

“Best Practices to Fight Corruption” Canada: Selected Programs

The Government of Canada has implemented the following measures, which represent both new pieces of legislation and best practices that support the *United Nations Convention against Corruption*.

Financial Administration Act

Relevant to articles 5 through 10, 13, 17, 26, 30, and 33 of the Convention

Passed in December 2006, the Federal Accountability Act (FedAA) is an omnibus piece of legislation that strengthens accountability, improves transparency and upholds ethical practices in the federal government. The Act allows Parliament, Agents of Parliament and the Canadian public to more effectively scrutinize public sector management and guard against corruption.

In addition to strengthening the Public Servants Disclosure Protection Act and establishing the position of Public Sector Integrity Commissioner, the FedAA includes a number of other provisions relevant to eradicating public sector corruption. Accountability provisions include an expanded mandate for the Auditor General, allowing the Auditor to inquire about and publicly report on the use of funds by a larger class of recipients of federal monies. Within departments, an internal audit function must be put in place and departmental audit committees established. As a punitive measure, the FedAA creates a new indictable offence for fraud involving public money and stronger penalties for those convicted.

The FedAA's transparency provisions include a strengthened Lobbyist Registration Act, which ensures that the public has greater access to information about communications between lobbyists and senior government officials, and provides for an independent Commissioner of Lobbying to investigate wrongdoing under the Act. Additionally, the reach of the Access to Information Act has been expanded to include a greater number of federal government entities. New procurement provisions, including the establishment of a Procurement Ombudsman, help to increase the transparency and accountability around government bidding and contracting processes.

Provisions to increase adherence to ethical principles include the development of a revised edition of *Accountable Government: A Guide for Ministers and Secretaries of State* that contains ethical guidelines and guidelines for political activities of public office holders. The FedAA also strengthens political financing rules, prohibiting secret donations to political candidates and lowering the amount individuals can donate to particular candidates or political parties.

Office of Public Service Values and Ethics

Relevant to article 6 of the Convention

The Office of Public Service Values and Ethics (OPSVE) is a centre of expertise and leadership responsible for furthering values-based management within the Public Service of Canada. OPSVE oversees the implementation of Government of Canada policies and legislation related to values and ethics, including those intended to prevent corruption in the public sector, including the *Values and Ethics Code for the Public Service* and the *Public Servants Disclosure Protection Act*. OPSVE also contributes to training for public servants (offered by the Canada School for Public Service), to ensure a broad awareness of anti-corruption measures.

Values And Ethics Code for the Public Service

Relevant to articles 5, 8, 15, and 18 of the Convention

In September 2003, the *Values and Ethics Code for the Public Service* was implemented. Adherence to the Code is a condition of employment for all public servants. It sets out the values of public service as well as Conflict of Interest and Post-Employment Measures to guide and support public servants in all their professional activities, and it also serves to strengthen respect for, and appreciation of, the role played by the Public Service within Canadian democracy. The Code requires that each organization has a senior official, whose role includes assisting public servants in resolving issues arising from the application of the Code. The Code applies to the core public administration, which is composed of all public servants for whom the Treasury Board represents the Government as employer.

Public Servants Disclosure Protection Act

Relevant to articles 5, 6, 8, 10, and 32 of the Convention

The *Public Servants Disclosure Protection Act* (PSDPA), as amended by the *Federal Accountability Act*, came into force on April 15, 2007. The PSDPA provides a confidential process for employees in Canada's federal public sector to come forward with any information about possible wrongdoing within the federal government and state corporations. The PSDPA applies to the vast majority of employees in the federal public sector (approximately 400,000 employees). The Act also requires that a new code of conduct be developed for the entire federal public sector. The new code of conduct is expected to come into force in 2008. Government departments and other organizations within the federal public sector will also be required to develop their own codes of conduct applicable to their employees. In addition, chief executives of departments and other public sector organizations are required to establish internal mechanisms to deal with disclosures of wrongdoing within their organizations.

Public servants may disclose information about possible wrongdoing internally within their organization or directly to the new Public Sector Integrity Commissioner (Commissioner). The Commissioner was established as an independent body reporting directly to the Parliament of Canada, with the authority to investigate disclosures of

wrongdoing made by public servants or members of the public about possible wrongdoing in the federal public sector.

Any public servant who reports a wrongdoing or who cooperates in an investigation conducted under the PSDPA is protected from reprisals. This protection is fundamental to the effectiveness of the legislation. A “reprisal” includes any measure that adversely affects the employment or working conditions of the public servant. The Commissioner can refer cases to the new-established Public Servants Disclosure Protection Tribunal, which is composed of federal judges will adjudicate reprisal complaints and will have the authority to order remedial measures for the victims and order disciplinary sanctions against public servants who engaged in acts of reprisal.