

## **PUBLIC SERVANTS DISCLOSURE PROTECTION ACT (PSDPA) SCREENING PROCESS**

### Process for Supervisors and Managers

- Use the following screening process to guide you when an employee approaches you with information that could show that a wrongdoing has or is about to be committed.

### Disclosure Information / Screening Process

- Did a public servant bring forward this information?
- Does it originate from HRSDC/Labour Program or Service Canada?
- Is it anonymous?
- Is it made in good faith?
- Does it meet the definition of wrongdoing at S.8 of the PSDPA?

*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 assets;*

*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).*

- Is this an issue of public or personal interest?
- Can the issue be better addressed through another mechanism? (e.g. Access to Information, Privacy Commissioner's Office, Human Rights Commission, Harassment in the Workplace Policy, etc.)
- Is the information about the allegation/disclosure already submitted or filed with another mechanism or Act? (e.g. grievance process, labour relations, Office of Informal Conflict Management, investigation by the Internal Integrity and Security Special Investigation Unit, etc.)
- Is there sufficient information to support the disclosure?
- Does it refer to reprisal against the public servant?

### Important Steps to Consider in Reference to the Above Process

As a first step, the criteria above should be applied; you should also determine where in the Department the alleged wrongdoing has or is taking place.

Next, you need to categorize the alleged wrongdoing within the PSDPA definition.

## **PUBLIC SERVANTS DISCLOSURE PROTECTION ACT (PSDPA) SCREENING PROCESS**

As a supervisor or manager, when receiving an inquiry or formal disclosure of wrongdoing in accordance with the PSDPA, you must protect, to the extent possible with the law, the identity of persons involved in the disclosure of wrongdoing, including that of persons making disclosures, witnesses and persons alleged to be responsible for wrongdoing (Ref: s. 22. (e) of the PSDPA).

Therefore, all your communications with the SDO about any PSDPA matters must be conducted confidentially.

For further information, please consult the Department's PSDPA Internal Procedures using the [Internal Procedures](#) hyperlink. (PSDPA HRSDC or SC Intranet Sites)

**IMPORTANT:** If the disclosure is considered URGENT, you need to obtain the information from the employee and refer the matter immediately to the SDO.

### Summary of the Disclosure

You should outline the nature of the allegation of wrongdoing, including:

- Person alleged to commit the wrongdoing
- Date
- Facts to support the allegation

### List of Supporting Documents Attached

If the employee provides you with documents, list them. You may also make reference to a certain file or document that relates to the allegation, e.g. specific contract for goods or services

### Action Summary

Take note of your actions in relation to the disclosure, e.g. July 3, 2008: called B. George to discuss contracting rules.

### Other Procedures

While interviewing the employee, please note whether the employee has raised his or her concerns with another party or office.

All original documents must be sent to the SDO whether the conclusion of an inquiry is for his information and response or whether it requires fact-finding or an investigation. Only the SDO can authorize an investigation into a disclosure of wrongdoing.

No copies of PSDPA files/documentations are permitted.

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Our department has to report to the Treasury Board Secretariat within 60 days after end of fiscal year. It is therefore very important that all PSDPA inquiries and disclosures be reported to the SDO.

For assistance, please contact the Office of the SDO using the confidential telephone numbers: 819-956-4761 or toll free at 1-866-369-7731 or the confidential email at [nc-min-divulgate\\_disclosure-gd](mailto:nc-min-divulgate_disclosure-gd)