

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

2019–20

ANNUAL REPORT

Tell us.
You are protected.



Office of the Public Sector Integrity Commissioner of Canada
60 Queen Street, 4th Floor
Ottawa, Ontario K1P 5Y7
613-941-6400
Toll-free: 1-866-941-6400
info@psic-ispc.gc.ca

Ce document est également disponible en français.

© Office of the Public Sector Integrity Commissioner of Canada, 2020
Cat. No.: PG1-3E-PDF
ISSN: 1925-7732

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

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's thirteenth 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. This Report covers the fiscal year ending March 31, 2020.

The Annual Report is to be referred to the Standing Senate Committee on National Finance pursuant to subsection 38(4) of the Act.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Friday". The signature is fluid and cursive, with a large initial "F".

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2020

The Honourable Anthony Rota, M.P.
Speaker of the House of Commons
House of Commons of Canada
Ottawa, Ontario K1A 0A6

Dear Mr. Speaker:

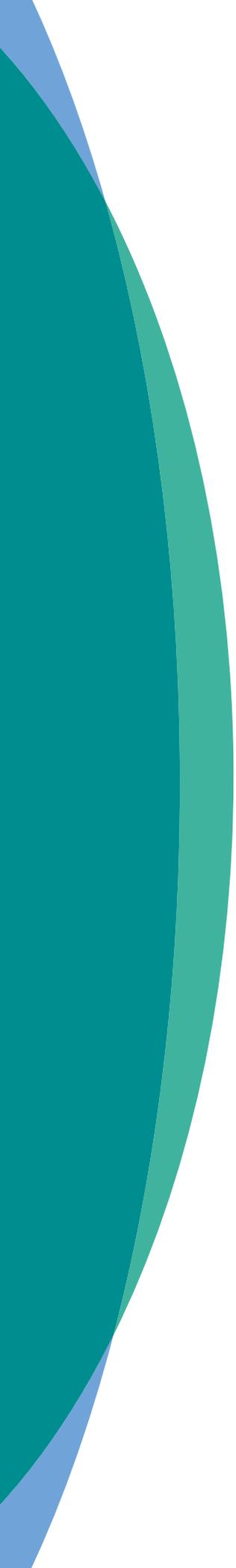
I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's thirteenth Annual Report, which is to be laid before the House of Commons in accordance with the provisions of section 38 of the Public Servants Disclosure Protection Act. This Report covers the fiscal year ending March 31, 2020.

The Annual Report is to be referred to the Standing Committee on Government Operations and Estimates pursuant to subsection 38(4) of the Act.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Friday". The signature is stylized and cursive.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2020



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 that this Act strives to achieve an appropriate balance between those two important principles.

— Excerpt from the Preamble

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



At the outset, I want to acknowledge that this Annual Report was tabled during an unprecedented time in Canada and for the federal public service. The Office of the Public Sector Integrity Commissioner of Canada (the Office) has continued to accept disclosures of wrongdoing and reprisal complaints by electronic means, as the team works at a distance. As we face the challenge of a global pandemic together, I feel it is important for Canadians to know that the Office continues its important work in support of a healthy and productive federal workplace, one in which people feel comfortable and confident in coming forward with their concerns. Perhaps now more than ever, the Office can provide reassurance of a shared commitment to transparency, communication and accountability in the federal public sector. It is important that Canadians have confidence at all times in the federal public servants who provide them with the services and support that they need and deserve on a daily basis, but it is never more important than during times of crisis, and the fear and uncertainty that such times bring.

As in years past, the Annual Report provides a key opportunity to communicate with our stakeholders. It is also a vital part of our accountability and transparency framework. This Report highlights our achievements and demonstrates our commitment to continuing improvement and innovation. In addition to this Report, the Office also works to increase awareness of the Public Servants Disclosure Protection Act (the Act) and issues related to whistleblowing through regular participation in outreach and communications activities, including attending events targeted to federal public servants and engaging with international organizations.

As an independent Agent of Parliament, responsible for the external whistleblowing regime of the federal public sector, the Office works in a unique context. Established in 2007, the Office is relatively new and works within an ever-evolving environment, as attention to whistleblowing increases in the media around the world. I encourage you to explore key documents on our website, including [our policies](#), [communications materials](#) and [case reports](#). I hope this information provides a foundation for open discussions about whistleblowing in the public sector and contributes to a better understanding of its importance as part of a healthy workplace.

OPERATIONAL ACTIVITIES

This year, the Office received 142 disclosures of wrongdoing. This is the third consecutive year in which the Office has received such a high number of new disclosures. In addition, the Office received 52 reprisal complaints in 2019–20, a level comparable to the previous record of 54. While it is difficult to pinpoint the reason for these significantly higher numbers in the last few years, some can likely be credited to the launch of our [online forms](#), others to our outreach efforts or to the increased awareness and support of whistleblowing in Canadian culture.

Established under the Act, the [conciliation process](#) is an effective means to settle a reprisal complaint confidentially and to the parties' satisfaction, and I have the option to recommend this process when it may be in the public interest. There were four conciliation cases in 2019–20 that resulted in negotiated settlements between the complainants and their respective employers. These cases were resolved to the parties' satisfaction instead of having them continue in the investigation process and being

potentially referred to the Public Servants Disclosure Protection Tribunal, with all the cost and time concerns associated with any formal adjudicative process.

This year, the Office hired an outside firm to conduct an [evaluation](#) of our operations, which was concluded in March 2020. The evaluation covered activities in support of our core mandate under the Act to receive, review and act on all disclosures of wrongdoing and reprisal complaints. I am proud to say that the results indicate that our work is effective and well managed. The evaluation also pointed to some areas that might be improved and we have committed to addressing those recommendations in our [management response](#). The evaluation provided an opportunity for us to examine the way we do business in support of a work environment that fosters continuous improvement. In this context, our employees are encouraged to undertake regular training. We have set a target of a minimum of 20 training hours per year, and all employees met this in 2019–20.

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 as follows:

- To determine whether to investigate a disclosure of wrongdoing within 90 days;
- To determine whether to investigate a reprisal complaint within 15 days of receiving it (as specifically required by the Act);
- To complete investigations within one year; and
- To respond to general inquiries within one working day.

This year, we met or exceeded all targets:

SERVICE STANDARDS	YEARLY TARGETS	2019–20 RESULTS
Decision whether to investigate a disclosure of wrongdoing is made within 90 days	80%	98%
Decision whether to investigate a reprisal complaint is made within 15 days	100%	100%
Investigations are completed within one year	80%	91%
General inquiries are responded to within one working day	80%	89%

CASE REPORT

In March 2020, I presented our [17th Case Report](#) of founded wrongdoing to Parliament. The Act requires the Office to table a report should an investigation show that wrongdoing occurred. Following a disclosure, we began an investigation into incidents at the Correctional Service of Canada. I concluded that adequate measures were not taken to address serious and systemic insubordination and harassment by a group of employees, and that the employer failed to ensure the security of employees affected by the inappropriate behaviour of others.

I invite you to view my [video statement](#) and read my [recommendations](#) and the Correctional Service's response to them. The Office will follow up on what actions the Chief Executive has taken further to my recommendations, as we do in all cases of founded wrongdoing.

Our work brings to light the importance of the Act in dealing with systemic problems affecting the health and safety of federal public servants, among other things. The Case Report underscores that responses to unacceptable behaviour in the workplace must be timely and effective.

LEGAL ASSISTANCE

Following the [Evaluation](#) of the Legal Assistance Request Grants and Contributions Program in June 2018, which found that the Program is relevant and well administered, the Office implemented the [Action Plan](#) to address considerations for improvement identified by the evaluators—specifically, to enhance monitoring, performance and communication, and raise awareness about the Program. As some of these cases can be legally complex, this unique Program provides legal funding to individuals involved in a disclosure of wrongdoing or reprisal complaint. The Program also contributes to changing the culture of the federal public service by enabling individuals to confidently participate in the whistleblowing regime.

The Office undertook several measures to implement our action plan, such as new initiatives to assist clients in choosing their lawyers and to simplify communications and improve contracting processes with law firms. We reviewed all of our [online information](#) to add questions and answers, practical tips and resources, as well as links to provincial law societies. We also implemented new internal administrative measures to ensure timeliness and the thoroughness of our responses to requests for legal funding under the Program, including a new five-day service standard and checklist to identify any urgent requests. Our staff also met with stakeholder groups throughout the year and we are now incorporating information about the Program

OUTREACH AND STAKEHOLDER ENGAGEMENT

Throughout the year, our staff attends conferences and symposiums of various professional organizations and communities, offers information sessions to stakeholder groups, as well as liaising with federal and provincial counterparts and those from other countries. The 26 activities we took part in 2019–20 allowed us to connect with many federal public servants and other Canadians and to provide accurate information about the Office and the federal whistleblowing regime.

We have maintained our presence and efforts online as well. Of particular note, in May 2019, we launched our new website that streamlines navigation and has several dynamic features to present information quickly and easily.

For the whistleblowing regime to be effective, it is essential that individuals be supported in making informed decisions about what they can do when they think something is wrong or when they feel they are being reprised against. Our outreach activities are designed to provide key decision-making information to federal public servants and other Canadians to ensure they have the information they need to come forward with confidence.

HEALTHY WORKPLACE

We strive to communicate to federal public servants and other Canadians that we provide a safe place where individuals can blow the whistle. That is just one reason why we place tremendous importance on creating a healthy and harassment-free workplace. We know it is important, not only to the well-being of our employees, but also that we lead by example when it comes to integrity in the workplace. To that end, we have put in place a number of measures to support employees, including a mental health committee led by an executive champion and requiring that employees undertake a minimum of three hours of mental health-related training per year.

I am pleased to note that the Office has received positive results from the Public Service Employee Survey in areas related to work-life balance and confidence in senior management. It is my belief that in order to increase and maintain public trust in the Office, we must live our values each day. We continue to strive for excellence in our work and in our work environment, and provide employees with the tools they need to be effective, efficient and healthy, and to come forward when something is wrong without the fear of reprisal.



In closing, I would like to emphasize my commitment to maintaining a safe space for whistleblowers in the federal public sector. We all have a duty to Canadians to speak up when we see something wrong. The Office and all federal public servants must commit to creating a culture that supports individuals who disclose wrongdoing. My team works tirelessly to contribute to that culture by upholding our values every day.

Do not hesitate to [contact us](#) with your comments and questions. We can assist you if you would like to make a disclosure of wrongdoing or reprisal complaint.

Tell us. You are protected.

OPERATIONAL ACTIVITIES IN 2019–20

SUMMARY OF NEW ACTIVITIES

Number of general inquiries received	324
Number of new disclosures of wrongdoing received	142
Number of new reprisal complaints received	52

OVERALL DISCLOSURE ACTIVITIES

Total number of disclosures of wrongdoing handled in 2019–20	180
• <i>Number of new disclosures received</i>	142
• <i>Number of disclosures or investigations carried over from 2018–19</i>	38
Number of files completed following an analysis	156
Number of investigations launched	11
Number of files resulting in a founded case of wrongdoing	1
• <i>Number of recommendations made by the Commissioner for founded cases of wrongdoing</i>	4
• <i>Number of follow-ups made on recommendations</i>	0*
• <i>Number of recommendations actioned by chief executives</i>	0*

* Our Case Report was tabled in March 2020, so we will follow up on the recommendations and actions that were taken over the next few months.

OVERALL REPRISAL ACTIVITIES

Total number of reprisal complaints handled in 2019–20	63
• <i>Number of new complaints received</i>	52
• <i>Number of complaints or investigations carried over from 2018–19</i>	11
Number of files completed following an analysis	55
Number of investigations launched	10
Number of files settled through conciliation	4
Number of applications to the Tribunal	0