



Treasury Board of Canada  
Secrétariat

Secrétariat du Conseil du Trésor  
du Canada

Canada

# Annual Report on the Public Servants Disclosure Protection Act

2017–18



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represented by the President of the Treasury Board, 2018

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## Message from the Chief Human Resources Officer

I am pleased to present the Annual Report on the Public Servants Disclosure Protection Act for fiscal year 2017 to 2018. This report provides information on disclosure activities carried out by federal public sector organizations.

Promoting and sustaining an ethical workplace culture that is respectful, healthy, diverse and inclusive, and promoting a positive environment for disclosing wrongdoing in the federal public sector are key priorities for the Government of Canada.

My office supports the Treasury Board in its role as the employer for the federal public service by promoting ethical practices and excellence in people management. In 2017, the House of Commons Standing Committee on Government Operations and Estimates conducted the first statutory review of the Public Servants Disclosure Protection Act, its administration and operation. My office is supporting the President of the Treasury Board in his efforts to advance the government's commitment to make continuous and meaningful improvements to the disclosure regime and to the protection of public servants from acts of reprisal.

Efforts underway by my office in support of promoting ethical practices and excellence in people management include:

- ▶ establishing the Public Service Centre on Diversity, Inclusion and Wellness
- ▶ developing and implementing a strategy toward a public service workplace free from harassment and violence
- ▶ developing and conducting the Public Service Employee Survey
- ▶ updating and implementing the Management Accountability Framework for people management
- ▶ helping organizations improve their people management practices
- ▶ informing public servants, managers and supervisors of the mechanisms for disclosing wrongdoing in the workplace, of other available recourse mechanisms, and of their rights and responsibilities and protections from reprisal when making a protected disclosure of wrongdoing

My office will continue to support chief executives and designated senior officers for internal disclosure in carrying out their responsibilities under the act. At the same time, as Chief Human Resources Officer for the Government of Canada, I will continue to provide leadership in values and ethics and to promote ethical practices across the federal public sector.

Original signed by

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Nancy Chahwan  
Chief Human Resources Officer  
Treasury Board of Canada Secretariat





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## Introduction

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

This report, the 11th annual report under [the act](#),<sup>ii</sup> which covers the period from April 1, 2017, to March 31, 2018, sets out:

- ▶ the number of general inquiries relating to the act
- ▶ the number of disclosures received under the act and whether they were acted on
- ▶ the number of investigations commenced
- ▶ whether any systemic problems led to wrongdoing
- ▶ any other matter that the Chief Human Resources Officer deems necessary

This report contains information on disclosures made according to internal procedures established under the act, as reported to the Office of the Chief Human Resources Officer by the designated senior officers for internal disclosure or the chief executives of public sector organizations. It does not contain information on disclosures or reprisal complaints made to the Office of the Public Sector Integrity Commissioner of Canada, which the Commissioner reports separately to Parliament.

For definitions of key terms used in this report, see [Appendix C](#).

## Public Servants Disclosure Protection Act

### Overview

The act establishes a procedure for the disclosure of wrongdoing in the federal public sector and for filing complaints of reprisal. The act thereby contributes to maintaining and enhancing Canadians' confidence in the integrity of the federal public sector.

The act:

- ▶ encourages public sector employees to come forward if they have reason to believe that serious wrongdoing has taken place
- ▶ provides protections for employees against reprisal when they do come forward

The act thereby enhances organizations' ability to identify and resolve incidents of wrongdoing, while supporting employees who disclose wrongdoing and protecting them from reprisal.



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## Disclosure procedures

Public servants can make a protected disclosure of potential wrongdoing to the following:

- ▶ their supervisor
- ▶ their organization's designated senior officer for disclosure
- ▶ the Public Sector Integrity Commissioner

The act also allows anyone, not just public servants, to disclose possible wrongdoing in the public sector to the Commissioner.

## Confidentiality

The act requires allegations of wrongdoing to be treated with an appropriate degree of confidentiality. Organizations must protect any information they collect about disclosures, including the identities of those making disclosures and of other parties involved, subject to other acts of Parliament and the principles of natural justice and procedural fairness. In this way, the act provides a fair and objective process for those against whom allegations are made.

## Public reporting

In accordance with [paragraph 11\(1\)\(c\) of the act](#),<sup>iii</sup> if wrongdoing is found as a result of a disclosure made, organizations must promptly provide public access to information that describes the wrongdoing, sets out any recommendations for corrective action, indicates what corrective action was taken or the reasons why no corrective action was taken.

No information created for the purpose of making a disclosure, or in the course of an investigation into a disclosure or reprisal complaint, can be released in response to a request for information under either the [Access to Information Act](#)<sup>iv</sup> or the [Privacy Act](#).<sup>v</sup>

To ensure transparency, however, the Public Servants Disclosure Protection Act requires that chief executives and the Public Sector Integrity Commissioner provide prompt public access to information that describes incidents of wrongdoing found as a result of disclosures made under the act, and any corrective action taken as a result.

## Complaints of reprisal

Public servants who feel that they have been the subject of a reprisal because they have disclosed a potential wrongdoing or have cooperated in an investigation into a disclosure may file a complaint with the Office of the Public Sector Integrity Commissioner. If the Commissioner determines that the complaint is warranted, he or she can ask the Public Servants Disclosure Protection Tribunal to hear the complaint.





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## Support for positive workplace culture

The act contains several requirements that support a positive public sector culture that is grounded in values and ethics. The act requires that:

- ▶ the Treasury Board establish a code of conduct applicable to the entire federal public sector; the [Values and Ethics Code for the Public Sector](#)<sup>vi</sup> meets this requirement
- ▶ each public sector organization establish a code of conduct consistent with the public sector code
- ▶ the President of the Treasury Board promote ethical practices in the public sector and a positive environment for disclosing wrongdoing

## Organizations providing leadership on ethical practices in federal public sector

### Office of the Chief Human Resources Officer

The Office of the Chief Human Resources Officer supports:

- ▶ the Treasury Board of Canada in its role as the employer of the federal public service
- ▶ the Clerk of the Privy Council in his or her role as the head of the public service

The office is also a focal point for strategic people management to ensure excellence across the public service, and to provide leadership to the federal human resources community.

Key activities of the office include:

- ▶ providing policy advice and guidance on people management issues in the federal public service
- ▶ working with heads of federal organizations to:
  - › develop and advance government-wide people management priorities
  - › establish common business processes and shared systems
  - › ensure alignment with business requirements and outcomes
- ▶ measuring and reporting on the state of people management in the federal public service
- ▶ working with bargaining agents and other stakeholders to establish wages and terms and conditions of employment
- ▶ managing employee pension and benefit plans that balance the principles of sustainability, external comparability, and effective workforce management, including recruitment and retention



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As the centre of excellence for the act, the Office of the Chief Human Resources Officer supports the President of the Treasury Board in fulfilling his or her responsibilities under the [Public Servants Disclosure Protection Act](#).<sup>vii</sup> Under section 4 of the act, the President must promote ethical practices in the federal public sector and a positive environment for disclosing wrongdoings by disseminating knowledge of the act and information about its purposes and processes.

The office provides leadership and support across the public sector to chief executives and designated senior officers for internal disclosure through learning events and policy guidance. It also publishes information about the act and guidance material on its website for use by public servants, managers and supervisors, as well as by chief executives and designated senior officers for internal disclosure.

In 2012, the Office of the Chief Human Resources Officer established the [Values and Ethics Code for the Public Sector](#),<sup>viii</sup> to meet the requirements of [section 5 of the act](#).<sup>ix</sup> The office supports chief executives in establishing and implementing the codes of conduct that are required in their organizations under [section 6 of the act](#).<sup>x</sup>

The Office of the Chief Human Resources Officer engages with other stakeholders involved in the integrity field, including:

- ▶ the Office of the Public Sector Integrity Commissioner
- ▶ the Public Servants Disclosure Protection Tribunal
- ▶ bargaining agents

A representative of the office also sits on the Public Sector Integrity Commissioner's Advisory Committee.

At the international level, the office works with several organizations. It is a member of the Organization for Economic Co-operation and Development Working Party of Senior Public Integrity Officials and supports the efforts of the G-20 Anti-Corruption Working Group.

The office also fulfills reporting obligations related to international anti-corruption agreements, including:

- ▶ the United Nations Convention Against Corruption
- ▶ the Organization of American States' Mechanism for the Implementation of the Inter-American Convention Against Corruption

For an overview of the office's efforts to promote and sustain an ethical workplace culture, see [Appendix B](#).



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## Office of the Public Sector Integrity Commissioner

The Office of the Public Sector Integrity Commissioner is an independent organization, created under [section 39 of the act](#).<sup>xi</sup> The Commissioner reports directly to Parliament on the office's activities.

The office investigates disclosures of wrongdoing in the federal public sector and helps protect from reprisal public servants who make a disclosure of wrongdoing and those who participate in investigations. The office also investigates complaints of reprisal. The Commissioner may make an application to the Public Servants Disclosure Protection Tribunal if he or she determines there are reasonable grounds to believe that a reprisal has taken place.

For more information, visit the [Office of the Public Sector Integrity Commissioner's website](#).<sup>xii</sup>

## Public Servants Disclosure Protection Tribunal

The Public Servants Disclosure Protection Tribunal is a quasi-judicial body that operates independently from any Canadian federal department, created under [section 20.7 of the act](#),<sup>xiii</sup> to enhance public confidence in the integrity of public servants and to protect from reprisals those who report wrongdoing.

All tribunal members must be Federal Court judges or provincial superior court judges.

The tribunal can grant remedies to public servants who experience reprisals and can order disciplinary action against the individuals who take reprisals against public servants who disclose wrongdoing.

Since the act came into force in 2007, the Public Sector Integrity Commissioner has referred 8 reprisal complaints to the tribunal. The tribunal rendered its first decision in October 2017.

For more information, visit the [Public Servants Disclosure Protection Tribunal's website](#).<sup>xiv</sup>

## Review of the Public Servants Disclosure Protection Act

[Section 54 of the act](#)<sup>xv</sup> requires that the President of the Treasury Board cause to be conducted an independent review of the act, its administration and operation. From February to June 2017, the House of Commons Standing Committee on Government Operations and Estimates conducted a review of the act.

In June 2017, the ninth report of the committee, entitled [Strengthening the Protection of the Public Interest within the Public Servants Disclosure Protection Act](#),<sup>xvi</sup> was presented in the House of Commons.



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In October 2017, the government presented its [response](#)<sup>xvii</sup> to the committee’s report. In its response, the government committed to implementing improvements to the administration and operation of the internal disclosure process and the protection from acts of reprisal against public servants.

Improvements will include:

- ▶ greater guidance for the internal disclosure process
- ▶ increased awareness activities and training for public servants, supervisors and managers
- ▶ enhanced reporting related to the internal disclosure process and acts of founded wrongdoing

All of these improvements will contribute to promoting and sustaining an ethical workplace culture, thereby reinforcing the integrity of the federal public sector.

The Office of the Chief Human Resources Officer is supporting the President of the Treasury Board in his efforts to advance the government’s commitment to make continuous and meaningful improvements to the disclosure regime and to the protection of public servants from acts of reprisal.

## Reported disclosure activity

In the 2017 to 2018 fiscal year, 134 active organizations in the federal public sector were subject to the act.<sup>1</sup> Of these organizations, 113<sup>2, xviii</sup> informed the Office of the Chief Human Resources Officer of the name of the person who, under [subsection 10\(2\) of the act](#),<sup>xix</sup> was designated senior officer for internal disclosure. Under [subsection 10\(4\) of the act](#),<sup>xx</sup> 20 organizations declared that they had not established internal disclosure procedures or appointed a senior officer for disclosure because the size of the organization made it impractical to do so.

[Subsection 38.1\(1\) of the act](#)<sup>xxi</sup> requires chief executives to prepare a report on the activities related to disclosures made in their organizations and to submit it to the Chief Human Resources Officer within 60 days after the end of every fiscal year. The statistics in this report are based on these reports. Statistics from the 5 previous years are included for comparison.

The following table shows disclosure activity for active organizations in the federal public sector that are subject to the act.

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1. This figure does not include the 3 organizations that are excluded from the definition of “public sector” in the act (the Canadian Armed Forces, the Canadian Security Intelligence Service, and Communications Security Establishment Canada), or the organization that requires an order-in-council to become subject to the act (the Canada Pension Plan Investment Board).
  2. This figure does not include the Canada Infrastructure Bank, established on June 22, 2017, with the coming into force of the [Canada Infrastructure Bank Act](#).



## Disclosure activity from the 2012 to 2013 fiscal year to the 2017 to 2018 fiscal year

Disclosure activity	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015	2013 to 2014	2012 to 2013
Number of active organizations	134	133	134	146	147	149
Number of general inquiries related to the act	293	212	198	229	206	198
Number of organizations that reported inquiries	36	36	29	36	31	37
Number of disclosures received under the act	291	209	281	200	194 <sup>f</sup>	207
Number of organizations that reported disclosures	35	22	31	28	28	30
Number of referrals resulting from a disclosure made in another public sector organization	5	1	5	1	0	9
Number of cases carried over on the basis of disclosures made the previous year	128 <sup>c</sup>	122 <sup>c</sup>	99 <sup>c</sup>	98	93	100
<b>Total number of disclosures handled (new disclosures, referrals, cases carried over)</b>	<b>424</b>	<b>332</b>	<b>385</b>	<b>299</b>	<b>287<sup>f</sup></b>	<b>316</b>
Number of disclosures received that were acted upon <sup>a</sup>	139	98	132 <sup>d</sup>	123	123 <sup>f</sup>	130
Number of disclosures received that were not acted upon <sup>b</sup>	91	97	122 <sup>e</sup>	85	73	91
Number of investigations commenced as a result of disclosures received	71	61	56	78	39	74
Number of disclosures received that led to a finding of wrongdoing	16	10	7	13	17	18
Number of organizations that reported findings of wrongdoing	4	4	4	4	5	6
Number of disclosures received that led to corrective measures	28	17	31	17	29	40
Number of organizations that reported corrective measures	8	7	7	8	9	13
Number of organizations that reported finding systemic problems that gave rise to wrongdoing	2	0	2	0	3	2
Number of organizations that did not disclose information about findings of wrongdoing within 60 days	2	1	2	2	2	5

- a. Disclosures where action, including preliminary analysis, fact-finding and investigation, was taken to determine whether wrongdoing occurred and where that determination was made during the reporting period. Does not include disclosures received that have been carried over into the 2018 to 2019 fiscal year.



Disclosure activity	2017 to 2018	2016 to 2017	2015 to 2016	2014 to 2015	2013 to 2014	2012 to 2013
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- b. Disclosures received that were immediately rejected or that were immediately referred to another more appropriate recourse mechanism.
- c. This figure has been amended to reflect files received in the previous year and carried over to the next year that were further determined to include either additional disclosures or fewer disclosures than initially identified. Also, for the 2017 to 2018 fiscal year, 1 disclosure received by Transport Canada in the 2016 to 2017 fiscal year and identified as not acted upon, was determined to have been carried over into the 2017 to 2018 fiscal year. As a result, the figure for “Number of cases carried over on the basis of disclosures made the previous year” has been amended.
- d. This figure has been amended to reflect a file received in the 2015 to 2016 fiscal year by the National Energy Board that was carried over and completed in the 2016 to 2017 fiscal year.
- e. This figure has been amended to reflect: (i) a file received late in the 2014 to 2015 fiscal year by the Department of National Defence that was carried over and completed early in the 2016 to 2017 fiscal year; and (ii) a file received in the 2015 to 2016 fiscal year by Natural Resources Canada that was carried over and was not yet completed in that fiscal year.
- f. Figures have been amended to reflect that a file received in the 2013 to 2014 fiscal year by the Royal Canadian Mounted Police (RCMP), initially identified as including 1 disclosure, was further determined to include 13 disclosures. As a result of this determination, amendments have been made to the figures for the 2013 to 2014 fiscal year for “Number of disclosures received under the act,” “Total number of disclosures handled” and “Number of disclosures received that were acted upon.” The figures that appear in the column for the 2014 to 2015 fiscal year have been adjusted accordingly.

Statistics for specific organizations are in [Appendix A](#). These statistics provide a snapshot of disclosure activities under the act. The following should be noted in relation to the statistics:

- ▶ Disclosures can be made to a supervisor, a senior officer for internal disclosure or the Public Sector Integrity Commissioner. The choice of a particular channel for disclosure cannot be construed as a reflection of a lack of trust in other channels.
- ▶ It is difficult to compare statistics across organizations because their cultures vary. Issues may be dealt with through different mechanisms in different organizations.
- ▶ To trigger the protections of the act, a public servant must be identifiable as the source of the disclosure or be involved in a disclosure investigation. Anonymous disclosures are therefore not considered “disclosures made under the act” and are not covered in this report.
- ▶ When completing their annual report under the act, organizations are asked to count each allegation of wrongdoing as a separate disclosure and to report it as such. As a result, the number of potential incidents of wrongdoing to be investigated is higher than the number of public servants making disclosures.



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The following are the most common reasons provided by organizations for not acting upon disclosures:

- ▶ The individual making the disclosure was referred to another, more appropriate, recourse mechanism (for example, a grievance procedure) because of the nature of the allegation(s).
- ▶ The disclosure did not meet the definition of wrongdoing under [section 8 of the act](#).<sup>xxii</sup>

Although the Canadian Armed Forces (CAF), the Canadian Security Intelligence Service (CSIS) and Communications Security Establishment Canada (CSEC) are excluded from the act, under [section 52](#),<sup>xxiii</sup> they are required to establish procedures applicable to their organization for the disclosure of wrongdoing, including the protection of persons who disclose wrongdoing. These procedures must, in the opinion of the Treasury Board, be similar to those set out in the act. CSIS's procedures were approved in December 2009, CSEC's procedures were approved in June 2011, and the CAF's procedures were approved in April 2012.



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

### A.1 Organizations reporting activity under the act in the 2017 to 2018 fiscal year

Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2016 to 2017 fiscal year	Acted upon	Not acted upon	Carried over into the 2018 to 2019 fiscal year		Finding of wrongdoing	Corrective measures
Agriculture and Agri-Food Canada	0	2	0	1	3	0	0	2	0	0
Atlantic Canada Opportunities Agency	3	0	0	1	1	0	0	1	0	1
Atomic Energy of Canada Limited	1	6	0	0	6	0	0	2	0	0
Business Development Bank of Canada	1	1	0	0	1	0	0	1	0	0
Canada Border Services Agency	36	54	0	37	10	30	51	0	0	0
Canada Mortgage and Housing Corporation	0	1	0	0	0	0	1	0	0	0
Canada Revenue Agency	28	10	0	0	0	8	2	1	0	0
Canada School of Public Service	1	0	0	0	0	0	0	0	0	0
Canadian Food Inspection Agency	27	16	0	0	1	0	15	0	0	0
Canadian Grain Commission	1	0	0	0	0	0	0	0	0	0
Canadian Museum of Nature	0	1	0	0	0	1	0	0	0	0
Canadian Nuclear Safety Commission	0	1	0	0	0	0	1	0	0	0





Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2016 to 2017 fiscal year	Acted upon	Not acted upon	Carried over into the 2018 to 2019 fiscal year		Finding of wrongdoing	Corrective measures
Canadian Space Agency	1	0	0	0	0	0	0	0	0	0
Canadian Transportation Agency	1	0	0	0	0	0	0	0	0	0
Civilian Review and Complaints Commission for the RCMP	0	5	0	0	0	3	2	2	0	0
Correctional Service Canada	2	17	0	14	9	14	8	2	0	4
Courts Administration Service	1	1	0	0	0	1	0	0	0	0
Crown-Indigenous Relations and Northern Affairs Canada <sup>a</sup>	0	4	0	0	0	0	4	0	0	0
Department of Finance Canada	4	3	0	0	0	3	0	0	0	0
Department of Justice Canada	1	0	0	0	0	0	0	0	0	0
Employment and Social Development Canada	18	15	0	0	7	5	3	1	0	2
Environment and Climate Change Canada	4	5	0	4	5	0	4	2	0	0
Export Development Canada	1	12	2	0	10	0	4	9	3	9
Fisheries and Oceans Canada	3	1	0	0	0	0	1	1	0	0
Global Affairs Canada	0	29	0	11 <sup>b</sup>	1	9	30	4	0	0
Health Canada	9	9	0	0	9	0	0	0	0	0
Immigration and Refugee Board of Canada	2	0	0	0	0	0	0	0	0	0



Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2016 to 2017 fiscal year	Acted upon	Not acted upon	Carried over into the 2018 to 2019 fiscal year		Finding of wrongdoing	Corrective measures
Immigration, Refugees and Citizenship Canada	6	1	0	1	2	0	0	0	0	0
Infrastructure Canada	1	0	0	4	0	0	4	0	0	0
Innovation, Science and Economic Development Canada and Office of the Superintendent of Bankruptcy Canada	1	1	0	0	0	0	1	0	0	0
International Development Research Centre	6	1	0	0	0	0	1	1	0	0
National Capital Commission	19	13	0	0	3	0	10	12	0	2
National Defence	14	34	3	9	11	3	32	10	0	0
National Research Council Canada	2	0	0	0	0	0	0	0	0	0
Natural Resources Canada	2	3	0	2	5	0	0	2	0	0
Parks Canada	62	1	0	0	0	1	0	0	0	0
Public Health Agency of Canada	2	0	0	0	0	0	0	0	0	0
Public Safety Canada	0	3	0	0	0	0	3	3	0	0
Public Service Commission of Canada	1	1	0	0	1	0	0	1	0	0
Public Services and Procurement Canada	11	21	0	20	30	7	4	8	11	8
Royal Canadian Mint	2	7	0	0	5	0	2	5	0	0



Organization	General inquiries	Disclosures						Investigations commenced	Disclosures that led to	
		Received	Referred	Carried over from the 2016 to 2017 fiscal year	Acted upon	Not acted upon	Carried over into the 2018 to 2019 fiscal year		Finding of wrongdoing	Corrective measures
Royal Canadian Mounted Police	10	2	0	9	4	0	7	0	1	1
Shared Services Canada	5	0	0	0	0	0	0	0	0	0
Statistics Canada	0	2	0	0	0	2	0	0	0	0
Transport Canada	0	4	0	14 <sup>c</sup>	11	4	3	0	0	0
Veterans Affairs Canada	4	4	0	1	4	0	1	1	1	1
<b>Total</b>	<b>293</b>	<b>291</b>	<b>5</b>	<b>128</b>	<b>139</b>	<b>91</b>	<b>194</b>	<b>71</b>	<b>16</b>	<b>28</b>

- a. In August 2017, Indigenous and Northern Affairs Canada was dissolved and 2 new departments were created: Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada.
- b. Upon assessment of the files carried over from the 2016 to 2017 fiscal year, it was determined that these files included fewer disclosures than initially identified, as allegations were grouped in accordance with the nature of the wrongdoing in keeping with the definition of wrongdoing within the PSDPA.
- c. A disclosure received in the 2016 to 2017 fiscal year and identified as not being acted upon was determined to have been carried over into the 2017 to 2018 fiscal year.



## A.2 Organizations that reported a finding of wrongdoing under the act in the 2017 to 2018 fiscal year

Organization	Finding of wrongdoing	Corrective measures
Export Development Canada	<ul style="list-style-type: none"> <li>• Contravention of any Act of Parliament or of the legislature of a province (paragraph 8(a) of the act)</li> <li>• Gross mismanagement in the public sector (paragraph 8(c) of the act)</li> <li>• Serious breach of a code of conduct (paragraph 8(e) of the act)</li> </ul> <p><a href="#">Case report<sup>xxiv</sup></a></p>	<ul style="list-style-type: none"> <li>• Export Development Canada conducted an audit of the contracts awarded to the vendor and reviewed the amounts it was invoiced.</li> <li>• Export Development Canada took steps to remind all employees of their duties to report potential conflicts of interest; their obligations regarding confidentiality; and the potential impact of disclosure of confidential information to third parties.</li> <li>• The employment of the employee who was found to have committed wrongdoing was terminated.</li> <li>• The President and Chief Executive Officer sent an email to all employees informing them of the findings of the investigation into the disclosure and reiterating the imperative of ethical behaviour as a foundational principle of the organization.</li> </ul>
Public Services and Procurement Canada	<ul style="list-style-type: none"> <li>• Serious breach of a code of conduct (paragraph 8(e) of the act)</li> </ul> <p><a href="#">Case report<sup>xxv</sup></a></p>	<ul style="list-style-type: none"> <li>• Corrective actions have been taken.</li> </ul>
	<ul style="list-style-type: none"> <li>• Serious breach of a code of conduct (paragraph 8(e) of the act)</li> </ul> <p><a href="#">Case report<sup>xxvi</sup></a></p>	<ul style="list-style-type: none"> <li>• The individual no longer works for the department.</li> </ul>
	<ul style="list-style-type: none"> <li>• Serious breach of a code of conduct (paragraph 8(e) of the act)</li> </ul> <p><a href="#">Case report, Report 1<sup>xxvii</sup></a></p>	<ul style="list-style-type: none"> <li>• Due to the casual status of both employees, their employment with the department was immediately terminated.</li> </ul>
	<ul style="list-style-type: none"> <li>• Serious breach of a code of conduct (paragraph 8(e) of the act)</li> </ul> <p><a href="#">Case report, Report 2<sup>xxviii</sup></a></p>	<ul style="list-style-type: none"> <li>• A process to identify corrective actions is currently underway; the proactive disclosure and corrective action(s) taken will be updated once this process is finalized.</li> </ul>



Organization	Finding of wrongdoing	Corrective measures
Royal Canadian Mounted Police	<ul style="list-style-type: none"> <li>Gross mismanagement in the public sector (paragraph 8(c) of the act)</li> </ul> <a href="#">Case report<sup>xxix</sup></a>	<ul style="list-style-type: none"> <li>The RCMP has taken steps to ensure that there is an adequate system for coordinating, tracking and renewing contracts on a timely basis and that interest on overdue accounts is paid in accordance with contract terms and conditions.</li> <li>Employees have received remedial training regarding contracting and procurement practices.</li> <li>The above steps are subject to monitoring by the Authorized Chief Executive and Senior Officer.</li> </ul>
Veterans Affairs Canada	<ul style="list-style-type: none"> <li>Serious breach of a code of conduct (paragraph 8(e) of the act)</li> </ul> <a href="#">Case report<sup>xxx</sup></a>	<ul style="list-style-type: none"> <li>Corrective actions have been taken.</li> </ul>



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

1. Atlantic Pilotage Authority Canada
2. Bank of Canada
3. Canada Council for the Arts
4. Canada Deposit Insurance Corporation
5. Canada Development Investment Corporation
6. Canada Economic Development for Quebec Regions
7. Canada Infrastructure Bank
8. Canada Post
9. Canada Science and Technology Museums Corporation
10. Canadian Air Transport Security Authority
11. Canadian Broadcasting Corporation
12. Canadian Centre for Occupational Health and Safety
13. Canadian Commercial Corporation
14. Canadian Environmental Assessment Agency
15. Canadian Heritage
16. Canadian Institutes of Health Research
17. Canadian Museum for Human Rights
18. Canadian Museum of History and Canadian War Museum
19. Canadian Northern Economic Development Agency
20. Canadian Radio-television and Telecommunications Commission
21. The Correctional Investigator Canada
22. Destination Canada
23. Defence Construction Canada
24. Energy Supplies Allocation Board
25. Farm Credit Canada
26. Farm Products Council of Canada
27. Federal Bridge Corporation
28. Federal Economic Development Agency for Southern Ontario
29. Financial Transactions and Reports Analysis Centre of Canada



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30. Great Lakes Pilotage Authority Canada
  31. Indian Oil and Gas Canada
  32. Indigenous Services Canada<sup>3</sup>
  33. International Joint Commission (Canadian Section)
  34. Library and Archives Canada
  35. Marine Atlantic Inc.
  36. Military Police Complaints Commission of Canada
  37. National Arts Centre
  38. The National Battlefields Commission
  39. National Energy Board
  40. National Gallery of Canada
  41. Natural Sciences and Engineering Research Council of Canada
  42. Northern Pipeline Agency Canada
  43. Office of the Auditor General of Canada
  44. Office of the Chief Electoral Officer
  45. Office of the Commissioner for Federal Judicial Affairs Canada
  46. Office of the Information Commissioner of Canada
  47. Office of the Public Sector Integrity Commissioner of Canada
  48. Office of the Registrar of the Supreme Court of Canada
  49. Office of the Secretary to the Governor General
  50. Office of the Superintendent of Financial Institutions Canada
  51. Pacific Pilotage Authority Canada
  52. Parole Board of Canada
  53. Patented Medicine Prices Review Board Canada
  54. PPP Canada<sup>4</sup>
  55. Privy Council Office
  56. Public Prosecution Service of Canada

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3. In August 2017, Indigenous and Northern Affairs Canada was dissolved and 2 new departments were created: Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada.

4. On March 31, 2018, PPP Canada was dissolved. No information on disclosure activities was provided to the Office of the Chief Human Resources Officer for the reporting period for the 2017 to 2018 fiscal year.



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57. Public Sector Pension Investment Board
  58. RCMP External Review Committee
  59. Ridley Terminals Inc.
  60. Social Sciences and Humanities Research Council of Canada
  61. Staff of the Non-Public Funds, Canadian Forces
  62. Statistical Survey Operations
  63. Status of Women Canada
  64. Transportation Safety Board of Canada
  65. Treasury Board of Canada Secretariat
  66. Veterans Review and Appeal Board
  67. VIA Rail Canada Inc.
  68. Western Economic Diversification Canada





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

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



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## A.5 Inactive organizations for the purposes of reporting

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



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## Appendix B: Office of the Chief Human Resources Officer efforts to promote and sustain an ethical workplace culture

The Office of the Chief Human Resources Officer is leading and supporting a number of efforts to promote and sustain an ethical workplace culture in the public sector and to ensure that the workplace is respectful, healthy, diverse and inclusive.

### Action toward a public service workplace free from harassment and violence

As part of the President of the Treasury Board's mandate commitment to ensure a public service free from harassment and violence, the Office of the Chief Human Resources Officer has developed a strategy in consultation with departments and agencies, and bargaining agents.

As part of that strategy, the office is preparing to realign the existing policy framework on harassment and violence as a result of the introduction of [Bill C-65 \(An Act to amend the Canada Labour Code \(harassment and violence\), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1\)](#).<sup>xxxii</sup>

The office is also supporting the Clerk of the Privy Council in his work to implement a strategy to bring about the culture change needed to foster a supportive and respectful workplace.

### Public Service Centre on Diversity, Inclusion and Wellness

The Office of the Chief Human Resources Officer is leading the project to establish the Public Service Centre on Diversity, Inclusion and Wellness, made possible through new investments proposed in [Budget 2018](#).<sup>xxxiii</sup>

The centre will advance work on diversity, inclusion, wellness and mental health, as well as the prevention of harassment and discrimination, throughout the public service. It will also provide leadership and support to departments and agencies in creating safe, healthy, respectful, diverse and inclusive workplaces.

### Management Accountability Framework: People Management

The [Management Accountability Framework](#)<sup>xxxiii</sup> is one of the key oversight tools for measuring federal departments' compliance with the requirements of the Treasury Board policy suite and for assessing their progress on expected results.



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The Office of the Chief Human Resources Officer uses the framework to monitor how federal departments are meeting expected results in the area of people management, which encompasses performance with respect to public sector values.

## Public Service Employee Survey

The Office of the Chief Human Resources Officer leads the [Public Service Employee Survey](#).<sup>xxxiv</sup> The survey allows the federal public service to identify what it is doing well and what it could be doing better to ensure the continuous improvement of people management practices in government.

Before 2017, the survey was conducted every 3 years. Since 2017, the survey has been conducted annually.

## Policy Suite Reset: People management

In June 2014, the Treasury Board of Canada Secretariat launched Policy Suite Reset, an initiative to review and update all Treasury Board policies and policy instruments that apply to federal departments and agencies. This review is aligning and clarifying Treasury Board policy requirements to make them easier to understand and use, and in turn, to make it easier for federal public service employees to do their jobs.

The Office of the Chief Human Resources Officer is leading the review of policies and policy instruments in the area of people management. Once approved by the Treasury Board, all revamped policies and instruments will be available through a user-friendly website.

## Outreach activities

Under [section 4 of the act](#),<sup>xxxv</sup> the President of the Treasury Board:

must promote ethical practices in the public sector and a positive environment for disclosing wrongdoings by disseminating knowledge of this Act and information about its purposes and processes and by any other means that he or she considers appropriate

The Office of the Chief Human Resources Officer supports the President in fulfilling these responsibilities by conducting outreach activities. These activities include:

- ▶ consulting with key stakeholders
- ▶ collaborating with key partners on diverse initiatives related to people management
- ▶ holding learning events for public servants, managers and supervisors
- ▶ leading communities of practice
- ▶ participating and engaging with international organizations



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## Appendix C: Key terms

For the purposes of the [Public Servants Disclosure Protection Act](#)<sup>xxxvi</sup> and this report, **public servant** means every person employed in the public sector. This includes the deputy heads and chief executives of public sector organizations, but it does not include other Governor in Council appointees (for example, judges and board members of Crown corporations) or parliamentarians and their staff.

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

- ▶ violation of a federal or provincial law or regulation
- ▶ misuse of public funds or assets
- ▶ gross mismanagement in the public sector
- ▶ serious breach of a code of conduct established under the act
- ▶ act or omission that creates a substantial and specific danger to the life, health and safety of Canadians or the environment
- ▶ knowingly directing or counselling a person to commit a wrongdoing

A **protected disclosure** is a disclosure that is made in good faith by a public servant under any of the following conditions:

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

Furthermore, anyone can provide information about wrongdoing in the public sector to the Public Sector Integrity Commissioner.

The act defines **reprisal** as any of the following measures taken against a public servant who has made a protected disclosure or who has, in good faith, cooperated in an investigation into a disclosure:

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

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Every organization subject to the act is required to establish **internal procedures** to manage disclosures made in the organization. Organizations that are too small to establish their own internal procedures can declare an exception under [subsection 10\(4\) of the act](#).<sup>xxxvii</sup> In organizations that have declared an exception, disclosures related to the act are handled directly by the Public Sector Integrity Commissioner.

The **senior officer for disclosure** is the person appointed in each organization to receive and deal with disclosures made under the act. Senior officers for disclosure have the following key leadership roles for implementing the act in their organizations:

- ▶ providing information, advice and guidance to public servants regarding the organization's internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors
- ▶ receiving and recording disclosures and reviewing them to establish whether there are sufficient grounds for further action under the act
- ▶ managing investigations into disclosures, including determining whether to deal with a disclosure under the act, initiate an investigation or cease an investigation
- ▶ coordinating handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization
- ▶ notifying, in writing, the person(s) who made a disclosure of the outcome of any review or investigation into the disclosure and of the status of actions taken on the disclosure, as appropriate
- ▶ reporting the findings of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to his or her chief executive, with recommendations for corrective action, if any

## Other relevant terms

### **allegation of wrongdoing**

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

### **disclosure**

The provision of information by a public servant to his or her immediate supervisor or to a senior officer for disclosure that includes one or more allegations of possible wrongdoing in the public sector, in accordance with [section 12 of the act](#).<sup>xxxix</sup>



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**disclosure that was acted upon**

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

**disclosure that was not acted upon**

A disclosure that was received that was immediately rejected or that was immediately referred to another more appropriate recourse mechanism.

**general inquiry**

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

**investigation**

A formal investigation triggered by a disclosure.



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## Endnotes

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- i. Public Servants Disclosure Protection Act, section 38.1, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-9.html>
- ii. Public Servants Disclosure Protection Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/index.html>
- iii. Public Servants Disclosure Protection Act, paragraph 11(1)(c), <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>
- iv. Access to Information Act, <http://laws-lois.justice.gc.ca/eng/acts/A-1/>
- v. Privacy Act, <http://laws-lois.justice.gc.ca/eng/acts/P-21/>
- vi. Values and Ethics Code for the Public Sector, <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049>
- vii. Public Servants Disclosure Protection Act, section 4, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-4>
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- x. Public Servants Disclosure Protection Act, section 6, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html#h-5>
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- xvii. Government Response to the Ninth Report of the Standing Committee on Government Operations and Estimates, <http://www.ourcommons.ca/DocumentViewer/en/42-1/OGGO/report-9/response-8512-421-253>
- xviii. Canada Infrastructure Bank Act, <http://www.laws-lois.justice.gc.ca/eng/acts/C-6.18/>
- xix. Public Servants Disclosure Protection Act, subsection 10(2) of the act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>
- xx. Public Servants Disclosure Protection Act, subsection 10(4) of the act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>
- xxi. Public Servants Disclosure Protection Act, subsection 38.1(1) of the act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-9.html>
- xxii. Public Servants Disclosure Protection Act, section 8, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-6>
- xxiii. Public Servants Disclosure Protection Act, section 52, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-11.html#h-34>
- xxiv. Export Development Canada, Disclosure Reports of Wrongdoing – 2017-2018, <https://www.edc.ca/EN/About-Us/Disclosure/Pages/Public-Servants-Disclosure-Protection-Act.aspx>
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- xxix. Royal Canadian Mounted Police, Disclosure of wrongdoing under the Public Servants Disclosure Protection Act (PSDPA) 2017-2018, <http://www.rcmp-grc.gc.ca/en/disclosure-wrongdoing-the-public-servants-disclosure-protection-act-psdpa-2017-2018>
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- xxxiii. Management Accountability Framework, <https://www.canada.ca/en/treasury-board-secretariat/services/management-accountability-framework.html>
- xxxiv. Public Service Employee Survey, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/public-service-employee-survey.html>
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- xxxviii. Public Servants Disclosure Protection Act, section 8, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-6>
- xxxix. Public Servants Disclosure Protection Act, section 12, <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-2.html#h-7>