



# Annual Report of the Civil Service Disclosure of Wrongdoing Regulations and Policy

2008–2009



Public Service Commission





## Contents

---

Message from the Minister of the Public Service Commission	1
Message from the Public Service Commissioner	3
Introduction	4
Activities in 2008–2009	5
Department and Office Reports	6
The Ombudsman’s Annual Report	7
Response to the Ombudsman’s 2008–2009 Report	8
Looking Ahead	9



## Message from the Minister of the Public Service Commission

---

It is my pleasure to present the *2008–2009 Annual Report on the Civil Service Disclosure of Wrongdoing Regulations and Policy* to the citizens of Nova Scotia.

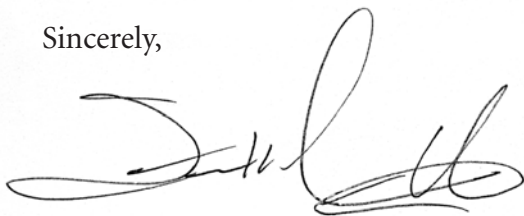
Each year, the Government of Nova Scotia reports on activities related to the Disclosure of Wrongdoing Regulations and Disclosure of Wrongdoing Policy which were introduced in September 2004.

The Government of Nova Scotia is committed to a public service that performs its duties and responsibilities in a fair, ethical, and transparent manner. An important component of that commitment is the ability of public servants to come forward with issues of potential wrongdoing in an atmosphere that is free from reprisal and that responds appropriately to the issues raised. The Disclosure of Wrongdoing Regulations and Policy were implemented to facilitate that process.

In the coming months the government will be looking at approaches to improve the process that is currently in place.

I would like to thank the employees of the Office of the Ombudsman and the Public Service Commission for their commitment to this work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Corbett', with a large, stylized flourish at the end.

Frank Corbett  
Minister



## Message from the Public Service Commissioner

---

It is my honour to present the *Annual Report on the Civil Service Disclosure of Wrongdoing Regulations and Policy 2008–2009*.

As a public service, we strive to uphold the corporate values of respect, integrity, diversity, accountability, and the public good. These values are the foundation for the new code of conduct: *Values, Ethics and Conduct – A Code for Nova Scotia’s Public Servants*. The Civil Service Disclosure of Wrongdoing Regulations and Policy are pivotal components of an ethical public service that holds the public trust.

This report outlines activities related to the Civil Service Disclosure of Wrongdoing Regulations and Policy that took place in 2008–2009.

The Public Service Commission completed its review of the Civil Service Disclosure of Wrongdoing Regulations and Policy this past year. The results of that review will inform actions that will be taken to resolve issues identified in the review.

During 2008–2009, three deputy heads received disclosures of potential wrongdoing. Two of these disclosures had been referred back to the department following an initial disclosure to the Office of the Ombudsman. Of these one was resolved with no finding of wrongdoing and the other is still undergoing investigation by the department. The third was disclosed at the departmental level and resolved within the department.

The Office of the Ombudsman received a number of inquiries in 2008–2009. As mentioned above, two of the inquiries were referred to the deputies of the departments involved in the complaint. The Office of the Ombudsman did not undertake any investigation under the Civil Service Disclosure of Wrongdoing Regulations or Policy during this fiscal year.

I wish to thank all those who contribute to the disclosure process. The ability of civil servants to disclose potential wrongdoing in a climate of trust and confidence is crucial to maintaining an ethical and accountable public service.

Sincerely,



Rosalind Penfound  
Public Service Commissioner

## Introduction

---

The Government of Nova Scotia is committed to providing a professional, ethical, and accountable public service that holds the public trust. Creating an environment where public service employees feel that they can come forward with concerns about wrongdoing without fear of reprisal and with confidence that the matter will be dealt with fairly and effectively is an important component of that commitment.

In September 2004, the Government of Nova Scotia developed the Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy to outline a clear process for public servants to report any wrongdoing they perceive to be in their workplace, and to protect employees who follow the established process from reprisal action. The regulations are applicable to all civil servants. The policy is applicable to all direct employees of government, including highway workers, adult correction workers, civil servants, and casual employees.

The Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy provide a definition of wrongdoing, a process for disclosing a potential wrongdoing, protection against reprisals and reporting and accountability requirements.

The Public Service Commissioner is responsible for submitting an annual report to the Minister of the Public Service Commission. This report summarizes disclosure of wrongdoing related activity that is received at the deputy head and/or ombudsman level. This annual report provides information that relates to disclosure activities during the period of April 1, 2008 to March 31, 2009.

To access the Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy as well as previous years' reports and other supporting documentation visit the Disclosure of Wrongdoing web site located on the Public Service Commission's internet site at: [www.gov.ns.ca/psc/v2/about/overview/publicationsPolicies/disclosureWrongdoing/](http://www.gov.ns.ca/psc/v2/about/overview/publicationsPolicies/disclosureWrongdoing/)

## Activities in 2008–2009

---

This annual report summarizes activities of the Public Service Commission. Information is also drawn from two other principle sources: deputy heads of government departments and offices, and the Office of the Ombudsman who have a regulatory requirement to inform the Public Service Commissioner of disclosure activity within their areas of responsibility.

As mentioned in last year's report, the Evaluation and Audit Division of the Public Service Commission began an evaluation of the Disclosure of Wrongdoing Policy during 2007–2008. That report was completed in July of 2008. As also mentioned in last year's report, the Public Service Commission undertook a comprehensive review of the regulations and policy. In completing the review, staff drew upon the evaluation report, recommendations in previous Ombudsman annual reports on Disclosure of Wrongdoing, as well as analysis of disclosure frameworks in other jurisdictions.

The review has been completed and a report written. That report will inform decisions regarding next steps in addressing the various issues identified.

During this past year, staff from the Public Service Commission participated in a public interest disclosure workshop hosted by the Office of the Ombudsman. This provided an opportunity for dialogue and information sharing with individuals from other jurisdictions who work in the area of disclosure.

The Workplace Investigation Training course designed to help managers and supervisors with investigations related to disclosure and other matters, is now offered through the Corporate Training Calendar.

The Public Service Commission continues to maintain the disclosure of wrongdoing web site. This web site provides easy access to several resources, such as contact information, including a dedicated e-mail address for general inquiries about the disclosure of wrongdoing regulations and policy, frequently asked questions, and a guide for conducting an assessment/investigation of a disclosure of wrongdoing.

Upon request, the Public Service Commission provides advice to various government agencies in order to aid in the development and implementation of similar disclosure policies and processes across the broader public sector.

Dialogue and information sharing with the Office of the Ombudsman is ongoing.

## Department and Office Reports

In the spring of 2009, the Public Service Commissioner contacted all government departments and offices to which the Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy apply, asking them to respond to the following two questions on behalf of their department/office:

1. Did your department/office deal with any formal disclosures during the 2008–2009 fiscal year? (With the request to forward copies of relevant correspondence if the answer is “yes”).
2. What specific actions, if any, were taken within your department/office to raise employee awareness of understanding of the Disclosure of Wrongdoing Regulations and Policy during this past year?

In the 2008–2009 fiscal year, three deputy heads received formal disclosures of wrongdoing, two of which were resolved within the department with no finding of wrongdoing and the other which is still under investigation by the department.

Approximately 50 per cent of the departments and offices reported awareness activities during 2008–2009. Activities included sharing information about the regulations and policy through orientation programs and at staff meetings, adding links to the Civil Service Disclosure of Wrongdoing Regulations and Disclosure of Wrongdoing Policy on departmental intranet sites and circulating the Public Service Commission’s Disclosing Wrongdoing brochure.

## **The Ombudsman's Annual Report**

The Ombudsman submitted his 2008–2009 report to the Public Service Commissioner in April 2009. A summary of activities highlighted in the report follows.

The Ombudsman received five general inquiries relating to the Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy and 15 disclosures of potential wrongdoing.

Of the 15 disclosures, two disclosures were determined to be best dealt with by the deputy head of the department involved, one was investigated under the Ombudsman Act and the rest were discontinued, not pursued or directed to other avenues for resolution.

No new investigations were commenced under the Civil Service Disclosure of Wrongdoing Regulations in 2008–2009. One investigation was concluded from 2007–2008, with no finding of wrongdoing.

The Office of the Ombudsman undertook a number of initiatives during 2008–2009 to support the Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy, which included

- initiating and hosting a workshop with counterparts across the country to dialogue on matters related to public service disclosure
- hiring a co-op student to do preliminary national and international jurisdictional analysis of disclosure legislation
- distributing communications on disclosure of wrongdoing to all government employees in October 2008
- continuing to dialogue with the Public Service Commission on matters related to review of the policy and regulations
- collaborating with the Public Service Commission to develop the framework for a course on investigations in the workplace which is now available through the Corporate Training Calendar
- offering presentations on disclosure to various departments and agencies

## **Response to the Ombudsman's 2008–2009 Report**

The Ombudsman did not make any specific recommendations pursuant to Section 16(f) of the regulations in his 2008–2009 Report to the Public Service Commissioner. The Ombudsman stated that the Office of the Ombudsman is awaiting the outcome of the Public Service Commission's review of the disclosure regulations and policy. The Ombudsman's expectation is that the actions resulting from that review will address recommendations put forward in the Office of the Ombudsman's annual reports of previous years. The Public Service Commission committed to consulting with the Office of the Ombudsman in the course of any actions that might be taken to change the current disclosure framework.

The Ombudsman recommended that the Public Service Commission increase education and awareness of the disclosure process. The Commission agreed to continue to use current forums and seek new avenues to raise awareness. One such avenue will be the placement of disclosure as an underpinning of ethical conduct during discussions and presentations of the new code of conduct: *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants*.

The Ombudsman discussed potential gaps in the area of processes available to excluded employees that have led employees to attempt to address human resource matters through the disclosure process. The Public Service Commission will review these matters as part of its ongoing review of corporate human resource policies and procedures.

## Looking Ahead

---

During this past year, the Public Service Commission completed its review of the Civil Service Disclosure of Wrongdoing Regulations and the Disclosure of Wrongdoing Policy. Since the completion of that review, there has been a change in government, with a new direction and new priorities. It is within that context that the Public Service Commission will be taking steps to support the direction of the government with any changes in the current disclosure framework.

As the Public Service Commission continues to roll-out the Corporate HR Management Renewal initiative, there will be opportunities to position disclosure as an important aspect of corporate ethics and principles.

The Public Service Commission will continue to fulfill its mandate to provide support and interpretation for all its corporate human resources policies and legislation, including the disclosure regulations and policy. It will also carry out any roles and responsibilities that may be set out in any new or amended disclosure process.

The Public Service Commissioner will also continue to monitor usage of the current disclosure process and report annually to the Minister of the Public Service Commission on the fiscal year's activities as required.





