

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

ANNUAL REPORT

2022-23



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Public Sector
Integrity Commissioner



Commissariat
à l'intégrité du secteur public

Ottawa, Canada K1P 5Y7

The Honourable Raymonde Gagné, Senator
Speaker of the Senate
Senate of Canada
Ottawa, Ontario K1A 0A4

Dear Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's sixteenth 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, 2023.

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".

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2023

Public Sector
Integrity Commissioner



Commissariat
à l'intégrité du secteur public

Ottawa, Canada K1P 5Y7

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

Dear Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's sixteenth 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, 2023.

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 that reads 'Joe Friday'.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2023

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, MANDATE AND VALUES

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.

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.

VALUES

The Office of the Public Sector Integrity Commissioner of Canada 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.

April 2022 marked the fifteenth anniversary of the creation of the Office of the Public Sector Integrity Commissioner of Canada (the Office). The Office is part of the whistleblowing regime for the federal public sector, and receives and investigates disclosures of wrongdoing and reprisal complaints. As I look back, I am proud to say that we have developed a robust and consistent means for analyzing disclosures and complaints, as well as for timely investigations. Over the years, the Office has seen three Commissioners who have tabled 18 case reports, handled over 1,500 disclosures and 500 complaints, and supported 23 successful conciliations.

When the Public Servants Disclosure Protection Act (the Act) came into force on April 15, 2007, work began to develop policies and procedures to ensure a framework for consistent and defensible decisions by the Office. To this end, we have clear factors we take into consideration at both the analysis and investigation phases of our processes. These allow for timely and accurate decision-making, while providing individuals with a better understanding of my decisions and ultimately findings of wrongdoing and referrals to the Public Servants Disclosure Protection Tribunal.

It is worth noting that we have received important guidance from the courts, specifically related to the use of discretion to avoid duplication of processes, as well as the threshold for determining whether an allegation would have a serious impact on the reputation and integrity of the public sector. These decisions underscore that the Office is not meant to deal with day-to-day matters in the management of public sector workplaces, but instead, instances of serious wrongdoing that would shake Canadians' confidence in the public sector.

The Annual Report is our primary tool for accountability and transparency, and provides a means to communicate with public servants and all Canadians. This report provides an overview of challenges faced by the Office, as well as our successes. In addition to the Annual Report, the Office continues to inform public servants and all Canadians about the Act through education and outreach activities, as well as through our website.



Joe Friday
Public Sector Integrity Commissioner

REVIEW OF THE ACT

In his December 2021 mandate letter, the Prime Minister tasked the President of the Treasury Board with reviewing the Act, with a view to better protecting whistleblowers and potentially making amendments. The Government committed funds to this review, and a committee of experts was created to undertake it. We look forward to taking part in the review, and will leverage our considerable experience to provide recommendations on how to improve the Act and provide better protections to those who come forward. During the 2017 review of the Act, the Office provided extensive recommendations to the Standing Committee on Government Operations and Estimates (the Committee), including recommending [16 legislative amendments](#). I believe these recommendations are still relevant. In addition, the Office continues to identify other improvements to the Act, in particular strengthening the existing confidentiality provisions.

I was pleased to see that the Act was also the subject of some parliamentary debate this year, as a private member's bill, Bill C-290, is working its way through the legislative process. This bill seeks to amend the Act by making some of the changes recommended by the Office during the 2017 legislative review, but also includes some broader amendments that would fundamentally change the nature of our work. My Office has provided a [submission to the Committee](#), noting our observations about the bill.

I continue to advocate for the amendment of the Act, and am heartened to see that both government and opposition members are seized with this important task.

CASE REPORT

In October 2022, I tabled a [case report](#) to Parliament related to wrongdoing at Global Affairs Canada (GAC). The Act requires that I table a report when I find that wrongdoing occurred. Following a disclosure, we began an investigation into a series of incidents at GAC. An executive in the Public Affairs Branch was found to have seriously breached the Values and Ethics Code, and GAC was found to have committed gross mismanagement in their handling of the situation. The actions of the executive team at GAC eroded employees' trust in the processes for bringing forward concerns and, as a result, negatively impacted employees' confidence in senior management.

This case report, the eighteenth from the Office, once again brought attention to the impact that an individual's actions can have on an entire team or workplace. It was disappointing to see that, despite evidence of ongoing bad behaviour, management at GAC not only did

not ensure a safe work environment, but also promoted the individual who was harming employees. I have spoken many times about the need for a culture change in the federal public sector and of the importance of creating an environment in which employees feel safe coming forward to voice concerns. The tone must be set from the top; deputy heads and others in positions of power must speak openly about whistleblowing and institute a zero tolerance policy against reprisal.

I invite you to view my [video statement](#) and read my recommendations and the responses by the Deputy Minister of GAC.

REPRISAL CASES

The Act includes a mechanism for public servants and former public servants to make complaints should they be subject to reprisal. Individuals must have made a disclosure under the Act, or participated in an investigation, in order to be eligible for reprisal protection. Should an employee suffer reprisal because they made a disclosure or took part in an investigation, the Office is able to investigate those complaints. Following the launch of an investigation, the investigator can make a recommendation that the parties attempt a conciliation. To date, the Office has facilitated 23 successful conciliations. Conciliation provides a less onerous process to all parties by allowing for resolution of reprisal cases without the time, cost and stress typically associated with a formal adjudicative process.

Ultimately, the decision to conciliate rests with the parties, and this very personal decision is not the right one for everyone. In cases where we complete a reprisal investigation and find reasonable grounds to believe that a reprisal occurred, an application is made to the Public Servants Disclosure Protection Tribunal. This quasi-judicial body has the power to determine whether a reprisal has occurred and is able to order remedies and discipline. This year, the Office made our ninth referral to the Tribunal. Past tribunal decisions are public, and they can be accessed on the Tribunal's website.

LEGAL ASSISTANCE

Making a disclosure or complaint, or taking part in an investigation, can be a stressful process, and many individuals feel more comfortable with the benefit of legal advice about their rights and the Act. To this end, the Office manages a legal assistance program that supports individuals by providing direct funding for legal advice and allows eligible individuals to choose their own lawyer. Eligible individuals may include anyone who is considering making a disclosure or complaint, either to the Office or through an internal process, as well as those who are involved in investigations, such as witnesses and alleged wrongdoers.

The Office continues to promote the program through our website and social media channels, and provides online information to assist clients in choosing their lawyers, including questions and answers, practical tips and links to provincial and territorial law societies. I am happy to report that uptake of the program is increasing and that we have processed more applications this year than ever before.



OPERATIONAL ACTIVITIES

The Office received 184 disclosures of wrongdoing this year, which is a substantial increase compared to the average number of disclosures received over the

past five years. The Office also received 49 reprisal complaints.

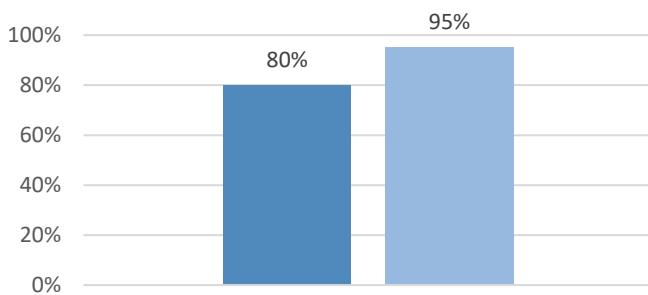
SERVICE STANDARDS

In 2013, we developed service standards to guide the completion of our work in a timely manner. Our target is to meet these standards in 80% of cases with the exception of reprisal complaints, for which the target is 100%. Timeliness is critical, as people expect and deserve to have their cases dealt with quickly and thoroughly. Our standards are as follows:

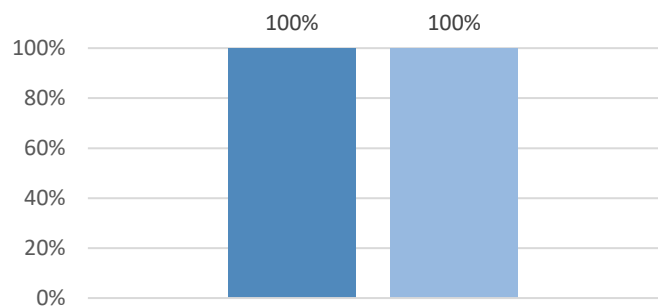
- To determine whether to investigate a disclosure of wrongdoing within 90 days;
- To determine whether to investigate a reprisal complaint within 15 days (as specifically required by the Act);
- To complete investigations within one year; and
- To respond to general inquiries within one working day.

This year, we met or exceeded all but one target:

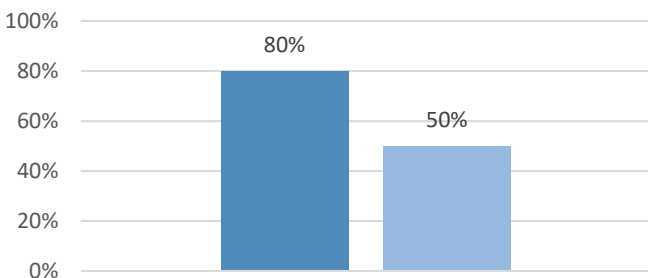
Decision whether to investigate a disclosure of wrongdoing is made within 90 days



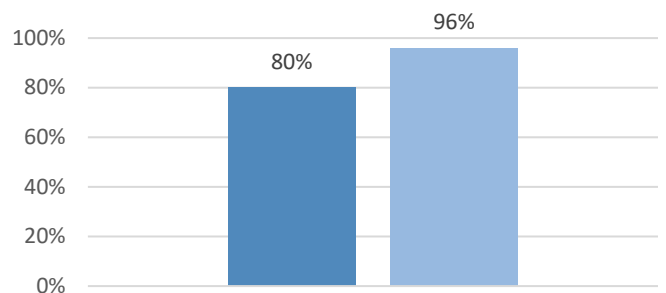
Decision whether to investigate a reprisal complaint is made within 15 days



Investigations are completed within one year



General inquiries are responded to within one working day



■ Yearly Targets ■ 2022-23 Results

Following the beginning of the COVID-19 pandemic, we have continued to launch investigations, but have seen substantial slowing in investigative work due to the pandemic's impact on travel, availability of witnesses for in-person meetings and, in some cases, a lack of timely access to documents, as affected organizations

continued to adjust to new ways of working. Many investigation files affected by these delays have exceeded the one-year service standard, but we expect to conclude them in 2023-24. We believe that as the federal work environment stabilizes, we will be able to once again meet that service standard.

OUTREACH AND STAKEHOLDER ENGAGEMENT

While experience has shown that in-person interactions are best for fostering trust and ensuring accurate messaging, the use of videoconferencing technology has enabled the Office to reach public servants virtually and still maintain much of the benefit of in-person sessions. Rather than referring a group to the website for information, the Communications team, and other employees, can interact directly with public servants through targeted virtual events, without the need for travel. This coming year, we will explore how to better leverage this technology to reach public servants, particularly those who live outside the National Capital Region.

In 2022–23, the Communications team worked with a private firm to evaluate online content and informational materials with a view to improving messaging and further increasing trust in the Office. [The evaluation report](#), provided in March 2023, will support efforts to redesign the Office's website, as well as some key communications products. Following from the previous year's [focus group testing](#), this year's evaluation provides

recommendations on how we can improve messaging to make it more human-centered, a message we continue to hear from stakeholders. The redesign of the website will also encompass best practices for accessibility, with a view to creating a barrier-free experience for anyone who needs to make a disclosure or complaint to the Office.

As always, presentations on the Act and the Office can be provided to public servants on request. Length and focus of presentations can be tailored to meet the needs of various organizations. I encourage federal public servants to [contact the Office](#) for information about how to request and plan a presentation.

HEALTHY WORKPLACE

Our most recent case report highlighted the importance of fostering a healthy workplace. In that case, employees not only were working in an unsafe environment, due to harassing behaviours, but their confidence in management and processes for bringing forward concerns were eroded further due to management inaction. All federal organizations, including the Office, must commit to upholding a culture that supports those who blow the whistle, and senior managers must set an example by creating an environment in which whistleblowing is seen as a positive force to improve workplaces and guard the integrity of the public service.

At the Office, we continually strive to create that positive environment, and we believe that individuals will be more likely to trust the Office if they can see that we are

living and working according to our values. Our mental health committee continues to plan learning events and provide resources to employees to support their mental health. All the while, our managers aim to provide a safe environment in which employees are engaged and empowered, and where individuals feel safe coming forward.

OPERATIONAL ACTIVITIES IN 2022–23

SUMMARY OF NEW ACTIVITIES

Number of general inquiries received	189
Number of new disclosures of wrongdoing received	184
Number of new reprisal complaints received	49

OVERALL DISCLOSURE ACTIVITIES

Total number of disclosures of wrongdoing handled in 2022–23	227
» Number of new disclosures received	184
» Number of disclosures or investigations carried over from 2021–22	43
Number of files completed following an analysis	192
Number of investigations launched	9
Number of files resulting in a founded case of wrongdoing	1
» Number of recommendations made by the Commissioner for founded cases of wrongdoing	3
» Number of follow-ups made on recommendations	0*
» Number of recommendations actioned by chief executives	0*

**Note: Recommendations made in a case report are followed up on after six months. Our most recent case report was tabled in October 2022, so the number of follow-ups made and recommendations actioned will be reflected in the 2023–24 Annual Report.*

OVERALL REPRISAL ACTIVITIES

Total number of reprisal complaints handled in 2022–23	72
» Number of new complaints received	49
» Number of complaints or investigations carried over from 2021–22	23
Number of files completed following an analysis	63
Number of investigations launched	9
Number of files settled through conciliation	1
Number of applications to the Tribunal	1

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.