



Office of the Integrity Commissioner –
Ontario Public Service

Bureau du commissaire à l'intégrité –
Fonction publique de l'Ontario

BACKGROUNDER DISCLOSURE OF WRONGDOING (WHISTLEBLOWING)

- The *Public Service of Ontario Act, 2006 (PSOA)* was proclaimed into force on August 20, 2007. Upon proclamation the Integrity Commissioner's mandate was expanded to receive disclosures of potential wrongdoing associated with the public service of Ontario and its work.
- The *PSOA* creates an internal and external framework within which public servants can disclose potential wrongdoing so that they are properly addressed without fear of reprisal. The Integrity Commissioner is responsible for receiving the disclosures in the “external” framework and the Ethics Executives in ministries and public bodies receive the disclosure in the “internal” framework.
- The branch of the Office of the Integrity Commissioner (OICO) that deals with disclosures is the OICO - Ontario Public Service. This office provides a place for public servants from ministries and public bodies to go if they believe it is inappropriate to disclose a wrongdoing internally.
- Any public servant who files a disclosure of potential wrongdoing is guided through the process by staff at the OICO – Ontario Public Service. Each file is reviewed and the Integrity Commissioner determines whether there is jurisdiction to receive and deal with the matter. For example, the Integrity Commissioner has no jurisdiction to deal with disclosures about labour and employment matters that could be addressed through a grievance process.
- Generally, the matters that attract jurisdiction under the *PSOA* are those that involve the public interest as opposed to private disputes.
- Each file is reviewed to determine whether:
 - there was sufficient information to assess the allegations,
 - the allegations could possibly be a “wrongdoing” as that term is defined in the *PSOA*, and
 - if any of the circumstances of the allegations prevented the Commissioner from dealing with the disclosure because it concerned a matter that is outside the Commissioner's jurisdiction.
- If the file is received as a disclosure of potential wrongdoing and the Commissioner has jurisdiction to deal with it, the *PSOA* requires the Commissioner to refer the file to the appropriate deputy minister or public body chair for investigation.

- If the Commissioner is not satisfied with the investigation and report conducted by the appropriate deputy minister or public body chair, the Commissioner has full investigative powers under the *PSOA*. To date, the Commissioner has not been required to commence her own investigation under the *PSOA*.
- In addition to Ontario there are four other jurisdictions in Canada that have a protected disclosure framework for public servants. The other jurisdictions are Manitoba, New Brunswick, Nova Scotia and the Federal Government.

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