



Public Sector  
Integrity Canada

Intégrité du secteur  
public Canada

# **Public Sector Integrity Canada**

**2008-2009**

**Report on Plans and Priorities**

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The Honourable Vic Toews  
President of the Treasury Board of Canada

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# Section 1: Organizational Overview

## 1.1 Commissioner's Message

I am honoured to be the first person to hold the position of [Public Sector Integrity Commissioner](#), established under the *Public Servants Disclosure Protection Act*. My appointment, on the recommendation of the Prime Minister, and by unanimous resolution of both Houses of Parliament became effective on August 6, 2007.

The *Public Servants Disclosure Protection Act*, which came into force on April 15, 2007, establishes a new system for disclosure of wrongdoing in the federal public sector. The Act also provides for a statement of values and the establishment of a code of conduct to guide the public sector.

The Act creates the position of an independent Commissioner, reporting directly to Parliament, with broad jurisdiction over the public sector as a whole and significant investigation and enforcement powers. As the Commissioner, I am also empowered to report the conclusions of my investigations, to make recommendations in cases where wrongdoing has been committed, and to present annual, special and case reports to Parliament.

Any form of reprisals against complainants is strictly forbidden. As Commissioner, I may ask the newly created Public Servants Disclosure Protection Tribunal to determine whether reprisals have been taken against a public servant and to order redress. The Tribunal may also order that disciplinary action be taken against individuals who have taken reprisals.

My mandate covers some 400,000 employees in the public sector as a whole, excluding only the organizations responsible for the security of the country, namely the Canadian Security Intelligence Service, the Communications Security Establishment and the Canadian Forces. The *Public Servants Disclosure Protection Act* does, however, require that these three organizations have internal disclosure systems comparable to what the Act stipulates.

In my new role, I will strive to discharge my duties with integrity and dedication and will do my utmost to establish a credible institution which will serve to increase confidence in our federal public institutions.

Christiane Ouimet  
Commissioner

## **1.2 Management Representation Statement**

I submit for tabling in Parliament the 2008–2009 Report on Plans and Priorities for Public Sector Integrity Canada.

This document has been prepared based on the reporting principles contained in the Guide to the Preparation of Part III of the 2008–2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports:

- it adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- it is based on the agency's strategic outcome and program activity that were approved by the Treasury Board;
- it presents consistent, comprehensive, balanced, and reliable information;
- it provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- it reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

Name: Christiane Ouimet

Title: Public Sector Integrity Commissioner

## 1.3 *Raison d'être*

### Legislation

The *Public Servants Disclosure Protection Act* creates two main areas of responsibility:

- A disclosure process, i.e., a mechanism to allow public servants to disclose, in confidence, information about potential wrongdoing committed in the public sector; and
- a reprisal complaints process, which provides protection against reprisals for public servants acting in good faith in a disclosure process.

The Act also creates the [Office of the Public Sector Integrity Commissioner](#), styled as *Public Sector Integrity Canada* (PSIC) under the Federal Identity Program, and the Public Servants Disclosure Protection Tribunal, which may be asked to determine whether reprisals have been taken against a public servant and to order redress.

### Mandate

The Office of the Public Sector Integrity Commissioner has the mandate to establish a safe, confidential mechanism for public servants or members of the public to disclose potential wrongdoing in the public sector. The Office also protects public servants from reprisal for making such disclosures or participating in investigations.

The Office emphasizes prevention of wrongdoing, alternative dispute resolution, and education about values and ethics.

The Office is guided at all times by the **public interest** and ensures integrity, respect, fairness and professionalism in its procedures.

### The Commissioner

The Public Sector Integrity Commissioner is responsible for the administration of the disclosure and reprisal complaints processes under the *Public Servants Disclosure Protection Act*, which protects public servants who report wrongdoing in the federal public sector.

The Commissioner conducts independent reviews of disclosures of wrongdoing in an equitable and timely manner, issues findings to enable organizations to take appropriate corrective action, and submits annual and special reports to Parliament. More specifically, the Commissioner:

- provides advice to federal public sector employees and members of the public who are considering making a disclosure;

- accepts, investigates and reports on disclosures of information concerning possible wrongdoing; and
- exercises 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.

In conducting her work, the Commissioner acts as:

- an agent of Parliament;
- an independent officer; and
- an officer who is guided by the public interest.

### **The Commissioner's Jurisdiction**

The Commissioner's jurisdiction comprises approximately 400,000 employees representing the core federal public administration, separate agencies and parent Crown corporations. The Canadian Forces, the Canadian Security Intelligence Service and the Communications Security Establishment are excluded, but they must establish their own regimes which are comparable to what the *Public Servants Disclosure Protection Act* stipulates.

## 1.4 Organizational Information

### Mission

The Office of the Public Sector Integrity Commissioner's mission is to enhance confidence in Canada's public institutions and in those who serve Canadians.

### Vision

The Office of the Public Sector Integrity Commissioner will:

- Build an effective and credible organization where public servants and all citizens can, in good faith and in confidence, share their concerns about wrongdoing.
- Assist federal government organizations in preventing wrongdoing in the workplace.
- Establish Canada as a world leader in the promotion of integrity in the workplace.

### Values

**INTEGRITY** - in our actions and processes

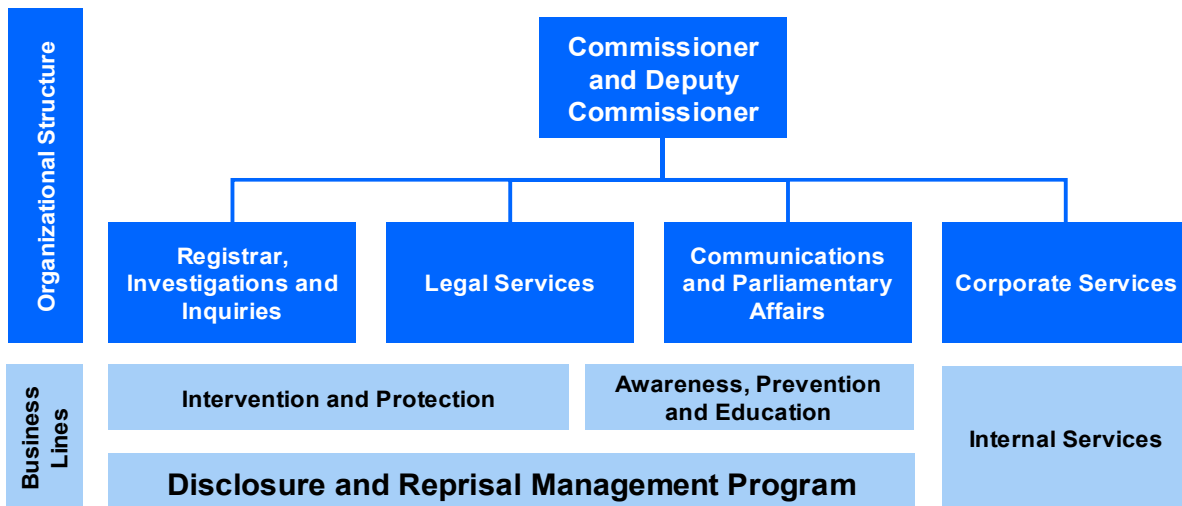
**RESPECT** - for our clients and our employees

**FAIRNESS** - in our procedures and our decisions

**PROFESSIONALISM** - in the manner we conduct ourselves and in our work

### Organizational Structure

The diagram below depicts the current organizational structure of the Office of the Public Sector Integrity Commissioner and provides a cross-walk between this structure and the Office's business lines.



The paragraphs below describe the functions performed by the four organizational units.

### **Registrar, Investigations and Inquiries**

The Registrar, Investigations and Inquiries branch is responsible for the intake of requests for information and allegations and, when warranted, for conducting investigations under the *Public Servants Disclosure Protection Act (PSDPA)*.

The Registrar's office deals with general requests for information from public servants and the public. It also receives allegations from individuals wishing to make a disclosure or from public servants who have been subject of reprisals. The staff in this unit will analyze the allegations to ensure that they fall within the parameters of the Act. If the allegations warrant an investigation and are deemed to be within the purview of the Commissioner's mandate, they are forwarded to the Investigations and Inquiries unit for investigation. Once the investigation is completed a report is drafted and submitted to the Commissioner and her Deputy for a determination on the matter.

### **Legal Services**

Legal Services provides the Office with legal information, advice, representation and answers to certain inquiries from the public or public servants.

### **Communications and Parliamentary Affairs**

Communications and Parliamentary Affairs provides the Office with strategic planning, advice and services related to outreach activities, media relations and Parliamentary affairs. These services include identifying, securing and coordinating outreach opportunities, monitoring the public and Parliamentary contexts, developing electronic and printed communications materials, and providing support for public and Parliamentary appearances.

### **Corporate Services**

Corporate Services provides the Office with support in the areas of facilities management, materiel, security, and courier services. It also assists the Office in the development and implementation of government-wide initiatives, building human, stewardship and organizational capacity, linguistic rights, stewardship and accountability. Financial, human resources, procurement and information management and technology services are being outsourced. Outsourcing arrangements in all these areas are currently being finalized.



## 1.5 Voted and Statutory Items displayed in the Main Estimates

(\$ thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2008–2009 Main Estimates	2007–2008 Main Estimates
40	Program expenditures	6,033	-
(S)	Contributions to employee benefit plans	520	-
	Total Office	6,553	-

The Office of the Public Sector Integrity Commissioner was established by the *Public Servants Disclosure Protection Act*, which came into force on April 15, 2007. Consequently, the Commissioner's funding has not been included in the Main Estimates of 2007-2008 which, have already been tabled. The Commissioner received its first funding through the 2007-2008 Supplementary Estimates. An amount of \$7.9M was approved in December 2007 for the creation of a new independent federal institution, as well as, the implementation of a new law and its related responsibilities.

## 1.6 Planned Spending and Full-Time Equivalents

(\$ thousands)	Forecast Spending 2007–2008	<b>Planned Spending 2008–2009</b>	Planned Spending 2009–2010	Planned Spending 2010–2011
Disclosure and Reprisal Management	-	<b>6,553</b>	6,553	6,553
<b>Total Main Estimates</b>	-	<b>6,553</b>	6,553	6,553
<i>Adjustments</i>				
Supplementary Estimates				
Funding for the establishment and operation of the Office of the Public Sector Integrity Commissioner	7,932	-	-	-
Reprofiling to carry out in future years the implementation of the <i>Public Servants Disclosure Protection Act</i>	(2,700)	-	-	-
<i>Total adjustments</i>	5,232	-	-	-
<b>Total Planned Spending</b>	5,232	<b>6,553</b>	6,553	6,553
Plus: Cost of services received without charges	433	<b>517</b>	517	517
<b>Total Office Spending</b>	5,665	<b>7,070</b>	7,070	7,070
<b>Full-Time Equivalents</b>	17	<b>41</b>	41	41

**The increase of \$1,3M between the 2007-2008 and the 2008-2009 total planned spending is primarily attributed to the late start up of the Office and the formal appointment of the Public Sector Integrity Commissioner even later, on August 6, 2007.**

## 1.7 Summary Information

### Financial Resources (\$ thousands)

2008–2009	2009–2010	2010–2011
6,553	6,553	6,553

### Human Resources

2008–2009	2009–2010	2010–2011
*41	*41	*41

\* including shared services staff

### Departmental Priorities

Name	Type
1. Increased awareness of workplace integrity and recourses available	New
2. Effective investigation, resolution and protection from reprisals	New
3. Effective and credible PSIC organization	New
4. Effective and efficient management and oversight of corporate resources	New

### Program Activities by Strategic Outcome

Program Activity	Expected Results	Planned Spending (\$ thousands)			Contributes to the following priority
		2008–2009	2009–2010	2010–2011	
<b>Strategic Outcome:</b> 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					Priorities 1, 2
Disclosure and Reprisal Management	Increased confidence in Canadian federal public institutions	\$5,705	\$5,705	\$5,705	Priorities 1, 2
Internal Services	Increased confidence in Canadian federal public institutions	\$848	\$848	\$848	Priorities 3, 4

## **1.8 Departmental Plans and Priorities**

### **Priority: Increased awareness of workplace integrity and recourses available**

As a catalyst for accountability, awareness and greater public confidence, the Commissioner will keep the public informed and will be proactive in working jointly with the public sector in order to:

- raise awareness about the mandate and role of the Commissioner as guardian of the public interest;
- prevent problems by educating people and promoting good behaviours and practices (promoting “rightdoing”); and
- generate a shared commitment to change the organizational culture.

### **Plans**

- Develop and make presentations to public sector employees to promote understanding of the Office and joint responsibilities under the *Public Servants Disclosure Protection Act*.
- Develop and share communication tools, resource materials and inventories of leading practices and expertise to support and promote awareness and enhance prevention and good behaviours in the workplace.
- Assist stakeholder organizations in developing and implementing prevention initiatives.

### **Priority: Effective investigation, resolution and protection from reprisals**

In carrying out her duty to receive and examine disclosures and complaints of reprisal, the Commissioner has committed before Parliament to take effective action within the Commissioner’s jurisdiction whenever and wherever such action is warranted, and to:

- handle cases rigorously and expeditiously, dealing conscientiously and responsibly with all parties involved with a view to preserving the integrity of federal institutions;
- exercise her discretion in the public interest by investigating allegations of wrongdoing, made in good faith, that have the potential to discredit the federal public administration;
- use all appropriate tools and mechanisms, both formal and informal, to effectively resolve cases; and
- protect public servants who make disclosures and work with the Office.

## **Plans**

- Screen disclosure and complaints efficiently and ensure that there is no duplication and that referral can be made to other, more appropriate redress mechanisms.
- Identify and address proactively any issues that may impact on the timeliness, efficiency and effectiveness of the disclosure and complaint processes.
- Ensure that investigations are as informal and as expeditious as possible.
- Ensure effective use of alternative dispute resolution mechanisms at various stages of the disclosure process, in order to: facilitate the screening of allegations; identify causes of conflicts; resolve differences of opinion or interpretation on specific issues; and identify options for resolution.

### **Priority: Effective and credible PSIC organization**

The Office of the Public Sector Integrity Commissioner is committed to building an effective and credible organization where public servants and all citizens can share their concerns about wrongdoing in confidence and without fear of reprisals.

## **Plans**

- Develop operating policies, procedures and guidelines.
- Develop and implement operating processes and systems to support ongoing operations.
- Build human and organizational operating capacity.

### **Priority: Effective and efficient management and oversight of corporate resources**

The Office of the Public Sector Integrity Commissioner is committed to building an effective and efficient approach to the stewardship of its corporate resources.

## **Plans**

- Establish effective and efficient internal corporate services.
- Put in place effective and efficient corporate services outsourcing arrangements (for Finance, Procurement, Human Resources and Information Management/Information Technology).
- Establish appropriate governance structures.
- Formulate and promulgate management and administrative policies in key resource management areas.

## **Risks and Challenges Associated with these Priorities**

The Public Sector Integrity Commissioner will work towards the highest possible performance standard for its program activity and the priorities underlying these activities.

There is a risk that unexpected demands – or slower than expected capacity building at this formative stage – may limit the Commissioner's ability to respond expeditiously.

Dependencies that will pose a risk to the efficiency and effectiveness of the Commissioner's activities include:

- From a resource availability and capacity-building perspective:
  - ✓ Changes in government priorities affecting the level of resources allocated to the Commissioner's program activity.
  - ✓ Recruiting and retaining skilled and specialized staff in a competitive environment.
  - ✓ Providing affordable work tools and training while continuing to operate efficiently.
  
- From an operating perspective:
  - ✓ The Commissioner's possible lack of capacity to address all stakeholder expectations.
  - ✓ Delays in response by complainants and respondents.
  - ✓ Delays in length of Public Servants Disclosure Protection Tribunal hearings.

## **Current activities**

The Commissioner will report to Parliament less than a year after assuming office. To effectively perform this new role, the Commissioner is currently working to establish an effective organization supporting her in the discharge of her mandate.

The Commissioner is also in the process of consulting widely with parliamentarians, non-governmental organizations, chief executive officers and deputy heads, employees, unions and scholars, while striving to:

- enhance understanding of her complex mandate and clarify her objectives;
- take all necessary action to make a difference;
- continue to make every effort to build a lasting institution; and
- assess her accomplishments and make adjustments as the public sector culture evolves.

## **Success considerations**

There are several other independent bodies that carry out oversight or investigative functions and recourse processes, including:

- Office of the Auditor General of Canada
- Office of the Privacy Commissioner of Canada
- Office of the Information Commissioner of Canada
- Office of the Commissioner of Official Languages
- Chief Electoral Officer
- Public Prosecutions Office
- Canadian Human Rights Commission
- Public Service Commission of Canada / Public Service Staffing Tribunal
- Public Service Labour Relations Board / Canada Industrial Relations Board, etc.

In this context, the effective discharge of the following roles will be important success conditions for the Commissioner's work:

- Leadership in promoting integrity and transparency.
- Education, communication and outreach to enhance prevention and “rightdoing”.
- Horizontal coordination with complementary oversight mechanisms.
- Preventing and dealing with wrongdoings while protecting public servants from reprisals.

## **The Commissioner's Work and Canada's Performance**

The Commissioner's strategic outcome contributes to the Government of Canada's “government affairs” outcome area by safeguarding and fostering the integrity in the public sector through reviews and investigations according to the values of respect, professionalism, integrity and fairness.

## Section 2: Analysis of Program Activities by Strategic Outcome

### 2.1 Strategic Outcome

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

### 2.2 Program Activity

Disclosure and Reprisal Management (single program activity).

#### Financial Resources

2008–2009	2009–2010	2010–2011
\$6,553	\$6,553	\$6,553

#### Human Resources

2008–2009	2009–2010	2010–2011
*41	*41	*41

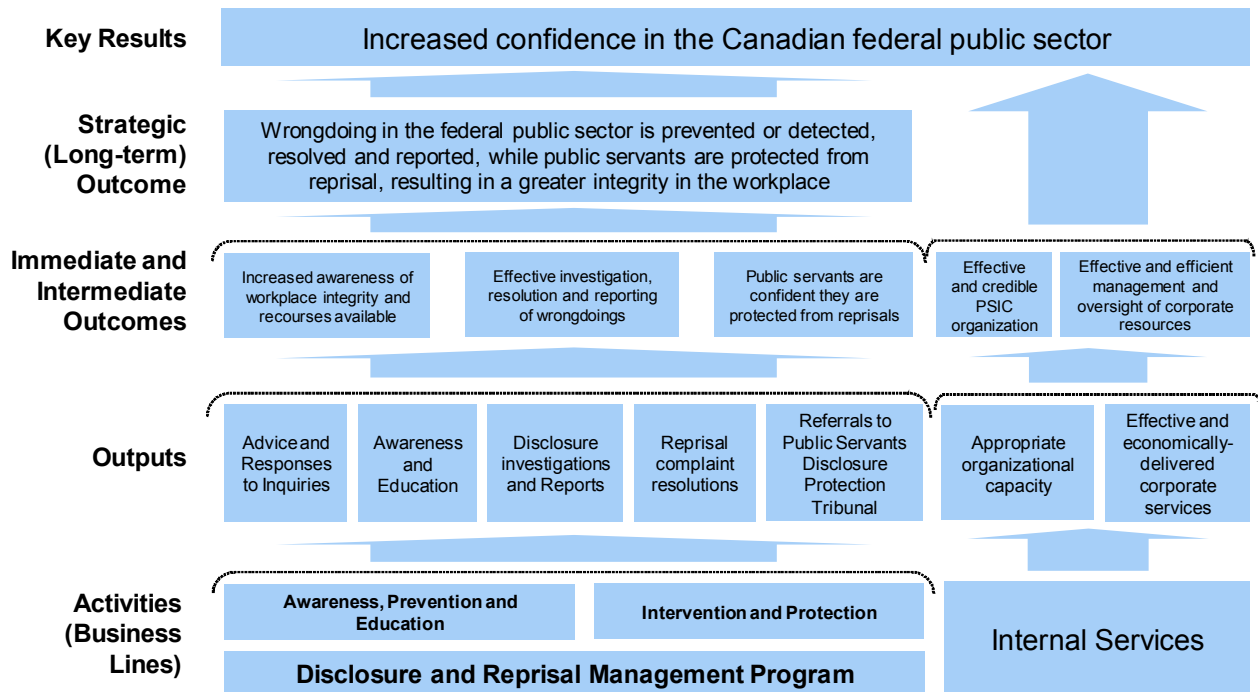
\*including shared services staff

Description: To provide advice to federal public sector employees and members of the public who are considering making a disclosure and to 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.



## 2.3 Expected Results

The current Program Logic Model for the Office of the Public Sector Integrity Commissioner sets out the expected results and links these results to outcomes, outputs and activities (business lines) of the Office.



## 2.4 Performance Indicators

Where appropriate, the Office of the Public Sector Integrity Commissioner will develop a Results-based Management Accountability Framework which will contain, among other components, a set of performance indicators and a performance management strategy.

## Section 3: Supplementary Information

**Table 1—Departmental Link to the Government of Canada Outcomes**

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.				
	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcome Area
	2008–2009	2009–2010	2010–2011	
Disclosure and Reprisal Management	\$6,553	\$6,553	\$6,553	Government Affairs

The following tables are only available electronically and can be found on Treasury Board Secretariat's website at [http://www.tbs-sct.gc.ca/est-pre/20082009/p3a\\_e.asp](http://www.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp)

Green Procurement  
Services Received Without Charge