

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

2018–19

ANNUAL REPORT

Tell us.
You are protected.

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The Honourable George J. Furey, Q.C.
Speaker of the Senate
The Senate
Ottawa, Ontario K1A 0A4

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner's twelfth annual report, which is to be laid before the Senate in accordance with the provisions of section 38 of the *Public Servants Disclosure Protection Act*.

The report covers the fiscal year ending March 31, 2019.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Friday", with a stylized, cursive script.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2019

The Honourable Geoff Regan, P.C., M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario K1A 0A6

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Ottawa, June 2019

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT

The federal public administration is an important national institution and is part of the essential framework of Canadian parliamentary democracy. It is in the public interest to maintain and enhance public confidence in the integrity of public servants. Confidence in public institutions can be enhanced by establishing effective procedures for the disclosure of wrongdoings and for protecting public servants who disclose wrongdoings, and by establishing a code of conduct for the public sector. Public servants owe a duty of loyalty to their employer and enjoy the right to freedom of expression as guaranteed by the *Canadian Charter of Rights and Freedoms* and this Act strives to achieve an appropriate balance between those two important principles.

– Excerpt from the Preamble

Public Servants Disclosure Protection Act

OFFICE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER OF CANADA

OUR VISION

As a trusted organization where anyone can disclose wrongdoing in the federal public sector confidentially and safely, the Office of the Public Sector Integrity Commissioner of Canada enhances public confidence in the integrity of public servants and public institutions.

OUR MANDATE

The Office of the Public Sector Integrity Commissioner of Canada contributes to strengthening accountability and increases oversight of government operations by providing:

- public servants and members of the public with an independent and confidential process for receiving and investigating disclosures of wrongdoing in, or relating to, the federal public sector, and by reporting founded cases to Parliament and making recommendations to chief executives on corrective measures; and
- public servants and former public servants with a mechanism for handling complaints of reprisal for the purpose of coming to a resolution including referring cases to the Public Servants Disclosure Protection Tribunal.

OUR VALUES

The Office operates under a set of values that defines who we are and how we interact with our clients and stakeholders:

RESPECT FOR DEMOCRACY

We recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

RESPECT FOR PEOPLE

We treat all people with respect, dignity and fairness. This is fundamental to our relationship with the Canadian public and colleagues.

INTEGRITY

We act in a manner that will bear the closest public scrutiny.

STEWARDSHIP

We use and care for public resources responsibly.

EXCELLENCE

We strive to bring rigour and timeliness as we produce high-quality work.

IMPARTIALITY

We arrive at impartial and objective conclusions and recommendations independently.

CONFIDENTIALITY

We protect the confidentiality of any information that comes to our knowledge in the performance of our duties.

This Annual Report is a key part of our accountability and transparency framework, but also an important means of communicating with stakeholders. The Report provides an opportunity to highlight our achievements, and expand on our challenges, providing details and context about our role as an independent Agent of Parliament and the external whistleblowing body for the federal public sector. Having been established 12 years ago, and as a relatively recent addition to the complex landscape of the public sector, we continue to evolve and develop in order to increase our effectiveness and contribute to positive change.

This Report is just one means by which we communicate with the public. Recognizing the importance of staying in touch with our stakeholders, we regularly participate in outreach and communications activities throughout the year. In addition to informing public servants about the [*Public Servants Disclosure Protection Act*](#), the Office also seeks to increase awareness of issues related to whistleblowing, by attending various events and engaging with international organizations.

I encourage you to explore key documents on our website, including [policies](#), [educational documents](#), and our [16 case reports](#). I hope that this information will support you in having open discussions about whistleblowing in the workplace, as people across Canada and throughout the world come to recognize its importance and necessity as part of a healthy workplace and society.

CASE REPORTS

In 2018-19 I did not table any reports of founded wrongdoing to Parliament, but this does not mean that the work of my Office has slowed or that support for whistleblowing has decreased. On the contrary, there has been a marked increase in the number of disclosures over the past two fiscal years, which, I believe, indicates an increased willingness of individuals to come forward. Whether or not it leads to an investigation, I consider each disclosure as a positive step toward creating an environment in which public servants and members of the public feel comfortable coming forward when they believe something is wrong.



OPERATIONAL ACTIVITIES

This year, my Office received 148 disclosures of wrongdoing, which is in line with the significant increase we saw in 2017-18. We also received 54 complaints of reprisal, which is the highest number received since we were established, and a significant increase from 38 the previous year. I credit these increases, in part, to the launch of our online submission system, which allows individuals to make protected disclosures and complaints of reprisals on our website.

Other possible reasons for these increases are difficult to identify, as so many factors are at play. In addition to the launch of our online submission system in 2017-18, other factors may have played a role, including increased awareness and support of whistleblowing in Canadian culture. The #MeToo movement and widespread coverage

of whistleblowers in the social media arena are just a few examples of the way that whistleblowing is becoming normalized and accepted. I believe greater awareness translates directly into higher numbers of people coming forward.

OUR SERVICE STANDARDS

In 2013, we developed service standards to guide the completion of our work in a timely manner. Timeliness is critical, as people expect and deserve to have their cases dealt with quickly and thoroughly. Our standards are:

- To respond to general inquiries within 24 hours
- To complete analyses of disclosures within 90 days
- To complete investigations of both disclosures and reprisals within one year
- To determine whether to deal with a complaint of reprisal within 15 days of receiving it (as specifically required by the Act)

In order to measure our success in achieving service standards, each year we set targets for compliance. This year we met or exceeded all targets:

TARGET	RESULT
To respond to at least 80% of general inquiries within 24 hours	We did so in 99% of cases
To complete at least 80% of analyses of disclosures within 90 days	We did so in 97% of cases
To complete 80% of investigations of both disclosures and reprisals within one year	We did so in 81% of cases
To determine whether to deal with a complaint of reprisal within 15 days of receiving it in 100% of cases (as specifically required by the Act)	We did so in 100% of cases

CONCILIATION

In cases where my Office is investigating complaints of reprisal, I have the option of recommending a conciliation process to the parties. The conciliation process is arranged and paid for by my Office. Settlements are confidential and allow parties to settle matters to their satisfaction in a timelier manner, this allows individuals to move forward with their careers, instead of taking part in a lengthy and sometimes onerous process under the Public Servants Disclosure Protection Tribunal.

Three reprisal cases were settled through conciliation this year, for a total of 16 since our Office was created. Providing a means for parties to a reprisal investigation to settle a case and move forward with their lives remains an important function of my Office and an important contribution to making positive change within the public service culture.

ACCESS TO LEGAL ASSISTANCE

In 2018, my Office engaged an external management consultant to conduct an evaluation of the Legal Access Request (LAR) Contribution Program to assess its relevancy, design and delivery, and its effectiveness. Under the Act, I may grant up to \$3,000 in funding for legal advice to eligible persons involved in proceedings or considering making a disclosure or complaint.

The Evaluation, concluded in June 2018, showed that the LAR Program is relevant, is being implemented as designed and intended, and that it is well administered. The evaluation also made recommendations for improvement in two areas: monitoring and performance, and enhancing communication and awareness. In response to recommendations flowing from the Evaluation, my Office has developed an [Action Plan](#), which is available on our website.

This year, my Office made payments of approximately \$30,000 to support people's ability to seek independent legal advice to assist them in participating in the whistleblowing regime.

CULTURE SHIFT

Creating an environment in which whistleblowing is accepted and expected will require a cultural shift for the public sector. I was troubled by a particular result in the most recent Public Service Employee Survey: when asked, only forty-eight percent of public servants said that they felt they could initiate a formal recourse process, such as a grievance, complaint or appeal, without fear of reprisal. This indicates to me that a tremendous amount of work remains in normalizing whistleblowing in the workplace. While my small Office is indeed part of that process of change, I must underscore that this requires effort and commitment at all levels in all organizations.

The survey also applies to my Office, and I am proud to report that our results indicate a healthy workplace in which individuals feel supported and confident in coming forward without fear of reprisal. Eighty-eight

percent of employees in my Office felt they could initiate a recourse process without fear of reprisal. This signals to public servants that they can speak up and speak out to my Office, knowing that we value and support the act of doing so. As outreach and awareness remains a major challenge in my work, I am particularly pleased that the results send an encouraging and clear message to potential disclosers.

OUTREACH AND STAKEHOLDER ENGAGEMENT

Providing stakeholders with accurate information about our Office and their options within the federal whistleblowing regime is a key part of our work. We strive to ensure that individuals are supported in making informed decisions, and that they know what to expect when they make a disclosure or reprisal complaint.

Our Office participated in 26 outreach events last year, including management development conferences, tailored presentations to departments, international conferences, and visits from provincial and foreign delegations. We distributed over 4,000 informational and promotional materials. This year, we will continue our outreach activities, supplementing them with enhancements to our website to improve the user experience and highlight key information, as well as increasing our presence on social media.

In closing, I would like to emphasize that I am committed to improving the public service for the benefit of all Canadians, by maintaining a safe space for whistleblowers. Every public servant has a role to play in creating a culture that supports whistleblowing, and a duty to Canadians to speak up when we see wrongdoing. On behalf of my team of dedicated professionals, I commit to supporting public servants in these important responsibilities.

I invite you, as always, to [contact us](#) with your questions, with your comments, with your ideas. We are here to help you make an informed and confident decision about speaking up. Tell us. You are protected.

SUMMARY OF OPERATIONAL ACTIVITIES IN 2018–19

NEW ACTIVITIES

Number of general inquiries received	316
Number of new disclosures of wrongdoing received	148
Number of new reprisal complaints received	54

OVERALL DISCLOSURE ACTIVITIES

Total number of disclosures of wrongdoing handled in 2018–19	176
Number of new disclosures of wrongdoing received	148
Number of disclosures of wrongdoing / investigations carried over from 2017–18	28
Number of files completed following an analysis	138
Number of investigations launched	15
Number of files resulting in a founded case of wrongdoing	0
Number of recommendations made by the Commissioner for founded cases of wrongdoing	0
Number of follow-ups made on recommendations	0
Number of recommendations actioned by chief executives	0

OVERALL REPRISAL ACTIVITIES

Total number of reprisal complaints handled in 2018–19	65
Number of new reprisal complaints received	54
Number of reprisal complaints / investigations carried over from 2017–18	11
Number of files completed following an analysis	53
Number of investigations launched	5
Number of files settled through conciliation	3
Number of applications to the Tribunal	0