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## **INTERNAL DISCLOSURE OF WRONGDOING**

### **PURPOSE**

1. This directive describes the process for the disclosure of wrongdoing within the public service as provided by Part 6 of the *Public Service Act (PSA)*.

### **DEFINITIONS**

2. Disclosure means the provision of information by a public servant to the appropriate authority as outlined in this directive.
3. Public Servants include all employees of the Government of Nunavut (GN) including those employees of the public bodies set out in Schedule A of the PSA.
4. A Senior Manager means an employee who occupies a position that involves management of significant financial resources, programs and personnel, and, where an employee reports directly to a deputy head, means the deputy head. This generally means a senior manager who occupies a Director level position or higher.
5. Reprisal includes any action, threat or attempt to suspend, demote, dismiss, discharge, expel, intimidate, coerce, evict, terminate a contract to which the person is a party without cause, commence legal action against, impose a pecuniary or other penalty on or otherwise discriminate against the person because of a disclosure of wrongdoing by that person or because the person assists in the investigation of a disclosure made by another person.
6. Wrongdoing includes the following conduct by a public servant:
  - a. contravention of an Act of the Legislative Assembly, the Parliament of Canada or the legislature of a province or territory, or of a regulation made under any such Act;
  - b. failure to comply with applicable directives made by the Minister, the Minister responsible for the Financial Administration Act, or the Financial Management Board with respect to management of the public service or public assets for which the employee is responsible;
  - c. misuse of public funds or public property;
  - d. gross mismanagement of public property or resources for which the employee is responsible, including an act or omission showing a reckless or willful disregard for the proper management of public property or resources;



- e. harassment or verbal or physical abuse of any person other than an employee or violation of the human or contractual rights of any person providing services to or receiving services or information about services of any kind from a department or public body;
- f. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, to public or private property, or to the natural environment, other than a danger that is inherent in the performance of the duties or functions of an employee;
- g. a serious breach of the Code of Values and Ethics;
- h. any act of reprisal against an employee or other person; or
- i. a request, direction or encouragement by a supervisor or senior manager to an employee or by an employee to any other person to commit a wrongdoing set out in paragraphs (a) to (h)".

## APPLICATION

- 7. This directive applies to all GN public servants.

## PROVISIONS

- 8. Disclosures of wrongdoing by GN public servants should be in writing and contain the information requested in the attached Appendix A. If the person making the disclosure is unable to complete the disclosure form, the person accepting the disclosure must complete the disclosure form with the information provided.
- 9. A public servant may provide a disclosure of wrongdoing to one or more of the following people:
  - a. Employee's Senior Manager;
  - b. Employee's Deputy Head;
  - c. Deputy Minister of the department responsible for the PSA; and/or
  - d. Any other Deputy Minister that the employee considers appropriate in the circumstances.
- 10. A senior manager or deputy head who receives a disclosure of wrongdoing must immediately forward the disclosure to the Director of Employee Relations and Job Evaluation.
- 11. The Director of Employee Relations and Job Evaluation will ensure that an internal investigation is started within 2 working days of receipt of a disclosure of wrongdoing with the appointment of an investigator.



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12. A preliminary report of the internal investigation must be provided by the Director of Employee Relations and Job Evaluation to the Deputy Minister of the department responsible for the PSA within 14 days from receipt of the disclosure of wrongdoing.
13. Within 30 days of the initial submission of a disclosure of wrongdoing, the Deputy Minister responsible for the PSA will advise the public servant making a disclosure of wrongdoing of the actions that have been and will be taken by the GN.
14. A senior manager must report to his or her deputy head regarding the receipt of all disclosures of wrongdoing and any action taken to deal with the disclosures.
15. If, after 30 days following a disclosure pursuant to section 8, a public servant is not satisfied that enough has been done to investigate or deal with the disclosure, the public servant may disclose wrongdoing to any one or more of the following people:
  - a. Employee's Deputy Head;
  - b. Deputy Minister of the department responsible for the PSA;
  - c. Any other Deputy Minister that the employee considers appropriate in the circumstances;
  - d. Ethics Officer; and/or
  - e. A police or law enforcement agency with respect to an offence within its power to investigate.
16. Despite the reporting process referred to in this directive, if a public servant reasonably believes that there is imminent danger to the life, health or safety of a person or to property or the environment, the public servant may disclose the wrongdoing directly to the Ethics Officer or to any other appropriate person.
17. Despite the reporting process referred to in this directive, if a public servant believes he or she was the subject of an act of reprisal, he or she may file a complaint with the Ethics Officer by providing the information requested in the attached Appendix A.
18. A deputy head is required to report any disclosure of wrongdoing received from a public servant to the Deputy Minister responsible for the PSA immediately upon receipt of the disclosure.
19. The Deputy Minister responsible for the PSA is required to report any disclosure of wrongdoing to the Ethics Officer immediately upon receipt of the disclosure.



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20. The Ethics Officer is available at any time to provide information and advice respecting wrongdoing and reprisals.

**AUTHORITIES**

- 21. *Public Service Act*, Part 6
- 22. Human Resources Manual

**CONTACTS**

- 23. Director Employee Relations and Job Evaluation  
Department of Finance  
Iqaluit, NU  
(867) 975-6211