

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**

**2011-12**

## **Report on Plans and Priorities**

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The Honourable Tony Clement  
President of the Treasury Board of Canada



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## Message from the Interim Commissioner

As Interim Public Sector Integrity Commissioner, I am pleased to present our Report on Plans and Priorities for 2011-12.



Since the inception of the Office in 2007, emphasis was placed on informing members of the federal public sector about our role and mandate to ensure a good understanding of the forms of redress available under the *Public Servants Disclosure Protection Act* and the protection it affords disclosers. The Office also developed investigation procedures and internal processes to guide it in its implementation of its core mandate and to provide a structure for its operation and administration as a new Agent of Parliament and a newly created small agency. A great deal of effort was also invested with various stakeholders, including government departments, in assisting them in promoting a culture of integrity in the workplace.

The findings of a recent audit conducted by the Office of the Auditor General and my appointment in late 2010 have resulted in a revisiting and reconsideration of our priorities. The audit period ended in July 2009. Since then our Office has addressed many of the concerns raised in the findings. Our focus for this fiscal year will be to complete a third party review of all closed operational case files to ensure they were carried out in compliance with our governing statute. We will take action to correct any deficiencies that are identified in each relevant file and will ensure that lessons learned related to systemic issues are well documented. We have also codified our investigative procedures built on our experience in implementing our legislation to date, as well as to ensure clarity and consistency in our processes and interpretation in the future.

We are therefore continuing our work to put in place a solid foundation to support our future success and to build trust in our organization. Among our recent accomplishments, we have designed a new corporate structure aligned to support our core investigative mandate, and are taking steps to staff senior key positions to ensure stability. We have also staffed a team of expert investigators to respond to our growing caseload and will continue to place emphasis on our investigative capacity. We have developed and will continue to fine-tune corporate policies, guidelines and procedures, based on best practices and informed by our own increasing experience. We will continue to reach out to public servants to increase their awareness of the *Public Servants Disclosure Protection Act* and support their confidence in coming forward with disclosures of wrongdoing and complaints of reprisal.

In addition, our priorities for 2011-12 include:

- Continuing to provide an efficient, safe and confidential disclosure mechanism, and to protect from reprisals those individuals who have filed a disclosure or participated in investigations;
- Strengthening external outreach activities throughout the federal public sector using multiple communication channels;
- Revising and enhancing the performance measurement framework.

We will continue to carry out the important mandate given to us by Parliament and address all disclosures of wrongdoing and complaints of reprisal with the integrity, professionalism and respect that those who come forward deserve and expect.

Mario Dion

Interim Public Sector Integrity Commissioner of Canada

## **Section I: Departmental Overview**

## **Raison d'être and Responsibilities**

The Office of the Public Sector Integrity Commissioner of Canada was set up to administer the *Public Servants Disclosure Protection Act* (PSDPA or the *Act*), which came into force in April 2007. The Office is mandated to establish a safe, independent, and confidential process for public servants and members of the public to disclose potential wrongdoing in the federal public sector. The Office also exists to protect from reprisal those public servants who have filed disclosures or participated in related investigations.

Among its other activities, the Office raises awareness and promotes open dialogue about the disclosure of wrongdoing regime in the federal public sector. Ultimately, the Office aims to support and advance the proud tradition of public sector integrity for which Canada is renowned worldwide.

The Office is currently headed by an Interim Commissioner, named for a six month period until June 2011, while a selection process is underway to appoint a new Commissioner. 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 numbers 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, conciliation and settlement 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



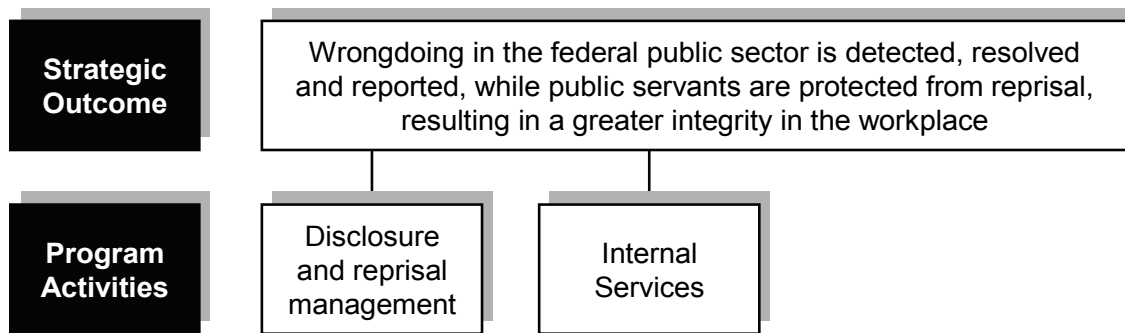
also reports to Parliament on cases of founded wrongdoing. Special reports may also be submitted to Parliament at any time.

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

The provision of safe disclosure mechanisms and protection for public servants against reprisal is a shared responsibility. Under the PSDPA, the Treasury Board Secretariat is responsible for establishing a Code of Conduct for the entire federal public sector, which is expected in 2011-12. Each Chief Executive is also responsible for implementing the *Act* within their area of jurisdiction.

## 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.



## Planning Summary

Financial Resources (\$ thousands)

2011–12	2012–13	2013–14
6,868	5,668	5,668

Human Resources (Full-time Equivalent – FTE)

2011–12	2012–13	2013–14
39	39	39

<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.	
<b>Performance Indicators</b>	<b>Targets</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 or refinement of all processes and procedures</li> </ul>
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>
Recognition of disclosure as a pro-social behaviour	<ul style="list-style-type: none"> <li>▪ Develop tools and best practices</li> <li>▪ Implement the Outreach/Prevention Strategy</li> </ul>
Organizational capacity meets operational requirements	<ul style="list-style-type: none"> <li>▪ Ensure appropriate resources are available for efficient operation of the Office</li> </ul>

(\$ thousands)

Program Activity	Forecast Spending 2010–11	Planned Spending			Alignment to Government of Canada Outcome
		2011–12	2012–13	2013–14	
Disclosure and Reprisal Management	3,116	4,632	3,432	3,432	Government Affairs
Internal Services	2,254	2,236	2,236	2,236	
<b>Total Planned Spending</b>	<b>5,370</b>	<b>6,868</b>	<b>5,668</b>	<b>5,668</b>	

## Contribution of Priorities to Strategic Outcome

The Office has one strategic outcome, and all of the following operational and management priorities for 2011-12 contribute to the achievement of the strategic outcome.

Operational Priorities	Type	Links to Strategic Outcome	Description
Third party review of all past closed case files	New	Following a recent report by the Office of the Auditor General, the Office must work to rebuild trust in its activities among federal public servants and Canadians. The Office is in the process of reviewing all past case files using external resources to ensure objectivity.	External resources were contracted to review all closed case files since the creation of the Office. Based on the findings of the review, the Office will be positioned to take necessary action. Specific initiatives relating to this operational priority are listed in Section II.
Provide an efficient, safe and confidential disclosure mechanism, and protect against reprisals disclosers and persons who participate in investigations	Ongoing	Public servants continue to be reluctant to come forward with disclosures. Concerns mostly relate to the potential impact on careers, the negative perceptions relating to disclosure, the possibility of long and costly steps, the negative impact on peers and the organization, and the potential for public exposure. The Office must be seen as an efficient and trusted avenue for making disclosures and seeking protection against reprisals.	The Office plans to continue to develop and implement approaches and procedures based on new cases, improved investigative techniques, and emerging case law. A new electronic case management system will also be introduced, and case reporting to Parliament will be formalized. Specific initiatives relating to this operational priority are listed in Section II.

Revise and enhance the performance measurement framework	Ongoing	It is essential to have meaningful performance measurement information to ensure that the Office invests its resources efficiently, demonstrates its value and identifies areas for improvement.	The Office will revise its performance measurement framework aligned to its activities and in accordance with the Treasury Board Secretariat's Management, Resources and Results Structure. Specific initiatives relating to this operational priority are listed in Section II.
Strengthen external outreach activities throughout the federal public sector using multiple communication channels	Ongoing	To build trust in the Office, public servants and other stakeholders such as Parliamentarians must clearly understand the role and mandate of the Office and the avenues available for reporting wrongdoing. Raising awareness of such avenues is an ongoing challenge.	The Office will take action to increase its visibility with public servants and stakeholders. Outreach initiatives, communications channels and partnerships will be developed and implemented. Specific initiatives relating to this operational priority are listed in Section II.
<b>Management Priorities</b>	<b>Type</b>	<b>Links to Strategic Outcome</b>	<b>Description</b>
Ensure appropriate operational capacity to facilitate workflow and sound decision-making	Ongoing	Based on the Office's experiences administering the PSDPA, it is important to ensure sufficient access to resources in support of organizational needs.	The Office will ensure key elements of its human resource plan are fully implemented, and supported by access to external expertise, as required, to supplement internal resources. Specific initiatives relating to this management priority are listed in Section II.

Provide employees with the right support to strengthen the organization	Ongoing	Employees are the foundation of an organization. The Office believes that providing the right tools and support will strengthen the organization and foster a productive and well-informed workforce.	The Office will launch various activities to ensure employees have the tools they need to efficiently do their work. Specific initiatives relating to this management priority are listed in Section II.
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## Risk Analysis

The Office has a highly visible profile due to the sensitivity of its mandate and recent media attention generated by a report of the Office of the Auditor General (OAG) in December 2010. 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 are being integrated with business planning and day-to-day program activities.

### Trust in and Awareness of the Office

While awareness of the Office's role and mandate continues to be a challenge, the findings of the OAG audit and subsequent media attention may have led to a reduction in public trust in our capacity to carry out our mandate. Limited awareness and trust, in particular among public servants, can directly impact the Office's ability to achieve its mandate. Public servants 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 continue to create mandate awareness and further develop confidence, the Office will continue to increase its visibility using multiple communication channels, outreach initiatives, and partnering with key stakeholders and experts. Further, the review of all past case files, which will be reported on in 2011-12, will serve to address concerns public servants and Canadians may have about the relative low ratio of disclosures and reprisal complaints to investigations in the first years of the Office's mandate.

### Internal capacity

Maintaining human resources, namely through attraction, development and retention of employees with adequate competencies, skills and experience is a demanding management responsibility. The high mobility of skilled professionals and the greater

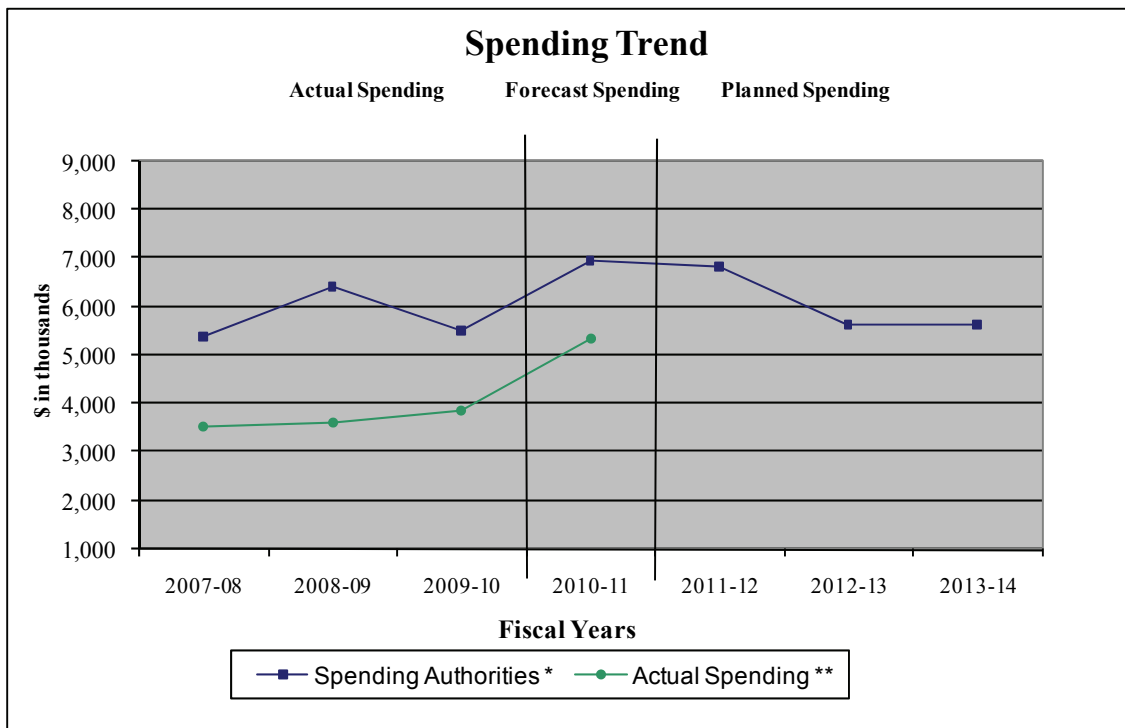
impact of turnover on small organizations can create challenges for knowledge transfer, succession planning and corporate memory. To ensure that human resources are maintained and further enhanced, the Office is reviewing its positions and classifications, and conducted a gap analysis of competencies and skills in relation to operational requirements. Results of the review and gap analysis have been incorporated in the human resource management plan. New procurement mechanisms are also in the process of being implemented for facilitating the use of external contractors, thereby resulting in enhanced organizational capacity and flexibility.

### 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 further 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, and a "threat risk assessment" of information management and information technology security was conducted. A new Case Management System will also be implemented, resulting in strengthened access and security features.

## Expenditure Profile

For the 2011-12 fiscal year, the Office has spending authorities of \$6.9M to meet the expected results of its program activities and contribute to its strategic outcome.



\* The Spending Authorities differ from the Public Accounts of Canada amounts as a result of reprofiling of \$2.7M from 2007-08 to future years, and \$1.2M from 2009-10 to 2011-12.

\*\* The Actual Spending differs from the 2008-09 and 2009-10 Public Accounts of Canada. These amounts were subsequently revised based on the recommendation of the Office of the Auditor General.

The Office's yearly actual expenditures have increased over the past four fiscal years. Spending authorities were initially allocated on the basis of the Office being at full strength from the outset, whereas the organization has developed at a more gradual pace. The Office has also achieved efficiencies through shared service arrangements for some of its corporate processes and systems, namely financial, human resources and information technology. The Office's actual spending will continue to increase as inquiries and case volumes rise.

## Estimates by Vote

Estimates by Vote are presented in the 2011-12 Main Estimates which are available here:

<http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/info/info-eng.asp>.

## **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 : Disclosure and Reprisal Management					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
29	4,632	29	3,432	29	3,432

Program Activity Expected Results	Performance Indicators	Targets
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>
	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>
	Recognition of disclosure as a pro-social behaviour	<ul style="list-style-type: none"> <li>▪ Develop tools and best practices</li> <li>▪ Implement the Outreach/Prevention Strategy</li> </ul>

Disclosure and Reprisal Management involves providing advice to federal public sector employees and members of the public who are considering making a disclosure, and to receive, investigate and report on disclosures of possible wrongdoing. In addition, the program activity involves exercising 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.

The program activity also includes initiatives for outreach and education about wrongdoing in the workplace. Discussions and comparative analysis are also conducted with other jurisdictions and leading experts in order to develop leading-edge thinking on disclosure regimes, and share best practices and lessons learned.

Although it is not possible to accurately forecast the volume of enquiries, caseload and average processing times for a given year, the Office reports actual volume information in its Annual Report. A total of 56 disclosures and 16 complaints of reprisal were received by the Office during 2009-10, as reported in the latest Annual Report. During 2011-12, the Office will finalize and implement improved performance indicators and targets that better reflect the contribution of its program activities to federal government.

## **Planning Highlights**

In order to achieve the expected results of the Disclosure and Reprisal Management program activity, and to maintain focus on the operational priorities outlined in Section I, the Office proposes to undertake the following initiatives, which are listed in relation to each of the operational priorities outlined in Section I:

### **Third party review all past closed case files**

- Conclude third party review of all past closed case
- Take necessary action to address any deficiencies that may be identified
- Inform stakeholders of the results of the file review and action to be taken

### **Provide an efficient, safe and confidential disclosure mechanism, and protect against reprisals relating to disclosures and participation in investigations**

- Monitor the effectiveness of established procedures to address investigation practices and to formalize investigation techniques
- Adapt training to meet the specific needs of this Office for investigations under the PSDPA
- Establish an informed training and mentoring program to aid in succession planning

- Increase rigour for quality control and consistency of file management including more complete documentation in relation to decision making
- Assess business requirements for a new case management system, and develop and implement solution to support work volume increases
- Develop procedures for case reporting to Parliament

### **Develop a performance measurement framework**

- Finalize and implement the performance measurement framework
- Clearly identify case management standards (i.e. timeframes, file completeness)
- Develop performance standards by analyzing time spent on past cases at each stage of the disclosure or reprisal process, based on complexity of cases
- Establish time management framework for each stage of file management processing

### **Increase external outreach activities throughout the federal public sector using multiple communication channels**

- Promote awareness and understanding of the Office and the mandate through outreach visits and presentations in various federal public sector organizations
- Increase liaison activities with Senior Officers to raise awareness of our role, to strengthen relationships and to facilitate the sharing of best practices
- Liaise with organizations (i.e. the Canada School of the Public Service, academic institutions and the media) to ensure that information on the Office and the PSDPA is accurate and appropriate
- Reach out to targeted professional organizations through attendance at conferences using kiosk, customized information sessions, and articles in journals / newsletters
- Hold a second practical workshop on administrative investigations for departmental Senior Officers and other stakeholders to ensure that best practices in handling disclosures are identified, supported and shared

## Benefits for Canadians

The Disclosure and Reprisal Management program activity aims to enhance confidence in federal public institutions and in those who serve Canadians. It helps to build effective and credible organizations where public servants and citizens can, in good faith and confidence, raise their concerns about wrongdoing. It assists federal government organizations in preventing wrongdoing in the federal public service workplace and in promoting integrity. It also contributes to increasing Canada's reputation as a leader in terms of disclosure regimes. It is in the public interest to maintain and enhance public confidence in the integrity of public servants.

### Program Activity: Internal Services

Program Activity: Internal Services					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	2,236	10	2,236	10	2,236

Program Activity Expected Results	Performance Indicators	Targets
Support to program needs and corporate obligations	The Office is in the process of updating its performance management framework.	

### Planning Highlights

In order to achieve the expected results of the Internal Services program activity, and maintain focus on the management priorities outlined in Section I, the Office proposes to undertake the following initiatives, which are listed in relation to each of the management priorities outlined in Section I:

## **Ensure appropriate operational capacity to facilitate workflow and sound decision-making**

- Develop a standing offer list to access external experts on a timely basis to support the disclosure and reprisal management function
- Finalize and implement succession planning as part of the integrated human resource plan

## **Provide employees with the right support to strengthen the organization**

- Launch the new organizational Code of Conduct promoting a healthy work environment taking into account the organization's mandate, risks, and the Office's core values
- Develop and implement information management framework procedures and practices in accordance with government standards and best practices to strengthen documentation and support the preservation of corporate memory
- Provide tools to facilitate operations and improve work efficiency (i.e. information technology tools for investigators)
- Provide access to informal conflict management services for employees, including training on conflict resolution
- Develop an intranet site to facilitate the dissemination and communication of information, policies and available resources to employees

## **Benefits for Canadians**

The Internal Services program activity contributes to the effectiveness and efficiency of program operations, the appropriate management of resources, the safeguarding of public assets, the reporting of reliable and timely information, and the compliance of activities with applicable legislation, regulation, policies and delegated authorities. It also contributes to the promotion of public service values and the creation of a healthy work environment.

## **Section III: Supplementary Information**

## Financial Highlights

The detailed Future-oriented financial statements can be found at: [http://psic-ispc.gc.ca/quicklinks\\_liensrapides/11\\_12RPP\\_finstats\\_etatsfin-eng.aspx](http://psic-ispc.gc.ca/quicklinks_liensrapides/11_12RPP_finstats_etatsfin-eng.aspx)

### Future-oriented Condensed Statement of Operations

For the Year (Ended March 31)

(\$ thousands)

	Future-oriented 2011-12
Expenses	
Total Expenses	7,393
Revenues	
Total Revenues	-
<b>Net Cost of Operations</b>	<b>7,393</b>

### Future-oriented Condensed Statement of Financial Position

For the Year (Ended March 31)

(\$ thousands)

	Future-oriented 2011-12
Assets	
Total assets	943
Liabilities	
Total liabilities	1,264
Equity	(321)
Total	943

## Supplementary Information Tables

### Green Procurement

Although the Office is not a materiel or asset intensive organization, when possible it procures supplies and equipment that are considered to be environmentally friendly. During 2011-12, the Office will enquire about green procurement strategies and training methods used by federal government departments and agencies, and will ensure that such practices are implemented where applicable.

### Planned Audits and Evaluations

In 2011-12, the Office's financial statements will again be audited by the Office of the Auditor General and an annual assessment of internal controls will be conducted. In addition, the Office may also conduct audits as recommended by the Departmental Audit and Evaluation Committee.

In accordance with provisions of the PSDPA, Treasury Board Secretariat must have an independent review of the *Act* and its administration and operation conducted five years after it came into effect, which was April 1, 2007. The Office will also provide information and legislative recommendations to Treasury Board to support their review of the *Act*. A report on the results of the review must then be presented before each House of Parliament within 15 sitting days after the review is completed.

## Other Items of Interest

### Departmental Audit and Evaluation Committee

The Office has a Departmental Audit and Evaluation Committee composed of members external to 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.



## **Annual Audit of Financial Statements**

Financial statements of the Office have been audited by the Office of the Auditor General on an annual basis since 2008-09. In keeping with the Policy on Internal Controls, all future audited financial statements will be prefaced by the new *Statement of Management Responsibility Including Internal Control Over Financial Reporting*.

## **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 relating 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.