



Public Sector
Integrity Canada

Intégrité du secteur
public Canada

Public Sector Integrity Canada

2009-10

Report on Plans and Priorities

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President of the Treasury Board of Canada

Table of Contents

Commissioner’s Message	3
Section I — Departmental Overview	4
1.1 Summary Information	4
Raison d’être.....	4
Responsibilities	4
Strategic Outcome	5
Program Activity Architecture (PAA)	5
1.2 Planning Summary	6
Financial Resources (\$ millions).....	6
Human Resources (Full-Time Equivalent—FTE)	6
Contribution of Priorities to Strategic Outcome.....	7
Risk Analysis.....	9
Expenditure Profile.....	10
Section II — Analysis of Program Activities by Strategic Outcome.....	12
2.1 Strategic Outcome:	12
2.1.1 Program Activity: Disclosure and reprisal management.....	12
2.1.2 Program Activity: Internal Services	13
Section III: Supplementary Information	14

Commissioner's Message

As Canada's Public Sector Integrity Commissioner, it is with great pleasure that I present this Report on Plans and Priorities to all Canadians.

The *Public Servants Disclosure Protection Act (PSDPA)* which came into force on April 15, 2007 provides a mechanism for public servants and members of the public to disclose potential wrongdoing in the public sector. The *Act* also includes an effective means to protect public servants from reprisal for having made a protected disclosure or having, in good faith, cooperated in an investigation into a disclosure.

Since my appointment in August 2007, I have worked steadily to build a solid foundation to enable my Office to fulfill its new and important mandate. I am very pleased to report that with the support of a strong and dedicated team of professionals, I have established effective procedures and processes to govern the operation of my Office. And we have developed communications strategies, with the support of Chief Executives, to inform public servants, and indeed all our stakeholders, about our role and mandate.

Although we have already achieved many milestones, many challenges remain. In 2009/2010, the Office will focus its efforts on the following three (3) priorities:

- ❖ Continue to inform the public sector of PSIC's role and mandate;
- ❖ Serve as a model of professionalism in the integrity of our actions and processes, in the respect towards our clients and employees and in the fairness of our procedures and decisions;
- ❖ Work in collaborative with key partners in promoting disclosures as a pro-social behaviour.

In its wisdom, Parliament recognized that the Office of the Public Sector Integrity Commissioner could not accomplish its mandate in isolation. The *Act* recognizes that Chief Executives have a direct role to play in ensuring that disclosure regimes are established in each of their organizations. And the Minister responsible for the Canada Public Service Agency is having, as well, a specific role to play in promoting ethical practices and disseminating knowledge about the *Act* which serves to underscore that integrity is indeed a shared responsibility.

I am confident that collaboration and co-operation are key to achieving our goals. These goals are embodied in the title that we so carefully chose for our first Annual Report: "Building Trust Together: Inform. Protect. Prevent."

Christiane Ouimet

Commissioner

Section I — Departmental Overview

1.1 Summary Information

Raison d'être

The Preamble of the PSDPA provides a clear and compelling explanation of why the Office of the Commissioner of Public Sector Integrity (OPSIC) was established. It states that “the federal public administration is an important national institution and is part of the essential framework of Canadian parliamentary democracy”, that “it is in the public interest to maintain and enhance public confidence in the integrity of public servants”, and that “confidence in public institutions can be enhanced by establishing effective procedures for the disclosure of wrongdoings and for protecting public servants who disclose wrongdoings...” OPSIC was created to support and advance the proud tradition of public sector integrity for which Canada is renowned for.

Responsibilities

The PSDPA came into force on April 15, 2007 and 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 Public Sector Integrity Commissioner is an Agent of Parliament appointed by Order in Council and approved by resolution of both Houses of Parliament. The Commissioner has jurisdiction over the entire public sector, including separate agencies and Crown corporations. However, the Commissioner does not have jurisdiction over the Canadian Security Intelligence Service, the Communications Security Establishment and the Canadian Forces, each of which is required under the PSDPA to establish their own internal procedures for the disclosure of wrongdoings and protection against reprisal. The Commissioner's mandate covers approximately 400,000 employees. In addition, the Act specifies that members of the public can come forward with information about a possible wrongdoing. As a result, the constituency is significantly broadened.

The Commissioner conducts independent reviews and investigations of disclosures of wrongdoing and complaints of reprisal in an equitable and timely manner. She issues findings and makes recommendations for corrective action. The Commissioner also exercises exclusive jurisdiction over the review, conciliation and settlement of complaints of reprisal. This includes making applications to the newly created Public Servants Disclosure Protection Tribunal to determine if reprisals have taken place and to order appropriate remedial and disciplinary action.

The Commissioner submits annual and case reports to Parliament. She may also submit special reports at any time to Parliament, Ministers or Boards of Directors of Crown corporations.

The Office emphasizes prevention of wrongdoing, informal case 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.

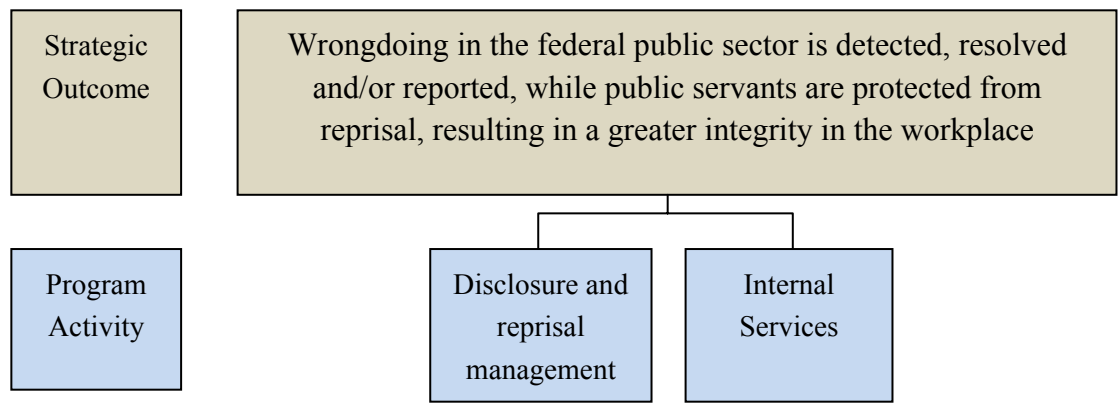
Strategic Outcome

In order to effectively pursue its mandate, the Office aims to achieve the following 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 Architecture (PAA)

The chart below illustrates OPSIC's framework of program activities, which roll-up and contribute to progress toward the Office's Strategic Outcome.



1.2 Planning Summary

Financial Resources (\$ thousands)

2009–10	2010–11	2011–12
6, 538	6,538	5, 638

Human Resources (Full-Time Equivalent—FTE)

2009–10	2010–11	2011–12
41	41	41

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.					
Performance Indicators*		Targets			
Public servants and Canadians are aware of the role and mandate of the Commissioner		Reach out to all public servants through focused, sustained and strategic outreach initiatives, including liaising with all senior officers and identifying target stakeholder groups Reach out to Canadians and public servants through revamped website			
Inquiries and investigations are conducted efficiently and in accordance with the Act		Review of current practices and establishment/refinement of all processes and procedures			
Recognition of disclosure as a pro-social behaviour		Development of tools and best practices Implementation of Prevention Strategy			
Program Activity	Forecast Spending 2008–09 (\$ thousands)	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcomes
		2009–10	2010–11	2011–12	
Disclosure and Reprisal Management	2,252	4,439	4,902	4,002	Government Affairs
Internal Services	1,496	2,099	1,636	1,636	Government Affairs
Total Planned Spending	3,748	6,538	6,538	5,638	

*The Office is currently in the process of developing more refined performance indicators and targets.

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome(s)	Description
Informing the public sector about our role and mandate	Previously committed to	SO1	<p>In order for wrongdoing to be properly reported, public servants must be aware of the avenues offered to them and the complement roles of key players.</p> <p>To achieve that goal and reach out to the 400, 000 employees covered by the Act, the Office must partner with all of those who have a responsibility in ensuring integrity i.e. Chief Executives and the Canada Public Service Agency. As such, the following strategic initiatives will be undertaken:</p> <ul style="list-style-type: none"> • Phase 2 implementation of the Prevention Strategy • Development and implementation of the communications strategy, including revamped website
Serving as a model of professionalism in the conduct of inquiries and investigations	Previously committed to	SO1	<p>Public sector whistleblowing regimes are still relatively new in Canada and continue to develop worldwide. A culture of disclosure is not yet entrenched in the public sector and, as such, OPSIC must be seen as a trusted avenue to make disclosures of wrongdoing and protect from reprisal. To achieve that goal, the following strategic initiatives will be undertaken:</p> <ul style="list-style-type: none"> • Finalize processes, procedures and policies related to investigations and inquiries • Research and document national and international best practices • Establish partnerships with leading experts
Working in collaboration with key partners in promoting a culture of disclosure and integrity in the workplace	Previously committed to	SO1	<p>An enforcement regime alone cannot ensure integrity in the workplace. Prevention of wrongdoing through the creation of a climate of right-doing is as important as responding to specific cases of wrongdoing. The following strategies will be undertaken:</p> <ul style="list-style-type: none"> • Implementation of the prevention strategy • Establish partnerships with key stakeholders

Management Priorities	Type	Links to Strategic Outcome(s)	Description
Effective and efficient internal management	Previously committed to	SO1	<p>Experience has shown that it usually takes three to five years to build a new public institution and be fully operational at all levels. We will continue to put emphasis on the stabilization of the organization through the following strategic initiatives:</p> <ul style="list-style-type: none"> • Implement information management practices • Finalize the implementation of all corporate policies and procedures including audit
HR Management	Previously committed to	SO1	<p>The highest standard of skills and abilities of employees are essential to the success of our strategies. In the current environment, recruiting and retaining the right people is a major challenge, even more so for a small agency and new organization like ours. Key HR strategic initiatives will include:</p> <ul style="list-style-type: none"> • Assessment of current skills and expertise and gap analysis • Partnership with other small agencies for exchange of best practices

Risk Analysis

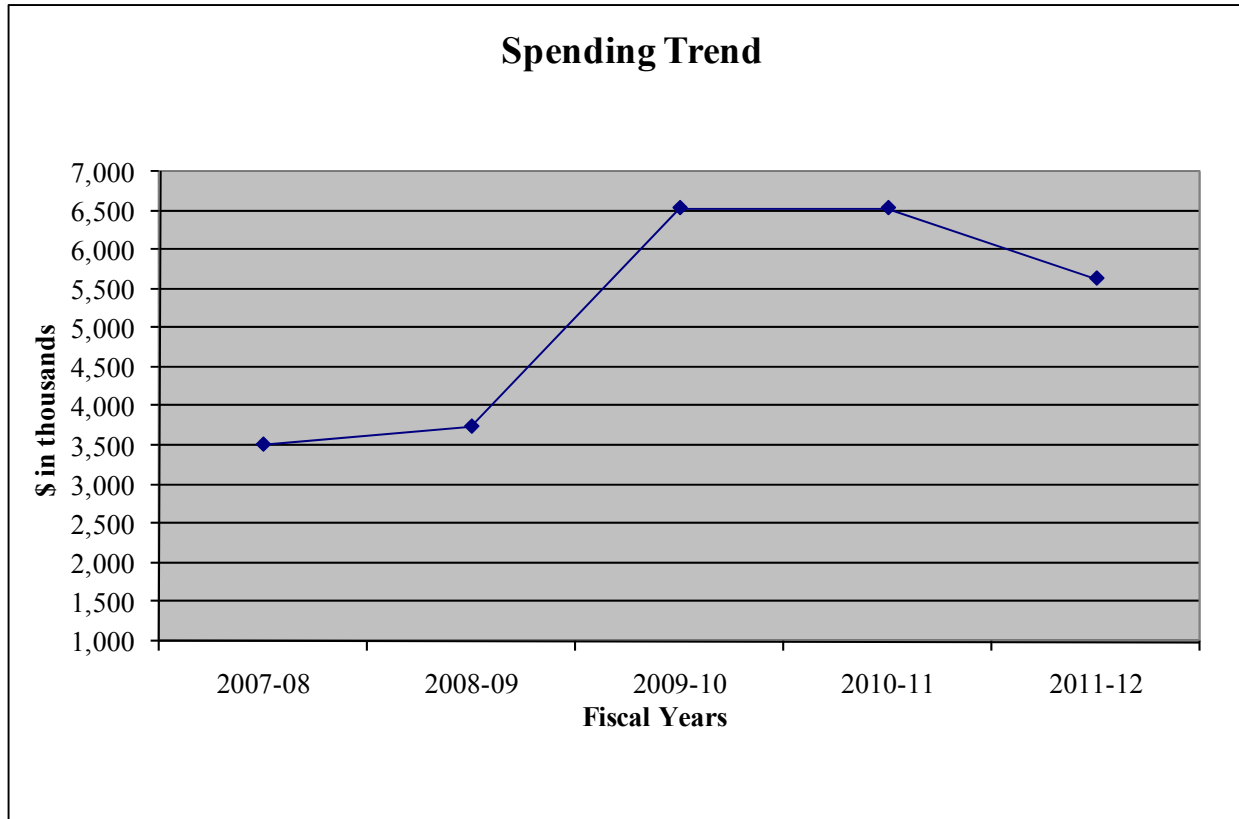
Creating a new institution and implementing its mandate at the same time is very challenging and involves some risks. One of the most critical risks that we share with many small agencies is the capacity of the organization to fully deliver its mandate due to the difficulty in attracting and retaining competent staff in a highly competitive labour market. Working in a small agency requires a specific skill set, one that demands flexibility, multitasking and the capacity to quickly adapt to new priorities. Given the inherent instability of any new organization, this challenge is even more acute. To address this risk, OPSIC has taken a number of initiatives, including a pilot project to exchange best practices among small agencies, the formulation of a clearer definition of expectations and competencies/attitudes required from employees, and the establishment of an expert network to support us during the critical first years.

Another risk facing the organization is one of accessibility – public servants must be well-informed about our role and mandate and have confidence in our ability to fulfill that mandate. The complexity and sensitivity of the mandate as well as its dependency on key partners to promote it, adds to the challenge. A number of initiatives are being taken to address these issues and will be pursued over the next period. These include: solid outreach and communication program, partnership with key stakeholders and research/implementation of best practices.

These initiatives will also address the issue of the negative perception of disclosure itself and lack of trust in disclosure processes. Often, loyalty to one's employer means keeping quiet or quitting; disclosure is perceived as a betrayal of both colleagues and the organization. Our outreach, partnership and research initiatives, supported by our record of rigorous, fair and efficient investigative practices, will contribute to effecting a culture of trust and "right-doing" in which public servants at all levels will be able to work in an environment that encourages open dialogue and in which concerns are addressed; that is, where disclosure of wrongdoing is seen as a pro-social rather than an anti-social behavior.

Expenditure Profile

Departmental Spending Trend



The Office was established by the Public Servants Disclosure Protection Act, which came into force on April 15, 2007. Since 2007-08, the core spending has been used mainly for the establishment and the set-up of the Office. For 2009-10, the Office plan to continue its establishment and set-up and invest resources in the promotion of our role and mandate, in dealing with inquiries and disclosure requests and implementing the prevention strategy.

For the 2007-08 and 2008-09 periods, the total spending includes all Parliamentary appropriation: Mains Estimates, Supplementary Estimates and Treasury Board Vote 30. It also includes carry forward adjustments. For the 2009-10 to 2011-2012 periods, the total spending corresponds to the planned spending. Supplementary funding and carry forward adjustments are unknown at this point and are therefore not reflected.

Voted and Statutory Items

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2008-09 Main Estimates	2009-10 Main Estimates
50	Program expenditures	6,033	6,033
(S)	Contributions to employee benefit plans	520	505
	Total Office	6,553	6,538

Section II — Analysis of Program Activities by Strategic Outcome

2.1 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.

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2009–10		2010–11		2011–12	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
33	4,439	33	4,902	33	4,002

2.1.1 Program Activity: Disclosure and reprisal management

Program Activity Expected Results	Performance Indicators	Targets
Increased confidence in Canadian federal public institutions	Public servants and Canadians are aware of the role and mandate of the Commissioner	Reach out to all public servants through focused, sustained and strategic outreach initiatives, including liaising with all senior officers and identifying target stakeholder groups Reach out to Canadians and public servants through revamped website
	Inquiries and investigation are conducted efficiently and in accordance with the Act	Review of current practices and establishment/refinement of all processes and procedures
	Recognition of disclosures as a pro-social behaviour	Development of tools and best practices Implementation of Prevention Strategy

Program Activity Summary: This program activity includes the management of disclosure and reprisal programs, as well as education initiatives and prevention of wrongdoing in the workplace.

Planning highlights: In order to achieve the expected result, the Office plans to undertake the following activities:

- Gather and analyze data related to our targeted population Develop and implement with key partners our outreach and communication strategies
- Develop, implement and adapt processes and procedures to deal with disclosures and reprisal complaints with rigour and discipline
- Research and document national, provincial and international best practices on disclosure regimes
- Partner with leading experts, practitioners and academics
- Host an international forum in 2010
- Develop and implement an HR strategy to support the strategic plan
- Develop, implement and adapt all the government policies related to agency operations
- Implement the Prevention Strategy

Benefits for Canadians: This program activity contributes to safeguard and foster confidence in our public institutions. Such confidence is critical to Canada’s reputation and economic well-being.

2.1.2 Program Activity: Internal Services

Program Activity Summary & Planning Highlights

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2009–10		2010–11		2011–12	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
8	2,099	8	1,636	8	1,636

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; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Material Services; Acquisition Services; and Travel and Other Administrative Services.

Section III: Supplementary Information

Not applicable