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# Annual Report on the *Public Servants Disclosure Protection Act*

2010–11







**Annual Report on  
the *Public Servants  
Disclosure Protection Act***

2010–11

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## Introduction

Section 38.1 of the *Public Servants Disclosure Protection Act* (PSDPA) requires that the Chief Human Resources Officer prepare an annual report for the President of the Treasury Board to table in Parliament. The report must provide information on activities related to the disclosures made in public sector organizations that are subject to the Act. The present document, the fourth annual report under the PSDPA, covers the reporting requirements for the period of April 1, 2010, to March 31, 2011.

The PSDPA establishes procedures for handling allegations of wrongdoing and complaints of reprisal and provides concrete support for grounding public sector culture firmly in values and ethics. For details on the origin and intent of the Act and definitions of key terms used in this report, please refer to the Annual Report on the “Public Servants Disclosure Protection Act” 2007–08<sup>1</sup> and the information related to the Act provided on the Office of the Chief Human Resources Officer’s (OCHRO’s) website.<sup>2</sup>

This report includes information provided by public sector organizations related to disclosures made according to internal procedures established under the Act, as reported to OCHRO by the senior officer or chief executive of each of these organizations. It does not cover disclosures or reprisal complaints made to the Office of the Public Sector Integrity Commissioner of Canada, which are covered by the Commissioner’s report to Parliament.

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1. *Annual Report on the “Public Servants Disclosure Protection Act” 2007–08*, <http://www.tbs-sct.gc.ca/ve/pda0708-eng.asp>
  2. Treasury Board of Canada Secretariat, OCHRO, *Public Servants Disclosure Protection Act* (PSDPA), <http://www.tbs-sct.gc.ca/ve/pda-eng.asp>

## Reported Disclosure Activity

There are 154 active organizations in the federal public sector that are currently subject to the Act.<sup>3</sup> These organizations inform OCHRO of senior officer appointments under the Act. Pursuant to subsection 10(4) of the Act, 36 organizations have declared that they would not establish internal disclosure procedures or appoint a senior officer because the size of the organization made it impractical to do so.

Subsection 38.1(1) of the Act requires each chief executive to prepare and submit to OCHRO, within 60 days after the end of every fiscal year, a report on the activities related to disclosures made in his or her organization. The following is a summary of these reports. Statistics from previous years are included for comparison.

### Disclosure Activity 2007–11

Disclosure Activity	2010–11	2009–10	2008–09	2007–08
Number of active organizations	154	155	153	153
Number of general inquiries relating to the Act	277	281	186	259
Number of organizations that reported inquiries	33	29	28	35
Number of disclosures received under the Act	291	213	181	234
Number of organizations that reported disclosures	33	32	27	30
Number of referrals resulting from a disclosure made in another public sector organization	3	4	2	1
Number of cases carried over based on disclosures made in previous year	75	31	25	N/A
<b>Total number of disclosures handled (new disclosures plus cases carried over and referrals)</b>	<b>369</b>	<b>248</b>	<b>208</b>	<b>N/A</b>
Number of disclosures received that were acted upon	350	218	162	179

3. This figure does not include the three organizations excluded from the definition of “public sector” in the Act (the Canadian Forces, the Canadian Security Intelligence Service and Communications Security Establishment Canada) or the organization that requires an Order in Council to become subject to the Act (the Canada Pension Plan Investment Board). Special operating agencies are considered to be a part of their parent organizations, with the exception of Passport Canada.



Disclosure Activity	2010–11	2009–10	2008–09	2007–08
Number of disclosures received that were not acted upon	19	30	45	50
Number of investigations commenced as a result of disclosures received	111	75	60	87
Number of disclosures received that led to a finding of wrongdoing	9	7	6	7
Number of organizations that reported findings of wrongdoing	7	4	3	6
Number of disclosures received that led to corrective measures	31	36	38	26
Number of organizations that reported corrective measures	16	14	13	14
Number of organizations that reported finding systemic problems that gave rise to wrongdoing	2	4	1	2
Number of organizations that reported not disclosing information about findings of wrongdoing within 60 days	7	N/A	N/A	N/A

In accordance with paragraph 11(1)(c) of the Act, it is the responsibility of each organization to provide public access to information describing findings of wrongdoing and any follow-up action taken. This information is not collected or repeated in this report.

Statistics on organizational reports of activities related to disclosures made under the Act are available in the Appendix. These statistics provide a useful snapshot of activity under the PSDPA. The following points might be noted in relation to this information:

- ▶ It is difficult to compare statistics across organizations because the cultures vary; issues may be dealt with through different mechanisms in different organizations.
- ▶ Sometimes a disclosure will contain several allegations, each taken as a separate disclosure.
- ▶ Cases that are identified through disclosure may be followed up through another process, such as a grievance procedure, as appropriate.
- ▶ Disclosures can be made to a supervisor, a senior officer for disclosure, an individual named by the empowering legislation (such as the Royal Canadian Mounted Police complaints officer) or the Public Sector Integrity Commissioner. The choice of channel for disclosure cannot be construed to reflect a lack of trust in one channel or the other.

## Appendix: Summary of Organizational Activity Related to Disclosures Under the Act

### A. Organizations reporting activity under the Act in 2010–11

Organization	General inquiries	Disclosures						Investigations commenced	Disclosure Outcomes	
		Received	Referred	Carried over from 2009–10	Acted upon	Not acted upon	Carried over into 2011–12		A finding of wrongdoing	Corrective measures
Aboriginal Affairs and Northern Development Canada	2	2	0	3	5	0	2	0	0	0
Agriculture and Agri-Food Canada	0	1	0	0	1	0	0	1	0	1
Atlantic Canada Opportunities Agency	6	0	0	0	0	0	0	0	0	0
Atomic Energy of Canada Limited	0	26	0	5	31	0	3	9	0	8
Canada Border Services Agency	70	62	3	3	63	5	18	4	2	4
Canada Post Corporation	0	80	0	0	80	0	7	32	0	0
Canada Revenue Agency	6	1	0	0	1	0	1	0	0	0
Canadian Broadcasting Corporation	1	0	0	0	0	0	0	0	0	0
Canadian Food Inspection Agency	0	13	0	3	14	2	2	2	0	0
Canadian Heritage	2	3	0	0	3	0	0	0	0	0
Canadian International Development Agency	0	1	0	0	1	0	0	1	0	0

Organization	General inquiries	Disclosures						Investigations commenced	Disclosure Outcomes	
		Received	Referred	Carried over from 2009–10	Acted upon	Not acted upon	Carried over into 2011–12		A finding of wrongdoing	Corrective measures
Canadian Security Intelligence Service	5	3	0	0	0	3	0	0	0	0
Canadian Space Agency	2	0	0	0	0	0	0	0	0	0
Canadian Tourism Commission	0	1	0	0	1	0	0	1	0	0
Canadian Transportation Agency	1	0	0	0	0	0	0	0	0	0
Citizenship and Immigration Canada	1	1	0	0	1	0	1	0	0	0
Correctional Service Canada	5	5	0	4	9	0	3	2	0	1
Environment Canada	1	1	0	2	3	0	0	0	0	2
Export Development Canada	0	2	0	0	2	0	2	2	0	0
Fisheries and Oceans Canada	10	0	0	1	1	0	0	0	0	1
Foreign Affairs and International Trade Canada	0	2	0	0	0	2	0	0	0	0
Health Canada	28	6	0	0	6	0	0	6	0	1
Human Resources and Skills Development Canada	8	5	0	2	7	0	0	2	0	2
Immigration and Refugee Board of Canada	12	5	0	0	5	0	0	5	0	0
Industry Canada	2	0	0	2	2	0	0	0	0	0

Organization	General inquiries	Disclosures						Investigations commenced	Disclosure Outcomes	
		Received	Referred	Carried over from 2009–10	Acted upon	Not acted upon	Carried over into 2011–12		A finding of wrongdoing	Corrective measures
Infrastructure Canada	2	0	0	0	0	0	0	0	0	0
International Development Research Centre	1	0	0	0	0	0	0	0	0	0
Marine Atlantic Inc.	0	1	0	0	1	0	1	1	0	0
National Capital Commission	13	0	0	0	0	0	0	0	0	0
National Defence	22	13	0	8	15	6	1	2	1	1
National Gallery of Canada*	0	9	0	0	9	0	1	9	1	1
National Research Council Canada	1	10	0	0	10	0	5	10	0	0
Natural Resources Canada	2	5	0	1	6	0	2	2	0	3
Parks Canada	5	1	0	1	2	0	0	0	0	0
Passport Canada	6	0	0	0	0	0	0	0	0	0
Public Health Agency of Canada*	0	2	0	1	3	0	2	0	1	1
Public Prosecution Service of Canada	0	0	0	1	1	0	1	1	0	0
Public Sector Pension Investment Board	0	1	0	0	1	0	1	1	0	0
Public Service Commission of Canada	1	0	0	0	0	0	0	0	0	0

Organization	General inquiries	Disclosures						Investigations commenced	Disclosure Outcomes	
		Received	Referred	Carried over from 2009–10	Acted upon	Not acted upon	Carried over into 2011–12		A finding of wrongdoing	Corrective measures
Public Works and Government Services Canada	30	7	0	8	15	0	14	7	1	1
Royal Canadian Mounted Police	12	17	0	27	43	1	40	5	0	0
Statistics Canada	4	2	0	2	4	0	1	2	2	2
Status of Women Canada	2	0	0	0	0	0	0	0	0	0
The National Battlefields Commission	0	1	0	0	1	0	0	1	1	1
Transport Canada	10	0	0	0	0	0	0	0	0	0
Veterans Affairs Canada*	3	1	0	1	2	0	0	2	0	1
Western Economic Diversification Canada	1	1	0	0	1	0	0	1	0	0
<b>Totals</b>	<b>277</b>	<b>291</b>	<b>3</b>	<b>75</b>	<b>350</b>	<b>19</b>	<b>108</b>	<b>111</b>	<b>9</b>	<b>31</b>

\* These organizations also reported a related systemic problem that has been addressed through corrective measures.

**B. Organizations that reported no activities related to disclosure in the reporting period**

Atlantic Pilotage Authority Canada

Bank of Canada

Business Development Bank of Canada

Canada Council for the Arts

Canada Deposit Insurance Corporation

Canada Development Investment Corporation

Canada Employment Insurance Financing Board

Canada Industrial Relations Board

Canada Mortgage and Housing Corporation

Canada School of Public Service

Canada Science and Technology Museum

Canadian Air Transport Security Authority

Canadian Centre for Occupational Health and Safety

Canadian Commercial Corporation

Canadian Environmental Assessment Agency

Canadian Grain Commission

Canadian Institutes of Health Research

Canadian International Trade Tribunal

Canadian Museum for Human Rights

Canadian Museum of Civilization

Canadian Nuclear Safety Commission

Canadian Radio-television and Telecommunications Commission

Commission for Public Complaints Against the Royal Canadian Mounted Police

Courts Administration Service

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Defence Construction Canada  
Department of Finance Canada  
Department of Justice Canada  
Economic Development Agency of Canada for the Regions of Quebec  
Energy Supplies Allocation Board  
Enterprise Cape Breton Corporation  
Farm Credit Canada  
Great Lakes Pilotage Authority Canada  
Human Rights Tribunal of Canada  
Indian Oil and Gas Canada  
Library and Archives Canada  
Military Police Complaints Commission of Canada  
National Arts Centre Corporation  
National Energy Board  
National Film Board  
Northern Pipeline Agency Canada  
Office of the Auditor General of Canada  
Office of the Chief Electoral Officer  
Office of the Commissioner for Federal Judicial Affairs Canada  
Office of the Governor General's Secretary  
Office of the Information Commissioner of Canada  
Office of the Public Sector Integrity Commissioner of Canada  
Office of the Superintendent of Financial Institutions Canada  
Pacific Pilotage Authority Canada  
Parole Board of Canada  
PPP Canada

Privy Council Office  
Public Appointments Commission Secretariat  
Public Safety Canada  
RCMP External Review Committee  
Registry of the Specific Claims Tribunal of Canada  
Ridley Terminals Inc.  
Registrar of the Supreme Court of Canada  
Royal Canadian Mint  
Science and Engineering Research Canada  
Social Sciences and Humanities Research Council of Canada  
Staff of the Non-Public Funds, Canadian Forces  
Statistical Survey Operations  
The Correctional Investigator Canada  
The Federal Bridge Corporation Limited  
Transportation Safety Board of Canada  
Treasury Board of Canada Secretariat  
Via Rail Canada Inc.

**C. Organizations that do not have a senior officer or internal disclosure procedures as of the end of the reporting period, pursuant to subsection 10(4) of the Act**

Assisted Human Reproduction Canada  
Blue Water Bridge Canada  
Canada Lands Company Limited  
Canadian Artists and Producers Professional Relations Tribunal  
Canadian Dairy Commission  
Canadian Forces Grievance Board



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Canadian Human Rights Commission  
Canadian Intergovernmental Conference Secretariat  
Canadian Museum of Nature  
Canadian Polar Commission  
Canadian Race Relations Foundation  
Copyright Board Canada  
Farm Products Council of Canada  
Federal Economic Development Agency for Southern Ontario  
Financial Consumer Agency of Canada  
Financial Transactions and Reports Analysis Centre of Canada  
First Nations Statistical Institute  
Freshwater Fish Marketing Corporation  
Hazardous Materials Information Review Commission Canada  
International Joint Commission (Canadian Section)  
Laurentian Pilotage Authority Canada  
National Gallery of Canada  
National Round Table on the Environment and the Economy  
Office of the Commissioner of Lobbying of Canada  
Office of the Commissioner of Official Languages  
Office of the Communications Security Establishment Commissioner  
Office of the Privacy Commissioner of Canada  
Patented Medicine Prices Review Board Canada  
Public Servants Disclosure Protection Tribunal Canada  
Public Service Labour Relations Board  
Public Service Staffing Tribunal  
Registry of the Competition Tribunal

Security Intelligence Review Committee

Standards Council of Canada

Telefilm Canada

Transportation Appeal Tribunal of Canada

**D. Inactive organizations that are subject to the Act**

Canada Emission Reduction Incentives Agency

Canada Investment and Savings

Cape Breton Development Corporation (amalgamated with and reporting through Enterprise Cape Breton Corporation)

Corporation for the Mitigation of Mackenzie Gas Project Impacts