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ANNUAL
REPORT
2020
2021

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

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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

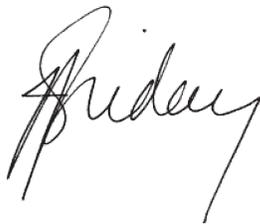
Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's fourteenth 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, 2021.

It would be greatly appreciated if you could table the Annual Report on June 16, 2021, at the earliest. I respectfully request that this Report be held in confidence until its tabling.

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", written in a cursive style.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2021

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

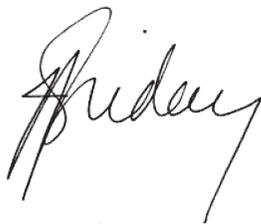
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It would be greatly appreciated if you could table the Annual Report on June 16, 2021, at the earliest. I respectfully request that this Report be held in confidence until its tabling.

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 fluid and cursive, with a large initial "F" and a long, sweeping underline.

Joe Friday
Public Sector Integrity Commissioner
Ottawa, June 2021

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 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.

We are well into the second year of dealing with an unprecedented situation for the public service, and indeed for all Canadians. Now more than ever, it is vital that Canadians have confidence in the public sector, and the public servants who provide them with essential services. In the face of ongoing uncertainty, the Office of the Public Sector Integrity Commissioner of Canada (the Office) has continued to accept disclosures of wrongdoing and complaints of reprisal, as the team works at a distance. Our work continues to contribute to healthy and productive workplaces across the public service, and to creating an environment in which individuals feel comfortable in coming forward when they see something wrong.



This Annual Report is not only an essential part of the Office's accountability and transparency framework, but also an opportunity to communicate with our stakeholders, both within the public service, and in Canada at large. The Report serves to highlight key achievements, as well as demonstrating our agility and flexibility to continue our work uninterrupted in a difficult time. In addition to our Annual Report, the Office works to inform public servants and Canadians about the Public Servants Disclosure Protection Act (the Act) and issues related to whistleblowing through participation in outreach activities.

Established in 2007, the Office is responsible for the external whistleblowing regime of the federal public sector. An independent Agent of Parliament, the Office works in an environment that is ever-evolving, as issues about whistleblowing are raised more and more in Canadian media and around the world. I encourage all Canadians to explore our website, which includes [policies](#), [educational documents](#) and [case reports](#). I hope this information can support continuous and open discussions within public sector workplaces about whistleblowing, and how it contributes to a healthy work environment.

WHISTLEBLOWER PROTECTIONS

Confidentiality is one of our core values, and also a pillar of our work. The first and best line of defence against reprisal is the confidentiality of the disclosure and investigation processes. The Office continues to take measures to ensure confidentiality for whistleblowers, as well as advocating for increased protections. In 2017, during the [legislative review](#) of the Public Servants Disclosure Protection Act, I advocated to improve protections for whistleblowers, by amending the

law to include the extension of confidentiality provisions to reprisal investigations, increasing the maximum allowable amount for legal access funding requests and reversing the burden of proof in reprisal investigations. I look forward to supporting the government's efforts in improving the Act, and I will continue to advocate for increased protections for whistleblowers and to advance the object and purpose of the Public Servants Disclosure Protection Act.

OPERATIONAL ACTIVITIES

This year, the Office received 146 disclosures of wrongdoing. This continues a trend of the Office receiving high number of disclosures, with more than 140 disclosures having been received each year for the past four years. In addition, the Office received 46 reprisal complaints this year, a level comparable to the previous record of 54.

The [conciliation process](#) established under the Act is an extremely important feature of our work, one which provides an effective means of

settling reprisal complaints confidentially and to the satisfaction of the parties. I have the option to recommend conciliation when I believe it is in the public interest. To date, PSIC has supported 20 successful conciliations. Conciliation provides a more timely and less onerous process by allowing for resolution of reprisal cases without the time, cost and stress typically associated with a formal adjudicative process.

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 but one target:

SERVICE STANDARDS	YEARLY TARGETS	2020-21 RESULTS
Decision whether to investigate a disclosure of wrongdoing is made within 90 days	80%	94%
Decision whether to investigate a reprisal complaint is made within 15 days	100%	100%
Investigations are completed within one year	80%	75%
General inquiries are responded to within one working day	80%	96%

As the Office adapts to workplace changes during the COVID-19 pandemic, we are adjusting to challenges in how we carry out investigations. Disclosures and reprisal complaints continue to come into the Office at the same rate as before the pandemic began, and our analysis team has been able to meet and even exceed our service standards, despite the changes in our working conditions. We also continue to launch

investigations, but have faced some obstacles that have led to a slowing of investigative work, as travel was affected, witnesses were unable to attend interviews, and organizations did not have access to evidentiary documents due to work-from-home arrangements. Despite these challenges, the Office still managed to complete most investigations in a timely fashion, falling short of our service standard target by only five percent.

LEGAL ASSISTANCE

Cases related to wrongdoing and reprisal can be legally complex, and the Office's [legal assistance program](#) supports individuals by providing direct funding to those involved. Under the program, individuals choose their own lawyer and receive funding from the Office to obtain legal advice on the disclosure or reprisal complaint process. The program is unique within Canada, and contributes to changing the culture of the federal public

service by enabling individuals to participate confidently in the whistleblowing regime.

The Office continues to promote the program through the website and social media, and maintains online information to assist clients in choosing their lawyers, including questions and answers, practical tips and links to provincial law societies.

OUTREACH AND STAKEHOLDER ENGAGEMENT

The current context of remote work has required PSIC to pivot the focus of outreach activities to virtual events. The past year was slower in terms of outreach and engagement activities, as the Office redefined strategies and adjusted plans to account for the cancellation of many in-person events. The Office continued to be active on social media, as well as presenting at six virtual events targeted to various audiences, including parliamentarians, public policy and law students, and public servants. The Office also maintains relationships with provincial and territorial counterparts, to share experiences and best practices and support each other in building effective and responsive whistleblowing programs across the country.

It is essential that individuals be supported in making informed decisions about coming forward when something looks wrong, or when reprisals occur. To aid Canadians in their decision

to come forward, the Office maintains a robust online presence, including YouTube and Twitter accounts, as well as a website. The website offers individuals access to the online forms for disclosing wrongdoing, making reprisal complaints, and requesting access to legal assistance, as well as providing a suite of [communications products](#) to aid individuals in their decision to come forward. Content on the Office's website is designed to provide key information so individuals can make an informed and confident decision to come forward.

The Office is available to provide presentations to public servants upon request. Presentation length and focus can be tailored to meet the needs of various public sector organizations. I encourage employees of the federal public sector to [contact the Office](#) for information about how to request and plan a presentation for their workplace.

HEALTHY WORKPLACE

After tabling several Case Reports in past years related to gross mismanagement and serious breaches of codes of conduct, I have seen how unhealthy environments can lead to serious problems in a workplace. Toxic culture can effect both the health of employees as well as the effectiveness and ability of a team to fulfill their mandate. These are just some of the reasons why maintaining healthy and respectful workplaces is critical to the functioning of the federal public sector.

Leading by example is an essential part of the Office's work. We strive to provide a safe place where individuals can blow the whistle, and to ensure that our workplace is a safe space for all employees. I am pleased to note that the Office has again received very positive results from the Public Service Employee Survey, including in areas related to confidence in management and ethical practices. Employees at the Office also overwhelmingly agreed that they would feel comfortable coming forward to report wrongdoing without fear of reprisal.

Our new work reality requires employees to work from home, which creates challenges in how we support employee mental health and well-being.

The Office has a mental health committee, chaired by an executive champion, which continues to meet virtually. Employees are also required to complete a minimum of three hours of mental health-related training each year, and the committee plans events in support of this goal.

Ensuring a healthy and supportive work environment is paramount to increasing and maintaining public trust in the Office. I am proud that employees at the Office have the tools they need to be effective, efficient and healthy, and that they feel empowered to come forward when something is wrong without fear of reprisal.

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. As public servants we all have a duty to speak up when something isn't right.

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 2020–21

SUMMARY OF NEW ACTIVITIES

Number of general inquiries received	206
Number of new disclosures of wrongdoing received	146
Number of new reprisal complaints received	46

OVERALL DISCLOSURE ACTIVITIES

Total number of disclosures of wrongdoing handled in 2020–21	174
• <i>Number of new disclosures received</i>	146
• <i>Number of disclosures or investigations carried over from 2019–20</i>	28
Number of files completed following an analysis	111
Number of investigations launched	8
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	1
Number of recommendations actioned by chief executives	1

OVERALL REPRISAL ACTIVITIES

Total number of reprisal complaints handled in 2020–21	59
• <i>Number of new complaints received</i>	46
• <i>Number of complaints or investigations carried over from 2019–20</i>	13
Number of files completed following an analysis	46
Number of investigations launched	19
Number of files settled through conciliation	0
Number of applications to the Tribunal	0

