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2024-2025 Annual Report on Employee Misconduct and Wrongdoing

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Introduction

The RCMP External Review Committee (ERC) is an independent administrative tribunal that contributes to fair and equitable labour relations and helps to reinforce accountability at all levels within the Royal Canadian Mounted Police (RCMP). Other than the courts, the ERC is the only independent review mechanism available to RCMP members and management for serious labour relations matters. The ERC conducts impartial reviews of appeals of certain conduct decisions and measures imposed on RCMP members and of written decisions regarding harassment complaints filed prior to January 1, 2021. It also reviews appeals of revocations of appointments, discharges, demotions and ordered stoppages of pay and allowances. Case files dealing with these matters are referred to the ERC for review by the RCMP pursuant to sections 33 and 45.15 of the *Royal Canadian Mounted Police Act* and section 17 of the *Royal Canadian Mounted Police Regulations*.

The ERC is a micro organization under the core public administration with less than 30 full-time employees. ERC employees can anonymously report instances of misconduct and wrongdoing directly to the *Office of the Public Sector Integrity Commissioner*. Under section 10(4) of the *Public Servants Disclosure Protection Act* (PSDPA), an exception can be made to the requirements of establishing internal procedures to manage disclosures, if it is not practical to apply these subsections due to the size of the organization. The Chief Human Resources Officer was informed of the ERC's application of this exception as required in section 10(4) of the

PSDPA. ERC employees are guided by the ERC's Code of Conduct (the Code), the Directive on Conflict of Interest and the Values and Ethics Code for the Public Sector.

Misconduct and Wrongdoing

Misconduct is a willful action or omission by an employee that contravenes an act, a regulation, a rule, the Code, or an ERC corporate policy instrument. Discrimination, harassment and violence in the workplace are forms of misconduct.

Wrongdoing is defined in section 8 of the PSDPA 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; and
- (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

The Office of the Public Sector Integrity Commissioner states that:

The PSDPA is intended to address wrongdoing that could seriously impact the public's confidence in the integrity of the public service. It is not intended to address matters of a personal nature, such as individual harassment complaints or individual workplace grievances. These matters should continue to be addressed through procedures available to deal with such concerns.

Measures Taken in Cases of Misconduct and Wrongdoing

The ERC has a responsibility to take action when investigations determine that allegations of misconduct or wrongdoing are founded. These actions will depend on the severity of the offence and may include both disciplinary and/or administrative actions.

According to the Treasury Board of Canada's Guidelines for Discipline, **Disciplinary measures** are corrective, rather than punitive, actions to motivate employees to accept those rules and standards of conduct that are desirable or necessary to achieve the organization's goals and objectives. These actions are generally progressive and increase in severity depending on the type of incident and if previous incidents have occurred. Managers consider all aggravating and extenuating circumstances when determining the severity of the disciplinary action. Disciplinary measures may be subject to grievance and range from verbal reprimand, written reprimand, temporary suspension without pay, financial penalty, demotion, up to termination of employment.

Administrative measures are actions taken by the ERC to adjust the situation. This may include placing an employee on administrative leave without pay, temporarily removing human resources and/or financial delegation, or other measures as appropriate and depending on the situation. They may also include tools given to employees to ensure the

incident does not happen again. These can include providing a letter of expectations, developing an action plan for the employee to change their behaviour, providing training or coaching, or scheduling regular meetings with management.

Reporting Mechanism

The ERC's Senior Officer for Disclosure and its Senior Management provide key leadership in promoting ethical practices and a positive environment for disclosing wrongdoing, collaborate with the Public Sector Integrity Commissioner on investigations, prevent reprisal against those involved in disclosure investigations and prepare the annual report required under the PSDPA. However, the ERC's Senior Officer for Disclosure is not involved in receiving or conducting investigations into disclosures.

The federal public service has a secure and confidential process for disclosing serious wrongdoing in the workplace, as well as protection from reprisal in response to a disclosure. Given the size of the ERC, and under section 10(4) of the Act, the ERC gave notice to the Chief Human Resources Officer of the Treasury Board Secretariat that public servants at the ERC would be making disclosures of potential wrongdoing directly to the Public Sector Integrity Commissioner. If ERC employees believe that wrongdoing has been or is being committed, they should make a disclosure directly to the Public Sector Integrity Commissioner.

The Act is the Government of Canada's commitment to promoting ethical practices in the public service and is one of the key drivers of the Values and Ethics Code for the Public Sector. The Act covers all employees of federal departments and agencies, most Crown corporations and the RCMP. It also covers quasi-judicial civilian oversight bodies such as the ERC.

If ERC employees believe that wrongdoing is being committed, they are encouraged to come forward under the PSDPA, which guarantees them protection.

2024-2025 Findings

The ERC received nil (0) reports of misconduct or wrongdoing under the PSDPA during the 2024-2025 fiscal year.

Conclusion

The ERC remains committed to providing an environment where all staff feel safe to report incidents of misconduct or wrongdoing without fear of reprisal or punishment. ERC employees complete an annual conflict of interest attestation as required of all public servants as per the message from Clerk Hannaford, Values and Ethics Update: Our Journey Ahead. The ERC requires all staff to complete training in values and ethics, security, digital security and access to information and privacy. Managers are additionally required to complete training in procurement and using public funds responsibly. The ERC reminds staff of their responsibilities under the Code and the Values and Ethics Code for the Public Sector as well as the reporting mechanisms available to them on a regular basis.

Appendix A - Definitions

Administrative measure are actions taken by the ERC to adjust the situation. This may include placing an employee on administrative leave without pay, temporarily removing human resources and/or financial delegation, or other measures as appropriate and depending on the situation. They may also include tools given to employees to ensure the

incident does not happen again. These can include providing a letter of expectations, developing an action plan for the employee to change their behaviour, providing training or coaching, or scheduling regular meetings with management.

Disciplinary measures are corrective, rather than punitive, actions to motivate employees to accept those rules and standards of conduct that are desirable or necessary to achieve the organization's goals and objectives. These actions are generally progressive and increase in severity depending on the type of incident and if previous incidents have occurred. Managers consider all aggravating and extenuating circumstances when determining the severity of the disciplinary action. Disciplinary measures may be subject to grievance and range from verbal reprimand, written reprimand, temporary suspension without pay, financial penalty, demotion, up to termination of employment.

Discrimination is **any** action, decision, policy or process in matters relating to employment with the ERC that differentiates adversely in relation to, or has an adverse effect on, an employee based on a prohibited ground of discrimination, or otherwise constitutes a discriminatory practice described in sections 7 to 14.1 of the Canadian Human Rights Act.

Harassment and violence, as per Canada Labour Code, is 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, including any prescribed action, conduct or comment.

Misconduct is a willful action or omission by an employee that contravenes an act, a regulation, a rule, the Code, or an ERC corporate policy instrument. Discrimination, harassment and violence in the workplace are forms of misconduct.

Wrongdoing as defined in section 8 of the *Public Servants Disclosure Protection Act*:

- (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 this Act;
- (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; and
- (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

Appendix B - Resources

Canada Labour Code

<https://laws-lois.justice.gc.ca/eng/acts/l-2/>

Canadian Human Rights Act

<https://laws-lois.justice.gc.ca/eng/acts/H-6/index.html>

Directive on Conflict of Interest

<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32627>

Guidelines for Discipline

<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=22370>

Office of the Public Sector Integrity Commissioner

<https://psic-ispc.gc.ca/en>

Public Servants Disclosure Protection Act (PSDPA)

<https://laws-lois.justice.gc.ca/eng/acts/P-31.9/page-1.html>

Royal Canadian Mounted Police Act

<https://laws-lois.justice.gc.ca/eng/acts/R-10/index.html>

Royal Canadian Mounted Police Regulations

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/index.html>

Values and Ethics Code for the Public Sector

<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=25049>

Values and Ethics Update: Our Journey Ahead

<https://www.canada.ca/en/privy-council/services/values-ethics/message-clerk-hannaford-deputy-ministers-heads-separate-agencies-heads-federal-agencies-october-2024.html>

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