



Five questions to ask yourself before making a protected disclosure of wrongdoing

Tell us.
You are protected.

THIS DECISION-MAKING GUIDE is a tool for reflection to help you decide whether to disclose wrongdoing. *Each situation is unique and should be considered in light of its own circumstances.* The questions that follow are intended to help you weigh various options in order to make an informed decision. The Office of the Public Sector Integrity Commissioner of Canada can provide guidance at every step of the process. However, the decision to disclose is ultimately yours.

Do you think something is wrong? Check the facts

BEFORE MAKING A PROTECTED DISCLOSURE, ASK YOURSELF...

- ✓ What facts or documentation do I have to support a disclosure of potential wrongdoing?
- ✓ Does the activity breach any federal, provincial or organizational codes, policies or rules?
- ✓ Would another person who knows these facts think that this is potential wrongdoing?
- ✓ Is it possible to address this situation through another process?

Other internal resources that can help resolve many issues within your organization

Senior Officer for Internal Disclosure
Union Representative
Staff Relations Advisor
Ethics Officer
Human Resources Advisor

Conflict Management Advisor
Diversity Coordinator
Equity Coordinator
Health and Wellness Coordinator
Conflict of Interest Advisor

Does your concern constitute a wrongdoing under the Act?

Keep in mind the public interest

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ASK YOURSELF...

✓ Do I believe that the wrongdoing is detrimental to the public interest?

Disclosure of wrongdoing, under the *Public Servants Disclosure Protection Act* (the Act), must meet one of the following definitions:

- A contravention of an Act of Parliament or of the legislature of a province or any regulations made under any such Act;
- A misuse of public funds or a public asset;
- A gross mismanagement in the public sector;
- An act or omission that creates a substantial threat and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
- A serious breach of a code of conduct (established by Treasury Board or by an organization, as required by the Act);
- Knowingly directing or counselling a person to commit a wrongdoing as defined above.

Would it help to talk to your family and trusted friends?

Use your support network

ASK YOURSELF...

- ✓ What are the potential consequences of my disclosure on my life and on those around me?
- ✓ Have I talked in confidence to my family, close friends or other significant persons in my life?
- ✓ Do I have the support I need from my colleagues?
- ✓ Are there others who would consider disclosing with me?

Remember that you can consult our Office in complete confidentiality prior to deciding whether to disclose, and whether to do so internally or externally. We are here to help!

What are your options for making a protected disclosure of wrongdoing?

Know your options

ASK YOURSELF...

- ✓ Who do I feel comfortable approaching if I want to make a disclosure?
- ✓ Does my organization have internal policies on how to make an internal disclosure?

My Supervisor / Manager

I can go directly to my supervisor / manager to make an internal disclosure.

My Senior Officer

I can find the coordinates of my Senior Officer on my organization's intranet or I can consult the Treasury Board list of Senior Officers (www.tbs-sct.gc.ca). If my organization has not identified a Senior Officer, I can make a disclosure to the Office of the Public Sector Integrity Commissioner.

The Office of the Public Sector Integrity Commissioner

I can go directly to the Office at any time. I do not have to exhaust internal mechanisms before making a disclosure to the Office.

What should you do if you experience reprisal in your workplace after making a disclosure?

You are protected

You may make a formal complaint to the Office of the Public Sector Integrity Commissioner, which has the exclusive jurisdiction to investigate complaints of reprisal. You must do so within 60 days of becoming aware of the reprisal. This time period can be extended by the Commissioner, so it is important to file a complaint even if it has been longer than 60 days. Remember that:

- ✓ the *Act* includes explicit provisions to protect the identity of disclosers and witnesses;
- ✓ the information provided in a disclosure of wrongdoing is not itself subject to absolute protection and may have to be made known to Parliament and the public if wrongdoing is found;
- ✓ information created or obtained in the course of an investigation into a disclosure is protected under the *Access to Information Act*, the *Privacy Act* and the *Personal Information Protection and Electronic Documents Act*.

What is a reprisal?

Any measure taken against a public servant because he or she has made a protected disclosure or cooperated in good faith in an investigation into a disclosure.

This can include: disciplinary measures; demotion; termination of employment; or any other measure that could adversely affect the employment or working conditions of that person, including a threat to take any of these measures or to direct another person to do so.

PLEASE DO NOT HESITATE to contact us to obtain more information
or to discuss your potential disclosure in confidence.

Office of the Public Sector Integrity Commissioner of Canada

60 Queen Street, 7th Floor, Ottawa, Ontario K1P 5Y7

Telephone: 613-941-6400 Toll Free: 1-866-941-6400

www.psic-ispcc.gc.ca