



# **First Annual Report on Addressing Misconduct and Wrongdoing at the Department of Justice 2024-2025**



Department of Justice  
Canada

Ministère de la Justice  
Canada

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# **Addressing misconduct and wrongdoing at Justice Canada: First annual report**

## **Message from the Deputy Minister and Associate Deputy Ministers of Justice**

We are pleased to present the Department of Justice Canada's first Annual Report on Addressing Misconduct and Wrongdoing. Fostering greater confidence and transparency in how we address misconduct and wrongdoing at the Department of Justice is an essential step for us to take as an organization.

This report is an important part of our efforts to reinforce a culture where misconduct and wrongdoing are not tolerated. Efforts like this and our ongoing commitment to renew our shared values and ethics are about strengthening our workplace and creating an inclusive environment where everyone feels safe, valued and supported.

This first report summarizes the cases related to misconduct and wrongdoing during the fiscal year 2024-2025. The objective of this report is to increase visibility on the processes to address allegations of wrongdoing and misconduct. It helps support open dialogue and reminds us of our shared responsibility to uphold our values and ethics. In doing so, the aim is to prevent future occurrences through enhanced awareness and more robust systems for early detection and effective resolution of substantiated cases.

Through transparency, accountability and sustained action, we are building a culture where everyone feels safe, respected and supported. We encourage you to read the report and continue sharing your thoughts and ideas as we work to make Justice an employer of choice.

Shalene Curtis-Micallef (she her), Isabelle T. Jacques (she her) and Samantha Maislin Dickson (she her)

## Introduction

This document serves as the Department's first annual report on wrongdoing and misconduct. It is designed to enhance transparency around the management of misconduct and wrongdoing at the Department of Justice. It includes a summary of the cases of misconduct and wrongdoing that were substantiated in the Department during the 2024-2025 fiscal year, along with the investigations conducted by external bodies over this period. The report also serves to raise awareness of the mechanisms available to employees for addressing workplace issues.

This report discusses behaviours related to misconduct and wrongdoing within the workplace. These topics may be distressing or triggering for some readers. Please prioritize your well-being as you read and feel free to pause or seek support if needed (see [Annex D](#) for more details).

## Departmental context

The Minister of Justice and Attorney General of Canada provides legal services to the federal government and its departments and agencies. The Minister is responsible for seeing that the administration of public affairs is in accordance with the law. The Department of Justice Canada is a medium-sized organization with over 5,500 full-time equivalent employees in 2024-25. Our employees deliver legal services or work in support of the justice system, some residing within the departments and agencies they support.

Maintaining a healthy, respectful, safe, and harassment-free workplace is a departmental priority and a shared responsibility among all employees. All employees are expected to adhere to the Values and Ethics Code of the Department of Justice (the Code), which clearly outlines the standards for employee behaviour. It encourages employees to report any misconduct or wrongdoing, ensuring their protection in the process.

Acceptance of these values and respect of the expected behaviours is a condition of employment for every public servant in the federal public sector, regardless of their level or position.

Department of Justice employees, whether at headquarters, in regional offices, or legal services units, are encouraged to report any misconduct or wrongdoing they experience or witness, regardless of the role or level of the individuals involved. All complaints will be taken seriously, thoroughly assessed, and, if substantiated, addressed with timely administrative and/or disciplinary actions. No one should fear reprisal or punishment for doing the right thing and bringing complaints forward.

## Defining misconduct and wrongdoing

**Misconduct** refers to any actions, deliberate or not, by an individual that violates an act, regulation, rule, departmental or Treasury Board Secretariat policy, collective agreement, condition of employment, approved procedure, reasonable and lawful management request, or the Values and Ethics Code of the Department of Justice. Essentially, misconduct happens when an employee fails to follow the obligations that they agreed to when joining the Department. Employees are reminded of these obligations on an annual basis.

**Wrongdoing** is strictly used to describe incidents addressed under the *Public Servants Disclosure Protection Act* (PSDPA). According to the PSDPA, wrongdoing is defined as:

- a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of the PSDPA;
- b) a misuse of public funds or a public asset;
- c) a gross mismanagement in the public sector;
- d) 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 a public servant;
- e) a serious breach of a code of conduct established under section 5 or 6 of the PSDPA; and
- f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

While some behaviours falling under misconduct may also meet the PSDPA's definition of wrongdoing, the key distinction lies in their gravity and impact. Wrongdoing typically involves serious actions or omissions that could significantly undermine the integrity of the public service or erode public confidence.

## Addressing misconduct and wrongdoing at the Department of Justice

The Department of Justice is committed to ensuring that all employees feel safe when reporting any instances of misconduct or wrongdoing, without fear of retaliation. There are several recourse processes available to employees to report misconduct or wrongdoing. Detailed information on these processes can be found in the Annexes of this report.

Managers should generally be the first point of contact for employees. They play a key role in helping address concerns and guiding employees to the appropriate resources. Employees may also seek confidential assistance from the Ombuds and Informal Resolution Services Office, which can help them explore available recourse options (see [Annex D](#) for more details).

However, when it comes to disclosures of wrongdoing under the PSDPA, employees are not required to report the matter to their manager. Section 12 of the PSDPA provides that a public servant may disclose information to either their immediate supervisor or the Senior Officer for Internal Disclosure (SOID). Alternatively, they may choose to make a disclosure directly to the Office of the Public Sector Integrity Commissioner (PSIC).

The Department of Justice handles all suspected cases of misconduct and wrongdoing by adhering to the applicable legislation, policies and guidelines of the Department and the Government of Canada. This involves conducting fair and objective investigations as needed, and upholding procedural fairness for all parties involved, including individuals under investigation and those who filed a complaint or made allegations.

While all allegations of misconduct or disclosures of wrongdoing are assessed to determine the appropriate course of action, not all lead to an investigation. For cases of misconduct, an initial fact-finding exercise is undertaken to determine whether the matter can be addressed with the information available to the manager or whether an investigation may be required. Misconduct can be addressed following the initial fact-finding when a situation is relatively straightforward, the facts are not in dispute by the individuals involved, and the facts do not require an extensive investigation process. When the situation is more complex and additional information is required, an investigation may be initiated.

For cases of wrongdoing, when a protected disclosure is received, an admissibility analysis is conducted to determine whether there is a requirement to launch an investigation. In some cases, a disclosure may not proceed to investigation because it does not meet the definition of wrongdoing under the PSDPA or because it is more appropriately addressed under another process.

### **Measures taken in founded cases of misconduct and wrongdoing**

Allegations of misconduct or wrongdoing can be determined to be unfounded or founded after reviewing the available facts and applying the standard of proof for administrative investigations, which is the balance of probabilities.

If misconduct is found to have occurred, the delegated manager is responsible for implementing appropriate disciplinary or administrative measures, noting that both types of measures may be applicable in certain situations.

If wrongdoing is founded, the Deputy Minister must take appropriate disciplinary and/or administrative measures. The Deputy Minister must also promptly provide public access to information describing the wrongdoing and any recommendations set out in the report, and the corrective action taken, if any, or the reasons why no corrective action was taken.

Members of the public can access these reports online:

- For disclosures made to a SOID in any federal department, reports are published here: <https://search.open.canada.ca/wrongdoing>
- For disclosures made to the Office of the Public Sector Integrity Commissioner (PSIC), reports are available here: <https://www.psic-ispc.gc.ca/en/case-reports>

### **Disciplinary measures**

Disciplinary measures are formal corrective actions taken to address an inappropriate behaviour. These measures are typically progressive, increasing in severity with repeated instances of misconduct. Managers must consider all aggravating and extenuating circumstances when determining the appropriate disciplinary action. In some cases, severe action may be warranted for a first offense. Disciplinary measures can be subject to grievances and may include:

- Verbal reprimand
- Written reprimand
- Suspension without pay
- Financial penalty
- Demotion
- Termination of employment

### **Administrative measures**

Administrative measures are actions taken to address a concern, mitigate risk, or help stabilize a situation. Some situations may require one or multiple administrative measures, and in certain instances, an administrative measure alone may suffice to address the issue. These measures can include:

- Suspension without pay pending an investigation
- Temporarily removing human resources and/or financial delegation
- Providing a letter of expectation(s)
- Developing an action plan for behavior change
- Mandatory training or coaching
- Scheduling regular meetings with management

## 2024-2025 Findings

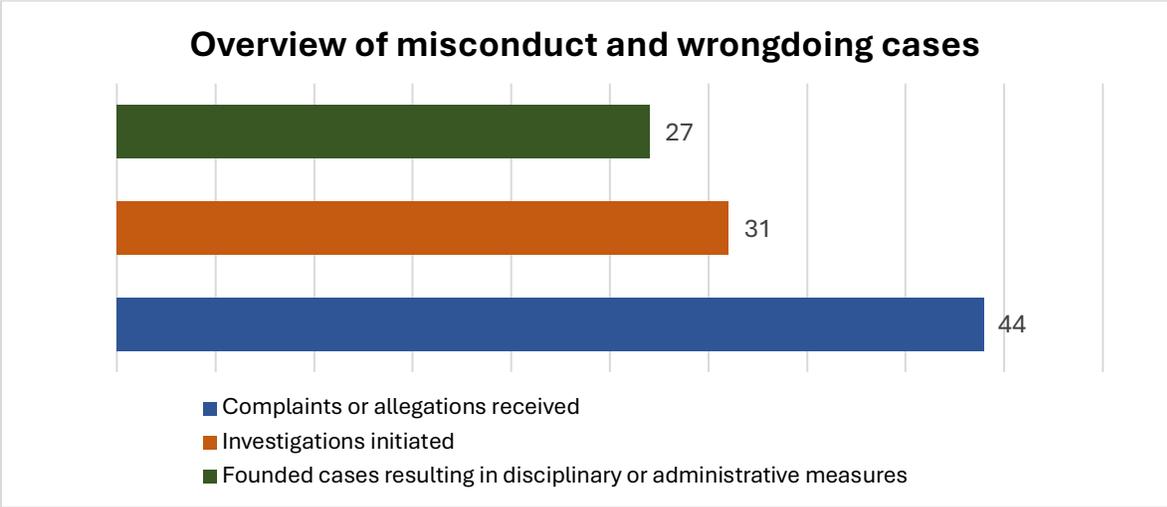
During the fiscal year 2024-2025, a total of 44 complaints or allegations for either misconduct or wrongdoing were received<sup>1</sup>. Not every allegation underwent an investigation, and even when investigations were conducted, not all allegations were substantiated.

In 2024-2025, 31 investigations of complaints were conducted, with 27 of them (87%) being founded, leading to the implementation of administrative or disciplinary actions. Of the 13 complaints that did not result in an investigation, eight were Notices of Occurrences of Harassment, Violence and Discrimination under the *Canada Labour Code* (CLC) that were addressed through other means, including conciliation, and five were disclosures of wrongdoing that were not deemed to meet the definition of wrongdoing under the PSDPA and were dealt with through other measures.

The following is a summary of the findings.

## 2024-2025 Overview of misconduct and wrongdoing

Complaints or allegations received	Investigations initiated	Founded cases resulting in disciplinary or administrative measures
44	31	27



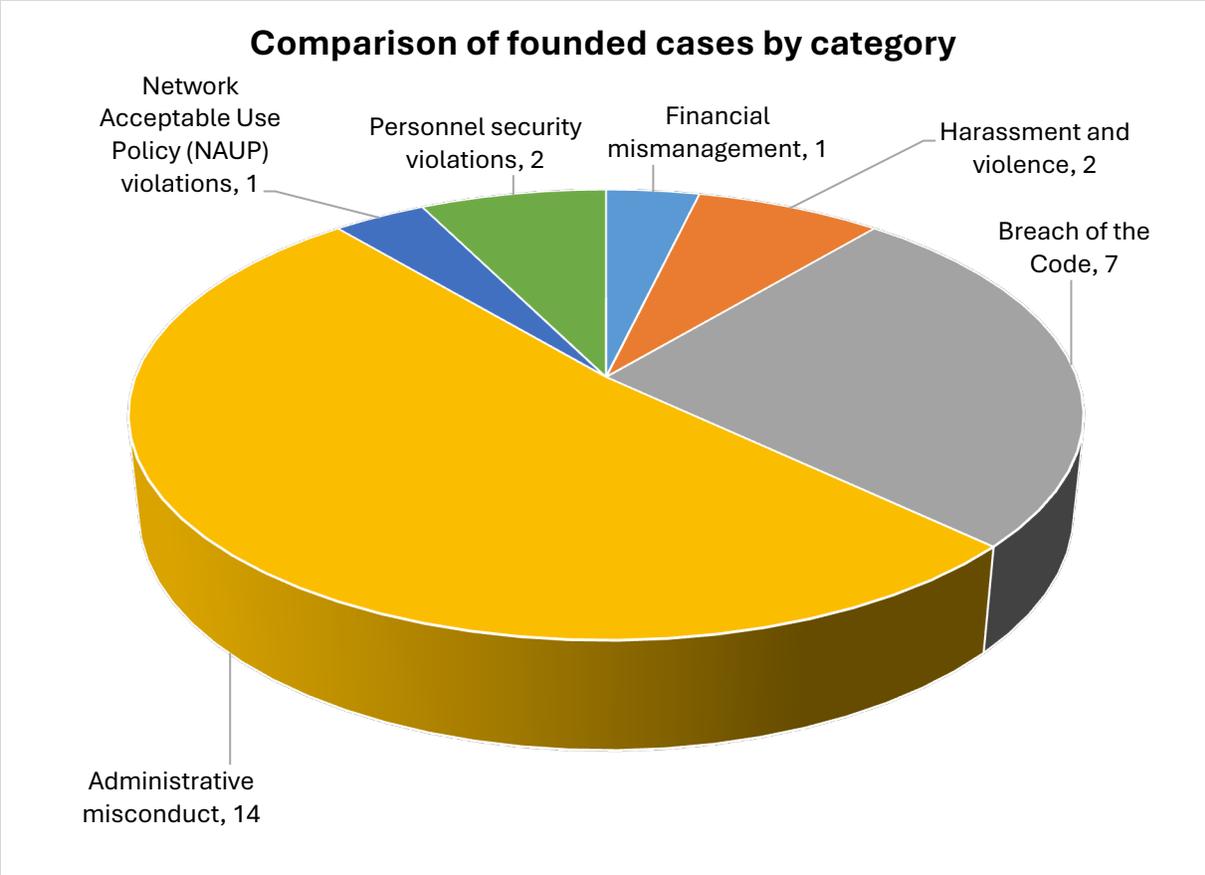
<sup>1</sup> Some of these may have been started in previous fiscal years but were concluded in 2024-25.

## Outcomes of investigations or reviews by category, 2024-2025

The following section provides an account of the measures taken as a result of an investigation or other review by the Department.

Category	Founded cases	Measures
Financial Mismanagement	1	<b>Other administrative measures</b> were applied as the incident resulted from a health condition and discipline was not appropriate.
Harassment and Violence*	2	Both employees were <b>suspended without pay</b> .
Breach of the Departmental Values and Ethics Code	7	One <b>verbal warning</b> , one <b>written reprimand</b> , one <b>suspension without pay</b> and one <b>letter of expectation</b> were issued. One employee was <b>terminated</b> . Two other cases were addressed with <b>other administrative measures</b> , and one case is <b>yet to be determined</b> .
Administrative Misconduct	14	Six employees received <b>suspensions without pay</b> . Three employees received <b>written reprimands</b> . Three employees were dealt with through <b>other administrative measures</b> . One employee faced no formal disciplinary action but had their <b>leave entered as unauthorized leave without pay</b> . Another employee <b>chose to resign</b> prior to the conclusion of the process.
Personnel Security Violations	2	One employee had a <b>security note added to their file</b> and is <b>required to attend two yearly security briefings</b> . The other employee received a <b>suspension without pay</b> .
Violations of the Network Acceptable Use Policy	1	The employee received a <b>verbal reprimand</b> and was required to <b>take mandatory training</b> .

\* **Note:** In these harassment and violence cases, the consequences applied were in relation to investigations tied to misconduct which were uncovered during an investigation conducted following receipt of Notices of Occurrence of Harassment, Violence or Discrimination under the CLC.



### Financial Mismanagement

Cases of financial mismanagement often result in the loss of public funds or Crown property. These cases can include suspected fraud, misuse, embezzlement, or theft of government assets or funds, contract or procurement fraud, contractor misconduct, or mismanagement or misappropriation of funds.

One case involved an employee who attempted to claim insurance compensation despite already being compensated by the employer. The investigation revealed a medical condition affecting judgement and cognitive abilities. This was resolved through other administrative measures and involved the use of a duty to accommodate process. This took place in fiscal year 2023-2024, but the investigation only concluded in fiscal year 2024-2025.

Some instances of financial mismanagement can be investigated under the PSDPA as potential misuse of public funds or assets. If wrongdoing is founded, it must be publicly disclosed. In 2024-25, no disclosures were received. However, an investigation commenced in a previous fiscal year is ongoing at the time of this report.

## Harassment and Violence

According to Part II of the CLC, harassment and violence means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee. The harassment and violence resolution process under the CLC Regulations does not offer recourse or redress for individuals, rather, it is exclusively a process focused on prevention. The Regulations do however provide for multiple concurrent processes, meaning that employees of the Department may provide a Notice of Occurrence, while simultaneously pursuing other recourse options (e.g. grievances, complaints under the *Canadian Human Rights Act*, etc.), which may offer personal remedy or redress options.

During the period in question, the Department received nine Notices of Occurrence. One investigation into harassment and violence was conducted, wherein allegations were deemed unfounded. Despite allegations being deemed unfounded, preventive measures, such as training and measures to repair the workplace, were implemented. Of the eight other Notices of Occurrence, one was resolved through a negotiated resolution, three are in the process of being addressed, three were withdrawn, and one is currently being assessed.

As previously mentioned, the focus of the harassment and violence resolution process under the CLC Regulations is prevention, that is, in order to ensure a safe and respectful work environment. However, an investigation following a Notice of Occurrence may lead to a misconduct conclusion depending on the findings and the specifics of the case.

Disciplinary processes related to harassment and violence that occurred in previous fiscal years have led to these outcomes:

- An investigation initiated in the previous year concluded in 2024 that several allegations of harassment were founded against a manager. A disciplinary process was also conducted to address the misconduct and resulted in a suspension without pay.
- In the previous fiscal year, a senior counsel rushed into a counsel's office, aggressively yelling and shouting at them and using inappropriate language. A disciplinary process was conducted and resulted in a suspension without pay.

Other recourse options may be accessed to address occurrences. For example, harassment and discrimination grievances under the applicable collective agreement and discrimination complaints under the *Canada Human Rights Act* can be available to employees. The availability of these mechanisms depends on the specific case. No such recourses were initiated by employees for the matters referred to above.

Although it was not the case this fiscal year, some instances of harassment and violence may also be investigated as potential wrongdoing under the PSDPA if they constitute a serious breach the Department's Values and Ethics Code.

## **Breach of the Departmental Values and Ethics Code**

The Code encompasses a broad spectrum of conduct that employees are required to follow and uphold. A breach occurs when an employee violates these values and ethics. Examples of such breaches include misusing influence or access to resources, providing false personal information, threatening or intimidating a colleague, or failing to disclose a conflict of interest.

During the period, there were seven instances where breaches of the [Values and Ethics Code of the Department of Justice](#) were identified as set out below:

### **Inappropriate or unprofessional behaviours**

- An employee continuously acted inappropriately and disrespectfully towards their manager in emails and MS Teams messages. This behaviour was addressed through progressive disciplinary actions including a written reprimand and suspensions without pay.
- An employee acted inappropriately during an informal discussion with a staffing review panel. This was resolved through other administrative measures.
- An employee repeatedly used inappropriate language that intimidated or belittled their colleagues. This was resolved through a letter of expectations.
- An employee was aggressive toward and raised their voice to a colleague which was resolved through other administrative measures.

### **Breach of integrity**

- An employee was discovered to have provided falsified documentation at the time of their appointment. An internal investigation resulted in the termination of employment.
- An employee offered opposing counsel a financial settlement to settle a claim against a client department without proper authorization from the Department of Justice and without the client department's knowledge. Measures are pending in this case.

### **Undue use of influence or access to resources**

- An employee gained unauthorized access to an IT room by misrepresenting themselves to the Commissionaire as an IT employee. This led to a verbal reprimand and an internal review of access level requirements to avoid similar issues in the future.

Certain breaches may also be investigated as potential wrongdoing under the PSDPA if they constitute a serious breach of the Department of Justice Values & Ethics Code. There were no instances under PSDPA this fiscal year.

## Administrative Misconduct

Administrative misconduct encompasses various forms of inappropriate workplace behavior, including time theft, tardiness, absenteeism, unauthorized leave, engaging in personal activities during work hours, insubordination, neglecting duties or specific tasks, failing to follow instructions, or misusing government assets.

During the period, 14 instances of administrative misconduct were confirmed as described below:

- An employee refused to attend a performance meeting as directed and also used communication that inappropriately challenged management's experience and expertise. A fact-finding resulted in a written reprimand.
- An employee recorded their disciplinary hearing without management's knowledge or approval and also asked a paralegal staff to transcribe it on their behalf. This resulted in a fact-finding that led to a suspension without pay.
- A manager failed to take appropriate action after an employee on secondment informed them of concerns regarding harassment. This led to an investigation and partial findings of misconduct. This was resolved through other administrative measures, including updating standard operating procedures for Justice employees travelling overseas.
- An employee failed to report to work despite not having enough vacation leave credits and being advised by management that they were expected to report to work. They previously received a written reprimand for taking unauthorized leave. The leave was entered as unauthorized leave without pay.
- An employee disregarded management's direction by involving themselves in a case where there was a conflict of interest. An investigation was initiated but the employee chose to resign prior to the conclusion of the process.
- An employee acted inappropriately, messaging managers and colleagues on numerous occasions regarding workplace issues they felt should be addressed. They also publicly posted videos and messages online, some of which contained departmental and client information. A health assessment revealed an existing medical condition affecting judgment. A fact-finding was conducted but ultimately this was resolved through other administrative measures (letter of expectations).
- An employee posted a memo on an internal database that stores legal opinions that unduly and unprofessionally criticized the employer and management. This was done in contradiction to instructions previously provided to the employee. A fact-finding led to a suspension without pay.

- An employee used employer resources (administrative supplies, etc.) for personal external paid work when they were told previously by the employer that they could not. They also had an interaction with a senior colleague where the colleague felt cornered and unable to leave the situation. An investigation took place leading to a written reprimand.

### **Absenteeism**

There were five cases of absenteeism that were addressed through written reprimand, suspension without pay or other means.

### **Misuse of government assets**

An employee repeatedly used their travel credit card for personal reasons, including for cash advances and to pay for plane tickets. A fact finding led to a suspension without pay.

### **Personnel Security Violations**

Under the Chief Security Officer, the Security Operations Unit:

- conducts investigations to establish and evaluate the facts surrounding security incidents or allegations relating to security policy compliance, misconduct, suspected criminal activity, or workplace violence.
- acts on and reports to the appropriate law enforcement authority or lead security agency.
- conducts reviews for cause of individual's eligibility to hold a security status or clearance which may call into question employee's reliability and/or loyalty to Canada and revokes the security status or clearance previously granted.

Security investigations relate to security of information (improper transmittal and transportation or unauthorized access of classified material), national security (questionable conduct related to loyalty to Canada), misconduct (mischief) insider threats (unauthorized information dissemination, espionage), reliability status reviews, and other matters which would not fall under the purview of any of the other departmental units that manage investigations, such as IT security, Labour Relations, the Values and Ethics Office for issues related to Wrongdoing or the Harassment and the Violence Prevention Program.

A review of an employee's reliability status or security clearance is conducted based on information or behaviour that may call into question an employee's reliability and/or loyalty to Canada.

During fiscal year 2024-25, two security investigations were conducted, and the findings are described below:

- An employee shared protected information belonging to the Department and a client department pertaining to an Access to Information and Privacy (ATIP) requestor on social media. A fact-finding was completed, a security note was added to the employee's file, and the employee is required to attend two yearly security briefings.
- An employee sent protected B material, including those of Canadian citizens, to their personal email account and to their union representative. The employee also contacted an ATIP requestor after being explicitly told not to do so and continuously undermined management's direction and authority. This led to an investigation that resulted in a suspension without pay.

## **Violations of the Justice Network Acceptable Use Policy**

Under the joint responsibility of the Chief Security Officer and Chief Information Officer, Information Technology Security administers the Directive on Service and Digital (DSD). Under the DSD, investigators gather and process electronic information and conduct forensic investigations into the misuse of the Department's electronic network and associated devices and assist with IT forensics for other investigations conducted by the Department of Justice.

Misuse can include using the Department's systems or network, including Wi-Fi or departmental smartphones, to conduct activities that can be considered a criminal offence; may impede departmental operations or the delivery of services or lead to data loss; or involve processing sensitive or classified information on a system not accredited for that level of information.

During fiscal year 2024-2025, IT Security initiated one DSD investigation as listed below:

- An employee installed software on computers without authorization causing an IT Security breach. This led to a verbal reprimand and a requirement that the employee take mandatory training.

## **External investigations**

Various Canadian entities may conduct independent investigations into a department or its employees as part of their responsibilities. This section outlines the types of investigations these entities conduct and provides a summary of any completed investigations related to alleged misconduct or wrongdoing at the Department of Justice.

## **Interactions with police services**

Justice's Corporate Security Unit acts as the liaison between the Department and Canadian law enforcement agencies. The Corporate Security Unit may refer cases to law

enforcement agencies if information uncovered provides reasonable grounds to suspect that a person may pose a serious threat to others or may be involved in fraud or other criminal conduct. No referrals were made in 2024-2025.

## **Office of the Public Sector Integrity Commissioner**

The Office of the PSIC is an independent federal organization established to enforce the PSDPA. The Office investigates wrongdoing within the federal public sector and helps protect whistleblowers and those who participate in investigations from reprisal.

The Office enhances accountability and oversight of government operations by:

- Offering an independent and confidential process for receiving and investigating disclosures of wrongdoing in the federal public sector from public servants and the public.
- Reporting confirmed cases of wrongdoing to Parliament and advising chief executives on corrective actions.
- Providing a mechanism to address complaints of reprisal from public servants and former public servants, including resolution through conciliation and referrals to the Public Servants Disclosure Protection Tribunal.

Over the past year, no founded cases of wrongdoing related to the Department of Justice have been publicly disclosed.

For more information about the PSIC, please visit the [PSIC website](#).

## **Canadian Human Rights Commission**

Under the *Canadian Human Rights Act*, individuals or groups can file a human rights complaint with the Canadian Human Rights Commission (CHRC) if they have reasonable grounds to believe that an action or decision resulted in unfair or negative treatment based on prohibited grounds of discrimination, such as:

- race, national or ethnic origin, colour
- religion
- age
- sex
- sexual orientation, gender identity or expression
- marital status, family status
- genetic characteristics
- disability
- conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered

The CHRC first examines discrimination complaints to determine if it meets all the necessary criteria of a human rights complaint. If a complaint does not meet the necessary criteria, the CHRC can decline to review. If it does meet, the CHRC can refer the complaint to the Canadian Human Rights Tribunal (CHRT) for adjudication.

In the fiscal year 2024-2025, the Department of Justice was not advised of any complaints filed under any of the above grounds. As the complaint process is confidential, the Department is not informed as to how many complaints were declined by the CHRC.

For more details on the CHRC review process, please visit the [CHRC website](#).

## **Employment and Social Development Canada**

Employment and Social Development Canada (ESDC) investigations relate to the Department's occupational health and safety program and the workplace. Investigations can be initiated under three circumstances:

- in the event of a critical injury or a fatality.
- after a complaint under the CLC section 127.1 (Internal Complaint Resolution Process): an employee believes that there has been a contravention of Part II of the Code and that an accident, injury or illness can or has occurred.
- after a complaint under the CLC section 128.1 (refusal to work if danger) if the employee is not satisfied with the Department of Justice's decision and believes there is still a danger to their health.

In these circumstances, ESDC can:

- request that the employer/employee submit an assurance of voluntary compliance (AVC). An AVC is the employer or employee's written commitment to a health and safety officer that a contravention of the CLC will be corrected within a specified period.
- issue a direction, which is a legal written notice ordering the employer/employee to address a contravention of Part II of the CLC within a specified period.

The Department had no infractions under Part II of the CLC in 2024-2025 and no resulting investigations.

For more information on the ESDC investigation process, please visit the [Occupational health and safety in federally regulated workplaces](#) site.

## **Public Service Commission**

As part of its mandate to oversee the integrity of the staffing system and the political impartiality of the federal public service, the Public Service Commission (PSC) investigates

concerns relating to specific appointment processes and allegations of improper political activities for organizations that are subject to the *Public Service Employment Act*.

There were two requests for investigations filed before the PSC during 2024-2025. However, in both cases, the PSC decided not to proceed with an investigation and the files were closed. The PSC's decision not to pursue the two cases further was based on the limited possibility of implementing corrective actions since the individuals involved in these matters were either no longer considered in the appointment process or employed by the Department.

## Conclusion

This inaugural Report on *Addressing Misconduct and Wrongdoing at the Department of Justice* represents a further step in our commitment to ethical conduct, accountability, and transparency. It underscores our dedication to thoroughly addressing allegations of misconduct and wrongdoing and taking appropriate action in substantiated cases.

We will inevitably learn from this first annual report. We always strive to improve our processes and reporting capabilities. For instance, we recognize that limited data was being tracked in relation to equity groups and their involvement in different types of workplace complaints. As a result of the Department's ongoing commitment to anti-racism and to support equity, diversity, inclusion and accessibility, the Department is now collecting such data in complaint processes, where possible, for analysis and will report on the impacts on various groups in future annual reports. The analysis and identification of any trends will also help the Department to understand where there are any systemic barriers, disadvantages or racism in the complaint resolution processes that need to be addressed with a goal of prevention and elimination, and when these situations occur, to resolve them more effectively.

Ultimately, the significance of the report extends beyond its content; it symbolizes the Department's unwavering commitment to upholding the highest standards of professionalism and ethical conduct, in alignment with the Code.

Your feedback is crucial for improving future editions of this annual report. Please send any comments and suggestions to [ve@justice.gc.ca](mailto:ve@justice.gc.ca).

## Annex A – Definitions

A **conflict of interest** arises when the person employed have private interests that could influence the performance of their official duties and responsibilities or in which they use their position for personal gain. It can be:

- Real: exists at the present time
- Apparent: could be perceived by a reasonable observer to exist, whether or not that is the case
- Potential: could reasonably be foreseen to happen in the future

**Discrimination** involves any action or decision that results in unfair or negative treatment of a person based on prohibited grounds such as race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offense for which a pardon has been granted or a record suspension has been ordered.

**Misconduct** refers to any action, decision, remarks or behavior deliberate or not by an individual that violates an act, regulation, rule, departmental or Treasury Board Secretariat policy, collective agreements, conditions of employment, approved procedure, reasonable and lawful management request, or the Values and Ethics Code of the Department of Justice. Examples include unauthorized absence from work, insubordination, and tardiness.

The severity of misconduct can vary, but it generally involves actions or behaviours that are not considered serious enough to threaten the integrity of the organization as a whole. It may nonetheless warrant administrative or disciplinary action depending on the context, frequency, and impact of the behaviour.

A **fact-finding exercise** is a limited scope assessment to identify the issue and clarify relevant facts, gathering information before deciding whether and investigation is necessary.

An **investigation** involves gathering and analyzing information related to an incident of alleged misconduct or wrongdoing to address any risk of harm and prevent future occurrences.

A **disciplinary process** is a structured process to address employees who have violated departmental processes or policies, involving a series of steps.

A **grievance** is a written complaint that can be filed by an individual on their own behalf, by a bargaining agent representative on behalf of a group, or by a bargaining agent or employer in the case of a policy grievance.

**Wrongdoing:** The PSDPA defines wrongdoing as one or more of the following:

- a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of the PSDPA;
- b) a misuse of public funds or a public asset;
- c) a gross mismanagement in the public sector;
- d) 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 a public servant;
- e) a serious breach of a code of conduct established under section 5 or 6 of the PSDPA; and
- f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

## Annex B – Department of Justice employee resources for addressing misconduct and wrongdoing

Everyone has the right, and the responsibility, to speak up when a difficult issue occurs. Any employee can report an issue of concern, whether you are in a regional office or a departmental legal services unit and regardless of your employment classification or status.

If you have experienced, witnessed, or been informed of an incident, follow these steps:

Step 1: please speak with:

- Your manager, if you feel comfortable to do so.
- The Ombuds and Informal Resolution Services Office, as a confidential safe space for employees to raise concerns outside the formal reporting channels (See [Annex D](#)).
- Depending on the issue and your situation, you may also want to speak to a union representative, a mentor and/or a representative of one of the Department of Justice's employee advisory committees and networks.
- Executive employees can reach out to the Association of Professional Executives of the Public Service of Canada (APEX).

Step 2: the following departmental teams can help you with the initiation of informal and formal mechanisms, including investigations into misconduct and wrongdoing. Contact points vary depending on the issue:

- Harassment and Violence Prevention: [respect@justice.gc.ca](mailto:respect@justice.gc.ca)
- Breach of Code of Conduct: [ve@justice.gc.ca](mailto:ve@justice.gc.ca)
- Wrongdoing: [jus.internal\\_disclosure.divulgation\\_interne@justice.gc.ca](mailto:jus.internal_disclosure.divulgation_interne@justice.gc.ca)
- Fraud and Financial misconduct: [corporatesecurity-securitecorporative@justice.gc.ca](mailto:corporatesecurity-securitecorporative@justice.gc.ca)
- Corporate Security: [corporatesecurity-securitecorporative@justice.gc.ca](mailto:corporatesecurity-securitecorporative@justice.gc.ca)
- Directive on Service and Digital: [ServiceDesk-CentredeServices@justice.gc.ca](mailto:ServiceDesk-CentredeServices@justice.gc.ca)

You can also directly contact other Government of Canada organizations for the following issues:

- Discrimination: [Canadian Human Rights Commission](#)
- Breach of the Code and PSDPA: [Public Sector Integrity Commission](#) (if you prefer not to engage with the Department of Justice's Senior Officer for Internal Disclosure (SOID))
- Occupational Health and Safety: [Employment and Social Development Canada](#)
- Staffing processes: [Public Service Commission](#)

For further information on reporting an incident, employees can contact: [ve@justice.gc.ca](mailto:ve@justice.gc.ca).

Managers navigating difficult situations with their employees may also communicate with the Values and Ethics Office ([ve@justice.gc.ca](mailto:ve@justice.gc.ca)) to facilitate referrals to the appropriate area.

## Annex C – Formal reporting mechanism points of contact

Formal reporting mechanisms and their points of contact are identified below. Detailed descriptions follow.

### Harassment and Violence Prevention Program

- Informal negotiation and/or conciliation
- Notices of occurrences of workplace harassment and violence

### Values and Ethics Office

- Promotion of the Values and Ethics Code of the Department of Justice
- Orientation and guidance on conflicts of interest
- Guidance on the PSDPA and allegations of wrongdoing
- Investigations of potential wrongdoing under the PSDPA

### Labour Relations

- Guidance to managers on labour relations and allegations of misconduct
- Assistance in discipline processes
- Human right complaints
- Administrative investigations

### Corporate Security

- Employee's reliability status or security clearance reviews and investigations
- Security event management (incident reporting)
- Violations of the Directive on Service and Digital

Please refer to the following information for more details on each of the points of contact.

### Harassment and Violence Prevention Program

The Harassment and Violence Prevention Program (HVP) offers support and resources to all employees who are affected by workplace harassment and violence.

In accordance with the CLC, [Part II](#) – Occupational Health and Safety, federally regulated employers, including the public service, must protect the health and safety of their employees. In the federal public service, this falls under the responsibility of each deputy head as the employer. At Justice Canada, this responsibility and the functional authority lies with the Deputy Minister. However, every employee within Justice Canada has a role to play in preventing workplace harassment and violence.

The implementation of related *Departmental Policy on Work Place Harassment and Violence Prevention* aims to:

- a) prevent work place harassment and violence from happening
- b) respond to situations in which harassment or violence have occurred
- c) following a notice of occurrence, put in place measures to prevent future occurrences
- d) support those employees who have experienced harassment and violence in the work place

HVP is responsible for:

- Providing information and awareness related to harassment and violence prevention
- Handling notices of occurrence of harassment and violence, including supporting the conciliation process
- Performing work place assessments

For more information about the departmental policy and resolution process, tools, support and resources available, contact: [respect@justice.gc.ca](mailto:respect@justice.gc.ca).

## **Values and Ethics Office**

The Values and Ethics Office has the responsibility to create awareness and promote the [Values and Ethics Code of the Department of Justice](#) (the Code).

Investigations for breaches under the Code are conducted by management with the support of Labour Relations. The Values and Ethics Office is only involved in cases where there is a need for functional expertise in relation to a conflict of interest issue, in relation to an employee not meeting their [Duty of Loyalty](#), or similar requirements.

For general information about values and ethics, contact: [ve@justice.gc.ca](mailto:ve@justice.gc.ca).

## **Public Servants Disclosure Protection Act**

The Values and Ethics Office also supports the Department's Senior Officer for Internal Disclosure of wrongdoing in assessing possible wrongdoing and conducting investigations into disclosures of wrongdoing under the PSDPA, where appropriate.

The PSDPA gives federal public service employees and others a secure and confidential process for disclosing wrongdoing in the workplace as well as protection from acts of reprisal. It is part of the Government of Canada's ongoing commitment to promoting ethical practices in the public sector.

Employees may make a protected disclosure to their supervisor, the designated Senior Officer for Internal Disclosure of wrongdoing, or the Public Sector Integrity Commissioner.

The Values and Ethics Office's mandate as it relates to the PSDPA is as follows:

- receive and address disclosures from employees of the Department of Justice
- ensure the confidentiality of all information obtained under disclosures
- provide PSDPA-related advice and guidance to employees of the Department of Justice
- investigate allegations of wrongdoing
- promote ethical practices in the public sector and a positive environment for disclosing wrongdoing

For more information, please contact:

[jus.internal\\_disclosure.divulgation\\_interne@justice.gc.ca](mailto:jus.internal_disclosure.divulgation_interne@justice.gc.ca)

### **Labour Relations Division**

The mandate of the Labour Relations Division (LR) is to promote harmonious and productive workplace relations by providing expert advice and assistance to managers on employment and employee relations matters. LR provides strategic advice and guidance to managers to foster harmonious and productive working relationships that support organizational goals. Its services include supporting union-management consultations and negotiations, managing grievances, interpreting collective agreements, and developing or advising on workplace policies, directives, and tools.

One of LR's services is to provide guidance and advice to managers when an administrative investigation or fact-finding inquiry into allegations of misconduct are warranted or required. This includes ensuring that managers address breaches or violations of a policy or code, acts of insubordination, breaches of trust or any other unacceptable behaviour, including breaches of the Departmental Values and Ethics Code.

When a manager becomes aware of potential misconduct, they consult with LR to explore available options to address and resolve matters. If an administrative investigation is necessary, LR supports the delegated manager investigating the matter by assessing the circumstances, interpreting terms and conditions of employment, researching jurisprudence, and advising on investigative steps. This includes promoting due diligence, procedural fairness, and timely communications.

An employee under investigation is notified of the allegations and informed of the rights afforded and responsibilities involved in accordance with policies and terms and conditions of employment, such as a collective agreement, for example.

Where misconduct or a breach of employer policy is deemed to have occurred, the manager may implement corrective measures to address the matter effectively. This may include, but is not limited to, providing additional training, clarifying expectations and acceptable behaviours, or issuing formal discipline, such as an oral or written reprimand, a suspension without pay, or a termination of employment. To that end, LR is responsible for

assisting delegated managers to ensure that the discipline process is fair and transparent, and in accordance with the applicable policies and terms and conditions of employment.

For more information, please contact: [LR-RT@justice.gc.ca](mailto:LR-RT@justice.gc.ca).

## **Corporate Security Division**

Corporate Security is under the functional authority of the Chief Security Officer (CSO) supported by the Safety, Security and Emergency Management Division (SSEMD) and by IT Security. The SSEMD conducts investigations and fact-findings into employees' security screening status (reliability or security clearance) when a review for cause is needed. The Division also investigates incidents related to security of information, national security, reliability issues, and possible insider threats.

IT Security conducts investigations into the misuse of the Department's electronic network and associated devices. It is also responsible for helping with investigations conducted by other investigative bodies mentioned in this report. The unit gathers and processes electronic information by conducting forensic analysis once the Chief Security Officer grants a mandate.

Corporate Security also supports investigations into potential fraud and financial misconduct.

For more information, please contact: [CorporateSecurity-SecuriteCorporative@justice.gc.ca](mailto:CorporateSecurity-SecuriteCorporative@justice.gc.ca)

## Annex D – Other support services

### Ombuds and Informal Resolution Services Office

Your gateway to support from the Ombuds and Informal Resolution Services Office is an email to [ombuds@justice.gc.ca](mailto:ombuds@justice.gc.ca). Their services are offered to all departmental employees.

**Ombuds Services:** confidential conversations with the Ombuds or Associate Ombuds are your starting point to help you address your situation informally and navigate the system. Ombud services are independent, confidential, impartial and informal.

**Ombuds Services provide** a safe and neutral space where individuals can speak up, be heard, and express concerns.

**How does Ombuds Services work?** When you have a confidential conversation with the Ombuds, they:

- listen to understand issues
- reframe them to develop potential options for resolution
- guide you in dealing directly with other people and improving your skills in addressing concerns including making referrals to other services

**What else can Ombuds Services do?** They bring issues to the surface and identify opportunities for systemic change within the organization.

#### **Services the Ombuds does not provide:**

- Act as a representative of the employer or employees
- Play an active role in any formal or informal resolution process/mechanism including investigations
- Replace official channels
- Receive recourse notifications for the organization

The use of the Office of the Ombuds is voluntary and does not constitute a step in a formal process.

**Informal Conflict Management Services (ICMS):** confidential conversations with their practitioners can help manage conflicts and promote positive interactions.

**What is ICMS?** A voluntary, quick, informal approach to managing and resolving conflicts in the workplace. They assist employees, managers, and teams in overcoming workplace issues and challenges.

**How does ICMS work?** They provide:

- individual conflict management coaching sessions to receive guidance during your reflections and explore ways for handling conflict situations

- facilitated discussions/mediations with the goal of improving communication and understanding
- customized group interventions with a focus on improving team dynamics and creating a psychologically healthy and safe workplace

**What else can ICMS do?** They provide advice to managers on how to handle challenging workplace situations. They also provide training to all staff on issues related to team dynamics and a healthy workplace.

### **Employee Assistance Program**

The Employee Assistance Program (EAP) offers confidential, professional and bilingual counselling services 24 hours a day, 7 days a week. The program, facilitated by employees and a network of mental health professionals, offers both preventive and remedial solutions to employers, employees, and family members who have concerns that could affect their personal well-being or work performance.

#### **Contacts**

24 Hour Crisis and Referral Centre

1-800-268-7708

TDD service for the hearing impaired

1-800-567-5803

EAP Chat Service

[www.canada.ca/eap-chat](http://www.canada.ca/eap-chat)

Monday to Friday, from 8 am to 7:30 pm (Eastern time), excluding statutory holidays

**How does the EAP work?** The program offers short-term, solution-focused psychological support and immediate crisis counseling. It can also provide recommendations for specialized or long-term assistance if needed.

**What else can the EAP do?** The program offers advisory services to managers and supervisors. It also provides support for grief, loss, and trauma management during unexpected events in the workplace.