



Annual Report 2012-13



**Public Interest
Disclosure
Commissioner**

SASKATCHEWAN

July 2013

The Honourable Dan D'Autremont
Speaker of the Legislative Assembly
Province of Saskatchewan
Room 129 Legislative Building
2405 Legislative Drive
Regina, Saskatchewan S4S 0B3

Dear Mr. Speaker:

In accordance with section 23 of *The Public Interest Disclosure Act*, it is my duty and privilege to submit to you the first annual report of the Public Interest Disclosure Commissioner for the period of February 9, 2012 – March 31, 2013.

Respectfully submitted,



Janet Mirwaldt

ACTING PUBLIC INTEREST DISCLOSURE COMMISSIONER

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Commissioner's Message

The following message was provided by Kevin Fenwick, who was Commissioner during the period covered in this report.

A professional public service has many key elements. These elements include encouraging employees to come forward and talk openly about what is working, what is not working, how things can be improved, what is dangerous and what is just not right. Public servants must feel that they can do so without fear of reprisal, that they will not be punished for raising difficult issues or pointing out dangerous or embarrassing situations.

Consistent with these elements, *The Public Interest Disclosure Act* contains two important themes.

One theme is the creation of a structure with designated and easily accessible people to whom public servants can report something that they think is wrong and is not being properly addressed. When appropriate, the Public Interest Disclosure Commissioner is one such person. Public servants can also report wrongdoings to designated officers within their organizations.

The second theme is that when a public servant reports to the appropriate person about something they think is wrong, they are protected from being punished.

We must always remember, however, that these reporting and protection provisions are part of a larger system. In an organization that is functioning well, employees are encouraged and expected to share their views with colleagues and supervisors whenever they see something that is in need of improvement. They should never be fearful of repercussions for acting in good faith to champion change. Reporting to a designated officer, one would hope, would be an uncommon necessity, and reporting to the Commissioner even more uncommon.

Despite the desire that the services of the Public Interest Disclosure Commissioner will need to be accessed relatively infrequently, the Commissioner's role is an important one. The Commissioner serves as the final independent and impartial arbiter in cases of alleged reprisals for reports of wrongdoing. That independence should instill in the public sector the confidence that, when all else fails, there is somewhere they can go without fear of recrimination. The Commissioner also serves as a leader, a mentor and a consultant for designated officers as they establish fair processes within their organizations and when they are examining potential disclosure situations.

As an independent officer of the Legislative Assembly, the Commissioner is not part of executive government, does not report to the government of the day, and is not responsible to any cabinet minister. The Commissioner is appointed by and is responsible to the Legislative Assembly, that is, to all members of the Legislative Assembly whether they are in government or opposition.

During the first year since the appointment of the Public Interest Disclosure Commissioner, the office devoted considerable time and resources to working with and providing training to designated officers within ministries, Crown corporations and government agencies. The field of public interest disclosure is relatively new. Legislation to protect disclosers has been enacted in Canada for only a few years. We are learning together how to create effective systems to encourage disclosure and protect those who disclose.

The inquiries that have come to the office of the Public Interest Disclosure Commissioner to date have not resulted in formal investigations. Several, however, have resulted in referrals to the Ombudsman. That is an easy referral process because the Public Interest Disclosure Commissioner is the Ombudsman. As is the case in several other provinces, *The Public Interest Disclosure Act* in Saskatchewan stipulates that the Legislative Assembly may appoint the Ombudsman as the Public Interest Disclosure Commissioner. The experience of the first year of operation of the Act suggests that the joint appointment is efficient and effective. When an inquiry or complaint comes to the office, service can be provided by the Ombudsman even if the matter inquired about does not fall within the definition of a wrongdoing as set out in *The Public Interest Disclosure Act*.

As we enter our second year of operation, the office of the Public Interest Disclosure Commissioner has several goals. Because *The Public Interest Disclosure Act* provides the reporting and protection scheme for public servants, they are our primary audience. We will continue to raise the level of awareness about the existence of the office and its functions with that primary audience. Our secondary audience is the group of designated officers who share some similar responsibilities with the Commissioner. We will continue to work with them to raise their level of expertise and to ensure that they have appropriate resources and systems in place to perform their duties as required under the Act.

For decades, Saskatchewan has been proud of the professionalism, non-partisanship and integrity of its public service. Evidence of this non-partisanship is the fact that *The Public Service Act* was first passed in 1930 by the Anderson Conservative government based on the recommendations of a Commission of Inquiry chaired by M. J. Coldwell, who would later

become national leader of the Co-operative Commonwealth Federation (CCF). New and expanded public service legislation in 1947 set standards for fairness in the public service and became a model for governments across Canada. That proud history has continued in the ensuing decades with the excellent work done by the Public Service Commission. Those standards for fairness have been further supplemented by other legislative provisions such as *The Labour Standards Act* and by collective agreements. *The Public Interest Disclosure Act* does not replace those protections for government workers, but adds one more safeguard to protect the long history of professionalism in Saskatchewan's public service. The office of the Public Interest Disclosure Commissioner is an additional mechanism designed to encourage public servants to work within and contribute to an open and accountable public service of which we can all continue to be proud.

Public Interest Disclosure
legislation is not just about
catching wrongdoings...
It is about promoting doing
things right and openness
and accountability within
government.

Kevin Fenwick (June 2011). *Training for Designated Officers*.

About Saskatchewan's Public Interest Disclosure System

The willingness of public officials and public servants to voice their concerns on matters of public interest has been recognized as a fundamental part of democratic accountability, public sector integrity and good government.¹ In Saskatchewan, *The Public Interest Disclosure Act* (PIDA or the Act) and its regulations are “designed to support the integrity of government and the public service, and to support accountability and fairness.”² The Act enables public servants to disclose concerns about wrongdoing within Saskatchewan's public service and other government organizations and provides protection for those who come forward.

PIDA creates a process for public servants to *Speak Out. Safely.*

PIDA outlines a process whereby the public servant can disclose information about a suspected wrongdoing in a government institution so it can be properly evaluated, investigated if necessary and acted upon if appropriate. A disclosure under the Act is the “reporting of a wrongdoing conducted within any of the government institutions covered by PIDA.”³ Provincial public servants who in good faith suspect or believe that a wrongdoing has occurred or will occur can, without fear of reprisal, disclose their concerns to either the government institution or the Office of the Public Interest Disclosure Commissioner.

PIDA establishes the Office of the Public Interest Disclosure Commissioner (the Commissioner) and outlines its authority to deal with disclosures. The Commissioner is an officer of the Legislative Assembly and is appointed for a five-year term that can be renewed for an additional five years. The Act also allows the provincial Ombudsman to be appointed as the Commissioner.⁴ On February 9, 2012, Saskatchewan's Ombudsman, Kevin Fenwick, was appointed as Acting Public Interest Disclosure Commissioner and was officially appointed as Commissioner on May 3, 2012.

It is up to the public servant to decide whether to seek advice and/or disclose internally to the designated officer or to the Commissioner. The Commissioner is not an office of last resort and public servants do not have to exhaust all other options before coming to our office. The public servant can come to the Commissioner first if they prefer. Either way, the public servant is equally protected from reprisals.

When a public servant makes an appropriate disclosure of a wrongdoing to the appropriate entity they receive protection.

PIDA – an Overview

When a public servant	A public servant is an employee or officer of a government institution. Government institutions include all provincial government ministries, agencies, boards, commissions, and Crown corporations.
makes an appropriate disclosure	The discloser honestly and reasonably believes the information may show a wrongdoing or a potential wrongdoing.
of a wrongdoing	A wrongdoing may include an unlawful act, a substantive and specific danger to persons or the environment, gross mismanagement of public funds or assets, official misconduct, improper administration, waste of public funds or assets, counseling to commit a wrongdoing, or reprisals.
to the appropriate entity	These are the designated officer of the government institution involved or the PID Commissioner.
they receive protection.	For making the disclosure, the discloser is protected from reprisals, exposure of their identity, and civil, criminal or administrative liability.

Adapted from: Crime and Misconduct Commission, Queensland Ombudsman, and Public Service Commission (2011). *Has one of your staff blown the whistle?*

Managing Public Interest Disclosures in Government Institutions

PIDA outlines procedures for government institutions to deal with disclosures made by public servants. A government institution is defined under the Act and applies to employees at all levels of provincial ministries, and Crown and Treasury Board Crown corporations, as well as a large number of other government boards and agencies. These agencies are set out in *The Freedom of Information and Protection of Privacy Regulations*.

The Act requires that a person in a senior position in each government institution be designated to receive and deal with disclosures made under the Act. This person is referred to as a designated officer. A permanent head – meaning the deputy minister, president or another official in charge of the government institution – must appoint a designated officer and, failing to do so, must act as the designated officer. The Public Service Commission (PSC) has developed procedures for designated officers “to manage the receipt and handling of inquiries, requests for advice and disclosures within government institutions.”⁶ Government institutions may also set their own policies and procedures, but all must meet the minimal standards and be in compliance with those set out by the PSC. The procedures as outlined by PSC are intended to ensure that disclosures are responded to and the manner of those responses is consistent across government.

Research shows that the vast majority of individuals (87%) will first report the wrongdoing to their own organization. Very few (12%) will go outside their organization and then only as a last resort.

Donkin *et. al.* (2008).
“How do officials report?”⁵

Our Process

When a public servant comes to the Commissioner we begin a process of inquiry that is based on the requirements of the Act. Our process is straightforward and is intended to create a safe and efficient way for public servants to ask questions or make inquiries.

When an inquiry is made to our office we begin by asking three questions:

- Is the person making the inquiry a provincial public servant?
- Does the matter involve a government institution?
- Is the matter related to an incident that occurred after September 1, 2011, the date on which the Act was proclaimed?⁷

If the answer to all three questions is yes, we then look to see if the matter could be considered to be a “wrongdoing” as defined under the Act. Under PIDA a wrongdoing is:

- an unlawful act that contravenes provincial or federal legislation,
- a substantial and specific danger to person(s) or the environment,
- gross mismanagement of public funds or assets, or
- counselling to commit a wrongdoing.

Though the Act does not specifically define reprisals as wrongdoings, we consider reprisals to be another form of wrongdoing. Reprisals are detrimental actions taken against a public servant who has come forward with concerns about a wrongdoing. Since reprisals can have the effect of stymying the disclosure of wrongdoings, we believe that they must be treated with the same seriousness.

The Act is intended to address wrongdoings related to the public interest. It is not intended to address personal or workplace grievances which may not qualify as wrongdoings under the Act, but should be addressed through existing procedures established to deal with such concerns. If not addressed, they can develop into even more serious problems, and it is in the public interest to solve them.

When a disclosure is made to the Commissioner, there are a number of ways in which we can proceed, depending on the case before us. We can:

- take steps to resolve the complaint.
- refer the matter back to the government institution to which it relates.
- conduct an investigation (or, if appropriate, not investigate a matter or cease further investigation).
- if appropriate and warranted, refer a matter to the Provincial Auditor.
- if appropriate, refer the matter to another oversight body such as Ombudsman Saskatchewan.

When we begin an investigation, we are required to provide notice to the head of the government institution of our intent to investigate and the nature of the disclosure.

The Act provides the Commissioner with broad authority, including the ability to access and obtain information needed to carry out the investigation. When conducting an investigation, the Commissioner is required to maintain the confidentiality of the discloser and will only release information the Commissioner believes to be necessary.

Upon completion of the investigation the Commissioner is required to:

- provide a report to the permanent head and designated officer outlining his or her opinion, reasons and recommendations.
- provide the public servant who made the disclosure with information that the Commissioner considers appropriate.

Our role is to not only investigate concerns of wrongdoing, but also to support public servants in raising their concerns, whether or not we find the concern qualifies as a wrongdoing. In those cases where we find that the concern is not within our jurisdiction – for instance, if we do not find that a wrongdoing has occurred or if the person is not a public servant under the Act – we will assist the person to find the most appropriate avenue to address the concern.

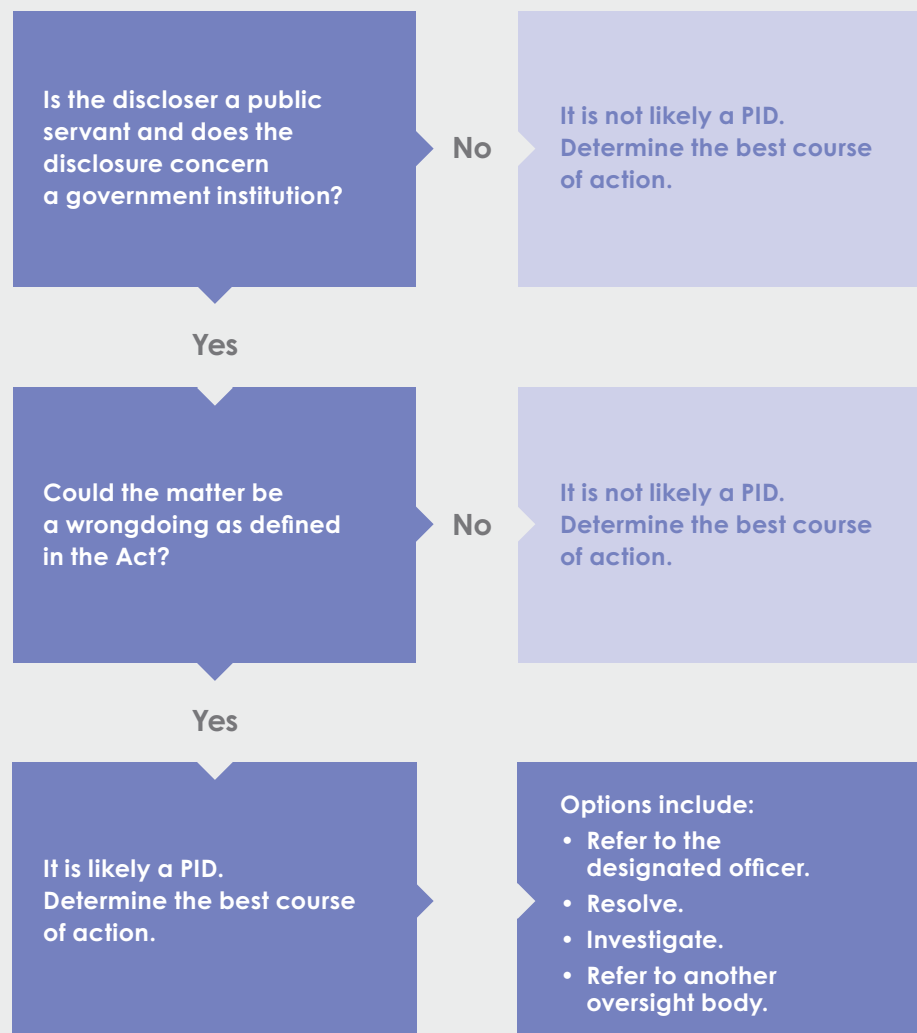
This approach removes the focus from the public servant and focuses instead on the substance of the concern or disclosure.⁸

A safe way for public servants to speak up about their concerns can provide valuable information about real or potential problems that can affect

employees rights or health and safety, or can point to deficiencies in processes or policies the employer may not otherwise be aware of.

Even though the concerns that come forward under the Act may not always satisfy the definition of a wrongdoing, they may point to an issue that needs to be addressed with some appropriate action. Public servants must be supported to bring these types of issues forward so that the integrity and effectiveness of government can be maintained.

Public Interest Disclosure Process



Reprisals

PIDA provides protection against reprisals to public servants who make a disclosure, seek advice about making a disclosure, cooperate in an investigation of a wrongdoing or decline to participate in a suspected wrongdoing. Reprisals can take many forms, including:

- dismissal
- layoff
- suspension
- demotion or transfer
- discontinuation or elimination of a job
- change of a job location
- reduction in wages
- change in hours of work or reprimand
- threats of any of these actions

The Act expressly prohibits reprisals and gives the Commissioner exclusive jurisdiction to investigate reprisal complaints. When these complaints are received, we take immediate action to address the situation. As stated earlier, we consider a reprisal to be a wrongdoing, so we treat reprisals with the same seriousness – and the same process – as we treat the disclosure of wrongdoings.

Numbers

Statistics for the office of the Public Interest Disclosure Commissioner are based on our fiscal year, which is from April 1 of one calendar year to March 31 of the next. The PID Commissioner has been in place in an acting capacity since February 9, 2012, and was officially appointed on May 3, 2012. As a result, the statistics for this first annual report reflect the period from February 9, 2012 to March 31, 2013.

PIDA Inquiries

Inquiries Received	15
Files Closed	15
Advice Provided	9
Admissibility Assessments	6
Investigations	0

PIDA Exception Consultations

Under PIDA, applicable organizations are required to appoint a designated officer. The only exception is if the permanent head determines that it is not practical to do so, due to the size of the organization. In this case, the permanent head will consult with the Commissioner about an exemption.

Exception Consultations	1
Exceptions Granted	1
Exceptions Not Granted	0

Public Reports

On October 9, 2012, Ombudsman Saskatchewan tabled a report titled *Achieving the Right Balance: A Review of Saskatchewan's Conflict of Interest Policy Respecting the Provincial Public Service Sector*. While managed from the Ombudsman's office, our public interest disclosure knowledge and expertise contributed significantly to the review, which is available at www.ombudsman.sk.ca/documents_and_files/systemic-reviews.

Finances

The Public Interest Disclosure Commissioner's office operates as part of the Ombudsman's office. The Ombudsman receives funding to investigate public interest disclosures, including providing advice to and receiving disclosures from public servants about alleged wrongdoings in their government organizations, and about alleged reprisals against public servants for seeking advice from or making disclosures to the Ombudsman/Commissioner. The Ombudsman's Estimates and Financial Statements encompass all financial aspects associated with the Ombudsman's role, including Public Interest Disclosure. The Ombudsman's Audited Financial Statements are available at www.ombudsman.sk.ca/documents_and_files/audited-financial-statements.

We know our employees in the public service are hard-working people committed to their jobs and to serving the people of our province. We believe they are dedicated and competent and loyal and capable. We want to protect them if they believe there are wrongdoings that should be disclosed.

Saskatchewan Legislative Assembly, *Hansard*, 26th Leg. 4th Sess.
No 10B (November 15, 2010) at 6030 (Hon. June Draude).

Case Examples

The concept of public interest disclosures is relatively new in Saskatchewan's public service. For many of us what we know about public interest disclosure (or what is often called "whistle-blowing") is what we have learned from the media. Most of these situations have involved high profile cases occurring in other provincial jurisdictions or countries. Very few public servants know what the PID system in Saskatchewan is all about.

What is a wrongdoing? Who do I tell if I suspect a wrongdoing? Can I speak to someone in the ministry about it? What will happen to me if I tell? Will I be protected? Am I guaranteed confidentiality? These are all questions the Commissioner has been asked by the public servants who have reached out to us over the past year. In dealing with these inquiries we provide information about what a wrongdoing is (and is not), what a disclosure is, what protection is provided to the public servant, and options for disclosure.

Over the past year, the vast majority of the calls we received were inquiries about matters that were not wrongdoings as defined under the Act or were from organizations not covered by the Act. In cases where the issues raised were not wrongdoings, we provided referrals to other appropriate oversight authorities or processes that could assist the individuals in resolving their concerns.

What follows are four examples of the inquiries and cases opened by the Commissioner. These cases are presented for educational purposes. We have not identified the government ministry or institution involved. We have chosen to do this for several reasons. First and foremost, we want to protect the confidentiality of those involved. We have had a small number of cases, so to provide any identifying information may compromise the confidentiality of the public servants who came to us or who may have been the subject of the concerns brought to the Commissioner. Second, the case examples do not describe situations where a wrongdoing or reprisal as defined under the Act has occurred.

Can You Help Me?

We were contacted by a member of a professional association who was concerned that he was being reprisal against by the association. This person claimed to have taken actions for the betterment of the association and that a complaint against him was filed as a form of reprisal.

In order for PIDA to apply, some preconditions must be met. For instance, the discloser must be a public servant as defined in PIDA and the disclosure must

relate to a government institution as defined in the Act. Also the alleged wrongdoing or reprisal must fit the definition of those terms in PIDA and cannot predate the proclamation of the Act.

Government institutions under PIDA are those bodies listed in Part 1 of the Appendix to *The Freedom of Information and Protection of Privacy Regulations*. In this case, the professional association was not listed. Since the complaint was about an agency that was excluded from our mandate, we could not proceed with any actions under PIDA. Instead, we provided the individual with some other avenues for pursuing his concerns.

We'd Like an "Exception" Please...

Note: The organization's name is included in this example because this was an exception request rather than an inquiry about a potential wrongdoing.

We were contacted by a representative of the Multitype Library Board which believed that it should be excepted from the Act. Section 7 of PIDA allows government institutions to consult with the Commissioner about an exception from sections 5 and 6 of the Act, which require the government institution to appoint a designated officer and create policies and procedures for accepting disclosures. If any disclosures concerning a government institution that has received an exception arise in the future, they are then handled by the Commissioner's office.

Since the government institution in this case does not employ any public servants, we agreed that it would not be practical to apply sections 5 and 6 of the Act to it. The Commissioner therefore granted it an exception under section 7.

I Need a Better Explanation

A public servant contacted us to discuss what he considered to be a wrongdoing which occurred several years prior to the proclamation of the Act. Because PIDA is not retroactive, we cannot investigate alleged wrongdoings that occurred prior to September 1, 2011.

Prior to coming to the Commissioner's office, however, the public servant had contacted the designated officer at his ministry, who did look into the matter. Though not a wrongdoing, the allegation was of a serious nature and the ministry had a responsibility to follow up and ensure the allegation was

reviewed and action taken if required. The designated officer told the public servant that, at the time of the incident, the ministry did look into the matter and after further review, the designated officer was satisfied that the matter had been appropriately handled and that no further action was required. The public servant was not satisfied with this response.

We reviewed the response provided by the designated officer to the discloser. While we accepted the conclusion reached by the designated officer, we found the response did not possess adequate information about his findings. In this case, we talked with the designated officer about the importance of providing sufficient information when communicating with public servants about processes carried out under PIDA.

I Don't Know Where to Go

An employee of a government ministry contacted the Commissioner's office with a concern about what he viewed as violations of *The Occupational Health and Safety Act, 1993* in his workplace. In addition, he also relayed concerns about the operation and administration of the program he worked in, including some labour relations issues. This individual contacted the Commissioner's office on behalf of himself and several other past and current employees of the program.

The public servants who came forward were uncertain who they should have taken their concerns to, so they directed them to a wide array of both government and non-government offices. In addition to contacting the Commissioner's office, these individuals also contacted and reported their concerns to their employer, their union and several other offices. All of these offices had mandates to review specific aspects of the concerns raised, but none had the overall mandate to investigate all of the concerns raised.

As is our process, we began our involvement by completing an assessment of the issues presented to determine if the concerns identified to us would constitute a wrongdoing as defined under the Act.

We determined that none of the concerns raised could be interpreted as a wrongdoing as defined by the Act, so the Commissioner had no jurisdiction to investigate them. Though the concerns were of a serious nature, many of the issues had already been dealt with or were in the process of being dealt with through the appropriate review mechanisms and oversight bodies already in place. For instance, at the time



of our involvement, we found that the occupational health and safety concerns and the labour relations issues were already being addressed by the appropriate entities.

There were, however, concerns about the administration of the program, and the fairness and equitable application of its policies and procedures. These concerns fell fully within the mandate of Ombudsman Saskatchewan and were referred there.

Not every concern coming to the Commissioner is a “wrongdoing” under the Act, but may still be serious enough to require some form of follow-up. This case demonstrates the ability of the Commissioner to refer matters to the most appropriate oversight body if the matter falls outside the Commissioner’s jurisdiction. Simply because a matter is not a “wrongdoing” does not negate the responsibility of either the Commissioner or government to deal with the issue raised. The fact that the Commissioner is also the Ombudsman allows for a seamless referral process whereby serious complaints can be referred to the Ombudsman for follow-up and resolution.

Raising Awareness

We believe that we have a significant role as a resource for public servants, designated officers and the public about the Act and how it works. Raising awareness about PIDA and building capacity to respond under it helps to foster a culture of openness and support in which public servants can raise their concerns safely. Sharing the examples of the cases we have looked at this past year is one way of creating a better understanding of PIDA and supporting the type of culture we hope to see established.

Conclusion: Looking Forward

Our office has been accepting PID inquiries since February 9, 2012. Since then, we have answered a number of inquiries from public servants and members of the public alike who have sought our advice when they have had concerns about what they felt may be a wrongdoing. Responding to these inquiries has helped us develop our knowledge of public interest disclosures and as we move forward we will continue to build on that knowledge and expertise. The lessons that we have learned while responding to inquiries provide us a road map for our direction over the next year and beyond.

Building a Seamless Response

The case examples discussed earlier in this report demonstrate the importance of the Commissioner's ability to refer cases when other agencies or offices can provide the best response to the concerns that come to the office. When a concern came to this office that did not fit PIDA but had fairness issues, we were able to seamlessly refer the matter to Ombudsman Saskatchewan. Similarly, public interest disclosure expertise was instrumental in development of the Ombudsman's review titled *Achieving the Right Balance: A Review of Saskatchewan's Conflict of Interest Policy Respecting the Provincial Public Service Sector*. PIDA is part of the overall legislative scheme to manage conflicts of interest in the public sector and this perspective, combined with the Ombudsman's mandate contributed to a stronger review.

Vesting the authority for carrying out the mandates of *The Public Interest Disclosure Act* and *The Ombudsman Act, 2012* in one office allows for a system of seamless service delivery that should be afforded to public servants who speak out about their concerns. If a concern is best addressed by referring the matter back to government through a designated officer, the Act affords us the ability to do just that. When appropriate to do so, we can also refer matters to another independent officer of the Legislature: the Provincial Auditor. Currently the Act only contemplates referral to the Provincial Auditor and no other independent officer, such as the Information and Privacy Commissioner. This does not afford the type of seamless service that we believe the Legislature envisioned when the Act was first contemplated. This is an area of the Act that may need to be revisited; we will continue to monitor this area to consider how this can be best addressed in the future.



People who work in the public sector generally know when something is wrong. They often know when a colleague is doing the wrong thing. They certainly know when systems aren't working properly and they often know when their organization is wasting public funds.

New South Wales Ombudsman website¹¹

Expansion to the Health Sector

The inquiries we have discussed also point to another area in the Act that we believe may need to be reviewed. Twenty percent (20%) of inquiries the Commissioner received came from the health care sector. Right now we do not have jurisdiction in that sector beyond the Ministry of Health. Concerns from the health sector may, for example, include issues involving procurement, or matters that pose a risk to patients or public health.

We believe it is important to consider expanding the protections of PIDA to the health sector to include health authorities, associations, governing bodies and other health sector stakeholder agencies. This will provide the people who work in this vitally important field a safe way to speak up about their concerns.

The Role of the Public Service Commission

The PSC is responsible for the ongoing administration of the Act. Throughout our first year we have worked closely with the PSC. They have been a key partner in providing education about the Act to designated officers and public servants alike. One way the PSC has done this is through the development of an informative website that has several useful resources and tools for designated officers and public servants.⁹

We have formed a positive working relationship with the PSC and we look forward to continuing to work with them.

Public Reporting

The Act requires government to report on an annual basis all disclosures, investigations and the outcome of those investigations. In its 2011-2012 annual report, the PSC provided a summary of activities under the Act.¹⁰ The PSC reported that in the seven months after the Act came into force, two disclosures were received by government. One case did not meet the definition of a disclosure under the Act; the other was investigated and the allegation of wrongdoing was not substantiated.

This type of summary reporting fulfills the requirements of the Act. We believe, however, that meeting the requirements of the Act may

not go far enough towards building an open and supportive culture for public servants to speak out safely. The PSC has an important role to play in encouraging a government-wide approach to public interest disclosure that supports openness, transparency and accountability.

The PSC has an opportunity to use the annual report as an educational tool for designated officers and public servants alike. We believe the PSC should, in its reporting, not limit itself to simply identifying that a disclosure was made, but go further by describing how the determination was made that a wrongdoing had not occurred. By doing so, the PSC can provide valuable information about its assessment methods and tools while still respecting confidentiality requirements. This kind of reporting not only fulfills the reporting requirements of the Act but also serves a very important educational purpose.

A Growing Body of Knowledge

Public interest disclosure is a relatively new and emerging field in Canada and we have been fortunate to have the experience of our colleagues in provincial and federal oversight offices to rely on and learn from. In Canada, there are provincial public interest disclosure offices in Alberta, Manitoba, Ontario, Nova Scotia, New Brunswick, Newfoundland and Labrador, and at the federal level, the Office of the Public Sector Integrity Commissioner.

We have met with our federal and provincial counterparts twice in the past two years in order to exchange information and discuss developments in the field. We are pleased to have the opportunity to welcome our colleagues to a meeting here in Saskatchewan in September 2013.

As we move forward, we hope to continue to not only enhance our knowledge and expertise, but to support similar growth in the public sector amongst both designated officers and public servants. In the past year, we assisted the Forum of Canadian Ombudsmen in hosting a two day session on effective skills for investigators that took place in Regina. The session was attended by many designated officers as well as other public servants who conduct investigations.

Over the next year, we intend to continue to provide opportunities to designated officers to learn more about public interest disclosure. We will provide current resources on our website and promote and participate in learning opportunities as they arise. We also look forward to working with government, unions and other potential partners to provide formal and informal opportunities to educate public servants.

Endnotes

- ¹ Dr. A.J. Brown, (November 2006). *Public Interest Disclosure Legislation in Australia: Towards the Next Generation. An Issues Paper*. Canberra: Commonwealth Ombudsman, NSW Ombudsman and Queensland Ombudsman, at p. 1.
- ² Government of Saskatchewan website. *Public Interest Disclosure Act*. Retrieved June 7, 2013 from <http://www.cs.gov.sk.ca/pida>.
- ³ Government of Saskatchewan website. *Public Interest Disclosure Act*. Retrieved June 7, 2013 from <http://www.cs.gov.sk.ca/pida>.
- ⁴ If the Ombudsman is appointed as the Commissioner, the individual will be the Commissioner for so long as they remain the Ombudsman.
- ⁵ M. Donkin, R. Smith and A.J. Brown (2008). "How do officials report? Internal and external whistleblowing." In A.J. Brown (Ed.), *Whistleblowing in the Australian Public Sector: Enhancing the theory and practice of internal witness management in public sector organisations*. (pp. 83-107) Canberra: ANU E Press. Retrieved June 7, 2013 from http://epress.anu.edu.au/anzsog/whistleblowing/pdf/whole_book.pdf.
- ⁶ See Government of Saskatchewan website. *The Public Interest Disclosure Act Procedures to Manage Disclosures for Designated Officers*. Retrieved June 7, 2013 from <http://www.cs.gov.sk.ca/Default.aspx?DN=6ca6981d-5e53-4df5-8dba-aa3c7cef6e71> at p. 1.
- ⁷ *The Public Interest Disclosure Act*, S.S. 2011, c. P-38-1, s.2.
- ⁸ Dr. A.J. Brown, *supra* note 1 at p. 7.
- ⁹ Government of Saskatchewan website. *Public Interest Disclosure Act*. Retrieved June 7, 2013 from <http://www.cs.gov.sk.ca/pida>.
- ¹⁰ Public Service Commission. *2011-2012 Annual Report*. Retrieved June 7, 2013 from <http://www.finance.gov.sk.ca/PlanningAndReporting/2011-12/201112PSCAnnualReport.pdf> at p. 23.
- ¹¹ New South Wales Ombudsman website. *Home page: Public interest disclosure*. Retrieved June 7, 2013 from <http://www.ombo.nsw.gov.au/complaints>.



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