



How Am I Protected?

Tell us.
You are protected.

MANY THINGS GO THROUGH YOUR MIND WHEN DECIDING WHETHER TO MAKE A PROTECTED DISCLOSURE OF WRONGDOING.

One of the most common concerns is the fear that if someone in your organization finds out that you made the disclosure, your work life could be negatively affected. This booklet addresses how your identity is protected and how the *Public Servants Disclosure Protection Act* (the Act) and the Office of the Public Sector Integrity Commissioner of Canada can help you.

If I contact your Office with some general questions would it be considered a disclosure?

No. A general question is not a disclosure and you do not have to provide your name. You may contact us if you have seen something that you believe might be wrongdoing in your workplace and are looking for guidance. We will listen to you and help you determine if your concerns could be considered wrongdoing under the *Act*.

Some situations may not meet the definition of a wrongdoing under the *Act*, but may still require attention. If our Office is not the most appropriate mechanism to deal with the situation you raise, we will do our best to direct you to the right place.

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I've decided that I want to make a protected disclosure of wrongdoing under the *Act*, but I am afraid to give my name.

Understandably, you have concerns about bringing to light something that you think is wrongdoing. Know that when you make a protected disclosure, your identity is kept in the strictest of confidence. The *Act* includes explicit provisions to protect the identity of disclosers and witnesses, which keep us from revealing your name to your organization or to anyone involved. Also, anyone who participates in a disclosure investigation is informed of their responsibility to maintain confidentiality.

Any information obtained during the course of an investigation cannot be released under the *Access to Information Act*, the *Privacy Act* or the *Personal Information Protection and Electronic Documents Act*.

We encourage anyone who fears identifying themselves for the purpose of making a protected disclosure to contact our Office to discuss the process and procedures that we have put in place, as well as the protections provided to disclosers under the *Act*.



Can I make an anonymous disclosure?

Our Office may investigate anonymous disclosures if the information concerns serious wrongdoing and appears reliable and sufficient to allow the allegations to be investigated.

However, providing your contact information will allow us to make a thorough assessment of your disclosure, as we can talk to you to get the full picture of the situation, gather any proof you might have and obtain names of potential witnesses we could eventually contact in the course of an investigation. Remember, the *Act* includes provisions to protect disclosers and witnesses if reprisals are taken against them; anonymous disclosers cannot be protected.

How would I be protected from reprisals in my workplace?



Your identity will be protected. Unfortunately reprisal actions can occur. If you made a protected disclosure or participated as a witness in a wrongdoing investigation and reprisal actions have been taken against you, contact our Office as soon as possible. We have sole jurisdiction in handling reprisal complaints.

The *Act* states that you must contact the Office within 60 days of knowing that you have been reprised against. This time period can be extended by the Commissioner depending on the circumstances of each case, so it is important to file a complaint even if the alleged reprisal occurred more than 60 days ago.

The Commissioner must make a decision whether to investigate within 15 days of your complaint being filed.

If, after an investigation, the Commissioner has reasonable grounds to believe that reprisals occurred, he must refer the case to the Public Servants Disclosure Protection Tribunal (the "Tribunal"). The Tribunal is composed of judges of the Federal Court or a superior court of a province.

During the course of a reprisal investigation, if deemed appropriate, the Commissioner may suggest a voluntary conciliation between both parties. This means that you and the person who reprised against you could come to a resolution together. We can help you with this process.

What will the Tribunal do?

The Tribunal will decide if reprisal actions took place, and it has the power to order the appropriate remedy for you. The Tribunal can also order disciplinary sanctions for those who reprised against you, if requested by the Commissioner.

Anyone who takes reprisal action against you is committing an offence and could face a fine of up to \$10,000 and/or imprisonment for up to two years.

It is important to note that once you make a reprisal complaint, and we launch an investigation into your complaint, your identity can no longer be kept confidential. Your case also becomes public information if it goes before the Tribunal.

Can I get legal advice?

The Commissioner has the authority to approve access to legal advice to any person involved in a proceeding under the *Act* (either related to disclosure or reprisal), up to a maximum of \$3,000. You may also qualify to receive access to legal advice if you are considering making a protected disclosure or filing a complaint of reprisal, but have not already done so.

The relationship between the lawyer and the person receiving the legal advice is protected by solicitor-client privilege.

The *Act* states that one of the conditions for providing legal advice is that the person requesting it must not have access to free legal advice by other means.

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

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