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Addressing Misconduct and Wrongdoing at Global Affairs Canada

First annual report
(Fiscal year 2022-2023)



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Message from the deputy ministers

Colleagues,

We are pleased to share with you the first annual report on addressing misconduct and wrongdoing at Global Affairs Canada.

We are proud that most managers and employees in the department actively foster a healthy and respectful workplace. When instances of misconduct or wrongdoing do occur, however, we are committed to responding decisively and effectively.

Over the years, we have seen a widening gap in the confidence you have in the way the department promotes values and ethics, prevents harassment in the workplace and addresses instances of misconduct and wrongdoing when they occur. We have also heard that fear of reprisal and a belief that complaints do not make a difference are consistently the top reasons why Global Affairs Canada employees do not report bad behaviour when they are a victim of it or when they witness it. Results from the Public Service Employee Survey are clear in that regard.

As part of our efforts to tackle this confidence deficit head on, we are pleased to share with you the first of what will become a series of annual reports on how misconduct and wrongdoing are addressed at Global Affairs Canada. This report seeks to increase confidence in our systems of accountability by increasing visibility on what happens when misconduct or wrongdoing is reported and how the department deals with founded cases. We hope that this annual report will demonstrate our commitment to restoring your trust that necessary disciplinary measures are taken when allegations are determined to be founded. This includes suspension and outright termination of employment of wrongdoers when circumstances justify it. We also hope that, over time, this will lead to an increase in reporting and ultimately a decrease in wrongdoing and misconduct.

Our main objective, however, remains to *prevent* wrongdoing and misconduct from occurring in the first place. This means addressing root causes in a timely fashion, providing training and counselling to employees and managers, and ensuring resources are available to tackle issues early on through informal conflict resolution mechanisms.

Earlier this year, we opened the new Office of the Well-being Ombud as a safe, confidential and convenient space for you to bring forward issues and receive information about options for resolving workplace concerns. Significant additional resources were given to support the Well-being Ombud's role, including more counsellors in both the informal conflict management system and the Employee Assistance Program (EAP).

We have created [a new intranet page with centralized information on the various investigative processes related to wrongdoing and misconduct](#), including how they work, their timelines and possible outcomes. This intranet page will be updated on an ongoing basis to ensure that employees have easy access to all the current information they need to prevent, deal with or report inappropriate behaviour.

As you read this, work is also underway to improve our processes and case management system. We are working to conduct investigations and manage cases more quickly, and ensure better coordination of departmental resources to prevent and address wrongdoing and misconduct. We intend to report on the timeliness of investigations in next year's report as an additional indicator of our effectiveness in tackling wrongdoing.

Our ultimate goal is to foster a culture of zero tolerance for bad behaviour of any kind. You have our commitment to use all the tools at our disposal to promote this culture change.

We count on you to continue engaging and providing feedback as we advance in making our department a better workplace—at headquarters, at regional offices and across our network of missions around the world.



Introduction

Global Affairs Canada (GAC) is a large and complex organization of over 13,000 employees. More than 7,500 Canada-based staff and nearly 6,000 locally engaged staff work in 182 missions in 112 different countries around the world. GAC also provides the international platform for 21 government departments and agencies working abroad in its missions, 3 Crown corporations and 6 provincial governments.

Against this background, this report covers investigative processes and founded cases of misconduct and wrongdoing at GAC over the 2022 to 2023 fiscal year. Founded cases took place at missions abroad, or at headquarters in Canada. This is the first edition of what will become a series of annual reports on the subject.

Although a first for GAC, releasing this kind of information is a well-established best practice at several multilateral organizations. The United Nations publishes data on [cases and disciplinary measures in the UN system](#). Individual organizations, such as UNDP release their own [annual disciplinary report](#).

All employees and managers in the department play a part in ensuring that our workplace is healthy, respectful, safe and free of harassment and discrimination. We are also all responsible for following the department's values and ethics codes of conduct.

Any employee—at headquarters, regional offices or at our missions around the world, whether Canada-based or locally engaged—who is directly or indirectly affected by an instance of wrongdoing or misconduct can and should make this known, no matter the level or occupation of the offender. No one should be afraid of reprisal or punishment for doing what is right, and they should know that their privacy will be respected and protected.

Global Affairs Canada employees have numerous options for addressing real or perceived misconduct or wrongdoing, including informal conflict resolution mechanisms and a range of formal mechanisms. This report focuses on the formal resolution mechanisms.

In all instances, an employee's first point of contact should be their manager unless the manager is the source of the issue. A table at the end of this document sets out information on the different kinds of incidents and situations that employees can report, along with the resources available and the possible avenues to choose in each case.

Above all, GAC employees should know that all complaints will be taken seriously, properly assessed and, if proven founded, followed up with administrative and/or disciplinary actions in a timely fashion.

Your feedback is important to improve subsequent editions of this annual report. Please send comments and suggestions to HWD@international.gc.ca.



Definitions

The following section provides definitions of some key concepts at the heart of this report.

To begin with, **misconduct** is defined as any action whereby an individual willfully contravenes, notably, an act, a regulation, a rule, a Departmental or Treasury Board policy instrument, an approved procedure, a departmental code of conduct, and/or the Values and Ethics Code for the Public Service. In short, when an employee contravenes any of the obligations they agree to abide by when becoming a public servant.

Examples of misconduct may include absence from work without authorization, insubordination and tardiness.

Wrongdoing is defined in section 8 of the [Public Servants Disclosure Protection Act](#) as:

- (a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act;
- (b) a misuse of public funds or a public asset;
- (c) a gross mismanagement in the public sector;
- (d) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
- (e) a serious breach of a code of conduct established under section 5 or 6; and
- (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

Categories of misconduct or wrongdoing

Within this report, investigative processes and founded cases of misconduct and wrongdoing are organized around the following categories:

- **Fraud or financial misconduct** implies loss of public funds and/or Crown property. This may include but is not limited to suspected fraud; misuse, embezzlement or theft of government property or funds; contract or procurement fraud; contractor misconduct; and mismanagement or misappropriation of funds.
- **Harassment and violence in the workplace** refers to any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee.
- **Breach of the Departmental Values and Ethics Code** can cover a very wide range of conducts that contravene the values and ethics that employees must adhere to and uphold. Examples can include the undue use of influence or access to resources, misrepresenting or providing false personal information, threatening or intimidating a coworker, not disclosing a conflict of interest, etc.
- **Conflict of interest** is any situation where public servants have private interests that could improperly influence the performance of their official duties and responsibilities or where public servants use their offices for personal gain.

A conflict of interest may be:

- real (existing at the present time)



- apparent (perceived by a reasonable observer to exist, whether or not that is the case)
- potential (reasonably foreseen to exist in the future)
- **Administrative misconduct** refers to a range of inappropriate behaviour(s) in the workplace, such as theft of time, tardiness, absenteeism, unauthorized leave and/or personal activities during work hours, insubordination, failure to carry out duties or specific tasks or to follow instructions, or the misuse of government assets.
- Some situations may lead to a **review of an employee's reliability status or security clearance** based on information or behaviour that may call into question an employee's reliability and/or loyalty to Canada.
- **Violations of the GAC Network Acceptable Use Policy** refer to the misuse of the department's electronic networks and associated devices.

Addressing misconduct and wrongdoing at GAC

General approach

A number of recourse processes are available to employees facing real or apparent misconduct or wrongdoing. These processes are detailed in the Annex with information on who can access them, what they address, how they unfold, their timelines and the possible outcomes in founded cases.

While the specifics of these processes may vary, GAC addresses all suspected cases of misconduct and wrongdoing by following the guidance provided by the Government of Canada's [Policy on People Management](#) and [Guidelines for Discipline](#). This includes conducting fair and objective investigative processes as needed and as expeditiously as possible, taking all measures to protect the confidentiality of the information collected and the privacy of individuals involved, and ensuring that there is procedural fairness for all.

The determination of whether allegations of wrongdoing or misconduct are founded is made on the basis of available facts. When the information initially disclosed is insufficient to make that determination, an **investigative process** is launched. This can take the form of a fact-finding exercise or an investigation. A fact-finding exercise is undertaken when a situation is relatively straightforward and the facts do not require an important level of investigation. When the situation is more complex and additional information is required, a formal investigation may be initiated.

Actions taken in founded cases of misconduct and wrongdoing

As an employer, Global Affairs Canada has a responsibility to ensure that appropriate actions are taken when misconduct or wrongdoing is determined to be founded.

These actions can be administrative or disciplinary in nature.

- **Disciplinary measures** may range from oral reprimand to written reprimand, suspension, financial penalty, demotion, termination or other disciplinary measures as appropriate. Measures are determined by taking into consideration any aggravating or extenuating circumstances. The application of disciplinary measures seeks to *correct* behaviours and is generally *progressive*, increasing in severity with successive acts of



misconduct. In some cases, the misconduct may be sufficiently serious to warrant severe action even on a first offence.

- **Administrative measures** are taken to make the necessary adjustments to a situation. This includes, for example, placing an employee on leave without pay if they were absent without authorization, noting the unacceptable behaviour's impact in performance appraisals, clawing back executive performance pay when applicable, temporarily removing human resources and/or financial delegation, or other actions as appropriate and depending on the situation. Administrative measures can also be used to provide tools to the employee with a view to ensuring the misconduct does not happen again (for example, by developing an action plan for them to change their behaviour, giving them training or coaching, scheduling regular meetings with management, etc.). Some situations may require the application of one or several administrative measures.

In some instances, a situation may warrant the application of both administrative *and* disciplinary measures.



2022-23 Overview

Investigative processes undertaken

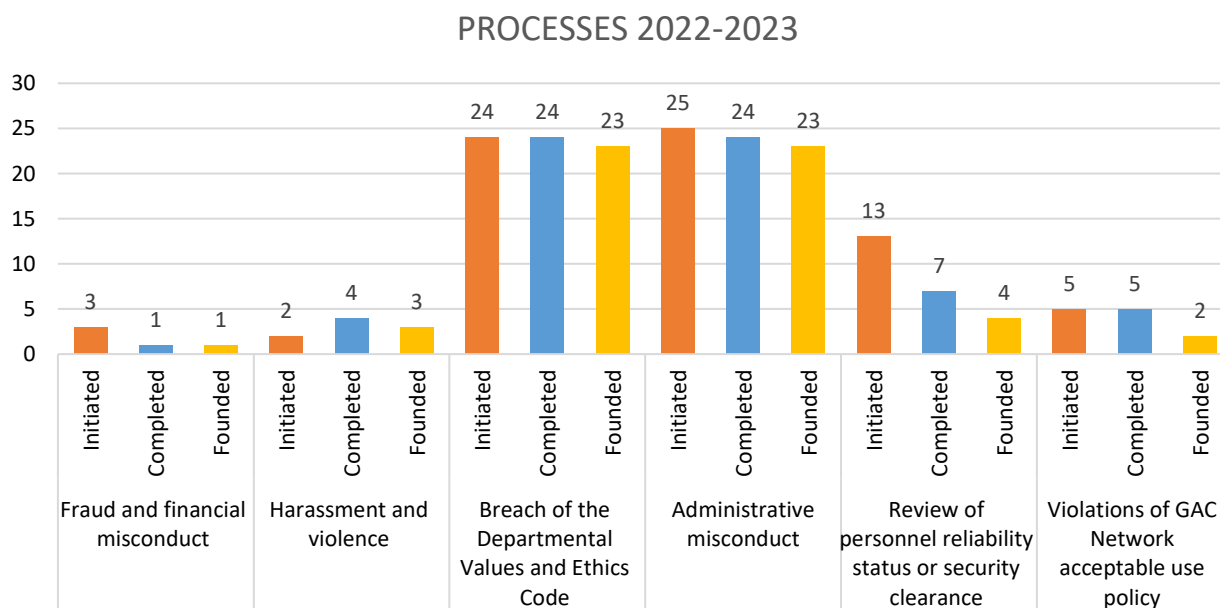
During fiscal year 2022-2023, 56 cases of misconduct and wrongdoing were determined to be founded at Global Affairs Canada workplaces around the world.

These cases include employees at missions and in Canada across all levels, including the senior executive and Head of Mission cadre. They also have varying degree of severity. Measures taken in response depended on the facts of each case and whether there were aggravating or extenuating circumstances. These measures ranged from written or verbal reprimands to temporary suspensions or termination of employment. Some cases led to a note to the employee's security file.¹ Other more serious cases led to the revocation of the employees' reliability status and thus their termination given that adequate security clearance is a condition of employment.

The determination that cases were founded was made on the basis of available facts when the delegated manager had all the necessary information. When the information initially disclosed was insufficient to make that determination, an investigative process was launched.

The chart below shows the total number of investigative processes (including fact-finding exercises and formal investigations) initiated and concluded during FY 2022-23, as well as the total number of cases determined to be founded, for each category of misconduct or wrongdoing.

Depending on when the fact-finding exercise or investigation is initiated and the complexity of a situation, a process may extend over more than one fiscal year. As such, cases listed as founded this fiscal year may have been opened in a previous year.



¹ Notes to employee security files are kept for 10 years, as per Government of Canada guidelines. Security files indicate if an employee left the department with a suspended or revoked reliability status or security clearance, or with a pending security investigation. This can be a factor if the employee seeks further employment with the Government of Canada.



The table below presents an overall summary of the identified founded cases of misconduct or wrongdoing in Canada and at missions abroad, as well as of the corrective measures initiated in each case.

Type of misconduct or wrongdoing	Cases determined to be founded	Corrective measures initiated
Fraud and financial misconduct	1	<ul style="list-style-type: none"> Termination of employment
Harassment and violence	3	<ul style="list-style-type: none"> 1 employee is no longer working for GAC Actions taken to restore the work environment within the affected group GAC has developed a Departmental policy on workplace harassment and violence prevention that aims to resolve situations of harassment and violence informally. When an investigation is conducted, the outcome is to identify the root causes and prevent reoccurrence.
Breach of Departmental Values and Ethics Code	23	<ul style="list-style-type: none"> Various, from written or verbal reprimands to temporary suspensions or termination of employment
Administrative misconduct	23	<ul style="list-style-type: none"> Various, from written or verbal reprimands to temporary suspensions
Review of security clearance or reliability status	4	<ul style="list-style-type: none"> 2 revocations of reliability status leading to termination 2 cases noted to security file (incl. written reprimand in one case)
Violation of Network Acceptable Use Policy	2	<ul style="list-style-type: none"> 1 employee termination 1 employee left the department prior to conclusion of the investigation

Fraud and financial misconduct cases

One investigative process was completed over the period, which concluded that financial misconduct had occurred:

- An employee exhibited fraudulent conduct through willful misrepresentation and deliberate concealment of material facts with the intent of gaining a dishonest private advantage. The employee used their position to facilitate the awarding of contracts and engaged in bid-rigging with a view to benefit family members. The employee also tried to



purchase a Crown-owned property using privileged information. The employee was terminated and recommendations for strengthening internal controls were provided to the affected workplace.

Harassment and violence cases

Over the period, 4 investigative processes were completed, which concluded that 3 founded cases of harassment had occurred:

- An employee suffered psychological violence and harassment in the workplace for a prolonged period. The investigator concluded that the lack of information and lack of training in human resources management, assistance and interventions on the part of senior managers were the root of the harassment. The investigation, conducted under the Canada Labour Code,² concluded that GAC should provide further training on the prevention of harassment and violence in the workplace and foster better communication among employees and managers. The recommendations were discussed at the local Occupational Health and Safety Committee and were implemented in the workplace.
- An employee sexually harassed, committed acts and made comments of a sexual nature to individuals on government premises outside working hours. The investigation concluded that the allegation related to sexual harassment was founded. The employee resigned before disciplinary actions could be taken.
- An employee behaved inappropriately, made inappropriate comments, bullied and harassed their subordinates. The employee also engaged in repeated unwanted touching and aggressive romantic pursuit of female personnel while they were on duty. The employee is no longer working for GAC and actions were taken to restore the work environment within the affected group and provide outreach and assistance to those who were affected by the actions of the former employee. This act of founded wrongdoing was [published](#) as per [Paragraph 11\(1\) c](#) of the *Public Servants Disclosure Protection Act* (PSDPA).

Breach of the Departmental Values and Ethics Code cases

Over the period, 24 investigative processes were completed, during which it was concluded that 23 cases of breaches of values and ethics had occurred:

- An employee failed to report that a file on which the employee was working involved a family member. The employee's action lacked integrity and was considered a breach of the Departmental Code of Values and Ethics. The delegated manager imposed a temporary suspension on the employee as a disciplinary measure.
- An employee provided privileged information not available to the public to a candidate in a staffing process. This provided the candidate with an unfair advantage and they were appointed to the position. When the delegated manager was made aware of the situation, both employees were terminated from the department.

² Bill C-65 and the Regulations set out the requirements that federally regulated employers must meet in order to satisfy their obligations under the Canada Labour Code to investigate, record, report, prevent and provide training with respect to workplace harassment and violence, including sexual harassment and sexual violence. Investigations undertaken under the Canada Labour Code seek to identify shortcomings at the workplace level and cannot be used to initiate a discipline process to sanction an individual. GAC has also developed a [Departmental policy on workplace harassment and violence prevention](#).



- An employee misrepresented a leave request and was granted special leave due to family and medical reasons. It was determined that the employee provided misleading information about the family situation and medical appointment for which the employee requested leave. The investigation also determined that this employee had accepted a position as Director on the Board of a company active in a field similar to the one in which the employee had the duty to represent the interests of Canadian companies as a trade commissioner for Global Affairs Canada. By doing so, the employee was in a conflict of interest situation that they did not disclose, as required by the terms of employment. The employee resigned following the investigation's conclusion. This act of founded wrongdoing was [published](#) as per [Paragraph 11\(1\) c](#) of the *Public Servants Disclosure Protection Act* (PSDPA).
- An employee consulted personal information that they did not need to access in the context of their work. This was in contravention of the GAC Manual of Security Instructions and constituted a breach of the Departmental Values and Ethics Code. A discipline process was initiated, resulting in a written reprimand.
- An employee lied about an intimate relationship with a subordinate, putting themselves into a situation of conflict of interest. This situation eroded management's trust and a disciplinary process was initiated. This resulted in a temporary suspension and the implementation of mitigating measures to address the conflict of interest.
- An executive witnessed their spouse frequently raising their voice to criticize the work being done by an employee of the Official Residence, who was also asked to perform personal domestic services that went beyond those for which the employee was hired for supporting official representation. The executive condoned the spouse's behavior when formally appraising the Official Residence employee as not meeting the work objectives on the basis that the employee did not perform the additional personal domestic services to the level expected. It was determined that the cumulative effect constituted gross mismanagement in the public sector. GAC's Senior Officer for Internal Disclosure recommended that a disciplinary process be conducted to address the founded wrongdoings and corrective measures have been taken accordingly. This act of founded wrongdoing was [published](#) as per [paragraph 11\(1\) c](#) of the [PSDPA](#).
- An employee borrowed a government owned car without permission, drove while intoxicated and had a serious accident, resulting in criminal charges and conviction. The employee was terminated for cause.
- An employee made threatening remarks toward colleagues, in violation of the Values and Ethics Code. The employee was terminated.
- An employee did not disclose to management that they had a romantic relationship with another employee who reported to them. A values and ethics evaluation determined that there was a conflict of interest and that the employee concealed the relationship rather than being forthcoming. Management proceeded with a disciplinary process for failure to disclose the personal relationship and a written reprimand was given to the employee, as no other facts or aggravating circumstances were found.
- An employee lied on their reliability status screening form about not having any criminal conviction in the past. While departmental security did not revoke the reliability status,



management undertook a disciplinary process and gave the employee a written reprimand for failing to be truthful in their disclosure of information.

- A fact-finding and disciplinary process established that an employee implied a certain superiority or special status because of their citizenship. The employee expressed expectations of deserving better treatment from management than non-Canadian employees. The employee acknowledged that their statements were inappropriate and was genuinely repentant about the situation. The employee received a verbal reprimand.
- An employee ran a business that provided services to clients during workdays. While there were no fraudulent activities or established theft of time, the employee failed to disclose these personal activities to management as required. The employee also misrepresented facts and failed to follow established processes, including with respect to record keeping. It was determined that the employee contravened the Departmental Values and Ethics Code. A written reprimand was issued following a disciplinary process.
- An employee failed to follow established health and safety protocols during COVID, including continued refusal to wear a mask. Despite numerous communications by management, the employee continued to display this behaviour on numerous occasions. The employee was temporarily suspended because of the seriousness of the incident and the risk it presented to the health and safety of other employees.
- An employee tried to gain preferential treatment in the processing of a family member's visa application and used their access to the Global Case Management System to query on several occasions the status of the request. The employee was temporarily suspended.
- An employee misrepresented facts pertaining to health and safety during COVID. The employee attested to full vaccination but was not truthful about their status, although they subsequently went to get vaccinated. The employee received a written reprimand for not being truthful.
- An employee borrowed money and promoted and sold products in the workplace. Following a fact-finding exercise, a disciplinary process was initiated and a written reprimand given to the employee.
- An employee demonstrated unprofessional behaviour towards another employee. More specifically, the employee yelled and made inappropriate, derogatory comments towards another employee. This resulted in a written reprimand.
- An executive demonstrated disrespectful behaviour during meetings, openly criticizing other participants. This resulted in a written reprimand.
- An employee breached confidentiality and demonstrated unprofessional behaviour towards another employee by aggressively yelling at them during a discussion. This resulted in a written reprimand.
- An employee made disrespectful and insulting comments to their manager. This resulted in an oral reprimand.
- An employee made inappropriate, derogatory and discriminatory comments in the workplace. This resulted in a written reprimand.



- An employee used inappropriate words considered slurs and/or hate speech during a meeting and, when asked to stop by their manager, refused to comply. This resulted in a temporary suspension.
- An employee made inappropriate, derogatory and discriminatory comments related to diversity during a training. This resulted in a written reprimand.

Administrative misconduct cases

Over the period, 24 investigative processes were completed, which concluded that 23 cases of administrative misconduct had occurred:

- Two situations were related to employees having been absent from work without authorization. A discipline process was initiated:
 - After an employee failed to report to work after their leave request was denied. The employee resigned before the process was completed, with no further actions.
 - After an employee stopped reporting to work and failed to respond to management's attempt to contact them. The employee resigned before the process was completed, with no further actions.
- Seven founded cases involved theft of time, tardiness, absenteeism, unauthorized leave and/or personal activities during work hours. In all cases, management proceeded with a fact-finding and disciplinary process, and either a written reprimand or a progressive disciplinary action was taken depending on the situation. One of the cases ended in a termination for cause as the employee did not return to work and it was determined that they had abandoned their employment.
- Six founded cases involved insubordination or failure to carry out duties or specific tasks or to follow instructions. In all cases, management proceeded with a fact-finding and disciplinary process, with either a written reprimand or a progressive disciplinary action taken, depending on the situation.
- Eight founded cases involved the misuse of government assets:
 - Following a fact-finding and disciplinary process, it was established that an employee mishandled documents of a sensitive nature. The employee received a written reprimand.
 - Following an administrative investigation and disciplinary process, it was established that an employee misused a government-owned vehicle, adopted an insubordinate behaviour towards their manager and took unauthorized leave of absence. The employee received a temporary suspension as the actions constituted several counts of misconduct.
 - An employee mishandled a government owned vehicle's keys. Management determined that an administrative measure was most appropriate in this case and the employee received an administrative letter of expectations to remind the employee of protocols and procedures.
 - Following a fact-finding and disciplinary process, it was established that an employee was late, departed from work without prior approval and misused a government owned vehicle. The employee received a temporary suspension and management applied progressive discipline in this case as the employee had an established disciplinary record.



- An employee used a government owned vehicle for an unauthorized personal errand. The employee received a written reprimand.
- An employee used a government owned vehicle to drive home without permission and had a collision. A disciplinary process was launched and resulted in a temporary suspension, which took into account that the employee had numerous years of service and a good track record until the incident.
- An employee had an accident with a government owned vehicle and was not forthright about it with management. Following a disciplinary process, a verbal reprimand was issued.
- An employee failed to leave their cellphone in the designated locker and follow security protocols. The employee was reprimanded.

Review of personnel reliability status and security clearance cases

Over the period, 7 investigations were completed. Of those, 4 cases of security misconduct were deemed to be founded:

- An employee provided misleading information to management regarding an incident that occurred outside the workplace. The mitigating circumstances in this case were considered and the conduct was deemed not serious enough to warrant revocation of reliability status. This incident was noted in the employee's security file.
- An employee did not disclose relevant information during the security screening process. Mitigating circumstances were considered and the nature of the omission was determined not serious enough to warrant revocation of reliability status. This incident was noted in the employee's security file and the employee was given a written reprimand.
- An internal investigation confirmed that an employee searched for unauthorized websites using a department supplied device. The employee's reliability status was revoked and they were terminated.
- An employee did not disclose relevant information during the security screening process. This was further investigated and deemed to be sufficiently serious to warrant revocation of reliability status. The employee was terminated.

Violations of GAC Network Acceptable Use Policy cases

In 2022-23, 5 cases of violations of the GAC Network Acceptable Use Policy (NAUP) were investigated and 2 in Canada were determined to be founded:

- An employee used corporate devices for the purpose of harassment. This was investigated and the results shared with Values and Ethics, leading to the termination of the employee.
- A user visited unauthorized websites using a department-supplied device. While the employee resigned prior to the conclusion of the investigation, a note was added to the employee's security file.

In addition, over 150 Network Acceptable Use Policy infractions were issued in fiscal year 2022-2023.

CSCI is also responsible for assisting with investigations conducted by other investigative bodies mentioned in this report. The unit gathers and processes electronic information by conducting forensic analysis once the Chief Security Officer grants a mandate.



External investigations

Other Canadian entities also undertake their own investigations of our department or staff members as part of their mandate. This section provides a summary of the investigations completed by these entities over the period concerning alleged misconduct and wrongdoing by a GAC employee.

In addition to the below, the Corporate Security Division works in close cooperation with the RCMP and local police authorities and reports 2 ongoing police investigations and legal proceedings in Canada involving current or former GAC employees.

Office of the Public Sector Integrity Commissioner

In October 2022, the Office of the Public Sector Integrity Commissioner released a [case report](#) of founded wrongdoing by a GAC executive, which the Commissioner tabled in Parliament. Following an investigation, the report concluded that the executive had breached a code of conduct and that Global Affairs Canada had committed gross mismanagement.

The employee no longer works at GAC and the department implemented remedial actions, which included an assessment of well-being in the affected branch and promotion of training on the Values and Ethics Code.

Canadian Human Rights Commission

Complaints filed with the Canadian Human Rights Commission (CHRC) are handled by GAC through the Labour Relations Centre of Expertise unit (HWL), which reviews the complaint and coordinates the departmental response to the CHRC.

Under the Canadian Human Rights Act, Canadian human rights complaints relate to any action or a decision that results in the unfair or negative treatment of a person under the prohibited grounds of discrimination, such as:

- race, national or ethnic origin, colour
- religion
- age
- sex
- sexual orientation, gender identity or expression
- marital status, family status
- genetic characteristics
- disability
- conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered

Once a human rights complaint is filed with the CRHC, HWL reviews the complaint and coordinates the departmental response to the CHRC. HWL received three complaints in fiscal year 2022-2023.

Employment and Social Development Canada (ESDC)

ESDC investigations directed at GAC relate to the department's occupational health and safety program and workplace. Investigations can be initiated under 3 circumstances:



- in the event of a critical injury or a fatality
- after a complaint under the Canada Labour Code section 127.1 (Internal Complaint Resolution Process): an employee believes that there has been a contravention of Part II of the Code and that an accident, injury or illness can or has occurred
- after a complaint under the Canada Labour Code section 128.1 (Refusal to work if danger) if the employee is not satisfied with GAC's decision and believes there is still a danger for their health

In these circumstances, ESDC can proceed as follows:

- request that the employer/employee submit an assurance of voluntary compliance (AVC)
 - an AVC is the employer or employee's written commitment to a health and safety officer that a contravention of the Canada Labour Code will be corrected within a specified period
- issue a legal written notice ordering the employer/employee to address a contravention of Part II of the Code within a specified period

The department had no infractions under Part II of the Canada Labour Code in 2022-2023.

Who does what and points of contact

Office of the Well-being Ombud and Inspector General

GAC recently created the Office of the Well-being Ombud and Inspector General as an informal entry point for addressing personal or workplace-related issues of all kinds that affect an employee or manager's well-being. The Office is a safe space to talk about personal and work-related problems informally and confidentially. It also helps resolve and manage conflicts informally for the benefit of all parties involved and may make recommendations regarding management practices following mission inspections and e-inspections.

In cases of alleged misconduct or wrongdoing, the Office will provide information on the possible course(s) of action and unit(s) to contact within the department to address the issue. Further information is available on the [Office's intranet site](#) or by contacting ombud@international.gc.ca.

Workplace Harassment and Violence Prevention Division (HWP)

HWP's responsibility is to promote the Values and Ethics Code for the Public Service, the Departmental Values and Ethics Code and the Code of Conduct for Canadian Representatives Abroad. These codes set out the values and expected behaviours that guide all departmental employees—Canada-based staff (CBS) and locally engaged staff (LES) alike—in their professional activities.

Since the new Workplace Harassment and Violence Prevention Regulations were implemented on January 1, 2021, HWP is also responsible for receiving and responding to all reports of workplace harassment and violence as prescribed in the Canada Labour Code (CLC). CLC investigations focus on the workplace and do not lead to individual administrative or disciplinary actions. However, the delegated manager, in consultation with HWL or HLDS, can also initiate a separate process to determine if administrative and/or disciplinary measures are warranted. This may require a separate investigation.



Since the new regulations came into force in 2021, a significant number of complaints have been resolved informally at GAC through negotiated resolution and/or conciliation. The unit also offers guidance and advice to supervisors and employees, develops guidelines and tools, and provides training with a focus on prevention initiatives.

More specifically, HWP is responsible for:

- identifying the root cause of the harassment, if any
- if warranted, providing recommendations to prevent any reoccurrence of harassment in the workplace

For more information, please contact Harcelementviolence@international.gc.ca.

Values and Ethics Unit (HWP)

The Values and Ethics Unit's responsibility is to create awareness and promote the Departmental Values and Ethics Code (the Code), the Code of Conduct for Canadian Representatives Abroad and to provide orientation and guidance on an array of topics related to conflicts of interest, such as the application of post-employment restrictions for designated positions, outside employment or activities and political activities. The Unit also conducts investigations under the Code.

Investigations under the Code begin with a complaint of alleged breaches on matters that could be either personal or departmental in nature. In this process, the confidentiality of the complainant's identity is not guaranteed. Findings resulting from an investigation under the Code may be founded, unfounded or inconclusive.

In cases where the allegations are founded, the respondent's delegated authority is responsible for taking appropriate redress measures, up to and including termination of employment.

For more information, please contact valuesandethics-valeursetethique@international.gc.ca.

Labour Relations Division (HWL)

The mandate of the Labour Relations Centre of Expertise unit (HWL) is to promote harmonious and productive workplace relations by providing expert advice and assistance to managers on labour relations matters. To that end, HWL delivers numerous services to help managers and employees create and maintain a workplace that is conducive to the achievement of departmental objectives. These services include offering training and developing directives, guidelines and tools to promote good people management practices and initiatives.

One of HWL's services is to provide guidance and advice to managers when an administrative investigation or fact-finding inquiry into allegations of misconduct are warranted or required. This includes ensuring that managers address breaches or violations of a policy or code, acts of insubordination, breaches of trust or any other unacceptable behaviour.

Following a labour relations investigation, a discipline process may be required to address allegations that are founded. To that end, HWL is responsible for assisting delegated managers to ensure that the discipline process is fair and transparent and that it respects the rules of procedural fairness. In some circumstances, a disciplinary hearing may be initiated without the need for an administrative investigation. This would occur when the facts in a case are clear and known by all parties involved.

For more information, please contact hwl@international.gc.ca.



Locally Engaged Staff Bureau (HLD)

HLD supports the Government of Canada in its role as an employer of locally engaged staff. The bureau defines and oversees how this workforce is managed, including supporting missions with labour relations and employee recourse, to effectively support Government of Canada programs and services abroad.

HLDS has a mandate to support missions in maintaining harmonious and productive workplace relations with locally engaged staff (LES). The division achieves this by providing a variety of services, including:

- developing HR policies and tools to promote good people management practices
- establishing LES terms and conditions of employment
- providing expert advice and guidance to heads of mission and program managers on labour relations matters within the context of local employment laws
- supporting missions with complaints and recourse mechanisms

Among its services, HLDS provides assistance and guidance to missions when an administrative investigation or fact-finding inquiry into allegations of misconduct is warranted or required. This includes supporting staff in addressing alleged breaches or violations of a policy or code, acts of insubordination, breaches of trust or any other unacceptable behaviour.

Following an investigation, a discipline process may be required to address allegations that are founded. To that end, HLDS helps ensure that the disciplinary process is fair and transparent and that it respects requirements related to local laws and procedural fairness. In some circumstances, a discipline process may be initiated without the need for an administrative investigation. This would occur when the facts in a case are clear and known by all parties involved.

For more information, please contact LES-HR-Program-Support/Soutien-RH-programme-ERP.HLDS@international.gc.ca.

Special Investigations and Internal Disclosure Division (VBZ)

VBZ is under the authority of the Office of the Chief Audit Executive (VBD). The Senior Officer for Internal Disclosure, who is also the Chief Audit Executive, leads VBD.

VBZ has 2 distinct responsibilities: investigating allegations of potential wrongdoing under the *Public Servants Disclosure Protection Act* and investigating potential fraud or financial misconduct.

Public Servants Disclosure Protection Act

The [PSDPA](#) gives federal public service employees and others a secure and confidential process for disclosing wrongdoing in the workplace as well as protection from acts of reprisal. It is part of the Government of Canada's ongoing commitment to promoting ethical practices in the public sector.

Employees may make a protected disclosure to the designated Senior Officer for Internal Disclosure, their supervisor or the Public Sector Integrity Commissioner.

VBZ's mandate as it relates to the PSDPA is as follows:

- receive and address disclosures from GAC employees
- ensure the confidentiality of all information obtained under disclosures



- provide PSDPA-related advice and guidance to GAC employees
- investigate allegations of wrongdoing
- promote ethical practices in the public sector and a positive environment for disclosing wrongdoing

For more information, please contact Disclosure-wrongdoing.Divulgation-acte-reprehensible@international.gc.ca

Investigations into potential fraud or financial misconduct

VBZ also provides the following core services as part of its responsibilities over investigations into potential fraud and financial misconduct in the department:

- assisting with and/or conducting administrative investigations into losses of public funds and Crown property in accordance with the Treasury Board of Canada Secretariat's [Directive on Public Money and Receivables](#)
- preventing and detecting potential fraud or any other financial misconduct resulting in the loss of public funds
- coordinating the fraud risk assessment process and fraud risk management at the departmental level
- making recommendations to senior management at missions and headquarters on strengthening internal controls
- carrying out fraud awareness training

For more information, please contact Disclosure-wrongdoing.Divulgation-acte-reprehensible@international.gc.ca

Corporate Security Division (CSC)

CSC is under the authority of the Chief Security Officer (CSO) and is responsible for conducting investigations when an employee's reliability status or security clearance needs to be reviewed for cause. It also conducts investigations into violations of the Network Acceptable Use Policy (NAUP).

The mandate of Personnel Security Services (CSCP) is to conduct security investigations related to security of information, national security and reliability issues, along with conducting investigations into possible insider threats.

For more information, please contact D-CSCPInvestigation_Enquetes@international.gc.ca.

The mandate of the Corporate IT Security unit (CSCI) is to conduct investigations into the misuse of the department's electronic network and associated devices. It is also responsible for assisting with investigations conducted by other investigative bodies mentioned in this report. The unit gathers and processes electronic information by conducting forensic analysis once the Chief Security Officer grants a mandate.

For more information, please contact DFATD.ITSEC-SECTI.MAECD@international.gc.ca.



Conclusion

This first annual report on addressing misconduct and wrongdoing at Global Affairs Canada is a starting point. It provides a snapshot of where we are as a department and of how we are addressing situations of misconduct and wrongdoing. It is one of several tools we have for disclosing information and increasing accountability and transparency.

As we move forward, subsequent reports will present a clearer picture of the department's record in terms of identifying, addressing and responding to cases of misconduct and wrongdoing.

Your participation and involvement are essential as we all strive to make GAC a workplace that is better, safer, more inclusive and free from harassment and discrimination.

Know that you can safely come forward in all circumstances, that your concerns will be addressed and that all necessary actions and measures will be implemented.



Annex

The table below provides information on the formal recourse processes addressed in this report that are available to staff.

Process & contact	Who, what, when, and why
<p>Discrimination</p> <p>Canadian Human Rights Commission:</p> <p>Unionized CBS contact their union; LES contact HLD</p>	<p>Who can access: CBS (Canada-based staff) and LES (locally engaged staff) who are Canadian or have legal standing in Canada.</p> <p>What: Discrimination means any action or decision that results in the unfair or negative treatment of a person under the prohibited grounds of discrimination, such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.</p> <p>Two-step process: 1) For CBS, grievance through their union; 2) complaint with the Canadian Human Rights Commission.</p> <p>Timelines to file a grievance on discrimination: For CBS, prescribed in collective agreement or Federal Public Sector Labour Relations Regulations (FPSSLRR).</p> <p>Timelines to file a complaint: One year from the last alleged event.</p> <p>Timeline to investigate: None.</p> <p>Outcome, if founded: Damages and/or disciplinary process, as appropriate.</p>
<p>Fraud or financial misconduct</p> <p>VBZ</p>	<p>Who can access: Anyone.</p> <p>What: Loss of public funds and/or Crown property. This may include but is not limited to suspected fraud, misuse, embezzlement or theft of government property or funds; contract or procurement fraud; contractor misconduct; and mismanagement or misappropriation of funds.</p> <p>Timelines to file a complaint: Unlimited.</p> <p>Timeline to investigate: None.</p> <p>Outcome, if founded: No damages; disciplinary process, as appropriate.</p>
<p>Harassment and violence in the workplace</p> <p>HWP</p>	<p>Who can access: All casual and contractual workers, students, LES, CBS and Governor in Council appointees. Witnesses may provide an anonymous notification of an occurrence of workplace harassment and violence, although, in this case, the resolution process will not proceed. Instead, the employer and the local OHS (Occupational Health and Safety) workplace committee will conduct a review of the workplace harassment and violence assessment.</p> <p>What: Harassment and violence mean any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee.</p> <p>Timelines to file a complaint: Unlimited.</p> <p>Timeline to investigate: One year, if a resolution cannot be agreed upon.</p> <p>Outcome, if founded: No damages; a disciplinary process could be initiated, as appropriate.</p>



<p>Values and ethics HWP</p>	<p>Who: Anyone.</p> <p>What: A complaint alleges a breach of the Values and Ethics Code or Code of Conduct for Canadian Representatives Abroad (Conduct Abroad Code)</p> <p>Timelines to file a complaint: Unlimited.</p> <p>Timeline to investigate: None.</p> <p>Outcome, if founded: No damages; disciplinary process, as appropriate.</p>
<p>Wrongdoing in the workplace VBZ</p>	<p>Who can access: All GAC employees including CBS, LES and employees of Other Government Departments at missions</p> <p>What: Wrongdoing as defined under in S.8 of the PSDPA.</p> <p>Timelines to file a complaint: Unlimited.</p> <p>Timeline to investigate: Decision to investigate usually within 45 days after formal disclosure. Investigations usually take 12 months to complete.</p> <p>Outcome, if founded: Disciplinary process, as appropriate.</p>
<p>Grievances For CBS: HWL For LES: HLDS</p>	<p>Who can access: CBS and LES</p> <p>What: With some exceptions, CBS employees can file a grievance as it relates to their terms and conditions of employment, including a grievance alleging violation of the “no discrimination” clause in the applicable collective agreement.</p> <p>LES employees can file a grievance as it relates to their terms and conditions of employment.</p> <p>Timelines to file a grievance: For CBS, 25 working days per most collective agreements or 35 calendar days per the FPSSLRR. For LES, the established time frame is 10 to 20 working days.</p> <p>Timeline to investigate: N/A</p> <p>Outcome, if founded: Requested corrective measures or other measures deemed appropriate.</p>