

Office of the Public Sector  
Integrity Commissioner  
of Canada



Commissariat à l'intégrité  
du secteur public  
du Canada



# 2015-16 ANNUAL REPORT

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This report is available on our website at: [www.psic-ispc.gc.ca](http://www.psic-ispc.gc.ca)

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The Honourable George J. Furey  
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 ninth annual report for tabling in the Senate, pursuant to section 38 of the *Public Servants Disclosure Protection Act*.

The report covers the fiscal year ending March 31, 2016.

Yours sincerely,

A handwritten signature in black ink that reads "Friday". The signature is written in a cursive, flowing style.

Joe Friday  
Public Sector Integrity Commissioner

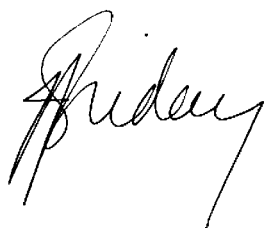
The Honourable Geoff Regan, P.C., M.P.  
Speaker of the House of Commons  
House of Commons  
Ottawa, Ontario K1A 0A6

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The report covers the fiscal year ending March 31, 2016.

Yours sincerely,

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Joe Friday  
Public Sector Integrity Commissioner

# *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 (PSIC or the Office) enhances public confidence in the integrity of public servants and public institutions.

## OUR MISSION

The Office provides a confidential and independent response to:

- disclosures of wrongdoing in the federal public sector from public servants or members of the public; and
- complaints of reprisal from public servants and former public servants.

## 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.

**The Annual Report of the Office of the Public Sector Integrity Commissioner (PSIC), is an important part of our accountability and transparency framework. The goal of being open, accessible and clear in our communications with our many stakeholders requires more than just reporting annually on our statistics and achievements, as required by our legislation, the *Public Servants Disclosure Protection Act (PSDPA)*.**



Like other federal agencies, we also publish an annual *Departmental Performance Report and a Report on Plans and Priorities*, both of which give Canadians a clear and detailed account of our activities and expenditures. In addition, our outreach and communications strategies ensure we are meeting with and speaking to individuals and groups in both the public and private sectors throughout the year. And further, we publish and table in Parliament our Case Reports on founded allegations of wrongdoing. Given this ongoing effort to communicate regularly and actively throughout the year, I thought that the visibility and utility of this year's Annual Report would be optimized if we published it in a more direct, accessible, succinct format than we have traditionally done.

The past year, my first full year as Commissioner, has been one of change and progress. My main priority as Commissioner was to articulate and foster support for a discloser- and complainant-centred approach that builds on our past achievements and advances the way we manage our files internally. I also examined more closely the way we reach out to potential whistleblowers, with the goal of building confidence and trust in our Office, as well as in the entire federal whistleblowing regime, of which we are one essential part.

## LEAN EXERCISE

One key step in this process of building consensus around my vision and approach is what is known as a LEAN exercise: an all-organization initiative in which we looked at every step in our operations and the role of every person in the operational decision-making process, to identify ways to be more effective in delivering our mandate under the PSDPA. And by effective, I mean timely, clear, consistent, accurate, complete and fair. This exercise was an important part of the self-reflection and self-assessment that I believe all organizations must undertake on a regular basis. It was a tremendous investment in our work, and it has resulted in specific internal procedural changes; a shared understanding of the importance of continuous improvement; an increased focus on strategic planning, including resource requirements and allocations, and an excellent teambuilding exercise.

We noted early in the fiscal year, with concern, a developing backlog in our disclosure cases at the initial admissibility analysis stage; that is, when a disclosure is received, and an in-depth analysis is carried out in order to determine whether to launch a formal investigation. Through the LEAN process, the team identified ways for us to address that backlog, so that at the end of the fiscal year, I can report that we have made significant progress in meeting the targets we established. Part of this solution, in addition to identifying ways to improve our timeliness, was to increase the number of case analysts on staff, which we have done.






In addition to expanding our case analysis team, we have also taken some other important staffing actions, all related to focusing resources on our core operational mandate. A new and expanded position of Deputy Commissioner was created and staffed, allowing us to eliminate a senior Corporate Services position, and we completed processes to hire new investigators. Recognizing that the investigations field is a highly specialized one, we have implemented regular staffing cycles to create pools of qualified investigators and case analysts to meet our ongoing and future needs.

## OPERATIONAL ACHIEVEMENTS

The Act requires that we report specific information such as: general inquiries; the number of disclosures and complaints received; investigations commenced; complaints settled and other key operational activities in an Annual Report.

In 2015-16, we received 86 new disclosures of wrongdoing and 30 new complaints of reprisal, which is comparable to previous years. I invite you to consult the table at the end of this letter for the complete operational report.

We also tabled a Case Report in Parliament that was our first finding of wrongdoing in relation to a substantial and specific danger to life, health and safety. It was based on the practice of employees repeatedly being allowed to bring children to the Okimaw Ohci Healing Lodge, a penal institution under the authority of Correctional Service Canada. This is an institution where there were recorded incidences of violence and dangerous conditions, and one that housed some inmates who had been convicted of crimes involving children.



**Every reprisal investigation involves serious labour relations matters, and the increased use of conciliation represents an opportunity for the parties to move forward and beyond a difficult situation.**

On the reprisal front, our seventh application was made to the Public Servants Disclosure Protection Tribunal, after investigating a complaint and finding that there were reasonable grounds to believe a reprisal had occurred. This specialized Tribunal was created under the Act to make final determinations on reprisal cases, including orders for remedial and disciplinary actions. A hearing is expected in the coming year.

I am also pleased to report that we successfully used conciliation to resolve two reprisal complaints. The PSDPA authorizes us to use conciliation to settle cases that could otherwise proceed to lengthier investigations and possibly the more formal step of a Tribunal hearing. Conciliation remains an effective means for our Office to assist the parties in resolving a reprisal case to their satisfaction. In all cases, I am required by the law to approve any settlement resulting from a conciliation to ensure that fairness is respected. Every reprisal investigation involves serious labour relations matters, and the increased use of conciliation represents an opportunity for the parties to move forward and beyond a difficult situation.

The cases we deal with involve serious matters of public administration; the stakes are high for all concerned; and the decision to come forward with a disclosure or reprisal complaint can be a difficult one to make. Part of helping people make informed decisions is being transparent about how we handle cases. People should know what to expect when they come to us. This year, we developed formal operational policies on specific issues to guide ourselves in carrying out our work confidently and consistently. These policies are also being shared publicly to provide clarity and certainty to potential disclosers and complainants about how we carry out our work. The three new policies we developed this year dealt with: 1) the factors taken into account when exercising

my discretion to extend the 60-day time limit for making a reprisal complaint; 2) the factors taken into account when exercising my discretion to decide whether a disclosure is, in the words of the PSDPA, “not sufficiently important”; and 3) the factors taken into account and the process followed when a matter is outside PSIC’s jurisdiction and therefore cannot be dealt with. Our goal is to balance rigour with efficiency at all times, and I am looking forward to continuing this policy-making initiative in the coming year.

## RAISING AWARENESS

An ongoing concern for the Office, and indeed our provincial and international counterparts, is the level of awareness and confidence in whistleblowing regimes. PSIC was created in 2007, but we continue to face the ongoing challenge of ensuring that our organization is known and trusted. The Treasury Board Secretariat is responsible for the administration of the internal whistleblowing regime in the public sector and has the specific responsibility under the PSDPA to “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...” However, I feel very strongly that in my role as Commissioner, responsible for the administration and operation of the independent and external component of the federal whistleblowing regime, I have a clear and compelling responsibility to also ensure that public servants and members of the public fully understand their options and feel confident about coming forward. When they do come to my Office, I want them to know that their concerns will be dealt with fully, fairly and completely.

With this in mind, we conducted a series of focus group discussions with public servants last year. This is the second time we have undertaken this type of exercise, the first being in 2011. Our goal was to understand the perceptions and concerns about whistleblowing in the federal public sector, and more specifically, to gain a clearer understanding of the factors that contribute to the fear of reprisal and to identify ways to address and minimize this fear. The “buy in” from public sector leaders, including promotion of the regime and visible action to support its use, were the key factors identified as necessary to establish a culture that accepts disclosure of wrongdoing as a positive action, and one that protects people against reprisal. We also commissioned a research paper on the issue of fear of reprisal, which I look forward to sharing with our key stakeholders as part of our ongoing commitment to refining and enhancing the whistleblowing regime.

An essential part of our ongoing outreach and consultation is working with our external Advisory Committee. It is through this committee that we get the perspectives of key stakeholders including unions, academics, Treasury Board Secretariat and departmental Senior Officers responsible for internal whistleblowing, and the Tribunal.

Of particular note is the ongoing work we have done with one of our members, the Association of Canadian Financial Officers (ACFO). After completing an internal survey of members and employees, ACFO partnered with our Office to provide information and training sessions for its labour relations and communications advisors. I believe that this productive relationship with a federal union is a model for collaborative approaches to educating and informing public servants about their options to disclose, which is key to building confidence in the federal whistleblowing regime.

In closing, I invite you to consult the following table which sets out our operational statistics for 2015-16, in accordance with the PSDPA. I would like to reiterate my commitment, and that of all members of the PSIC team, to carrying out our work in a manner which reflects and respects our status as an independent Agent of Parliament, as an able and efficient investigative body, as a neutral and impartial decision-maker, and as an active player in the movement toward ongoing positive cultural change in the federal public sector.

Joe Friday  
Public Sector Integrity Commissioner

# Summary of activity 2015-16

## Summary of new files received in 2015-16

General Inquiries	Total number of general inquiries received	165
Disclosures	Total number of new disclosures of wrongdoing received	86
Reprisals	Total number of new reprisal complaints received	30

## Disclosures

### Total number of disclosures of wrongdoing 125

Number of disclosures of wrongdoing carried over from previous year	39
Number of disclosures of wrongdoing received in 2015-16	86
Completed disclosure files	65
After admissibility review	61
After investigation	3
Number of files resulting in a founded case of wrongdoing	1
Active disclosure files as of March 31, 2016	60
Currently under admissibility review	45
Currently under investigation	15

## Reprisals

### Total number of reprisal complaints 46

Total number of reprisals carried over from previous year	16
Number of reprisals received in 2015-16	30
Completed reprisal files	32
After admissibility review	24
After investigation	5
After conciliation	3
After being sent to the Public Servants Disclosure Protection Tribunal	0
Active reprisal files as of March 31, 2016	14
Currently under admissibility review	4
Currently under investigation	8
Currently under conciliation	0
Currently before the Public Servants Disclosure Protection Tribunal	2

## Referrals to the Public Servants Disclosure Protection Tribunal

### Total number of cases referred to the Tribunal in 2015-16 1

**Note:** Each disclosure and reprisal file may contain one or a number of allegations of wrongdoing