



Five questions about blowing the whistle



Tell us.
You are protected.

THE OFFICE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER OF CANADA is an independent organization that handles disclosures of wrongdoing within the federal public sector and reprisal complaints under the *Public Servants Disclosure Protection Act* (the Act). This guide is intended to give you a better understanding of the federal public sector whistleblowing regime and explain the process that we use when handling disclosures of wrongdoing.

Each situation is unique and should be considered in light of its own circumstances. Our Office can provide assistance at every step of the process. However, the decision to disclose is ultimately yours.

What is considered wrongdoing under the Act?

UNDER THE ACT, WRONGDOING IN OR RELATING TO THE FEDERAL PUBLIC SECTOR CAN INCLUDE:

- ✓ A contravention of any Act of Parliament or of the legislature of a province;
- ✓ A misuse of public funds or a public asset;
- ✓ A gross mismanagement;
- ✓ An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment;
- ✓ A serious breach of a code of conduct; and
- ✓ Knowingly directing or counselling a person to commit wrongdoing.

At times, something may appear to be wrong but may not be considered wrongdoing under the Act. And there are cases, for example, some staffing concerns,

labour relations issues or personal conflicts, where other recourse mechanisms exist that might be more appropriate to resolve the problem.

To help you decide if you should make a disclosure of wrongdoing under the Act, you might ask yourself “Is this in the public interest?” or “Is it something that, if proven, could affect confidence in the public service?” Each case brought forward to our Office will be dealt with on its own facts to determine if wrongdoing has occurred.

We are here to discuss your concerns and to explain our work in order to help you make an informed decision about coming forward. You can call our Office at 1-866-941-6400. You can also read case studies about closed files and case reports of findings of wrongdoing on our website.

Where can you make a disclosure?

THE CHOICE IS YOURS.

You can disclose to either:

- ✓ a manager;
- ✓ the Senior Officer for internal disclosure identified in your organization; or
- ✓ directly to our Office.

You do not have to exhaust internal mechanisms before coming to our Office. Remember, the choice is yours.

Findings of wrongdoing made following an internal disclosure are published on the respective organization's website.

Findings of wrongdoing made as a result of a disclosure to our Office are reported to Parliament and published on our website.

Disclosures can be made on matters that:

- ✓ you believe meet the definition of wrongdoing;
- ✓ are within the federal public sector; and
- ✓ are not currently being dealt with by another body.



What happens when we receive a disclosure?

First, the disclosure will be analyzed. We will examine the information provided to determine if it meets the definition of wrongdoing and whether there are sufficient grounds to launch an investigation. We may contact you for further information, but we will not contact anyone else at this stage of the process.

Based on this analysis, the Commissioner will decide whether an investigation will be launched or not. You will be advised of the Commissioner's decision in writing along with the reasons for this decision.

Our Office does not have the power to deal with criminal matters, but we do have the ability to refer information about possible criminal activity directly to law enforcement authorities.

The right to procedural fairness and natural justice of all persons involved in investigations is respected throughout the process. This means that any person who could be adversely affected by the outcome of an investigation will be informed of the details of the allegations and will have a full and ample opportunity to respond.

The identity of the discloser is never revealed to anyone in the course of dealing with or investigating a disclosure.

The Act also includes exemptions from Access to Information and Privacy legislation that protect the information and identity of disclosers and those who participate in an investigation.

How long does the process take?

As each case is unique, it is difficult to set out a specific timeframe for how long the disclosure process takes. Factors that may influence the time required to deal with a file include:

- ✓ availability of documentation and key witnesses;
- ✓ complexity of issues; and
- ✓ whether specific expertise or further research is needed to fully assess the situation.

We recognize that timeliness is important to all parties when a disclosure of wrongdoing is made. In working to be as transparent and consistent as we can be, our Office has identified service standards that we aim to meet, barring unforeseen or exceptional circumstances: 90 days to complete a case analysis when a disclosure is received; and one year to complete a full investigation, once it has been launched.



What happens if the Commissioner makes a finding of wrongdoing?

The Commissioner will decide whether the alleged wrongdoing is founded, based on a full assessment and analysis of the information gathered during the investigation.

This decision will be communicated to the discloser, to those found to have committed the wrongdoing, and to the organization's chief executive.

If wrongdoing is found, the Commissioner will table a Case Report in Parliament, within 60 days, which can include recommendations to the chief executive for corrective measures, to address the wrongdoing and to prevent it from happening again.

If wrongdoing is not found, no Case Report is tabled. Only the parties involved are advised, and the file is closed.



Coming forward when you think something is wrong is the right thing to do. We recognize it can be difficult to blow the whistle. Our federal whistleblowing regime was created to enhance confidence in public institutions and public servants, whose work is vital to all Canadians.

PLEASE DON'T HESITATE to contact us for more information or to discuss your potential disclosure in confidence.

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