



Annual Report on the
**Policy on the Internal Disclosure
of Information Concerning
Wrongdoing in the Workplace**

2003-04



Office of Public Service Values and Ethics

**Annual Report on the *Policy on the
Internal Disclosure of Information
Concerning Wrongdoing in the
Workplace* 2003–04**

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Executive Summary

This report reviews the use of the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace* (IDP) in federal government departments and agencies, following its second year of application (April 1, 2003 to March 31, 2004). Under the IDP, deputy heads in every federal department and agency are responsible for designating Senior Officers who receive and act upon disclosures of wrongdoing. The policy enables public service employees to provide information on possible wrongdoing within a department or agency, while ensuring that they are treated fairly and are protected against reprisal. Public service employees can also choose to disclose to a Public Service Integrity Officer (PSIO), which is a neutral third party outside the departmental and agency process. The disclosure activity of the Senior Officers, and not that of the PSIO, is included in this report.

In 2003–04, the 69 departments and agencies covered by the IDP reported a total of 90 disclosures of possible wrongdoing, a 32 per cent increase from the first year of the policy's application. This may result from a better understanding of new disclosure processes and mechanisms and more comfort in using them during the second year of application. A total of 22 departments and agencies accounted for all these 90 disclosures of possible wrongdoing, while the remaining departments and agencies reported no disclosures.

Of the 90 disclosures of possible wrongdoing received from employees in 2003–04:

- ▶ 18 were determined not to be a wrongdoing; and
- ▶ 72 were accepted for further evaluation and/or investigation after preliminary review by Senior Officers.

An assessment of the type of alleged wrongdoing indicates that of the 72 disclosures accepted for further evaluation and/or investigation after preliminary review by Senior Officers:

- ▶ gross mismanagement and violation of a law or regulation accounted for the largest number (17 cases, or 24 per cent), showing a similar trend found in the 2002 Annual Report;
- ▶ a misuse of public funds or assets accounted for 21 per cent; and
- ▶ a breach of the *Values and Ethics Code for the Public Service* accounted for 17 per cent.

Among the 72 accepted disclosures of possible wrongdoing:

- ▶ 20 cases were resolved without an investigation (i.e. resolved through discussion, referee, or withdrawal);
- ▶ 29 cases were resolved with an investigation; and
- ▶ 23 were still being investigated at the end of March 2004.

A total of 15 disclosures were determined to be a wrongdoing through an investigation during this reporting year, which is up from eight cases of wrongdoing reported in 2002. Among these 15 cases of wrongdoing:

- ▶ 3 cases involved a violation of a law or regulation;
- ▶ 3 involved a breach of the *Values and Ethics Code for the Public Service*;
- ▶ 3 involved a misuse of public funds or assets;
- ▶ 3 involved gross mismanagement;
- ▶ none concerned substantial and specific danger to life, health and safety of Canadians or the environment; and
- ▶ 3 were of another nature (two related to human resources management, and one dealt with inappropriate after-hours conduct).

Of the 15 cases of wrongdoing:

- ▶ 6 of these cases required disciplinary measures; and
- ▶ 9 were referred to other investigative bodies for action (such as law enforcement agencies).

During this second year of the IDP's application, departments and agencies continued to engage in a number of activities, including communications and training, to promote a better understanding of the policy and disclosure processes. Twenty-one departments and agencies offered courses and awareness sessions in ethics and disclosure to employees, while seven departments and agencies reported making presentations to senior management teams on the IDP. Communication activities by a number of departments and agencies were extended to include information on the proposed legislation, the Public Servants Disclosure Protection Act.

The findings of this report indicate that a variety of initiatives, as noted above, designed to facilitate internal disclosure have been more vigorously promoted in those departments and agencies where a higher number of employees have used the internal disclosure channels to bring forward information concerning possible wrongdoing.

Introduction

The purpose of this report is to provide a portrait of departmental and agency activities related to the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace* (IDP). Guided by the IDP, departments and agencies in the federal Public Service have been working to foster a culture of openness in their respective organizations through the creation of safe, internal mechanisms to disclose possible wrongdoing. This report reviews the evolution of the IDP within its second year of operation from April 1, 2003 to March 31, 2004. The information for this reporting exercise is drawn from annual reports of each of the 69 departments and agencies covered by the IDP for the fiscal year 2003–04.¹

Background on the IDP

Changes in the public sector environment in the 1990s created new conditions in public service organizations, new ways of working, and new public purposes. The 1996 report of the Task Force on Public Service Values and Ethics, *A Strong Foundation* (also known as the Tait Report), identified challenges to public service values and ethics arising from a lack of clarity about accountability, from changes to the employment regime, from problems of leadership and from new forms of public management that emphasize such concepts and values as quality service, customer focus, delegation and decentralization, partnership, flexibility, and innovation. The results were an environment in which public service employees were increasingly faced with new ethical challenges in delivering programs and services to Canadians. During this era there was a compelling call for ways to safeguard ethical behaviours and decision making within the Public Service, and stronger approaches to understanding and maintaining the underlying ethos of public service.

The Tait Report emphasized the need to build a strong support system to enable employees to make disclosures of information concerning wrongdoing in their workplace as a critical component of an overall ethics regime in the Public Service. It recommended establishing within the Public Service a system that would allow public service employees to express concern about actions that are potentially illegal, unethical, or inconsistent with public service values, and to have those concerns acted upon in an impartial manner. The Report concluded that unless recourse mechanisms were created, many public service employees would consider all the talk about values and ethics as “so much hot air.” The 2000 Report of the Auditor General dealing with values and ethics in the Public Service expressed similar concerns. The IDP was developed in 2001 in response to these recommendations.

1. Eight of the departments and agencies covered by the IDP did not submit an annual report for the year 2003–04 to the Office of Public Service Values and Ethics (OPSVE), for various reasons, but indicated that no formal disclosures had been received. The data and analysis used for this report, therefore, is based on annual reports received from 61 departments and agencies.

Overview of the IDP

The IDP was announced by the President of the Treasury Board on June 28, 2001 and took effect on November 30, 2001. It enables public sector employees to provide information on possible wrongdoing within a department or agency, while ensuring that they are treated fairly and are protected against reprisals. The policy defines wrongdoing as a violation of any law or regulation; misuse of public funds or assets; gross mismanagement; a substantial and specific danger to the life, health, and safety of Canadians or the environment; or a breach of the *Values and Ethics Code for the Public Service 2003-04*.²

The IDP emphasizes the responsibility of deputy heads and managers to promote a culture of open communication in the federal Public Service. The IDP also indicates that deputy heads have the responsibility of designating Senior Officers to assume the responsibility of receiving and acting upon disclosures of wrongdoing. Senior Officers also participate in formal interdepartmental meetings chaired by the Office of Public Service Values and Ethics (OPSVE) in order to share their activities, experiences, and challenges. In addition to the Senior Officer, the policy creates the position of Public Service Integrity Officer (PSIO). The PSIO accepts, reviews, and investigates, if warranted, disclosures from employees who believe that their issues cannot be disclosed within their own department or agency or disclosures from employees who raised their issues in good faith through the departmental and agency mechanisms but believe that the disclosure was not appropriately addressed. The disclosure activities of the Senior Officers, and not those of the PSIOs, are included in this report. The activities of the PSIOs are included in a separate annual report, which is tabled in Parliament.

Changes in the Environment Since the Introduction of the IDP

The IDP encourages open communication to foster the resolution of issues and concerns through normal interaction, while also providing formal alternatives to deal with disclosures of wrongdoing when needed. Since the policy's introduction in 2001, awareness has been growing that employees need greater reassurance about protection from reprisal.

The PSIO's 2002–03 Annual Report was tabled in Parliament by the President of the Privy Council on September 15, 2003. It recommended a legislative approach to the disclosure and investigation of wrongdoing, as well as legal protection for those individuals making disclosures. The Auditor General's November 2003 Report also underlined the need to enhance support for, and confidence in, the existing disclosure mechanism among public sector employees.

2. A breach of the *Values and Ethics Code for the Public Service* was added to the definition of wrongdoing effective September 1, 2003.

In response to these concerns, on September 29, 2003, the President of the Treasury Board created a working group to review the state of the internal disclosure process in the federal Public Service and propose options for change. The working group of five individuals external to the government issued a report on January 29, 2004, recommending that a new disclosure regime be legislated; that it apply to all federal government institutions; and that it contain strong measures to protect a person making a disclosure from reprisal.

Bill C-11, the Public Servants Disclosure Protection Act, is currently before the House of Commons. The Bill is designed to establish a procedure for the disclosure of wrongdoings in the public sector, including protection under the law for persons who disclose wrongdoings.

Until disclosure legislation is approved, the policy continues to be actively applied. As this report outlines, departments and agencies are responding to allegations of wrongdoing and are applying the IDP as it was intended. The report also identifies a number of activities, including communications and training activities undertaken to help employees better understand and apply the IDP.

Methodology

Senior Officers receive, record, and review disclosures submitted by concerned employees regarding possible wrongdoing in their workplace. They conduct investigations of accepted disclosures, make findings, and provide reports and recommendations to deputy heads.

The IDP applies to all 69 departments and agencies of the federal Public Service listed in Part I of Schedule I to the *Public Service Staff Relations Act*. The information for this reporting exercise is drawn from annual reports received by the OPSVE from these departments and agencies for the fiscal year 2003–04. In a number of cases, comparisons are made to the findings of the 2002 Annual Report on the IDP.³

A total of 90 disclosures of possible wrongdoing were received in 22 departments and agencies during the period covered by this report. The remaining departments and agencies reported no disclosures.

3. A challenge was identified in data comparison between the years 2002 and 2003. The 2002 Annual Report covered activities under the Policy that had taken place between December 1, 2001 and November 30, 2002 in order to allow for the review of the application of the Policy over the 12 months after the date it came into effect, November 30, 2001. Therefore, while this Report covers activities from April 1, 2003 to March 31, 2004, all the comparisons to 2002 are made to data from December 1, 2001 to November 30, 2002.

Analysis of Disclosures

During this reporting year—2003–04—Senior Officers in the departments and agencies covered by the IDP received a total of 90 disclosures of possible wrongdoing, which represents a 32 per cent increase from the 68 disclosures received in 2002. Twenty-two departments and agencies accounted for all 90 disclosures of possible wrongdoing, and six of these 22 accounted for as high as 60 per cent (or 54) of the 90 cases. The number of departments and agencies that received disclosures of possible wrongdoing increased by approximately 57 per cent, from 14 departments and agencies in 2002. Increases in both the numbers of disclosures of possible wrongdoing and of departments and agencies that received such disclosures may result from a better understanding of new disclosure processes and mechanisms, and more comfort in using them, given that this period was the second year of the policy’s application.

A total of 353 inquiries and calls from public service employees were handled by Senior Officers in 2003–04. This represents a 77 per cent decrease from 1,537 inquiries and calls in 2002. This may have been expected given that many of the inquiries and calls handled in 2002 were regarding further information on the new policy.

Of the 90 disclosures of possible wrongdoing that were received in 2003–04, 18 were determined not to be a wrongdoing and thus rejected, and 72 were accepted for further evaluation or investigation after preliminary review by Senior Officers.

Rejected disclosures of possible wrongdoing doubled from nine in 2002 to 18 in 2003–04, while accepted disclosures of possible wrongdoing increased by 22 per cent from 59 in 2002 to 72 in 2003–04. Among the 72 accepted disclosures of possible wrongdoing

- ▶ 20 cases were resolved without an investigation—a decrease from 29 in 2002;
- ▶ 29 cases were resolved with an investigation—an increase from 15 in 2002; and
- ▶ 23 were still being investigated at the end of March 2004.

Analysis of the combined results:	Dec. 2001 – Nov. 2002	Apr. 2003 – Mar. 2004
Total inquiries handled by Senior Officers	1,537	353
Disclosures of possible wrongdoing	68	90
Disclosures rejected (determined not to be a wrongdoing after preliminary review)	9	18
Disclosures accepted:	59	72
• accepted disclosures resolved without an investigation	29	20
• accepted disclosures resolved with an investigation	15	29
• accepted disclosures still ongoing at the end of the reporting year	15	23

Below is the list, in alphabetical order, of the departments and agencies that received disclosure(s) of possible wrongdoing in 2003–04.

Departments and Agencies that Received Disclosure(s) of Possible Wrongdoing in 2003–04	
1. Agriculture and Agri-Food Canada*	12. Human Resources Development Canada*
2. Canada Industrial Relations Board	13. Indian and Northern Affairs Canada
3. Canadian International Development Agency	14. Industry Canada
4. Canadian Radio-television and Telecommunications Commission*	15. National Defence*
5. Canadian Space Agency	16. Natural Resources Canada*
6. Correctional Service Canada	17. Public Works and Government Services Canada*
7. Courts Administration Service	18. Royal Canadian Mounted Police*
8. Environment Canada*	19. Statistics Canada
9. Fisheries and Oceans Canada*	20. Transport Canada*
10. Foreign Affairs and International Trade	21. Transportation Safety Board of Canada
11. Health Canada*	22. Treasury Board of Canada Secretariat

* This department or agency also received disclosures in 2002.

An assessment of the type of wrongdoing indicates that gross mismanagement and violation of a law or regulation accounted for the largest number of the accepted disclosures (17 cases out of 72, or 24 per cent), showing a similar trend found in the 2002 Annual Report, where these two types of wrongdoing accounted for the first and second largest, respectively, among all disclosures received.⁴ These were followed by a misuse of public funds or assets (15 cases), a

4. Data on the breakdown of accepted disclosures of possible wrongdoing in 2002 are not available.

breach of the *Values and Ethics Code for the Public Service* (12), and substantial and specific danger to life, health and safety of Canadians or the environment (2). The other category encompasses disclosures of wrongdoing pertaining mainly to human resources management. This category was created in order to allow for the flexibility required of Senior Officers to address incidences that cannot be truly characterized as a wrongdoing as defined by the IDP but are nevertheless brought to them by concerned employees and may be acted on. Five of the nine disclosures of possible wrongdoing that belong to these “other” types related to human resources management.⁵

Accepted Disclosures of Possible Wrongdoing:		
Breakdown by Type of Wrongdoing	72	%
• Violation of a law or regulation	17	(24%)
• Breach of the <i>Values and Ethics Code for the Public Service</i>	12	(17%)
• Misuse of public funds or assets	15	(21%)
• Gross mismanagement	17	(24%)
• Substantial and specific danger to life, health and safety of Canadians or the environment	2	(3%)
• Other (pertaining mainly to human resources management)	9	(13%) ⁶

Among the 20 disclosures resolved without an investigation:

- ▶ 7 cases were resolved through discussions with concerned parties;
- ▶ 12 were resolved by referrals; and
- ▶ 1 was withdrawn.

Of the 29 disclosures that were investigated, 15 cases were determined to be a wrongdoing (including two cases reported by Canada Industrial Relations Board where wrongdoings were determined to be unfounded, but where administrative recommendations for improvement were made). This is up from 8 cases of wrongdoing in 2002. Of the 15 cases of wrongdoing, 6 required disciplinary measures and 9 were referred to other investigative bodies for action (such as law enforcement agencies). The remaining 14 investigated cases were determined to be unfounded and closed with no further action.

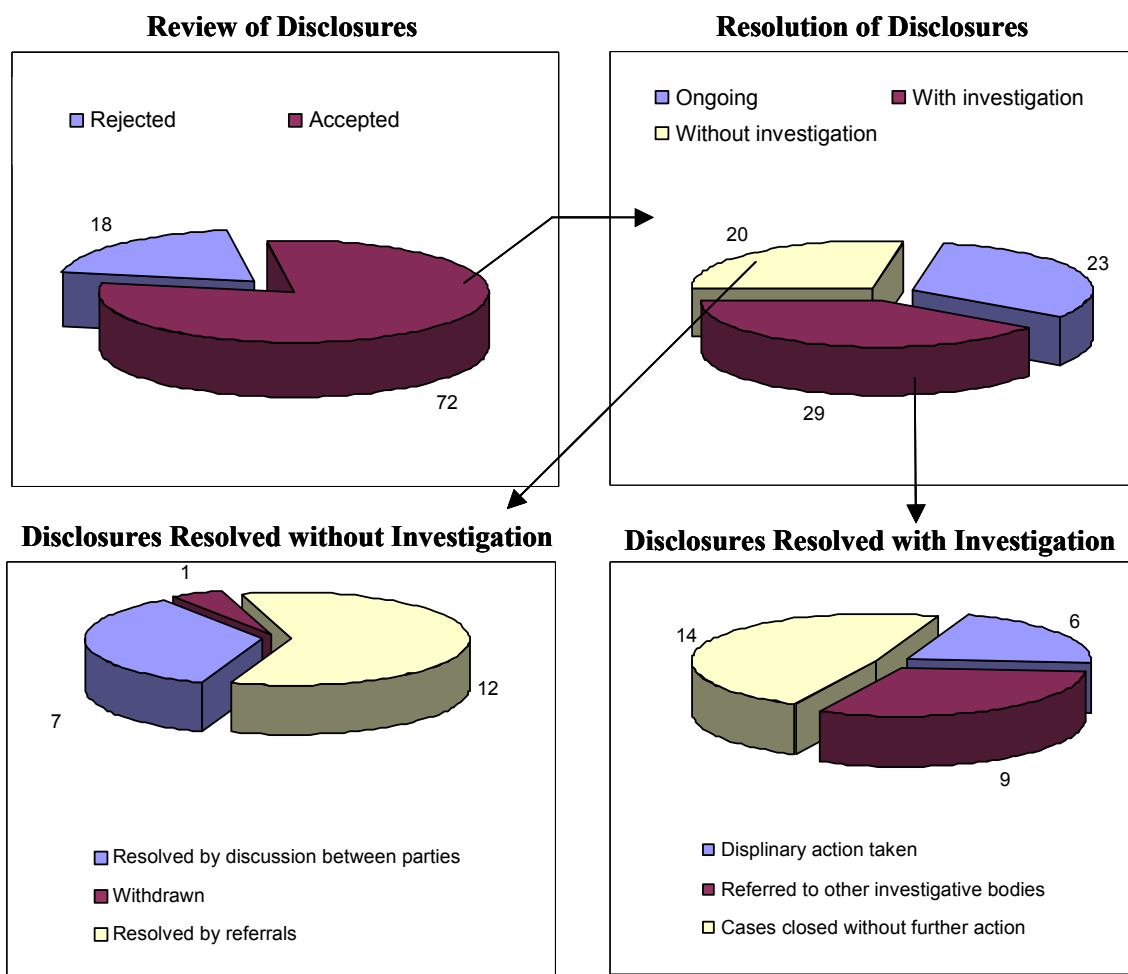
5. Examples of these cases include allegations of improper/inequitable staffing practices, and inadequate reporting on sick leave periods.

6. Total does not equal 100 per cent due to independent rounding.

Analysis of 90 Disclosures of Possible Wrongdoing

Following a preliminary review, Senior Officers accepted 72 disclosures of possible wrongdoing for further evaluation, while 18 were determined not to be a wrongdoing.

Twenty of the accepted disclosures of possible wrongdoing were resolved without an investigation, 29 were resolved with an investigation, and 23 were still ongoing at the end of March 2004.



Among the 20 disclosures of possible wrongdoing resolved without an investigation, 12 were resolved by referrals, 7 were resolved through discussion between the parties, and one was withdrawn

For the 29 disclosures of possible wrongdoing resolved with an investigation, 14 were closed once it was determined there was no wrongdoing, 9 were referred to other investigative bodies for action (e.g. RCMP), and 6 were determined to be wrongdoings that required disciplinary action.

Disclosures where wrongdoing was determined through an investigation process	Dec. 2001 – Nov. 2002	Apr. 2003 – Mar. 2004
• Required disciplinary measures	4	6
• Referred to other investigative bodies for action (e.g. law enforcement agencies)	4	9
Total	8	15

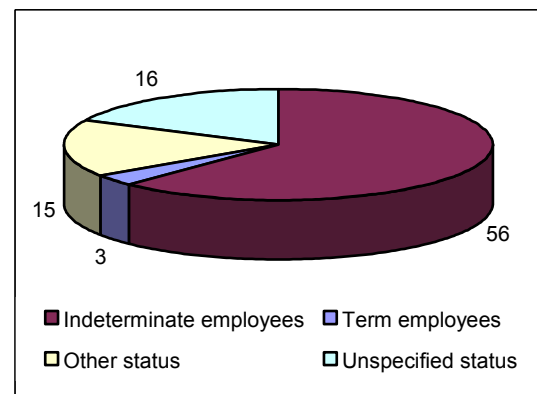
Of the 15 disclosures determined through an investigation to be cases of wrongdoing:

- ▶ 3 cases involved a violation of a law or regulation;
- ▶ 3 involved a breach to the *Values and Ethics Code for the Public Service*;
- ▶ 3 involved a misuse of public funds or assets;
- ▶ 3 involved gross mismanagement;
- ▶ none concerned substantial and specific danger to life, health and safety of Canadians or the environment; and
- ▶ 3 were of another nature (two related to human resources management, and one dealt with inappropriate after-hours conduct).

Disclosures determined to be wrongdoings through an investigation: Breakdown by type of wrongdoing	Dec. 2001 – Nov. 2002	Apr. 2003 – Mar. 2004
• Violation of a law or regulation	1	3
• Breach of the <i>Values and Ethics Code for the Public Service</i>	-	3
• Misuse of public funds or assets	3	3
• Gross mismanagement	3	3
• Substantial and specific danger to the life, health and safety of Canadians or the environment	1	0
• Other (pertaining mainly to human resources management)	0	3
Total	8	15

The status of the employees disclosing possible wrongdoing is broken down as follows: 62 per cent (or 56 cases) were from indeterminate employees; 3 per cent (or 3 cases) were from term (determinate) employees; 17 per cent (or 15 cases) were categorized as “other” being mostly persons engaged under contract for services; and 18 per cent (or 16 cases) were unspecified, related mainly to anonymous disclosures of possible wrongdoing.

Disclosures by Job Status



The gender of the employees disclosing possible wrongdoing is as follows: 46 per cent (or 41 cases) were from male employees; 29 per cent (or 26 cases) were from female employees; and 26 per cent (or 23 cases) were unspecified.

Listed below in alphabetical order are the departments and agencies in which one or more disclosures led to an investigation and subsequently to corrective measures, and in brackets the number of such disclosures.

1. Canadian International Development Agency (1)
2. Canada Industrial Relations Board (2)
3. Canadian Space Agency (1)
4. Correctional Service Canada (3)
5. Environment Canada (1)
6. Industry Canada (1)
7. Public Works and Government Services Canada (2)
8. Royal Canadian Mounted Police (2)
9. Treasury Board of Canada Secretariat (2)

Reprisal Activity

The policy contains safeguards to protect employees from reprisal for having made a good faith disclosure in accordance with the policy, or in the course of a parliamentary proceeding or an inquiry under Part I of the *Inquiries Act* related to the 2003 Report of the Auditor General of Canada. Reprisal may include any administrative and disciplinary measures.

Employees who believe they are subject to reprisal as a direct consequence of having made a disclosure in accordance with this policy may complain to the Senior Officer or to the Public Service Integrity Officer (PSIO) in the case where the original disclosure was made directly to the PSIO. The Senior Officer or the PSIO will review the matter following basically the same process as a disclosure.

During the period covered by this report, two occurrences of reprisal were reported to Senior Officers in two departments. Both cases were investigated. One case was dealt with through mediation and the results were accepted by both parties. The second case resulted in the acceptance of a new position where the employee felt comfortable and subsequently withdrew the allegation of reprisal. Two occurrences of reprisal were also reported in the 2002 Annual Report by one department, for which the matter followed the same resolution process as a disclosure.

Analysis of Support Activity Related to the IDP

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 for ensuring 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 IDP states that no employee shall be subject to any reprisal for having made a good faith disclosure, including any administrative and disciplinary measures.

Over the past year, Senior Officers have focussed on increasing the visibility and accessibility of their services. A number of mechanisms were put in place to facilitate internal disclosures of wrongdoing. The availability of a 1-800 number dedicated exclusively to the IDP and a protected e-mail address to provide for the confidentiality of disclosures remains at approximately the same level as was found in the 2002 report.

In 2003–04:

- ▶ A 1-800 number was available in 12 departments and agencies (or 20 per cent of all the departments and agencies) – the same figure as in 2002.
- ▶ A protected e-mail address was accessible in 14 departments and agencies (or 23 per cent) – a decrease from 15 departments and agencies in 2002.

Among the 22 departments and agencies where disclosures were received during this reporting year: 9 departments and agencies (or 41 per cent) have implemented a 1-800 number; and 12 departments and agencies (or 55 per cent) have a secure e-mail address.

In contrast, these tools were available in only three (or 8 per cent) and two (or 5 per cent) of the remaining departments and agencies respectively in 2002. Based on these preliminary findings, it is possible that these mechanisms, designed to facilitate an internal disclosure, may have contributed to encouraging employees to bring forward information concerning possible wrongdoings in their workplace. If this is the case, the very fact that the vast majority of departments and agencies subject to the IDP have not yet implemented these types of support mechanisms raises concerns, and may require closer investigation and monitoring in the coming year.

The Office of Public Service Values and Ethics (OPSVE) administers a networking group consisting of Senior Officers who meet quarterly to evaluate and share progress on all aspects of the IDP. Since the Senior Officers are acting within their own organizations and, hence, independently, the meetings of the Networking Group have facilitated good communication

between Senior Officers. The meetings enable Senior Officers to keep abreast of the initiatives of other departments and to develop professionally by studying and discussing the general facts of actual case studies.

Resources Available for the IDP

Maintaining support for the IDP in the various departments and agencies required the allocation of resources. These resources included financial allocations as well as human resources to coordinate all of the related activities. In all, with the exception of the same three departments identified in the 2002 report (Agriculture and Agri-Food Canada, Human Resources and Development Canada⁷ and Transport Canada⁸) that have dedicated full-time officers, Senior Officers had other functions and responsibilities to fulfil within their respective department or agency.

The amount of financial resources allocated to the IDP varies within departments and agencies but usually includes salaries, travel expenses, and costs related to investigation. Senior Officers in a total of 22 departments and agencies are supported in the execution of their duties by an administrative service officer or by a manager. Senior Officers in the other departments and agencies assume this task alone, in addition to their other responsibilities. It would seem that departments and agencies that have dedicated more resources to Senior Officers also experience higher levels of disclosure.

Over the course of this second year of operation, 39 per cent of Senior Officers were reassigned to other duties, an increase from the percentage of reassignment in 2002 at 25 per cent. This high level of reassignment does raise concerns and should be studied further in the coming year.

Twelve departments and agencies with a workforce ranging from five to 270 full-time equivalent employees noted that the small size of their organizations limited the amount of resources and support dedicated specifically to the IDP.

At Canadian Heritage, Canadian International Development Agency, and Health Canada, the responsibility for taking disclosures is assigned to their respective ombudsperson. Only eight departmental ombudspersons exist, dispersed throughout Canadian Heritage, Canadian International Development Agency, Citizenship and Immigration, Foreign Affairs and International Trade,⁹ Health Canada, Indian and Northern Affairs, National Defence, and the

7. As of December 12, 2003, this organization was split in two distinct organizations being Social Development Canada (SDC) and Human Resources and Skills Development Canada (HRSDC) with the same Senior Officer serving both departments.

8. Transport Canada shares its Senior Officer's duties with the Transportation Appeal Tribunal of Canada.

9. In December 2003, this organization was split into two separate departments, Foreign Affairs Canada and International Trade Canada, with the same Senior Officer performing functions associated with the IDP.

Public Service Commission. Seven of these eight departments and agencies reported disclosures of possible wrongdoing in 2002 and/or in 2003–04. While the practice of having an ombudsperson fulfil the department and agency’s Senior Officer responsibilities is not widespread, this might be an option worthy of further study.

Communications Activities

Many departments and agencies paid special attention to the dissemination of information to employees concerning the process for disclosing wrongdoing. All continued displaying the promotional posters issued by the Treasury Board of Canada Secretariat and produced by the OPSVE. Of the information received on communications activities, 18 departments and agencies sent e-mail messages keeping employees abreast of the IDP and the process for making an inquiry or disclosure. This represents an increase from 13 departments and agencies that engaged in such activity in 2002. The message also identified the Senior Officer responsible and explained how to reach this person. Eight departments and agencies issued an information package on the proposed legislation on disclosure.¹⁰ It was reported that 12 departments and agencies sent an information e-mail to all employees on the new *Values and Ethics Code for the Public Service*,¹¹ emphasizing that a breach to this Code is now considered a wrongdoing under the IDP. Also, 20 departments and agencies have created a presence on their organization’s Intranet. The sites describe the procedures for making a disclosure as well as provide additional information on the policy itself.

Fourteen departments and agencies prepared a brochure adapted to the workplace (up from 12 departments and agencies in 2002), and two departments and agencies reported a brochure being developed. Many promotional tools have been developed by 14 departments and agencies during this reporting year, such as information sheets, memory joggers on steps towards disclosing, postcards, plaques, newsletters, and pamphlets.

Senior Officers also continued meeting public service employees, both in the National Capital Region and in their respective regional offices, to increase awareness of disclosure mechanisms, and discuss the Avenues of Resolution detailed in the new *Values and Ethics Code for the Public Service*. In 2003–04, 21 departments and agencies offered courses and awareness sessions in ethics and disclosure to employees, while also including this material in new employee briefing sessions. Seven departments and agencies reported making presentations to senior management teams on the IDP.

10. The Bill C-25 (the Public Servants Disclosure Protection Act) was tabled in Parliament on March 22, 2004, but died on the order paper as a result of the May 23, 2004 election call. Revised legislation was re-introduced as Bill C-11 on October 8, 2004. Bill C-11 includes a number of revisions in response to concerns and suggestions that the original Bill received.

11. The Code, a Treasury Board policy, was put into effect on September 1, 2003.

Despite these efforts, several Senior Officers observed a low level of awareness among employees about the policy's purposes and processes, and the Senior Officer's mandate, and furthermore, their reluctance to use the mechanism for fear of reprisal. A negative perception among employees that Senior Officers lack independence and neutrality was also identified as a potential hindrance to the effective operation of the policy.

Other Activities

Approximately 36 per cent (or 25) of departments and agencies have established an internal support group composed of persons with specific expertise (e.g. ombudsperson, harassment coordinator, legal counsel) to help Senior Officers in their functions. This percentage was by far higher among the 22 departments and agencies in which disclosures were made (77 per cent), than among the remaining departments and agencies (21 per cent).

In the 2002 Annual Report, 18 departments and agencies reported having developed an action plan to respond to the types of disclosure cases that they could envision. In 2003–04, 11 departments and agencies have maintained an action plan, and five reported they were in the process of developing one.

The Networking Group of Senior Officers, mentioned earlier, created two subcommittees to provide follow-up on the priority areas of training and preparation of a brief to the Working Group on the Disclosure of Wrongdoing.

The subcommittee on training concentrated its efforts on crafting a two-day workshop on conflict resolution and disclosure of wrongdoing with Justice Canada's Federal Centre for Workplace Conflict Management. Over 20 Senior Officers participated in the training workshops in 2003–04. The participants all agreed that this workshop was a great learning event, enabling testing of hands-on resolution techniques in a friendly and supportive setting.

The second subcommittee submitted a brief on December 18, 2003, to the Working Group on the Disclosure of Wrongdoing. The main recommendations made by the subcommittee supported having the same legislative or policy based framework for the Public Service Integrity Officer (PSIO) and Senior Officers; fostering a consultation process between the PSIO and Senior Officers to ensure a collegial and coordinated approach to disclosures of wrongdoing; and including reprisals resulting from good faith disclosures within the definition of wrongdoing.

Conclusions

The findings of this Report demonstrate that departments and agencies are generally applying the policy as intended and have implemented a variety of mechanisms to inform and support employees in making disclosures of possible wrongdoing.

An increased number of disclosures of possible wrongdoing were received and acted upon by Senior Officers in an increased number of departments and agencies during this second year of the IDP's application. At the same time, however, the commitment made by a number of departments and agencies in the allocation of resources to Senior Officers and in support of initiatives appears to have remained at a similar level since the first year. In several cases, smaller departments and agencies indicated that they did not have adequate resources to dedicate specifically to the IDP.

An interesting observation is the following: it would seem that departments and agencies that have dedicated higher levels of resources to support Senior Officers; introduced communication initiatives to inform employees of their rights under the IDP; and provided disclosure support mechanisms, such as 1-800 numbers and secure e-mail addresses, also reported a higher number of disclosures. This finding needs to be examined further in order to determine if there is a causal relationship between higher investment of resources, communications activities and mechanisms to support disclosures and higher levels of disclosures.

It is clear that departments and agencies need to continue promoting awareness and a better understanding of the IDP and its application, as well as implementing internal support mechanisms in order to reassure public service employees and the public that a mechanism is in place to expose and correct wrongdoing in the event that one might exist.

Consistent with the findings of the aforementioned *Report of the Working Group on the Disclosure of Wrongdoing*, many of the disclosures received by Senior Officers are found to be personal issues and employment-related disputes, which cannot be truly characterized as serious or flagrant public interest wrongdoing. Many of the disclosures to date are of a relatively minor nature, which, the Report by the Working Group concludes, may suggest "either a misunderstanding of what actually constitutes 'wrongdoing'; or a reluctance to use the disclosure channels for the kind of serious wrongdoing where the 'public interest' is at risk; or the possibility that there are not a large number of instances of serious wrongdoing."

Several Senior Officers in their 2003–04 Annual Reports expressed concern over continuing skepticism among employees about the policy's efficacy and its ability to protect them from negative repercussions for making disclosures. The factors influencing employees' fear of reprisal should, therefore, be looked at further. A few Senior Officers also noted a lack of

understanding among employees of the policy's purposes and processes. The use of the IDP to disclose possible wrongdoing in the area of human resources (HR) may also indicate the need for improved mechanisms to support employees in raising HR concerns or abuses of HR policies and practices.

The proposed Bill C-11 (the Public Servants Disclosure Protection Act), if proclaimed into law, will provide employees who make disclosures in good faith with enhanced confidentiality and legal protection from reprisal. It is also designed to strengthen the independence of the designated neutral third party for disclosure investigation.

In this environment, leadership is critical to the ongoing progress departments and agencies are making in supporting disclosures of wrongdoing and in providing visible protection against reprisal. The leadership role of a deputy head is never more important than in this context. Deputy heads must take the lead in ensuring that they, and their employees, uphold and demonstrate public service values and ethics. The prominent role of deputy heads in ensuring an appropriate foundation for values and ethics in the departments of the Government of Canada is underscored by the Treasury Board's *Values and Ethics Code for the Public Service* and the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace*. Deputy heads are uniquely responsible to exemplify, in their conduct and behaviours, the best values of the Public Service, and to infuse those values into all aspects of the work of their department, through actions appropriate to their own corporate requirements and culture.

Significant progress has been made to support employees in making informed disclosures of wrongdoing. For the coming year, it will be essential that departments and agencies increase their commitment to enhanced awareness about disclosure of wrongdoing, and to communicate developments on the proposed Bill and their implications. Efforts and investment will need to be made to further enhance employees' understanding of what constitutes a wrongdoing; steps to be followed in making a disclosure; in standardizing internal disclosure mechanisms; and in continuing to promote a culture of open communication.