



*Protection from reprisal.
Your Right. Our Mission.*

A Comparison of Disclosure Regimes in Canada

Public Servants Disclosure Protection Tribunal
October 2013

The following is a comparison of existing disclosure regimes across Canada. Provinces that had not enacted whistleblowing regimes as at the date of this analysis are not included in this table.

	TWO-STEP INTEGRATED MODEL (COMMISSIONER WHO REFERS CASES TO TRIBUNAL)	TWO-BRANCH MODEL					INTEGRATED MODEL EXCLUSIVE TO INTEGRITY COMMISSIONER	
		(A) OMBUDSMAN AND LABOUR BOARD MODEL			(B) INTEGRITY COMMISSIONER AND LABOUR BOARD MODEL			
	FEDERAL Act assented to April 15, 2007	MANITOBA Act assented to December 7, 2006	NEW BRUNSWICK Act assented to December 20, 2007	NOVA SCOTIA Act assented to December 10, 2010	ONTARIO Act assented to December 20, 2006	QUEBEC Act assented to June 13, 2011	SASKATCHEWAN Act assented to September 1, 2011	ALBERTA Act assented to December 10, 2012
GENERAL								
Act	<i>Public Servants Disclosure Protection Act</i>	<i>The Public Interest Disclosure (Whistleblower Protection) Act</i>	<i>Public Interest Disclosure Act</i>	<i>Public Interest Disclosure of Wrongdoing Act</i>	<i>Public Service of Ontario Act, 2006</i>	<i>Anti-Corruption Act</i>	<i>Public Interest Disclosure Act</i>	<i>Public Interest Disclosure (Whistleblower Protection) Act</i>
Purpose of the act on disclosure of wrongdoings	<p>It is recognized that it is in the public interest to maintain and enhance public confidence in the integrity of public servants and public institutions.</p> <p>The Act establishes procedures for the disclosure of wrongdoings in the public sector and the protection of persons who disclose the wrongdoings.</p> <p>It also provides for establishing a Charter of Values of Public Service setting out the values that should guide public servants in their work and professional conduct (preamble).</p>	<p>The purpose of the Act is to facilitate the disclosure and investigation of significant and serious matters in or relating to the public service that are potentially unlawful, dangerous to the public or injurious to the public interest.</p> <p>The Act also aims to protect persons who make those disclosures (s 1).</p>	<p>The purpose of the Act is to facilitate the disclosure and investigation of significant and serious matters in or relating to the public service, that are potentially unlawful, dangerous to the public or injurious to the public interest.</p> <p>The Act also aims to protect persons who make those disclosures (s 2)</p>	<p>The purpose of the Act is to provide a process to facilitate the disclosure and investigation of potential wrongdoing and to provide protection for those who disclose (s 2).</p>	<p>The purpose of the Act is to establish procedures for the disclosure and investigation of wrongdoing in the public service of Ontario and to protect public servants who disclose wrongdoing from reprisals (s 1(7)).</p>	<p>The purpose of the Act is to strengthen actions to prevent and to fight corruption in contractual matters within the public sector. It also establishes a procedure to facilitate the disclosure of wrongdoings to the Anti-Corruption Commissioner (s 1).</p>	<p>There is no provision concerning objectives in the Act. This information can be found on the Web site of the Public Interest Disclosure Commissioner.</p> <p>The Act provides protection for employees of the Government of Saskatchewan who disclose wrongdoings in the work place (Web site, Public Interest Disclosure Commissioner, http://www.saskpidc.ca/faqs/what-is-pida.html)</p>	<p>The purpose of the Act is to facilitate the disclosure and investigation of significant and serious matters in or relating to the public service.</p> <p>The Act is also intended to protect persons who make those disclosures.</p> <p>The Act also aims to promote public confidence in the administration of departments, public entities and offices of the Legislature.</p>
Organization responsible for ruling on reprisals	<p>No person shall take any reprisal against a public servant or direct that one be taken against a public servant (s 19).</p> <p>The <i>Act</i> provides for the establishment of the Public Servants Disclosure Protection Tribunal, which determines whether the complainant has been subject to a reprisal (s 20.4(1)).</p>	<p>No person shall take a reprisal against an employee or direct that one be taken against an employee (s 27).</p> <p>The complainant must file his or her complaint with the Manitoba Labour Board, which hears the complaint under <i>The Labour Relations Act</i>.</p>	<p>No person shall take a reprisal against an employee or direct that one be taken against an employee (s 31).</p> <p>The complainant must file his or her complaint with the New Brunswick Labour and Employment Board in accordance with the <i>Public Interest Disclosure Act</i>.</p>	<p>No reprisal shall be taken against an employee because the employee has in good faith taken any actions under the Act (s 31).</p> <p>A complainant must file his or her complaint with the Labour Standards Tribunal. It will be dealt with under the <i>Labour Standards Code</i>.</p>	<p>No person shall take a reprisal against a public servant (s 139 (1)).</p> <p>Based on the status of the employee, a complainant may file a complaint with the Ontario Labour Relations Board or the Public Service Grievance Board.</p>	<p>It is forbidden to take a reprisal against a person who has disclosed a wrongdoing or has cooperated in an audit or an investigation regarding a wrongdoing; or again to threaten to take a reprisal against a person so that he or she will abstain from making such a disclosure or cooperating in such an audit or investigation (s 32 and see s 122 of <i>An Act Respecting Labour Standards</i>).</p> <p>The complainant must file his or her complaint with the Commission des normes du travail in accordance with the provisions of the <i>Act Respecting</i></p>	<p>No person shall take or direct a reprisal against a public servant or former public servant (s 36(1)).</p> <p>The complainant must file his or her complaint with the Public Interest Disclosure Commissioner. The Commissioner has the authority to hear reprisal complaints and make recommendations.</p>	<p>No person shall take a reprisal against an employee or direct a person to do so (s 24).</p> <p>The complainant must first his or her complaint with the designated officer for the complainant’s organization. Subsequently and in certain circumstances, the complainant may file his or her complaint with the Public Interest Commissioner. The Commissioner has the power to investigate reprisal complaints and make recommendations.</p> <p>If the complaint involves the Commissioner or the</p>

						<i>Labour Standards</i> and the <i>Labour Code</i> .		Ombudsman, the complaint may be filed with the Auditor General.
Access to legal advice	The Commissioner may provide access to legal advice to a particular public servant or person. The maximum amount that may be paid for legal advice is \$1,500. This amount may be increased to \$3,000 in certain cases (s 25.1).	Certain measures may be taken to ensure that legal advice is provided to employees and others involved in any proceeding or investigation under the Act (s 34).	No mention of this in the Act.	No mention of this in the Act.	The Integrity Commissioner may arrange and pay for the provision of legal services to a public servant or other person involved in any investigation or other proceeding (s 147). The maximum amount that can be paid is \$3,000 for a disclosure and \$3,000 for a reprisal complaint (s 2 <i>Ontario Regulation 385/07</i>).	No mention in the Act.	No mention in the Act.	No mention in the Act.

DISCLOSURE MECHANISMS

Definition of disclosure	Disclosure made in good faith and made by a public servant in accordance with the Act, in the course of a parliamentary proceeding, in the course of a proceeding established under any other act of Parliament or when lawfully required to do so (s 2).	Disclosure made in good faith by an employee in accordance with the Act (s 2).	A disclosure made in good faith by an employee in accordance with the Act (s 1).	Disclosure means a report in writing of a wrongdoing or potential wrongdoing made in good faith by an employee (s 3(c)).	Filing of information with an ethics executive or the Integrity Commissioner by a public servant that could show that a member of the public service has committed or is about to commit a wrongdoing. (Web site of the Office of the Integrity Commissioner http://www.oico.on.ca/dow/DOWweb.nsf/vwHTML/faqpage.htm?OpenDocument)	Any person may report an act that he or she believes to be a wrongdoing by disclosing information to the Commissioner that could show that a wrongdoing has been committed or is about to be committed or that the person was asked to commit a wrongdoing (s 26).	A disclosure of wrongdoing made in god faith by a public servant in accordance with the Act (s 2c)).	Except where the context requires otherwise, means a disclosure of wrongdoing made in good faith by an employee in accordance with the Act (s 1).
Definition of wrongdoing	<p>A contravention of any Act of Parliament or of the legislature of a province, or of any regulations made thereunder.</p> <p>A misuse of public funds or a public asset.</p> <p>A gross mismanagement in the public sector.</p> <p>An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment.</p> <p>A serious breach of a code of conduct.</p> <p>Knowingly directing or counselling a person to commit a wrongdoing (s 8).</p>	<p>An act or omission constituting an offence under an Act or a regulation.</p> <p>An act or omission that creates a substantial 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 an employee).</p> <p>Gross mismanagement, including of public funds or a public asset.</p> <p>Knowingly directing or counselling a person to commit a wrongdoing described above (s 3).</p>	<p>An act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation.</p> <p>An act or omission that creates a substantial 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 an employee.</p> <p>Gross mismanagement, including of public funds or a public asset.</p> <p>Knowingly directing or counselling a person to commit a wrongdoing described above (s 3).</p>	<p>A contravention of Provincial or federal statutes or regulations if the contravention related to official activities of the employee or any public funds or assets</p> <p>A misuse or gross mismanagement of public funds or assets.</p> <p>An act or omission that creates a substantial and specific danger to the life, health or safety of persons or the environment.</p> <p>Directing or counselling someone to commit one of these wrongdoings (s 3(j)).</p>	<p>A contravention of an Act of the Assembly or of the Parliament of Canada or of a regulation made under such an Act.</p> <p>An act or omission that creates a grave danger to the life, health or safety of persons or to the environment.</p> <p>Gross mismanagement in the work of the public service.</p> <p>Directing or counselling wrongdoing (s 108(1)).</p>	<p>A contravention of a federal or a Quebec law or of a regulation, if the contravention pertains to</p> <ul style="list-style-type: none"> - corruption - malfeasance - collusion - fraud - influence peddling. <p>in awarding, obtaining or performing contracts granted, in the exercise of their functions, by a body or person belonging to the public sector.</p> <p>A misuse of public funds or public property or a gross mismanagement of contracts within the public sector.</p> <p>Directing or counselling a person to commit a wrongdoing (s 2).</p>	<p>An act that contravenes a provincial or federal Act.</p> <p>An act that creates a substantial and specific danger to persons or to the environment.</p> <p>Gross mismanagement of public funds or a public asset.</p> <p>Knowingly directing or counselling a person to commit a wrongdoing or a reprisal (s 3).</p>	<p>A contravention of an Act of the Assembly or the Parliament of Canada or a regulation made thereunder.</p> <p>An act or omission that creates a substantial and specific danger to the life, health or safety of individuals or to the environment (other than a danger that is inherent in the performance of an employee’s duties or functions).</p> <p>Gross mismanagement of public funds or a public asset</p> <p>Knowingly directing or counselling an individual to commit a wrongdoing mentioned above (s 3).</p>

<p>Confidentiality protection</p>	<p>Unless the disclosure is required by law or permitted by the Act, the Commissioner and every person acting on behalf of the Commissioner shall not disclose any information that comes to their knowledge (s 44).</p> <p>The Office of the Commissioner must protect to the extent possible the identity of persons making disclosures, witnesses, and persons alleged to have committed a wrongdoing, subject to any other Act of Parliament, procedural fairness and natural justice. (Office of the Public Sector Integrity Commissioner’s Web site).</p> <p>* Nothing in the Act is to be construed as limiting the application of the <i>Canada Evidence Act</i> to any disclosure, or proposed disclosure, of information under the Act by the Commissioner or any person acting on behalf of or under his or her direction. (s 44.1)</p>	<p>The identity of the employee who disclosed the wrongdoing and other persons involved in the disclosure process is protected (s 5(2)c)).</p> <p>All supervisors, designated public servants and employees are required to maintain the confidentiality of information obtained (s 5(2)d)).</p>	<p>Subject to the laws in force, the Ombudsman is required to protect information about the identity of the person who made the disclosure and the identities of other persons involved (s 26).</p>	<p>Aside from purposes to administer the Act, the identity of the person making a disclosure and of other persons involved in the disclosure process as well as the confidentiality of information collected are protected (s 11 <i>Public Interest Disclosure of Wrongdoing Regulations</i> and s 28 <i>Labour Standards Code</i>).</p>	<p>In carrying out his or her functions, the Commissioner protects the identities of the persons involved in disclosures, including persons who made disclosures, witnesses and persons alleged to be responsible for wrongdoing except where the interests of fairness require that a person’s identity be disclosed (s 112).</p>	<p>The Commissioner and the Associate Commissioner must take all necessary measures to protect the identity of persons making a disclosure (s 31).</p>	<p>No person shall disclose information such as the identity of the public servant making a disclosure, the identity of all persons who provide information relating to a disclosure, a wrongdoing or a reprisal and the identity of the person alleged to have committed a wrongdoing (s 8(1) <i>Public Interest Disclosure Regulations</i>).</p> <p>However, a person may disclose this information if</p> <ul style="list-style-type: none"> - the information is required to administer the Act or the regulations or to perform a duty or exercise a power imposed or conferred by the Act or the regulations - the person to whom the information relates consents (s 8(2)). 	<p>Subject to any other Act or regulation and to the principles of procedural fairness and natural justice, the designated officer must establish procedures for protecting the identity of the person making the disclosure, witnesses and the individual alleged to have committed the wrongdoing,</p> <p>However, neither the Act nor its regulation provides confidentiality protection where the investigation is vested in the Commissioner.</p>
<p>Internal and/or external disclosure mechanism</p>	<p>Internal: A public servant may disclose to his or her supervisor or to the designated senior officer (s 12).</p> <p>External: A public servant may disclose a wrongdoing to the Public Sector Integrity Commissioner (s 13).</p> <p>Publicly: A disclosure may be made to the public if the public servant does not have sufficient time and if he or she believes on reasonable grounds that the act or omission is a serious offence under an Act or that there is an imminent risk of a substantial and specific danger (s 16).</p>	<p>Internal: An employee may make a disclosure to the employee’s supervisor or to the officer designated to receive disclosures of wrongdoings (s 10).</p> <p>External: The employee may also make a disclosure to the Manitoba Ombudsman (s 10).</p> <p>Publicly: An employee may make a disclosure to the public if the employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger such that there is insufficient time to make a disclosure (s 14(1)).</p> <p>However, the employee must first disclose the</p>	<p>Internal: An employee may raise the issue of disclosure to an immediate supervisor or to the organization’s designated officer (s 11).</p> <p>External: An employee may submit the issue to the Office of the Ombudsman (s 11).</p> <p>Publicly: A public disclosure in the media will only be protected if the situation is urgent. The wrongdoing in question must pose an imminent risk and jeopardize the life, health or safety of persons, or the environment, and the employee must believe that there is insufficient time to make a formal</p>	<p>Internal: An employee may make a disclosure to his or her immediate supervisor or to the officer designated to receive disclosures at the employee’s workplace (s 6).</p> <p>External: An employee may also make a disclosure to the Ombudsman (s 6).</p> <p>Publicly: An employee may make a disclosure to the public where</p> <ul style="list-style-type: none"> - There is an imminent risk of substantial and specific danger to the life, health or safety of persons or to the environment. - There is insufficient time to make a disclosure pursuant to 	<p>Public servants and former public servants may disclose a wrongdoing in two ways:</p> <p>Internal: To the ethics executive if the person making the disclosure is a public servant (s 115).</p> <p>External: To the Integrity Commissioner if the person making the disclosure is a public servant or former public servant and</p> <ul style="list-style-type: none"> -There is reason to believe that it would not be appropriate to disclose the wrongdoing internally; or - The person has already disclosed the wrongdoing and has concerns that the matter is not being dealt with appropriately (s 116). <p>If the Commissioner is of the opinion that it is in the public</p>	<p>Any person who wishes to disclose a wrongdoing may do so by disclosing to the Commissioner information that the person believes could show that a wrongdoing has been committed or is about to be committed, or that could show that the person has been asked to commit a wrongdoing (s 26).</p>	<p>Internal: A public servant may make a disclosure to the designated officer for receiving disclosures at his or her workplace (s 10).</p> <p>External: A public servant may also make a disclosure to the Public Interest Disclosure Commissioner (s 10).</p>	<p>Internal: A public servant must first make a disclosure to the designated officer responsible for receiving disclosures in the workplace (s 9).</p> <p>External: A public servant may also make a disclosure to the Public Interest Commissioner (s 10).</p>

		wrongdoing to an appropriate law enforcement agency and disclose the situation to his or her supervisor or to the designated officer immediately after disclosing it to the law enforcement agency (s 14(2)).	disclosure. The employee should first make the disclosure to the police. The employee must also make a disclosure to his or her immediate supervisor or designated officer (s 14).	section 6 of the Act.	interest, the Commissioner may make a public report respecting a disclosure of wrongdoing (s 130).			
Requirement to exhaust all internal courses of action before using external courses of action?	No. A disclosure may be made by any of the methods described above (certain restrictions may apply in the case of a public disclosure).	No. There is no requirement to exhaust internal courses of action before making a disclosure externally. However, some restrictions may apply in the case of a public disclosure.	No. There is no requirement to exhaust internal courses of action before making a disclosure externally. However, some restrictions may apply in the case of a public disclosure.	No. There is no requirement to exhaust internal courses of action before making a disclosure externally. However, some restrictions may apply in the case of a public disclosure.	Yes. A wrongdoing disclosure must be done in accordance with the internal disclosure procedures established under the Act. However, it is possible to make a disclosure to the Commissioner if the complainant has reasonable grounds to believe that internal disclosure would not be appropriate or the complainant has already disclosed the wrongdoing and has concerns that the matter is not being dealt with appropriately.	There is no indication in the Act that a person must exhaust all internal courses of action before making an external disclosure.	No. A public servant is not required to exhaust all internal courses of action because the Commissioner is not a body of last resort. The public servant has a choice.	Yes. A disclosure must be made through the internal disclosure procedures established in accordance with the Act. However, An employee may make a disclosure directly to the Commissioner only on the grounds set out in s 10(1) of the Act.
Power of the Commissioner (or organization responsible for receiving disclosures)	<p>The Commissioner has all the powers of a commissioner under Part II of the <i>Inquiries Act</i> (s 29(1)).</p> <p>The Commissioner has the discretion to refuse to intervene (s 24(1)) or to dismiss the complaint (s 20.5).</p> <p>The Commissioner may also make recommendations to chief executives concerning corrective measures but does not issue a decision with respect to wrongdoings (s 26(1)).</p> <p>The Commissioner may report any matter that arises out of an investigation to the Minister of the relevant department (s 37), and the Commissioner must prepare an annual report within three months after the end of each financial year (s 38).</p>	<p>The Ombudsman has investigative powers under <i>The Ombudsman Act</i>. The Ombudsman also has the protection and powers of a commissioner appointed under Part V of <i>The Manitoba Evidence Act</i>.</p> <p>The Ombudsman is responsible for investigating disclosures that he or she receives under the Act</p> <p>(s 20 (1)). The Ombudsman has the authority to refuse to conduct an investigation and/or to cease an investigation in certain circumstances (s 21(1)).</p>	<p>The Ombudsman has all the powers, privileges and immunities conferred on a commissioner under the <i>Inquiries Act</i> (s 24).</p> <p>The Ombudsman is responsible for investigating disclosures that he or she receives (s 20(1), and the Ombudsman may refuse to investigate in certain cases (s 21).</p> <p>On completing the investigation, the Ombudsman does not issue a decision but prepares a report containing the Ombudsman’s findings and recommendations</p>	<p>For the purpose of investigation, the Ombudsman has all the powers and protections provided for in the <i>Ombudsman Act</i> (s 24).</p> <p>The Ombudsman must investigate the disclosures that public servants make to the Ombudsman.</p> <p>Once the investigation is complete, the Ombudsman does not render a decision but prepares a report containing the Ombudsman’s findings and recommendations concerning the disclosure of wrongdoing (s 26(1)).</p> <p>The Ombudsman may</p>	<p>The Commissioner may decide to refuse to deal with a disclosure (s 117).</p> <p>The Commissioner chooses, among certain persons, the person who, in the opinion of the Commissioner, is in the best position to investigate the disclosure (s 118(1)) and asks that person to provide a report following his or her investigation (s 118(2)).</p> <p>Those persons are a deputy minister, an ethics executive, the chair of a public body, the Secretary of the Cabinet or an individual designated by the Premier (s 118(3)).</p> <p>After receiving the report, the Commissioner may request further information and may make recommendations, but the Commissioner does not make a</p>	<p>The Commissioner makes recommendations to the Chair of the Conseil du trésor and to the Minister of Municipal Affairs, Regions and Land Occupancy concerning any measure with respect to the awarding of contracts. However, the Commissioner does not make a decision with respect to the disclosure of a wrongdoing (s 9(4)).</p> <p>The Commissioner also makes recommendations to the Minister of Public Security on any measure to prevent and fight corruption (s 9(5)).</p> <p>Upon receipt of a disclosure of wrongdoing, the Commissioner must designate a member of the Commissioner's personnel to examine it (s 28).</p> <p>After the disclosure of</p>	<p>The Commissioner may decide to take any step the Commissioner believes appropriate to help resolve the disclosure internally (s 15(1)).</p> <p>The Commissioner may refer the matter to the government institution involved (s 15(1)).</p> <p>If the Commissioner believes it is necessary, the Commissioner may conduct an investigation into the allegations of wrongdoing (s 15(1)).</p> <p>The Commissioner has the power to decide whether an investigation is appropriate and must inform the parties of that decision (s 16(1)).</p> <p>On completing an investigation, the Commissioner does not make a decision about the disclosure but prepares a report that contains</p>	<p>The Commissioner may decide to take steps the Commissioner considers appropriate to help resolve the disclosure internally (s 17).</p> <p>The Commissioner has the discretion to refuse to intervene (s. 19(1)).</p> <p>If the Commissioner considers it necessary, the Commissioner may initiate an investigation into allegations of wrongdoings that have occurred in the course of an investigation (s 20).</p> <p>If the Commissioner receives an allegation of wrongdoing that has been made anonymously or by an individual who is not an employee, the Commissioner may decide to refer it to the affected entity (s 21).</p>

	<p>If, during the course of an investigation or as a result of any information provided to the Commissioner by a person who is not a public servant, the Commissioner has reason to believe that a wrongdoing has been committed, he or she may commence an investigation into the wrongdoing if he or she believes on reasonable grounds that the public interest requires an investigation (s 33(1)).</p> <p>An application for judicial review may be made to the Federal Court (s 51.2(1)).</p>	<p>Upon completing an investigation, the Ombudsman does not render a decision but prepares a report containing his or her findings and recommendations (s 24(1)).</p> <p>The Ombudsman gives a copy of the report to the employee and the chief executive of the appropriate department (s 24(2)).</p> <p>The Ombudsman may also refer a disclosure to the Auditor General if the Ombudsman believes that it would be dealt with more appropriately by the Auditor General in accordance with <i>The Auditor General Act</i> (s 21(2)).</p> <p>If a person who is not an employee reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed, the person may provide that information to the Ombudsman (s 30(1)).</p> <p>No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman may be challenged, reviewed, quashed or called in question in any court (s 39 <i>Ombudsman Act</i>).</p>	<p>about the disclosure (s 27).</p> <p>If the Ombudsman receives a claim of wrongdoing that has been made anonymously or by a person who is not an employee, the Ombudsman may, in his or her discretion, forward the claim to the chief executive of that portion of the public service that is the subject of the allegation (s 23).</p> <p>No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman may be challenged, reviewed, quashed or called in question in any court (s 22 <i>Ombudsman Act</i>).</p>	<p>also request a response from the government body respecting the steps it has taken to give effect to the Ombudsman's recommendations (s 27).</p> <p>The Ombudsman must also prepare an annual report (s 28(1)).</p> <p>A person who is not an employee and who reasonably believes that he or she has information that a wrongdoing has been committed or is about to be committed may provide that information to the Ombudsman (s 30(1)).</p> <p>No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman are to be challenged, reviewed, quashed or called in question in any court (s 22 <i>Ombudsman Act</i>).</p>	<p>decision regarding the disclosure (s 121(1)).</p> <p>In certain cases, the Commissioner may initiate his or her own investigation if the Commissioner is not satisfied with the report received under section 118 of the Act or where the disclosure has been referred back (s 122(1)).</p> <p>The Commissioner also has the authority to make a report public if the Commissioner is of the opinion that it is in the public interest to do so (s 130), and the Commissioner must prepare an annual report of his or her activities (s 133).</p> <p>There is no information available regarding the right to seek judicial review.</p>	<p>wrongdoing has been examined, the Commissioner may decide no further action is required if the matter is frivolous or does not fall within the Commissioner's mission. If the Commissioner decides to take further action regarding the disclosure, the Commissioner sends the case file to the Associate Commissioner or to the investigation units concerned, as the case may be (s 29).</p> <p>The Commissioner submits an annual management report to the Minister, who lays it before the National Assembly (s 25).</p> <p>Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure or extraordinary recourse within the meaning of that Code may be exercised, nor any injunction granted, against the Commissioner, the Commissioner's personnel, the Associate Commissioner, members of the audit teams or investigation units designated by the Government in the exercise of their functions under the Act (s 21).</p>	<p>the Commissioner's opinion and findings as well as the recommendations the Commissioner considers appropriate (s 21(1)).</p> <p>The Commissioner must submit an annual report on the Commissioner's activities (s 23(1)).</p> <p>No proceeding of the Commissioner is invalid for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of the Commissioner can be challenged, reviewed, quashed or called into question in any court (s 43).</p>	<p>The Commissioner has the power to decide whether an investigation is warranted and must inform the parties of his or her decision (s 19(3)).</p> <p>On completing an investigation, the Commissioner does not issue a decision on the disclosure but prepares a report setting out the Commissioner's opinion and findings as well as any recommendations the Commissioner considers appropriate (s 22(1)).</p> <p>The Commissioner may request the entity affected by the Commissioner's report to notify him or her of the steps that have been taken to correct the situation (s 22(2)).</p> <p>The Commissioner must submit an annual report on the Commissioner's activities (s 33(1)).</p> <p>No proceeding of the Commissioner is invalid for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of the Commissioner may be challenged, reviewed, quashed or called into question in any court (s 52).</p>
Steps in dealing with the disclosure	<ul style="list-style-type: none"> - Review to determine whether the disclosure will be dealt with. - Decision by Commissioner as to whether further review or an 	<ul style="list-style-type: none"> - Ombudsman reviews the disclosure. - Investigation conducted to verify the 	<ul style="list-style-type: none"> - The Office of the Ombudsman reviews the disclosure to determine whether to deal with it and 	<ul style="list-style-type: none"> - Decision as to whether the disclosure will be accepted. - If the Ombudsman is 	<ul style="list-style-type: none"> - Receipt of the disclosure and decision as to whether the Commissioner has jurisdiction over it. 	<ul style="list-style-type: none"> - Upon receipt of a disclosure of wrongdoing, the Commissioner must designate a member of the Commissioner's personnel to examine it and determine what 	<ul style="list-style-type: none"> - Decision as to whether an investigation is warranted. - Investigation into the allegations and report setting out 	<ul style="list-style-type: none"> - Commissioner reviews disclosure. - Investigation conducted as to whether disclosure is founded.

	<p>investigation is necessary.</p> <p>- Commissioner commences an investigation and notifies the chief executive.</p> <p>- If the Commissioner is of the opinion that the allegations are founded, the Commissioner sends a report to the chief executive and requests notice of any action taken or proposed to be taken.</p> <p>- Where the Commissioner makes a report to a chief executive, the Commissioner must, within 60 days after making the report, prepare a case report setting out the Commissioner’s findings and recommendations.</p>	<p>basis of the disclosure.</p> <p>- Prepares report and recommendations to the appropriate bodies regarding corrective measures to be taken and gives a copy of it to the employee and the chief executive.</p>	<p>whether an investigation is necessary.</p> <p>- The Ombudsman investigates and prepares a report containing his or her findings and recommendations and gives a copy to the employee and the chief executive.</p> <p>- In the report to the chief executive, the Ombudsman may ask to be notified of the steps that have been taken or are proposed to be taken.</p> <p>- If the chief executive does not notify the Ombudsman, the Ombudsman may make a report to the minister responsible or to the board of directors.</p>	<p>of the opinion that an investigation is warranted, the Ombudsman advises the parties and commences an investigation.</p> <p>- Once the investigation is complete, the Ombudsman prepares a report containing the Ombudsman’s findings and recommendations and provides it to the deputy head.</p> <p>- The Ombudsman may also request information from the government body respecting the steps it has taken or proposes to take.</p> <p>- If the government body does not follow through, the Ombudsman may make a report to the minister responsible.</p>	<p>- Referral to the person or organization responsible for investigating the validity of the disclosure. That person then submits a report to the Commissioner (see subsection 118(3) of the Act for a list of persons who have jurisdiction to investigate).</p> <p>- The Commissioner reviews the report’s findings and decides whether further information is required, whether the Commissioner will make recommendations, request notification of the implementation of the recommendations or initiate his or her own investigation.</p> <p>- On concluding an investigation, the Commissioner provides a copy of the report to the minister responsible.</p> <p>- If the Commissioner is of the opinion that it is in the public interest, the Commissioner may prepare a public report.</p>	<p>action should be taken.</p> <p>- If the Commissioner decides to take further action regarding the disclosure, the Commissioner may send the case file to the Associate Commissioner or to the investigation units.</p>	<p>the Commissioner’s opinion and recommendations.</p> <p>- When making a report, the Commissioner may request the department affected by the disclosure to notify the Commissioner of the steps taken or proposed to be taken to give effect to the Commissioner’s recommendations.</p> <p>- The Commissioner must also notify the public servant that a report has been made.</p>	<p>- Report and recommendations to the affected entity about the corrective measures to be taken.</p> <p>- Informs the complainant that a report has been made and provides the complainant with information respecting the report (s 22(4)).</p> <p>- When the Commissioner makes a report to the chief officer, the Commissioner may request notification of the steps taken or proposed to be taken.</p> <p>- If the Commissioner believes that the entity has not followed up on the Commissioner’s recommendations, the Commissioner may make a report to the minister responsible and to the board of directors (s 22(5)).</p>
Disciplinary action		An employee who commits a wrongdoing is subject to disciplinary action including termination of employment (s 4)	An employee who commits a wrongdoing is subject to disciplinary action, including termination of employment and other sanctions provided for by law (s 4).					An employee who commits a wrongdoing is subject to disciplinary action, including termination of employment (s 4).
PROTECTION MECHANISMS								
Definition of reprisal	Reprisal is defined as a disciplinary measure, demotion, termination of employment, any measure that adversely affects employment or working conditions or a threat in this regard (s 2).	Any disciplinary measure, demotion, termination of employment, any measure that adversely affects employment or working conditions or threats in this regard (s 2).	Reprisal may be a disciplinary measure, a demotion, termination of employment, any measure that adversely affects an employee’s employment or working conditions or a threat to take such measures (s 1).	Reprisal is defined as a disciplinary measure, a demotion, termination of employment, any measure that adversely affects an employee’s employment or working conditions or a threat to take any of those measures (s 3).	Ending or threatening to end a public servant’s employment or appointment; disciplining or suspending a public servant or threatening to do so; imposing or threatening to impose a penalty related to the employment or appointment of a public servant or intimidating or coercing a public servant in relation to his or her employment or appointment (s 139(2)).	Reprisal is defined as the demotion, suspension, termination of employment or transfer of that person or any disciplinary or other measure that adversely affects employment or working conditions (s 33).	Reprisal is defined as a dismissal, layoff, suspension, demotion or transfer, discontinuance or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand. It may also be a threat to take any of these actions (s 2(1)(j)).	Reprisal may be a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand. A reprisal may also be any measure that adversely affects the employee’s employment or working conditions or a threat to take such measures (s 24).

<p>Procedure</p>	<p>Since it is a two-step process, a public servant must first file a reprisal complaint with the Commissioner, who will conduct an investigation.</p> <p>Then, if the Commissioner is of the opinion that an application is warranted, the Commissioner applies to the Public Servants Disclosure Protection Tribunal for a determination of whether or not a reprisal was taken.</p> <p>Other procedures are available, such as settling the complaint by an internal agreement, submitting a grievance or filing an application for unfair labour practices with a labour board.</p>	<p>A public servant may file his or her reprisal complaint directly with The Manitoba Labour Board.</p> <p>Other remedies are available such as resolving the complaint through an internal agreement, filing a grievance or an application for unfair labour practices before the labour relations boards.</p>	<p>A public servant may file his or her reprisal complaint directly with the Labour and Employment Board.</p> <p>Other remedies are available such as resolving the complaint through an internal agreement, filing a grievance or an application for unfair labour practices before the labour relations boards.</p>	<p>A public servant may file his or her reprisal complaint directly with the Labour Board of Nova Scotia.</p> <p>Other remedies are available such as resolving the complaint through an internal agreement, filing a grievance or an application for unfair labour practices before the labour relations boards.</p>	<p>A public servant may file his or her complaint with the appropriate body based on his or her employee status.</p> <p>- <u>public servant subject to a collective agreement:</u> May have the complaint dealt with by arbitration in accordance with the collective agreement (s 140(2)).</p> <p>- <u>public servant not subject to a collective agreement:</u> Files the complaint with the Public Service Grievance Board (s. 140(1)).</p> <p>- <u>Other public servant:</u> A public servant employed by a public body who is not subject to the terms and conditions of a collective agreement may file his or her complaint with the Ontario Labour Relations Board (s 140(4)).</p> <p>Other procedures are available, such as settling the complaint by an internal agreement, submitting a grievance or filing an application for unfair labour practices with a labour board.</p>	<p>A public servant may file his or her reprisal complaint directly with the Commission des normes du travail.</p> <p>Other remedies are available such as resolving the complaint through an internal agreement, filing a grievance or an application for unfair labour practices before a labour relations board.</p>	<p>A public servant may file his or her reprisal complaint with the Public Interest Disclosure Commissioner.</p> <p>Other remedies are available such as resolving the complaint through an internal agreement, filing a grievance or an application for unfair labour practices before a labour relations board.</p> <p>Moreover, the provisions of the Act are in addition to the provisions of any other Act pursuant to which remedies are provided, and nothing in the Act limits these measures (s 44).</p>	<p>An employee may make a reprisal complaint to the Public Interest Commissioner (s 25(1)).</p>
<p>Role and powers of the Commissioner (or organization responsible for receiving disclosures)</p>	<p>The Act gives the Commissioner exclusive jurisdiction to investigate reprisal complaints.</p>	<p>The Ombudsman does not play a role in the reprisal complaint process because the Ombudsman deals only with the disclosure of wrongdoings.</p>	<p>The Ombudsman does not play a role in the reprisal complaint process because the Ombudsman deals only with the disclosure of wrongdoings.</p>	<p>The Ombudsman does not play a role in the reprisal complaint process because the Ombudsman deals only with the disclosure of wrongdoings.</p>	<p>The Integrity Commissioner does not play a role in the reprisal complaint process because the Commissioner deals only with the disclosure of wrongdoings.</p> <p>However, the Commissioner includes a summary of what the Commissioner knows respecting the outcomes of findings of reprisals (s 133(1) g)).</p>	<p>The Anti-Corruption Commissioner does not play a role in the reprisal complaint process because the Commissioner deals only with the disclosure of wrongdoings.</p> <p>The Commissioner must take all necessary measures to protect the identity of persons making a disclosure to the extent possible (s 31).</p>	<p>The Commissioner is not only responsible for the process of disclosure of wrongdoings but also for reprisal complaints.</p>	<p>The Commissioner is not only responsible for the process of disclosure of wrongdoings but also for reprisal complaints.</p>

<p>Role and powers of the organization responsible for determining reprisals</p>	<p>The Tribunal has all the powers of a commissioner under the <i>Inquiries Act</i>.</p> <p>The Tribunal may</p> <ul style="list-style-type: none"> - Make an order granting a remedy to the complainant (s 21.4(1)) - Make an order granting a remedy to the complainant and imposing disciplinary action against any person who took the reprisal. - The Tribunal may also add a person or a party to the case if the Tribunal considers it necessary (s 21.4(3)). 	<p>The Labour Board has all the powers, privileges and rights of commissioners appointed under Part V of <i>The Manitoba Evidence Act</i> (s 142(2) of the <i>Labour Relations Act</i>).</p> <p>Where the board accepts the complaint, it may refer the complaint to a representative of the board, hold a hearing or decline to take further action (s 30(3) <i>Labour Relations Act</i>).</p>	<p>The Labour and Employment Board may refuse to accept a complaint in certain circumstances (s 32(2)).</p> <p>If the Board accepts a complaint, the Board must refer it to be dealt with by an adjudicator.</p> <p>The adjudicator hears the parties and issues a decision as to whether a reprisal was taken.</p> <p>At the conclusion of the hearing, the adjudicator may order the employer to take certain measures.</p> <p>An adjudicator has all the powers, privileges and immunities conferred on commissioners under the <i>Inquiries Act</i> (s 37(2)).</p>	<p>The Labour Board’s mission is to hear and determine any matter submitted to it.</p> <p>It also has the power to decide whether a party has contravened the Act.</p> <p>After hearing the parties, it issues its decision and makes an order in writing (s 26(1)(b) of the <i>Labour Standards Code</i>).</p>	<p>If the Labour Relations Board or the Public Service Grievance Board determines that a reprisal was taken in contravention of subsection 139(1), the Board may make an order that it considers just and reasonable directing the relevant ministry or public body to do or refrain from doing anything in relation to the contravention (s 140(8)).</p> <p>The Board may also rule on remedies in favour of the complainant (s 140(9)).</p> <p>Where a board makes a finding that a reprisal has been taken, the board informs the Commissioner of the finding (s 140(12)).</p>	<p>An employee who believes he or she has been the victim of a prohibited practice because of a wrongdoing disclosure under the <i>Anti-Corruption Act</i> may file a complaint with the Commission des normes du travail (s 123 of the <i>Act Respecting Labour Standards</i>).</p> <p>The Commission may appoint a person to settle the complaint, but if no settlement is reached, it refers the complaint to the Commission des relations du travail (s 123.4 of the <i>Act Respecting Labour Standards</i>).</p> <p>It also has the powers and immunity of commissioners appointed under the <i>Act respecting public inquiry commissions</i>.</p>	<p>The Commissioner must deal with a reprisal complaint in the same manner as a disclosure of wrongdoing (s 36(4)). The Commissioner must conduct his or her investigations into reprisals under Division 1 of Part IV of the Act.</p> <p>On completing an investigation, the Commissioner must prepare a report setting out the Commissioner’s opinion and reasons for it as well as the Commissioner’s recommendations (s 21(1)).</p> <p>The Commissioner must inform the affected government institution of the Commissioner’s recommendations and request that it provide information on the steps it has taken or proposes to take to give effect to the Commissioner’s recommendations (s 21(2)).</p> <p>The Commissioner provides a copy of the report to the deputy minister and the designated officer of the affected government institution (s 21(3)).</p>	<p>The Commissioner must manage and investigate a reprisal complaint in the same manner as a disclosure of wrongdoing (s 26).</p> <p>On completing an investigation, the Commissioner must prepare a report setting out the Commissioner’s findings and reasons for those findings as well as the Commissioner’s recommendations (s 22(1)).</p> <p>The Commissioner must inform the affected government institution of the Commissioner’s recommendations and request that it provide information on the steps it has taken or proposes to take to give effect to the Commissioner’s recommendations (s 22(2)).</p>
<p>Burden of proof before the decision-maker</p>	<p>The evidentiary threshold that applies to the Commissioner’s application differs from the burden of proof before the Tribunal.</p> <p><u>Evidentiary threshold for the Commissioner’s decision to apply to the Tribunal:</u></p> <ul style="list-style-type: none"> - The Commissioner must have reasonable grounds for believing that a reprisal was taken in order to send the matter to the Tribunal (20.4(3)). - In decision El-Helou n° 4 (2011-PT-04), Justice Martineau said that “[t]he term [reasonable] relates to a lower threshold, and is clearly different from the ‘balance of probabilities’” and “the Commissioner is performing a ‘gatekeeping’ function when he 	<p>Since there is no mention of the burden of proof, it rests on the complainant.</p>	<p>Since there is no mention of the burden of proof, it rests on the complainant.</p>	<p>Where a complainant files a valid reprisal complaint, the burden of proof shifts.</p> <p>In any proceeding under the <i>Labour Standards Code</i>, the burden of proof that an employer did not contravene a provision in the Act lies with the employer (s 30(3) <i>Labour Standards Code</i>).</p>	<p>Where a complainant files a valid reprisal complaint, the burden of proof shifts.</p> <p>Under subsection 140(13) of the Act, the burden of proof that an employer or a person acting on behalf of an employer did not take a reprisal contrary to subsection 139(1) of the Act lies on the employer or the person acting on behalf of the employer.</p>	<p>Where the complainant files a valid reprisal complaint, the burden of proof shifts.</p> <p>If it is shown to the satisfaction of the Commission that the employee exercised a right arising from the Code, there is a simple presumption in his favour that the sanction was imposed on him or the action was taken against him because he exercised such right, and the burden of proof is upon the employer that he resorted to the sanction or action against the employee for good and sufficient reason (art 17 of the <i>Labour Code</i>).</p>	<p>Since there is no mention of the burden of proof, it rests on the complainant.</p>	<p>Since there is no mention of the burden of proof, it rests on the complainant.</p>

	<p>or she refers an Application to the Tribunal. This screening function is not at all determinative of whether or not reprisal has actually occurred.”</p> <p><u>Burden of proof before the Tribunal:</u></p> <p>- The burden of proof on a reprisal complaint is higher than the burden of proof before the Commissioner.</p> <p>- In decision El-Helou n° 4 (2011-PT-04), Justice Martineau stated that “[t]he complainant must advance his or her own case before the Tribunal and meet the burden of proof of the balance of probabilities in order to establish that reprisal was taken.”</p>							
Remedy	<p>The Tribunal may, by order, require the employer or the chief executive, or any person acting on their behalf, to take all necessary measures to</p> <ul style="list-style-type: none"> - Permit the complainant to return to his or her duties - Reinstate the complainant - Pay compensation to the complainant (if the relationship of trust cannot be restored) - Pay to the complainant an amount equivalent to the remuneration that would, but for the reprisal, have been paid to him or her - Rescind any measure or action and pay compensation to the complainant in an amount not greater than the amount that is equivalent to the financial penalty imposed on the complainant - Pay to the complainant an amount equal to any expenses and any other financial losses incurred by the complainant as a direct result of the reprisal 	<p>If the board determines that a reprisal has been taken, the board may</p> <ul style="list-style-type: none"> - Permit the complainant to return to his or her duties - Reinstate the complainant or, if the trust relationship cannot be restored, pay damages to the complainant - Pay compensation to the complainant equivalent to the remuneration that would have been paid to the complainant but for the reprisal. - Reimburse the complainant for any expenses and financial losses incurred as a direct result of the reprisal - Cease the reprisal - Rectify a situation resulting from the 	<p>Where the adjudicator finds that a reprisal has occurred, he or she may order the employer to take the following measures:</p> <ul style="list-style-type: none"> - Cease an activity that constitutes the reprisal - Rectify any harm caused by the reprisal - Restore a complainant adversely affected by the reprisal to the position he or she would have been in, but for the reprisal - Reinstate the complainant - Compensate a complainant for any expenditure, financial loss or deprivation of benefit incurred because of the reprisal - Do or refrain from doing anything in order to remedy any consequence of the reprisal (s 39(1)) 	<p>If the Board decides that a party has contravened a provision of the Act, it may order the party to</p> <ul style="list-style-type: none"> - Do any act that, in the opinion of the Board, constitutes full compliance with the provisions of the Act - Rectify an injury caused to the victim or make compensation for the injury sustained - Reinstate the employee (s 26 <i>Labour Standards Code</i>) <p>The Act does not contain any explicit power to make interim orders.</p>	<p>If the board determines that a reprisal was taken, it may make an order that it considers just and reasonable, and the order may direct the employer to</p> <ul style="list-style-type: none"> - Cease doing an act or acts complained of - Take steps to rectify harm related to a complaint - Reinstate the employment of a public servant - Compensate the public servant for loss of any remuneration, including benefits - If the employment relationship is broken, the board may direct the employer to terminate the public servant’s employment and provide compensation in lieu of reasonable notice (s 140(8), (9), (10)) <p>The Act does not contain any explicit power to make interim orders.</p>	<p>The Commission may</p> <ul style="list-style-type: none"> - Order the employer to reinstate the employee in his employment, with all his rights and privileges, and to pay him the equivalent of the salary and other benefits of which he was deprived due to dismissal, suspension or transfer - Order the employer to cancel the sanction or to cease practising discrimination or taking reprisals against the employee and to pay him the equivalent of the salary and other benefits of which he was deprived due to the sanction, discrimination or reprisals (art 15 <i>Labour Code</i>) - The Commission has certain powers such as the power to reject a complaint, make any order, including a provisional order, that is appropriate to safeguard the rights of the parties and to render any decision it considers appropriate (art 118 <i>Labour Code</i>).. 	<p>The Act provides that employees who make a disclosure of wrongdoing are protected against reprisals, but there are no specific remedies set out in the Act.</p> <p>The Act does not provide an explicit power to make interim orders.</p>	<p>The Act provides that employees who make a disclosure of wrongdoing are protected against reprisals, but there are no specific remedies set out in the Act.</p> <p>The Act does not provide an explicit power to make interim orders.</p>

	<p>- Compensate the complainant, by an amount of not more than \$10,000, for pain and suffering (s 21.7(1))</p> <p>The Act does not provide for an express power to order interim relief.</p>	<p>reprisal</p> <p>- Do or refrain from doing anything in order to remedy any consequence of the reprisal (s. 28(3) <i>The Public Interest Disclosure Act</i>)</p> <p>The board may make interim orders on such terms and conditions as it deems fit, pending a final determination of the complaint (s 31 (2) <i>Labour Relations Act</i>).</p>	The Act does not provide for an explicit power to make interim orders.					
Disciplinary action	The Tribunal may, by order, require the employer or chief executive to take all necessary measures to take disciplinary action, including termination of employment or revocation of appointment, against any person who took the reprisal (s 21.8(1)).	A person who commits a reprisal commits a crime and is liable on summary conviction to a fine of not more than \$10,000 (s 33(4) <i>The Public Interest Disclosure Act</i>)	No disciplinary action is provided for a public servant who took a reprisal against a public servant who made a disclosure. However, the employer must take any action required under the adjudicator’s decision (s 39(3)).	A person who takes a reprisal may be liable to a fine of not more than \$10,000 (s 35).	A person who contravenes subsection 139(1) of the Act is subject to disciplinary measures, including suspension or dismissal (s 143).	Any person who takes a reprisal against a person who has disclosed a wrongdoing is liable to a fine of \$2,000 to \$20,000 for a natural person and from \$10,000 to \$250,000 for a legal person. For any subsequent offence, the amounts are doubled (s 34).	Every person who contravenes the Act and commits a reprisal is liable to a fine of not more than \$10,000 (s 40).	A person who takes a reprisal is liable to a fine of not more than \$25,000 for a first offence and not more than \$100,000 for a second offence (s 49).
Alternative conflict resolution methods	<p>Office of the Commissioner: The Act provides for conciliation to settle a complaint (s 20(2)).</p> <p>Tribunal: The Act does not refer to it specifically.</p>	On request of the parties, the board may appoint a mediator to endeavour to bring about an agreement (s 95(1) <i>Labour Relations Act</i>)	The Act does not explicitly refer to it.	The Act does not explicitly refer to it.	The Act does not explicitly refer to it.	The Commission, with the agreement of the parties, may appoint a person who shall endeavour to settle the complaint to the satisfaction of the parties (s 123.3 of the <i>Act Respecting Labour Standards</i>).	The Act does not explicitly refer to it.	When an employee makes a disclosure to the Commissioner, the Commissioner may take any steps the Commissioner considers appropriate to help resolve the matter internally (s 17).
Judicial review of the decision	An application for judicial review may be brought in the Federal Court (51.2 (1)).	It is possible to bring an application for judicial review in the Court of Queen’s Bench (s 143(6) of the <i>Labour Relations Act</i>).	Yes, it is possible to bring an application for judicial review in the Court of Queen’s Bench.	Yes, it is possible to bring an application for judicial review in Nova Scotia’s Court of Queen’s Bench.	Yes, it is possible to bring an application for judicial review in Ontario’s Divisional Court.	Yes, it is possible to bring an application for judicial review in the Superior Court of Québec.	Yes, it is possible to bring an application for judicial review in Saskatchewan’s Court of Queen’s Bench.	Except on the ground of lack of jurisdiction, no proceeding or decision of the Commissioner may be challenged, reviewed, quashed or called into question in any court (s 52).

Power to award costs	There is no explicit provision concerning the power to award costs.	There is no explicit provision concerning the power to award costs.	<div>There is no explicit provision concerning the power to award costs.</div> <div>However, the employer and the complainant each pay half of the remuneration and expenses of the adjudicator. If, in the opinion of the Board, special circumstances exist, the remuneration and expenses of the adjudicator may be paid in whole or in part by the Board. (s 40(1) and (2))</div>	There is no explicit provision concerning the power to award costs.	Under subsection 140 (11) of the <i>Public Service of Ontario Act, 2006</i> , a board may not make an order for punitive damages or for costs.	There is no explicit provision concerning the power to award costs.	There is no explicit provision concerning the power to award costs.	There is no explicit provision concerning the power to award costs.
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