



Office of the Integrity Commissioner

DISCLOSURE OF WRONGDOING

The Integrity Commissioner accepts disclosures of wrongdoing from current and former public servants. Disclosures may also be made to an Ethics Executive. The Integrity Commissioner, an Ethics Executive and anyone else involved in the disclosure of wrongdoing framework is required to carry out their duties in a manner that protects the identity of a discloser and minimizes the risk of reprisal. The disclosure of wrongdoing framework is set out in Part VI of the *Public Service of Ontario Act, 2006*.

What is wrongdoing?

Wrongdoing refers to specific conduct of a public servant, minister or parliamentary assistant that is in one of the following categories:

- Contravention of a law;
- Acts or omissions that create a grave danger to the life, health or safety of people or the environment;
- Gross mismanagement in the work of the public service of Ontario; or
- Directing or counselling one of the above.


What is gross mismanagement?

The Act does not define the term. The Office's view is that "gross mismanagement in the work of the public service of Ontario" is: (1) conduct motivated by bad faith or improper purpose, such as personal gain or an abuse of authority; or (2) conduct that, while not motivated by improper motive, could be wrongdoing based on the following:

- The seriousness of the conduct;
- The frequency or systematic nature of the conduct;
- The public interest;
- The impact on the organization and/or the program area; and
- Reckless or willful conduct.

What is a reprisal?

A reprisal is any measure taken against a public servant that adversely affects his or her employment or appointment, which includes ending, or threatening to end employment, discipline, threat of discipline or penalty, coercion or intimidation.



What happens after a disclosure is made to an Ethics Executive?

Ethics Executives are required to comply with the Disclosure of Wrongdoing Directive issued by the Management Board of Cabinet. The Directive sets out the procedure for a disclosure made to an Ethics Executive.

What happens after a disclosure is made to the Integrity Commissioner?

A disclosure will be assessed to determine if the Commissioner has authority to deal with it. If a disclosure falls within the Commissioner's authority, the Commissioner is required to refer the matter for investigation to an appropriate senior official within the Ontario government, such as a deputy minister or chair of a public body. The Commissioner receives a report from that official. If the investigation is not satisfactory, the Commissioner may investigate. The Commissioner may also conduct an investigation if there is a conflict of interest involving the senior official. If the Commissioner conducts an investigation, a report will be sent to a senior official within the Ontario government and the responsible minister. In some circumstances, a report about a disclosure may be made public.

What factors does the Commissioner consider when assessing investigations?

When reviewing a report of an investigation of alleged wrongdoing the Commissioner considers whether the allegations have been addressed, and whether appropriate steps have been taken to address the wrongdoing and/or prevent future wrongdoing. Some of the factors relevant to the Commissioner's review of investigations include:

1. The report contains mandatory components set out in section 120 of the Act:
 - A summary of the subject matter of the disclosure;
 - A description of the steps taken in the investigation;
 - A summary of the evidence obtained during the investigation;
 - A statement of the findings resulting from the investigation; and
 - A description of any corrective action taken or proposed.
2. The selection of a neutral investigator.
3. The investigation was thorough.
4. The findings are supported by the evidence.

For further information

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