



Office of the Integrity Commissioner

DISCLOSURE OF WRONGDOING

The Integrity Commissioner accepts disclosures of wrongdoing from current and former public servants as set out in the *Public Service of Ontario Act, 2006*. 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.

What is wrongdoing?

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

The Commissioner advises Ethics Executives to be mindful of the good faith concerns of public servants rather than categorizing their allegations into respective categories.

What is gross mismanagement?

The Act does not define “gross mismanagement in the work of the public service of Ontario.” The Office has taken the view that “gross mismanagement in the work of the public service of Ontario” can manifest itself in two ways: (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, constitutes gross mismanagement.

The following factors are relevant to the Commissioner’s assessment of whether conduct, not motivated by bad faith or improper purpose, is gross mismanagement (category 2):

- 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?

The Disclosure of Wrongdoing Directive issued by the Management Board of Cabinet covers the procedures for disclosing to an Ethics Executive. It also sets out the responsibilities, rights and obligations for public servants involved in an investigation.

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

Information provided by a discloser will be assessed to determine if the Commissioner has authority to deal with the disclosure. 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 may conduct an investigation if there is a conflict involving the senior official, or if the Commissioner is not satisfied with an investigation conducted by the person to whom the matter was referred. If the Commissioner conducts an independent 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 conducted by a senior official the Commissioner considers whether the allegations of wrongdoing have been appropriately addressed, and whether appropriate steps have been taken to address the wrongdoing and/or prevent future wrongdoing.

The following factors are relevant to the Commissioner's assessment of investigations:

1. The report contains mandatory components set out in section 120 of the PSOA.
 - 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
 - A description of any corrective action taken or proposed
2. The selection of a neutral investigator
3. Sufficient Scrutiny and Thoroughness
4. Reasonable Conclusions
5. Consistency with established best practices.

For further information

Office of the Integrity Commissioner of Ontario

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