

## ANNEX B - REQUIREMENTS AND PROCEDURES FOR DISCLOSURES

- a. This Annex outlines the requirements procedures for handling internal disclosures.

### Early Resolution

2. SNPF employees are encouraged to address their concerns at the lowest level, and may get assistance in doing so by contacting the Centre for Conflict Resolution and Ethics (CCRE). The CCRE also provides employees information regarding the PSDPA.

### Resources

3. Employees can also refer to the PSDPA information for SNPF employees ([hyperlink](#)) or related info and FAQs at [Resources on the Public Servants Disclosure Protection Act](#) and the [Public Sector Integrity Commissioner website](#).

## REQUIREMENTS

### Confidentiality

4. The SNPF is required under the PSDPA to:
  - a. protect, subject to any other Act of Parliament and the principles of procedural fairness and natural justice, the identity of persons involved in the disclosure process, including that of:
    - i. the person making the disclosure;
    - ii. witnesses;
    - iii. the person alleged to be responsible for the wrongdoing; and
  - b. establish procedures to ensure the confidentiality of information collected in relation to a disclosure under the PSDPA

### *Access to Information Act and Privacy Act*

5. In order to protect the identity of persons involved in the disclosure process, the Access to Information Act and the Privacy Act were amended to provide that the head of a government institution, the CEO SNPF, is required to refuse to disclose any record requested under either of these Acts that contains information created for the purpose of making a disclosure under the PSDPA or in the course of an investigation into a disclosure under the PSDPA.

## PROCEDURES

### Assessing Avenues of Resolution

6. There are a number of avenues for resolution available to SNPF employees. While the CCRE is available to employees at any time, to assist in determining if the issue should be addressed as a disclosure, employees may ask themselves:

- a. Does this situation affect the interest of SNPF or the Public? If so, is disclosure under the Act the only option for resolution?
- b. Is this a human resources issue such as HRPOL matter or a collective agreement matter that would normally be addressed with a grievance?
- c. Is the issue related to discrimination, harassment or violence in the workplace that would normally be addressed under the Workplace Harassment and Violence Prevention and Resolution Policy?
- d. Have other avenues of resolution been attempted?

## **Preparing and Submitting a Disclosure**

7. SNPF employees should make their disclosures in writing, but can be taken verbally. If taken verbally, it should be written as a transcript and signed by the employee. The following should be included in the disclosure:

- a. their name, telephone number and address in order that the Senior Officer or the Commissioner's office may contact the employee for more information;
- b. the nature of the wrongdoing;
- c. the name of the person(s) alleged to have committed the alleged wrongdoing; and
- d. additional details such as date and description of the alleged wrongdoing, and any other relevant information.

Note: If the employee chooses to disclose anonymously, for example a “brown envelope”, the provisions of the Act do not apply to the disclosure.

8. The disclosure may be submitted to:

- a. the employee's Supervisor/Manager;
- b. the Centre for Conflict Resolution and Ethics / Senior Officer directly; or
- c. the Office of the Public Sector Integrity Commissioner (PSIC).

Note: SNPF employees must follow established organizational procedures or practices for the secure handling, storage, transportation and transmission of information or documents.

## **DISCLOSURE MANAGEMENT**

### **Disclosure Made to a Supervisor/Manager**

9. If an employee provides a Supervisor/Manager with a disclosure, the Supervisor/Manager must:

#### **Step 1: Confidentiality**

Protect the identity of the employee making a disclosure and other persons involved in a disclosure situation. Information about a disclosure must only be shared with individuals authorized to deal with the situation, such as investigators, the Senior Officer or the CEO.

#### **Step 2: Confirm the disclosure**

When an employee submits a disclosure, confirm the intent of the employee to disclose a wrongdoing as defined by the PSDPA or whether it is a situation they intend to be dealt with under another process or through another recourse mechanism such as a grievance or harassment complaint.

### **Step 3: Forward the disclosure to the CCRE for review**

CCRE will register the disclosure and send the employee and acknowledgement letter within 5 days of receipt. See Disclosures Made to the CCRE for more details.

## **Disclosure Made to the CCRE**

10. Disclosures received by the CCRE follow the five following steps:

### **Step 1: Intake of Disclosure of Wrongdoing**

The disclosure is logged in the CCRE database and acknowledged in writing 5 days upon receipt of the disclosure.

**Note** – An SNPF employee shall not engage another organization or process while a disclosure is being reviewed or investigated.

### **Step 2: Preliminary Assessment**

The CCRE will:

- review the information received
- apply the definition of “wrongdoing”
- determine if there are sufficient grounds for further action
- if so, take action in accordance with step 3.

If a disclosure is rejected, the employee will be informed in writing 10 days upon completion of the Preliminary Assessment.

### **Step 3: Review or Investigation**

The CCRE must make a decision as to the appropriateness of conducting an informal review or if the disclosure should be referred to another process.

If an investigation is required, the CCRE will initiate and manage the review or investigation process. For more information regarding the investigation process, including rights and responsibilities, see the NPF Investigations Policy.

### **Step 4: Reporting**

At the conclusion of a review or investigation, the CCRE must provide:

- a finding as to the validity of the disclosure; and
- a written report to the Senior Officer (Assoc Director CMV&E).

The Senior Officer must review the results of the report and decide how best to disseminate the report's findings and recommendations.

If the Senior Officer determines that corrective action is required, applicable senior authorities in SNPF must take the corrective action and inform the Senior Officer when the action is taken. The CCRE must follow up as required.

### **Step 5: Communication of Disclosure Outcome**

Once a report has been finalized and approved, the CCRE, as appropriate, must notify in writing, subject to the provisions of the Access to Information Act and Privacy Act, the employee who made the disclosure and other relevant parties, including persons who have been implicated in the alleged wrongdoing, of the outcome of the review or investigation and of any corrective action that has been taken.

In the event that a review or investigation finds wrongdoing as a result of the disclosure, paragraph 11(1)(c) of the PSDPA requires that certain information be made public. These findings will be posted on CAFconnections.ca.

### **Disclosure Made to the Office of the PSIC**

11. The PSDPA has established the Office of the Public Sector Integrity Commissioner (PSIC). Any SNPF employee or member of the public may disclose information to the PSIC about alleged wrongdoing.

12. Under subsection 19.1(1) of the PSPDA, only the PSIC may deal with a complaint made by an SNPF employee or a former employee that a reprisal has taken place against the employee or former employee as a result of the making of a protected disclosure or, in good faith, cooperating in an investigation. The complaint may also be made by a person designated by the employee or former employee for that purpose.

### **Disclosure to the Public**

13. In accordance with section 16 of the PSDPA, a disclosure that an employee may make under sections 12 to 14 of the PSPDA may be made to the public if there is not sufficient time to make the disclosure under those sections and the employee believes on reasonable grounds that the subject-matter of the disclosure is an act or omission that:

- a. constitutes a serious offence under an Act of Parliament or of the legislature of a province; or
- b. constitutes an imminent risk of a substantial and specific danger to the life, health and safety of persons, or to the environment.

### **RESPONSIBILITIES**

14. The following table identifies the major responsibilities for the implementation of the PSDPA:

Role	Responsibility
CEO	<ul style="list-style-type: none"> <li>• review reports and recommendations from the Senior Officer and making decisions</li> <li>• within 60 days of the end of each fiscal year, submit a report to the Office of the Chief Human Resources Officer of the Treasury Board Secretariat, with respect to any disclosures made to the designated Senior Officer</li> <li>• establish the NPF Values and Ethics policy, consistent with the Treasury Board code of conduct</li> </ul>
Div Heads	<ul style="list-style-type: none"> <li>• provide an environment in which employees in their Divisions are encouraged to come forward if they perceive that a wrongdoing has been committed or may be committed in the workplace, or if they have been asked to commit a wrongdoing</li> <li>• ensure that all supervisors/managers of employees in their Divisions are made aware of the provisions of the PSDPA and the internal procedures for disclosure</li> </ul>
Senior Officer (Assoc Director CMV&E)	<ul style="list-style-type: none"> <li>• ensure that procedures are in place to provide public access to required information in accordance with the PSDPA</li> <li>• ensure that corrective measures are taken when wrongdoing is found as the result of a disclosure</li> <li>• provide oversight of the internal procedures for disclosure</li> </ul>
CCRE (Conflict Management Advisor)	<ul style="list-style-type: none"> <li>• develop and implementing the internal procedures for disclosure</li> <li>• develop procedures to ensure the protection of the identity of any persons involved in, and information created during, the internal procedures for disclosure, including any resulting review or investigation</li> <li>• initiate reviews or investigations, if required</li> <li>• ensure that any disclosure concerning an alleged breach of the <i>Criminal Code</i>, is discussed with DND/CF Legal Advisor, as appropriate, and reported to the CEO, as appropriate.</li> </ul>
Supervisors/ Managers	<ul style="list-style-type: none"> <li>• provide a positive environment in which employees may, in good faith, disclose information concerning wrongdoings in the workplace</li> <li>• be knowledgeable about the provisions of the PSDPA and the internal procedures for disclosure</li> <li>• inform employees about the PSDPA, their choices for making disclosures, protection under the PSDPA and sources of additional information</li> <li>• provide guidance to employees who are considering disclosing a wrongdoing or who are involved in the disclosure process, and informing them that the process provides a degree of confidentiality and protection from reprisal</li> <li>• protect the identity of employees who make disclosures and that of others involved in the disclosure process</li> <li>• protect employees from reprisals when they make disclosures or are involved in reviews or investigations</li> <li>• forward disclosures received to CCRE.</li> </ul>
Discloser	<ul style="list-style-type: none"> <li>• become familiar with the major provisions of the PSDPA, including the meaning of wrongdoing and the procedures for disclosure, confidentiality and</li> </ul>

Role	Responsibility
	<p>protection from reprisals</p> <ul style="list-style-type: none"> <li>• understand the choices in making a protected disclosure and where to get related information and advice</li> <li>• follow the internal procedures for disclosure unless the disclosure is made to the PSIC</li> <li>• respect the reputation of other persons by not making trivial or vexatious disclosures</li> <li>• cooperate and assisting in the conduct of a review or investigation and disclosing only the information necessary for the review or investigation</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• be familiar with the NPF Values and Ethics policy</li> <li>• be familiar with the PSDPA and know what constitutes a wrongdoing</li> <li>• know where to get information and advice on the disclosure process</li> <li>• understand the choices available for resolution when making a protected disclosure,</li> <li>• maintain confidentiality with respect to the details of a disclosure, including the identity of any person alleged to be responsible for the wrongdoing</li> <li>• report possible cases of reprisals to CCRE</li> </ul>

## REFERENCES

Public Servants Disclosure Protection Act  
 Values and Ethics Code for the Public Sector  
 NPF Values and Ethics Policy  
 Financial Administration Act  
 Privacy Act  
 Access to Information Act  
 Criminal Code of Canada