

Office of the Public Sector  
Integrity Commissioner  
of Canada



Commissariat à l'intégrité  
du secteur public  
du Canada

# **Office of the Public Sector Integrity Commissioner of Canada**

**2010-11**

**Departmental Performance Report**

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The Honourable Tony Clement  
President of the Treasury Board of Canada



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## Message from the Interim Commissioner

I am pleased to present the Departmental Performance Report for the Office of the Public Sector Integrity Commissioner of Canada for the fiscal year ended March 31, 2011.



2010-11 was not a normal year in the life of the Office. The unanticipated retirement of the first Commissioner in October, followed by the tabling of the highly critical report of the Office of the Auditor General (OAG) in December were two events that had a profound impact on the members of the team and on the priorities initially identified for that fiscal year.

Concrete action was taken in response to the findings in the OAG Report, to review all closed files from the inception of the Office in 2007 to December 20, 2010 when I accepted a term as interim Public Sector Integrity Commissioner. It was essential to retain the services of an objective, third-party that was able to review all of the closed files in a short period of time. The legal services of special advisors were also retained to begin the review of the identified files in order to make recommendations on possible corrective measures in 2011-12.

In my experience, it is crucial that an organization be appropriately staffed in order to efficiently deliver its mandate and to allow for an engaged workforce. Measures were taken to staff certain key management positions based on the identified needs of the Office. In addition, a Policy and Procedures Manual that includes performance standards was formally implemented, which also contributes to strengthening the organization in the implementation of the *Public Servants Disclosure Protection Act*.

In order to regain the confidence of our stakeholders, I found it was necessary to take measures to establish strong relationships with those elements of civil society interested in our mandate. As a result, the groundwork was done to establish the Office of the Public Sector Integrity Commissioner of Canada Advisory Committee to include the range of key players that are involved in either a direct or indirect way with the implementation of the *Act* and the structures in place to administer it.

We also made concerted efforts to increase communications within the public sector by keeping Agency and Deputy Heads and the Senior Officers informed periodically on topics of interest such as the file review, publication of the annual report and key staffing actions.

All of these activities have one thing in common: to systemize and continue to build on the Office's work in a way that allows it to be more efficient, rigorous and stable. From this point forward, our organization will maximize the opportunities offered by our budget in implementing our constitutive statute. Similarly, complaints and disclosures will be

processed with clearly defined timelines by the adoption of the Manual and hiring of additional investigators in 2011-12.

I believe that the measures taken and the arrival of new colleagues will give the Office an opportunity to perform at the level that is expected by Parliament. It was an honour for me to lead this team over these last few months during this period of change and growth.

M<sup>e</sup> Mario Dion  
Interim Public Sector Integrity Commissioner of Canada

# Section I: Organizational Overview

## Raison d'être and Responsibilities

The Office of the Public Sector Integrity Commissioner of Canada (PSIC) is an independent Agent of Parliament established to administer the *Public Servants Disclosure Protection Act* (PSDPA or the *Act*), which came into force in April 2007. The Office is mandated to provide a confidential, independent and effective response to:

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

The Office's approach to achieving its mandate is guided by the following principles:

- **Accessibility** – We are approachable, our processes are transparent and we are forthcoming about our results
- **Independence** – We make our decisions impartially and independently
- **Timeliness** – We are efficient and we act in a timely manner
- **Action Orientation** – We pursue disclosures of wrongdoing and reprisal complaints diligently and take appropriate action whenever possible
- **Confidentiality** – We protect the confidentiality of the identity of disclosers and of information disclosed to the extent possible under the law

The Office is currently headed by an Interim Commissioner, whose term ends December 2011, while a selection process to appoint a new Commissioner is underway. The appointment of a Commissioner is made by Order in Council, and as an Agent of Parliament, is approved by resolution of both Houses of Parliament. The Commissioner reports directly to Parliament, and has the rank, powers, authorities and accountabilities of a deputy head of a department or agency.

The Office has jurisdiction over the entire public sector, including separate agencies and parent Crown corporations, which represents approximately 400,000 public servants. Under the PSDPA, members of the general public can also come to the Office with information about a possible wrongdoing in the federal public sector. However, the Office does not have jurisdiction over the Canadian Forces, the Canadian Security Intelligence Service, and the Communications Security Establishment, each of which is required under the PSDPA to establish internal procedures for disclosure of wrongdoing and protection against reprisal similar to those set out in the *Act*.

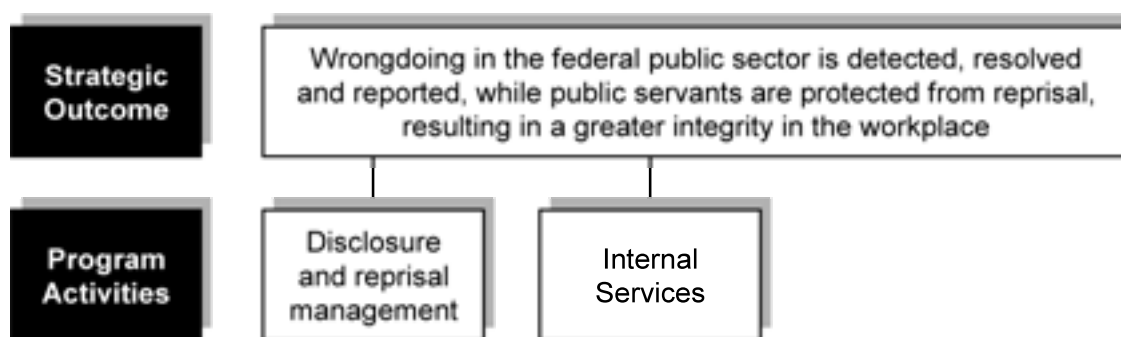
The Office conducts independent reviews and investigations of disclosures of wrongdoing and complaints of reprisal in a fair and timely manner. In cases of founded wrongdoing, the Commissioner issues findings and makes recommendations to chief executives for corrective action. The Commissioner exercises exclusive jurisdiction over the review, investigation and conciliation of reprisal complaints. This includes making applications to the Public Servants Disclosure Protection Tribunal, which has the power to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

The Office is guided at all times by the public interest and the principles of natural justice and procedural fairness. The Commissioner submits an annual report to Parliament, and also reports to Parliament on cases of founded wrongdoing. Special reports may also be submitted to Parliament at any time.

More information about the Office’s mandate, roles, responsibilities, activities, statutory reports and the PSDPA can be found on the Office’s website: [www.psic-ispcc.gc.ca](http://www.psic-ispcc.gc.ca).

## Strategic Outcome and Program Activity Architecture (PAA)

The Office has one strategic outcome that guides the pursuit of its mandate and reflects the long-term benefits sought for Canadians as demonstrated in the following chart.



## Organizational Priorities

Priority	Type	Program Activity
Provide an efficient, safe and confidential disclosure mechanism, and protect against reprisals disclosers and persons who participate in investigations	Ongoing	Disclosure and Reprisal Management
<b>Status: Mostly Met</b>		
<ul style="list-style-type: none"> <li>The Office strengthened its processes through the formal implementation of the internal Policy and Procedures Manual.</li> <li>As a follow-up to the Auditor General Report, PSIC conducted a comprehensive review of all closed files since the inception of the Office. An external third-party was used for this purpose to ensure complete objectivity. Following the conclusion of the review, two Special Advisors were retained to make recommendations for corrective action in the seventy files identified as containing deficiencies. Efforts on this front commenced in 2010-11 and will be completed in 2011-12.</li> <li>The Office staffed key positions based on the identified needs of the organization. The position of Executive Director, responsible for all of the activities in support of the Office’s mandate, was staffed permanently and the process to staff the Deputy Commissioner, provided for under the <i>Act</i>, was launched. This competition, which was opened to all Canadians, will be concluded in 2011-12.</li> <li>The Office also continued to build its capacity by doubling the size of the expert investigations team to meet the growing number of investigations. The Office is now well-positioned to address the rapidly increasing caseloads.</li> <li>The Office formally established a contribution program to provide access to legal advice pursuant to subsection 25.1 of the <i>Public Servants Disclosure Protection Act</i>.</li> </ul>		



Priority	Type	Program Activity
Inform public servants and Canadians about the role and mandate of the Office	Ongoing	Disclosure and Reprisal Management
<b>Status: Mostly Met</b>		
<ul style="list-style-type: none"> <li>In 2010-11, the Office met with public sector employees across Canada to increase awareness of its activities, and participated in various conferences as exhibitors, reaching out to approximately 6,000 public sector employees in the course of doing so.</li> <li>The Office hosted a practical workshop for Senior Officers.</li> <li>The Office also implemented the practice of providing updates and information on the Office and its operations through the website.</li> </ul>		

Priority	Type	Program Activity
Promote a work-place culture in the federal public service that is open to disclosure and protects from reprisal	Ongoing	Disclosure and Reprisal Management
<b>Status: Mostly Met</b>		
<ul style="list-style-type: none"> <li>The Office initiated the creation of a new Advisory Committee as a mechanism for consultation with key stakeholders.</li> <li>The Office met and provided the Canada School of Public Service with information regarding the PSDPA that could be disseminated or integrated in courses delivered to public servants.</li> <li>Briefed new senior public service leaders (Deputy Head and Associate Deputy Minister levels) on the PSDPA.</li> <li>Delivered full day training sessions to over 100 Department of Justice Canada lawyers on the PSDPA.</li> </ul>		

Priority	Type	Program Activity
Establish a management infrastructure that is solid and consistent with federal government standards	Ongoing	Internal Services
<b>Status: Mostly Met</b>		
<ul style="list-style-type: none"> <li>Implemented a new organizational structure to better align resources with business processes and to ensure the proper management structure to lead the organization.</li> <li>Revised the corporate risk profile and developed a multi-year schedule of risk based audits, evaluations and assessments to address these risks, ensure that controls are sound, appropriate and functioning and to help inform the upcoming five-year review of the PSDPA.</li> <li>Developed and implemented new policies aimed at strengthening internal controls.</li> <li>Initiated the development of an information management strategy.</li> </ul>		

Priority	Type	Program Activity
Implement management practices aimed at fostering a culture that reflects values of integrity, respect, fairness, and professionalism	Ongoing	Internal Services
<b>Status: Mostly Met</b>		
<ul style="list-style-type: none"> <li>• Finalized the integrated HR management plan and developed a Practical Guide on Alternative Work Arrangements.</li> <li>• Improved internal communications.</li> <li>• Implemented an Informal Conflict Management System.</li> <li>• Finalized the internal Policy and Procedures Manual for investigators.</li> </ul>		

## Risk Analysis

The Office has a highly visible profile due to the sensitivity of its mandate and the scrutiny generated by the Office of the Auditor General's (OAG) December 2010 report on the former Commissioner. As an agent of Parliament, the Office operates in a highly dynamic environment that includes new and evolving expectations. The Office is addressing these challenges while continuing to provide effective services. A corporate risk profile has been developed. It identifies and assesses risks of strategic importance. Risk mitigation actions have also been identified, and these have been integrated with business planning and day-to-day program activities.

### Trust in and awareness of the Office and its mandate

The risk of losing the trust of public servants and the general public in the Office's capacity to carry out its mandate heightened following the OAG's December 2010 report concerning the former Commissioner. Individuals are less likely to make disclosures if they do not have a clear understanding of the services available or if they lack trust that they will be adequately protected and that their concerns will be appropriately addressed. To help mitigate this risk, the Office initiated a comprehensive third-party review of all closed case files since the inception of the Office to address any doubts about past decisions. Despite the release of the OAG report, the Office experienced a significant increase in operational workloads and anticipates that this trend will continue. In light of this growing demand, the Office will continue to invest in building capacity to deliver on its mandate.

### Internal capacity

Personnel represents the single largest category of expenses for the Office. Maintaining human resources, namely through attraction, development and retention of employees with adequate competencies, skills and experiences is a demanding management responsibility. The high mobility of skilled professionals and the greater impact of turnover on small organizations, from both a financial and a mandate delivery capacity, can create challenges for knowledge transfer, succession planning and corporate memory. To ensure sufficient capacity, the Office has developed a human resource management plan to mitigate this risk and to continue to meet the Office's mandate.

### Information Security

Information security is critical in the context of disclosures, investigations and the need for preserving confidentiality. Sensitive or private information must be protected from potential loss or inappropriate access in order to avoid potential litigation, damaged reputation and reluctance in coming forward. The Office has implemented many practices aimed at ensuring the security of information, which include briefing and confidentiality agreements, random information security checks within premises, controlled access for the storage of sensitive information, mandatory training for all personnel on managing records and information, and plans to conduct a formal assessment of the effectiveness of the management of security and business continuity. A new Case Management System will also be implemented, resulting in strengthened access and security features.

## **Summary of Performance**

### **2010–11 Financial Resources (\$ thousands)**

<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual Spending</b>
6,538	6,856	5,324

### **2010–11 Human Resources (Full-time Equivalent – FTE)**

<b>Planned</b>	<b>Actual</b>	<b>Difference</b>
45	25	20

Driven by increased operational workloads, the utilization of resources grew in 2010-11. It is expected that this trend will continue. In light of this growing demand, the Office is investing in building capacity to deliver its mandate and to implement its strategic plans. The Office is well positioned to fully utilize its ongoing level of resources.

<b>Strategic Outcome 1: Wrongdoing in the federal public sector is detected, resolved and reported, while public servants are protected from reprisal, resulting in a greater integrity in the workplace.</b>		
<b>Performance Indicators</b>	<b>Targets</b>	<b>2010–11 Performance</b>
Inquiries and investigations are conducted efficiently and in accordance with the PSDPA	<ul style="list-style-type: none"> <li>Review of current practices and establishment / refinement of all processes and procedures</li> </ul>	As a follow-up to the OAG Report, PSIC initiated and completed a third-party review of 221 past files closed between April 1, 2007 and December 20, 2010 to ensure that these past disclosures and alleged reprisal complaints were dealt with in a manner consistent with the requirements of the PSDPA and with applicable legal, investigative and administrative decision-making standards.
		Retained two Special Advisors to provide recommendations and advice regarding the 70 of the 221 past closed files identified as having issues.
		Dealt with increased operational workloads associated with increases of: <ul style="list-style-type: none"> <li>125% in the number of investigations underway;</li> <li>56% in the number of reprisal complaints;</li> <li>29% in the number of disclosures of wrongdoing; and</li> <li>23% in the number of inquiries</li> </ul>
		Finalized the internal Policy and Procedures Manual which serves as a reference guide and training tool for PSIC officials regarding the handling of disclosures of wrongdoing and complaints of reprisals under the PSDPA.
		Established a contribution program to provide access to legal advice pursuant to subsection 25.1 of the <i>Public Servants Disclosure Protection Act</i> .
		Established performance standards for intake, inquiries and investigations.
Public servants and Canadians are aware of the role and mandate of the Office	<ul style="list-style-type: none"> <li>Reach out to all federal public servants</li> <li>Reach out to the general public</li> </ul>	The Office revised its Strategic Plan placing renewed emphasis on being accessible so that the organization is viewed as approachable and transparent. To this end, the Interim Commissioner implemented the practice of providing periodic updates and operational results to public servants and Canadians through the Office's website.
		The Office also continued outreach activities including the continued facilitation of the Senior Officers Support Network, hosting a practical workshop and participating in various conferences targeting public servants.
Recognition of disclosure as a pro-social behaviour	<ul style="list-style-type: none"> <li>Develop tools and best practices</li> <li>Implement the Prevention Strategy</li> </ul>	The Office took measures to establish strong relationships with those elements of civil society who are interested in PSIC's mandate. Numerous meetings with representatives from advocacy groups provided an opportunity to convey PSIC's commitment to greater transparency and maintaining a genuine dialogue. As a result, PSIC initiated the creation of an Advisory Committee that will include the participation of the advocacy groups as well as other key players involved in the implementation of the governing statute to provide a more permanent mechanism for stakeholder consultation on disclosures of wrongdoing and reprisal complaints.
		The Office also pursued initiatives to provide other departments and public servants with information on the Office's mandate.

(\$ thousands)

Program Activity	2009-10 Actual Spending*	2010-11				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Disclosure and Reprisal Management	2,189	4,191	4,191	4,395	3,318	Government Affairs
Internal Services	1,656	2,347	2,347	2,461	2,006	
<b>Total</b>	<b>3,845</b>	<b>6,538</b>	<b>6,538</b>	<b>6,856</b>	<b>5,324</b>	

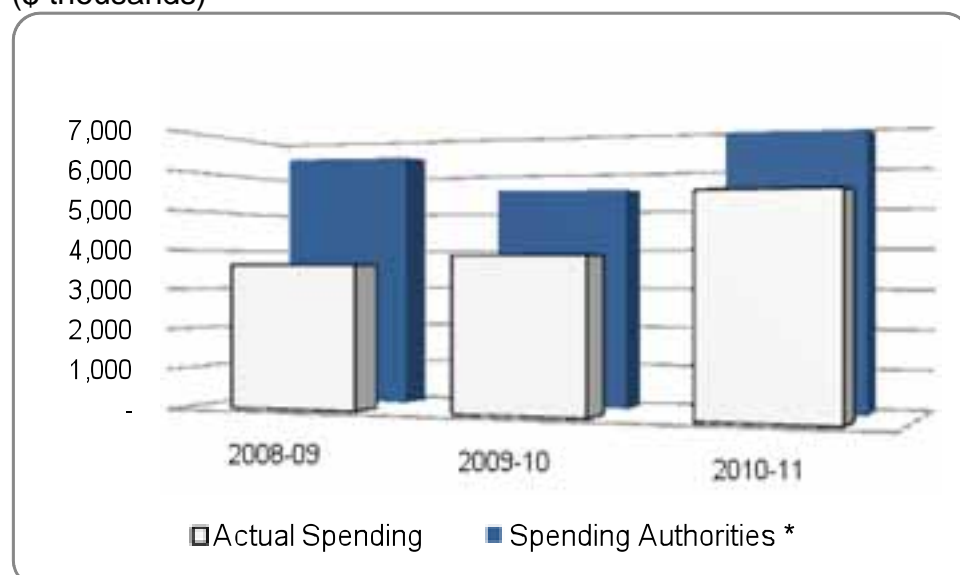
\* The amounts displayed for "Actual Spending" in 2009-10 differ slightly from the "Authorities used in the current year" as reported in the Public Accounts. These amounts were subsequently revised based on the recommendation of the Office of the Auditor General.

The 2010-11 Total Authorities represents an increase of approximately \$0.3M, or 5%, over the 2010-11 Main Estimates of \$6.5 million. The increase is attributable to funding received for the operating budget carry forward from 2009-10 to 2010-11 and the reimbursement of eligible payroll expenditures for severance pay.

## Expenditure Profile

### Organizational Spending Trend

(\$ thousands)



\* The amounts displayed for "Spending Authorities" in 2009-10 differ slightly from the "Total authorities available for use" as reported in the Public Accounts due to reprofiling of funds of \$1.2 million from 2009-10 to 2011-12.

The Office's spending increased significantly for the 2010-11 fiscal year. This increase was due to:

- costs associated with the departure of the former Commissioner and the third-party review of past closed case files;
- higher salary costs, mainly for the investigations and inquiries unit; and

- greater use of professional services.

The costs associated with the former Commissioner's departure and the third-party review are non-recurring. However, the increased salary and professional services costs were driven by the growth in operational workloads and the required support services and it is expected that this trend will continue. In light of the growing demand, the Office will continue to invest in building capacity to deliver its mandate and to implement its strategic plans. The Office is well positioned to fully utilize its ongoing level of resources.

### **Estimates by Vote**

For information on organizational Votes and/or statutory expenditures, please see the 2010-11 Public Accounts of Canada (Volume II). An electronic version of the Public Accounts is available at Public Works and Government Services Canada's Web page: <http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html>.

## Section II: Analysis of Program Activities by Strategic Outcome

### Strategic Outcome

*Wrongdoing in the federal public sector is detected, resolved and reported, while public servants are protected from reprisal, resulting in a greater integrity in the workplace.*

### Program Activity: Disclosure and Reprisal Management

#### Program Activity Description

To provide advice to federal public sector employees and members of the public who are considering making a disclosure and to accept, investigate and report on disclosures of information concerning possible wrongdoing. Based on this activity, the Public Sector Integrity Commissioner will exercise exclusive jurisdiction over the review, conciliation and settlement of complaints of reprisal, including making applications to the Public Servants Disclosure Protection Tribunal to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

2010–11 Financial Resources (\$ thousands)			2010–11 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
4,191	4,395	3,318	33	17	16

Expected Results	Performance Indicators	Targets	Performance Status
Increased confidence in Canadian federal public institutions	Inquiries and investigations are conducted efficiently and in accordance with the PSDPA	<ul style="list-style-type: none"> <li>Review of current practices and establishment / refinement of all processes and procedures</li> </ul>	<b>Mostly Met</b> – See the following table “ <b>1) Program Activity Plans Established in 2010-11 RPP</b> ” for details
	Public servants and Canadians are aware of the role and mandate of the Office	<ul style="list-style-type: none"> <li>Reach out to all federal public servants</li> <li>Reach out to the general public</li> </ul>	<b>Mostly Met</b> – See the following table “ <b>2) Program Activity Plans Established in 2010-11 RPP</b> ” for details
	Recognition of disclosure as a pro-social behaviour	<ul style="list-style-type: none"> <li>Develop tools and best practices</li> <li>Implement the Prevention Strategy</li> </ul>	<b>Mostly Met</b> – See the following table “ <b>3) Program Activity Plans Established in 2010-11 RPP</b> ” for details

1) Program Activity Plans Established in 2010-11 RPP		Performance Status	Performance Summary
Provide an efficient, safe and confidential disclosure mechanism, and protect against reprisals relating to disclosures and participation in investigations.	Carry on efforts for improving the effectiveness, efficiency and timeliness of internal procedures related to the handling of disclosure and reprisal protection files, including triage, intake, investigations, etc.	<b>Mostly Met</b>	<p>The Office made adjustments to its case management system and reporting processes. This was further supported by the detailed and valuable feedback on the nature of the issues and identified areas for improvement regarding file procedures and documentation processes from the third-party review.</p> <p>The Office finalized and implemented the internal Policy and Procedures Manual which provides clear procedures for conducting investigations as well as service standards.</p> <p>The Office conducted a process mapping exercise for the Disclosure and Reprisal Management program. The exercise helped to more clearly delineate business activities and to improve efficiencies. This facilitated the revision of the organizational structure to better align human resources with business processes.</p> <p>The Office staffed key positions including that of Executive Director, launched the Deputy Commissioner staffing process and doubled the size of the investigations team to provide the necessary capacity to address the increasing workloads.</p>
	Complete an update of the Office's strategic outcome and program activities.		The Office participated in TBS' process to amend the 2012-13 Management, Resources and Results Structure. This process will conclude in 2011-12 and the amended strategic outcome will be reflected in the 2012-13 fiscal year.
	Continue research and development of the Office's performance measurement strategy, in alignment with the updated strategic outcome and program activities.		<p>The Office conducted a comprehensive review of the performance measurement strategy to better align, measure and communicate the performance of the Office's activities and to prepare for the upcoming five-year review of the <i>Act</i>. This included the identification of activities, outputs, outcomes, performance standards and the finalization of a program logic model. This information formed the basis for the 2012-13 Management, Resources and Results Structure amendment process and will be formally reflected in the Office's 2012-13 Performance Measurement Framework.</p> <p>The Office also now regularly produces operational statistics to allow the management team to review and address efficiency issues in a timely fashion.</p>
	Finalize lists of potential experts and investigators who can provide support on a contractual basis in order to help deal with high volumes or complex files.		Following the revision of the Office's strategic and operational plans, finalizing the list of external experts and investigators was not deemed to be a priority for the 2010-11 fiscal year. However, much of the work has taken place and will be completed in the 2011-12 fiscal year



2) Program Activity Plans Established in 2010-11 RPP		Performance Status	Performance Summary
Inform public servants and Canadians about the role and mandate of the Office.	Undertake outreach initiatives aimed at creating awareness and understanding of the Office's role and mandate among Members of Parliament and Senators.	<b>Mostly Met</b>	<p>In response to the crisis resulting from the OAG report, PSIC adopted a proactive, open and transparent communications approach to keep public sector employees informed of the Office's new priorities and their implementation status on a periodic basis by way to direct email communication with all heads of agencies, Crowns and other federal institutions.</p> <p>The Office continued to meet with Senior Officers across the public sector to gain an understanding of their experiences in receiving and handling internal disclosures, to discuss challenges in implementing the <i>Act</i>, to build strong working relationships and to raise awareness of its mandate. To date, the Office has met with close to two-thirds of the federal institutions that have designated a Senior Officer under the <i>Act</i>.</p> <p>The Office also continued to facilitate the Senior Officers Support Network, which is made up of a number of Senior Officers with considerable experience who have agreed to make themselves available to members of this community and to provide support and information where required. This network allows Senior Officers who have questions, are newly appointed or who do not have much practice in dealing with protected disclosures under the <i>Act</i> to rely on the expertise and experiences of more seasoned Senior Officers.</p>
	Organize a workshop in order to help create awareness with organizations and key individuals involved with disclosure legislation and practices.		<p>The Office hosted a two-day practical workshop in the fall for all Senior Officers to enable them to share challenges, best practices, tools and techniques for applying the <i>Act</i> and to help build a community of peer support. Bringing together those who are responsible for implementing the <i>Act</i> provided an opportunity for participants to gain a better understanding of each other's roles, and to learn from each other's experience. 52 departments and federal organizations were represented and the feedback collected showed a 98% overall satisfaction rate.</p>

3) Program Activity Plans Established in 2010-11 RPP		Performance Status	Performance Summary
Promote a work-place culture in the federal public service that is open to disclosure and protects from reprisal.	Implement various components of the Office's Prevention Strategy, including development of a decision-making model for potential disclosures that will help improve case management practices.	<b>Mostly Met</b>	<p>Following the success of the decision-making guide to making a protected disclosure of wrongdoing under the PSDPA, the Office intended to complement this tool with the development of a guide for supervisors and managers to receive protected disclosures of wrongdoing under the PSDPA from employees. After the revision of the Office's strategic and operational plans, the development of a guide for supervisors and managers was no longer deemed to be a priority for the 2010-11 fiscal year.</p> <p>The Office initiated the creation of a new Advisory Committee whose mandate will be:</p> <ul style="list-style-type: none"> <li>• to provide recommendations on broad strategic directions, policies and priorities of PSIC;</li> <li>• to provide a challenge function to support PSIC being able to most effectively meet the needs of disclosers of wrongdoing and reprisal complainants; and</li> <li>• to provide a forum for the provision of advice and the exchange of views of all key stakeholders on issues affecting the management of disclosure of wrongdoing and complaints of reprisal.</li> </ul> <p>The Committee will comprise representatives from PSIC, advocacy groups, unions, APEX, the Public Servants Disclosure Protection Tribunal, the Treasury Board Secretariat and the Senior Officers' community.</p>
	Maintain liaison with key stakeholders within the federal public sector (such as unions, senior officers responsible for internal disclosure, senior officials for values and ethics, etc.) to discuss actions aimed at promoting desirable workplace culture.		
	Continue to exchange ideas with Canadian and international advocacy groups that support disclosers.		
	Determine possible approaches for addressing systemic vulnerabilities in the federal public sector previously identified with the assistance of key partners.		

## **Performance Summary and Analysis of Program Activity**

The 2010-11 fiscal year was an extraordinary one characterized by the departure of the former Commissioner, the December 2010 OAG report and the subsequent appointment of an Interim Commissioner. While the Office succeeded in meeting the majority of the plans established in the 2010-11 RPP, the circumstances required the Office re-evaluate and re-prioritize its plans. As a result, the Office focused on initiatives such as solidifying the team by staffing various key positions, completing the third-party review of past closed files and finalizing the internal Policy and Procedures Manual in order to increase confidence in the Office.

### **Lessons Learned**

Despite the concerted efforts by the Office and by a number of stakeholders to raise awareness of the importance of disclosing wrongdoing and preventing reprisal, continued work is still required to support a culture that encourages coming forward.

For the federal public sector as a whole, the *Act* represents a cultural-shift, and some public servants have yet to fully understand and accept the value and necessity of a formal disclosure and reprisal protection regime. Concerns exist that many may still believe that reporting wrongdoing will not make a difference, is not their responsibility or that the *Act* will not provide them with adequate protection.

Members of the investigations branch have heard during the course of their work that there is still a stigma attached to disclosing wrongdoing. Being what is commonly referred to as a whistleblower is considered by some to be a “career killer” and disclosers are presumed to be acting on ulterior motives. There is apparent difficulty in believing that someone discloses because they simply want the wrongdoing to stop.

The only way to end wrongdoing is to address it, and until such time as the stigma attached to “whistleblowing” is removed, the government will continue to have situations where problematic behavior is allowed to flourish.

As the Office and departments deal and report on more cases and demonstrate that concrete actions have been made to correct wrongdoing and reprisals, it is expected that confidence in redress mechanisms will increase. The *Act* is the framework within which an effective disclosure and reprisal regime can function, and it is the Office’s role to implement the *Act* in a way to ensure that this happens for the benefit of all public servants and all Canadians.

## **Program Activity: Internal Services**

### **Program Activity Description**

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization.

These groups are: Management and Oversight Services; Communications Services; Corporate Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and

resources that apply across an organization and not to those provided specifically to a program.

2010–11 Financial Resources (\$ thousands)			2010–11 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
2,347	2,461	2,006	12	8	4

Program Activity Plans Established in 2010-11 RPP		Performance Status	Performance Summary
Establish a management infrastructure that is solid and consistent with federal government standards	Review and improve the governance and organizational structure of the Office, in alignment with the updated strategic outcome(s) and program activities.	<b>Mostly Met</b>	During 2010-11, the Office reviewed and revised the organizational structure to better align to its business processes. This review was based on a mapping exercise to more clearly delineate business activities and to improve efficiencies, particularly for the Disclosure and Reprisal Management program.
	Develop and implement an information management strategy.		Some delays were experienced due to capacity issues for the implementation of an information management strategy. However, the Office was able to complete the initial stages of the development. Implementation will continue in 2011-12 and it is anticipated that the project will be complete in early 2012-13.
	Review workplace health and safety standards for creating a better workplace and ensuring compliance with applicable federal government policies and requirements of the Canada Labour Code.		To assist in fulfilling the legislative obligation as set out in the <i>Public Service Labour Relations Act</i> , the Office implemented an Informal Conflict Management System (ICMS). The Office designated one of its executives as the ICMS officer and retained the ICMS services of another federal government department. This has provided staff with the flexibility and options to help them manage relationships and to prevent conflict in the workplace. An information session on ICMS was also delivered to PSIC staff and reference material was distributed.

Program Activity Plans Established in 2010-11 RPP		Performance Status	Performance Summary
Implement management practices aimed at fostering a culture that reflects values of integrity, respect, fairness, and professionalism	Finalize development of an integrated human resources management plan for the Office, including strategies relating to staffing and retention, temporary or contractual help, succession planning, learning and growth, performance agreements, etc.	<b>Mostly Met</b>	The Office finalized the integrated HR management plan.  The Office also developed a Practical Guide on Alternative Work Arrangements to help employees balance work and personal responsibilities.
	Implement mechanisms for facilitating internal communications, the sharing of information and the transfer of knowledge among employees of the Office.		The Office pursued a number of initiatives including: <ul style="list-style-type: none"> <li>• holding regular all-staff meetings</li> <li>• offering an Informal Conflict Management System</li> <li>• finalizing the internal Policy and Procedures Manual for investigators</li> </ul>
	Develop a code of conduct for employees of the Office that is consistent with the Values and Ethics Code for the Public Service.		The process for developing PSIC's code of conduct for employees was initiated in 2010-11. This process will continue into 2011-12 and will not be finalized until the release of TBS' Values and Ethics Code for the Public Sector.

### Performance Summary and Analysis of Program Activity

The Office succeeded in meeting most of the plans established in the 2010-11 RPP. Due to capacity issues, though initiated, the information management project experienced some delays and is now expected to be completed in 2012-13. Also, the development of PSIC's code of conduct for employees will continue into 2011-12 in order to align with of TBS' Values and Ethics Code for the Public Sector.

The December 2010 OAG report also had an impact on priorities for the Internal Services Program Activity and as a result the Office placed additional emphasis on initiatives to continue to ensure a healthy and productive workplace for employees and to support and strengthen the organization.

**Lessons Learned**

Maintaining human resources, namely through attraction, development and retention of employees with the right competencies, skills and experiences remains a demanding management responsibility. The Office has been able to overcome some of these HR-related challenges and has successfully increased its capacity by staffing highly experienced and skilled individuals. However, this is an ongoing challenge that the Office must be continually ready to address, particularly given the impact of the departure of even a small number of staff in an organization with fewer than fifty employees.

## Section III: Supplementary Information

### Financial Highlights

The financial highlights presented within this Departmental Performance Report are intended to serve as a general overview of the Office's financial position and operations. PSIC has received unqualified audit opinions of its Financial Statements from the Office of the Auditor General of Canada, who have been PSIC's auditors since 2008.

PSIC's audited Financial Statements can be found at:

[www.psic-ispc.gc.ca/quicklinks/liensrapides/10\\_11\\_finstats\\_etatsfin-eng.aspx](http://www.psic-ispc.gc.ca/quicklinks/liensrapides/10_11_finstats_etatsfin-eng.aspx).

### Condensed Statement of Financial Position

as at March 31, 2011 (\$ thousands)

	% Change	2011	2010
Financial Assets	147%	464	188
Non-Financial Assets	2%	107	105
<b>TOTAL ASSETS</b>	95%	<b>571</b>	293
LIABILITIES	56%	1,095	704
EQUITY OF CANADA	27%	(524)	(411)
<b>TOTAL LIABILITIES AND EQUITY OF CANADA</b>	95%	<b>571</b>	293

Financial assets grew in 2010-11 resulting from an increase in the due from the Consolidated Revenue Fund account mainly attributable to higher liabilities at year-end for accounts payable and accrued liabilities.

### Condensed Statement of Operations

for the year ended March 31, 2011 (\$ thousands)

	% Change	2011	2010
TOTAL EXPENSES	48%	5,978	4,045
<b>NET COST OF OPERATIONS</b>	48%	<b>5,978</b>	4,045

62% of the 2010-11 expenses relate to the core Disclosure and Reprisal Management Program with the remaining expenses associated with Internal Services. These costs represent a significant increase in spending over 2009-10 and are attributable to:

#### Disclosure and Reprisal Management Program increase of \$1.5M:

- Costs associated with the departure of the former Commissioner
- Higher salary costs and contributions for employee benefit plans
- Costs related to the third-party review of past closed files and other professional and special services

**Internal Services program increase of \$0.4M:**

- Higher salary costs and contributions for employee benefit plans
- Higher professional and special services costs for information technology consultants, human resources services and accounting & audit services
- Equipment acquisitions related to information technology and other equipment purchases to increase the utilization of PSIC's office space



## Section IV: Other Items of Interest

### Organizational Contact Information

The Office of the Public Sector Integrity Commissioner of Canada can be contacted at:

60 Queen Street, 7<sup>th</sup> Floor  
Ottawa, Ontario K1P 5Y7  
Canada

Telephone: 613-941-6400  
Toll Free: 1-866-941-6400  
Facsimile: 613-941-6535 or 613-946-2151 (secure transmission)

To submit a disclosure of wrongdoing or complaint of reprisal, individuals can complete the appropriate form which can be mailed, faxed or submitted in person to the Office. The appropriate forms can be found at:

<http://psic-ispc.gc.ca/quicklinks/liensrapides/forms/formulaires-eng.aspx>

### Additional Information

#### Advisory Committee

An Advisory Committee was established to provide a more permanent mechanism for stakeholder consultation on disclosure of wrongdoing and reprisal complaints. The Committee comprises representatives from PSIC, advocacy groups, unions, APEX, the Public Servants Disclosure Protection Tribunal, the Treasury Board Secretariat and the Senior Officers' community. Specifically, the Committee's mandate is to provide:

- recommendations on broad strategic directions, policies and priorities of PSIC;
- a challenge function to support PSIC being able to most effectively meet the needs of disclosers of wrongdoing and reprisal complainants; and
- a forum for the provision of advice and the exchange of views of key stakeholders on issues affecting the management of disclosure of wrongdoing and complaints of reprisal.

The first meeting of the Committee was held in May 2011.

#### Contribution program to provide access to legal advice

The Office received Treasury Board approval to establish a contribution program to provide access to legal advice under subsection 25.1 of the *Public Servants Disclosure Protection Act* late in the 2010-11 fiscal year.

The program enables the Commissioner to approve the provision of access to legal advice to any public servant or person in relation to any disclosures of wrongdoing or complaint of reprisal under the *Act*. The legal advice provided may be valued up to \$1,500, or up to \$3,000 in exceptional circumstances, and can

be provided by legal counsel employed in the Commissioner's Office or by private sector legal counsel of the recipient's choosing.

Due to the timing of the Treasury Board approval, minimal costs were recorded under this program for 2010-11.

### **Departmental Audit and Evaluation Committee**

The Office has a Departmental Audit and Evaluation Committee composed of members external to the federal government, one of which chairs the Committee. Ex-officio members include the Commissioner, the Chief Financial Officer and the Chief Audit Executive.

The Committee ensures that the Commissioner has independent and objective advice, guidance, and assurance on the adequacy of management and accountability processes. For this purpose, the Committee exercises active oversight over key areas of management control and accountability, including values and ethics, risk management, internal control, internal audit and evaluation, financial statements, public accounts, and other statutory reports such as the Annual Report, the Report on Plans and Priorities, and the Departmental Performance Report. The Committee meets at least four times per year.

### **Shared Service Arrangements**

The Office has shared service agreements with the Canadian Human Rights Commission, and Public Works and Government Services Canada who provide administrative services to the Office on a contractual basis. These arrangements supplement internal resources of the Office and allow the pooling of expertise in specific management areas. Shared service arrangements contribute to lowering costs related to internal services.

The Canadian Human Rights Commission provides services in the areas of financial management (namely transaction processing and reporting), security clearances and building security arrangements, procurement and contracting, telecommunications, information management, information technology and human resources information systems.

Public Works and Government Services Canada provides services in the areas of human resources management, namely planning, staffing, classification, labour relations, policies and procedures, and human resources reporting requirements to central agencies.