

# **Annual Report *Policy on the internal disclosure of information concerning Wrongdoing in the workplace***

(December 1, 2001 to November 30, 2002)

Office of public service values and ethics  
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## Summary

This report reviews the use of the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace* (IDP) in government departments following its first year of application, that is, from December 1, 2001 to November 30, 2002. The information in this report is drawn from the annual reports of each of the 69 departments and agencies covered by the IDP. Below is an analysis of the combined results:

Total inquiries handled by Senior Officers	1537
Disclosures of possible wrongdoing	<b>68</b>
Disclosures rejected	9
Disclosures accepted	<b>59</b>
MINUS:	
• Accepted disclosures resolved without an investigation	29
• Accepted disclosures resolved with an investigation	15
• Accepted disclosures still ongoing at the end of November 2002	15

Disclosures determined to comprise wrongdoing	<b>8</b>
• Required disciplinary measures	4
• Referred to a third party for action	4

The eight disclosures that were investigated and for which corrective action was required occurred in four federal institutions. Almost 80 per cent of disclosures of possible wrongdoing were resolved mainly through discussions with parties.

**The nature of the disclosures acknowledged as wrongdoing can be broken down as follows:**

- ▶ 1 was related to a violation of any law or regulation;
- ▶ 3 resulted from a misuse of public funds or assets;
- ▶ 3 involved gross mismanagement;
- ▶ 1 involved a substantial and specific danger to the life, health and safety of Canadians or the environment.

This reporting exercise has confirmed that employees have been informed about the policy and that a number of them have taken advantage of it. Senior Officers have achieved this awareness by successfully implementing the policy through various personalized promotional tools. Through the IDP Networking Group, the Treasury Board Secretariat (TBS) assisted Senior Officers in the implementation of the policy in its first year of application.

## Introduction

Since it took effect on November 30, 2001, the IDP has encouraged open communication in which issues and concerns can be resolved through normal interaction, while also providing an alternative when one is needed. As required by the policy, internal mechanisms have been introduced by Deputy Heads, such as the appointment of a Senior Officer of Disclosure in all departments and agencies. This allows employees to disclose information concerning wrongdoing in the workplace to a confidential source having the authority to review and investigate disclosures.

The purpose of this report is to review the implementation of the IDP throughout the Public Service following its first year of application.

## Analysis of Disclosures

Senior Officers retained disclosures that required a review and more in-depth evaluation. The organizations subject to the IDP reported to the Office of Public Service Values and Ethics (OPSVE) a total of 1,537 inquiries and reviewed 68 (4.4 per cent) disclosures of possible wrongdoing that required further investigation. Only 14 departments and agencies accounted for all 68 disclosures. Of the 68 disclosures of one or more acts of wrongdoing in the workplace, 62 cases occurred in departments while the other six took place in government agencies.

Reviewed disclosures of possible wrongdoing	<b>68</b>
• Gross mismanagement	19
• Contravention of an act or regulation	17
• Misuse of public funds or assets	12
• Substantial and specific danger to life, health and safety of Canadians or the environment	2
• Other (related mainly to human resources management)	18

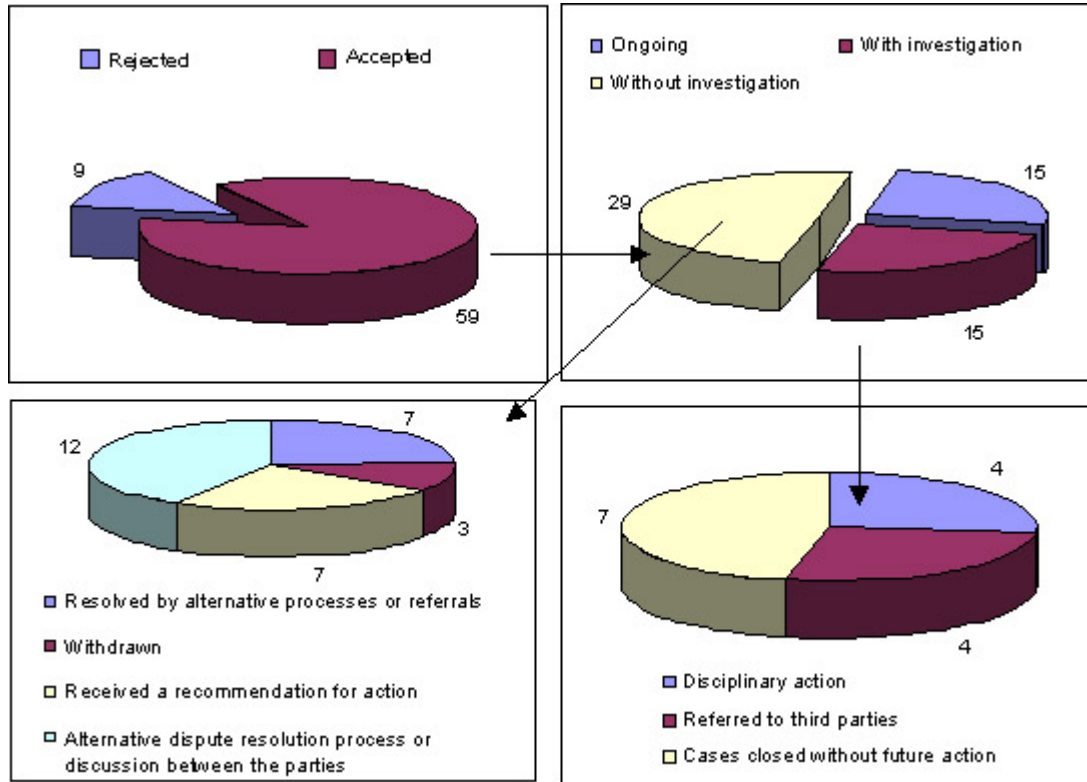
Below is the list in alphabetical order of the organizations that received disclosures of possible wrongdoing:

1. Agriculture and Agri-Food Canada
2. Citizenship and Immigration Canada
3. Canadian Radio-television and Telecommunications Commission
4. Environment Canada
5. Fisheries and Oceans Canada
6. Health Canada
7. Human Resources Development Canada
8. National Library and Archives of Canada
9. National Defence
10. Natural Resources Canada
11. Public Service Commission
12. Public Works and Government Services Canada
13. Royal Canadian Mounted Police
14. Transport Canada

## Analysis of Accepted Disclosures

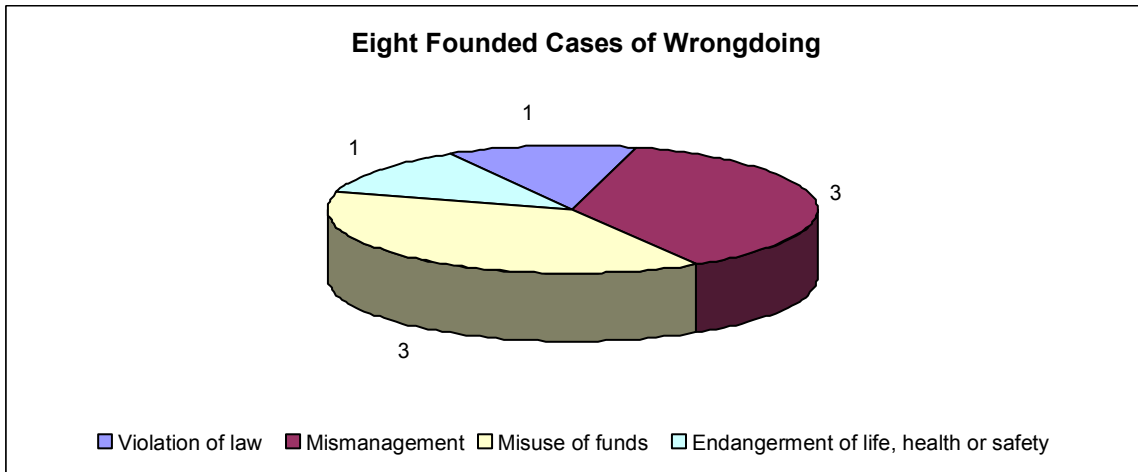
As for the status of disclosures initially accepted, 59 were accepted, while 9 were rejected.

Twenty-nine of the cases were resolved without an investigation, 15 were resolved with an investigation, and 15 were still ongoing at the end of November 2002.

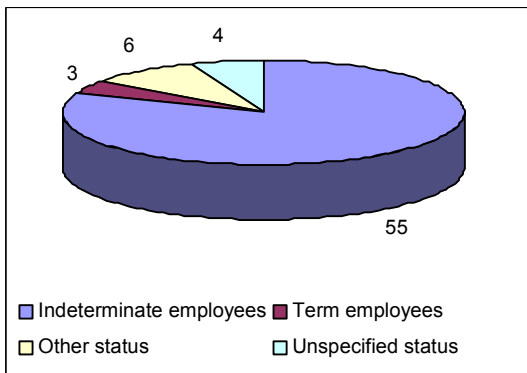


Among the 29 disclosures resolved without an investigation, 12 were resolved using an alternative dispute resolution process or discussion between the parties, seven received a recommendation for action, three were withdrawn, and seven were resolved by alternative processes or referrals.

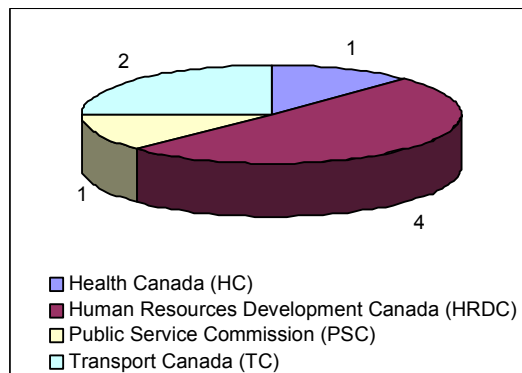
In the case of the 15 disclosures resolved with an investigation, seven cases were closed once it was determined there was no wrongdoing. Four cases were referred to other investigative bodies for action (e.g. RCMP), and four were founded wrongdoing and required disciplinary action.



Of the 8 disclosures where wrongdoing was founded: one of the disclosures involved violation of a law or regulation, three involved a misuse of public funds or assets, three involved gross mismanagement, and one concerned substantial and specific danger to life, health and safety of Canadians or the environment.



The status of the employees disclosing possible wrongdoing is broken down as follows: 55 were indeterminate employees, three were term employees, six were categorized as “other” and four were unspecified.



In the organisations in which a disclosure led to an investigation and subsequently to corrective measures: one was from HC; four were from HRDC; one was from PSC; and two were from TC.



## Disclosure Mechanisms in Departments and Agencies

Under the IDP, Deputy Heads are responsible for implementing internal mechanisms to enable employees to disclose, in good faith, information concerning wrongdoing in their organizations. They are also responsible to ensure that appropriate measures are taken quickly to respond to these disclosures and to ensure that employees who do so are treated fairly and protected from any form of reprisal.

The OPSVE administers a networking group, consisting of Senior Officers who meet quarterly to evaluate and encourage progress in all aspects of the IDP. These meetings have also resulted in the establishment of three subcommittees (common definitions, confidentiality and training) to provide Senior Officers with information useful to the performance of their duties. Since the Senior Officers are acting within their own organizations and hence independently of each other, the meetings of the Networking Group have facilitated good communication between Senior Officers. Also, the meetings have enabled the Senior Officers to keep abreast of the initiatives of other departments and agencies as well as pressures being exerted on the IDP.

The Senior Officers are focusing on increasing the accessibility of their services. In the period covered by this report, mechanisms were put in place to facilitate internal disclosures of wrongdoing in departments and agencies. For example, a 1-800 number dedicated exclusively to the IDP was established in 12 departments and a protected e mail address was established in 15 departments in order to provide for the confidentiality of disclosures. Senior Officers also met public service employees, both in the National Capital Region and in their respective regional offices in order to introduce themselves. As well, several information sessions on the IDP were offered to employees and to management committees in order to explain the disclosure process.

Transport Canada chose to set-up a separate office to encourage disclosures. This office is situated in a different location from the department's usual work setting. The department believes that this initiative will enhance confidentiality and impartiality.

## Resources Available for the IDP

Implementing the IDP in the various departments required the allocation of resources. These resources include financial allocations as well as human resources to coordinate all of the related activities. In all but three departments (Agriculture and Agri-Food Canada, Human Resources Development Canada and Transport Canada), Senior Officers' time allocated to respond to IDP requirements has been shared with their other functions.

The amount of resources allocated to the IDP vary within departments and agencies but usually include salaries, travel expenses and investigation related costs. While 21 departments and

agencies are supported in the execution of their duties by an administrative services officer or by a manager, the other Senior Officers assume this task alone, in addition to their other responsibilities. Over the course of this first year of operation, 25 per cent of Senior Officers were reassigned to other duties. We also found that Canadian Heritage and the Canadian International Development Agency assigned the responsibility for the IDP to their respective ombudsperson. The Public Service has only eight ombudspersons and the practice of having an ombudsperson fulfil the department's Senior Officer responsibilities is not widespread. This practice could present both opportunities and challenges. This dual role will be examined as it evolves.

## Communication activities

All organizations paid special attention to the dissemination of information to employees concerning the process to disclose wrongdoing. All organizations displayed the promotional posters issued by TBS produced by OPSVE. Of the information compiled on communications activities, 13 departments and agencies sent an e mail message describing the IDP, its implications and the process for making an enquiry or disclosure. The message also identified the Senior Officer responsible and explained how to reach this person. Seven departments and agencies issued quarterly reminders of the original message. Also, 15 departments and agencies have created sub sites on the organization's Intranet. The sub sites describe the procedures for making a disclosure as well as provide additional information on the IDP itself.

Twelve departments and agencies prepared a brochure adapted to the workplace. The remaining 54 departments and agencies that did not choose this route rely on their own materials (paper or Intranet) that cover the internal disclosure issue, without explicitly having a brochure dedicated to the IDP, or they used the materials provided by TBS.

## Other Activities

Senior Officers have exercised full latitude in implementing this policy. Twenty-four Senior Officers have established an internal support group composed of persons with specific expertise (e.g. ombudsman, harassment coordinator, legal counsel) to help them with their functions. Six Senior Officers did not create a group in light of the small number of disclosures received to date. The remaining 36 Senior Officers have said they do not plan to establish a group, as most believe that the person responsible has the competencies to deal with the situation.

Eighteen departments and agencies have developed an action plan to respond to situations that could arise in their organizations.

To improve the effectiveness of the Senior Officers, the IDP Networking Group created three subcommittees that are providing important follow up on three priority areas: common definitions; confidentiality; and training.

The subcommittee examining the issue of common definitions produced a document setting out the terminology specific to wrongdoing. This document is a guide for Senior Officers in their decision making. As well, this guide is produced to assist in developing consistency of application of the IDP.

The subcommittee on confidentiality prepared a document setting out guidelines for the protection of confidentiality. The document, prepared with Legal Services of TBS, is presented as an information sheet on the limits of confidentiality to employees considering making a disclosure.

The third subcommittee on training established a training directory to enhance the knowledge base of the Senior Officers' community. The directory will identify sources of training that the Senior Officers can receive to meet their specific needs.

## Conclusion

As a result of our analysis of the data in all of the reports received from departments and agencies, we have been able to determine that the basic requirements of the policy were fully implemented in its first year, for example every department/agency had identified a Senior Officer of disclosure. As well, Senior Officers have established mechanisms to facilitate the internal disclosure of wrongdoing. Departments and agencies have also been able to adapt the IDP to their organizational realities.

In the first year, the IDP has met a real need for 68 employees who believed that another public servant had committed, was committing or intended to commit wrongdoing in the workplace. Nearly 80 per cent of the disclosures of probable wrongdoing were resolved through discussion among the parties. The policy mechanisms enabled public servants to disclose information using a clearly defined process that provided for confidentiality, fair treatment and protection from reprisals.