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Backgrounder on Key Developments in Federal Canadian Whistleblower Protection Laws and Enforcement Systems since 2017

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The key changes the House of Commons Government Operations Committee recommended in its [unanimous June 2017 report](#) to strengthen the federal Canadian government's whistleblower protection law (the [Public Servants Disclosure Protection Act](#)) and enforcement system (the [Public Sector Integrity Commissioner](#) and [Public Servants Disclosure Protection Tribunal](#)) include:

1. ensuring everyone involved in federal government operations is covered by the protection law and system (including anyone who helps a whistleblower or is a witness);
2. allowing everyone to file their complaint about retaliation directly with the Public Servants Disclosure Protection Tribunal (instead of having to go to the Public Sector Integrity Commissioner first) up to 12 months after the retaliation (the current deadline is 60 days);
3. requiring the employer to prove that they didn't retaliate against a whistleblower (currently the whistleblower has to prove retaliation has occurred);
4. ensuring the Integrity Commissioner is fully independently appointed and empowered to impose penalties;
5. requiring the Integrity Commissioner rule on all complaints publicly in a timely manner, and to report more details about complaint handling;
6. requiring the Office of the Chief Human Resources Officer to conduct regular audits of the whole protection system and;
7. empowering the Commissioner and Tribunal to compensate whistleblowers for legal costs, and reward them well if their claims are proven.

However, [then-Treasury Board Minister Scott Brison rejected the Committee's recommendations](#) in an October 2017 letter – committing the government only to reinforcing the internal disclosure process.

On February 25, 2021, the [House Committee voted](#) to send its June 2017 report back to the House to [force the Trudeau Cabinet to respond](#) to it again.

While the Committee's recommendations were fairly comprehensive, it should have also recommended requiring disclosure of the identity of all wrongdoers because the public has a right to know when one of their government's employees does wrong.

As well, the House Committee should have recommended in its June 2017 report changes to strengthen protection for whistleblowers who work for federal politicians. The Liberals' [Bill C-65](#) in 2018 did nothing to change the [Canada Labour Code's requirement](#) that federal workplace victims file complaints with their boss, who is often the harasser, and so it left political staff and other federal workplace whistleblowers essentially unprotected.

As Democracy Watch has [called for since 2015](#), the House Committee should also have recommended that members of Canada's armed forces, and the RCMP, be covered by the federal whistleblower protection law. [Recent scandals in the military](#) have shown how much this protection is needed.

In addition, the House Committee should have recommended in its June 2017 report changes to strengthen protection for whistleblowers who work for businesses that are regulated by the federal government. These changes are needed to help stop the widespread, serious wrongdoing and abuse caused by politicians and people in Canada's big banks and other financial institutions, and in airlines, phone, cable TV, food, mining and forestry companies.

Section 334 of the Liberals' [Bill C-86](#) in 2018 was supposed to add sections 979.1 to 979.4 to the [Bank Act](#) to create a right for bank employees to blow the whistle on wrongdoing, but the measures have still not been implemented (not that having the right to blow the whistle is enough protection to actually encourage and support whistleblowers).

People have tried to protect Canadians by blowing the whistle on governments wasting billions of dollars, approving dangerous drugs, and covering up scandals, and on big businesses gouging them, selling them hazardous products, and covering up pollution and oil spills.

These whistleblowers have been harassed, fired from their jobs, sued, silenced and hurt by governments and big businesses – all because Canadian whistleblower protection laws are weak and enforcement is negligently bad.

The federal Liberals failed to include any promises to strengthen whistleblower protection in their [2015](#) or [2019 election platforms](#). The federal Conservatives did little to strengthen protection from 2006 to 2015, and actually [covered up scandals](#) involving the Public Sector Integrity Commissioner. Other federal parties have not done enough to push for key changes.

Provincial governments across Canada have also failed to protect government and business whistleblowers fully and effectively, although the Ontario Securities Commission (OSC) took a big step forward in [protecting securities law whistleblowers](#) with a new program launched in July 2016 which offers up to \$5 million as a reward for whistleblowers whose claims are proven.

The OSC's system has led to calls to reward securities law whistleblowers in [other provinces](#) and to [reward Competition Act whistleblowers](#)).