdoing goes ahead. In terms of their role and responsibilities if they have witnessed wrongdoing, managers were unanimous that they have a duty to lead by example by disclosing wrongdoings of which they are aware.

### **Issues Related to the Reporting of Wrongdoing**

Participants identified a range of factors or considerations which would encourage or motivate them to report wrongdoing. The following considerations were routinely identified in all or most groups: sufficient evidence or certainty of wrongdoing, support from other witnesses, the perceived severity of the wrongdoing, certainty or a guarantee of anonymity, a simple sense of justice and a sense of loyalty to the federal public service and the people of Canada, support or buy-in regarding such reporting at higher echelons, and a positive previous experience reporting a wrongdoing.

When it came to concerns about reporting a wrongdoing, participants routinely identified the following: possible reprisals, the strength of their evidence/proof, and lack of anonymity and confidentiality. Asked what concerns an employee might have about reporting a wrongdoing to them or bringing it to their attention, managers most often identified fear as a key factor. This included fear of lack of support, fear of loss of anonymity, fear of reprisals, fear of taking on hierarchy/power, fear of the effect of reporting on the work climate, and fear of repercussions in terms of possible career development.

Considerations common to both managers and employees when it comes to reporting a wrongdoing included considerations of anonymity and confidentiality, considerations of the evidence (e.g., do I have proof/evidence, does this fall under/meet the criteria of wrongdoing?), consideration of potential other avenues for dealing with the issue, questions about the extent to which one will be supported, and consideration of possible consequences (e.g., consequences/repercussions on the workplace, on the person being accused, and the consequences of not reporting).

Managers were generally reluctant to advise employees to proceed in the same way they would when reporting wrongdoing. Instead, they focused on what they understand their role to be in such circumstances. This was typically described as involving the following: maintaining the trust/confidence of employees, listening/paying close attention to what employees say, informing the employee in question of any action you think you as a manager need to take, being well informed about policies and procedures, and recommending that the employee show professionalism and discretion.

## **Fear of Reprisals**

Most participants believe that fear of reprisals for reporting wrongdoing is a real concern. Indeed, in each group the topic of reprisals was raised by participants before being introduced as a topic of discussion.

Routinely identified potential types of reprisals included ostracism, getting fewer projects or losing projects/being blacklisted from assignments, loss of one's job, being re-assigned or transferred, being given work no one else wants or being given an increased workload, harassment, receiving poor evaluations, increased scrutiny of one's own work, inability to get references, and absence of promotion opportunities. A majority of managers in each group believe that concerns about reprisals for reporting wrongdoing are as justified or more justified for public servants in management positions, as they are for public servants in non-management positions.

## **Suggestions for Reducing Fear of Reprisals**

Participants identified a number of things that could be done within the work culture or workplace environment as well as within the regime for reporting wrongdoing to address/reduce fear of reprisal. Suggestions regarding what could be done within the work culture or workplace environment most often focussed on management-related issues. Such suggestions included more buy-in from upper management in the form of a zero-tolerance policy regarding wrongdoing and reprisals, more buy-in from upper management in the form of greater interaction between managers and employees, more and better training, guidance, and support for managers on issues related to reporting of wrongdoing, providing employees with more access points/opportunities to meet with managers/directors, ensuring more transparency and accountability at the managerial level, and better recruitment of senior managers.

Suggestions regarding what could be done within the regime for reporting wrongdoing to address/reduce fear of reprisal included ensuring anonymity and confidentiality throughout the process, training/information on reporting mechanisms and what is expected of managers and employees, providing counselling for those reporting/disclosing a wrongdoing, union involvement, ensuring a strong, independent, third-party process for investigating cases of wrongdoing and making decisions, a process for reporting reprisals, and the possibility of transfer to another department/agency in cases of suspected reprisal.

There was a virtual consensus among participants that the fear of reprisal could not be eliminated altogether as a concern when reporting wrongdoing. It was suggested, however, that the point is not to eliminate fear of reprisal altogether, but to reduce it to the point where it does not prevent whistleblowing.

## Awareness and Knowledge of Reporting Mechanisms

Participants in all groups tended to react positively to information in a video they were shown which was produced by PSIC related to disclosing wrongdoing in the federal public sector. In explaining their positive impression, participants observed that the information in the video is important and may not be widely known, that the information answered some of their own questions regarding the reporting of wrongdoing, that the video shows that the issue of reporting wrongdoing is taken seriously, that public servants are more likely to consider reporting wrongdoing knowing there is a process in place, and that it is reassuring to know that PSIC exists.

Asked if they learned anything that they did not know before, a number of participants indicated that they were not aware of PSIC prior to seeing the video. As a result, participants often said that almost everything in the video was new information to them. Specific pieces of information routinely identified as new included the existence of different avenues/options for reporting wrongdoing, the ability to go directly to PSIC, the five categories of wrongdoing, the ability to report reprisals, the existence of a tribunal for dealing with reprisals, the existence and nature of sanctions for reprisals, and the extent of PSIC's power to intervene.

## Communications-Related Issues

Participants identified a number of methods to effectively reach out to federal public servants. Suggestions identified frequently included having ads running on a loop on departmental televisions, pamphlets distributed to new employees as part of their welcome package, information panels/posters in departmental lobbies, meet and greet sessions/workshops/information sessions with PSIC, a module on reporting wrongdoing in values and ethics courses, and mandatory training on these issues as part of the formal training of managers.

When it came to how PSIC could better communicate about the regime in place for dealing with whistleblowing, participants tended to focus on the importance of positive messaging. Three themes emerged: supporting whistleblowers, fostering confidence in the reporting process, and appealing to public servants' sense of duty/obligation when it comes to reporting wrongdoing. Underlying and informing this emphasis on positive messaging was an emphasis on the personal as opposed to the impersonal (i.e., a focus on addressing public servants individually and directly by using the term 'you').

In terms of how to convey to public servants that reprisals are taken seriously, participants most often suggested that PSIC focus its messaging on the Office's track record in this regard by providing statistics and emphasizing positive outcomes/success stories. Some, however, were not persuaded that this is the right focus. They reasoned that while it is important and just that anyone engaged in reprisals be punished, it is not the kind of thing that should be trumpeted or publicized because it draws attention to the fact that something bad has happened.

## Introduction

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Phoenix Strategic Perspectives Inc. was commissioned by the Office of the Public Sector Integrity Commissioner of Canada to conduct research to explore the culture of 'whistleblowing' in the federal public sector.

## Background and Objectives

The *Public Servants Disclosure Protection Act* (the Act) came into force in April 2007. As a result, the Office of the Public Sector Integrity Commissioner (PSIC) was created. PSIC is responsible for administering the Act and is an impartial organization that any person can contact, in complete confidence, to disclose information about wrongdoings committed in the public sector. It also helps protect from reprisal public servants who made a disclosure of wrongdoing or participated in an investigation into wrongdoing.

Results from the Public Sector Employee Survey suggest that a culture of fear of reprisal still exists in the federal public sector despite various efforts to promote a workplace free of harassment and discrimination. The objective of this research, therefore, was to gain a deeper understanding of the factors that contribute to the fear of reprisal and to identify measures that could be taken to address and minimize this fear.

## Research Design

To address the research objectives, a set of 10 focus groups was conducted between November 3<sup>rd</sup> and 10<sup>th</sup> with federal government employees, with two groups in each of Regina, Winnipeg, Ottawa, Quebec City, and Moncton.

- 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<sup>1</sup> and a maximum of one from any other departments/agencies.
  - No participants were recruited from the Canadian Security Establishment (CSE), the Canadian Security Intelligence Service (CSIS), and the Canadian Forces (CF) as they are excluded from PSIC's purview.
- 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.

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<sup>1</sup> Larger departments/agencies include ESDC, 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.
- Recruitment was undertaken by Research House, under sub-contract to Phoenix.
- In terms of the sample frame, the list used to recruit participants was pulled together by Phoenix using the Government Electronic Directory Services (GEDS).
- On an as-needed basis, a validation letter, signed by the Public Sector Integrity Commissioner on Office 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.

The investigators for this study were Alethea Woods and Philippe Azzie. Philippe moderated the focus groups in Ottawa, Quebec City and Moncton. Alethea moderated the groups in Winnipeg and Regina. Both moderators contributed to the final report.

### Enquiries about the Research

During the recruitment phase of this study, PSIC received several calls to confirm the validity of the research. Some of the calls were from those public sector employees and managers who had been contacted by the research company to participate in a focus group. The rest of the calls were from individuals representing the values and ethics groups within these organizations who had been approached by staff who had been recruited or who had heard about the research. The Treasury Board Secretariat (TBS) was also contacted by one of these values and ethics groups for guidance. TBS had been briefed on the project prior to its commencement.

As noted, the reason for the calls was to get guidance on whether or not it was acceptable to participate in the research, or in some cases, to report what they felt were fraudulent phone calls. The main concern was accepting an honorarium as a public servant. PSIC staff referred to the Public Works and Government Services Canada's Standards for the *Conduct of Government of Canada Public Opinion Research – Qualitative Research* and explained that the compensation being offered was an industry standard, made available to cover any incidental expenses associated with their participation. They also clarified that participation was voluntary and that the focus groups would take place after regular work hours.

This message was repeated in the validation letter (see Annex 3), which was offered to potential participants, as needed, during the recruitment phone call.

### Notes to Readers

- 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.
- Appended to this report are the following materials: the recruitment screener, the moderator's guides, and the validation letter.

## Contextual Information

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This brief introductory section provides background information about participants' careers in the federal public sector.

### **Length of Time Working in Federal Public Sector Varies Widely**

As per the requirements of this research, all participants work in the federal public service. The length of time participants have been members of the federal public service varies considerably, ranging from as recently as the past year to as long as 33 years. Most participants, however, have been working in the federal public service for at least a decade.

The length of time managers have occupied management positions in the federal public service also varies widely, ranging from as recently as three months to as long as 27 years. Most managers, however, have been in such positions for at least five years, and many have occupied management positions for over a decade.

### **Most Have Worked for More than One Federal Department/Agency**

In the course of their careers in the federal public sector, most participants have worked for more than one department or agency, though managers were more likely than employees to have worked for more than one department or agency.



## Attitudes Towards Whistleblowing

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This section reports on participants' attitudes towards the reporting of wrongdoing within the federal public sector. For the sake of consistency, 'whistleblowing', the commonly-used expression to refer to the disclosure of wrongdoing, was used to structure discussion of this phenomenon. The corresponding French expression, 'dénonciation', was used in groups with French-speaking participants.

### Various Considerations Come to Mind About Whistleblowing, Including Reprisals

Participants had no difficulty identifying considerations that come to mind as public servants when they think about whistleblowing in the public service. Moreover, the considerations identified tended to be similar across groups and audiences (i.e., among managers and employees). To the extent that there were differences, they tended to represent variations on the following common themes:

- *Possibility of reprisals, retaliation:* The possibility or apprehension of potential reprisal or retaliation was the most commonly identified consideration coming to mind when thinking about whistleblowing. This concern was identified by at least a few participants in every group. Participants often used the expression 'career limiting move' or the acronym 'CLM' to refer to the phenomenon of reprisal in a general way. Others provided specific examples of potential reprisals, such as job loss, workplace ostracism, and even vandalism. While both managers and employees identified this consideration, it was more likely to be mentioned and emphasized by employees. Employees were also more likely to emphasize the aspect of fear associated with the possibility of reprisals. In other words, they were more likely to refer specifically to 'fear' of reprisal, including fear related to job protection and job security.
- *Possibility of repercussions:* The possibility of repercussions attending whistleblowing was also frequently identified by participants as a consideration. Repercussions differ from reprisals in that a repercussion is a consequence, which rightly or wrongly, may result from whistleblowing whereas a reprisal is a deliberate or willful attempt to retaliate against a whistleblower. Examples of possible repercussions on whistleblowers included a negative impact on their physical and/or psychological wellbeing, loneliness, and being perceived by others as a 'black sheep' or 'trouble-maker'. Other examples included a negative impact on the work environment, including a negative effect on trust and collegiality, damage to the image or reputation of the public service, and the possibility of an incident making front-page news or being sensationalized.

While both managers and employees identified this issue, managers were more likely to emphasize repercussions on the work environment or the public service in general, while employees were more likely to emphasize repercussions on the whistleblower. It is noteworthy that while the perception of whistleblowing as a career limiting move was often characterized as a form of reprisal, it was also sometimes perceived as a possible repercussion (e.g., acquiring a reputation as a 'trouble-maker' could, regrettably, adversely affect one's career advancement).

- *Power relations:* Another consideration identified routinely by participants when thinking about whistleblowing concerns power relations between those involved, specifically the

possible difference in power between the whistleblower and the individual accused of wrongdoing. The underlying assumption here was that the whistleblower occupies the weaker position. Within this context, participants used expressions such as 'power imbalance', 'abuse of power', 'taking on the powers that be', and 'acting against people in authority'. It was often with this phenomenon of power relations in mind that participants observed that it takes courage for someone to be a whistleblower. It was also with this in mind that some participants observed that it is important to protect and support whistleblowers. While both managers and employees identified this consideration, it was more likely to be identified and emphasized by employees.

- *Examples of wrongdoing or whistleblowing:* When thinking about whistleblowing, a number of participants tended to consider or think either about the type of phenomena which constitute wrongdoing, and/or examples of whistleblowers. The most commonly cited example of the latter was Edward Snowden. Phenomena identified as constituting wrongdoing included abuse of public funds, fraud, and not following rules (e.g., rules governing procurement). A few observed generally that wrongdoing covers a range of different things.
- *Process-related issues:* Participants also routinely identified issues related to the process of reporting of wrongdoing. Such considerations fell into two main categories: considerations regarding procedures and reporting mechanisms, and perceptions of the process itself. Considerations regarding procedures and mechanisms included the importance of having legislation in place as well as supports, mechanisms, and procedures for whistleblowing. Along these lines, the importance of maintaining the confidentiality/anonymity of whistleblowers was particularly emphasized. Perceptions of the process included the impression that it could be long and involved, that it could be a real battle for the whistleblower, and that the result could be uncertain. Employees were more likely to focus on perceptions of the process while managers were more likely to focus on the importance of procedures and mechanisms.
- *Evidence of wrongdoing:* A number of participants also tend to consider or think about the extent to which there is evidence of wrongdoing when they think about whistleblowing in the public service. This includes the degree of certainty that there has been wrongdoing, the nature of the proof or evidence, and the existence of grey areas when it comes to what is covered under the rubric of wrongdoing. Managers were more likely to explicitly emphasize the need for or the importance of evidence when reporting wrongdoing.
- *Whistleblowing as the right thing to do:* Some participants specified that when they think about whistleblowing they tend to think about it as the right thing to do, with several managers specifying that it is an obligation to Canadians to disclose wrongdoing in order to ensure that the public service is transparent and accountable to the public.
- *Negative connotations:* Some participants observed that though whistleblowing is encouraged in the public service, the phenomenon and the term still have negative connotations.

## Mostly Positive Attitudes Towards Whistleblowing

Most participants described their own attitude towards whistleblowing in the public service as positive. Positive impressions tended to focus on perceptions of whistleblowers themselves, with participants routinely observing that whistleblowers are courageous (some specifying that it takes courage because of the possibility of reprisals), that their actions reveal integrity and professionalism, and that their behaviour is exemplary. Several managers noted that it is their duty or obligation to report wrongdoing.

Related to positive impressions of whistleblowers was the perception that they should be supported and protected for doing the right thing. Positive attitudes towards whistleblowing also focused on the consequences of not reporting wrongdoing, with some participants (mostly managers) suggesting that wrongdoing could get worse if left unreported, and that not reporting it is tantamount to condoning it.

While most were positive or generally positive, many participants expressed attitudes that were more nuanced, mixed, or qualified. These attitudes included the following points of view, each of which was identified by at least a few participants in most groups:

- Whistleblowing as a phenomenon has both positive and negative dimensions. It is positive insofar as it shows the integrity and courage of whistleblowers, but negative insofar as the need to disclose reveals that something bad is occurring in the workplace or the work environment. It reveals the best and the worst in human nature.
- Whistleblowers need to be supported, encouraged, and protected, so a process or system needs to be in place. However, the process can be abused and misused (e.g., used to falsely accuse someone in pursuit of a personal vendetta), or even side-stepped (e.g., going straight to the media).
- While measures and procedures are in place to support and guide whistleblowers (which was viewed as a good thing), there needs to be more buy-in from upper management and a clearer understanding of the process for those considering whistleblowing.
- Reporting of wrongdoing is a good thing in principle, but it is important to keep in mind that there are difficulties and complications that need to be considered (i.e., the issue may not be black and white). For example, one needs to consider such things as the level at which wrongdoing is occurring, the severity of the wrongdoing, and the possibility of resolving the issue in another way.

Relatively few participants expressed mainly critical or negative attitudes towards whistleblowing. Those who did explained that their point of view was based on pessimism, scepticism, or cynicism regarding the process of reporting wrongdoing and the likely outcome. This included the impression that while whistleblowing is encouraged in principle, whistleblowers are still more likely to be punished than rewarded for their actions and to be perceived negatively (e.g., as snitches). In addition, there was an impression among some participants that despite legislation and measures in place, the chances of reporting a wrongdoing and coming out of the process unscathed are limited. While there might be some 'success stories', the perception was that the deck is stacked against whistleblowers. Employees were more likely than managers to be critical of whistleblowing in this way (i.e., more pessimistic, sceptical, or cynical).

Most say their attitude towards whistleblowing has not changed significantly over time. Those whose attitudes have changed were most likely to say that they have become less naïve, more pessimistic, or more cynical about the process. A few participants mentioned that their attitude has changed as a result of cultural change over time in the federal public service. Some managers indicated that their attitude has changed in the sense that once they became managers they became more conscious of their role and responsibility in this area.

### **More Awareness/Processes in Federal Public Service about Whistleblowing**

Most participants, including a majority in most groups, were of the opinion that in the course of their own careers in the federal public service things have changed concerning whistleblowing. Participants who did not share this opinion were more likely to say they were unable to assess this given their limited time in the federal public service.

Those who think things have changed were most likely to suggest that there is much more awareness-raising and consciousness-building about whistleblowing in general. In other words, it is on the radar screen in a way it was not in the past. This is reflected in the following:

- Greater openness and receptivity to discussions about whistleblowing, including more discussions between managers and employees about the topic.
- More information and messaging about whistleblowing.
- More emphasis on values and ethics in general, as well as inclusion of the topic of whistleblowing in training on values and ethics.

Along with greater awareness and consciousness about whistleblowing, participants routinely suggested that there are more official measures/procedures in place to support and facilitate whistleblowing (though there was less certainty regarding the extent of awareness about these processes). Examples included whistleblower legislation, the creation of PSIC, and internal departmental resources and procedures concerning whistleblowing.

A few managers identified the following specific changes:

- Greater difficulty committing wrongdoing because of controls and regulations now in place.
- More collective than individual disclosures over time, due perhaps to a feeling that there is safety in numbers.

A number of participants suggested that while changes had taken place across the federal public service in general, certain departments or agencies were likely 'better' than others in terms of receptivity towards whistleblowing, with some adding that the culture in some departments and agencies is still not receptive to whistleblowing despite changes brought in to the public service in general. It was also suggested that one of the gauges of change regarding whistleblowing is the attitude and receptivity of managers to it. In other words, changes across the public service in general need to trickle down to the managerial level in order to result in palpable change. With this in mind, it was suggested that not only are

some departments better than others, but some managers are also better than others when it comes to dealing with whistleblowing.

As a result of the two most frequently identified changes (i.e., greater awareness-raising/consciousness-building and more official measures/procedures), many participants suggested that it is now both easier and more acceptable to report wrongdoing in the public service. It was also suggested that as a result of such changes there is likely more confidence in the system for reporting wrongdoing.

On the other hand, while some participants acknowledged these changes, they were sceptical about the extent to which things had really changed in the federal public service, suggesting that such changes amount to 'window-dressing' and that there has to be more buy-in from upper management in order for there to be any real change in terms of the acceptability of whistleblowing.

### **Managers Unanimous They have Role to Play in Disclosing of Wrongdoing**

Managers were unanimous that they have a definite role to play when it comes to the disclosure of wrongdoing. These responsibilities fell into two categories: their role and responsibilities regarding an employee who has witnessed wrongdoing, and their role and responsibilities if they themselves are a witness to wrongdoing.

Their role and responsibilities towards an employee who has witnessed wrongdoing were routinely identified as including the following:

- To be open and receptive on issues related to whistleblowing. This includes building/fostering trust among employees so that they feel comfortable and confident that they can come to their manager regarding such issues, even if only to talk about them.
- To be aware of legislation, regulations, and procedures regarding the reporting of wrongdoing, as well as the resources and options available for those considering reporting wrongdoing.
- To be a sounding board for employees when and if they do come forward. This includes counselling, advising, and informing employees about their options, as well as supporting them if they go ahead with a report of wrongdoing.
- To understand how to move things forward when and if a report of wrongdoing goes ahead. This includes advising employees to follow established procedures.

When it came to their role and responsibilities if they themselves have witnessed wrongdoing, managers were unanimous that they have a duty to lead by example by disclosing wrongdoings of which they are aware. A few added that they also have a responsibility to intervene before things get to the point where a wrongdoing has occurred. In other words, if they see someone heading down a path that could result in wrongdoing they have a responsibility to intervene in order to prevent this happening. In short, when it comes to wrongdoing a manager should not only be reactive but also proactive in their actions.



## **Managers Talk About Whistleblowing**

Although not a regular or routine topic of conversation, nearly all managers indicated that wrongdoing in the federal public sector and issues related to it is something they discuss or have discussed on occasion with employees, managers, or both. In short, it is not a taboo subject. That being said, as a topic of conversation or discussion it tends to come up in specific contexts or circumstances only. These include the following:

- Within the context of discussions about values and ethics or in the context of values and ethics training.
- As a result of specific events, issues, or circumstances (e.g., employee survey results showing that employees have concerns about values and ethics in their department).
- In the context of one-on-one interviews/performance evaluations with employees.
- When there are changes, developments, or updates regarding legislation, policies, regulations, positions, or procedures (e.g., if there is a new senior contact person for reporting wrongdoing in a department).
- When new employees join the department they are given basic orientation/information about these issues.

A few managers said that they also encourage their employees to approach them about such issues when and if they feel a need or desire to do so.

## Issues Related to Reporting of Wrongdoing

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This section presents feedback on issues related to the disclosure of wrongdoing, with a focus on factors to consider when deciding whether or not to report wrongdoing.

### Variety of Encouragements/Motivations to Report Wrongdoing

Participants easily identified factors or considerations that would encourage or motivate them to report wrongdoing. Moreover, employees and managers tended to focus on the same or similar considerations including the following, which were routinely identified in all or most groups:

- *Certainty/proof/evidence of wrongdoing:* Participants routinely indicated that a key factor, not to say necessary condition, which would motivate or encourage them to report wrongdoing would be sufficient evidence or certainty that they were correct in their assumptions. In the words of one participant: *It has to be black and white. There can be no grey zone.*
- *Other witnesses/support:* Many said they would be motivated to report wrongdoing if there were other witnesses supporting them. While such support was sometimes seen as additional proof or evidence corroborating their claim, others emphasized the motivational force of security in numbers when it comes to reporting wrongdoing.
- *Perceived severity/gravity:* There was a widespread feeling that the greater the wrongdoing, the greater the motivation to report it. Key considerations in determining the severity of the wrongdoing included the following:
  - Can the issue be resolved without recourse to a formal report of wrongdoing?
  - Is this a recurring issue/problem or a single incident?
  - How badly is this affecting the work environment (e.g., is it inhibiting the ability to do work, has it created a toxic environment, is it affecting my health or that of co-workers)?
  - Does it involve matters about which there should be zero-tolerance (financial matters/fraud)?
- *Anonymity/confidentiality:* There was also widespread agreement that certainty or a guarantee of anonymity would encourage reporting of wrongdoing. Some added that this would be essential to dealing with fear of reprisals.
- *Sense of justice/doing right thing:* Many said they would be motivated by a simple sense of justice, including the belief that if they do not report a wrongdoing they are condoning it and culpable.
- *Integrity and image of public service:* In addition to a sense of justice, many said that they would be motivated to report a wrongdoing by a sense of loyalty to the federal public service and the people of Canada. This included a desire to maintain public trust/confidence as well as to maintain the good reputation of their department and the public service in general.

- *Tone at the top/at higher levels:* A number of employees and managers said they would be more motivated to report a wrongdoing if they felt that there was support or buy-in regarding such reporting at higher levels within their organization.
- *Experience with process:* At least a few participants in most groups stated that they would be motivated to report a wrongdoing if they or someone they know had a positive previous experience reporting a wrongdoing. Concretely, it was suggested that the likelihood of reporting would be higher if there was a sense that there would be real consequences for wrongdoers. In the words of one employee: *the question is: am I ready to go to bat for this?*

Only a few motivations to report wrongdoing were identified exclusively by employees or managers. In the case of managers, a number of them indicated that when it comes to reporting wrongdoing they need to be (and be seen to be) role models. In the words of some of them: *we need to walk the talk*. Related to this, a few managers said that they would be motivated to report a wrongdoing by a sense that they would not be able to face their work team if they did not. For their part, a few employees said that they would be more motivated to report a wrongdoing if they had a sense of security regarding their job status (e.g., if they were a permanent employee instead of a term or casual employee). There was a sense that this would help protect them against potential reprisals or negative repercussions.

### **Concerns or Apprehensions about Reporting Wrongdoing**

As was the case regarding motivations to report a wrongdoing, participants tended to identify the same or similar concerns about reporting a wrongdoing. These included the following routinely identified concerns:

- *Fear of reprisals:* Most employees and managers indicated that they would be apprehensive about possible reprisals for reporting a wrongdoing. This was seen to include counter attacks on their credibility as well as greater scrutiny of their own behaviour to try to find some form of wrongdoing of which they could be accused.
- *Strength of evidence/uncertainty:* Many participants said they might be concerned or have second thoughts about the strength of their evidence/proof. This included possible second thoughts related to the issue of certainty (e.g., did I see what I think I saw?, could it be interpreted some other way?).
- *Lack of anonymity/confidentiality:* Many said that they would be concerned about the maintenance of their anonymity and confidentiality, despite best efforts. For example, some employees suggested that it is likely possible to work out by process of elimination who made a report of wrongdoing, especially within a small work team.

Concerns identified less frequently, but mentioned in most groups included the following:

- *Level at which wrongdoing is happening:* Both employees and managers said they might have apprehensions about reporting wrongdoing depending on the level at which it occurred. Some employees, for example, said they might be reluctant to proceed if wrongdoing involved their manager or a senior manager. For their part, some managers indicated that they might be reluctant if they were reporting on their superiors.

- *Weightiness of process:* This was seen to include the length of the process and time commitments, the complexity of the process and the amount of effort required, and the amount of stress the entire process would cause.

Finally, some employees and managers said they would be worried about word getting out to the public through the media with the result that the story would be sensationalized and that the reputation of the public service in general would be adversely affected.

The following concerns or apprehensions were identified primarily or exclusively by employees. Each was identified by at least a few employees across different groups.

- How will this affect relations in my section/department, especially if it is small? For example, will it make the environment toxic by reducing trust and collegiality? Will there be collateral damage to others (e.g., did the individual's administrative assistant know about this and be punished for having done nothing?)
- Will action be taken and justice done at the end of the day?
- If I'm at the beginning of career, do I want to make waves?
- What do I do if it involves a friend/acquaintance?
- Will I be branded as a trouble-maker or a snitch?

A few concerns were identified exclusively by managers. These included the following:

- Concerns over the extent to which there is buy-in from the top when it comes to reporting of wrongdoing (e.g., what is the tone at the top? will I be supported or vilified?).
- Concerns related to bad experiences with the reporting process.
- Discomfort regarding one's anonymity vis-à-vis the person accused of wrongdoing. This was not a fear of losing anonymity but rather a result of anonymity (i.e., the discomfort that comes from knowing something about someone who doesn't know you know).

### **Fear—Main Concern Employee Might Have About Reporting Wrongdoing to Manager**

Asked what concerns an employee might have about reporting a wrongdoing to them or bringing it to their attention, managers most often identified fear as a key factor. This fear was seen to manifest itself in a variety of ways, including:

- Fear of lack of support.
- Fear of loss of anonymity.
- Fear of reprisals.
- Fear of taking on hierarchy/power.
- Fear of the effect of reporting on the work climate.
- Fear of repercussions in terms of possible career development.

In addition to these concerns, some managers felt that an employee might be concerned about the extent to which they can trust their manager, as well as by lack of knowledge of the process and what might happen once the issue is taken out of their hands.

### **Range of Considerations if Contemplating Reporting Wrongdoing**

Considerations common to both managers and employees when it comes to reporting a wrongdoing included the following:

- Will I remain anonymous/will the process be confidential?
- Am I right about this (e.g., do I have proof/evidence, am I the only one who saw this)?
- Does this fall under/meet the criteria of wrongdoing?
- Can this be handled in some other way/through some other avenue (e.g., through employee evaluations/assessments)?
- Will I be supported throughout the process?
- What are the possible consequences/repercussions on the workplace/work environment and on the person being accused?
- What are the consequences of not reporting?

Factors identified primarily or exclusively by employees included the following:

- How well do I know or understand the process I am about to engage in and what might happen?
- What do others think or know about this?
- Do I know the person I am accusing/is it a team member?
- Is the person accused at or near the beginning of their career?
- What has been the experience of other whistleblowers?
- What is my work status (e.g., am I permanent, casual or term)?

Factors identified primarily or exclusively by managers included the following:

- Is there buy-in at the top/what is the tone at the top?
- At what level has this wrongdoing taken place?
- Are my motives pure?
- If the wrongdoer is an employee, is this my employee or someone else's?
- Is there a possibility of this going public/becoming sensationalized?

### **Managers Would Coach Not Advise Employees Approaching Them about Reporting Wrongdoing**

Managers were generally reluctant to advise employees to proceed in the same way they would when reporting wrongdoing. The reason was that they do not tend to see their role as advising employees what to do or not to do in such situations. Instead, they focused on what they understand their role to be in such circumstances, something they routinely saw as including the following:

- Maintaining the trust/confidence of employees because if an employee approaches a manager on such an issue it is a sign of trust.
- Listening/paying close attention to what employees say because a manager's involvement depends on how much an employee wishes to divulge (e.g., the more they tell their manager, the more the manager may need to get involved).
- Informing the employee in question of any action you think you as a manager need to take (e.g., informing superiors).
- Being well informed about policies and procedures in order to guide employees (i.e., to be able to give them all the info they need to make decision without telling them what to do).
- Recommending that the employee in question show professionalism and discretion (e.g., not talk about the issue openly, follow official procedures).

## Fear of Reprisals

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This section reports on feedback related specifically to the issue of possible reprisals for reporting wrongdoing. As a preamble to this section, it is worth noting that the issue of reprisals was identified and discussed by participants in all groups prior to being introduced as an explicit topic of investigation.

### **Widespread Impression that Fear of Reprisals is a Genuine Concern**

Most participants believe that fear of reprisals for reporting wrongdoing is a real concern. Participants often qualified their assessments by adding that the extent to which such a concern is real can vary depending on context and circumstances. For example, it was suggested that some departments are probably worse than others given their internal culture. In other words, the fear is justified, but to different degrees depending on context and circumstances.

Routinely identified potential types of reprisals against reporting wrongdoing included the following:

- Ostracism, from being shunned or ignored to being excluded from meetings.
- Getting fewer projects or losing projects/being blacklisted from assignments.
- Loss of one's job.
- Being re-assigned to another section, unit or to a satellite office.
- Being given work/assignments no one else wants.
- Increased workload.
- Harassment in the form of counter-suits or vandalism.
- Receiving poor evaluations/performance management.
- Increased scrutiny of one's own work.
- Being transferred/promoted out of the department.
- Inability to get references.
- Absence of promotion opportunities.

Participants who do not think that fear of reprisals is a real concern indicated either that they have never seen any evidence of this or that this should not happen if the process for reporting wrongdoing works as it should.

Given their own impressions, participants were typically not surprised to learn that in the 2011 and 2014 iterations of the federal Public Service Employee Survey just over one-third of respondents indicated that they did not agree that they could initiate a formal recourse process (e.g., grievance, complaint, appeal) without fear of reprisal. To many participants these results corroborate their own concerns in this regard.

Asked what they thought might explain these results, participants usually suggested that it might be explained by any number of factors including personal experience, anecdotal evidence, an extrapolation based on a poor work environment (i.e., a bad work environment may contaminate perceptions of everything associated with work, including the regime in place for reporting wrongdoing), and fear or apprehensions regarding the unknown.

### **Most Managers Believe Reprisals are as Likely or More Likely at Their Level**

A majority of managers in each group believe that concerns about reprisals for reporting wrongdoing are as justified or more justified for public servants in management positions, as they are for public servants in non-management positions. In explaining why they identified the following factors:

- Unlike employees, managers have no union to support them if something happens.
- Like employees, they are part of a hierarchy that includes people above them. If they report a wrongdoing against a superior they may face reprisals from someone more powerful than an employee might have to face (and more skilled in getting away with it).
- The world/environment of executives is much smaller than that of employees. As a result, they can be more easily and effectively be ostracized and adversely affected in their career advancement.
- Even if a manager does not report a wrongdoing, he/she may be suspected of having influenced one (e.g., it may be supposed that an employee was advised by their manager to go ahead with a report of wrongdoing). In other words, the fact that a manager has not initiated a report of wrongdoing does not necessarily protect them from reprisals.
- Managers may not only suffer reprisals from those above them (i.e., senior management), but from their team members as well (e.g., loss of trust, loss of confidence).
- If managers do suffer reprisals, they may have less time to rebuild their careers.

Those managers who think the fear of reprisals is less justified at their level explained that they believe that the higher up one is in the chain the less one has to fear in this regard.

### **Various Suggestions Made to Address/Lessen Concerns About Reprisals**

Participants collectively identified a number of things that could be done within the work culture or workplace environment as well as within the regime for reporting wrongdoing to address/reduce fear of reprisal.

#### Suggestions within the work culture or workplace environment

Suggestions regarding what could be done within the work culture or workplace environment most often focussed on management-related issues. Such suggestions were made by both employees and managers and included the following:

- More buy-in from upper management in the form of a zero-tolerance policy regarding wrongdoing and reprisals.
- More buy-in from upper management in the form of greater interaction between managers and employees. This could include managers and employees attending courses together (i.e., joint learning), periodic consultation of employees by management, and meetings to pass on and discuss information and issues related to the reporting of wrongdoing. It was suggested that more interaction would foster more confidence/trust between managers and employees.



- More and better training, guidance, and support for managers on issues related to reporting of wrongdoing and in terms of developing management skills in general.
- Providing employees with more access points/opportunities to meet with managers/directors and ensuring more transparency and accountability at the managerial level.
- Better recruitment of senior managers.

Additional suggestions regarding the work culture/environment included the following:

- Emphasizing that the bad person is the one who committed wrongdoing, not the whistleblower.
- Publicizing or giving access to data on successful cases of whistleblowing.
- Reducing office gossip/enforcing professionalism about these issues.
- Encouraging collective whistleblowing.
- Involving unions more and having them invest resources in publicizing issues and information related to the protection of whistleblowers. This would help create a more common front on such issues.
- Have PSIC give talks/workshops to employees and managers.

#### Suggestions regarding the regime for reporting wrongdoing

Suggestions regarding what could be done within the regime for reporting wrongdoing to address/reduce fear of reprisal included the following, most of which were made by both employees and managers.

- Ensuring anonymity and confidentiality throughout the process.
- Training/information on reporting mechanisms and what is expected of managers and employees.
- Providing counselling for those reporting/disclosing a wrongdoing.
- Union involvement.
- Ensuring a strong, independent, third-party process for investigating cases of wrongdoing and making decisions.
- Having a process for reporting reprisals.
- In cases of suspected reprisal, provide the possibility of transfer to another department/agency.

It is noteworthy that a couple of these suggestions regarding the regime for reporting wrongdoing point to a lack of awareness of PSIC. This includes the suggestion for an independent, third-party to investigate cases of wrongdoing and making decisions, and a process for reporting reprisals.

#### **Consensus that Fear of Reprisal Cannot be Eliminated Altogether as a Concern**

There was a virtual consensus among participants that the fear of reprisal cannot be eliminated altogether as a concern when reporting wrongdoing. Explanations focussed on the following:

- *Human nature*: Many participants suggested that the possibility of reprisal is rooted in an element of human nature which is the instinct to retaliate whenever one is accused, even if accused justly.
- *The nature of power relationships*: Many suggested that wherever there exist power relationships or differences in power and influence, there is a danger of that power being abused.
- *Fear of the unknown*: Some suggested that wherever there is uncertainty there will be apprehension and fear, and that reporting a wrongdoing launches a process the result of which is uncertain. Hence, the fear or apprehension people feel when reporting a wrongdoing is fear of the unknown, which can never be eliminated. This includes fear of possible (even if not probable) reprisal.

Some participants added, however, that the point is not to eliminate fear of reprisal altogether, but to reduce it to the point where it does not prevent whistleblowing. It was also suggested that fear of reprisal may not be an altogether bad thing in the sense that it might make people think twice about making a false or unsubstantiated claim of wrongdoing.

## **Awareness and Knowledge of Reporting Mechanisms**

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This section reports on feedback related to awareness and knowledge of reporting mechanisms for the disclosure of wrongdoing. In order to ground the discussion, participants were shown a short video produced by PSIC related to disclosing wrongdoing in the federal public sector.

### **Overall Positive Reactions to Information Provided in PSIC Video**

Participants in all groups tended to react positively to the information in the video related to disclosing wrongdoing in the federal public sector. Reasons provided by participants to explain their positive impressions typically included the following:

- The information provided in the video is important and may not be widely known.
- The video provides information that answers questions regarding the reporting of wrongdoing.
- The video shows that the issue of reporting wrongdoing is taken seriously.
- Public servants are more likely to consider reporting wrongdoing knowing there is a process in place.
- It is reassuring to know that PSIC exists.

Positive impressions were underscored by the fact that participants routinely asked if the information in the video is disseminated among federal public sector employees.

### **Existence of PSIC is New Information to Many**

Asked if they learned anything that they did not know before, a number of participants indicated that they were not aware of PSIC prior to seeing the video. This lack of awareness was more likely among employees than among managers, but the very existence of the agency was news to participants across all groups. As a result, participants often indicated that almost everything in the video was new information to them. More specifically, the following pieces of information were routinely identified as new:

- The existence of different avenues/options for reporting wrongdoing.
- The ability to go directly to PSIC.
- The five categories of wrongdoing.
- The ability to report reprisals.
- The existence of a tribunal for dealing with reprisals.
- The existence and nature of sanctions for reprisals.
- The extent of PSIC's power to intervene.

### **Participants Most Likely to React Positively to Emphasis on Protection/Confidentiality**

Participants reacted positively to a variety of things in the video, but they were most likely to react positively to the emphasis on protection of whistleblowers and the emphasis on maintaining confidentiality. This is not surprising, given the importance attributed to this in terms of concerns participants would have about reporting a wrongdoing. Participants sometimes noted that this emphasis on confidentiality/protection builds confidence in the process for disclosing wrongdoing.

Other aspects to which participants often reacted positively included the following:

- The fact that there are different options/avenues for reporting wrongdoing, including the ability to go directly to PSIC.
- The ability to contact PSIC for consultation, to ask questions, or to get information (i.e., not being restricted to contacting PSIC only to report a wrongdoing).
- Acknowledging that fear of reprisals is a real issue (i.e., it is taken seriously).
- The existence of sanctions for reprisals.
- The fact that the video encourages public servants to report wrongdoing (i.e., the message that it is the right thing to do).
- The fact that the video provides people with information about reporting wrongdoing means that they are not simply entering unknown territory should they wish to report a wrongdoing.

### **Prospect of Going Before a Tribunal Makes Many Uncomfortable**

The most frequently identified aspect of the video to which participants reacted negatively or which created some degree of concern was the prospect of appearing before a tribunal of judges in the case of reprisals. It should be noted in this regard that some participants initially misunderstood the circumstances under which someone would appear before the tribunal, thinking that this was a requirement for reporting wrongdoing rather than part of the process for dealing with reprisals.

The only other aspect to which participants reacted negatively with any frequency was the reference to possible reprisals. In fact, reaction to this was often mixed, with participants reacting positively to the idea that the issue is taken seriously but negatively to the fact that it is acknowledged as a possibility. Some also reacted negatively to the reference to possible reprisals because it suggested to them that the anonymity of whistleblowers may not be able to be guaranteed.

Other aspects of the video to which participants reacted negatively or critically were identified infrequently (sometimes by individual participants) and included the following:

- Concern/discomfort (among employees) about going to their manager.
- Concern/discomfort (among managers) about being a potential point of contact for employees.
- Lack of clarity/emphasis on any real payoff/motivation to report wrongdoing (i.e., the emphasis on it being the 'right thing to do' seems a little weak).
- The impression that PSIC is centralized in Ottawa and therefore far away as opposed to a real presence in the regions.
- The impression that the process for reporting wrongdoing is still a black hole/mystery.
- The use of the expression whistleblowing (i.e., reference to the whistleblower act) because the expression has negative connotations

- The fact that the video focuses on reporting wrongdoing as it relates to 'big issues', which most public servants may never encounter.

### **Widespread Desire for Additional Information**

There was a widespread desire among participants for additional information. Participants identified a number of additional things they would like to know, though none stood out in terms of the frequency with which it was identified. Participants tended to focus on issues about which they wanted more details, including more information about PSIC itself and more information related to the disclosure of wrongdoing and protection from reprisal. Specific types of information mentioned included the following:

- How big is PSIC and who exactly is in PSIC (e.g., what are the training, credentials or background of staff?).
- Is PSIC represented in the regions?
- More details on what not to call PSIC about.
- More information about the extent of PSIC's authority.
- Does PSIC provide/disseminate information to government departments/agencies, and is the information in the video part of a welcome package for new employees.
- Are there any possible legal liabilities associated with reporting wrongdoing?
- More details on the process for reporting wrongdoing (e.g., what is involved/required, how long can it take).
- More details/information on the tribunal.
- Information on success rates in cases of suspected wrongdoing.
- Examples of each of the five types of wrongdoing.
- If a report of wrongdoing takes place internally (i.e., within a department), does PSIC still know about it and if so is it involved in any way.

A number of participants indicated that they would be interested in getting more information in general about PSIC and the reporting of wrongdoing without emphasizing anything in particular.

## **Communications-Related Issues**

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This section reports on communications issues, including the best ways for PSIC to communicate with federal public servants both in terms of vehicles/channels of communication and in terms of substantive messaging.

### **Numerous Ways for PSIC to Reach Out to Public Servants**

Participants identified a number of ways in which PSIC could effectively reach out to federal public servants. Employees and managers tended to identify similar ways in which this could be done. Specific suggestions generally fell into broad categories, and therefore are organized and presented thematically below. Suggestions identified frequently are preceded by an asterisk (\*).

#### Traditional Media and Hard Copy Formats

- \*Ads running on a loop on departmental televisions.
- \*Pamphlets distributed to new employees as part of their welcome package.
- \*Information panels/posters in departmental lobbies.
- \*Fridge magnets and mouse pads with contact information for PSIC, in order to keep this information top-of-mind.
- Show PSIC video at staff meetings, followed by discussion.

#### Electronic media/channels

- Provide information through social media.
- Include a link to PSIC/PSIC video link on intranets/place link to PSIC in 'Employee corner'.
- Share information through GCpedia.

#### Workshops/Seminars/Awareness-Raising Events

- \*Offer meet and greet sessions/workshops/information sessions with PSIC.
- Have a public sector-wide integrity awareness week.

#### Training Sessions/Evaluations

- \*Include a module on reporting wrongdoing in values and ethics courses.
- \*Make training on these issues mandatory and part of the formal training of managers.
- Provide courses taught by representatives of PSIC.
- Discuss/provide information during performance evaluations with manager.

Two suggestions of a more general nature on how PSIC could effectively reach out to federal public servants were described as important by those making them. One was making sure that there is buy-in at the top (i.e., among senior departmental executives). This could include, for example, having Directors General talk about these issues with both managers and employees and including information about PSIC in any and all departmental initiatives dealing with such issues. The other was to make sure that information about PSIC gets into the regions.

### **Messaging about Whistleblowing should Focus on Positives**

When it came to how PSIC could better communicate about the regime in place for dealing with whistleblowing, participants tended to focus on the importance of positive messaging. This tended to be the basic idea informing most participants' suggestions. This emphasis on positive messaging tended to focus on three themes: supporting whistleblowers, fostering confidence, and appealing to duty/obligation.

Impressions that messaging should focus on support provided to whistleblowers was reflected in suggestions that PSIC focus on conveying the following:

- PSIC is there to help you and can help you.
- You are protected; that is PSIC's job.
- You are not alone/you are supported.
- You can call us just to talk.

Impressions that messaging should focus on fostering confidence in potential whistleblowers was reflected primarily in suggestions that PSIC provide information, data, or statistics outlining its record in terms of cases of wrongdoing. It was suggested that this would enhance the credibility of the organization and foster confidence in the process. The focus on fostering confidence was also reflected in frequent suggestions that PSIC provide more information on the reporting process in general, the impression being that knowledge of the process can reduce fear and apprehensions that come from uncertainty. A few participants suggested that PSIC emphasize its independent, third-party status, and one participant suggested that it provide information on how to report wrongdoing in smaller work environments (e.g., ones that might include 2-3 people at most). In these cases as well, the focus was on enhancing credibility and fostering confidence.

Finally, a number of participants felt that messaging should appeal to motivations/reasons for reporting wrongdoing with a focus on one's sense of duty/obligation. This was reflected in suggestions that PSIC messaging should emphasize such points as that the vast majority of public servants have integrity, which is why one should report the exceptions, that one has an obligation to do this as a public servant, and that one cannot turn blind eye to wrongdoing.

Underlying and informing this emphasis on positive messaging was an emphasis on the personal as opposed to the impersonal (i.e., a focus on addressing public servants individually and directly by using the term 'you').

### **Emphasizing Record—Best Way to Convey that Reprisals are Taken Seriously**

In terms of the more specific issue of how to convey to public servants that reprisals are taken seriously, participants most often suggested that PSIC focus its messaging on the Agency's track record in this regard by providing statistics and emphasizing positive outcomes or success stories. Suggestions offered less frequently included emphasizing the following:

- Public servants committing reprisals are not above PSIC.
- PSIC is immune to reprisals from the powers that be (e.g., the government of day).
- Emphasize/highlight the potential punishments for reprisals and that they will be enforced
- Emphasizing how things have improved in terms of reprisals (i.e., how things have changed).

It was also suggested that PSIC should proactively follow-up with public servants who have reported wrongdoing to see if they are suffering reprisals.

While many participants suggested that PSIC emphasize the track record regarding reprisals as a way to convey to public servants that reprisals are taken seriously, some were not persuaded that this is the right focus. They reasoned that while it is important and just that anyone engaged in reprisals be punished, it is not the kind of thing that should be trumpeted or publicized because it draws attention to the fact that something bad has happened. In short, it is difficult to put a positive spin on this kind of information.





## Appendix

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## Annex 1: Recruitment Screener

### 1. Specifications:

- A set of 10 focus groups to be conducted in five locations: the National Capital Region (Ottawa – one English, one French), Quebec City (French), Moncton (one English, one French), Winnipeg (English), and Regina (English).
- 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 to apply to **all** groups:
  - At least half the participants to be from the core federal public service (identified in the sample frame).
  - There will be a mix of participants by the following:
    - Functional area (e.g., administration, finance, HR, policy; identified in the sample frame)
    - Job function/responsibilities (e.g., analyst, administrator, scientist; identified in the sample frame)
    - Gender, approximating a 50/50 split
    - Department/agency, with the following additional specifications:
      - Each group with non-management employees to include a maximum of two participants from larger<sup>2</sup> departments and agencies and a maximum of one from **any** other department/agency.
      - Each group with executives and managers to include a maximum of one participant from **any** department/agency.
  - **No participants** to be recruited from the Communications Security Establishment (CSEC), the Canadian Security Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP), and the Canadian Armed Forces (CAF).
- 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:

	Ottawa	Winnipeg	Regina	Quebec City	Moncton
<b>Date</b>	November 3	November 4	November 5	November 9	November 10
<b>6:00 pm</b>	Non-Management [English]	Non-Management [English]	Non-Management [English]	Non-Management [French]	Non-Management [French]
<b>8:00 pm</b>	Executives and Managers [French]	Executives and Managers [English]	Executives and Managers [English]	Executives and Managers [French]	Executives and Managers [English]

<sup>2</sup> Larger departments/agencies (>5,000 employees) include AAFC, CBSA, CRA, CFIA, CIC, CSC, ESDC, EC, DFO, DND, FATDC, Health Canada, PWGSC, Shared Services, Transport.

## 2. Screener Questionnaire

Hello, my name is \_\_\_\_\_. I'm calling on behalf of Phoenix, a national research firm. We've been commissioned by the Office of the Public Sector Integrity Commissioner of Canada, an independent federal organization, to conduct focus group testing with federal public servants. The purpose is to explore issues related to the reporting of wrongdoing in the federal public sector.

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.

\* IF RESPONDENT IS CONCERNED ABOUT THE CASH INCENTIVE, PLEASE LET HIM/HER KNOW THAT THE FOCUS GROUP TAKE PLACES OUTSIDE OF WORK SO THE INCENTIVE IS ACCEPTABLE.

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 OR AT 613.294.1678.

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: \_\_\_\_\_

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. I will also send you an e-mail to confirm all the details.

The group will be video-recorded 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-recorded 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 [INSERT TELEPHONE NUMBER] at our office. Please ask for [NAME]. Someone will call you the day before to remind you about the focus group. Once again, the location and time of the focus group will be in the e-mail we send.

## Annex 2: Moderator Guides

### Employees

#### Introduction (5 minutes)

- ❑ Thank participants for attending
- ❑ Introduce moderator and Phoenix
- ❑ Tonight, we are conducting research on behalf of the Office of the Public Sector Integrity Commissioner of Canada to explore the factors related to the reporting of wrongdoing in the federal public sector.
- ❑ My job is to facilitate the discussion, keeping us on topic and on time.
- ❑ Your job is to offer your opinions about the issues to be covered tonight.
  - Not a knowledge test; no right or wrong answers (interested in opinions)
  - Looking for candour and honesty;
  - 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
- ❑ We understand that tonight's topic is a sensitive one, and therefore we will not ask about anyone's personal experience in this area.
- ❑ Comments treated in confidence; reporting in aggregate form only; taping for report writing purposes only; observers behind one-way glass.
- ❑ If you have a cell phone or other electronic device, please turn it off.
- ❑ Any questions?
- ❑ Roundtable introduction: Please tell us your first name and the department or agency for which you work.

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#### Context/Background (5 minutes)

Since 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?
2. How many of you have worked for more than one department or agency at the federal level?

#### Attitudes Towards 'Whistleblowing' (35 minutes)

As I mentioned in the introduction, this evening we are going to discuss the factors related to the reporting of wrongdoing in the federal public sector. For the sake of consistency, I will use the expression 'whistleblowing' for the rest of the evening to refer to reporting wrongdoing within the federal public sector.

I'd like to begin with some general questions.

3. As public servants, what considerations come to mind when you think about 'whistleblowing' in the public service? NOTE TO MODERATOR: THE FOCUS IS NOT ON THE EXPRESSION'S MEANING OR CONNOTATIONS BUT ON WHAT THEY TEND TO THINK ABOUT WHEN THEY THINK ABOUT 'WHISTLEBLOWING'. BE ATTENTIVE TO MENTION OF REPRISALS AS AN ISSUE/CONSIDERATION.
4. Why do you tend to think about or focus on these kinds of things?
5. How would you describe your own attitude towards 'whistleblowing' in the public service? Has your attitude changed over time? If so, how and why?

Probe: - Positive/neutral/critical  
- Perception of/attitude towards 'whistleblowers'

6. Thinking of your own time in the federal public service, would you say things have changed regarding 'whistleblowing'? If so, how? If not, why not?

Probe: - Perception of/attitude towards 'whistleblowers'  
- Measures in place/procedures to facilitate 'whistleblowing'

There are a variety of factors which someone might consider when deciding whether or not to report wrongdoing that may have been committed within the federal public sector.

7. What would encourage or motivate you to report wrongdoing? Anything else?

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)

8. What concerns or apprehensions would you have about reporting wrongdoing?

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

9. If you were contemplating reporting wrongdoing, what would you consider when deciding what to do and why?

Probe: - What would factor into decision-making process?  
- What rationale would underscore actions?



### Focus on Fear of Reprisals (30 minutes)

I'd now like to focus on the issue of possible reprisals for reporting wrongdoing. ADJUST INTRODUCTORY LANGUAGE SLIGHTLY IF ISSUE OF REPRISALS HAS ALREADY EMERGED UNPROMPTED (E.G. 'SOME OF YOU HAVE ALREADY RAISED THE ISSUE OF REPRISALS ...')

10. In your opinion, how real a concern is fear of reprisal for reporting wrongdoing? What types of reprisals do you think those reporting wrongdoing could potentially face?

The 2011 and 2014 iterations of the federal Public Service Employee Survey asked respondents to express their level of agreement with the following statement: *I feel I can initiate a formal recourse process (e.g., grievance, complaint, appeal) without fear of reprisal.* In both waves, just over one-third of respondents provided negative responses (i.e. disagreeing with this statement).

11. Why do you think this is? What do you think they meant?

12. What could be done to address this... to lessen concerns about reprisal and make public servants feel that they will be protected from reprisal if they report wrongdoing?

13. What do you think needs to be in place within the work culture or workplace environment to address/reduce fear of reprisal?

14. What do you think needs to be in place within the regime for reporting wrongdoing to address/reduce fear of reprisal?

15. Do you think fear of reprisal can be eliminated altogether as a concern when reporting wrongdoing? If so, how? If not, why not?

### Awareness & Knowledge of Reporting Mechanisms (30 minutes)

I'm now going to show you a short video produced by the Office of the Public Sector Integrity Commissioner of Canada related to disclosing wrongdoing in the federal public sector. Let's watch it together, then we'll talk about it.

<https://www.youtube.com/watch?v=L7cmlwclhZg>

16. What is your overall impression of what you just saw? Why? Anything else?

Probe: - positive/neutral/critical reaction

17. Did you learn anything that you did not know before? Anything else?

18. What, if anything, did you react positively to? Why? Anything else?

19. And what, if anything, did you react negatively to or created concern? Why? Anything else?

20. Is there any important information missing, something else that you want to know regarding how to disclose wrongdoing and protection from reprisal? If so, what?

### Communications-Related Issues (15 minutes)

21. What do you think are the best way(s) for the Office of the Public Sector Integrity Commissioner of Canada to raise awareness? In other words, how can the Office best reach out to you and other federal public servants who are bombarded on a daily basis with messaging?
22. How can the Office better communicate about the regime in place for dealing with 'whistleblowing'? THE FOCUS HERE IS ON MESSAGING, NOT THE MEANS OF COMMUNICATING.
23. How can the Office better convey to public servants that reprisals are taken seriously? HERE AS WELL, THE FOCUS HERE IS ON MESSAGING, NOT THE MEANS OF COMMUNICATING.

## Conclusion

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

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## Managers

### Introduction (5 minutes)

As above.

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### Context/Background (5 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 factors 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

### Attitudes Towards 'Whistleblowing' (35 minutes)

For the sake of consistency, I will use the expression 'whistleblowing' for the rest of the evening to refer to reporting wrongdoing within the federal public sector.

I'd like to begin with some general questions.

4. As public servants, what considerations come to mind when you think about 'whistleblowing' in the public service? NOTE TO MODERATOR: THE FOCUS IS NOT ON THE EXPRESSION'S MEANING OR CONNOTATIONS BUT ON WHAT THEY TEND TO THINK ABOUT WHEN THEY THINK ABOUT 'WHISTLEBLOWING'. BE ATTENTIVE TO MENTION OF REPRISALS AS AN ISSUE/CONSIDERATION AS WELL AS ANY CONSIDERATIONS SPECIFIC TO THEMSELVES AS MANAGERS.

5. Why do you tend to think about or focus on these kinds of things?

6. How would you describe your own attitude towards 'whistleblowing' in the public service? Has your attitude changed over time? If so, how and why?

Probe: - Positive/neutral/critical  
- Perception of/attitude towards 'whistleblowers'

7. Thinking of your own time in the federal public service, would you say things have changed regarding 'whistleblowing'? If so, how? If not, why not?

Probe: - Perception of/attitude towards 'whistleblowers'  
- Measures in place/procedures to facilitate 'whistleblowing'

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

There are a variety of factors which someone might consider when deciding whether or not to report wrongdoing that may have been committed within the federal public sector.

9. What would encourage or motivate you to report wrongdoing? Anything else?

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)

10. What concerns or apprehensions would you have about reporting wrongdoing?

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

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

12. If you were contemplating reporting wrongdoing, what would you consider when deciding what to do and why?

- Probe: - What would factor into decision-making process?  
- What rationale would underscore actions?

13. What if an employee approached you about reporting 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?

**Focus on Fear of Reprisals (30 minutes)**

I'd now like to focus on the issue of possible reprisals for reporting wrongdoing. ADJUST INTRODUCTORY LANGUAGE SLIGHTLY IF ISSUE OF REPRISALS HAS ALREADY EMERGED UNPROMPTED (E.G. 'SOME OF YOU HAVE ALREADY RAISED THE ISSUE OF REPRISALS ...')

14. In your opinion, how real a concern is fear of reprisal for reporting wrongdoing? What types of reprisals do you think those reporting wrongdoing could potentially face?

The 2011 and 2014 iterations of the federal Public Service Employee Survey asked respondents to express their level of agreement with the following statement: *I feel I can initiate a formal recourse process (e.g., grievance, complaint, appeal) without fear of reprisal.* In both waves, just over one-third of respondents provided negative responses (i.e. disagreeing with this statement).

15. Why do you think this is? What do you think they meant?  
16. In your opinion, are concerns about reprisals for reporting wrongdoing as real or justified for public servants like yourselves, in management positions, as they are for public servants in non-management positions? Why do you think that?

Probe: - less justified/equally justified/more justified

17. What could be done to address this... to lessen concerns about reprisal and make public servants feel that they will be protected from reprisal if they report wrongdoing?  
18. What do you think needs to be in place within the work culture or workplace environment to address/reduce fear of reprisal?  
19. What do you think needs to be in place within the regime for reporting wrongdoing to address/reduce fear of reprisal?  
20. Do you think fear of reprisal can be eliminated altogether as a concern when reporting wrongdoing? If so, how? If not, why not?

**Awareness & Knowledge of Reporting Mechanisms (30 minutes)**

I'm now going to show you a short video produced by the Office of the Public Sector Integrity Commissioner of Canada related to disclosing wrongdoing in the federal public sector. Let's watch it together, then we'll talk about it.

21. What is your overall impression of what you just saw? Why? Anything else?

Probe: - positive/neutral/critical reaction

- 22. Did you learn anything that you did not know before? Anything else?
- 23. What, if anything, did you react positively to? Why? Anything else?
- 24. And what, if anything, did you react negatively to or created concern? Why? Anything else?
- 25. Is there any important information missing, something else that you want to know regarding how to disclose wrongdoing and protection from reprisal? If so, what?

**Communications-Related Issues (15 minutes)**

- 26. What do you think are the best way(s) for the Office of the Public Sector Integrity Commissioner of Canada to raise awareness? In other words, how can the Office best reach out to you and other federal public servants who are bombarded on a daily basis with messaging?
- 27. How can the Office better communicate about the regime in place for dealing with 'whistleblowing'? THE FOCUS HERE IS ON MESSAGING, NOT THE MEANS OF COMMUNICATING.
- 28. How can the Office better convey to public servants that reprisals are taken seriously? HERE AS WELL, THE FOCUS HERE IS ON MESSAGING, NOT THE MEANS OF COMMUNICATING.

**Conclusion**

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

## Annex 3: Validation Letter

Office of the Public Sector  
Integrity Commissioner  
of Canada



Commissariat à l'intégrité  
du secteur public  
du Canada

October 2015

### 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 helps to protect from reprisal public sector employees who have made a disclosure of wrongdoing or participated in an investigation. PSIC is undertaking research with federal public servants to explore issues related to the reporting of wrongdoing in the public sector, including the factors that contribute to the fear of reprisal.

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 via the government employee directory. If you are contacted for this research, please consider taking part.

Your participation is completely voluntary, but would be greatly appreciated. Your feedback will help us to better understand how to create workplace environments that value disclosures of wrongdoing. Please be assured that the information you volunteer 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 want more information about this research, please contact Edith Lachapelle at the Office of the Public Sector Integrity Commissioner of Canada. She can be reached by telephone at 613-946-2138 or by email at [lachapelle.edith@psic-ispcc.gc.ca](mailto:lachapelle.edith@psic-ispcc.gc.ca)

On behalf of PSIC, I would like to thank you for considering taking part in this important research.

Sincerely,

  
Joe Friday  
Public Sector Integrity Commissioner

\*Individuals who take part will receive a cash honorarium to thank them for their time. In our view it is generally acceptable to receive a nominal honorarium for activities such as a focus group that you attend on your own time, and that your attendance should present no apparent, potential or real conflict of interest with your employment as a public servant.