

**NATIONAL
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MEMBERS' RIGHTS AND RESPONSIBILITIES

QUICK REFERENCE HANDBOOK

PART IX WHISTLEBLOWING AND PROTECTION FROM REPRISALS: RCMP MEMBERS AND THE *PUBLIC SERVANTS DISCLOSURE PROTECTION ACT*

Chapter 1: The *PSDPA*: Purposes, Protections, Offences

The mission of the National Police Federation is
to provide strong, professional, fair and progressive representation
to promote and enhance the rights of RCMP members.

**The National Police Federation
encourages all members to be aware of their
rights and responsibilities, particularly when their pay is at stake.**

***The information in this handbook does not constitute legal advice.
Members who wish to make a disclosure of wrongdoing or file a complaint
of reprisal under the Public Servants Disclosure Protection Act (PSDPA)
are advised to consult a lawyer.***

While every effort has been made to ensure accuracy, in the event of any discrepancies or errors, the relevant provisions of the *RCMP Act*, applicable federal statutes, the *RCMP Regulations, 2014*, *Commissioner's Standing Orders*, and RCMP policies govern.

PURPOSES OF THE PUBLIC SERVANTS DISCLOSURE PROTECTION ACT (PSDPA)

With respect to the RCMP and its members, the purposes of the *PSDPA* are to (see *Canada (Attorney General) v Canada (Public Sector Integrity Commissioner)*, 2016 FC 886, at paras 78-83 and 105-107):

- create the Office of the Public Sector Integrity Commissioner (PSIC), and the Public Servants Disclosure Protection Tribunal (Tribunal);
- ensure that Canadians are protected by a lawful, transparent, and uncorrupted RCMP;
- enable members to bring to light wrongdoings in the RCMP, without fear of reprisal;
- achieve an appropriate balance between a member's duty of loyalty to the RCMP and their *Charter* right to freedom of expression;
- establish effective procedures to enable RCMP members to make disclosures of wrongdoings;
- deal with serious threats to the integrity of the RCMP;
- address wrongdoings of an order of magnitude that could shake public confidence if not reported and corrected;
- ensure that the public has access to any findings of wrongdoing in the RCMP;
- prevent recurrence by bringing past wrongdoings to light and putting corrections in place; and
- denounce and punish wrongdoings and, ultimately, build public confidence in the integrity of the RCMP and its members.

WRONGDOINGS DISCLOSABLE UNDER THE PSDPA

The PSDPA applies to the following types of wrongdoings in or relating to the RCMP (PSDPA, s. 8):

- 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 the PSDPA;
- a **misuse of public funds or a public asset**;
- a **gross mismanagement** in the RCMP;
- 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 member;
- a **serious breach of the Treasury Board's Values and Ethics Code for the Public Sector** (TB Code);
- a **serious breach of the RCMP Code of Conduct**; and
- **knowingly directing or counselling a person to commit any of the above wrongdoings.**

CONSEQUENCES OF A FINDING OF WRONGDOING

If a member is found to have committed a wrongdoing, they may be subject to **both** any penalty provided for by law **and** appropriate disciplinary action, up to and including dismissal (PSDPA, s. 9).

REPRISALS PROHIBITED BY THE PSDPA

A reprisal **means any of the following measures** taken against a member because the member made a protected disclosure, or has, in good faith, cooperated in an investigation into a disclosure of wrongdoing or an investigation commenced by the PSIC into another wrongdoing (PSDPA, s. 2(1), 42.1(1)):

- a conduct measure;
- a demotion;
- a discharge;
- a dismissal;
- any measure that adversely affects the member's employment or working conditions; or
- a threat to take any of the above measures.

Person / Member Who Has Taken or Directed a Reprisal

Every reference in the *PSDPA* to a person who has taken a reprisal **includes** a person / member who has **directed** the reprisal to be taken (*PSDPA*, s. 2(2)).

DIRECTING OR TAKING A REPRISAL IS A STATUTORY OFFENCE

If a member makes a disclosure of wrongdoing under the *PSDPA*, or cooperates in a *PSDPA* investigation, **no person shall** (*PSDPA*, s. 19):

- **take any reprisal** against the member; **or**
- **direct that a reprisal be taken** against the member.

Maximum Punishments (*PSDPA*, s. 42.3)

Indictable: fine of **\$10,000.00**, or not more than **2 years' imprisonment**, or **both**.

Summary Conviction: fine of **\$5,000.00**, or not more than **6 months' imprisonment**, or **both**.

THWARTING A PSDPA PROCESS IS A STATUTORY OFFENCE

- **to knowingly make a false or misleading oral or written statement** in disclosing a wrongdoing, or in the course of a wrongdoing investigation, or a reprisal investigation (*PSDPA*, s 40);
- **to wilfully obstruct** the Senior Officer for Disclosure, the PSIC, or any delegate acting on their behalf, **in the performance of their duties under the PSDPA** (*PSDPA*, s. 41); or
- **to, knowing that a document or thing is likely relevant** to a wrongdoing investigation or a reprisal investigation (*PSDPA*, s. 42):
 - **destroy, mutilate or alter** the document or thing;
 - **falsify** the document or make a false document;
 - **conceal** the document or thing; or
 - **direct, counsel, or cause**, in any manner, any person to do anything mentioned above, **or propose, in any manner, to any person that they do any of the above**.

Maximum Punishments (*PSDPA*, s. 42.3)

Indictable: fine of **\$10,000**, or not more than **2 years' imprisonment**, or **both**.

Summary Conviction: fine of **\$5,000**, or not more than **6 months' imprisonment**, or **both**.

ABBREVIATIONS AND REFERENCES

<i>Charter</i>	<i>Canadian Charter of Rights and Freedoms</i> , Part I of the <i>Constitution Act, 1982</i> , being Schedule B to the <i>Canada Act 1982 (UK), 1982</i> , c 11. (online: https://laws-lois.justice.gc.ca/eng/Const/page-15.html)
<i>Code of Conduct</i>	<i>Code of Conduct of the Royal Canadian Mounted Police</i> , Schedule to the <i>Royal Canadian Mounted Police Regulations, 2014</i> . (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/page-6.html#h-30)
<i>PSDPA</i>	<i>Public Servants Disclosure Protection Act</i> , SC 2005, c 46 (online: https://laws-lois.justice.gc.ca/eng/acts/p-31.9/)
PSIC	Public Sector Integrity Commissioner (website: https://www.psic-ispc.gc.ca)
TB Code	Treasury Board's Values and Ethics Code for the Public Sector (online: https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049)
Tribunal	Public Servants Disclosure Protection Tribunal (website: https://www.psdpt-tpfd.gc.ca/home-en.html)

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Chapter 2: Disclosing a Wrongdoing

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MAKING A PROTECTED DISCLOSURE OF WRONGDOING

Methods of Whistleblowing that Provide Statutory Protection for the Disclosure

To make a **protected disclosure** of wrongdoing, a member must make the disclosure **in good faith and** (*PSDPA*, s. 2(1)):

- in accordance with the *PSDPA*;
- in the course of a parliamentary proceeding;
- in the course of a procedure established under any Act of Parliament other than the *PSDPA*; or
- when lawfully required to do so.

WHISTLEBLOWING IN ACCORDANCE WITH THE PSDPA

To Whom a Member May Disclose

A member may make a protected *PSDPA* disclosure to (*PSDPA*, s. 12, 13):

- their **immediate supervisor**;
- the **RCMP Senior Officer for Disclosure** (currently, the Professional Responsibility Officer (PRO)); or
- the **Public Sector Integrity Commissioner (PSIC)**, directly.

Information a Member May Disclose

A member may disclose to their immediate supervisor, to the PRO, or to the PSIC, **any information that the member believes could show** that (*PSDPA*, s. 12, 13):

- a wrongdoing has been committed;
- a wrongdoing is about to be committed; or
- the member has been asked to commit a wrongdoing.

However, the member (*PSDPA*, s. 15.1):

- **must not provide** any more information than is reasonably necessary to make the disclosure; and
- **must follow** established procedures or practices for the secure handling, storage, transportation, and transmission of information or documents.

MEMBERS CANNOT DISCLOSE SPECIAL OPERATIONAL INFORMATION

In making any disclosure of wrongdoing, whether internally or to the PSIC, a member **cannot disclose any information that is special operational information** within the meaning of s. 8(1) of the *Security of Information Act* (*PSDPA*, s. 17).

INTERNAL DISCLOSURES AND INVESTIGATIONS UNDER THE PSDPA

What to Expect of the RCMP Senior Officer for Disclosure / PRO

If a member makes a disclosure internally, the member can expect the RCMP Senior Officer for Disclosure / PRO to (TB Code, Appendix):

- **help promote** a positive environment for disclosing wrongdoing;
- **provide information, advice and guidance** to members regarding the RCMP's internal disclosure procedures, including:
 - the making of disclosures,
 - the conduct of investigations into disclosures, and
 - the handling of disclosures made to supervisors;
- **deal with disclosures of wrongdoing made by members;**
- **receive, record, and review** disclosures to establish whether there are sufficient grounds for further action under the *PSDPA*;
- **manage investigations** into disclosures, including determining whether to deal with a disclosure under the *PSDPA*, initiate an investigation, or cease an investigation;

- **notify the member(s) who made a disclosure, in writing, of the outcome** of any review and/or investigation into the disclosure, and of the status of actions taken on the disclosure, as appropriate;
- **report the findings** of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to **the Commissioner of the RCMP**, with recommendations for corrective action, if any; and
- **support the Commissioner of the RCMP** in meeting the requirements of the *PSDPA*.

RCMP Publication of Information and Members' Rights to Confidentiality

If wrongdoing is found as a result of a member's disclosure to their immediate supervisor or the PRO, the **Commissioner of the RCMP must promptly provide**, in accordance with federal laws, **public access to information** that (*PSDPA*, s. 11):

- describes the wrongdoing;
- sets out the recommendations, if any, made to the Commissioner of the RCMP; and
- sets out the corrective action, if any, taken by the Commissioner of the RCMP, or the reasons why no corrective action was taken.

The Commissioner **may include information** that could identify the wrongdoer **only if** identification is necessary to adequately describe the wrongdoing. **Otherwise**, the Commissioner of the RCMP **must protect the identity of persons involved** in the disclosure process, including:

- the member(s) who made the disclosure;
- witnesses; and
- the member(s) alleged to be responsible for wrongdoings.

PUBLIC DISCLOSURES THAT ARE JUSTIFIED AND PROTECTED UNDER THE *PSDPA*

A disclosure that a member may make to their immediate supervisor, to the PRO, or to the PSIC, **may be made to the public if** (*PSDPA*, s. 16(1) and (1.1)):

- the disclosure of the information is **not subject to any federal statutory restriction**;
- **there is insufficient time** to make the disclosure either internally or to the PSIC; **and**
- **the member believes on reasonable grounds that the subject-matter of the disclosure** is an act or omission that **constitutes**:
 - **a serious offence** under a federal or provincial Act; or
 - **an imminent risk of a substantial and specific danger to the life, health and safety of persons, or the environment.**

DISCLOSURES TO THE PSIC

Information a Member Cannot Disclose to the PSIC, and that the PSIC Cannot Compel

A member cannot disclose to the PSIC, the PSIC cannot request, and if disclosed or obtained in an investigation, the PSIC cannot use (*PSDPA*, s. 13(2), 30, 33(2); *Canada Evidence Act*, s. 39(1)):

- **a confidence of the Queen's Privy Council of Canada**, the disclosure of which is objected to by a minister of the Crown or the Clerk of the Privy Council; or
- **any information that is subject to solicitor-client privilege.**

Right to Confidentiality / Protection of Identity

The PSIC has a duty to ensure the confidentiality of information collected and, subject to any other Act of Parliament, **to protect, to the extent possible and in accordance with the law**, the identity of persons involved in the disclosure process, including persons making disclosures, witnesses, and persons alleged to be responsible for wrongdoings (*PSDPA*, s. 22(e) and (f)).

WHEN THE PSIC MAY OR MUST REFUSE TO DEAL WITH A MEMBER'S DISCLOSURE

The PSIC **may refuse to deal with** a disclosure for valid reasons, including (*PSDPA*, s. 24(1)):

- if the subject-matter has been adequately dealt with, or is not sufficiently important;
- if the disclosure was not made in good faith; or
- if the length of time that has elapsed since the subject-matter arose is such that dealing with it would serve no useful purpose.

The PSIC **cannot deal with** a member's disclosure or commence an investigation if the same subject-matter is being dealt with (*PSDPA*, s. 23(1) and (2)):

- by a person or body acting in a non-law enforcement capacity under another Act of Parliament, **including under s. 20.2 or Part IV of the *RCMP Act*, and**
- **in a way that will** fulfill the PSIC's role and the purposes of the *PSDPA*: to **uncover past wrongdoings, bring them to light in public, and put corrections in place so as to prevent recurrences** (see *Canada (Attorney General) v Canada (PSIC)*, 2016 FC 886).

The PSIC **must refuse to deal with** a disclosure or commence an investigation if the PSIC is of the opinion that **the subject-matter** of the disclosure or the investigation (*PSDPA*, s. 24(2) and (2.1)):

- **relates solely to a decision that was made in the exercise of an adjudicative function** under an Act of Parliament;

- relates solely to a decision of the Commissioner of the RCMP under Part IV of the *RCMP Act*; or
- is within the jurisdiction of the Conflict of Interest and Ethics Commissioner under the *Conflict of Interest Act*.

Member's Right to Notice if PSIC Refuses to Deal with Member's Disclosure

If the PSIC refuses to deal with a member's disclosure of wrongdoing or to commence an investigation, the PSIC must inform the member and give reasons for the refusal (*PSDPA*, s. 24(3)).

ABBREVIATIONS AND REFERENCES

<i>Canada Evidence Act</i>	<i>Canada Evidence Act</i> , RSC, 1985, c C-5 (online: https://laws-lois.justice.gc.ca/eng/acts/c-5/)
<i>Conflict of Interest Act</i>	<i>Conflict of Interest Act</i> , SC 2006, c 9, s. 2 (online: https://laws-lois.justice.gc.ca/eng/acts/c-36.65/)
<i>Criminal Code</i>	<i>Criminal Code</i> , RSC, 1985, c C-46 (online: https://laws-lois.justice.gc.ca/eng/acts/C-46/index.html)
PRO	Professional Responsibility Officer
<i>PSDPA</i>	<i>Public Servants Disclosure Protection Act</i> , SC 2005, c 46 (online: https://laws-lois.justice.gc.ca/eng/acts/p-31.9/)
PSIC	Public Sector Integrity Commissioner (website: https://www.psic-ispic.gc.ca/)
<i>RCMP Act</i>	<i>Royal Canadian Mounted Police Act</i> , RSC 1985, c R-10, as amended on November 28, 2014, by the <i>Enhancing Royal Canadian Mounted Police Accountability Act</i> , SC 2013, c 18. (online: https://laws-lois.justice.gc.ca/eng/acts/R-10/index.html)
<i>Security of Information Act</i>	<i>Security of Information Act</i> , RSC, 1985, c O-5 (online: https://laws-lois.justice.gc.ca/eng/acts/o-5/)
TB Code	Treasury Board's Values and Ethics Code for the Public Sector (online: https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049)

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Chapter 3: Complaints Relating to Reprisals

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Members who wish to file a complaint under the Public Servants Disclosure
Protection Act (PSDPA) relating to a reprisal for their whistleblowing, are
advised to consult a lawyer.***

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LIMITS ON RCMP MEMBERS' RIGHTS TO FILE COMPLAINTS FOR CERTAIN REPRISALS

A member / former member of the RCMP cannot file a reprisal complaint in relation to any action taken under s. 20.2 of the *RCMP Act* (see below), or any matter that is the subject of a *Code of Conduct* investigation or proceeding under Part IV of the *RCMP Act*, unless (PSDPA, s. 19.1(5)):

- the member / former member has exhausted every procedure available under the *RCMP Act* for dealing with the action or matter; and
- the complaint is filed within 60 days after those internal procedures have been exhausted.

Actions taken under s. 20.2 of the *RCMP Act* include:

- requiring a member to undergo a medical examination or an assessment by a qualified person specified by the Commissioner of the RCMP;
- discharging or demoting a member for unsatisfactory performance;
- discharging or demoting a member for reasons other than a contravention of the *Code of Conduct*; and
- discharging a member for the promotion of economy and efficiency in the Force.

FILING A COMPLAINT RELATING TO A REPRISAL

(If s. 20.2 or Part IV processes have not been initiated, or have been exhausted)

Member / Former Member Must Have Reasonable Grounds for Believing a Reprisal Was Taken

A member / former member, or a person designated by the member or former member, may file a complaint with the PSIC if the member or former member has reasonable grounds for believing that a reprisal has been taken against them (*PSDPA*, s. 19.1(1)).

Member / Former Member Must File Complaint Within 60 Days

A complaint must be filed **no later than 60 days** after the day on which the complainant knew, or in the PSIC's opinion ought to have known, that the reprisal was taken, unless the PSIC feels that it is appropriate to extend the time limit (*PSDPA*, s. 19.1(2) and (3)).

Filing a Complaint Precludes Member / Former Member from Commencing Another Procedure

If a member / former member files a reprisal complaint with the PSIC, unless and until the PSIC notifies the member / former member of a decision to not deal with the complaint, the member / former member **cannot commence, in respect of the alleged reprisal** (*PSDPA*, s. 19.1(4), 19.4(4)(a)):

- any procedure under the *RCMP Act* (eg: a harassment complaint or a grievance);
- any procedure under any other Act of Parliament (eg: a human rights complaint); or
- any procedure under a collective agreement.

WHEN PSIC CANNOT DEAL WITH A MEMBER'S COMPLAINT

PSIC Cannot Deal with a Member's Complaint if Another Entity Is Dealing with the Subject-Matter

The PSIC **cannot deal with** a member's / former member's complaint if a person or body is dealing with the subject-matter of the complaint in a non-law enforcement capacity (*PSDPA*, s. 19.3(2) and (3)):

- under the *RCMP Act*;
- under any other Act of Parliament; or
- under a collective agreement.

ABBREVIATIONS AND REFERENCES

<i>Code of Conduct</i>	<i>Code of Conduct of the Royal Canadian Mounted Police</i> , Schedule to the <i>Royal Canadian Mounted Police Regulations, 2014</i> . (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-281/page-6.html#h-30)
<i>PSDPA</i>	<i>Public Servants Disclosure Protection Act</i> , SC 2005, c 46 (online: https://laws-lois.justice.gc.ca/eng/acts/p-31.9/)
PSIC	Public Sector Integrity Commissioner (website: https://www.psic-ispic.gc.ca/)
Tribunal	Public Servants Disclosure Protection Tribunal (website: https://www.psdpt-tpfd.gc.ca/home-en.html)
<i>RCMP Act</i>	<i>Royal Canadian Mounted Police Act</i> , RSC 1985, c R-10, as amended on November 28, 2014, by the <i>Enhancing Royal Canadian Mounted Police Accountability Act</i> , SC 2013, c 18. (online: https://laws-lois.justice.gc.ca/eng/acts/R-10/index.html)

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Chapter 4: Hearings Before the Public Servants Disclosure Protection Tribunal

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Members who may be involved in a hearing before the
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TRIBUNAL HEARINGS AND DETERMINATIONS

PSIC Must Represent the Public Interest, Not the Member's

Having regard to the nature of the complaint, the Office of the Public Sector Integrity Commissioner (PSIC) **must** adopt the position that, in their opinion, is in the public interest (*PSDPA*, s. 21.6(2)).

Member's Participatory Rights

Every party to a hearing, including a complainant member or a member who took a reprisal against a complainant, **must be given a full and ample opportunity to participate** at any proceeding before the Tribunal, including, but not limited to (*PSDPA*, s. 21.6(1)):

- by appearing at any hearing;
- by presenting evidence; and
- by making representations.

Member's Right to Be Represented

Every member who is a party at any proceeding before the Tribunal has the **right to be assisted or represented by counsel or any person** (*PSDPA*, s. 21.6(1)).

Member May Request Private Hearing

At the request of any party, the hearing may be held *in camera* if that party establishes that the circumstances of the case require it (*PSDPA*, s. 21.3).

Witness Members May Request Witness Fees

Any member summoned to attend a hearing is entitled, **at the discretion of the Tribunal**, to receive the same fees and allowances as those paid to persons summoned to attend before the Federal Court (*PSDPA*, s. 21.2(3); see *Federal Courts Rules*, s. 43 and *Tariff A*).

FIRST HEARING – Remedies for Complainant Member(s) if They Suffered a Reprisal

Purpose

The Tribunal **must first determine** (*PSDPA*, s. 21.4(1), 21.5(1)):

- **whether the complainant was subjected to a reprisal;**
- **who took the reprisal;** whether the person(s) / member(s) identified by the PSIC are actually those who took the reprisal; **and**
- **if the complainant was subjected to a reprisal**, regardless of whether or not the reprisal was taken by the person(s) / member(s) identified by the PSIC, **the appropriate remedy to order for the complainant.**

Parties

At the first hearing, the parties are (*PSDPA*, s. 21.4(2) and (3), 21.6(3)):

- the PSIC;
- the member / former member complainant;
- the employer; and
- **if** the Tribunal is of the opinion that they may be directly affected by a determination of the Tribunal, the person(s) / member(s) who were identified as being those who may have taken the alleged reprisal; **however**, the Tribunal may limit their participation in the first hearing.

Tribunal May Order RCMP Commissioner to Implement Remedies for the Member Complainant

Despite provisions in the *RCMP Act* stating that decisions of the Commissioner of the RCMP are final and binding, the Tribunal may provide an appropriate remedy to a member complainant by ordering the Commissioner of the RCMP or delegate, to take all necessary steps to (*PSDPA*, s. 21.7(1) and (2)):

- **permit the member to return to their duties;**
- **reinstate the member;**
- **in lieu of reinstatement**, if, in the Tribunal's opinion, the relationship of trust between the parties cannot be restored, **pay compensation to the member;**

- **pay compensation** to the member in an amount not greater than the amount that, in the Tribunal's opinion, is **equivalent to the remuneration that would, but for the reprisal, have been paid to the member**;
- **rescind any measure or action, including any conduct measure, and pay compensation to the member** in an amount not greater than the amount that, in the Tribunal's opinion, is **equivalent to any financial or other penalty imposed** on the member;
- **pay** to the member an amount equal to any **expenses and any other financial losses incurred** by the member as a direct result of the reprisal; or
- compensate the member, by an amount of **not more than \$10,000, for any pain and suffering** that the complainant experienced as a result of the reprisal.

Right to Timely, Written Reasons for Decisions Re: Reprisal and Remedy for Complainant, If Any

The Tribunal **must** issue written reasons for these decisions **as soon as possible** (*PSDPA*, s. 21.5(3)).

SECOND HEARING – Conduct Measures for Member(s) Responsible for the Reprisal

Tribunal May Order Conduct Measures to Be Imposed on Member(s)

After determining that a reprisal had been taken and issuing its written reasons, the Tribunal **may** then make an order respecting the disciplinary action / conduct measures to be imposed against any person / member who was determined by the Tribunal to have taken the reprisal (*PSDPA*, s. 21.5(4)).

Parties

At a second hearing, the complainant member is not a party and does not have any participatory rights. Rather, the parties are:

- the PSIC;
- the person / member against whom the disciplinary action would be taken; and
- any person / member designated by the Tribunal to make submissions on behalf of the person / member who would be responsible for implementing the Tribunal's order for disciplinary action / conduct measures (*PSDPA*, s. 21.5(5)).

Tribunal May Order Conduct Measures Against RCMP Member(s) Responsible for the Reprisal

Despite Part IV of the *RCMP Act*, **the Tribunal may order the Governor in Council or the Commissioner of the RCMP to impose conduct measures specified by the Tribunal**, which are limited to any combination of the conduct measures available under the *RCMP Act* and the *Conduct CSOs* (*PSDPA*, s. 21.8(1), (5), (6) and (7); *RCMP Act*, s. 39.1(1), 45(4)(a) and (b); *Conduct CSOs*, s. 2(5), 3, 4, and 5).

Tribunal's Order for Conduct Measures Cancels Prior RCMP-Imposed Conduct Measures

Despite Part IV of the *RCM Act*, the imposition of conduct measures ordered by the Tribunal cancels any conduct measures previously imposed by a conduct authority or conduct board (*PSDPA*, s. 19.6(4) and (5)).

JUDICIAL REVIEW OF TRIBUNAL'S DECISION

A party to a proceeding before the Tribunal is deemed to be directly affected by the Tribunal's decision, and may seek judicial review of the decision (*PSDPA*, s. 51.2(1)(b); *Federal Courts Act*, 18.1(1)).

ENFORCING THE TRIBUNAL'S ORDER

Any member affected by any order of the Tribunal may request, in writing, that the PSIC file a certified copy of the order (without the Tribunal's reasons for the order) in the Federal Court. Upon such a request, **the PSIC must file the Tribunal's order in the Federal Court unless**, in the PSIC's opinion (*PSDPA*, s. 21.9(1); see Part 12 of the *Federal Courts Rules*):

- there is no indication of a failure, nor a likelihood of a failure, to comply with the order; or
- there is good reason why the filing of the order in the Federal Court would serve no useful purpose.

ABBREVIATIONS AND REFERENCES

<i>Conduct CSOs</i>	<i>Commissioner's Standing Orders (Conduct)</i> , (SOR 2014-291)
<i>Federal Courts Act</i>	<i>Federal Courts Act</i> , RSC 1985, c F-7 (online: https://laws-lois.justice.gc.ca/eng/acts/F-7)
<i>Federal Courts Rules</i>	<i>Federal Courts Rules</i> (SOR/98-106) (online: https://laws-lois.justice.gc.ca/eng/regulations/SOR-98-106/index.html)
<i>PSDPA</i>	<i>Public Servants Disclosure Protection Act</i> , SC 2005, c 46 (online: https://laws-lois.justice.gc.ca/eng/acts/p-31.9/)
PSIC	Public Sector Integrity Commissioner (website: https://www.psic-ispc.gc.ca/)
<i>RCMP Act</i>	<i>Royal Canadian Mounted Police Act</i> , RSC 1985, c R-10, as amended on November 28, 2014, by the <i>Enhancing Royal Canadian Mounted Police Accountability Act</i> , SC 2013, c 18. (online: https://laws-lois.justice.gc.ca/eng/acts/R-10/index.html)

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